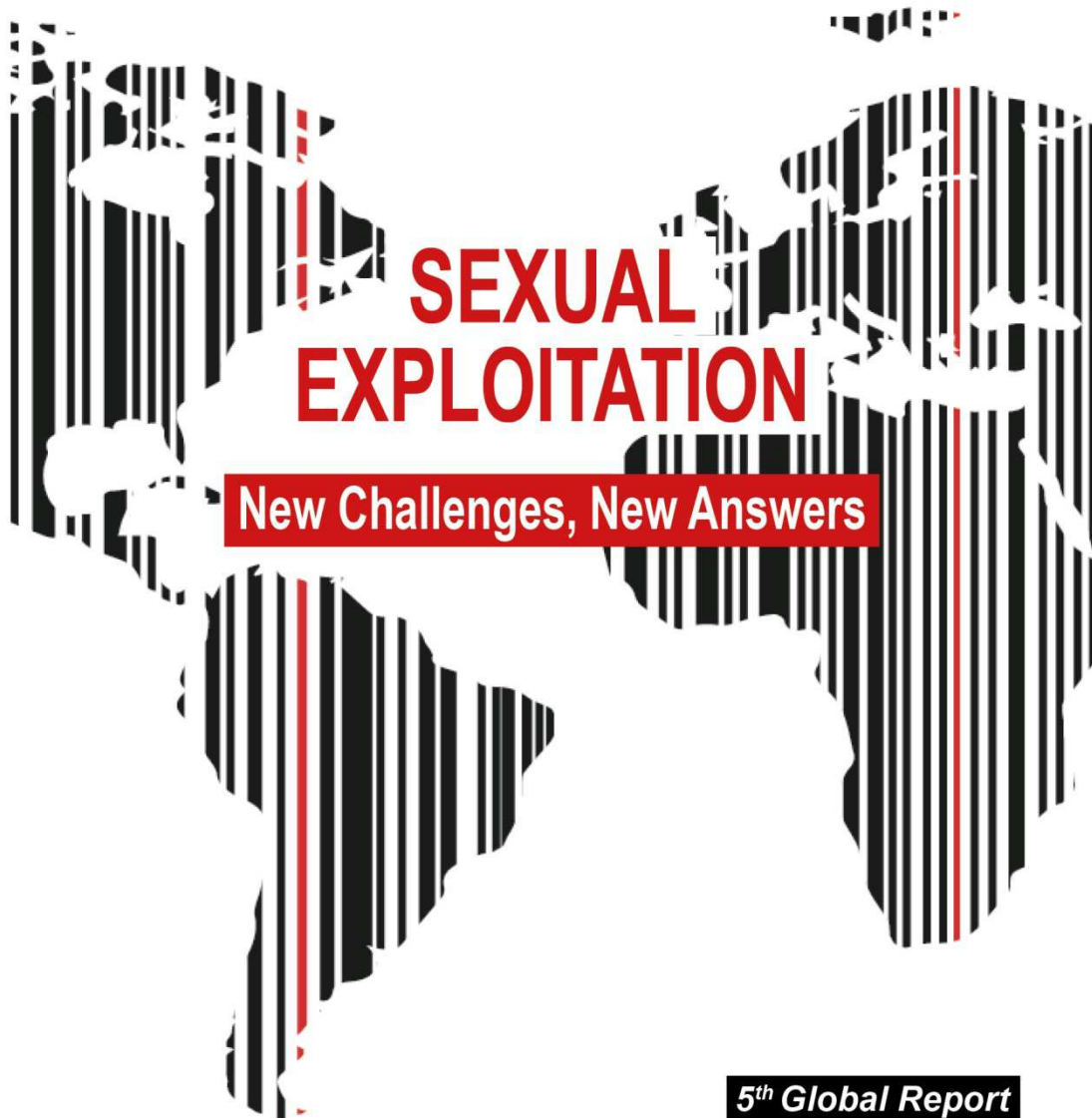


Fondation SCELLES  
Under the Direction of Yves CHARPENEL  
*Honorary Deputy State Prosecutor of the Supreme Court of France  
President of the Fondation Scelles*



Fondation Scelles  
*Connaître, Comprendre, Combattre  
L'Exploitation Sexuelle*



# **Sexual Exploitation**

## **New Challenges, New Answers**

*By The Same Author*

*Le livre noir de la prostitution*, Albin Michel, Paris, 2000 (only in French).

*La prostitution adulte en Europe*, Ed. Erès, Collection « Fondation Scelles », Paris, 2002 (only in French).

*L'esclavage sexuel : un défi à l'Europe*, Les Editions de Paris, Paris, 2005 (only in French).

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*Prostitution – Exploitation, Persecution, Repression, (4<sup>th</sup> Global Report)*, Fondation Scelles, 2016.

# Fondation SCELLES

Under the Direction of Yves Charpenel

*Former Deputy General Prosecutor of the Supreme Court of France*

*President of the Fondation Scelles*

**5<sup>th</sup> Global Report**

## **SEXUAL EXPLOITATION**

*New Challenges, New Answers*



Fondation Scelles

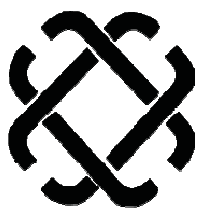
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## CAUTIONARY NOTE

For the english translation, the *Fondation Scelles* uses the term ‘child prostitution’ and ‘prostituted children’ to denote children that are used for sexual trafficking and sexual exploitation. However, the *Fondation Scelles* recognizes that the term ‘prostitution’ is not often use in relation to children that are sexually exploited but the *Fondation Scelles’* Global Report is written in French. Thus there will be certain nuances in translation due to linguistic, cultural, and perceptual differences in the connotative manner in which these definitions are perceived and analyzed.

Translated from the original French Edition  
« Système prostitutionnel : Nouveaux défis, nouvelles réponses ? » © Fondation Scelles 2019

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## Fondation Scelles

*Connaitre, Comprendre, Combattre  
L'Exploitation Sexuelle*

### **Building a world free from sexual exploitation**

For more than 25 years, the Fondation Scelles, a recognized public benefit foundation based in Paris, and with a consultative status with ECOSOC, has been fighting against sexual exploitation and the system of prostitution.

This commitment includes prevention and raising awareness activities, advocacy in France and abroad, monitoring and analysis of phenomena related to the system of prostitution by its International Observatory on Sexual Exploitation, as well as legal and judicial activities.

The Fondation Scelles is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International), which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

### **Combating the system of prostitution**

The system of prostitution is a violation of human dignity and rights, a form of violence, a global organized crime that exploits the most vulnerable people and involves the unacceptable trafficking of human beings.

### **Driving change of society**

Year after year, the Fondation Scelles helps change society by fighting for the rights of women and those who are the most vulnerable, by combating discrimination, inequality and violence against women and girls.

### **Acting with private and public organizations**

For decades, the Fondation Scelles has been working with national and international public and private organizations to build and implement strategies to tackle sexual exploitation. The Fondation Scelles regularly establishes partnerships to carry out joint actions and belongs to different groups working against sexual exploitation with which it develops advocacy and raising awareness activities.

## 6 KEY ACTIONS

### AGAINST THE SYSTEM OF PROSTITUTION

#### #1

##### WE RAISE AWARENESS AND CHANGE ATTITUDES

- Informing the public
- Mobilizing media
- Training professionals & leaders
- Providing tools for understanding

- Developing prevention and education programs
- Supporting full decriminalization of and alternatives for victims
  - Bringing justice to victims through criminal proceedings

#### #2

##### WE PROTECT TARGET GROUPS AND VICTIMS

- Advocating for the adoption of efficient domestic abolitionist laws
- Obtaining the implementation of international standards

#### #3

##### WE INFLUENCE PUBLIC LEADERS

- Enlisting a global engagement
  - Developing transnational cooperations with all sectors of society
  - Sharing good practices

#### #4

##### WE BRING TOGETHER MAIN ACTORS AND EXPERTISE

- Bringing legal and court actions
- Developing international legal cooperation

#### #5

##### WE DISRUPT THE CRIMINAL ORGANIZATIONS BEHIND IT

- Supporting the penalization of the purchase of sexual acts
- Providing awareness-raising programs for sex buyers

#### #6

##### WE COMBAT DEMAND FOR SEXUAL ACTS



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- ▶ IN FRENCH
- ▶ IN ENGLISH

## ▶ 5<sup>th</sup> GLOBAL REPORT ON SEXUAL EXPLOITATION

“SEXUAL EXPLOITATION : New challenges, New responses”,  
May 2019, 683 pages

How must we respond to new challenges imposed by the trivialization and the development of sexual exploitation in the world, when the number of vulnerabilities have never been so high, the violence and discrimination as intense, and the opportunities of expansion so important for the market of human beings?

### TO DOWNLOAD THE REPORT



[rapportmondialprostitution.org](http://rapportmondialprostitution.org)  
[globalprostitutionreport.org](http://globalprostitutionreport.org)

#### FIND ALL INFORMATION ON :

- ▶ The trends
- ▶ The challenges
- ▶ The countries
- ▶ The laws
- ▶ The team
- ▶ The partners
- ▶ The methodology



# Acknowledgements

As the coordinator of this book and after 25 years of work as head of the Observatoire International de l'exploitation sexuelle (International Observatory on Sexual Exploitation, formerly CRIDES) at Fondation Scelles, I am proud to present the fifth edition of the Global Report on Sexual Exploitation.

Since the first edition in 2011, I have had the opportunity to coordinate more than 150 people in writing, proofreading and translating this collection of Global Reports. This work has allowed me to meet many wonderful people from varied walks of life. Some have already been engaged in the fight against sexual exploitation, and others have continued with their abolitionist engagement after working with the Fondation Scelles. The mission of the global report is not only to act as an informative tool on the realities of sexual exploitation throughout the world. It also plays a part in raising awareness among all young people who want to be involved for the first time in a just cause: the respect for and dignity of human beings. **A huge thank you to this amazing team** for their confidence, support and encouragement. This year, we have reinforced our analysis with the aid of local NGOs as well as from civil society. Thank you to all who agreed to share your expertise with us.

Every Global report is a real challenge that takes 18 months of coordination between our faithful volunteers, loyal employees, and valuable volunteers in civic service. Thank you especially to Frédéric, Philine, Bruno, Yagmur, Yasmine, Guillaume, Sonia, Arianna, Clémence, Victoire, Morgane, Myriam, Camille and Amélie for your vitality and work provided for this 5<sup>th</sup> edition. Thank you to Catherine Ozenfant, Hélène Soulodre and Marie-Claire Verniengal for more than 20 years of friendship, and for your valuable proofreading and editing work. Thank you to Léa Gastaldi, a young graphic artist, who has generously offered us her volunteer help for 2 years to make the Observatory's projects a reality. Finally, bravo to Catherine Goldmann, the deputy-manager of the Observatory, for her professionalism: thank you for your work and friendship.

**Sandra Ayad**

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# Summary

Preface.....	17
Opening Note.....	19
Foreword.....	21
Analytical Summary.....	23
Methodological Note.....	27
2016-2018 MAIN TOPICS.....	29
Dealing with cyberprocuring and online sexual exploitation.....	31
Prostitution 2.0 : How the sex industry benefits from new technologies.....	37
Discourse surrounding prostitutional propaganda online: an analysis.....	46
Prevention at the core of the fight against sexual exploitation.....	59
Raising awareness and providing training to understand and combat the system of prostitution.....	70
Pornography: Still not a love story.....	81
Minors and young adults: actors of the system of prostitution.....	89
Exploitation and sexual violence in armed conflicts.....	101
Extraterritorial laws against child sex tourism.....	111
Implementation of the <i>Nordic Model</i> : a comparative analysis.....	118
2016-2017 Legal responses.....	134
2016-2018 COUNTRIES' PANORAMA.....	143
Algeria.....	145
Argentina.....	150
Australia.....	158
Belgium.....	169
Brazil.....	179
Cambodia.....	187
Canada.....	196
China.....	207
Colombia.....	217
Cyprus.....	227
France.....	236
Germany.....	249

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Guatemala .....	259
India .....	267
Ireland.....	277
Israel .....	286
Italy .....	293
Japan .....	303
Latvia.....	313
Lebanon .....	323
Malawi.....	330
Mexico .....	341
Morocco .....	349
Netherlands (the).....	356
Nigeria.....	366
Pakistan.....	376
South Africa .....	385
Spain.....	393
Sweden.....	402
Thailand.....	411
Ukraine.....	420
United Kingdom .....	431
United States of America .....	440
Vietnam.....	451
Zambia .....	461
List of acronyms .....	466
Privileged contacts and exchanges around the world .....	475
Index of organizations.....	489
Index of names.....	495



# Preface

There are certain principles on which one cannot compromise. The commodification of the human body is one of them. I am pleased that the recent revision of bioethics laws supported, on this topic, the position I held without ambiguity in 2009, during the previous round of revisions.

We can no longer tolerate the normalization of the exploitation of others, for commercial purposes as well as for dominating sexual purposes, as it risks letting might, richest or most violent make right.

This is not a situation lacking in examples, here and now.

How can we not see that our time, in a context of globalization without direction, can be plagued by major abuses, allowing, through indifference or ignorance, an unbearable crime, one that strikes the most defenseless: the Rohingyas in Myanmar, the Yazidis in Iraq and Afghanistan, the refugees from the Syrian War, the Nigerian and the Chinese people condemned to exile and sexual slavery, and the Roma community scattered throughout Europe.

More than 20 million people are thus sold each year, everywhere, and without mercy, actual invisible and silenced victims. Those victims are primarily women and children, on the grounds that everything is for sale, including the bodies of others, and especially so when they are defenseless.

In this regard, the Nobel Prize received by Nadia Murad and Denis Mukwege in 2018 is, for every one of us, a sign of hope for all victims of human trafficking, as well as for all the activists who fight against it.

As for myself, a woman who has always been engaged in the fight against discrimination in all its forms, I am incapable of standing by and doing nothing while women are subjected to such extreme violence: the objectification of their bodies.

My country, since 2016, has chosen to no longer consider the sold woman as an offender but rather as a victim under the law of the Republic. It is now, rather, the sex buyer who is criminalized.

We must salute this progress and, above all, support it, so that the fight on violence against women is reality.

This new courageous and commendable policy faces formidable obstacles, sometimes from lack of political will, often from lack of means, and always from a lack of actual awareness by our fellow citizens.

Read and pass on the 5th Global report from Fondation Scelles; it will give you a better understanding of and lead you to think about the most current issues of a criminal phenomenon that is, above all, an injustice that can only be fought with the help of all.

## **Roselyne Bachelot-Narquin**

*Ministry of Ecology (2002-2004), Health and Sports (2007-2010), Solidarity (2010-2012)*

*General Secretary of the Observatoire de la Parité entre les Femmes et les Hommes (1995-1998)*



## Opening Note

The *Fondation Scelles* was created with the goal of “knowing, understanding, and fighting” sexual exploitation. The knowledge that we have acquired since 1994 on the realities of prostitution allows us to definitively say that prostitution is a form of violence. Prostituted people display, after a few years, similar marks of trauma to survivors of concentration camps from WWII; it is not a coincidence that those who have managed to escape prostitution refer to themselves as “survivors.” We have observed, in every single country we have studied, the vulnerability of those entering prostitution—at an average age of 13 years old! Prostitution is extremely violent and procurers attack vulnerable people.

The words we use when we speak of prostitution can hide or reveal reality, and therefore language is of extreme importance and carries considerable consequences. Let us compare the language used in the neighboring countries of France and Germany:

- in France, terms used are procurer and human trafficker, liable to fines or imprisonment. In Germany, the procurer is a well-established entrepreneur.
- in Germany, one would speak of a “client.” In France, it would be fair to say “sex buyer”, as without them, there would be no more prostitution.
- in Germany, the “client” exchanges money for services. In France, the “sex buyer” actually pays for rape.

In Germany, just as in the Netherlands or in Australia (both countries that allow, but regulate prostitution), the words used are those of business: entrepreneur, client, and purchase of services, all of which serve to conceal the realities of prostitution. In France, an abolitionist country, terms used are or should be: procurer-trafficker, sex buyer, and “paid rape” to uncover the violence of prostitution. The realities of prostitution are the same across every country, but the vocabulary used qualifies prostitution as either an unacceptable violence or a commercial service like any other. Differing mentalities have very concrete consequences; one only has to look at the numbers. In France, there are around 35,000 prostituted persons, but in Germany there are between 300,000 and 400,000!!!

Awareness by the French parliament and 60 French associations of those two realities, the violence of prostitution and the over-representation of our most vulnerable, incited towards a law change in 2016. **The French law of April 13, 2016 is the only one of its kind in the world**, and a sign of hope to every organization that fights against sexual exploitation. Thanks to this law, prostituted people are no longer offenders, but victims entitled to rehabilitation, while the sex buyer is now a criminal, punishable by fines and prison time.

### **Philippe Scelles**

*Honorary President - Vice-President  
of the Fondation Scelles*

### **Yves Scelles**

*Vice-President  
of the Fondation Scelles*



# Foreword

This is the fifth edition of our Global Report on sexual exploitation around the world.

Our main goal is, even more so than for the previous reports, to bring a sense of urgency to our readers, highlighting the realities, developments, and impacts of this growing criminal phenomenon.

Through reading about the situations of 35 countries and 11 topical themes, these are the lessons to take away from the harsh assessment this report presents: the universality of exploitation, the normalization of prostitution increasingly seen as a market like any other, and the expansion of an industry with profits multiplied by the perverted use of the tremendous opportunities offered by internet.

Despite the varied, sometimes contradictory and too often isolated efforts of a number of public and private organizations that refuse to see ever younger victims suffer ever more intolerable violence, it is without doubt most alarming to observe that the market for sexual exploitation is continuing to grow.

Over the period covered by this report, violence against women has been brought to light, notably by the global *#MeToo movement*.

At the same time, the increased number of migrants escaping poverty or war has galvanized organized crime, leaving countries helpless and the public in disarray.

Make no mistake, without a clear awareness of the issues and a collective desire to address the new challenges that sexual exploitation puts in front of us, in front of our societies, these violence, injustices, and discrimination have a bright future. As we are faced with these new challenges, solutions can and must be provided here and now.

**Yves Charpenel**

*President of the Fondation Scelles*

*Former Deputy General Prosecutor of the Supreme Court of France*



# Analytical Summary

## Prostitution, human trafficking, sexual exploitation... What's new in 2018?

The Fondation Scelles is publishing its 5<sup>th</sup> Global Report. Since 2012, year after year, this “world tour” of sexual exploitation aims to detect and anticipate its evolutions. What can we see today? Never have the factors of vulnerability been so numerous and human beings exploitation so intense, even as gender relations are at the centre of many debates. In the context of the migration crisis and the liberation of speech generated by the *#MeToo movement* in different parts of the world, what can we say about sexual exploitation today? What are the new emerging trends? What answers have our societies offered? What can we learn about sexual exploitation in 2018 from this Global Report?

### New challenges....

#### *A cycle of violence*

The first lesson of each edition of the Global Report is to recall that, everywhere, prostitution is a system of violence and exploitation: violence from sex buyers, traffickers, and procurers, but also violence from society and governments... Some countries still consider prostitution as a social plague which needs to be eradicated, or as an expression of disorder and immorality. As such, depending on geographical location, prostituted persons can be criminalized, rejected or imprisoned, convicted and publically humiliated...

#### *Minors and young adults ever more exposed*

Amongst these victims, we find an increasing number are minors and young adults. Canadian sugar babies or street children from Brazil or South Africa, Parisian “michettones” or victims of sex tourism in Thailand..., the prostitution of minors and young adults takes vastly varying forms that remain difficult to grasp. Although the phenomenon is not new, it is renewed and intensified today under modern forms, which have adapted to new technologies. Nevertheless, young people are not solely victims of this exploitation, some have become procurers or sex buyers. Manipulative boyfriends or “loverboys” who seduce young girls (often minors) and force them into prostitution operate in Germany, the Netherlands, France, Canada, and the Balkans. Moreover, young persons who visit brothels, alone or in groups, to assert their virility are growing in numbers.

### *Victims of migration*

Our world is currently going through the largest migratory crisis since the Second World War. Caught up in political or military conflicts, persecution, poverty, climate change, or natural disasters, etc., local populations are victims of extraordinary abuse: torture and sexual exploitation, forced marriage and prostitution, rape as prize or weapon of war. Persons looking to flee expose themselves to increased risks of exploitation as smugglers, soldiers, and criminal networks benefit from their vulnerability during their travels, in refugee camps or in “host” countries. For example, Nigerian criminal networks have considerably increased their activities and benefit from the migratory flow to Europe: more than 36,000 Nigerians (predominantly women) reached Italy in 2016; in France, 28% of the dismantled prostitution networks in 2016 were Nigerian.

### *Technological progress in the service of exploitation*

The Internet and, more generally, the most recent technological advances, play a central role in the development of these forms of exploitation. Online prostitution is a soaring industry: escorting agencies, “adult” or “massage” sections on advertisement websites, more or less explicit advances on dating websites, etc. Social community platforms are diverted from their original purposes for prostitution means: WhatsApp is used by procurers to manage their operations, Facebook and Tinder are used to identify potential victims ... Furthermore, the latest innovation in the field is the explosion of the sex dolls and sex robots market, which, behind its picturesque image, has opened the door for all kinds of abuse: sex dolls representing children, half bodies in silicone designed for sexual acts, brothels offering both prostituted persons and sex robots... Thus, technological advances have been used for exploitation, to reinforce the masculine behaviours of domination and to trivialize the purchase of sexual acts!

### **New answers...**

Year after year, these realities are further disrupting our societies. Public opinion is stirred and authorities are addressing the issue: governments are commissioning studies, parliaments are setting up thinking committees, media are debating, etc. Beyond these observations, appropriate legislative and judicial responses are emerging and lines of action have been identified.

### *Initiate the governance of Internet*

The past few months have reinforced the growing awareness of the online sexual exploitation phenomenon. Online platforms, which can facilitate the perpetration of these abuses, are now being held liable. In the United States of America, the adoption of the FOSTA/SESTA law allowed the authorities to seize Backpage, a website specialized in dating offers and paid sexual acts. In France, an online advertising platform prosecuted for aggravated procuring offences closed its “Encounters” section. These are the first significant milestones towards an authentic governance of the Internet.



***Act together through international cooperation***

Multilateral or bilateral judicial assistance treaties have been finalized between countries to facilitate police and judicial cooperation, and implement information exchange, in order to dismantle networks and provide better protection to victims. Successful achievements have convinced governments that international cooperation is a form of action to develop to combat human trafficking, a transnational criminal phenomenon.

***Abolish borders with extraterritorial legislation***

In the fight against sex tourism, extraterritorial criminal laws have been introduced in the home countries of sex buyers to target citizens of these countries (and sometimes their residents and visitors). They offer an appropriate response to the inadequacy of repressive laws in some destination countries, which constitute an implicit incentive for the development of this phenomenon. Admittedly, prosecutions are difficult to initiate due to the geographical distance. Yet, the first convictions have demonstrated the efficiency of these measures.

***Train and raise awareness***

By informing communities that have been confronted with victims, we advance the fight against the system of prostitution and further the collective awareness. Initiatives in this direction are numerous and have a positive impact. The training of judges and procurers allows for a better application of the laws and for an allocation of sanctions meeting the level of crimes committed. Raising awareness among law enforcement agents and social workers improves the identification and the care given to victims. Educating tourism professionals, hotel staff, taxi companies, and others helps to fight against the development of sex tourism. Last but not least, the raising awareness of the general public works against the normalization of prostitution, and more largely, sexual violence, broadcasted by the media.

***Reverse the criminal liability and criminalize the purchase of sexual acts***

The legislation model, often referred to as the Nordic Model, created in Sweden in 1999, introduced the decriminalization and the support of prostituted persons, the incrimination of the purchase of sexual acts, the penalization of sex buyers and procurers, raising awareness among the population, and prevention. The main objective, by inverting the criminal liability and by recognizing prostituted persons as victims, is to denounce prostitution as a violence perpetrated against women, as well as a breeding ground for the development of criminality. While regulationist countries, such as Germany and the Netherlands, are overwhelmed by violence and crime, Sweden has the lowest rates of human trafficking and prostitution in Europe. Today, Norway, Iceland, Canada, Northern Ireland, France, Ireland, and most recently Israel have adopted this model.

## To bring an end to prostitution...

The Nations' efforts to deal with exploitation phenomena are evident. However, this does not mean that coherent and effective policies are always achieved. When the will to change laws is present, projects remain stagnant from year to year. When laws exist, their application is difficult and their results rarely evaluated. What are the obstacles to be removed?

### *A blatant lack of resources*

Universally, the insufficiency of resources allocated to combating sexual exploitation, prostitution, and human trafficking, as well as the protection of victims, is evident. Several countries possess a legal arsenal suitable for efficiently combating human trafficking, yet the main obstacle to its implementation remains the lack of funds allocated. Although various programs are dedicated to the protection of victims, their reintegration, and the provision of exit paths from prostitution, they function sparsely or poorly due to a lack of financial means allocated or a decrease in funds over the years. The various NGOs active in the field lack the resources to carry out their missions optimally and support these programs.

### *A debate in the process of radicalization*

67% of identified human trafficking victims are victims of sexual exploitation, at both European and global levels. Yet, human trafficking for sexual exploitation purposes, the main and singular issue in the fight against human trafficking, is not subject to specific attention proportionate to its scale. Instead, the media are increasingly influenced by the discourse of a powerful pro-prostitution current that seeks to mask the reality of sexual exploitation under an illusion of normality, even modernity by saying that prostitution is 'sex work' considered emancipatory for women and an alternative form of consensual sexuality! Thus, by surfing on the liberal thinking and populist rhetoric, this movement has managed to spread falsehoods as unassailable facts and therefore shut off the debate.

In the face of such threats, realities and priorities must be restored: the 5<sup>th</sup> global report on sexual exploitation works towards doing so.

**Prostitution is neither work, nor sex.** It is the commodification of human beings. It is the outrageous exploitation of the bodies of women, children, and an increasing amount of men.

The fight against all forms of sexual exploitation must be a clearly defined priority by governments, equipped with the means to meet the challenges. The phenomenon continues to develop and evolve dangerously.

Nevertheless, progress has been made in recent months. It must be continued, invariably in the direction of the abolition of prostitution.

## Methodological Note

Thanks to the important analytical work of *Observatoire international de l'exploitation sexuelle* (International Observatory on Sexual Exploitation), *Fondation Scelles* is now publishing its 5<sup>th</sup> Global report on sexual exploitation around the world. The goal of this book is to analyze the events in a limited temporal setting in order to better understand the evolution of our thematics. Within this book, there are reports on 35 countries and 11 main topics from 2016-2018.

### **Abundant sources and reliable data**

The work produced comes from a wide range of sources, all of which reflect not only events related to studied issues and that happened over the last 3 years, but debates and controversies that have left their mark in the news.

Our sources are quite diverse: government reports, studies and analyses from NGOs, reports from international organizations, university studies, news articles, surveys of opinion, videos, news reports, etc. All of our data has been systematically analyzed, verified, and corroborated.

All of the sources used are available at *Fondation Scelles'* center of research and analysis, the *Observatoire international de l'exploitation sexuelle*. Since 1994, the Observatoire has studied the sexual exploitation phenomenon in all its forms (prostitution, sex tourism, procuring, pornography, human trafficking for sexual exploitation purposes), to enable reflection, changing attitudes on the subject and keeping interested members of the public informed.

### **The people involved**

This study was carried out by an international writing team (USA, France, Argentina, Ukraine, Zambia...) from various backgrounds (sociology, political science, international relations, human rights, international law...), and by expert practitioners (lawyers, judges, and procurers in particular).

### **A network of qualified partners**

NGOs and experts contributed to the informational exchange instrumental in the writing of this book. They took time to answer our questionnaires; to give us contacts, statistics, or recent publications; to enrich our analyses with their commentary and experiences. We are grateful to all of them.

Our objective is not to compile an exhaustive inventory, but to study in depth topical issues and replace the facts in a social, cultural, and geopolitical context. We think we can provide a clear vision of the current situation, suitable for furthering the raising awareness on these issues and the reflection on the urgent answers needed.

### **Additional remarks**

Data at the beginning of each country chapters come from the following sources:

- The **Population figures** for 2018 were provided by the 2018 Report on Human Development of the United Nations Development Program (UNDP):

<http://hdr.undp.org>

- The figures for the **Gross Domestic Product (GDP)** per capita in 2017 (in USD) were provided by the World Bank:

<https://data.worldbank.org>

- The figures on the **Human Development Index (HDI)** in 2018 were provided by the 2018 Report on Human Development of the United Nations Development Program (UNDP):

<http://hdr.undp.org/en/2018-update/download>

- **Political regimes** of each country were provided by the French Ministry of Foreign Affairs:

<http://www.diplomatie.gouv.fr>

- The figures for the **Gender Inequality Index (GII)** in 2018 were provided by the 2018 Report on Human Development of the United Nations Development Program (UNDP):

<http://hdr.undp.org/en/2018-update/download>

- The figures for the **Corruption Perceptions Index (CPI)** in 2017 were provided by the 2017 Corruption Perceptions Index of the NGO Transparency International - Scale of 0 (highly corrupt) to 100 (very clean)

<https://transparency-france.org/>

These analyses have the sole mission of contextualizing the national studies as well as statistics, to get an idea of the proportion of the population affected by the topics dealt with in this report: commercial sexual exploitation.

# **2016-2018 MAIN TOPICS**



# Dealing with cyberprocuring and online sexual exploitation

*Online prostitution is a booming industry. Escorting agencies, directories of escorting advertisements, and “adult” or “massages” sections on online advertising sites prosper, and more or less explicit meeting proposals develop on dating sites, forums linked to sexuality... Faced with this explosion of cyber-procuring, countries are reinforcing their penal policies, adopting new laws and implementing new prevention actions related to risks on the Internet. However, we need to go further: mobilize social networks, held liable sites gaining profit from these activities... Real governance is yet to be constructed.*

Despite France’s adoption of law n.2016-444 of April 13<sup>th</sup>, 2016, which “aims to reinforce the fight against the system of prostitution” by notably penalizing sex-buyers, prostitution and sexual exploitation on the Internet seems to be a rapidly expanding plague. It represents nearly two thirds of prostitution in France, and is developing both inside and outside of main metropolises. Indeed, in addition to escort websites, messages offering sexual acts show up on dating websites, on forums related to sexuality, and on websites having no direct connection to this theme. The digital technology facilitates the concealment, anonymity, and discretion that allows for the development of these illegal activities.

Thus, every Internet user has very easy access to paid sexual transactions. Use of the digital technology allows for this type of researches through dating or other explicit sites.

The democratization of online prostitution has resulted in numerous sites proposing to introduce prostituted persons to sex buyers. Whilst characterizing street prostitution and online prostitution is relatively simple, the identification of online procuring is more difficult. Messages published online advertise “massages”, “pleasant moments,” and even, for some, the possibility to “take a shower afterwards.”

The digital sphere is a space of mobilization for women who decided to unite and make their voices heard. In the context of the revelation of the sexual violence committed by the Hollywood producer Harvey Weinstein, women all over the world seized traditional and social media to expose - via the hashtags #Balancetonporc and #MeToo movement- the violence to which they have been victims.

Although the Internet can create many means of expression and collective mobilization, cyberspace isn’t always a safe place for women.

Thus, the violence that women are subjected to on the Internet is colossal. In a 2018 report by *UN Women*, 73% of women declared that they had been victims of online violence, 18% of whom reported having been exposed to serious violence on the Internet. This context reinforced

the realization of the phenomena of violence and sexual exploitation. Platforms that can facilitate these abuses are being targeted for their responsibility, even though tangible responses still need reinforcement.

## **The problem with Internet platforms**

### *Vivastreet and Backpage as examples*

There are two other types of escorting websites: specialized directories offering escorting advertisements which detail the proposed sexual acts but do not mention the price, and escort agency websites that allow for the reservation of certain women during their visit in France (“sex tours”). On each escort’s profile is a list of offered sexual acts, as well as a rate. Claiming more than 30 million visitors, 10 million of whom are from France, the website *Vivastreet* technically bans any advertisements that offer paid sexual acts in its terms and conditions. Its “Massages” section contains neither set prices nor explicit sexual acts. The Parquet de Paris (Parisian public prosecutor’s office) has launched an inquiry for aggravated procuring against X after discovering suspicious ads on *Vivastreet*’s website<sup>1</sup>. This platform is accused of facilitating disguised prostitution, of which it supposedly takes enormous profits by charging for ads that it claims to have moderated, which means it acts as an intermediary, in full knowledge of the true circumstances. One only has to look at the long litany of prostitution cases that are being reported in the press, and see the name of the site in articles everywhere. Looking at the site in question, from the “*Erotica*” section to the “*one-night stand*” section, is enough to understand that one is faced with prostitution offers. The prosecutors’ decision comes after an initial inquiry launched in February 2017 by the *Office Central pour la Répression de la Traite des Êtres Humains* (OCRTEH), following a complaint from the *Mouvement du Nid* (MdN), a French association fighting against the causes and consequences of prostitution. The NGO *MdN* aimed notably *Vivastreet*’s paid section, dedicated to “adult services”, which includes, among other things, several thousand announcements of meetings and massages. The “Dating” section of *Vivastreet* has since been closed and replaced with the following notice: “*Vivastreet is a web host with an ad platform that includes several categories whose content is created by its users. As a responsible operator, we respect the local laws of each country where we operate and remove about two million ads each month from our French platform. It has been suggested that some users make inappropriate use of our site, acting in a way that would be contrary to our terms and conditions. As a result, we decided to suspend our dating section, to prevent any abuse.*” This decision clearly shows the positive effects of state and judicial engagement, as the platform obviously cares about not tarnishing its e-reputation.

In the United States, the FBI, as part of the fight against prostitution, shut down the *Backpage* website, which specialized in paid dating and sex services advertisements. The FOSTA (Allow States and Victims to Fight Online Sex Trafficking Act) and SESTA (Stop Enabling Sex Traffickers Act) legislation provided law enforcement authorities and victims with new tools to combat sex trafficking. The FOSTA act makes it possible to target websites to

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<sup>1</sup> *Vivastreet* is the second French online advertisement website, present in 13 countries.



prosecute them for sex trafficking offences, and increases “penalties...for persons who promote or facilitate the prostitution of five or more persons; or who contribute to sexual trafficking.” Thus, website operators who, for example, allow prostituted persons to interact with sex buyer could be sentenced to 25 years in prison under the new law.

### **A rarely pursued websites liability**

In France, proposing a simple manner to report and remove illegal content quickly after it is reported, as classified websites do, is not sufficient to avoid the legal classification of “an intermediary for the purpose of the commission of acts of prostitution.” It should be emphasized that price indication is not a prerequisite in either statutory or case law for the criminalization of procuring, but may be an indication of the legal classification of the offense.

It is also not sufficient to simply remove any explicit reference to sexual services in order to exempt the host site from prosecution. One can cite the case of a person responsible for a classified newspaper offering a "Relaxation" section, who was successfully prosecuted for procuring on the basis of financial indicators. "The high fee for publishing [display classified ads], of which some appear as commercials, allows the presumption that the advertiser was exercising a lucrative business, of a professional nature" declared the Cour de cassation (one of the highest court of France) in a judgment rendered in 1996.

Content hosts shall be liable to civil and criminal liability if they do not withdraw or make impossible access to the unlawful information and activities of which they are aware, including through reporting procedures. In theory, escort agencies, whose websites are often hosted abroad, are exposed to the risk of prosecution as an intermediary to prostitution if they offer services towards the public in France. In practice, few agencies are prosecuted.

### **Limits to the loyalty of platforms**

Websites putting on display the contents, goods and services offered by third parties (search engines, social networks or price comparisons) will now have to specify the referencing and ranking criteria they use. They will have, for example, the obligation to indicate to what extent the amount of their remuneration is taken into account in the order in which their contents are presented.

Websites publishing customers' opinions will have to clearly state if the opinions have been verified and, if that was the case, how.

Market places and collaborative economic websites will have to provide the essential information that allow them to guide consumer choices: quality of the vendor (professional or not), amount of the networking costs invoiced by the platform, whether or not there is a right of withdrawal, whether or not there is a legal guarantee of compliance, dispute settlement procedures, etc.

Finally, the most visited platforms (i.e. those with more than 5 million individual visitors) will have to apply the best practices in terms of clarity and transparency.

Pursuant to French law n.2016-1321 of October 7<sup>th</sup>, 2016, for a Digital Republic, three decrees have been issued to effectively apply this legal obligation of loyalty but whose non-compliance is not subject to criminal sanctions:

- Decree n.2017-1434 of September 29<sup>th</sup>, 2017 on the information obligations of digital platform operators
- Decree n.2017-1435 of September 29<sup>th</sup>, 2017 on the setting of a threshold number of connections, above which operators of online platforms must develop and disseminate best practices to improve the loyalty, clarity, and transparency of information transmitted to consumers
- Decree n.2017-1436 of September 29<sup>th</sup>, 2017 on the information obligations relating to online consumer reviews

### **“Procuring in the Suburban Areas” a simple variant of cyber-procuring**

The phenomenon of “prostitution in the Suburban Areas” represents 14% of identified victims of procuring in France in 2016. According to *OCRTEH*, 56% of those victims are minors. The statistics are even worse in the Paris region.

Over the last few years, these purely French networks, by recruiting children from welfare homes and high schools, have thrived in the midst of the more traditional networks (*Le Point*, September 6, 2018). Recruitment is increasingly being done via social networks such as Facebook and Snapchat<sup>2</sup>. The police and legal systems are starting to address the issue. The Internet is a major vector for this very lucrative crime, in which the procurers are only slightly older than their victims (*Europe 1*, May 31, 2018).

### **The progressive reinforcement of the law and the penal policy**

It is important to highlight the latest legislative developments that indirectly help combat this phenomenon, such as the recent criminalization of revenge porn<sup>3</sup> introduced by the law for the Digital Republic in article 67. The new article, 226-2-1 of the Penal Code, provides that “When the offenses provided for in articles 226-1 and 226-2 concern words or images of a sexual nature taken in a public or private place, the penalties shall be up to 2 years' imprisonment and a fine of EUR 60,000 (USD 67,448). The same penalties apply if, in the absence of the agreement of the person for its dissemination, the public or a third party is presented with any recording or document relating to words or images of a sexual nature obtained with the express or presumed consent of the person, or made by that person, and obtained by means of one of the acts provided for in article 226-1.”

<sup>2</sup> Snapchat is an Internet platform offering the ephemeral publication of photos, videos and messages between subscribers. Each photograph, video or message is visible for a period of time ranging from one to ten seconds before it is no longer available for viewing.

<sup>3</sup> Publication on the Internet of sexually explicit content without the consent of the person concerned for the purpose of revenge after the break-up of a relationship.

The new article 226-2-1 of the Penal Code thereby extends the possibility of recourse for victims, because:

- the images may have been recorded in public places, not only in private places
- a separate consent is required to disseminate images that may have been taken consensually.

Moreover, the report by the *Haut Conseil à l'Égalité entre les femmes et les hommes* (HCE - High Council for Equality between Women and Men), of November 16<sup>th</sup>, 2017, recommends, notably in part 4, the reinforcement of human and financial means for the fight against cyber-procuring, and the mobilization of social networks for the fight against sexist and sexual online harassment, saying that social networks must commit to reinforcing their reporting procedures and their moderation rules. The law should impose a maximum 24-hours response time to the flagging of incidents.

The report also calls on the government to bolster the means of combating cyber-procuring by providing the investigating authorities with the sufficient human and financial resources. It also calls for a report that identifies the obstacles to the criminal liability of Internet websites that facilitate and gain profit from the liability of others, as what is imposed in hotel procuring. The report likewise calls for funding for associations that support the victims of prostitution to prevent prostitution and assist victims.

Given that the rise of cyber-procuring complicates the work of investigative authorities in identifying victims, there needs to be a significant increase in cooperation work and information sharing, especially with specialized associations. Preventive measures were put in place to fight against Internet jeopardizing minors.

Thus, several jurisdictions have implemented preventive actions relating to Internet risks (sexual violence and cyber-harassment...) as part of school interventions, conducted either by the prosecutor's office or by the investigative authorities to raise the awareness of minors about the uncertainty as to the age and identity of their interlocutors and the risks associated with sending intimate photographs.

Beyond intervening directly with minors, prosecutors sometimes make presentations to school principals and even regional public officials on the various offences susceptible to being committed via the Internet, and on the question of the notification of incidents to judicial authorities as required by article 40 of the Code of criminal procedure.

In conclusion, real governance still needs building in the current context, given that cooperation with other Internet stakeholders remains uncertain. The United States wants a free and open Internet, which allows it to maintain an economic stranglehold through big corporations such as Google, Apple, Facebook and Amazon (GAFA) that tend to contest States sovereignty. The fight must go on.

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# Prostitution 2.0 : How the sex industry benefits from new technologies

*Does technology aid the exploitation of women's bodies? Pornography has invaded the internet, two-thirds of prostitution takes place online, and the sex-dolls and sex-robots industry is in full development. What are the consequences of these advances? Robots reinforce the male behaviors of domination and prostitution is now hidden behind the facade of a simple online transaction. The interconnection of technology and prostitution leads to the normalization of the phenomenon of exploitation.*

“Daddy, I just saw a man carrying a naked lady!” In the opening scene of the movie *The Stepford Wives*, the Eberhart family is moving to New York. The audience is shown what the little Eberhart boy is referring to: not a real naked woman, but an undressed shop-window mannequin. The child doesn't see the difference between a woman and an object simulating a woman. He's not the only one.

Over the years, prostitution and technology have established and consolidated a firm bond, encouraged by the introduction of filmed prostitution (pornography). While technological advances facilitated the expansion of prostitution, prostitution has, in turn, directly contributed to technological innovations that have invaded our homes. E-commerce, highly commonplace nowadays, was allegedly first adopted on pornographic sites, like other now outdated technologies (webcams and VHS) (*Enterprise Features*, June 5, 2011). The giants of prostitution continue to invest in digital technology and robotics. While some websites adapt existing practices, others adapt their “general” websites to be geared towards prostitution. Another important trend in the field of technological prostitution is the use of sex robots.

## **Internet: The digitization of the traditional**

The most striking demonstration of the link between prostitution and technology is indisputably the popularization of filmed prostitution. With the addition of a camera to the act of prostitution, pornography has quickly become the internet's *raison d'être*. On the Google search engine, pornography-related terms are systematically the most searched worldwide (Google Analytics).

Not only has digitization affected the practice of prostitution, but also the ways in which it is advertised. Gone are the suggestive ads from newspapers' back pages - nowadays they can be found online. Sites such as *Backpage* and *Craigslist* in the US, and *Vivastreet* in France, have even managed to gain distressing notoriety for aiding human trafficking. While *Craigslist*, anticipating the legal consequences of such adverts, closed its 'adults only' listing pages in 2010,

*Backpage* retrieved the advertisers. The site's annual sales revenue doubled from 26 million US dollars (USD) in 2010 to USD 52 million in 2011, and increased to USD 78 million the following year. The owners of *Backpage* were made aware of the illegal nature of the ads as early as 2008. Instead of reducing them, they simply manipulated these commercials to be legal by 'moderating' their content, particularly the commercials involving minors. 70-80% of the site's content has been deliberately modified to civilize public presentation (deleted photos, modified minors' ages, codified sexual acts). An internal quota of maximum 16 reports per day to the competent child protective authorities was established to avoid exceeding the 500 reports per month threshold (*US Department of Justice*, April 9, 2019).

One of the pioneers of online commercials in France, *Vivastreet*, based on the tax haven island of Jersey, has too long profited from the trafficking of women and girls. An advertisement in the adult section costs at least EUR 80 (USD 90), and with 7,000 ads a day, the website generated its most source of revenue by facilitating prostitution (*Le Figaro*, June 20, 2018).

In her investigation into such sites, Francine Sporenda speaks of "online brothels incorporated in tax havens," who skillfully exploit globalization with a defiant "catch me if you can" attitude towards authorities (*Révolution Féministe*, November 18, 2018). Nevertheless, in 2018, authorities successfully managed to force *Backpage* and *Vivastreet* to suspend their commercials. In June 2018, *Vivastreet* closed down its 'Dating' section. With the adoption of the SESTA/FOSTA law on April 11<sup>th</sup>, 2018 in the US, law which allows the prosecution of websites who are fostering sex trafficking, authorities were able to seize *Backpage* and charge seven of the men heading the platform (*Devellopez*, April 12, 2018). In addition, following a complaint made in 2016 by the anti-prostitution group *Mouvement du Nid*, the Paris Public Prosecutor (le Parquet de Paris) carried out an investigation into aggravated procuring against X, directly targeting *Vivastreet* (*Fondation Scelles*, June 22, 2018). Subsequently, *Craigslist*, another transatlantic classified site, voluntarily shut down its 'Personal' section, which was similarly teeming with adverts for prostitution; *Reddit*, another online forum, was quick to follow suit (*Huffington Post*, March 23, 2018).

### **The adaption of generalist sites towards prostitution**

Even if classified sites only digitize a non-virtual practice, there are still others that adapt what is digital to the traditional. An example of this is sex buyer opinion forums, where men rate prostituted women, advising potential 'customers' on the quality of the 'product' and services. They resemble crowd-sourced review sites, but adapted for sex buyers of prostitution. The site *UK Punting* has more than 100,000 members. The site owner also created *UK Escorting*, a website openly and explicitly dedicated to prostitution, as well as *Adult Work* and *Punternet*, both of which are comparable to professional classifieds websites (*Vice*, April 21, 2017). There are also similar platforms in France, such as *Escort*, which has more than 70,000 members and allows sex buyers to publish shockingly violent comments with total impunity.

Other websites mimic the layout of dating sites. Such is the case with the German app *Peppr*, whose name is a play on the slang word *peppen* meaning "to fuck." *Peppr* resembles

dating apps such as *Tinder* and *Grindr*. The founder of the app claimed to have come up with the idea for the app when she was strolling through Berlin's red-light district. Seeing prostituted women on the streets, she was not distressed by the fact that they were being taken advantage of by men, but rather that they were freezing in the cold. She relies on personal interviews to assure that the women advertising themselves on her app are doing it 'by choice' (*La Repubblica*, April 18, 2014).

*Peppr*'s founder is not the only one thinking she is a philanthropic entrepreneur. In Quebec, students studying social sciences developed *GFendr* to facilitate so-called "safe sex". On the app, there are published commercials for prostitution, accompanied by details about the prostituted person, place, etc. The prostituted persons posting the commercials evaluate their sex buyers based on three criteria: punctuality, safety, and hygiene (*Le Devoir*, March 19, 2018). However, it is not easy to publicly denounce a sex buyer who has your personal details (place of residence, etc.). The website is explicitly reserved for prostituted women. What's more, despite the website homepage promises of anonymity, the developers obviously have no qualms sharing, on their Twitter account, data from their market research. Because it is indeed a market research – of the women made objects – when one shares information on the women's chest sizes.

Finally, amongst the digital innovations and its downwards slides of recent years, 'DeepFake' allows, with a software, faces replacement in any video. It is then easy to replace faces in some porn movies scenes with those of certain celebrities... (*The Guardian*, January 25, 2018).

### **Why the internet?**

It goes without saying that there are already a worrying number of 'digital brothels' (*Révolution Féministe*, November 18, 2018). Nowadays it is estimated that two-thirds of prostitution activity happens online (*Le Parisien*, May 28, 2015). Beyond the obvious ease of use the internet provides, there is certain normative aspect to these websites. First is the attitude of defiance, noted by Francine Sporenda, of a global game of cat and mouse meaning "you make the rules; we circumvent them." The prostitution website project, Eros, is emblematic of this attitude, despite being a hoax aimed at defrauding people who took part in the fundraiser for its creation. The stated goal of the site was to circumvent the abolitionist policies by creating a decentralized website with its very own cryptocurrency. The creators of this false website announced a vision that developers of other prostitution websites want to implement: a "sex bazaar" that can "never be censored, banned, or shut down by any government or religious authority figure" (*CNews*, July 24, 2017). However, covering their tracks from governments' inquiries is not the only goal of these websites, as they also wish to participate in the normalization of prostitution by facilitating and legitimizing the choice of sex buyers. These sites are accessible to all, rather than being on the *darkweb*, where criminals of all kinds meet. The boundary between the purchasing of objects and the purchasing of human beings is blurred, just like the boundary between a sexual relationship and a prostitutional relationship. It isn't just by chance that prostitution websites mimic the structure of dating websites; by doing so, money is

made to appear as a minor supplement to a one-night-stand, as opposed to an element that fundamentally reshapes the relationship.

### **Electronic robotization**

The giants of the prostitution industry compete amongst each other to give consumers the most immersive experience possible. The new toy to facilitate this is the virtual reality (VR) headset: an electronic mask or helmet that completely covers the eyes of the user, plunging them into a 360-degree artificial world. Two-thirds of the best-selling content for VR headsets is pornographic (*Clubic*, November 25, 2017). Certain websites even suggest to their users pairing their experience with connected sex toys (*Realite-virtuelle.com*, March 23, 2018).

#### ***French tech***

As a matter of national pride, we, French writers, cannot forget those tech companies who gave their best help towards spreading prostitution in France. First off, there is Dorcel & Sons, true pioneers of high-tech prostitution. As early as 2002, the Marc Dorcel company predicted the end of the DVD as a means of filmed prostitution distribution and successfully switched to video on demand (VOD). Today, the company produces 360-degree 3D content for VR headsets. In the future, Grégory Dorcel hopes to create pornographic holograms (*20 Minutes*, March 24, 2017). Xavier Niel, another great name of the high tech sphere in France, was one of the developers of Minitel Rose (Minitel was the French Internet ancestor, and Minitel Rose was erotic Minitel). He used the profits made from Minitel Rose to invest in ‘peep shows,’ which cost him investigations for procuring (*Libération*, September 14, 2006; *Financial Times*, May 3, 2013). One can thus see, once again, how prostitution inspires technology and vice-versa.

### **Masturbatory Robots and Dolls**

In the movie, *The Stepford Wives*, husbands move with their wives to isolated suburbs and replace them with obliging and subservient robot clones. The men do this as a way of revenge on their independent wives against the backdrop of the feminist uprising. This fictional tale is becoming reality with the advent of masturbatory dolls. Why ‘masturbatory’ dolls/robots rather than ‘sex’ dolls/robots? This notion is based on a comment made by Kathleen Richardson, a PhD and Research Fellow at the *Ethics of Robotics Centre for Computing and Social Responsibility* at De Montfort University (Leicester, UK) (*Ressources Prostitution*, February 2, 2018). By viewing sex as an experience with someone else and masturbation as an individual experience, it is appropriate to emphasize individualism in the use of such dolls in order to avoid feeding into the illusion of the woman-objet, object-woman. Since its democratization in the 70s, masturbatory dolls have greatly evolved, to the point that they incorporate robotics and artificial intelligence (*Paris Match*, November 5, 2014).

In 1996, Matt McMullen shared photos online of his hyper-realistic life-size sculptures. A number of Internet users asked him if the sculptures were for sale and if it was possible for them to “sleep” with them. That was when McMullen realized “that there are a lot of people willing to



pay a lot of money for a very realistic doll.” He then created *RealDolls*, a pioneering company in the field of sex robotics. With that name, McMullen reinforced the misogynistic utopia seen in *The Stepford Wives*: real women -‘dolls’- are those invented by men. In this respect, the company’s first prototype is called Harmony, as if to oppose it to women who are so unbearable in real life. The robot dolls are hyper realistic (veins, hair, the feel of real skin) while remaining clearly artificial due to the fact that they are deliberately ‘pornified:’ here is an element intimately linking the production of these dolls to prostitution. The robot doll is able to converse by adapting to the regularly pre-recorded preferences of the user who can, for example, increase the robot’s ‘obscenity’ settings. In addition, touch sensors are incorporated in the robots so that they cry out when appropriate. The average price of one is close to USD 15,000, but it is possible to customize the doll for USD 70,000. The company sells between 20 and 50 dolls per month (*The Guardian*, April 27, 2017).

Douglas Hines developed artificial intelligence to keep his paralyzed father company. For greater profitability, he repurposed the technology to take advantage of the far more lucrative industry of prostitution, and created *True Companion*. The company offers robots with ‘real’ personalities: take timid, ‘frigid’ Farrah, which allows the user to simulate rape by reacting negatively to touch (*The Independent*, July 19, 2017). There is also youthful Japanese Yoko, who’s “barely 18.” The creators ceaselessly update and renew their dolls, which they then present at the *Adult Videos Network* festival in Las Vegas. Thus, masturbatory robots are at the heart of the prostitution industry. Another remarkable dolls company is *Trotlla*, specialized in the creation of dolls looking like little girls. Founder Shin Takagi is proud to report doctors and even school teachers among its customers (*The Atlantic*, January 11, 2016).

While some companies manufacture, others distribute. This is the case for a Chinese app that rents masturbatory robots equipped with preheating functions and sound effects. The name of the application, ‘Shared Girlfriends,’ reminds of gang-rape (*Le Parisien avec AFP*, September 18, 2017). There are also brothels with masturbatory dolls/robots. A brothel in Barcelona accommodates spaces for real prostituted women and masturbatory dolls, blurring the lines between what is a human being and what is an object (*BBC Three*, April 8, 2018). The first North American doll brothel is in Toronto and offers sex buyers dolls such as Yuki, “a submissive, innocent, and playful Korean,” as well as Jazmine, the “exotic Colombian.”

The masturbatory doll/robot industry is an extension of prostitution. Without the prostitution of women and girls, it is not possible to imagine this use of robots. Once again, the male demand enables the industry to evolve. Thus, the argument that blames women for prostitution, that “women choose to take up prostitution,” is misleading. The role of men in the development and preservation of the industry is paramount. A study in 2016 showed that out of a sample of more than 200 men, 40% admitted that they would consider buying a masturbatory doll within the next five years (*The Guardian*, April 27, 2017). The market is dominated by men, both in production and consumption, and the product is overwhelmingly female. Only 10% of current dolls are male, and there is nothing to suggest that female customers are interested, as female requests for

dolls are based on the “companion” aspect rather than the “sexual” one (*The Sunday Times*, December 2, 2018).

Another commonality between buyers of dolls/robots and sex buyers of prostitution is the particular way in which they are treated by society: as victims. In China, because of the one child policy, there is a significant imbalance between the number of men and the number of women. Therefore, ‘unfortunate’ Chinese men are ‘desperately’ searching for female companionship, which is supposed to justify buying women in neighboring countries or exchanging dolls (*France 24*, June 9, 2017). All around the world, sex buyers supposedly suffer from ‘psychological or physical issues’ or have been ‘traumatized by an unfortunate experience’ with women (*L’Obs*, August 5, 2018). Films such as *Lars and the Real Girl*, in which an awkward Ryan Gosling falls in love with a *RealDoll*, help reinforce the stereotype of the man being incapable of controlling himself and borderline pathological. An interview in *The Atlantic* with Shin Takagi of *Trotlla* treated pedophiles with disturbing empathy: it is society that is guilty of forcing them to wear masks that repress their desires (*The Atlantic*, January 11, 2016). These clichés are baseless, as are those that concern traditional prostitution. According to relevant forums and some public appearances made by robot aficionados, many (potential) sex buyers are in a relationship with a woman they hold in contempt, in comparison with the artificial version (*The Guardian*, April 27, 2017).

### **“No one has died”**

Many believe that these robots act as a measure against acts of male violence. Since the dolls are inanimate objects, the violence they may endure from their users doesn’t seem to pose a problem, as they cannot suffer. In the plot of *Lars and the Real Girl*, the whole village plays into Lars’s delusion that his girlfriend (the doll) is alive. Why participate in this delusion? Is it not disturbing enough that there are men who, like children, claim their toys are alive and, what’s more, masturbate to these toys? This idea should be more than enough to disturb us, but instead we attempt to accommodate these men. How are we comfortable with the knowledge child abusers and other potential aggressors now have a tool that, de facto, might allow them training in violent acts or becoming violent? This concept of a shield against male violence has already been applied to prostituted women, without ever appreciating the violence they undergo and without any evidence to corroborate such an approach. How do robots fundamentally change this? The real transformation would be making violent men understand they are fully responsible for their intolerable acts, and not making the job easier for them by providing toys or women to prostitute. Robots were created in a context of pre-existing male violence and the lucrative nature being what it is, manufacturers have no interest downplaying this violence. The more validation society gives to crimes of violent men, by providing outlets to their so-called needs, the more those needs will be normalized and perpetuated.

### ***The Male Creator (of women)***

Journalists have been quick to observe the resemblance between contemporary robots and ancient myths, such as that of Pygmalion who, disgusted by women, created his own woman and

fell in love with her (*L'Obs*, August 5, 2018). The developers of robots assume the role of divine creators: without man, there is no woman. This idea of impossible independency can also be found in female sex toys, which were wrongly compared to robots for men. As noted by Kathleen Richardson, leader of a campaign against masturbatory robots, there is a difference between tools reproducing a body part and technological reproductions of a person. The former are supplementary and act as instruments, while the latter are an end in and of themselves, with their functions being secondary. Regarding sexual robots, possessing women as objects is attractive, otherwise consumers could've contented themselves with artificial vaginas. Next, the normative message behind sex-toys is in opposition to the one behind dolls/robots. Sex toys imply women's lack of autonomy in their sexuality, women being unable to satisfy alone. We haven't moved past the idea that women in negative need men in positive in order to be finally complete (ie "sexually satisfied"). Richardson explains how the development of dildos and other female sex toys came from doctor's 'treatments' for women's "hysteria" (*Feminist Current*, June 2, 2017). With robots and/or dolls, it's the opposite as the woman is replaced entirely. While this may seem extreme, it is useful to use this extreme example as a starting point to be able to reveal the common underlying message. "If my *RealDoll* could cook, clean, and fuck whenever I wanted, I'd never date again," said one user (*The Guardian*, April 27, 2017). To think that more than half of the world's population could be replaced shows the extremely reductive vision some have of women. To think that these robots and/or dolls aren't doing anyone any harm disregards the fact that these dolls could not exist without the pre-existing context of women's suffering.

### ***Prostitution***

Prostitution is a system in which suffering is industrialized, and the issue of sex robots is deeply entwined in this system. Prostitution, especially when it is filmed, transforms women into objects, and vice-versa. For example, Gail Dines observed how Playboy has not only objectified women, but has also sexualized and feminized real objects (*Dines*, 1998). When speaking about a pimp in a film by the Coen brothers, the Big Lebowski exclaims, "Mr Treehorn treats objects like women, man!" Despite this exclamation primarily seeming like Lebowski is confused, it is rather the opposite. Lebowski has understood the concept completely; women are objects, therefore objects are women. If prostitution were to cease to exist tomorrow, these dolls would no longer have meaning as objects would no longer be stimulating. In the meantime, use of sexual robots is not opposed to the prostitution industry. It is a ramification of a market sector ready for exploitation: in 2017 alone, searches for sexual robots for pornography doubled (*The Sunday Times*, December 2, 2018).

The market for prostituted women and girls, as with any other, reorganizes and reshapes itself to capitalize off of the latest trends amongst the demands of its "sex buyers". Procurers have not simply followed the course of new technologies; they have and still are the true architects of these developments. What would Google be without filmed prostitution? Behind the great success of computer technology and electronics lies the influence of a visionary member of the prostitution industry. The internet has long been a playground for traffickers of all kinds, but

new regulations and prominent seizures could signal a change. Even so, the symbiotic association of technology and prostitution remains pernicious thus dangerous. By mimicking generalist classified sites, prostitution effectively hides its intentions behind the innocent façade of simple online transactions. Inventions such as masturbatory robots provide additional problems for lawmakers and regulators. As always, vigilance is essential and research to analyze, for example, if there is juxtaposition between robots users and traditional sex buyer, must continue.

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# Discourse surrounding prostitutional propaganda online: an analysis

*Pro-prostitution discourse has invaded the worldwide media. The objective is to mask the reality of sexual exploitation under an illusion of normalcy, even modernity: exploited persons become “sex workers,” prostitution becomes an emancipating “job” for women and a form of alternative consensual sexuality at the forefront of the 21<sup>st</sup> century! Thus, by surfing on liberal thought and populist rhetoric, this movement manages to spread lies as unassailable facts and to lock in the debate. It is a well-rehearsed propaganda that must be fought.*

The war in Syria has led to the displacement of more than 4.8 million people (*Le Monde*, March 15, 2016). Fatima is one of these refugees. Interviewed by the *BBC*, she recounted her journey. Living in Turkey for 18 months, she begged during the day and had relations with two or three men per night, for less than 1 euro (EUR) (USD 1.12) per encounter, in order to feed her family. Fatima says she is strong and independent: after calculating the costs and benefits, she concluded that it is more advantageous to “work” for less than EUR 1 (USD 1.12) per man than to stay in Syria. She accepts to allow these men to carry out their fantasies on her body. Fatima is a migrant “sex worker.”

For many decades, pro-prostitution groups have been pretending to break the chains of millions of exploited women by playing a simple lexical game. The expression “sex worker” was launched during the 1970s by Priscilla Alexander of the *Call Off Your Old Tired Ethics* (COYOTE) Collective. Today, this discourse favorable to prostitution has developed, and pro-prostitution activism has replaced the traditional indifference towards the subject.

The foundations of the pro-prostitution rhetoric (arguments, methods, forums) merits an analysis if one wants to successfully deconstruct it. Its success arises from its use of the ambient political discourse in Europe and North America. Over the course of recent years, new political cleavages have appeared on the sides of traditional right/left rivalries: those of the opening forces of liberal inclination, and those of the closing forces of populist inclination (*Ricolfi*, 2017). In this context, the dominant discourse can be seen as a reaction to the diffusion of the neo-abolitionist model of penalizing the “sex buyers of prostituted persons”.

## Populism and Prostitution

Languages reflect and perpetuate cultures. Reality and words are intertwined and strengthen each other, forming mental shackles that are difficult to escape. And while words facilitate expression, they can also become coercive. Languages can thus also be used to manipulate for political purposes. Joseph Goebbels, minister of propaganda under the Nazi regime, said:

“Through repetition and a good knowledge of the psyche of those involved, it should be entirely possible to prove that a square is in fact a circle. Because, after all, (...) words can be shaped to make the ideas they convey unrecognizable.” In his novel *1984*, George Orwell speaks of “newspeak,” which is capable of transforming war into peace.

Propaganda in favor of prostitution does the same in involving itself in the populist rhetoric, which is in full expansion throughout Europe and the United States. Populism is characterized by its Durkheimian vision of social life, according to which society, “the people,” form a coherent and organic group supporting positive values, but is soiled by parasitic elements, “the elite” (*Ricolfi*, 2017). Among the ingredients for populist success adapted to pro-prostitution discourse, we note: the creation of distinctive signs, the role of the media, critique of experts and anti-system discourse.

Like Donald Trump’s cult formula, “Make America Great Again,” the slogan of prostitution propagandists, “*Sex work is work*,” is omnipresent. Repeated on a loop, this phrase has taken another dimension: it has become a mantra. Originating from Sanskrit, the word “mantra” means “instrument of thought” and is defined as a “magic formula whose effectiveness does not depend on the inner participation of the said subject.” The word propaganda also has a religious origin, and means “the propagation of faith.” One does not have to think, but to believe. Blindly.

Symbols are just as important, and if Donald Trump’s red hat is the most visible sign of his politics, it is the red umbrella that takes this function for prostitution. The symbol of the umbrella was adopted in June 2001 during the Venice Biennale from the creation of the “Prostitutes’ Pavilion” of Tadej Pogachar (*ICRSE*).

Pro-prostitution activists complain to the media that they are ignored by the same media they are speaking with. However, from the *New Yorker* to *The Guardian*, the expression “sex worker” prevails. Similarly, in a long report published by the *New York Times Magazine*, the journalist did not interview anyone except those in favor of prostitution, or those who were openly activists for it, without ever specifying this fact (*The New York Times Magazine*, May 5, 2016). An article on the effects of tobacco which does not interview anyone except for employees for the industry would never be taken seriously. However, on the subject of prostitution, subjective opinions are presented as impartial.

To ensure that partisan positions disguised as the truth are not revealed for what they are, groups in favor of prostitution attempt to discredit experts and research that do not work in their favor. They shout at “fake news” while diffusing “alternative facts.” The willingness to make experts lose all credibility affects all those who want to put an end to sexual exploitation. To describe their adversaries, the prostitutional language, eager for neologism, has invented a term “SWE(R)F” for “Sex Work/Worker Exclusionary (Radical) Feminist.” Feminists denouncing prostitution thus become anti-women.

In addition, in applying the lexical field of the professional world, upholders of prostitution avoid naming it for what it is: a form of masculine violence. In 2016, the photojournalist Sandra Hoyn was visiting Kandapara, the largest and oldest open-air brothel in Bangladesh. In her report, she relays the stories of women and young girls sold or born within the brothel, where

they are prostituted as early as at the age of 12 years old. However, the words “violence,” “pedocriminality” and “misogyny” (boys born within the brothel are never prostituted) are absent. For the journalist, these young girls raped by adult men are “sex workers” (*Cosmopolitan*, June 23, 2016). A coerced sexual encounter is rape, not work. The erasure of the word “rape” takes other forms. It is often replaced by the euphemism “non-consensual sexual relation.” To speak of consensual sex is redundant, and to speak of non-consensual sex is nonsensical. One risks ending up looking at rape as a simple alternative form of sex.

### **Liberalism and prostitution**

*Liberals* weigh on the political English speaking world. In the face of the closing forces of populist inclination, they carry values of individualism and tolerance. The liberal culture “describes the universe of the progressive parts: equality, tolerance, openness, individual rights” (*Ricolfi*, 2017). Young generations approve this current: thus, during Brexit, the youngest people voted to stay in the European Union, contrary to their elders. To this youth, called to weigh on the political balance, pro-prostitution advocates prepared an adapted prostitutional propaganda, founded on liberal values and the forums they use.

“Selling sex is a choice” titles a newspaper (*The Guardian*, September 11, 2007). To demonstrate this, they reclaim the traditional distinction between “free prostitution” and “forced prostitution.” “Trafficking means the person is working under force, fraud, or coercion, while sex work is something someone *chooses* to do,” they explain (*Vice*, March 30, 2012). The use of the reasoning “prostitution is chosen since it is not coerced” is a way to bypass all reflection on the true position of “choice.” The most important is to underline the individuality of implicated persons. Liberal principles indeed impose the respect of the life decisions of others. It would thus be necessary to tolerate prostitution in the name of guaranteeing individual liberties.

However, one element calls into question the idea of choice in prostitution: the overwhelming majority of prostituted persons are women. To respond to this abnormality, this *feminine* reality has been transformed into a *feminist* reality. Organizers of the *Women’s March*, for example, a protest born following the election of Donald Trump, officially support “sex work” (*The Wrap*, April 9, 2018).

The current inflation of the term “feminism” is comparable to the “meaningless words” that George Orwell speaks of. These are poorly defined concepts, used excessively and with the objective to inform someone on the desirability of something (*Horizon*, 1946). “Feminism” becomes a selling point. It is increasingly associated with words such as “agency” and “empowerment,” both of which are tied to individual choice. Consequently, the apparent guarantee of individual liberty of some should exclude the necessity for collective liberties for all women. The minority is defended to the detriment of the majority.

The question of minorities, in particular sexual minorities, widely promoted by celebrities and politicians such as the liberal Hillary Clinton, is at the heart of the debate. The semantic field of the rights of sexual minorities is mixed with the semantic field of prostitution. The procurer Douglas Fox explains: “*It is no coincidence that whores and gays equally have (...) been the*



*scapegoats for a society that enforced prescribed and rigid gender roles that severely constricted sexuality.[...] Whores and gays challenge the hierarchal hegemony that equally stifles individualism while fearing uncontrolled sensuality” (International Union of Sex Workers, October 20, 2010). We have it all: “scapegoats” to described societal oppressions, “rigid gender roles” to evoke feminism, “whores and gays” side by side, the repression of “individualism” to petrify with fear liberals, “sexuality” and “uncontrolled sensuality” to legitimize prostitution as sexuality... So, all critiques of prostitution are associated with “whorephobia,” modeled after “homophobia.” The semantic mixture meets two associated requirements:*

- to present prostitution as a type of sexual orientation conforming to *queer* theory: one is prostituted in the same way that one is homosexual. Here, the person *is* prostituted in the sense where their essence is defined by prostitution; it is not an activity that one is subjected to.
- the belief that it is societal rejection that makes these self-proclaimed forms of sexuality “bad,” not prostitution itself.

The question of identity is central to understanding the success of this liberal discourse. By locking prostituted women into the identity of “sex workers,” upholders of prostitution apply the individual dissociation observed in prostitution to the population as a whole. This is what Kajsa Ekis Ekman highlights when analyzing this psychological phenomenon of the prostituted person’s split personality in the face of the pain that affects them (*Ekman, 2013*). This dissociation operates also *among* prostituted women: for example, a prostituted woman, interviewed by the *BBC*, explained that she did not need help leaving prostitution, unlike victims of trafficking (*Ressources Prostitution, March 28, 2017*). The reality of the conditions of thousands of women and young girls is so heavy that we would prefer to detach ourselves from it. This dissociation then expands to all women. During a protest in favor of prostitution, a flier was posted saying: “strippers and women unite.” As if strippers were not already women! One thus finds prostitution to be a dividing force between women: prostitution exists in order to stigmatize. It is male sex buyers who, through their testimonies, establish a distinction between “prostituted women” and “normal women” (*Bouamama, Legardinier, 2006*). The pro-prostitution discourse reclaims this division to take control.

### ***Prostitution and Multiculturalism***

The multicultural current of liberalism offers differentiated rights to various communities to maintain their identity and lifestyles distinct from the majority (*Shorten, 2014*). Italian researcher and founder of relational sociology Pierpaolo Donati analyses the limits of this multicultural thought (*Donati, 2008*). According to him, faced with the diversity of cultural values, the individual adopts an intellectual shortcut which is ethical indifference. It would be pointless to put oneself in relation with the person who appears to us as different, as there exists no common ground upon which to construct a societal “ideal.” For example, when one says: “He eats this because it is his culture,” one demonstrates that they do not want to have a relationship with this person. When one says: “That woman is a ‘sex worker’ because it is her choice,” the same mechanism is applied. It is no longer “me and her,” rather it is “me and this.” One becomes *the* “sex worker”: the individuality we claimed to give is denied. A human being, in all its

complexity, is reduced to an inseparable identity label. Consequently, there is a category, a “community” of “sex workers” distinct from the rest of women, who are deprived from the citizen rights that are owed to them. “Chosen” prostitution would therefore not be problematic because our only common value would be respect for personal choices.

Women in prostitution are crystallized in their timeless role as “sex workers.” Dehumanized yet again. Hence the interest in talking about *prostituted women* as a reminder that there is a woman before “*the prostitute*” or “*the sex worker*.” Because it is indeed women that are prostituted and men that are sex buyers. The word “man” is essentially eradicated in prostitution discourse. However, some activities only make sense in a duo: for example, teacher-student. In the case of prostitution, one wants to ignore this. Yet, without the binary of male sex buyer and prostituted woman, there is no prostitution. Prostitution is created by a relation and not by individual willingness.

### ***Vice, Buzzfeed, Cut... relays of the propaganda***

Once the individualistic message is constructed, it must be spread. The website *Vice*, which is available in several countries and directly targets younger people, broadly relays the myth of “sex work.” *Buzzfeed, Cut* and the *BBC* are also active, most notably on YouTube and through the diffusion of a trivial outlook on prostitution (one video from the *Cut* is titled: “Guess who’s a sex worker”). Video is the format of preference because it does not require the active participation of those who watch it. The viewer can remain passive and absorb the message, all the more so if it is transmitted when it is least expected. For example, in a number of episodes of the *BBC* series *Uncle*, the main character, a teenager, corrects those who don’t use the expression “sex worker.” This effectively summarizes pro-prostitution tactics. Anyone who is not convinced by this message is doomed to be silenced. In British universities, a wave of “no-platforming” – literally “deprived of forum,” some can see it as a euphemism for “censure” – affects people who could “upset” students. Abolitionists have been “deprived of forums” and even threatened (*The Guardian*, October 9, 2015). Melissa Gira Grant, a pro-prostitution activist, said, in relation to the debates on the subject: “sex work itself, and, inseparable from it, the lives of sex workers are not up for debate” (*The Guardian*, March 15, 2014). Here we see the whole interest in essentializing prostitution: making people believe that any criticism of the activity is discrimination against those involved. It is better to shut up than to be accused of “whorephobia.”

### **The New Zealander Dream: “start-up nation” for self-employed procurers**

The supporters –journalists, politicians, activists, anonymous, etc.– of prostitution use these linguistic games to advance their objective: the decriminalization of prostitution.

The discourse of Juno Mac, member of the *English Collective of Prostitutes*, for the filmed *TED* conferences entitled “What sex workers want” is emblematic of the adaption of the political discourse to the pro-prostitution discourse. J. Mac begins with a personal anecdote. While sharing an apartment with her friend, who was also being prostituted, a male sex buyer became violent. J. Mac threatened to call the police, however the man retorted that she could not, as two

women prostituting themselves in an apartment is against the law. It is interesting to see that sex buyers are conscious of these legislations. Even more interesting, the manner in which J. Mac explains that it is not the man who is responsible, but rather the ineffective law. Without explicitly saying it, she makes a reference to another popular slogan: “no bad whores only bad laws.” And since laws are bad, one must specify which ones. Unsurprisingly, it is the Nordic model, renamed “prohibitionist” by J. Mac, that is criticized: even though it is the male sex buyers that are criminalized, it is in fact prostituted women that suffer from the law.

“I am going to tell you what sex workers want,” continues J. Mac, switching from the liberal “I” to the collective “we”: the decriminalization of prostitution like what New Zealand did following the *Prostitution Reform Act* (PRA) of 2003<sup>1</sup>. In 2008, a governmental committee, in collaboration with the *New Zealand Collective of Prostitutes* (NZCP), a collective of defense for “sex workers,” assessed this law in a report undermined by contradictions and omissions (*Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003*). According to this assessment, the number of prostituted persons did not go down, and might even have increased. The report stipulates that the numbers, which demonstrate a decrease in prostitution (from 5,932 prostituted persons in 2005 to 2,332 in 2005), are to be attributed to an improvement in counting techniques. The report shows an increase in the number of prostituted persons on the street between 2006 and 2007 in Auckland (from 106 to 230) and in Christchurch (from 100 to 121). Despite this data, the committee concluded that the 2003 law has had no impact on the number of people involved in prostitution.

In the section addressing the well-being of prostituted persons, the report assesses the state of affairs of violence (rape, physical violence, theft, confinement, moral harassment...). Out of 792 people interviewed, fewer than 25% estimated that the conditions were better with the new law, while 3 people out of 4 considered the law to not be able to reduce the seemingly inevitable violence.

The only positive aspect of the law appears to be the fact that in 2008, 60% of prostituted persons considered themselves to be in a better position to refuse a sex buyer. However, 35.2% had to accept a relation that they did not want. Contrary to the common preconception of a certain security, prostituted persons in brothels are under more pressure (37.5% of persons were coerced into having an unwanted sexual encounter) and less often refuse sex buyers (61.3% versus 85.5% of prostituted persons on the streets). Their testimonies describe sexual aggressions and the intimidating ambiance of brothels (*Newshub*, January 31, 2014). 3% of prostituted persons questioned claimed to have had been raped by a sex buyer. This data, far beneath the national averages, can be explained by the difference in the understanding of rape according to the non-prostituted population: in a country that decriminalizes prostitution, undesired sexual relations become a bad “commercial interaction.”

Among the report’s omissions, we remark the absence of a census of murders of prostituted persons. Between 1993 and 2002, 4 prostituted persons were killed, and 7 between 2005 and

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<sup>1</sup> See chapter “New Zealand”, in: Fondation Scelles, Charpenel Y. (under the Direction of), *Prostitution – Exploitation, Persecution, Repression (4<sup>th</sup> Global Report)*, Ed. Economica, Paris, 2016.

2016. Between 2006 and 2014, 7 cases of extreme violence were reported (5 between 2003 and 2008) towards prostituted persons during their activity, of which 4 were within brothels and one was attempted murder (*Sex Industry Kills*, 2018).

In addition, the report brings force evidence of the existence of exploitation of minors in prostitution in New Zealand. More than half of the prostituted persons interviewed, all of whom were prostituted on the streets, claimed to have begun before the age of 18 years old (56%). 9.6% of them were prostituted at that time in a brothel managed by a procurer and 15.9% of them in “self-managed” brothels. Among the 772 people interviewed, 41 were prostituted before the age of 18 years old after the passage of the *PRA* in 2003. This law has made it more complex for law enforcement to gain a census of people involved, as they no longer have the right to verify the ages of prostituted persons, nor can they enter a brothel without an appropriate warrant. Owners of brothels are neither obligated to inform themselves of, nor to communicate the age of the people they prostitute. These changes were suggested by the *NZCP*, despite the contrary opinion of prostituted persons who the group is supposed to be representing.

Finally, the report does not say that *Maori* women and girls, discriminated against for employment, access to care and education (*Minority Rights*, January 2018), are twice as likely to be sexually assaulted and overrepresented in prostitution.

When the greatest benefit from prostitution is that 87.9% of prostituted persons surveyed have “survived,” when an Aboriginal minority population is overrepresented in a violent system, when children are abused without the possibility of intervention, promoting New Zealand as an example to be followed around the world is promoting racism and sexism.

### **“Prostitution is dead, long live ‘sex work!’”**

The populist discourse has made prostitution a job, while liberal discourse has made it a form of sexuality. If prostitution is a job, then the State is under the obligation of intervening, because it must regulate this profession like any other. And if it is a matter of sexuality, then it should not imply money. But prostitution cannot be one or the other.

#### ***A job against women***

Some say that every form of job is prostitution, namely exploitation. Such an affirmation masks the reality of prostitutional activities (*Ekman*, 2013). Not all jobs imply sexual touching or sexual acts. A job, even one that is trying, is not comparable to repeated sexual relations, to a violation of intimacy (*Martine*, 2013).

Others affirm that prostitution is a job like any other. The assumption of “sex work” ignores the difference between selling one’s work, and selling access to one’s body. “A builder or a plumber labours with his or her body, she sells her labour which is a product of her physicality, including her mind (...) Goods are produced by labourers through the labouring of their body – their body is not the good” (*Feminist Current*, June 24, 2013). Sexual “service” is wrongly considered to determine the selling price: there are different rates for oral sex, vaginal penetration, etc., but these actions cannot be carried out without gaining access to a person’s body. In the pricing of an hour’s work, the product of the work is paid. In the pricing of an hour

of prostitution, it is the duration of access to a woman's body that is paid for. Substantially, prostitution gives access to the body of another person, and not to the work produced by their body.

What good or service does one buy from prostitution? Sex, say some. "Sex" describes the biological aspect, as well as the relational aspect. In both cases, the purchase is impossible. In the first case, one cannot buy someone's genitals, neither legally or technically. In the second case, the relational nature of the act contradicts the implicit materialization of "sex work." In both cases, the alienation of body from spirit is necessary.

Can one access the body without accessing the being? Kajsa Ekis Ekman explains: "*Presupposing the possibility to sell one's body without selling one's Self requires a Cartesian-type dualism. In a phrase such as 'I choose to sell my vagina,' there are two levels: the Self and the vagina. The Self is presented as an active subject who chooses to sell something: it is a dynamic entrepreneur, who has found a good product. On the other side, the vagina does not seem to be a part of the active Self, it is not an entrepreneur, it is merchandise*" (Ekman, 2013). However, in reality, "*we do not have a body, we are a body. 'My body is me.' Not an object, an instrument separated from my being, which can be sold, rented or kept to itself, but the being itself. We don't belong to it, we are it*" (Ekman, 2013). To access sex, one accesses the body and thus the person. At the core of the prostitutional exchange is the human being: the prostituted person herself becomes merchandise.

If the mantra "*Sex work is work*" is applied, prostitution, with a probability of dying by being killed forty times higher than the rest of the Canadian population, is thus the most dangerous job in the world (*Psychiatric Times*, October 1, 2004). "*What legitimizes an activity, even no matter how painful or dangerous, is that it is more useful than it is harmful*" (Martine, 2013). Some say that prostitution has a utility, that it reduces sexual violence. This statement does not reflect reality and assumes that sexual violence experienced by women in prostitution does not count. Prostitution is also supposed to be useful because it creates pleasure. Some people take pleasure in torture. Do we legitimize torture? Desires are not rights.

Despite the inutility and dangers of prostitution, let us imagine it becomes a profession in its own right. It would thus be impossible to protect people from sexual harassment. Degrading comments to force a person to a sexual act would become professional orders. "Sex work" would transform sexual acts into professional missions. "Sex work," in addition to being more dangerous than any other job, would also be the most discriminating, as an entire category of women would no longer be protected by the law. Accepting prostitution as a job thus would make laws against sexual harassment in the work place nullified.

Rape accusations by a number of actresses against Hollywood producer Harvey Weinstein provoked the *#MeToo* movement. Weinstein attempted to defend himself by saying: "Yes, like the rest of the world, I offered work in exchange for sex" (*Le Matin*, July 16, 2018). If sex is a job like any other, Harvey Weinstein's approach shouldn't be considered blackmail or an abuse of power. Thus, he would be able to say: "I offered work to many women."

And if, in a moment of panic, a “sex worker” threw herself out of a window, should this be treated as violence or as a job accident? This scenario is inspired from a real event that happened in Hamburg. A young student migrated to Europe following an announcement of “sex work” published in Germany, where prostitution is regulated. Her employer imposed “supplementary hours” upon her, which meant “working” 24 hours a day. Faced with this situation, she did not see any other way to exit than to jump out of a third story window. A judiciary decision demanded that the “employer” simply cover the health care costs of his “employee” (*Abolition2014 (blog)*, August 20, 2016). In conclusion, the application of prostitution as “sex work” demonstrates how the most basic laws to protect physical and sexual integrity can become impractical.

### ***“Consensual sex between adults”***

The “sex” in “sex work” corresponds to “consensual sex between adults,” implying a relationship of exchange between two people at the same level. Yet, prostitution is a hierarchical structure where one person prostitutes another. This hierarchy is exacerbated by age gaps: millions of children are prostituted throughout the world. Prostitution is thus not “between adults.”

Does one choose prostitution? Poverty is a determining factor for the entry into prostitution, as demonstrated by the overrepresentation of foreigners from poor countries and, especially, women, who are most affected by insecurity. In addition, the majority of studies state that 60 to 90% of prostituted persons were victims of sexual abuse during childhood or adolescence (*Poulin*, 2005). If prostitution is really a question of individual free choice, there would be as many Italian prostituted men in the streets of Benin City in Nigeria as there are Nigerian prostituted women on the sidewalks of Turin in Italy. “Sex work” would be the only occupation where being a black, poor and abused woman would multiply your chances of being hired.

Making “choice” the axis of prostitution, distinguishing “sex work” and sex trafficking, removes constraints. Does this mean that young girls and women trapped in cages in Thailand or Albanian slaughter camps could escape at any time? Speaking of choice oppresses prostituted persons by implying that they have complete responsibility over their situations, and supposes that it is up to them whether they enter or exist. Finally, speaking of prostituted women’s choices allows to turn the attention away from those who really have the choice: male sex buyers. To pay or not pay a woman or child for a sexual encounter is a choice. To survive or die is not one.

Considering the constraining conditions of entering prostitution, what value can be given to the consent in “sexual consent between adults?” One can legitimately think that a psychological process could affect the consent of a person in situation of prostitution. How can one refuse a male sex buyer who, by definition, she only agrees to have sex in exchange for money? Yet, “*without the possibility of a no, a yes signifies nothing but resignation*” (*Fabre-Magnan*, 2018). The establishment of consent as criteria for autonomy presupposes ignorance of “*the influence of material and psychological conditions*” (*Marzano*, 2006). “I consent because I have to”: the conditions of giving consent are sufficient enough to invalidate it.

In the French sailing vocabulary, the verb “to consent” has a revealing meaning when used in association with the mast: a ‘mast consents’ when it gives way under effort. Consent is fundamentally passive, thus reproducing sexist patterns. Why then focus so much on a notion that nullifies the argument of empowerment? Acceptance cannot form the basis of the law, nor define what is permissible and what is not permissible (Marzano, 2006). Consent can neither justify nor legitimize the act.

This supposed legitimacy is further undermined if it is based on a purchasing power differential between men and women, which allows the former to buy the latter’s consent (Martine, 2010). If, at the end of a sexual encounter, a male sex buyer does not pay the prostituted woman, is it rape or robbery (*The Guardian*, April 30, 2018). If it is robbery, then the logic of prostitution is accepted and human existence is reduced to an affair of private property (Martine, 2013). If it is rape, then the definition of rape becomes the absence of payment (MacKinnon, 2017). The criteria of constraint, surprise or threats that characterize rape under the French law are no longer appropriate. In the case of Dominique Strauss-Kahn (or the Sofitel case), following a rape accusation by Nafissatou Diallo, the case concluded, after a long trial, with a “financial agreement.” Dominique Strauss-Kahn thus did not rape Nafissatou Diallo, it was all simply a “delayed payment for a job done in the past.” This last statement is not the result of bad faith: it is simply the “sex work” logic carried out to the end. If it is possible to “consent” to a sexual act in exchange for money, that money thus becomes the “bandage” for all pleas of sexual violence. And if there was no money, would the sexual act have taken place? *“Without money, there is not sexual relation; thus it wasn’t desired in the first place [...] proof that economic need acts as a force, constituting a determining constraint for the prostituted person”* (Ressources Prostitution, October 24, 2016).

In prostitution, money is the determining factor for the sexual act, while for a sexual relation, it is desire. In pretending that sex and prostitution are interchangeable, one tries to forget the inalienable financial nature of prostitution. It is because there is no consent in prostitution that there is money. Taking away payment causes the consent to disappear into thin air. What then remains? Rape.

*“Prostitution is (...) a sexual act imposed under constraint: one of money, which makes it a category of rape as penetration under economic constraint, (...). What the sex buyer purchases, is the possibility to, without the consent of the other, penetrate him or her sexually as he pleases in a unilateral and asymmetrical relationship where the latter is at the mercy of the one who pays”* (Ressources Prostitution, October 24, 2016). Joël Martine rightfully calls prostitution “rape-rental” (Martine, 2013): a constrained sexual act, a rape, which is compensated by monetary payment.

It is thanks to the imperceptible subterfuge of the crystallization of prostituted persons in the role of “sex workers” that the danger of this approach to prostitution is undetectable. We must fundamentally transform our erroneous view of prostitution. We must see the purchase of consent, rape-rental, as a specific form of rape, with its own modalities and dangers. Prostitution

must no longer be perceived as paid sex but as paid rape, no longer as a choice but as a constraint, and no longer as selling sex but as renting human beings.

In conclusion, the assimilation to populist rhetoric allows to discredit the opposition, to occupy the media and to diffuse messages that are renamed as facts: the largest lie being that prostitution is a job. This allows for the erasure of all terms describing the violence of this system, and thus rejects all opposition. The use of liberal thought allows to endorse “choice” and essentialize prostitution in a feminine identity, thus rendering it unassailable.

To accept “sex work” is to retreat from human rights by promoting the wishes of a few. Prostitution is neither work nor sex. It is the commodification of the human body, the masculine objectification of women and the transformation of a human life into private property. Prostitution is a form of rape covered by money, which masks its nature to the eyes of society. Abolitionism is not the result of trends. It is a defense of humanity and a vision of an ideal society. Urgency and hope form an unbreakable force of willingness. The path is dotted with sophisticated obstacles such as this well-rehearsed prostitution propaganda. Taking the time to respond by restoring truth through logic is a duty to take the abolitionist project ever further.

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# Prevention at the core of the fight against sexual exploitation

*The prevention measures against sexual exploitation are supported by the normative and institutional international framework (1949 UN Convention, Palermo Protocol, Warsaw Convention...). Through training and raising awareness, prevention aims to tackle the very causes of sexual exploitation, encourage victim assistance, and deter demand. It targets varied audiences: professionals in contact with the victims, diplomacy and army staff, tourists and tourism professionals, minors, sex buyers of prostitution, the general public, etc. However, these measures have mixed results. Today, the challenge is to endow these initiatives with the human and material means to serve their ambitions.*

The fight against trafficking in human beings consists of not only a repressive component and a protection and assistance component for victims, but also a prevention component. Thus, initiatives concerning training, information giving, raising awareness, and identification of vulnerable persons have been created. These prevention actions tackle the causes of sexual exploitation: they strive after deterring the demand for sexual acts from trafficking victims and to bringing assistance to those at risk of being sex trafficked.

Although they are encouraged and even enforced by the normative and institutional international framework, global prevention measures against sexual exploitation have mixed results due to insufficient numbers of measures and limited evaluations on their effectiveness.

Nevertheless, the fight against sexual exploitation cannot be effective without them. Indeed, the suppression of procurers and human traffickers as well as the protection of victims are hindered by, in particular, the lack of training of judicial professionals, difficulties identifying vulnerable persons or victims, and a form of trivialization, by society, of the causes and consequences of sexual exploitation.

In this sense, certain national and international initiatives can serve as models and reinforce, in the long term, States' capacity to fight efficiently against sexual exploitation.

## **An Elaborated Normative and Institutional International Framework**

According to Article 16 of the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others: "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."

The Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), also provides prevention-related provisions in Article 9. In compliance with this international commitment, the States parties must establish trafficking prevention policies and programs, take research measures, launch awareness campaigns, cooperate with civil society and other States as well as pass or reinforce their legislative measures related to prevention.

At the European level, the Council of Europe Convention on Action against Trafficking in Human Beings entered into force on February 1<sup>st</sup>, 2008. Article 5 deals with the prevention aspects of parties' commitments. A distinctive characteristic of this convention is that, in Article 36, it equipped itself with the *Group of Experts on Action against Trafficking (GRETA)*, a body in charge of the Convention's enforcement. 47 countries have signed this Convention, including non-member countries of the Council of Europe such as Belarus, Canada, the United States, Japan, Mexico, the Holy See, and Tunisia.

In addition, the European directive 2011/36/EU of the European Parliament and the Council establishes the goal for Member States to "establish and/or strengthen policies to prevent trafficking in human beings, including measures to discourage and reduce the demand that fosters all forms of exploitation, and measures to reduce the risk of people becoming victims of trafficking in human beings, by means of research, including research into new forms of trafficking in human beings, information, raising awareness, and education." Article 18 obliges them to do this and all but one Member State (Denmark) notified the Commission of the transposition of this directive into their national law.

The EU Strategy 2012-2016 implemented by the EU Anti-Trafficking Coordinator defines 5 priorities in the fight against human trafficking. Prevention, the second EU priority, was to be developed through 3 actions: Action 1: understanding and reducing demand; Action 2: promote the establishment of a Private Sector Platform; Action 3: EU-wide Awareness Raising Activities and Prevention Programs (*European Commission*, June 19, 2012).

Prevention is also one of the priorities of the European agenda on migration, which intends to fight against criminal networks and smugglers. The general framework for the EU external migration policy highlights the importance of cooperation with third countries of origin, transit, and destination and identifies prevention and reduction of irregular migration and trafficking in human beings as one of its four pillars (*European Commission*, June 19, 2012).

In addition, the fight against sexual exploitation is one of the priorities of the EU fight against organized crime (2014-2017) and should be maintained during the following cycle (2018-2022).

### **Prevention measures, still under-invested**

In 2016, *GRETA* delivered a report which made an inventory of national prevention initiatives. However, sexual exploitation, as it is considered a component of the offence of

human trafficking or procuring, is not analyzed separately from other forms of trafficking, so it is difficult to identify the specific prevention measures against sex trafficking.

However, 67% of the identified human trafficking victims are victims of sexual exploitation at both European and global levels. It is therefore surprising that sex trafficking, the main and singular stake of the fight against human trafficking, is not treated with specific attention in proportion with its scale.

In terms of human trafficking in general, *GRETA*'s 2013 and 2016 assessments showed that many raising awareness efforts were launched by parties to the 2008 Convention. However, few countries have evaluated the efficiency of these measures and it is very difficult to draw conclusions concerning their real impact (*GRETA*, 2016).

In terms of research, the same report promotes the creation, in each country, of an independent mechanism—for example, a national rapporteur—which would be responsible for monitoring anti-trafficking measures made by national institutions, collect data, and promote research (*GRETA*, 2016). Indeed, such an independent mechanism would allow greater attention from governments and set sexual exploitation apart so as to better prevent its causes and consequences.

In terms of deterring demand, this goal set by the international normative framework shows mixed results.

In May 12<sup>th</sup>, 2016 resolution on the enforcement of the directive 2011/36/EU of April 5<sup>th</sup>, 2011, the Members of the European Parliament (MEP) declare that the forms of prostitution which exploit the most human trafficking victims, like street prostitution, have decreased in the countries where the purchase of sexual acts and the activities making profits out of the prostitution of others have been established as offences. Similarly, the 2016 Europol report shows that, in the countries where prostitution is legal and regulated, “sex work” is affected by the search for the lowest priced services; it also shows that the laws are much more lenient in these countries than anywhere else toward procurers and sex trafficking perpetrators who can thus utilize the legal framework to exploit their victims (*European Commission*, May 19, 2016).

Even though the criminalization of the demand for paid sexual acts constitutes a prevention tool against sexual exploitation, it does not exist everywhere and is not always implemented in the countries that have passed the related laws. Likewise, buying sexual acts from trafficking victims is only a criminal offence in half of the Member States, and it remains difficult to prove the awareness of the existence of a trafficking situation, whenever it is punishable (*European Commission*, May 19, 2016).

Thus the European Parliament concludes its 2016 resolution by saying that “national law fails to effectively contribute to discourage demand for services which are the objects of exploitation of trafficking in human being.” MEP effectively highlight that the differences between the Member States’ legislations facilitate organized crime, that the risks of prosecution are still too low, and that penalties applied to deter this crime are not adapted to the potentially significant benefits. So, further efforts are needed in order to diminish the appeal of criminal organized sexual exploitation, by making the risk/profit ratio unfavorable in all countries.

Moreover, any legal measure intended to efficiently fight against human trafficking must be accompanied by a clear cultural shift from a culture of impunity to one of zero tolerance in regard to trafficking.

In terms of training professionals, it appears that most surveyed countries provide training to their army and diplomacy staff before they are sent abroad (*US Department of State*, June 2017). However, in 2016, few countries organized training for judges and investigators. In addition, sex trafficking, a specific and extensive activity, is rarely the topic of the training programs provided to legal professionals by governments. The number of identified victims and of prosecuted and punished procurers and traffickers attests to insufficient knowledge of the phenomenon.

Although prevention measures are still not invested in enough, their utility cannot be denied; a global inventory of current legislations can be used to make certain initiatives models to use to effectively combat sexual exploitation.

### **Research: understanding the causes and consequences of sexual exploitation**

Researchers work at understanding the causes, forms, and consequences of sexual exploitation.

Australia, Central African Republic, Colombia, Finland, France, Hungary, India, the United Kingdom, Malta, and Romania, notably, conducted or financed research projects on human trafficking in 2016 (*US Department of State*, June 2017).

In 2017, a prevention program named “We are still children!” was launched in Canada by the sexology department of the *Quebec University in Montreal* (UQAM). It seeks to provide tools to parents and childhood experts faced with hyper-sexualization. It includes a research component, an educational component for children, and a lecture component for parents. Understanding the hyper-sexualization phenomenon can help understand the ideas underlying the purchase of sexual acts (see in this sense the theme of youth in prostitution). Then, such understanding can help identify the most effective means of deterring the demand for the purchase of sexual acts.

At a minimum, research allows for the collection of data on the extent of the phenomenon. In that sense and as an example, in July 2016, a Nigerian research organization surveyed 400 displaced people in Adamawa, Borno, and Yobe, and 66% of them reported sexual abuse (including cases of sex trafficking) committed by camp authorities (*US Department of State*, June 2017).

Thus, scientific research serves the three international objectives set by international law: discourage demand, repress exploitation, and protect victims and vulnerable people.

### **Training in the service of repression**

Training professionals and civil servants is crucial for the early identification of potential victims and crime prevention. According to the aforementioned European Parliament resolution, it was agreed that these training programs should raise awareness of gender-based violence and

exploitation, victim detection, official identification process, and appropriate victim (particularly in terms of gender) assistance so that the 2011 directive is applied.

In that sense, those who are in contact with victims of sex trafficking, representatives of public authority, have been specifically trained in many countries worldwide, and include: the police and other security forces, border police, judges, prosecutors, lawyers and other members of the judiciary, medical staff working in the field, and social workers. Some States have even included these programs in the curricula for entry-level trainings for judges and police workers, therefore making the fight against human trafficking basic knowledge required for practicing these professions. This is the case, notably, in Antigua-and-Barbuda, Austria, Norway, Tajikistan, and Tanzania. Similarly, other countries have developed online training sessions so as to make them available remotely to active professionals (Canada, the United States, the Philippines, Sweden) (*US Department of State*, June 2017).

Furthermore, training programs for diplomacy and consular staff as well as military personnel going on deployment have been organized in most countries (*US Department of State*, June 2017). A manual for the diplomacy and consular staff was even developed in 2011 by the Council of the Baltic Sea States in order to improve the knowledge of professionals in these specific trades (*CBSS Secretariat, IOM Mission to Moldova*, 2011).

#### **Focus on innovating training programs**

In Canada, about sixty members of the Agency for Healthcare Research and Quality (AHRQ) in Quebec region received training from police to detect prostitution in their establishments in early 2017. These hotel owners had been requesting this kind of training since Bill C-36 was passed (see the chapter on Canada) (*Le Soleil*, February 7, 2017).

In Belgium, the government developed a new training program in 2016 specifically dedicated to financial institutions in order to strengthen their ability to identify financial transactions that suggested the involvement of human trafficking (*US Department of State*, June 2017).

#### **Raising Awareness: a weapon against normalization**

Some countries are in favor of awareness campaigns for the general public while others prefer more specifically targeted ones (*US Department of State*, June 2017). Among the audiences who are the most frequently targeted by awareness campaigns in 2016 are:

- minors (Argentina, Armenia, Aruba, the Bahamas, Egypt, Estonia, Guinea, Haiti, Honduras, Hungary, Fiji, Iraq, Kazakhstan, Latvia, Liberia, Macedonia, New-Zealand, El Salvador, Slovenia, Sri Lanka, Suriname, Tanzania, Tunisia);
- tourists and tourism professionals (Australia, Belize, Myanmar, Cuba, France, Gambia, Guinea-Bissau, Honduras, Israel, Jamaica, Macedonia, Malawi, Mexico, Thailand);
- sex buyers of prostituted persons (Azerbaijan, Belize, Brunei, Cambodia, Chile, Croatia).

### Focus on “Awareness Courses” or “Educational” Penalties in France

In France, the December 12<sup>th</sup>, 2016 decree established the modes of implementation for a new penalty, which was introduced by April 13<sup>th</sup>, 2016 law punishing the purchase of sexual acts. This penalty is called “awareness course on the fight against the purchase of sexual acts.” The content of the course is set in the Penal code, article R. 131-51-3, which provides that “the content of the awareness course on the fight against the purchase of sexual acts reminds the condemned of the realities of prostitution, and the consequences of commoditization of the human body. It also aims to make the condemned party conscious of his penal and civil responsibility for the crimes he has committed.” Therefore, this course intends to inform the sex buyer on the realities of prostitution and the consequences of the commodification of the human body; make him aware of his responsibility in the system of prostitution of which he is a full-fledged stakeholder; explain the law and the penalty and hold the sex buyer liable for his acts (criminal and civil responsibility); prevent a repeat offence; change behaviors. The average duration of the awareness course is 1 to 2 days and cannot exceed 1 month. The maximum cost is EUR 450 (USD 506) (*Legifrance*).

Similar raising awareness methods were observed in many countries in 2016 (*US Department of State*, June 2017). Some of them have decided to encourage and educate religious leaders to become spokespeople in the fight against the trivialization of human trafficking. This is the case in Afghanistan, Bhutan, Brazil, Ethiopia, Guinea-Bissau, and Namibia. In a more traditional way, many countries disseminate their awareness campaigns through:

- Radio (Antigua-and-Barbuda, Argentina, the Bahamas, Belarus, Cuba, Ethiopia, Georgia, Honduras, Iraq, Jordan, Kazakhstan, Liberia, Macedonia, Malawi, Mali, Panama, Rwanda, Serbia, South Africa);
- TV (Afghanistan, Argentina, the Bahamas, Belize, Belarus, Myanmar, Cuba, Ethiopia, Georgia, Honduras, Iraq, Jordan, Kazakhstan, Kuwait, Luxemburg, Macedonia, Mali, Montenegro, Rwanda, Serbia, Spain, South Africa, Ukraine, Venezuela);
- Print (Afghanistan, Belize, Belarus, Myanmar, Brazil, Brunei, Costa Rica, Ethiopia, Honduras, Italy, Japan, Liberia, Malaysia, Mexico, Turkmenistan);
- The Internet (Armenia, the United States, Kosovo, Macao, New Zealand, Serbia, Spain).

Events are also organized by countries to convey messages: marches (Argentina, Liberia, Panama), races (Bolivia), exhibitions in museums (the Bahamas), flash mobs (Bolivia, Haiti, Kazakhstan), street performances (Brunei), plays (Mexico), concerts (Panama); these events are other means of raising awareness among the general population.

Sports events are also good moments for announcements, distribution of flyers, flash mobs, and other mass media. France with UEFA European Football Championship, as well as Kazakhstan and Canada, have notably invested in this field during the studied period.

Similarly, the creation of a national day dedicated to raising awareness of human trafficking in Greece, the Democratic Republic of the Congo, and Albania has made it possible to focus the attention of a wide audience to the issues of this topic.



### **Focus on innovating raising awareness initiatives**

In Sweden and Switzerland, awareness campaigns targeting taxi-drivers, hotel, and restaurant staff were funded by authorities so as to enable these actors to identify trafficking cases in their workplace.

In Guatemala, the Anti-Trafficking Awareness Festival was organized for the second consecutive year in 2016, and received 6,000 attendees. After the festival, the anti-trafficking hotline and the police staff received an increased number of calls reporting trafficking offences, some of which came from sex buyers.

In Bolivia, in July 2016, the State collaborated with an NGO to prepare a film festival intended to highlight the realities of trafficking. 3,000 people participated in this event, during which there were organized flash mobs (*US Department of State*, June 2017).

In Canada, the series “Runaway,” which was filmed in 2017 but shown in 2018, tells how a girl from a good family finds herself in the world of stripclubs and prostitution due to love. This film series aims to understand the phenomenon of loverboys and the trap they set, as well as break *clichés*.

On the same topic, the UK embassies in Bulgaria, Croatia, Lithuania, and Ukraine supported the launching of the film “Two little girls” which was produced by the charity Comic Relief in partnership with the NGO *Save the Children*.

### **Networks dismantling in order to prevent new victims**

#### ***Special inquiry methods***

Hotlines are available in many countries to collect reports and assist victims. Some of them are handled by NGOs and associations and others by police staff or social assistance institutions. In many countries callers can communicate in several languages (*US Department of State*, June 2017). However, when this kind of initiative is not accompanied by solid training for operators and public raising awareness campaigns, not only is the number of calls received insufficient or nonexistent, but the few calls that are made do not lead to the identification of cases of human trafficking. Such an assessment can be made for 2016 in Cape Verde, Cyprus, Guyana, Iraq, and Senegal. In addition, insufficient funding leads, in some cases, to hotlines being unavailable at night and on weekends (Croatia, Liberia), which obviously reduces their efficiency. Lastly, some countries drastically cut funding for these hotlines in 2016 (notably Tadjikistan and Turkey) or relied solely on international funding (Moldova), thus threatening the longevity of the hotlines (*US Department of State*, June 2017).

### **Focus on innovating inquiries strategies**

Since 2013, in Canada, a Toronto police unit has been using undercover agents to trap men attempting to pay for sexual acts from underage girls. In 2017, about a hundred arrests in a prostituted youth case took place thanks to this unit (*La Presse*, April 21, 2017).

In Albania, the authorities launched, in collaboration with the Vodafone Foundation, a free smart phone application called “Raporto! Shpëto!” (“Report and save”) which allows users to send pre-written SMS (for example: “I think I know someone who is a victim,” “I think I am a victim,” “I am a victim”) which are transmitted to the competent Authority and a free national phone line (*GRETA*, 2016).

The infiltration method is interesting as a special investigation technique, so it is unfortunate that it is not more frequently utilized. Indeed, it could consist of the use of bait intended to identify sex buyers of online prostitution rings and thus contribute effectively to discouraging demand. Nevertheless, these offences are not part of criminal policy priorities for governments; these time-consuming methods are developed only when the situation involves a large ring or a ring involving minors.

#### ***International cooperation: the right scale***

In its resolution of May 12<sup>th</sup>, 2016 on the implementation of the directive 2011/36/EU of April 5<sup>th</sup>, 2011, the European Parliament states that trafficking in human beings “is a complex transnational phenomenon that can be tackled effectively only if the EU institutions and Member States work together in a coordinated manner in order to prevent ‘forum shopping’ by criminal groups and individuals, but with the focus being placed on identifying and protecting potential and actual victims with an integrated intersectional perspective”. Indeed, prostitution networks (trafficking and procuring) are often international, while States operate individually, which encourages perpetrators’ impunity as they can go across borders to flee repression. In that sense, the international criminal cooperation of governments enables the identification of active procuring and sex trafficking networks in order to act in concert and consequently prevent the appearance of new victims. Organizations are precisely in charge of encouraging this international criminal cooperation among countries. One of them is Interpol, an intergovernmental organization with 190 member countries. Its main mission is to provide member countries with a world communication network to share information in real time, support operational police cooperation, and assist member countries in identifying perpetrators. The fight against human trafficking is one of its main missions. There are also varied regional networks such as the Judicial Platform of the Indian Ocean Commission, the Organization of American States, the Commonwealth Network of Contact Persons for Commonwealth countries, the *Ibero-American Legal Assistance network* (Iber-Red), Europol, the *European Judicial Network* (EJN). However, these are difficult to access for countries that do not belong to the relevant region. Lastly, bilateral or multilateral cooperation, whether occasional or structural, enable States to target their international partners and their work thematic in common. These

partnerships are operated by government agencies or financed by international organizations or NGOs. For instance, in Hungary, an international organization received 14 million Hungarian Forints (HUF) (USD 49,140) in 2016 to establish a common victim referencing mechanism in Hungary and Switzerland (*US Department of State*, June 2017).

### **Support to victims in order to avoid and permanently end sexual exploitation**

In order to tackle the root causes of trafficking, countries adopt social, economic, and other measures in favor of groups vulnerable to trafficking, combat gender-based violence, and support specific policies that aim to reinforce sexual trade victims' autonomy.

#### ***Support for vulnerable victims***

The above-mentioned May 19<sup>th</sup>, 2016 European resolution states that “in order to prevent trafficking in human beings and people smuggling, it is important to create safe legal migration channels for women and children (such as humanitarian visas) (...) [and] it is also important for destination countries to ensure that women migrants who have been granted legal residency in the destination countries have access to language teaching and other means of social integration, education and training in particular, with the aim of enabling them to exercise their rights as citizens.” Indeed, migrants and refugees are particularly vulnerable to sex trafficking, both during their journey to the host country and once they arrive. The establishment of social assistance (housing, training, employment), financial and health assistance helps these people integrate into the host country, prevents their exploitation, including sexual exploitation, by providing them with the necessary tools for refusing and for protection in cases of attempted trafficking or procuring. Moreover, more and more countries think the fight against sexual exploitation is part of the fight against violence against women. Not only does this allow for the pooling of resources (emergency shelters, legal and psychological assistance and so on), but also raises awareness of the often gendered nature of this kind of offence. By considering sexual exploitation a gendered abuse, States establish the victims' vulnerability and consider them as such. They also make the fight against sexual exploitation one of their criminal and social priorities. This new societal concept is leading to a change in mentalities.

#### ***Support to victims of sexual exploitation***

Victim support plays an important role in the prevention of sex trafficking, as properly cared for victims are better equipped to cope with the trauma they have suffered, to help prosecute criminals and elaborate prevention and policy programs based on concrete events, and not to become trafficking victims again. Most countries provide this support through housing subsidies (hostels and shelters) and other social benefits (job search, vocational training), psychological support, medical support, and legal aid (free legal advice, assistance during criminal proceedings, financial compensation), or even assistance in returning foreign victims to their home country (*US Department of State*, June 2017). However, the identification of victims remains difficult and suffers from lots of gaps. Indeed, not only the means the States resort to are insufficient, but, in prohibitionist countries, the coercive and deceptive nature of the crimes of prostitution and

soliciting prevents victims from admitting their own vulnerability, and sometimes ends up undermining the trust between the victims and the authorities. Besides this difficult identification, the financial means provided by the States are very often rather low. As a consequence, accommodation capacities may not meet the needs of the population and access to vocational training and jobs often remains theoretical. Certain assistance mechanisms are dependent on the denunciation of prostitution ring operators, which deters victims from participating in assistance programs and makes their identification difficult for social workers and investigators.

### **Focus on “the exit paths” in France**

Since April 13<sup>th</sup>, 2016 law and its October 30<sup>th</sup>, 2016 enforcement decree, any prostitution, procuring, and sexual exploitation victim may benefit from comprehensive care and support meant to provide alternatives to prostitution. Admittance to this ‘path’ must be authorized by the *Préfet du département*, and allows a minimum six-month residence permit for foreign persons. The ‘path’ also enables those who do not benefit from the minimum social allowances to get a financial help. It facilitates access to social accommodation or a shelter, physical and psychological care, and social reintegration actions. Associations which have been agreed by the *Préfet du département* are in charge of these support actions. The “path” is ten renewable months long, with a maximum of 2 years (*Legifrance*). Although some of these “paths” have been implemented and shown their efficiency as far as the beneficiary persons were concerned, the relevant funds were cut down by 25% (EUR 1.5 million/USD 1.69 million) in the 2018 draft budget (*La Croix*, June 15, 2017).

### ***Support for victims’ relatives***

Support for victims’ relatives is of paramount importance so as to support families and thus allow them to keep in touch with the prostituted person and then help their relative, particularly through offering a potential “return” as an alternative to prostitution. For example, in Canada, a booklet entitled “Information guide for sexually exploited victims’ families- tools for better understanding” was produced thanks to a grant from the Department of Justice in December 2017 (*Le Devoir*, December 5, 2017). All of these assistance measures for vulnerable persons, prostituted people, and their families, must allow action against the root causes of sex trafficking in order to intervene as early as possible and to fight effectively against sexual exploitation.

In conclusion, even if the evaluation of these prevention measures shows mixed results, their necessity in the fight against sexual exploitation is affirmed by the international normative framework which is implemented all over the world. The challenge, however, is to endow these initiatives with real material and human means that enable them to achieve their ambitions.

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# Raising awareness and providing training to understand and combat the system of prostitution

*It is through training the populations confronted with victims that we can advance in the fight against the system of prostitution and lead to a collective realization. This chapter provides an inventory of several tools made available to social, sanitary, judicial, and police administrations to raise awareness among their personnel and their public about the prostitutional phenomenon. That is not to forget the awareness of the general public to respond to the trivialization of prostitution and, more broadly, sexual violence carried out by the media.*

Prostitution has always been at the heart of the most sensitive political and media debates. At a time when the prostitutional phenomenon is becoming increasingly normalized, attracting ever younger and more vulnerable victims on a daily basis, it seems absolutely essential to work preventatively. Organizations working against the system of prostitution have reported a real deficiency in the professional practices of numerous social workers who are in direct contact with victims of sexual exploitation, particularly in their way of learning about their circumstances and protecting them, as well as some incapacity to prevent the risks of prostitution. This is why an increasing number of trainings have been provided to different population confronted daily with these vulnerable people, by adopting, before all else, a preventative model. These trainings play an essential role in leading a collective realization of the realities and the violence that the prostitutional phenomenon brings.

## **The implementation of raising awareness courses for sex buyers of prostituted persons**

Seventy years after the “Marthe Richard Law” of April 13<sup>th</sup>, 1946, which mandated the closing of all brothels in France, and after more than two years of lively debates within the French National Assembly and the French Senate, the country has changed its approach towards prostitution, and has joined the Nordic Model that penalizes sex buyers of prostituted persons. Since the law of April 13<sup>th</sup>, 2016, which aims to reinforce the fight against the system of prostitution and provide aid to prostituted persons, a sex buyer arrested by police forces in the act of purchasing sexual acts can now be penalized. Thus, the single title “Use of Prostitution” has been inserted in the Penal Code, in which section 611-1 provides that soliciting, accepting or obtaining sexual relation from a person engaged in prostitution, including on an occasional basis, in exchange for compensation, a promise of remuneration, the provision of a benefit in kind or

the promise of such an advantage, shall be punished by the fine provided for minor offences in the fifth class. Furthermore “Natural persons liable to the offense provided for in this Article shall also be liable to one or more additional punishments.” Article 21 provides for the insertion of the obligation to accomplish, where appropriate at the sex buyer expense, an awareness course on the fight against the purchase of sexual acts into article 131-16 of the Penal Code. Through such a provision, the government has the will, beyond repression, to make the sex buyer aware of the realities of prostitution and the violence it engenders.

The decree n.2016-1709 of December 12<sup>th</sup>, 2016, related to the accountability training course for the prevention of and fight against conjugal or sexist violence and the awareness course on the fight against the purchase of sexual acts created article R.131-51-3 in the Penal Code, titled “On the punishment to an awareness course on the fight against the purchase of sexual acts.” It states that “the content of the awareness course on the fight against the purchase of sexual acts reminds the condemned of the realities of prostitution, and the consequences of commoditization of the human body. It also aims to make the condemned party conscious of his penal and civil responsibility for the crimes he has committed.” Thus, the sex buyer of a prostituted person may be sentenced to either a criminal sanction, such as a fine of up to EUR 1,500 (USD 1,698), or a penal composition, which is the combination of a fine and an awareness course, or even an alternative measure of justice that involves only an awareness course. In these last 2 aforementioned cases, the individual is thus summoned in front of a judge, who deems whether he is able to take such a course according to several criteria: sufficient comprehension of the French language, sufficient intellectual and thinking capacity as well as the solvency of the person. In practice, it has been reported that sanctions handed out by judges differ depending on the region. According to the Fondation Scelles, for example, the public prosecutor’s office of Paris more often imposes the alternative measure of justice, while the case is entirely the opposite in Strasbourg or Bordeaux, where the penal sanction is given most often. When the individual is required to attend the awareness course that he must pay for (EUR 120/USD 136), he is thus placed in a judicial and compulsory framework.

Article R.131-51-4 of the Penal Code states that “training modules can be developed with the assistance of public or private persons whose work is to assist or aid victims of prostitution.” In Paris, the *Association de Politique Criminelle Appliquée et de Réinsertion Sociale* (APCARS), which is supported by the ministry of justice, is working towards a penal policy focused less on detention and more on alternative penalties, and is committed to rehabilitating and preventing reoffending, has been designated to organize and conduct these awareness courses. *Amicale du Nid* (ADN) and also the *Équipes d’Action contre le Proxénétisme* (EACP) deal with, for example, courses in the city of Melun. Other stakeholders may be designated by the Public Prosecutor’s Office to participate and contribute to these training courses. For example, the Fondation Scelles, officially recognized for its public utility, is fighting for the abolition of the system of prostitution by carrying out mainly preventive actions, co-facilitating the sessions alongside APCARS.

In Paris, two courses per month are held at the *Maison de la Justice et du Droit*, each of which are taught over the course of a whole day, and are attended by less than 10 sex buyer-students per session. According to François Vignaud, speaker for the *Fondation Scelles*, the purpose of such a course is truly educational and explanatory of the realities of prostitution. The day is divided into several parts. Before anything else, the sex buyer-students are invited to introduce themselves, explain the context in which they were arrested, and if being a sex buyer is a regular practice for them. Their profiles are very varied, from married men to young bachelors, and the average age is 50 years old. For the majority, the purchase of sexual acts is not a regular practice, according to their testimonies. Next, the course begins with a presentation of the law of April 13<sup>th</sup>, 2016, in order to remind the students that the purchase of sexual acts is now illegal in France. Speakers seek to explain the philosophy behind this law, and the principles that led to its implementation. It is crucial to make the sex buyer-students understand why prostituted persons are now considered to be victims. Speakers next compare the different judicial systems surrounding prostitution on the European and international scales. They then provide an overview of prostitution in France, highlighting figures intended to mark the minds of the sex buyer-students. The *EACP*, in their sessions, highlight that 80% of the 37,000 prostituted persons in France are foreigners, that they have an average of 30 sexual relations per day, and that their life expectancy is 42 years old (*France Info*, January 14, 2018). An overview of the participants in the system of prostitution is then given: the victim, the procurer and the sex buyer. According to the *Fondation Scelles*, it is important to identify the different profiles of the sex buyer-students in order to be able to reach those who may understand the least. Speakers push them to speak of themselves and then of the prostituted person who was victimized by their actions. The idea is to build on the positive aspects of the sex buyer-students' personalities to explain to them that they are better than what they have done. The theme of violence against women is then discussed, first through a global perspective and then tackled specifically as it relates to prostitution.

According to F. Vignaud, the atmosphere sought during such a course is that of a real debate so that the sex buyer-students question themselves, think and understand. Speakers constantly position themselves according to the French approach, which is abolitionist concerning the system of prostitution. Sometimes, survivors of sexual exploitation are invited to give their testimonies during a session, and the sex buyer-students rarely remain indifferent towards the path of the victim. At the end of the day, each student is made to evaluate the session and give their opinions. While some suggest that speakers do prevention work in school settings because they felt the course was essential, others, on the other hand, keep quiet and leave the premises as soon as they are authorized to do so.

After the awareness course, it is impossible to know whether or not the sex buyer will reoffend, however speakers often have the feeling that they have touched a majority of their audience. If one of them does reoffend, the judge will take their first offense into account and impose heavier penal sanctions upon them. In addition, speakers can take the initiative to write a report if they feel that the profile of a sex buyer-student is to be reported to the Public Prosecutor.



According to Auguste Fuguet, who is in charge of the legal division of the *EACP*, “students do not want to see that they are part of the problem but part of the solution too. [The course] is therefore the occasion to try to have them face their discrepancies” (*France Info*, January 14, 2018).

### **Trainings for healthcare and social workers**

Article 2 of the law of April 13<sup>th</sup>, 2016, created a forum for social training on the prevention and identification of situations of prostitution and human trafficking. “Confronted with people who are considered to be in a situation or at risk of prostitution, many professionals in the educational and social field feel they do not have the adequate competencies or the legitimacy to intervene, because so much of this problem seems to refer to intimate questions where taboos are intertwined: sex, body and money,” regrets the NGO *ADN*, an organization fighting against the system of prostitution by leading actions aimed at preventing prostitution, as well as aiding those who wish to leave prostitution. Indeed, healthcare and social workers (social workers, special educators, psychologists, school nurses, guidance counselors...) are confronted daily with people in extremely vulnerable situations, sometimes victims of sexual exploitation or susceptible to becoming one. However, they do not always benefit from adequate training to know how to comprehend these circumstances and react when faced with this type of danger. These professionals are sorely lacking in knowledge of how to adopt the right reflexes, identify risky situations, identify the victims and approach the subject with them, and to guide and aid them based on the psychological consequences of prostitution.

It is in this context that training is now offered to these health, educational and social workers, to better understand the system of prostitution and thus become real actors in a preventive and protective approach towards victims. These training modules have been provided by associations who aid and assist victims of prostitution. In this framework, the NGO *ADN* implemented different training modules, ranging from 1 to several days, which tackle different themes such as the reception and aid of prostituted persons, trafficking in human beings for the purpose of sexual exploitation, prostitution of minors, prevention via sexual education, and prostitution on the Internet.

During her sessions, Dominique Lhuillery, who is responsible for the training division of the NGO *ADN*, proposes to her students to analyze the general framework of the system of prostitution in France, starting by their questions and the situations which they were or are facing, to then analyze and reflect upon ways to identify, then guide and accompany minors or adults at risk or in situations of sexual exploitation. The purpose of these trainings is truly to reinforce the professional skills of these social workers by giving them advice, ways of reflecting, and methods regarding how they prevent and act in their daily work.

At the end of such training, the beneficiary must be able, in a general way, to position himself in the French abolitionist perspective in order to better understand prostitution and identify the stakes of the 2016 law. In a more specific way, the professional will know how to identify the risk or actuality of prostitution, understand the consequences of prostitution on

individuals and identify methods to aid people who are or were in circumstances of sexual exploitation.

Measure II of the National Action Plan on Human Trafficking for 2014-2016, “Develop trainings for professionals on the identification and protection of victims,” states that “both the initial and continued training of professionals is the key to identifying and aiding victims of human trafficking. In this framework, the pedagogical tools will be made in collaboration with administrations, organizations, associations and experts. They will primarily focus on the identification of victims, the rights to which they are entitled and the procedural actions necessary to their enforcement, the protective measures adapted to each victim category, and the role of other partners. The now harmonious trainings will enable all speakers to have a common body of knowledge. The identified pedagogical resources will be shared and made accessible via a dedicated website. Thus, involved will be: doctors, medical and paramedical personnel, social workers, judges, lawyers, teaching and educational staff, police personnel, staff of the French Office for Refugee Protection and Stateless Persons, labor inspectors, consular staff and prison service officers. The government will work on developing standard training sessions on the issue of trafficking, which will be implemented by the Ministry of Justice, the Ministry of the Interior, the Ministry of Health and Social Affairs, the Ministry of Labor, Employment and Social Dialogue, the Ministry of Foreign Affairs, the Ministry of National Education, Higher Education and Research, the Ministry of Women’s Rights, the City, Youth and Sport, and other specialized associations” (*Ministère des Droits des Femmes, de la Ville, de la Jeunesse et des Sports*, May 14, 2014).

Thus, the *Mission Interministérielle pour la Protection des Femmes contre les violences et la lutte contre la traite des êtres humains* (MIPROF), a national coordinating body for combating trafficking, has created, in collaboration with a number of associations, institutions and professionals, pedagogical tools aimed at raising awareness and training those who work with victims of trafficking. These materials, whether in the form of training booklets, reflex cards, clips or even short pedagogical films made by experts, highlighting the different forms of violence and their consequences for the victims, while advocating the professional practices to be adopted in order to better identify, handle and accompany these people. For example, the *MIPROF* published in November of 2017 a training booklet for educators on actions to be taken concerning minors who are victims of human trafficking (*MIPROF*, 2016).

Article 18 of the 2016 law provides for the insertion of article L.312-17-1-1 to the Code of Education, which states that “information on the realities of prostitution and the dangers of the commodification of the human body must be distributed in secondary schools, by homogenous age groups.” As a result, school staffs are increasingly trained in these topics in order to be able to provide information and awareness modules to a vulnerable audience, made up of minors. Indeed, it appears urgent today to act within the educational system in order to change perceptions of sexuality, of boys towards girls and of girls towards themselves. Additionally, working to deconstruct stereotypes is essential. In this regard, Family Planning, which fights against all forms of discrimination and social inequality, offers trainings to allow education

professionals to develop a grounded approach in order to identify situations of risk, aid victims and, generally speaking, raise awareness among minors of the problem of prostitution.

### **Trainings for judicial and police agencies**

As legislation and mindsets are nowadays changing, it appears necessary to train law enforcement and security officials on the issue of prostitution. As a result, the NGO *Mouvement du Nid* (MdN), that carries out awareness, prevention, mobilization and support for prostituted persons, has implemented training modules for judicial authorities and legal professionals. According to Lorraine Questiaux, a lawyer and legal policy officer at the NGO *MdN*, “Since judicial authorities are not trained in prostitution-related issues, the likelihood prostituted persons receive an adequate and just judicial response is conditional to the individual conscience of the authorities in charge of their case” (*Prostitution et Société (a)*, July-September 2016). Even today, victims of prostitution often face humiliation and stigmatization within the judicial framework as well as within other environments, as our contemporary society is still very patriarchal and moralistic. Judicial authorities and legal professionals, who are best able to protect these victims, must embody a real hope of justice for these victims of sexual exploitation that lack in adequate resources and are vulnerable. Thus, the NGO *MdN* implements training programs aimed at these professionals. Instructors for the association speak about the realities of the system of prostitution and the implicated violence, the necessary victim status that must be given to a prostituted person who appears before them, psychological consequences that result from sexual exploitation, the urgency to implement repressive measures, etc. According to the NGO *MdN*, it is now essential to reform the law and the way judges understand those appearing before them, specifically in cases of sexual exploitation (*Prostitution et Société (a)*, July-September 2016).

Moreover, in 2016, the NGO *MdN* set up trainings aimed at municipal police officers in Mulhouse, with the agreement of the local authorities (*Prostitution et Société (b)*, July-September 2016). Touching on many themes such as violence against women, societal stereotypes, and the legislative framework, the NGO *MdN* seeks to define common professional practices to ensure a better repression of procuring networks and a growing protection of victims through collaboration between professionals in the same domain.

A reflex card on the “identification and protection of minor victims of human trafficking” for non-specialized investigation services and judicial authorities was created by the *MIPROF*. It is part of the professional training obligation set out in Action II of the National Action Plan Against Human Trafficking for 2014-2016. *MIPROF* gives back to legal professionals their central role, shared by healthcare and social workers, in the identification of victims of sexual exploitation. Thus, through such modules, it advocates professional practices to be adopted in order to better identify victims and then take care of them and punish their exploiters.

Indeed, police departments are most often the first to be confronted with situations that they primarily tend to describe as delinquency, even when it undeniably reveals sexual exploitation. Such training allows them to identify more contextual elements before deeming whether a

situation should qualify as trafficking or not, in order to then grant victim status to the arrested prostituted persons. For example, this tool proposes a model of witness statement official recording, which will be integrated into the police proceedings drafting software.

Judicial authorities play an essential role in the prosecution and sentencing of procurers as well as in the assistance of victims. Therefore, this type of training teaches them how to better collaborate with investigation services as well as which institution or specialized jurisdictions they need to refer to, depending on the sort of situation at hand. Thus this type of pedagogical tool offers legal professionals the possibility to increase their knowledge of the phenomenon of sexual exploitation, and to understand in a more effective way the identification and protection of victims, as well as the punishment of procurers.

The European Union tackled this issue a couple of years ago. With the directive 2011/36/EU on the prevention and fight against human trafficking and the protection of its victims, it implemented a global judicial and political framework centered on the victims. Issued particularly for legal and security professionals, advocating for a better European cooperation, this legal act provides concrete provisions for the protection, assistance and support of victims, but also for the prevention and prosecution of sexual exploitation crimes.

Between 2012 and 2014, the European Commission passed guidelines for the “identification of victims of human trafficking” for consular services and border guards in order to give advice and suggest professional practices that allow for a better identification of situations of prostitution, and protection and assistance for its victims (*European Commission*, 2013).

### **E-learning: online trainings for private sector professionals**

Another professional sector is susceptible to becoming directly involved in the development of the prostitutional sector. Without being aware, employees in the hotel, transport and tourism industries can often play a vital role in prostitutional processes and the associated violence. An increasing number of NGOs are attempting to establish collaborative relationships with members of the private sector to fight against sex tourism, and to directly involve employees of these businesses, who come into contact daily with potential victims of prostitution, and their sex buyers.

The NGO *ECPAT International*, which coordinates research, advocacy and action in the fight against commercial sexual exploitation of children, has implemented e-learning for employees of the tourism industry. For example, the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (*thecode.org*) is a tool created by a multi-party initiative made up of NGOs, government institutions and local and international partners. Its mission is to raise awareness in the tourism industry on how to prevent and fight against sex tourism. It indeed appears urgent to train the employees in tourist establishments that are susceptible to housing sex buyers of sex tourism and the victims of this exploitative system, in order to make them conscious of the risks and able to prevent these crimes. In addition to the training available to these professionals to mitigate and prevent exploitative risks, this type of tool also means the company has to establish a zero-tolerance environment for the travelers it

hosts. If the business adheres to this movement, it will also benefit from being known as a responsible and proactive member of the fight against sexual exploitation, which is a major asset in its relationships with its sex buyers, partners and collaborators.

Over 300 private tourism companies have already adhered to this model. By doing so, businesses have then access to an online platform that serves as a guide throughout the process of implementing its plan of action, from creating a code of conduct for staff to drafting an annual report. In regard to preventing sex tourism within its establishments, the business has access to learning modules, which are available in multiple languages. Those learning modules offer an interactive training for employees by making them confront, with concrete examples that are applicable to each kind of establishments, a thorough reflection on the different ways of identifying any signs of sexual exploitation, in order to apprehend and manage suspected cases in the best way.

This project is headed by a board of directors, composed of 5 representatives of the tourism, travel and transport industries and 4 non-industrial members. It has been recognized by several United Nations institutions, and a number of governments have integrated it into a comprehensive policy. Multiple national ministries of tourism have promoted the Code as an initiative of responsible tourism in their countries.

In the same spirit, the Swedish NGO *Real Stars*, which raises awareness with the intention of reducing the demand of prostitution, implemented, in the framework of its general campaign, trainings for private sector professionals to warn them of occurrences of sex tourism (*For Fair Sex* campaign). Since 2013, the NGO *Real Stars* has been fighting, in partnership with several local businesses, to integrate corporate social responsibility and to incite each establishment to take a position on the issue of sex trafficking through their *Businesses Against Trafficking* program.

The NGO *Real Stars* primarily addresses businesses that are exposed to bigger risks of sex tourism, such as hotels, taxi companies, and tourism agencies. One of the primary objectives of this raising awareness work with private sector professionals is to promote inclusion, in the staff code of conduct, of the prohibition of the use of sexual exploitation during business travel. Indeed, Malin Roux, director and founder of the NGO *Real Stars*, observed that the codes of conduct of businesses, for the most part, limit the prohibition of sexual harassment to the workplace, without extending such a policy to external work situations such as staff business travels. Although this is something that is difficult to control, the NGO *Real Stars* considers it to be absolutely necessary that businesses take a position against sexual exploitation, by applying a zero-tolerance policy towards all forms of violence and sexual commerce that could involve their employees within the institution or on business travel.

In the framework of this raising awareness work, the NGO *Real Stars* has also implemented the “Hotels Against Trafficking” program, which is today supported by around 20 hotels (chains or independent establishments). The NGO demands that the member establishments set up strategies that promote the fight against sex trafficking, raise their employees’ awareness of and train them on the detection of any situation possibly resembling prostitution, and to immediately

report such a situation. For these purposes, the hotels receive information brochures and pamphlets to distribute to their employees and to distribute to rooms in order to inform their customers about sex tourism and indicate that their establishment does not tolerate these crimes.

### **Media education: from a trivialization of prostitution to a collective realization through raising public awareness**

Nowadays, sexuality has truly invaded television, cinema, and music. The media plays an important role in the raising awareness of public opinion on sexual exploitation and the prevention of violence. Today, one can see an increasing glamorization of the sex trade, of a normalization of prostitution and more generally of sexuality, sexist violence, and unequal relationships between men and women, which are relayed daily by television programs and movies. Thus, the normalization and expansion of prostitution, especially among young people, has been observed as a cause and consequence of gender-based violence. Such an approach drives more and more vulnerable people to enter into prostitution, as they perceive it as an easy way to gain money and freedom. The media is undeniably partially responsible for this legitimization of the system of prostitution, and for this normalized view of the phenomenon that has become the point of reference for the general public during public debates. How do we create a policy of penalizing the sex buyer and the procurer and getting victim protection and reintegration programs when the public thinks that victims are “free and prostituted by choice”? It is necessary for the media to understand that they can be major actors in real societal change through a collective awareness of the realities of prostitution among their audiences.

The NGO *Chicago Alliance Against Sexual Exploitation* (CAASE), which does prevention work and acts for a reform of public policies and judicial services against sexual exploitation, has implemented a project to question the media (CAASE, July 2008). The organization suggests spectators that witness hypersexual content, which can often lead to the normalization of the sex trade in the media, take the initiative to alert writing departments. For example, the *Conseil du statut de la femme du Quebec*, in its opinion piece, “Sex in the media: an obstacle to egalitarian encounters” of 2008, showed concern about sexual patterns in the media and their influence on society (Conseil du statut de la femme du Quebec, 2008). It pointed out that “the advertising and consumer industry, the sexualization of the proposed models, the dictatorship of fashion and the obsession with the thinness it arouses... strengthen the role of the woman-object.” Thus, the NGO CAASE proposes models for each example of typical negative representations that appear in the media, which the public can use to question the gravity of the message given. This may include the use of the sexualized female body in advertising as an object for sale, unequal relationships, and the degrading image of women appearing in reality TV shows, or even pornography. The sexualization of the media clearly results in a change in sexual behavior, especially among adolescents. The *Conseil du statut de la femme du Quebec* points out that “being exposed to sexual content by the media would also have an effect on adherence to sexual stereotyping. Whether through music, video clips, advertising or television, studies have shown that adolescent boys and girls who are repeatedly exposed to stereotypical representations of

sexuality are likely to appropriate stereotypes and integrate them into their own sexual lives” (*Conseil du statut de la femme du Québec*, 2008).

In addition, *La Concertation des Luttres contre l'Exploitation Sexuelle* (La Cles), which is carrying out an awareness work, launched a social media campaign called “#niclientnicomplice [neither sex buyer nor complicit] let’s reject the trivialization of sexual exploitation!” on October 5, 2014, the International Day of Non-Prostitution. This campaign, which was shared in France, Sweden, and even the Czech Republic, invited people to take a position and to affirm that they will neither be sex buyers, nor be complicit to the normalization of prostitution.

Since 2012, the Fondation Scelles has annually organized the “Foundation prize: young people against sexual exploitation.” Their objectives are both to show the worrying reality of prostitution today, through the fresh eyes of future professionals of various backgrounds, and to enhance their commitment by giving the young people a platform. By participating in competitions of pleadings, requisitions, reports, visuals, slams<sup>1</sup>, they put their reflection at the service of the fight against the system of prostitution. The theme of the 2018-2019 edition is “Stop the commodification of the human body.” In partnership, among others, with the *Ecole Supérieure de Journalisme de Lille* and the *Ecole Nationale Supérieure Louis-Lumière*, the *Fondation Scelles* thus enables students or young graduates of journalism to question the role of the media in the fight against sexual exploitation and to become aware of the importance of their role in the future.

In addition, *Media Smarts*, the Canada’s Centre for Digital and Media Literacy, works for media education. It develops training and information programs for schools and family homes so that young people can fully develop their critical sense of what they encounter on a daily basis on Internet, on television or in the cinema.

The abolition of the system of prostitution requires an approach of raising awareness and realization for a real disruption of our cultural attitudes towards not only the sex trade, but also towards the value of women. Therefore, it is absolutely necessary, at the individual and collective scale, to address public and private media who promote and normalize violence, abuse, and degradation of women and children.

In conclusion, whether sex buyers or workers in different professional industries, everyone plays an important role in the way towards the abolition of the system of prostitution. Their raising awareness appears to be crucial and urgent to train people in locating and assisting victims. Above all, it will make them aware of the realities of this phenomenon, which is causing more victims every year, in France and in the world.

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<sup>1</sup> Historically, oral urban poetry, declaimed in public spaces (street, bars, cafés, theatres or web), today, a forum where people on stage are fully free to say their poetry in the form they want (spoken, sung, rhythmic or not...), (Wikipedia).

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# Pornography: Still not a love story

## *Towards an understanding of pornography as a particularly violent form of prostitution*

*Pornography has become omnipresent thanks to the internet, and its codes have pervaded our daily lives through fashion, advertising, the media, etc. By staging violence without strict limits, pornography modifies the behaviour of men towards women and promotes what is commonly known as 'rape culture.' It is at this juncture that pornography and prostitution coincide: both are instruments of domination that exacerbate relationships of inequality and are complicit in legitimizing violence. Pornography is a specific form of prostitution where sexual acts, performed in exchange for money, are captured on film; that is, filmed prostitution.*

Pornography's reach is global. It's there, taking up space, money, time – and yet nobody talks about it. It overwhelms our advertisements, our television screens, our clothes, and all that we consume – and yet we pretend not to see it.

We can trace the roots of the mainstream porn industry back to the 1953 publication of the first issue of *Playboy* magazine (Poulin, 2000). In 2006, the company's sales revenue had reached 97.06 billion US dollars (USD), of which USD 13.33 billion were generated in the US alone. To give a little perspective, the first figure is equivalent to the combined sales revenue of the Big Five tech companies (Google, Apple, Facebook, Amazon, Microsoft), and the second is considerably larger than the USD 9 billion recorded by Hollywood's film industry (Poulin, 2009). Pornography is not self-contained, a point exemplified by the greater likelihood these days of finding the Playboy bunny on pencil cases and clothes for little girls rather than on websites 'for adults.' In fact, products derived from the Playboy brand reportedly generate USD 350 million every year (Poulin, 2009); pornography, as such, is only one branch on the sex industry tree (Waltman, 2014). What this particular branch truly entails is the financial remuneration of a person or persons in exchange for sexual acts. It is, fundamentally, a form of prostitution. As a result of modifications in taste and preference manufactured amongst users, the industry's real growth engine, pornography has contrived considerable growth. Just as with cigarettes, harmful not only to smokers but also those around them, women who are not consumers of pornography are subjected to its logic of violence and hatred towards women (MacKinnon, 2017). Attempts to alter content are incapable of subverting this logic; they are drowned by it.

For several reasons, this text makes a conscious decision not to consider those women who themselves use pornography. Not only do they remain a considerable minority, but amongst them a significant number do so in the company of a male partner (Waltman, 2014). Lastly, just

as with traditional prostitution, pornography is made by men, for men, and using women. Heterosexual pornography is the industry's original form; it is preponderant and essential for an understanding of male–female dynamics. While child pornography is commonplace on the internet, it is already illegal; pornography between ‘adults’ (even if sometimes they are posing as teenagers or little children) is a form of abuse, just as it seems obvious that underage pornography is a form of violence.

### **Pornography or Filmed Prostitution**

Pornography is inextricably linked to prostitution, if only through its etymology. The word ‘pornography’ is a combination of the ancient Greek words *gráphos* (drawing, depiction) and *pórnē* (prostituted person). In ancient Greece, the *pórnē* was a sexual slave trapped in brothels and suffered particularly degrading treatment. These women were the lowest social class in ancient Greek society, inferior to married women (who generally benefited from few rights) and so-called ‘independent’ prostituted persons (freed slaves, migrants, poor widows etc). They were also inferior to male sex slaves, who were not exploited beyond childhood and adolescence (because Greeks preferred adolescents) and who could accordingly visit brothels of these *pórnē* women, who were perceived as sexual objects. As Andrea Dworkin would say, pornography is “the graphic depiction of vile whores” (Dworkin, 1981). In any case, it cannot be dismissed as mere representation; the act is real contrary to scenes in films which are acted. Does one pretend to have sexual intercourse in a pornographic ‘film’? Does one simulate urinating on another person? And what about choking someone? The overwhelming number of close-up shots show that the answer is “no.”

In pornography, women and men perform sexual acts in exchange for money. Both producers and/or consumers demand those involved to engage in sexual activity while being filmed, sexual activity that would not have taken place in the absence of material compensation (*Women's Studies International Forum*, January-February 2015). How do we define prostitution? “Engaging in sexual activity for payment” (*Dictionary of the French Academy*). Where it happens, how it happens, whether there are cameras present or not – these alter neither the definition of prostitution nor the reality of the act. “To distinguish pornography from prostitution... is to deny the obvious: when you make pornography of a woman, you make a prostituted person of her” (*Michigan Journal of International Law*, 2005). The only true difference with traditional prostitution is a question of proximity: the sex buyer no longer experiences the sex acts directly, but remotely.

The fluidity of the boundary between filmed and unfilmed prostitution should alert. First of all, women used in unfilmed, traditional prostitution might also be used in filmed prostitution. In a study by Melissa Farley of 854 prostituted women in nine countries, 49% of those surveyed had been used in pornography (*Journal of Trauma Practice*, 2004). Another study carried out with 200 prostituted persons in San Francisco found 10% as having been used in pornography before the age of thirteen, and 38% before sixteen (*Sex Roles*, 1984).

## **An Increasingly Blurred Line Between Pornography and Prostitution**

Procurers and producers of pornography regularly cross the line that separates traditional prostitution and filmed prostitution, and the 1981 documentary *Not a Love Story* demonstrates this. In one scene, a crowd of men watches an act of prostitution in a theatre. Those engaged in the act are paid, and the club's proprietor pockets the spectators' money, just as a procurer who pays to prostitute someone would. Here, the transaction inherent to prostitution is simply displaced, and this remains true whether it's in front of a stage or behind a screen; the consumer is thus an indirect stakeholder. Catharine MacKinnon notes this circular relationship between pornography and traditional prostitution: the first circulates the idea of a dominant masculine sexuality, and the second allows it to be put into practice (*Michigan Journal of International Law*, 2005).

All it takes is one click to leap from virtual reality to the real world. Porn sites, for example, display geo-localised adverts offering prostituted women in the area (*Poulin*, 2009). "It'll often happen that one minute I'm watching some porn and the next I'm in my car looking for the real thing" explained one sex buyer (*Malarek*, 2009). For men who use pornography, there is a very real incentive to go out in search of prostitution. These men may be led to reproduce the acts they have seen on the people whose sexual acts they buy.

Pornography would not exist if prostitution did not. The very term could not have been created. Filmed prostitution and traditional prostitution form a vicious circle whereby the one cannot survive without the other. Without prostitution, there would be no pornography, and as long as there is pornography, there will be prostitution. On the internet, it is an advertisement; on the street, a motivation; and in a brothel, a reference guide.

### **Pornographic Violence...**

Filmed prostitution presents specific and additional acts of violence with considerable impact, well beyond that of traditional prostitution. "Consuming pornography is like drinking salt water...; the more you drink, the thirstier you become" (*Michigan Journal of International Law*, 2005). What could once satiate one's desires ends up tame and bland in the same way that watching the same things over and over gets boring. The only solution for the consumer is to increase the frequency or intensity of use.

One study on the effects of using pornography was conducted on 160 people divided into two groups. Group A was exposed to non-violent pornography for one hour a week for a period of six weeks; Group B to non-pornographic material in the same manner and over the same period of time. Two weeks after the end of this first period, Group A willingly watched increasingly violent pornographic films, while Group B would stop playback of these films after approximately two minutes. Following this, employees in pornography stores were interviewed by the researchers; they confirmed a noticeable change in preference amongst their regular customers from 'common' pornography to less common or 'atypical' material (*Waltman*, 2014). Over time, use of pornography considered to be non-violent ends up modifying the sexual preferences of users and directing them towards increasingly violent and degrading content.

Scenes of violence in pornography are hardly uncommon. In 2010, a sample of 55 best-selling films on *Adult Video News* was studied over the course of 7 months. After an analysis of 304 pornographic scenes, the results were unequivocal: 89.8% of scenes contained acts of violence. Almost half of the scenes (48.7%) presented verbal aggression, the vast majority of which were insults ('slut' and 'whore') and the rest consisting of threats. Verbal violence is the beginning of quasi-ubiquitous physical violence.

Testimonies confirm the reality portrayed on screen. Many women have told of the abuse they suffered under Khan Tusion, who made a fortune with the series *Rough Sex*. Regan Starr said the following: "I was told before the video – and they said this very proudly, mind you – that at this level most of the girls start crying because they're hurting so bad... I couldn't breathe. I was being hit and choked. I was really upset, and they didn't stop. [...] You can hear me say, 'Turn the fucking camera off,' and they kept going." Nicki Hunter spoke similarly: "They want you to have an emotional breakdown right there. They want to see it all and then they want to fuck you while you're crying. They will literally beat you up in the process. (*Women's Studies International Forum*, January-February 2015). Faced with the filming and widespread distribution of such violence, it is hardly shocking to discover that prostituted women in pornography have systematically higher level of post-traumatic stress than those in unfilmed prostitution (*Journal of Trauma Practice*, 2004). This trauma is the result of repeated acts of violence and humiliation. Indeed, pornography, in contrast with traditional prostitution, is used by hundreds of thousands of men; as Melissa Farley puts it, "Pornography is infinite prostitution" (*Farley*, 2011).

### **A Significant Effect of Pornography: the Modification of Sexual Relations**

Pornography, by staging degrading treatment specifically reserved for women, disseminates a perception of female inferiority that has serious repercussions for behaviour towards women in general. The average age for a person's first contact with pornography is, in the US, 11 (*Dines*, 2014), and in France, 14, an age that has not stopped decreasing over the years (*IFOP*, 15 March 2017). Pornography has harmful effects on male consumers and indirectly on their partners (*MacKinnon*, 2017), who become test subjects for the enactment of recently viewed pornographic scenes. In Australia, doctors have witnessed an increase in injuries to young girls because of their partner's attempts to simulate acts seen in filmed prostitution (*News.com.au*, 2 June 2015), and one in four young Australian men consider it normal to force women into sexual acts (*ABC*, 29 May 2015). Social services have noted resurgence in rapes within partner relationships, in torture, drug administration, and filming and video sharing without prior consent (*ABC*, 29 May 2015). One 23-year-old woman explains: "He said, jokingly, that he'd ejaculate on my face while I was asleep. He wasn't joking - I woke up with him wanking over me ... I was bullied into trying anal. It hurt so much I begged him to stop. [...] Constant requests to let him film it ... Every single straight girl I know has had similar experiences. [...] Some have experienced far worse" (*ABC*, 29 May 2015). According to a study requested by the European Commission, one third of adolescents in England admitted to watching pornography and held

negative attitudes towards women. 20% strongly agreed with statements such as “It is sometimes acceptable for a man to hit a woman if she has been unfaithful” or “Women lead men on sexually and then complain about the attention they get.” More than 40% of English teenage girls between the ages of 13 and 17 have experienced sexual coercion, 1 in every 5 has suffered physical violence from their boyfriend, and almost half of all girls in England speak of emotional abuse (*The Independent*, 11 February 2015).

Mary Anne Layden discusses several studies and experiments that confirm pornography’s capacity to normalize these myths. In 2000, men, having watched mildly violent pornography, were then exposed to films portraying rape. Their response was to signal the apparent pleasure evident in the victim and indicate that she “got what she deserved.” Another experiment demonstrates that those who have watched filmed prostitution would advocate for the prison sentence for a rapist to be half the length of that recommended by those who were not exposed to pornography. Finally, according to another study, frequent users had a greater tendency to accept rape culture and violence towards women, and to refuse gender equality (*Layden*, 2010). This is a culture that permeates every stratum of our society.

### **Pornography and Rape Culture**

There is but a small step separating thought and act. Though all consumers are not rapists, rapists all love pornography. As a general rule, children who bully other children have often themselves suffered abuse. With easy access to pornography, any child can witness sexual violence. A study carried out in the US shows that juvenile sex offenders are more likely to have been exposed to sexual violence (42%) than non-sex offenders (29%) (*Layden*, 2010). Notorious sexual predators and murderers, such as Ted Bundy and Riccardo Viti, have attested to their addiction to pornography. It is not a question of there being a potential rapist and/or murderer in every porn consumer, but rather one of showing how such a quick, easy, and unlimited access to pornography facilitates and even legitimizes it.

### **Pornography is Prostitution**

Whether a particular film shows sexual relations in a respectful way, a degrading way, or even a violent way, does not change in the slightest the fundamentally prostitution-based nature of pornography, just as a trick is a trick, whether on a street corner or in a fancy hotel. What implications might there then be for so-called “feminist pornography”? Well, to begin with, the term itself is an oxymoron: one cannot defend the cause of women while exploiting them. Prostitution is intrinsically violent. More than two thirds of prostituted women suffer post-traumatic stress disorders at levels equivalent to that of war veterans or torture victims (*Journal of Trauma Practice*, 2004). Dr. Muriel Salmona tackles this very point by making clear that situations of prostitution are multi-traumatic when the violence is repeated and prolonged, this constituting a serious violation of not only psychological and physical integrity but also of fundamental human rights. What’s more, she links this to pornography, which “stages an ‘eroticization’ of hate, violence and humiliation” (*Salmona*, 6 December 2014).

Sexual abuse is ever-present for the duration of the life of any person in prostitution. Studies agreed in finding that 60-90% of prostituted women had been victims of sexual abuse in their childhood or adolescence (*Poulin, 2005*). These acts of violence are perpetuated throughout all activities within prostitution. Finally, financial difficulties trap those women in the sex industry, pornography, and traditional prostitution (*Waltman, 2014*). Unfortunately, what we still do not see to this day are real and effective public policies implemented to tackle this global issue (*Jeffreys, 2010; Ekberg, 2004; Raymond, 2013*).

### **The Logic of Pornography: an Instrument of Domination**

Pornography and sexual freedom are strictly incompatible given that the former undermines the latter by refusing the institution of gender equality, which Kathleen Barry notably identified as essential (*Barry, 1984*). For, as long as gender inequality is sustained, female–male relations will continue to resemble those of possession rather than mutual and equal exchange.

This power dynamic is particularly noticeable in the types of discrimination that pornography highlights and imposes. The link between male violence towards women and the obsession with women in pornography might appear vague at first glance, but by specifying the characteristics of women studied and focusing on other groups of discriminated persons the link begins to emerge more clearly. One might first of all narrow the field of study by concentrating on the racism that certain women are subjected to. Racism can be understood as an ideology that establishes a hierarchy based upon notions of race amongst human beings and further disseminates hatred towards those who happen to be situated near the bottom of said hierarchy. For Robert Jensen, “pornography is the only media genre where flagrant racism is routine and acceptable” (*Jensen, 2011*). The supposed racial hierarchy is a source of sexual excitement. For consumers in the United States, recommended videos include men abusing undocumented Latin-American women (*Dines, 2014*). There are sites that specifically vaunt the abuse of African migrants: “[...]Life is hard for a black girl, but we don’t care. They’re here to please us how we want[...].” In France, it is notable that the fourth most searched term on PornHub is “beurette,” a derogatory term for a young Arab woman or woman of Arab descent (*PornHub Insights, 12 May 2016*). Inputting the term into a search engine yields numerous links to pornographic sites, amongst others. Another highly searched term is “Ebony.” It is important to note the violence of language that characterises this type of content. Pornography only worsens already present, often violent, relationships of inequality.

In conclusion, laws exist to preserve human dignity, to incriminate torture and protect reputation, to uphold real equality and censure the incitation of hatred, to penalize prostitution and fight against sex crimes... yet pornography appears all too often to slip through the cracks.

Pornography, or filmed prostitution, is driven by male demand and constitutes a serious violation of women’s rights, whether they are in prostitution or not. Abolitionist legislations have developed in response to the extensive evidence of intrinsic violence in prostitution which affects women and young girls. To talk of such problems without addressing pornography would be the intellectual equivalent of locking the front door but leaving the key under the mat. The women

exploited in pornography are neither mere representations nor fantasy – they are real and must not be left aside.

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# Minors and young adults: actors of the system of prostitution

## *Young prostituted persons, young procurers and young sex buyers*

*Minors and young adults are the first victims of prostitution. This phenomenon, long denied, has recently begun to emerge in the news. Stimulated by instability, technological progress, the influence of pornography and the “glamorization” of prostitution, forms of exploitation are numerous: sex tourism, student prostitution, sugar babies, michetonnage, rootless young migrants... However, young people are not only victims of this exploitation, they are also participating as procurers and sex buyers. Faced with this phenomenon, it is urgent to construct a real policy of education on gender equality and respect of human dignity.*

From Canadian *sugar babies* to the street children of Manila and Parisian “michettones,” prostitution of minors and young adults takes on a number of varied forms: local or foreign young people, sexually exploited outside or within networks... This heterogeneity, which is characteristic of prostitution in general, makes this worldwide phenomenon difficult to understand. It is also difficult to gather figures on adolescent prostitution because of the relatively occult nature of this activity. This explains why the Office Central pour la Répression des Etres Humains (OCRTEH) reported 29 prostituted children in France in 2017, while other associations such as ECPAT International estimate their number to be between 6,000 to 10,000 (ACPE, December 2016). Certain causes of this opacity are common among all forms of sex trade, such as the growing use of the Internet or the development of indoor prostitution establishments like massage parlors. Other causes are specific to the prostitution of minors, for instance young foreigners’ mobility as well as their lack of papers. Furthermore, within France, public authorities pay more attention to the prostitution of foreign minors in the public sphere than to the prostitution of “local” minors, the latter being more discreet and more difficult to admit (*Les Cahiers Dynamiques*, December 2011). It was not until the arrival of young prostituted persons from Eastern Europe on the Parisian sidewalks in the early 2000s that the subject of child prostitution was discussed. However, entry into prostitution often occurs in adolescence: 10% of prostituted persons surveyed started this activity while they were minors and 39% were between 18 and 24 years old (FNARS, INVS, 2013).

Given the particular vulnerability of children and adolescents to prostitution, minors are subject to special legal protection, both at international and national levels. Article 1 of the United Nations Convention on the Rights of the Child (UNCRC), known as the New York

Convention of November 20<sup>th</sup>, 1989 stipulates that a “child” is understood as any person under the age of 18, unless the national law grants majority earlier. At this stage, however, it should be noted that this chapter is not limited to minors in the legal sense, but extends to observing and analyzing the behaviors of young adults (under 25 years old) in order to identify the role of “young people” in the system of prostitution. Generally, the international protection of children against sexual exploitation is ensured by international texts prohibiting infringement on human dignity, slavery or trafficking in human beings, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) of November 4<sup>th</sup>, 1950, the Universal Declaration of Human Rights (UDHR) of November 10<sup>th</sup>, 1948 or the Palermo Protocol of November 15, 2000. Specifically, minors are protected by Article 34 of the UNCRC, accompanied by an Optional Protocol on the prostitution of children of the May 25<sup>th</sup>, 2000 and Directive 2011/92/EU of the December 13<sup>th</sup>, 2011 on combating the sexual abuse and sexual exploitation of children. French law prohibits the purchase of any form of prostitution but penalties are more severe when the victim is a minor, being up to 7 years imprisonment and EUR 100,000 (USD 113,185) fine (Law of the June 17<sup>th</sup>, 1998, Law of the March 4<sup>th</sup>, 2002, Law of the April 14<sup>th</sup>, 2016 and Law of the April 13<sup>th</sup>, 2016 / Articles 225-12-1 et seq. of the Penal Code). The same applies to procuring, with its participants incurring up to 15 years in prison and a EUR 3 million (USD 3.4 million) fine when their victim is a minor (Articles 225-7 et seq. of the Penal Code). To fight against child sex tourism, French criminal law’s jurisdiction is extended by derogation when the purchase of a sexual act from a minor takes place abroad. Thus, the condition of double incrimination and prior filing of a complaint is not required, unlike other cases of offences committed outside French territory (Article 227-27-1 of the Penal Code).

While minors and very young adults are present among prostituted persons, they are also present among procurers and sex buyers, making them involved in the three strands of the system of prostitution.

## **Young prostituted persons**

### ***The prostitution of young French people***

In addition to the exploitation of minors in trafficking networks, French minors engage in various forms of prostitution outside these networks.

#### *“Michetonnage”*

The familiar term “michetonnage” refers to a practice of female teenagers, often from impoverished suburbs, which consists in tricking a slightly older man by making him believe in a romantic relationship in order to obtain gifts or invitations. In slang, the term “micheton” traditionally referred to a “simpleton”: today, “michetonneuses” speak of “suckers.” While some succeed in getting what they want simply by dangling a potential future sexual relation in front of these “suckers” without giving it to them or by simply kissing them, they usually end up giving sexual favors. These young girls often have poor self-images, as they are residents of suburbs held in contempt by the public opinion, and also because of the difficult status that women in these suburbs have. They indicate that they feel caught in a vice between, on the one

hand, pressure to resemble the sexualized canons of femininity of western societies (commercials, videoclips, cinema, reality TV) and, on the other hand, traditional values such as the “purity” to which their conservative families, often immigrants, are attached. In fear of the often-permanent reputation of a “prostitute,” which circulates quickly throughout the “projects,” these girls engage in “michetonnage” outside of their neighborhoods, especially in Parisian shisha bars. The difficulty in handling their cases lies in their denial of the prostitutional character of their activity: they refuse to call themselves “prostituted persons”, believing they are taking advantage of the man when, in reality, it is he who takes advantage of their vulnerability by finally getting from them sexual intercourse that the women say they are subjected to. Their willingness to remain discreet is not without consequence. Indeed, they do not generally use methods of contraception for fear that their close relatives would discover it and deduce that they have a sexual life, which potentially leads them to getting abortions. Moreover, they do not systematically protect themselves, not daring to use a condom since they are not supposed to be prostituted persons, which exposes them to STIs. Finally, their initial discontent, worsened by their situation, frequently results in self-harm or drug addiction (*Gil*, 2012). Another form of “michetonnage” exists among young men as well. Its origins are different, as those men often rejected their surroundings intolerant of their homosexuality, thus becoming early in life estranged from their families and society: this corresponds particularly with young homosexual men arriving alone in Paris without any connections. Some researchers talk about a form of “identity” prostitution that is not only a matter of finding ways to survive, but also of building a gender identity. This form of prostitution flourishes in places where homosexual encounters are conducive to discretion, such as saunas, gay clubs or backrooms (*Les Cahiers Dynamiques*, December 2011).

#### *Student prostitution*

Another aspect of prostitution among young people has been subject to much more media coverage: “student prostitution.” Once again, no official data is available, however two studies carried out by the Universities of Essonne and Montpellier brought forth similar results. The University of Essonne concluded that 2.7% of university students had given a sexual act in exchange for compensation. While the compensation is most often financial, it can also be a “prostitution-trade,” for example in exchange for housing. 5.4% of university students have been offered to prostitute themselves, and 7.9% are considering doing so (*Conseil Général de l’Essonne*, 2013). According to the Paul Valéry-Montpellier III University, 4% of university students have been prostituted, and 3.3% have purchased a sexual act. Furthermore, 15.9% of university students have considered prostituting themselves and 10.5% have considered becoming sex buyers (*Amicale du Nid 34*, 2012). According to the UNEF, the students’ majority labor union, the major cause of student prostitution resides in instability, and its facilitation through the Internet. Also, among students in Essonne who have already prostituted themselves, 91% have claimed to have had financial difficulties, either regularly or not. This instability is, in a number of cases, caused by familial rupture that causes the isolation of these young people, which is thus worsened by the secret nature of their double life. Victims explain that after having

begun to earn money quickly (but not easily), it becomes difficult to exit from this vicious cycle. The label “student” also acts as a guarantee of quality of service for the sex buyers. Websites like *Seekingarrangements* in Canada have understood this well, proposing to match “sugar daddies,” old and wealthy men, with “sugar babies,” young and beautiful students. This practice was brought to Europe, for example in Belgium and France through the website *RichMeetBeautiful* which promoted at the beginning of 2017 in the student district of Paris. This form of prostitution prospers due to an idealized misrepresentation of student prostitution, which is advertised as being less “degrading” than street prostitution.

#### *“Pre-prostitution” behaviors*

Aside from explicit prostitution, some derived behaviors, deemed “pre-prostitutional,” have developed, attracting their fair share of threats to minors. This is the case, first of all, with sexting, which consists of sending sexually explicit photos via a smartphone, which can later result in threats to release these compromising photos on the internet (revenge porn). This is also the case of dedipix, where a photograph of a person’s autograph, signed on a part of their body, is exchanged for positive comments on the blog of the person sending the photograph. The goal is for it to gain popularity, the number of likes being proportional to the audacious character of the image. Finally, social networks are the primary place to exercise grooming, which consists of sexual solicitation of a minor online by an older person, who pretends to be the same age as their victim (*Fondation Scelles*, 2016).

In addition to the obvious weight of instability among the causes of underage prostitution, there are several other factors.

#### *Influence of pornography*

The large influence of pornography in the construction of the gender and sexual identities of adolescents, in their representation of gender relations, as well as sexuality, is a key to understanding the presence of minors among prostituted persons, sex buyers and procurers. In 2017, French people aged 15 to 17 claimed to have seen pornography on the internet for the first time at the age of 14.4 on average, however 15% claimed to have seen it before the age of 13. Almost half considered that their first interaction with pornography, often accidental, happened too early. This age has been declining since 2013, when it was 15.1 years old (*OPEN, IFOP*, March 15, 2017). In parallel, the proportion of adolescents who have visited an X-rated website has risen since 2013, rising from 37% to 51%. This proportion remains more significant among young boys than among young girls; 63% versus 37%. These numbers confirm the findings of a study carried out between 2011-2012 by the NGO *Amicale du Nid* (ADN), according to whom 70% of boys between the ages of 14-25 years old regularly watch pornography, compared to only 30% of young girls (*Prostitution et Société*, January-March 2013). While portable computers are often used for viewing pornography for the first time, it is now smartphones that are used for the regular consumption of pornography. In any case, the first place of pornography consumption among young people is now the Internet, the use of pornographic films on television such as DVD or catalogues being in sharp decline. Furthermore, the vast majority of

young people (over 80%) watch pornography on websites that are free, with very few (around 5%) watching this material on paid sites (*OPEN, IFOP*, March 15, 2017). However, the massive growth of these published sites, known as "tubes", with so-called amateur videos, precludes the regulation of their content, which was previously ensured by X-rated film production companies. To resist this competition, a number of these production companies have abandoned "dad porn" to offer increasingly "trash" content such as "gonzoporn" (simulations of physical aggression or even rape, multiple partners, etc.). Indeed, the majority of the today's pornography rests on the 3 following pillars: staging a desired submission of the woman, dissociation of the physical and emotional aspects of sexuality and representation based on violence necessary for pleasure. However, exposure to these images at an increasingly young age, when not accompanied by prevention and decryption, is likely to influence the sexual imagination without the ability to distance oneself from the content of these images. Thus, 40% of people aged 18-24 do not consider pornography to be a degraded representation of reality (*Prostitution et Société*, January-March 2013). There is a risk that this sexual imaginary domain builds itself by reproducing traditional patterns of male domination, this reproduction having for foundation a persistent "double asymmetry" in the collective imagination, where there is always opposition of the "quasi physiological" male desire and needs with the "feminine availability and feminine affective aspirations" (*Bajos, Bozon*, 2008). Prostitution confirms these norms by submitting to them: the prostituted woman is, like the women in pornographic films, constantly available and subject to the sex buyer's will in terms of practices. Almost half of young people, already having had their first sexual encounters, believe that pornography participated in their understanding and learning of sexuality, but, paradoxically, three-quarters of them felt as if it had no influence on their sexuality. This contradiction may indicate that the pornography codes have been integrated by millennials to the point that they no longer perceive their influence (*OPEN, IFOP*, March 15, 2017). This impregnation of "pornography culture" is responsible, according to gynecologists evoking a "school of non-consent", of certain pre-prostitutional conduct that can be observed, as early as middle school, by actors of the worlds of health and education, such as the practice of fellatio in exchange for a mobile phone, which is not always perceived as prostitution by its protagonists (*Le Monde*, January 26, 2018).

#### *"Glamourization" of prostitution*

This relativization of the impact of paid sexual acts is also underpinned by an extension of the liberal logic to the human body, and is encouraged by some "glamorization" through certain media representations of this phenomenon, such as Zahia Dehar, who was prostituted at the age of 16 years old, and whose sex buyers professional soccer athletes. Since then, she reinvented herself in the fashion industry (*Fondation Scelles*, 2016). She became an icon of the stylist Karl Lagerfeld, and has been used as a symbol of success for a number of young girls, notably those coming from disadvantaged communities and hoping to be able to access a superior social class, notoriety and luxury. Thus, in 2014, 52.3% of young people considered that accepting a sexual act in exchange for a present or money could be a way to leave their economic insecurity behind (*Amicale du Nid 34*, 2012).

### *Misunderstanding of the risks of prostitution*

The misunderstanding of the limits of the prostitutional sphere can be explained notably by the vague semantics that surround it, with the proliferation of euphemisms like “escort” that blur the reality. A study conducted by the NGO *ADN* in 2012 found that while people aged 14-25 overwhelmingly believe that money (95%), hopelessness (60%) and/or bad encounters (65%) are the main causes of prostitution, 21% still identify the quest for sexual pleasure by the prostituted person as a driving force. Additionally, only 26% of them perceive the internet to be a source of risk for prostituted persons (*Prostitution et Société*, January-March 2013). The subsistence of these points of ignorance among young generations is notably due to the low place that prostitution occupies in the sexual education provided by families and by the National Education. Parents don’t always dare to bring up the subject, or they discuss it more with their daughters than with their sons, and health curriculums in middle schools focus more on the health aspect of sexuality (protection against STIs, contraception), not only because it is considered a priority, but also because there is no social consensus on the issue of prostitution. In any event, entry into prostitution often follows a gradual and insidious process that is divided into several phases (pre-prostitutional, occasional, systematic) that “traps” the prostituted person without him fully knowing it.

### *Prostitution of young migrants*

#### *On French and European ground: unaccompanied minors*

The large migratory wave that Europe has seen over the past few years (Arab Spring, Syrian conflict, authoritarian regime in Eritrea) has brought forth many isolated and uprooted children who are incredibly vulnerable to the risks of trafficking. According to Europol, around 10,000 migrant children have disappeared in Europe over the course of the past few years. Indeed, 48% of victims of human trafficking in Europe are children. According to *UNICEF*, 2 million children are victims of sexual exploitation around the world, of whom 1.2 million are exploited by human trafficking. A study carried out by *UNICEF* in 2016 in the Calais Jungle updated the gravity and multiplicity of the threats to which unaccompanied minors, who are not given services by the Social Assistance to Children, are exposed. They are submitted notably to sexual violence, including prostitution, which takes different forms depending on the community. For example, young Afghan boys are subjected to a type of prostitution inspired by the practice of “Batcha bazi,” literally “game of the boy” in Persian<sup>1</sup>. Regarding young Eritrean or Iraqi Kurdish girls, some may be prostituted in bars in the Calais Jungle and may frequently go back and forth to

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<sup>1</sup> In Afghanistan, during family gatherings, men and women are not supposed to meet. Pre-pubescent boys (*batcha*) thus play the role traditionally assigned to women, especially prostituted persons, who are not accepted. They perform household chores, but also dress up as girls and put on makeup to dance before a group of men in exchange for money, and then are used as sex slaves. This is done to boys with little sexuality and therefore very young because homosexuality is contrary to the Sharia laws. With the exception of a short period of prohibition during the Taliban regime (1996-2001), this centuries-old custom prospers, particularly in the southern Pashtun and northern Tajik regions, despite reports from NGOs and repressive messages by authorities. The possession of a *batcha*, which is a sign of authority and influence, is common in the high societies of military and political officials.

Paris, under the pretext of being able to rest there when in reality, NGOs find them on the streets of Paris, oftentimes under the control of Albanian trafficking networks. Vietnamese networks appear to be very organized, young girls being often sent to nail salons where they are sometimes prostituted. Prostitution, for these young women, minors or girls of barely-legal age, provides them with a way to finance their passage to the United Kingdom, which can cost between EUR 5,000 and EUR 7,000 (USD 5,659 and USD 7,923). During this long and difficult journey, these women often have to have sexual relations with the people smuggler, especially in Libya, in order to be able to get across the border faster. One can thus distinguish two forms of prostitution among migrants, notably minors who pass for young adults when confronted with administrative authorities in this context: “unchosen or resigned” prostitution in order to reach their destination and clearly “coerced” prostitution in the context of trafficking networks. Some young migrants may now be sent to Spain, from where they can fly to the UK for about EUR 9,000 (USD 10,187), which they earn by being prostituted in Spanish brothels (*UNICEF France*, 2016).

### ***Abroad: child sex tourism***

In addition to “traditional” destinations for child sex tourism such as Thailand, Morocco or Mexico, other countries are becoming countries of predilection, such as Madagascar (*ECPAT France*, December 2013). Paid sexual relations with minors abroad are often filmed and feed into child pornography, which confirms the intimate connection between these two phenomena. Child sex tourism is not limited to pedophiles – who are sexually attracted to pre-pubescent children – but also attracts “occasional sex tourists,” who are motivated by a desire to experiment and profit from the anonymity of being abroad. This is why the profiles of child sex tourists vary: they can be nationals coming from other regions of the country or people from abroad, groups of people of all ages or solo travelers, for whom the purchase of sexual acts was the objective of the trip or just an “added pleasure”... On the other hand, minors, victims of sex tourism, are generally from disadvantaged areas in developing countries. Street children or members of ethnic minorities, orphans or even those who work in the tourism industry are particularly exposed (*ECPAT France*, December 2013). Prostitution of these children has grave consequences:

- First of all, medical consequences, as they more often contract STIs or HIV/AIDS, which reduces their life expectancy;
- Then, physical consequences, as they live in deplorable hygienic conditions;
- Psychological consequences, with psychological aftereffects of post-traumatic stress disorder;
- Societal consequences, as they are marginalized and cannot be integrated in hopes of getting out of the system of prostitution (*Javate de Dios*, 2005).

This type of tourism is encouraged by the anonymity which guarantees impunity, but also by a certain number of perceptions about child sex tourism. The result of an *IFOP* survey (made by the French Institute of Public Opinion) conducted in 2010 in partnership with the NGO *ECPAT International* is that, while almost all (99%) of the French interviewed consider it unacceptable to have paid sexual relations with a minor, some arguments that take responsibility away from sex buyers are still very present concerning foreign minors. First, cultural relativism: almost 1 person out of every 5 (18%) believes that the prostitution of minors cannot be perceived

everywhere in the same way, as the cultural context must be taken into account. Almost 1 person out of 2 (43%) think that the prostitution of minors in poor countries is sometimes, or always, a personal choice, while only one in ten (10%) thinks so for French prostituted children. The humanitarian economic argument is nevertheless the most effective: almost 1 person out of 2 (44%) believes that, without sex tourism in poor countries, minors would not have the means to provide for their needs, as well as the needs of their families (*Prostitution et Société*, October-December 2010).

## **Young procurers**

### ***Loverboys***

The term *loverboy*, which appeared in 1995 in the Netherlands, describes a procurer under the age of 25 who targets fragile adolescents who confide in him on social networks. He seduces them, pretends to love them and even helps them to discover their sexuality for the first time. After offering them presents, allowing them to access the lifestyle of their dreams, but also progressively isolating them from their loved ones, the young man asks them to prostitute themselves among their so-called friends, in reality sex buyers, under the pretext of helping him repay his debts, telling victims that they are indebted for “all that he’s done for them.” The existence of an emotional relationship close to an emotional grip complicates the exit from this situation for these girls, whose poor self-images is taken advantage of by the loverboy, even if they can also be kept under control by violence or drug addiction (*Fondation Scelles*, 2016). Loverboys act alone or within networks. This was for example the case with the Wolfpack gang in Canada, dismantled in 2003, half of whose victims were under the age of 14. This trend is developing also in the Balkans, where the loverboys profit from the pull factor generated by regulatory countries like Germany to send “their girls” west. The victims come from all backgrounds, and the loverboy presents himself often as a young man practically perfect in every way, who doesn’t prevent the adolescent from going to school, quite the reverse. Thus, parents remain generally unaware of the process that is being undergone. Young girls from minorities are particularly vulnerable, like the Inuk in Canada, especially Vancouver, as native people are broadly speaking a more vulnerable population (*Fondation Scelles*, 2016). Currently, the response to this threat is primarily through prevention, through awareness campaigns for adolescent girls, such as in Canada, or on sites like *Stoploverboy* in the Netherlands that call for vigilance.

### ***Procuring in suburbans areas***

Since 2015, France has been subjected to a form of procuring in its disadvantaged suburbs. It mostly affects minors between the ages of 13 and 17 who come from vulnerable neighborhoods, often are in rupture with their families and often stopped going to school. These minors are exploited by young men, usually under 25 years old, who come from the same background and generation as them, often known by the police for “average crimes” (local drug traffics, damage to property of medium severity). Keen on new technologies, they advertise on sites like Vivastreet and rent rooms in low-end hotels or apartments on Airbnb using fraudulent



bank card numbers obtained on the DarkNet. The methods used are also borrowed from those of drug trafficking, with touts for sex buyers, supervisors for girls, harvesters for money, with the same violence, such as the confinement of victims in apartments under the supervision of a network member. The recent interest in cyber-procuring among average peri-urban offenders from the projects was motivated by their discovery of the financial manna it represents and its risk/benefit ratio. Less dangerous than drug trafficking, which is strictly watched and reprimanded, procuring is less expensive and necessitates a less complicated organization than for armed robbery. This “low-end” procuring is all the more difficult to identify because it is not about strong, community-based networks such as Nigerian procuring, for example (*AFIREM*, January 2012).

### **Young sex buyers**

Sex buyers of prostituted persons don't fit into a monolithic portrait. Among the 5 major profiles described by the researcher Saïd Boumama, one can see the “sexually and emotionally isolated,” the “out of sync with equality,” the “buyers of merchandise,” the “allergic to commitment and responsibilities,” and finally the “compulsive sexual relationships” (*Bouamama, Legardinier, 2006*).

Swedish researchers have identified two sex buyers profiles based on gender representations: “losers” on the one hand, relatively elderly men who do not accept the contemporary tendency to weaken male domination; “cheaters” on the other hand, younger men whose gender identity was built on pornography and a consumerist ideology (*Mouvements, 2004*).

The twin categories of “buyers of merchandise” and “cheaters” are illustrated by young French residents in the Eastern Pyrenees, border department of Spain, and who go to the Spanish commune of La Jonquera to buy sexual acts. For them, the use of prostitution is a rite of passage to adulthood and especially to hetero-normative sexuality: it is therefore a sexuality for others and not for themselves. Their “first time” with a prostituted person is often sponsored by a family member such as their father, by a sports coach or an employer, sometimes with a team building logic. By proving that they are “not faggots”, they are integrating the “men's world,” built in opposition to women. Opposition in the first place because they obey the norms of manhood according to which men have sexual needs that must legitimately be met by women, who are “inferior” and always “available”, thus emphasizing an asymmetry: what is a right for boys is an impurity for girls. Next is exclusion because, apart from prostituted persons, women are excluded from male conversations on this subject and are not admitted in brothels.

These men's perceptions of the Jonquera prostituted persons are differentiated from their perceptions of “their wives.” In this regard, it is remarkable that they refer to them as “girls” or “whores” and not “women,” in order to distance them from those they consider “respectable,” such as their mother or wife. The first difference is due to the foreign nationality of prostituted persons often from Romania or South America, which explains, according to the sex buyers, the particular inclination these women have for sex, in a conception impregnated with racism. Some

explain that their lack of proficiency in the French language and thus lack of verbal communication is an asset that facilitates their classification because this is precisely the domination they can afford to exercise over them because of their status, which makes them desirable. The second difference in the spirit of sex buyers resides in the beauty and experimentation of prostituted persons, as they correspond to the pornographic canons in their physique and sexual practices.

This discourse is fully integrated by the young women of the Eastern Pyrenees, who must define themselves through a moralistic perspective of their sexuality. This binary system of “the mother or the whore” constraints them to “choose their side.” They thus hope to distinguish themselves from prostituted persons, who are often judged poorly, notably in their choice of clothing, in order to gain “respect” from boys. However, at the same time, they have a complex because they want to feel as “sexy” and to be as sexually experienced as prostituted persons. They suffer from a competition that is most often implicit but sometimes explicitly expressed by boys, which can lead them to accept certain sexual practices that they do not really want, hoping to ensure the fidelity of their companion. These contradictory injunctions lead to a real “suffering of being a woman,” which many women seem to be resigned to (*Harlé et al.*, 2013).

In conclusion, prostitution of young people is characterized by its heterogeneity, not only in its spatial occurrences (northern countries/southern countries) and its sociological profiles (students/michetonneuses) but also in its occurrences in history because, while it is old, this phenomenon reinvents itself through modern forms adapted to new technologies. These circumstances complicate the adoption of a global approach to the fight against prostitution of young people. However, it is possible to disentangle the mechanics systematically at work in this phenomenon. It is always the exploitation of an exacerbated vulnerability among young people, whether material or psychological, structural or circumstantial. In addition, it is often a matter of reproducing the male dominant system, which is relayed in particular by the imaginary world of pornography. Minors and young adults are not only victims of prostitution but are also participants, whether as procurers like loverboys or sex buyers such as the adolescents of the Jonquera. It seems necessary (but not sufficient) to create a real policy of education for young people on this subject, in order for future generations to be responsible and aware.

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# Exploitation and sexual violence in armed conflicts

*In parallel with the expansion of zones of armed conflict, the accompanying sexual violence seems to know no limit. Torture and sexual exploitation, forced marriages, prostitution, using rape as a weapon: all the warning lights are red. International law is being trampled by belligerents, and does not completely protect civilians, humanitarians and prisoners. It is as if international justice is overwhelmed by numbers.*

Prostitution and human trafficking indiscriminately mark times of war and times of peace. However, the violence that accompanies conflict is exacerbated regardless of location, duration or intensity. While the connection between soldiers, civilians and prostituted persons has always existed, it perpetuates and evolves. Confrontations have changed in nature. Wars between two distinct armies from respective States known as powerful, on a given territory, are less and less frequent (Badie, Vidal, 2016). These interstate conflicts rarify and give way to intra-state wars with multiple objectives: economic, security, territorial, political, ethnic, cultural or religious. These objectives are diverse and the conflicts, between or within failed States, are multifaceted. This change blurs the boundaries between places of fighting and places of truce. The absence of a clear definition of the limits of war zones places civilians at the heart of these conflicts. The proliferation of internal tensions, the expansion of urban combat zones and population growth also accentuate the civilians' risk of being taken as a target. Conflicts and the migration that accompanies it are all grounds for exploitation, trafficking and sexual violence. Despite the international humanitarian law treaties laying down the rules of conduct to be adopted during armed conflicts, in particular as it relates to the protection of civilians, humanitarian workers or prisoners of war, the abuses committed in recent years have been exponential: torture and sexual exploitation, forced marriage and prostitution, use of rape as weapons of war. So many abuses are committed with impunity while international justice faces the challenge of punishing them. Acts of sexual violence during armed conflicts are extremely frequent and widespread, and have been for a long time. However, it is these crimes that are the least punished on an international scale.

## **Leisure, escape or comfort of soldiers: prostitution as dressing of war wounds**

The close relation between prostituted persons and soldiers does not need to be proven. Since the very first wars up until current conflicts, one is not seen without the other. Some speak of an “inseparable couple” or an “indivisible couple” to describe this association which has

persisted since the Great War, up until current wars (*Benoit, 2013*). Military occupation fosters the birth of prostitution and, in return, prostitution stimulates the installation of troops.

***Cases of “comfort” women being used by the Japanese army***

“Comfort” women, as described by the Japanese army, are one of the most distinctive representations of sexual exploitation used by soldiers to tend to their war wounds. Speaking of “comfort” women is an intelligent semantic form, but it does not reflect the reality of the observed phenomenon. During the 1930s, Japan’s colonial domination over China took root. The year 1937 marks the beginning of the Second Sino-Japanese war. It was during this period that the Japanese army made available to their soldiers on the frontline women within “houses of comfort,” also called “relaxation centers.” The justifications were the well-being of the soldiers, the management of sexually transmitted diseases and the willingness to end rapes committed by soldiers from their own ranks. These centers housed, with horrible living conditions, mostly Korean women, but also Chinese, Taiwanese, Filipino and Indonesian women. They were forcibly enlisted in villages or recruited with false promises of being hired to work in textile factories. The alleged racial inferiority of Korean women, according to the colonizing Japanese authorities of the time, made these women the main victims of this system of exploitation. Sources of information, used to defend conflicting opinions, are divergent and the extent of abuse is difficult to quantify. However, historians estimate their number to be 200,000 victims. Sexual exploitation in wartime is the soil of trafficking networks and of the development of sex tourism during peacetimes. The armies’ responsibility in the sustainability, standardization and systematization of the prostitudinal practice in peacetime is also to be taken into account.

***Peace-keeping soldiers implicated in the sexual exploitation of their beneficiaries***

The institutionalization of prostitution by military occupations has been carried out by armies in multiple countries, including United Nations Peacekeeping Soldiers. More than 70 years after its creation, the *United Nations* (UN) finds itself in a paradoxical situation. While conflicts continue, multiply, and become more complex, the organization is just as necessary as it is criticized. A preoccupying accusation questions the legitimacy and the authority of the organization’s work. *UN* personnel as well as *UN Peacekeepers* have been implicated in affairs of violence and sexual exploitation. During missions in the Central African Republic, Cambodia and Timor, peacekeepers reportedly used the services of prostituted persons. In Bosnia, according to Kathryn Bolkovac, former member of the *International Police Task Force* (IPTF) as a human rights investigator, UN officers were involved in sexual exploitation networks in 1999 (*Bolkovac, Lynn, 2011*). Similarly, the Democratic Republic of Congo has been described as the “rape capital of the world” by Margot Wallström, then UN Special Envoy for violence against women and children during conflicts (*The Globe and Mail, March 26, 2017*). This announcement was audacious, as the numbers demonstrate that the accusations made towards UN personnel are the most significant in the country (45% of cases of violence reported between 2008 and 2013) (*Mediapart, Zero Impunity, February 21, 2017*). Yet, the recommendations and texts given to the personnel are clear: zero tolerance concerning exploitation and sexual

infringements. Since the 2000s, primarily in 2004, the year during which the cases of sexual abuse committed by members of the UN in the Democratic Republic of Congo were made public, numerous resolutions and pieces of internal legislation state the so-called “strict” policy of the UN authorities. UN personnel must not have relations with their beneficiaries, with “anyone receiving aid,” or have “sexual relations with a prostituted person or a person under the age of 18.” Composed of 70 people, an ethics committee has been created to manage the more than 120,000 employees of the UN. Similarly, the Internal Services Control Office has been tasked with controlling the abuses of personnel. Finally, the Trust Fund, created in March of 2016, is a first-response assistance designated for people who are survivors of sexual aggressions committed by UN personnel. The number of documents and measures implemented is revelatory of the scale of the phenomenon. However, the number of cases reported has not stopped increasing. The implemented measures are without a doubt as much for calming the critics as for condemning criminals. While the number of complains reported to the Internal Services Control Office is known, the number concerning discarded reports or non-reported accusations are impossible to know. The real number of allegations thus remains unknown. Lack of evidence, nepotism, or individuals fired before an investigation is even initiated are factors that limit victims' ability to obtain justice. Peacekeepers are responsible for protecting each individual. The UN was quick to point this out, particularly in order to discharge its guilt. However, their work must be supervised by the organization. Thus, responsibility is shared. Reflections are to be made on the recruitment of peacekeepers. Troops are made up of soldiers with a singularly varied past, from extremely different countries, with cultures that do not give equal place to women's rights, some refusing the idea of a right to sexual consent. Similarly, proposed trainings remain marginal, and the issue of respecting the sexual integrity of beneficiaries of peace missions is not brought up. The insufficiency of training is at the origin of these abuses. The respect of this “zero tolerance policy” refers to deeper issues than just the conduct of these peacekeeping missions.

***French or American armies, initiators and consumers of prostitution networks***

During the Sangaris operation, a French intervention carried out in Central Africa between 2013 and 2016, several soldiers were accused of having sexual relations with women and with children, paid or not, or in exchange for food (*Mediapart, Zero Impunity*, January 3, 2017). The material ease of armed forces, during or after conflicts, gives them significant power over populations who lost everything during the conflict, and who live in misery that allows for the growth of all forms of sexual exploitation. Other testimonies report that sexual aggressions or rapes have been committed towards adults and minors. Even now, none of these accused soldiers has been investigated, and the few procedures that have been started ended without any further action. Thus, not only are civilians experiencing conflicts, they also suffer from crimes committed by military personnel from interventionist countries or by UN soldiers. This double punishment and double hatred have disastrous consequences that call into question the legitimacy of the interventions, the reputation of the armed forces and of the countries on which they depend, the confidence that civilian populations can have in them and the validity of

international and western aid. Post-traumatic shock and psychological disorders are evidence of the dramatic situations experienced by soldiers returning from the front. Soldiers returning from Iraq or Afghanistan suffer, and the American government decided to act. One of the measures decided as early as 1967, the date of signing of an accord with Thailand, was the creation of rest and recreation centers made available to soldiers. The country was already affected by prostitution, which developed from the beginning of the Vietnam War, and it only worsened afterwards.

### **A destructive trilogy: Sexual exploitation, terrorism and violence**

Within current or past conflicts, sexual exploitation and prostitution ensure the recruitment and well-being of terrorist combatants (*Malik, 2017*). The female body galvanizes soldiers, and serves marital or sexual purposes. However, in the framework of territories marked by the presence of terrorists (Iraq, Syria, Yemen, Sudan, Nigeria, Mali or Somalia...), the promises of women as a reward or for marriage are all the more motivating because they manifest themselves in societies where sex is taboo. The female body is seen as sacred; the value of this offer is ever the more esteemed. In addition, sexual exploitation, prostitution and sexual violence are also used as war tactics. Economic, sociopolitical and religious factors justify the activities of trafficking and sexual exploitation. The objectives are varied: punishing the enemy, ethnic cleansing in the occupied territories, genocide, indoctrination, securing future generations of combatants or supplementary finances in order to perpetuate the organization.

#### ***The case of Syria: double penalty for its civilians***

In Syria, some civilians have been subjected to aggressions from the Bashar Al-Assad regime, while others have been subjected to those of the self-proclaimed Islamic State group in Iraq and in the East, and some have been subjected to violence from both. The beginning of the Syrian revolution was already heralding the abuses that will be committed throughout the conflict. In 2011, the discourse of the regime was clear in the eyes of its opponents: "Forget your children, go make new ones, and if you don't, we'll do it for you" (*France 2, December 12, 2017*). The conflict erupted and the search for opponents of the regime commenced. When the opponents were not present at home, soldiers were ordered to forcibly enter their houses, rape their wives and sometimes even their children. For some, videos of these crimes were recorded with the intention of sending them to their husbands. Another method employed by the regime when the opponent could not be found at their home is as follows: the militants were charged with abducting their wives or children and putting them in prison. Some women were detained to put pressure on their relatives opposing the regime, others were raped by other people imprisoned, or chosen to become sexual slaves of soldiers. They underwent medical follow-up to control births (birth control pills, forced abortion). The bodies of enslaved women were made available to exploiters and were subjected to certain rules. For example, a woman cannot be pregnant when she is sold to another man (*France 2, December 12, 2017*). Another form of more insidious sexual exploitation mixes a false love story and a forced pregnancy. The woman is destined to ensure future generations of Caliphate. While many children born in the territories



held by the IS are from married couples, there is a need to express reservations about the consent of women to give birth. These steps are led not only by men but also by many women involved in recruitment and sexual slavery. For example, the Al Khansaa brigade, charged with applying a rigorous application of Sharia law, is composed of women who ensure that everyone follows the customs. The IS notably persecutes Yazidi people, which is a minority community with Zoroastrian beliefs (a monotheistic religion of ancient Iran). Although all international organizations are in agreement that the phenomenon is difficult to quantify, around 5,000 women may have been reduced to slaves. The utilization of sexual violence as a weapon of war is intended to break men. Whether the crimes are committed by Bashar Al-Assad forces or IS, the objective is the same: to exploit the female body and to destroy the woman, while also destroying her community and the men to whom she is connected. In a society with extremely strong traditional values and a Muslim majority, the connection between men and women is very powerful. Rape is therefore a quick, free and extremely devastating way to reach those who, in Syria, are considered the center of their familial cells. Communities agree on the important value of the body, in particular that of women, which symbolizes purity. Infringing on this symbol through forced sexual intercourse, whatever it may be, undermines all the fundamental values and beliefs of these peoples. The importance of women's virginity is totally disrupted. Worse still, already shaken by the violence suffered, they are subjected to shame and silence. Stigmatization translates to post-traumatic stress, which sometimes leads to death as many women commit suicide following sexual violence. They also can become the target of reprisals, be rejected by their communities or forced to leave the children who were born as the result of rape or prostitution, and thus deemed illegitimate. These crimes are often not denounced. Evaluations remain rare and incomplete. A reflection must be made on the reconstruction of Syrian society, which is traumatized by these crimes, symbolic of barbarianism, even during times of peace. Captive and sexually exploited populations by terrorist organizations exist in other regions of the world (Boko Haram in Nigeria, Aqmi in Mali, etc.).

### **Migratory crises: soil for development and expansion of sexual exploitation**

The world is currently seeing the largest migratory crisis since the Second World War: whether political, climate or economic migrants, their paths are varied. In 2015, a threshold of 65.3 million migrants and refugees has been reached. This number is equivalent to the entirety of the French population. According to the UN Refugee agency, there were around 70 million migrants in 2017. Historian Michelle Perrot states that, since the 19<sup>th</sup> century, issues of mobility are inevitably tied to sexual exploitation. During the 20<sup>th</sup> century, geopolitical events reconfigured the map of prostitution networks. Migratory routes and modalities of entry change. Now, terrestrial and maritime routes are used more frequently than air travel, which is heavily watched. The lack of shelters, the instability of reception centers and the continual closing of borders results in the need to resort to smugglers to enter Europe. These phenomena exalt violence and insecurity. Investigations carried out by Europol and Interpol reveal the connections between the routes of migrants and the routes of trafficking identified in Africa, Europe, the

Middle East and in Asia. Migratory crises constitute fertile soil for the polymorphic development of sexual exploitation.

Migratory routes, but also the camps in which migrants pass through or live in, are places of extreme vulnerability. These artificial microcosms, created for a temporary purpose, sometimes shelter generations of populations and are the place of all abuse. 80% of people living in migrant camps in Kenya or Bangladesh are women and children. Their husbands stayed in their countries, on the front or died in fights. The sociocultural context in which these conflicts emerge increases the vulnerability of these women and children who live in the camps. Current conflicts destabilize patriarchal societies, who find themselves without fathers or husbands. Brought up with the idea that the man is the “bridge of the family” and the “guardian of the family’s autonomy,” women and their children become a generation of “orphans” (*Le Monde*, November 16, 2017). While some women are lucky enough to have a family to rely on, others only have international organizations to help them. Although women are the most affected, men also suffer from sexual exploitation.

### ***Libya: an anchoring point for the horrors of exploited migrant***

During the revolution, soldiers of dictator Mouammar Kaddafi received an order to punish dissenters and to commit sex crimes on a large scale. “Punish” meant “rape every house in every rebel city” (*Le Monde*, November 10, 2017). In the Libyan conflict, men were the primary target, which is a singularity of this conflict. To reinforce the power of this weapon that is rape, sexual stimulants (Viagra...) were distributed to soldiers. Furthermore, videos were recorded during these rapes with the intention of terrorizing insurrectionists. Threats to diffuse these videos were used to keep their victims quiet. Accusations of using rape as a weapon of war became rapidly widespread. However, since 2011, neither the International Criminal Court (ICC) nor any other international organization has succeeded in judging these crimes. The raped insurrectionists then became rapists. Thus, Qaddafi loyalists became victims. There are testimonies of serious sexual violence. However, in a country wherein victims are distrusting of medical and judiciary structures, to take care of oneself or to obtain justice is unimaginable, even more so if the victim is a man in a traditional society, mostly Muslim. The Libyan case illustrates the exacerbation of violence. It also represents the height of difficulty that comes with judging crimes committed by rapists, who have also been raped. To the internal problems is added the massive arrival of migrants coming from numerous African countries. Libya, unable to have an authority over its borders and control of its coastline, does not have the means to take charge of these migratory flows. Migrant people are condemned to stay on the land. Every day, migrant boats arrive in Libya. They find themselves stuck in centers, prisons or other informal structures for months. Women and men are beaten, raped, sold or used as sexual and domestic slaves. Libya is a point of passage as well as anchorage for trafficking networks on a large scale, leading to a senseless monetization of human life. Sophie Beau, co-founder of *SOS Méditerranée*, speaks of “generalized humiliation, extortion of money, slavery and rape” to describe the situation (*France Culture*, November 15, 2017). The weight of the debt and of successful migration is another factor that accentuates the vulnerability of migrants. Migration involves the settlement of a large

sum, sometimes paid in advance, which in most cases will have to be repaid once the migration has been completed. As a result, many migrant people are forced into prostitution to pay off their debts in a timely manner.

***The Rohingya people: sexual exploitation present at every step of migration***

Since August, 25<sup>th</sup> 2017, generalized fires and crimes, notably sexual, committed by the Burmese army on the Rohingya ethnic group (Muslims from Myanmar) have pushed over 600,000 people to flee the country, primarily to Bangladesh (*HRW*, November 7, 2017). These crimes, including repeated rapes, most likely constitute ethnic cleansing (*Slate*, November 16, 2017). Reports from *Human Rights Watch* (HRW) and *Amnesty International* (AI) are unanimous: the majority of reported rapes have been perpetrated by soldiers (*HRW*, November 16, 2017; *Amnesty International*, October 18, 2017). After having long denied their role in the massacre, the army recognized the rapes and tortures committed by some individuals. For their part, NGOs and international organizations have stated that rapes were primarily committed in groups. The consequences are numerous: post-traumatic stress disorder, loss of appetite, sleeping disorders and depression. Investigations must continue to help victims express themselves (*HRW*, November 16, 2017). Finding ways to better report rape without hindering the will of the victims who would rather be silent often is one of the primary objectives of international organizations. Reporting crimes helps to relieve victims of their silence, and also aids national and international judges in accumulating evidence in order to sentence guilty parties. As the first members of this Muslim community are returning to their country, it is essential to ensure that the acts committed will be tried and punished in order to prevent victims from being forced to live next to their executioners. Bangladesh, Myanmar's neighboring country, has hosted many members of the Rohingya community. Camps have, little by little, become hotspots for traffickers (*UN Info*, November 14, 2017). Young women and girls are the ideal targets, as they can supply sex trafficking businesses in Asia and Europe. In refugee camps, 6 out of 10 people are children (*Reuters*, November 8, 2017). Children without parents become victims of forced labor or prostitution, and are essential in the eyes of traffickers. Sometimes, families worry about their child's future, and orchestrate forced or arranged marriages. These marriages appear to be reassuring for the families, but it often happens that the husband sells his young wife to a brothel.

**The role of justice in the protection of victims of sexual exploitation during armed conflict**

Impunity, which is the failure to be punished for criminally reprehensible acts, is a standard when it comes to sexual exploitation. The first tool to understand the impunity of these crimes: silence. Stigmatization often weighs more heavily than the desire for justice. Testimonies are rare, their word is often censored and evidence is partial. Affecting sexuality not only breaks the individual, but also a community, a society and even a country. Male or female victims of this form of violence often choose silence over exclusion, shame, stigmatization, or further physical or psychological violence. This is thus why these crimes are rarely reported. Evidence and investigations are almost impossible to carry out in destroyed countries, without a police or judicial structure, without stable and competent authorities. Similarly, refugee camps are places

where the use of justice and the preparation of cases are eminently complex. The status of being a migrant presents an additional difficulty. Indeed, illegal status takes away all possibility of being able to report a crime. And even if the evidence is gathered, judges and lawyers in charge of these cases are threatened with reprisals in some countries. In Libya, for example, some doctors or legal professionals were imprisoned or killed because they wanted to report these crimes (*Le Monde*, November 10, 2017).

Another major difficulty is that national legislation is an obstacle to the recognition of sexual exploitation. A person who is a victim of prostitution and sexual violence cannot be dealt with if no national law considers sexual exploitation to be an offence or a crime. In Nigeria, for example, a husband cannot be accused of rape. A rapist could also marry his victim to annul the condemnation. In Syria, domestic violence still doesn't exist in the legislation. Thus, even before thinking about adapting national laws to the international model, the will of civil societies wishing to participate in the reforms of national legislation needs to be supported.

At the international level, the 1949 Geneva Convention and the additional protocols I and II of 1977 state that "States Parties must engage in protecting women against rape, sexual slavery and forced prostitution. Violation is a serious offence that each contracting party must refer to its own courts." The UN Security Council issued several resolutions on the subject, such as resolution 1325 (2000), resolution 1820 (2008) and resolution 1889 (2009). Resolution 1889 went further than its predecessors, specifying it does not suffice to impose on States the protection of women against sexual violence and the punishment of guilty parties, as it is also essential to incorporate these goals in precise governmental projects. These governmental projects should address the ensemble of civil society, the army, the police, the justice system, health and education. Resolutions are in place, but the urgency is to enforce them in accordance with the prism of national and international law. The institution in charge of judging war crimes and crimes against humanity is the International Criminal Court, but the ICC only has a subsidiary role. Primary jurisdiction to judge these crimes therefore belongs to the States, as the principle of sovereignty commands.

Like the majority of justice proceedings in the framework of international law, handling sexual exploitation and the associated violence within conflicts takes a long time. These periods are partly explained by the lack of time and resources of the various courts such as the International Criminal Tribunal for the former Yugoslavia (ICTY) or the International Criminal Tribunal for Rwanda (ICTR).

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# Extraterritorial laws against child sex tourism

*The enforcement of repressive extraterritorial laws is subject to the rules of jurisdiction of ordinary law, or of derogatory jurisdiction in criminal and tort matters, and depends on the quality of the implemented international cooperation. The French courts' jurisdiction was extended by means of the universal jurisdiction. The issue of limitation periods for prosecution must give way for a thorough reflection on the irreversible trauma that victims endure, and on the effective involvement of destination countries. The sharing of information and international cooperation regarding crimes of child sex tourism are encouraged.*

While sex tourism is not penalized by French law when it only implicates adults, its most sordid form is illustrated by the research on every continent for minor victims, offered or available to international and local sex buyers who are in search for sexual relations with minors, most often being children.

It is clear that this “research” is more akin to the action of organized predators than to a touristic approach, the meaning of which is perverted. Every year, according to *UNICEF*, more than three million children throughout the world are victims of commercial sexual exploitation.

Even though countries in South-East Asia, Sub-Saharan Africa and Latin America are the most represented in this sinister “market”, one needs to know that today certain sex buyers have a special predilection for children of every continent.

This trend is observable all over the world, and for destination countries (often developing countries) this “market” represents a significant source of revenue and an important part of their gross domestic product (GDP).

Starting at the beginning of the 1990s, numerous NGOs mobilized to denounce the extent and growth of child sex tourism, showing a premonitory support for the adoption of the Optional Protocol to the Convention on the Rights of the Child by the General Assembly of the United Nations on May 25<sup>th</sup>, 2000, as this protocol concerned the sale of children, child prostitution and child pornography.

Repressive laws, in destination countries, that do not exist, are inadequate or not implemented implicitly encourages demand. Sex buyers are perfectly capable of ferreting out countries that offer the best opportunities for their criminal activities, or that present the least risk of investigation or prosecution.

Extra-territorial repressive law is one of the legal means available in fighting this cross-border crime and counterbalancing the inaction of destination countries, allowing the offenders' country of origin to pursue them, whether they are nationals, residents or sometimes even

visitors. Before investigating the existence or interest of other tools or legal models that might be better adapted to countering this devastating epidemic, extra-territorial law warrants further examination to assess its viability.

### **Enforcement of Repressive Extraterritorial laws**

#### ***Ordinary jurisdiction***

Regarding matters of ordinary law offences, the rules of jurisdiction, which give to the French courts the authority to hear the case of facts committed abroad by a French national, are laid down in Articles 113-6, 113-8, and 113-9 of the Criminal code:

- the offense must be recognized by and punishable under the law of the country where the offense was committed (double criminality requirement);
- the offender can only be prosecuted by the Ministère public (national prosecutor) and only upon the filing of a complaint by the victim or upon an official accusation by the competent authority of the country where the offense was committed;
- the foreign court must not have definitively sentenced or acquitted the offender for the same facts.

#### ***The rules of derogatory jurisdiction in tort and criminal matters***

For less serious sex crimes, numerous laws (n.94-89 of February 1<sup>st</sup>, 1994, n.98-468 of June 17<sup>th</sup>, 1998, n.2002-305 of March 4<sup>th</sup>, 2002, and n.2006-399 of April 4<sup>th</sup>, 2006) have eliminated the requirement of double criminality and the need for a complaint to have been filed by the victim or for the relevant authorities of the country where the act was committed to denounce this act. This concerns prosecution of authors of crimes of sexual abuse without violence against a minor under 15 years of age by an adult abroad for payment (art. 227-25 of the Criminal code), the sexual assault of a minor (art. 222-29 and 227-30 of the Criminal code), recourse to child prostitution (art. 225-12-1 of the Criminal code), corruption of minors (art. 227-22 of the Criminal code), child pornography (art. 227-23 of the Criminal code), and the procuring of minors over 15 years of age (art. 225-7-1 of the Criminal code). For sex crimes against minors committed abroad, only definitive sentencing or acquittal by the foreign court prevents prosecution under French extraterritorial criminal law. The victim or the offender is, however, still required to be a French citizen. This derogation to the principle of territoriality in the criminal law addresses a global issue. More than 40 countries, including France with law n.98-468 of June 17<sup>th</sup>, 1998, have adopted this legal instrument (*ECPAT International*, September 2008). These widened prosecution possibilities allow countries that incorporate this derogation in their law to adopt the position that the seriousness of such infractions, committed abroad by one of their citizens or residents, justifies prosecution in view of the violations of international and national human rights, and in response to the inertia of the foreign authorities. Certain conditions are required to be met before extraterritorial laws can be enforced, including the absence in the destination country of repressive local laws or of a criminal policy where such laws do exist, and of course the suspected offender not having served a sentence or been acquitted in the destination country, in order to respect the fundamental principle of the offender not being tried twice for the



same offence. In this case, the decision must be a full sentencing or acquittal by the court, not an administrative decision to drop the case (*Cour de cassation, Chambre criminelle*, June 20, 2012).

### ***The need for these derogatory rules***

It should be obvious that the most attractive destination countries to child sex abusers are those that are inactive or tolerant to these crimes, or those with an ineffective legal system. “Sex tourists” looking for child victims are known to share information amongst each other and to write cartography of the destinations where their crimes can be committed with impunity. Certain “travel agencies”, in either the offender’s country or the destination country, facilitate these activities. Thus, the previously cited law of June 17<sup>th</sup>, 1998, and the law Perben II n.2004-204 of March 9<sup>th</sup>, 2004 (art. 227-28-1 of the Criminal code) helpfully provide for criminal liability of corporate entities.

### ***Preference for local courts’ jurisdiction***

Regarding matters of jurisdiction, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography favor the primary jurisdiction, that of the country where the crime was committed, notionally the better-placed to take victim and witness statements and gather physical and non-physical evidence. But the local jurisdiction may be unable to effectively pursue the case for any reason, such as inertia or a hierarchical dysfunction paralyzing the local competent authority in charge of prosecution, when it is imperative that the crime be judged. Thus, there is indeed a need for derogatory rules, even subsidiary: it furthers the fight against impunity and allows the effective prosecution of child sex abusers under extraterritorial criminal jurisdiction. Two procedure principles allow a country, in this case, to assert extraterritorial jurisdiction:

- the ‘Passive Personality Principle’ allows a country to assert jurisdiction if the victim is a citizen of that country;
- the ‘Active Personality Principle’ allows a country to assert jurisdiction if the offender is a citizen of that country.

### ***Applicable law in extraterritorial jurisdiction***

When French extraterritorial jurisdiction is asserted, French criminal law applies to the merits of the case (art. 222-22 §3 of the Criminal code). This is not the case in certain other countries, as they apply the most favorable law in the case of double criminality. The same applies to procedural rules: as required by the French legal system, which is an inquisitorial system, the methods for gathering evidence depend upon the relevant prosecution authority and can be complex and constraining. This is even more so when the evidence needs to be gathered in a foreign country, in cooperation with local investigative services, that might be inadequately trained, unmotivated or even affected by corruption, and according to a process compliant with fundamental human rights and with the legal principles in force in the national law of the origin country. So the court can only accept evidence that has been collected faithfully, legally and in respect of the rights of the suspect. Moreover, certain countries require that their approval is given before evidence can be collected in a third country, demand that they participate in the

investigation or will only allow an investigation if the victim has filed a complaint. Even when there is a bilateral or multilateral treaty between the countries concerned that organizes judicial mutual assistance, the execution of letters rogatory can be subjected to insurmountable difficulties, sometimes unwarranted or irrational. There are many examples of dysfunction, notably with countries in sub-Saharan Africa, Latin America and South-East Asia. The possibility of the destination country's unawareness or unfamiliarity with the constraining requirements of the offender's country can be prejudicial to the gathering of evidence or the collecting of witness and victim statements, potentially compromising the integrity of the evidence to be presented in the offender's country. For example, collecting genetic evidence requires a rigorous protocol to be followed. The absence of reliable forensics departments in destination countries threatens the evidence reliability and the evidence future use in court. Likewise, child victims' questionings must be recorded on video to avoid the victims having to repeat themselves and to ensure that the interview was conducted under the correct conditions (art. 706-47 of the French Code of Criminal Procedure of the aforementioned law of June 17<sup>th</sup>, 1998). The ignorance or disregard of these requirements can severely prejudice prosecution in the offender's country.

Procedures such as warranting, searching, seizing, confiscating, preserving evidence, and holding in custody or detention, etc, are strictly regulated by French law. Courts can reject them, as well as the subsequent acts, if those requirements are not met.

### ***The application of extraterritorial law***

While it is clear that the integration of extraterritorial law in the legal arsenal has constituted a noteworthy advance in the fight against child sex tourism, the question of the effective enforcement of these laws still remains and depends on the quality of the cooperation established between the judicial systems and police of the countries involved. Nonetheless, there have been a significant number of convictions of French citizens prosecuted for child sex tourism, pursuant to the French criminal legal principle of extraterritoriality at all levels of the judicial system. These convictions have not just been symbolic. In June of 2016, the director of a catholic retirement home was sentenced to 16 years' imprisonment by the Versailles Cour d'assises for having raped and sexually assaulted 66 boys from 6 to 17 years old, in a humanitarian context in Sri Lanka, Tunisia and Egypt. This conviction reflects numerous previous convictions by other French courts, such as:

- in 2010, the Paris Cour d'assises sentenced a 61-year-old man to 10 years' imprisonment for having raped and sexually assaulted 5 Nepalese boys;
- on March 11<sup>th</sup>, 2009, the Colmar tribunal sentenced two men to 7 years' imprisonment each for their use of a pedophile site, on which they appeared accompanied by young Cambodian and Thai girls under 15 years of age;
- in 2007, the Nanterre Cour d'assises sentenced a man to 12 years' imprisonment for the rape of children during his humanitarian missions in Togo from 1991 to 1995;
- in 2002, the Paris tribunal condemned a man for using child prostitution, under article 225-12-1 of the Criminal code (it was irrelevant that the offense was perpetrated in France or abroad, as

the tribunal reminded) without the possibility to know which country the crime was actually committed in;

- in 2000, the Paris Cour d'assises sentenced a 42-year-old man to 7 years' imprisonment for the rape of an 11-year-old child in Thailand, the scene having been filmed by witnesses;
- on October 29<sup>th</sup>, 1997, the Draguignan tribunal sentenced five people to prison with terms of 5 to 15 years for the sexual exploitation of children in Thailand, the Philippines and Romania.

Even though these prosecutions were successfully conducted under extraterritorial law, such proceedings are very difficult to initiate because of the practical and legal difficulties aforementioned, and due to the destination countries' willingness to pursue the crime, the distance to the crime zone, and the length of time since the crime was committed. This leads us to explore the limits of the useful enforcement of extraterritorial law as applied in the French legal system today and the possibilities to consider.

### **Exploring other legal instruments and legal models**

#### ***Universal jurisdiction of French Courts***

In the fight against the impunity of the most serious international crimes, universal jurisdiction is a legal instrument that allows national jurisdictions to act subsidiary to the International Criminal Court (ICC). The extension of French courts authority through universal jurisdiction (art. 689 et seq. of the French Code of Criminal Procedure), without resolving the difficulties in conducting an investigation in the destination country, would eliminate the condition of the offender's nationality or residency in France before initiating prosecutions for child sex crimes perpetrated abroad. The legal provisions concerning universal jurisdiction are included in article 689 et seq. of the French Code of Criminal Procedure. These articles enable, in France, the prosecution of the perpetrators of crimes committed outside French territory, as enumerated by an international convention assigning jurisdiction to the French courts. These crimes include torture, terrorism, use of nuclear materials, naval or air piracy, and corruption. The simple presence of the offender in French territory, under these laws, allows for the crime to fall within French jurisdiction unless another international or national authority otherwise claims jurisdiction. The ideal would be to have child sex tourism included within the scope of the international conventions listed in articles 689 et seq. of the French Code of Criminal Procedure, more specifically the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New York, December 10, 1984). However, it seems that international institutions are not yet ready to extend the scope of article 1 of the aforementioned convention to child sex tourism. Is the organization of commercial sexual exploitation of children not fully comparable to torture and other cruel, inhuman or degrading treatments or punishments? This commercial exploitation is surely one of the worst displays of modern slavery, preying upon the particularly vulnerable, the same victims targeted by organ trafficking and forced labor, and subjected to cruel and humiliating treatment. The enslavement and exploitation of slave children that are less than 15 years old is a particularly serious infringement of fundamental human dignity and is rightfully sanctioned to 20 or 30 years of imprisonment under French law (art.

224-1 of the Criminal Code). The international nature of this market, notably through the active or passive support of some “travel agencies” who are complicit to these sex crimes, should warrant the assertion of universal jurisdiction. This exception to extraterritorial law could be based on article 34 of the Convention on the Rights of the Child (New York, November 20, 1989), ratified by France on January 26<sup>th</sup>, 1990. The article invites signatories to undertake all appropriate national, bilateral and multilateral measures to prevent “the exploitative use of children in prostitution or other unlawful sexual practices”.

### ***The issue of limitation periods for prosecution***

The prosecution of child sex crimes has derogatory extended limitation periods for prosecution in French criminal law: 10 or 20 years, depending on the gravity of the crime, with a starting point set at the time at which the victim reaches the age of majority. This might seem like an exceptionally long time given the complexity of conducting an investigation sometimes more than 30 years after the event, exacerbated by the distance from the destination country, and by the difficulty in finding victims and collecting evidence and useful testimonies, but this limitation period is justified considering the significant traumatism of victims and the advances in forensic evidence gathering techniques. The legislature decided (Law n.2018-703 of August 3<sup>rd</sup>, 2018) to extend the limitation period to 30 years for child sexual crimes and crimes of murder and premeditated murder against minors, even when they were not preceded by rape, torture or barbaric acts, or weren't repeat offenses, which is a very important step forward. The complete elimination of the limitation period for crimes committed in the context of the organized commercial sexual exploitation of children is worthy of serious consideration, on the basis that crimes against children are crimes against humanity. This proposition must lead to a thorough reflection on the irreversible nature of the traumatism suffered by surviving victims and the effective implication of the destination countries.

### ***Defining new offences***

As for what was done in the United States (Protection Act 2003), the penalization of attempted child sex tourism would allow having for necessary elements the preparatory acts of a referent and separate crime that could be sex crime against minors. Even though it would seem audacious to legally classify as a crime what is essentially design of a criminal project, child sex tourism is often organized in advance with the support of some “travel agencies” or on the Internet. Steps taken for this activity, even though they only are preparatory acts, leave no doubt as to the purpose of the trip and completely justify their criminalization.

The additional penalty of banning offenders from leaving French territory if they have been convicted by the French courts for child sex tourism crimes would be a particularly useful preventative measure, as suggested by the working group presided by Carole Bouquet (*Midy, Merchadou, Bouquet*, September 2004). This penalty should be associated with other penalties if attempted child sex tourism becomes punishable under French law.

### ***Sharing tools***

Common sense suggests a number of avenues for States and international organizations:

- the elimination, for child sex offences, of the double criminality requirement in extradition treaties;
- the inclusion of child sex crimes in all extradition treaties;
- promoting the creation of national databases in countries most exposed to child sex tourism;
- the sharing of information between concerned countries of sexual offenders registries;
- the development of mutual assistance procedures between countries concerned, even in the absence of double criminality;
- finally, the requirement that all decisions to drop cases in destination countries be justified by prosecutors and opened to recourse by victims.

In conclusion, the boldness of these final recommendations and of the guidelines outlined in this chapter should not be deceptive as to the immediate solution to the issue of child sex tourism.

Reflection on this topic demands propositions that may seem utopian, but reports on all continents by the most objective observers, be they NGOs, international organizations, or national, European or international criminal police agencies (INTERPOL, EUROPOL), requires the immediate and forceful condemnation of the sexual slavery of children, which is fuelled globally by the inaction of offenders' home countries and by the sometimes active tolerance exhibited by destination countries.

Faced with the reality of the situation, it is imperative that national and international institutions are pressured to move towards the absence of limitation periods for crimes committed against children in the context of organized and commercial child sex tourism; that universal jurisdiction for these crimes is recognized for national courts; and that child sex tourism is assimilated to crimes against humanity, the highest criminal expression of the infringement, collective and deliberated, of human dignity.

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# Implementation of the *Nordic Model*: a comparative analysis

*In the early 2000's, laws recognizing prostituted persons as victims began to emerge. The Swedish model, later referred to as the Nordic Model as it is largely followed beyond Sweden, implements the decriminalization and support of persons involved in prostitution, the criminalization of the purchase of sex acts, the criminalization of sex buyers and procurers, public awareness and prevention. Today, Sweden, Norway, Iceland, Canada, Northern Ireland, France, Ireland and Israel have adopted this model. Through the comparative analysis of these countries, what are the outcomes of the laws inspired of the Nordic model?*

On December 2<sup>nd</sup>, 1949, the United Nation General Assembly adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. This abolitionist-inspired text proclaims for the first time that: “prostitution and the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person”. It thus enjoined its 82 signatories to fight against all forms of sexual exploitation. While this convention marks a significant step in the protection of prostituted persons, its scope remains limited. Indeed, the commitment of the State Parties is delineated to the repression of the different forms of exploitation of prostitution, whereas the issues relating to the purchase of sex acts are not mentioned.

It was only from the early 2000's that a paradigm shift began with the emergence of legislation which truly recognized prostituted persons as victims. On January 1<sup>st</sup>, 1999, Sweden, while exempting the latter group from criminal prosecution, became the first country to criminalize the purchase of sex acts. Through the penalization of the sex buyers, the objectives of the Swedish legislator are manifold. It is primarily about fighting against all forms of violence towards prostituted persons and to guaranty the effectiveness of the principle of gender equality undermined by the practice of paid sexual relations. During their preparatory work, Swedish legislators recognized that prostitution enables the commission of all kinds of assaults on persons who engage in it. Being a lucrative activity, it is also a breeding ground for the development of organized crime networks. Besides its punitive aspect, the Swedish law finds its originality in its proposal of an exit plan to prostituted persons, and tends to impulse a change in the perception of prostitution by the general public.

Relatively exhaustive, this legislation was rapidly presented as an example to follow by supporters of the abolitionist system.

Gradually replicated by Norway, Iceland, Canada and more recently by Northern Ireland, France and the Republic of Ireland, this model has thus spread beyond the borders of the Swedish Kingdom. Consequently, today we no longer refer to it as the “Swedish model” but

rather the “Nordic model”. While the legislation of the above-mentioned nation states each have specificities, their study nevertheless reveals the existence of a common ideology, itself supported by the use of similar means. The criminalization of sex buyers and procurers (not of prostituted persons), coupled with the establishment of awareness and prevention programs, as well as support programs for people wishing to exit prostitution, constitute the Nordic model’s cornerstone. Hence, in its resolution on February 26<sup>th</sup>, 2014, the European Parliament saw in this legal approach of the prostitution phenomenon a means of “fighting against the trafficking of women and young girls for sexual exploitation purposes, and improving equality between women and men”.

### **The decriminalization and support of persons engaged in prostitution**

Prostitution, contrary to human dignity, cannot be considered as “sex work”. The Nordic model views the prostituted person as a victim, subject to procurers and sex buyers. Also referred to as “reinforced abolitionism”, this system is based on the premise that prostitution is never unconstrained nor chosen, on the contrary it finds its origin in a path of violence, precariousness or addiction. The vulnerability of prostituted persons and the inherent violence of the prostitution phenomenon therefore constitute obstacles to their exit. According to the Nordic approach, criminalising persons who engage in prostitution would further diminish their possibilities of permanently leaving prostitution and reintegrate society. Indeed, the entry of convictions in criminal records, when it is susceptible to be brought to the attention of a potential employer, very often constitutes a barrier to employment, all the more so when these convictions have been handed down on counts of solicitation or prostitution.

Consequently, not criminalising and not penalizing prostituted persons is the first axis of the Nordic model, which furthermore calls for the establishment of targeted support programs for this often isolated public. Indeed, the willingness of prostituted persons, although primordial, is often insufficient to enable them to leave prostitution if they are not upheld by social, medical, psychological, professional and financial support.

### **Penalization of sex buyers and procurers**

While the penalization of procurers and individuals involved inhuman trafficking is not a specificity of the Nordic model, the penalization of the purchase of sex acts is characteristic of the Nordic model. For instance, the Swedish law was a pioneer when it came into force in 1999, then was closely followed by some of its neighbours. This criminalization of the sex buyer, now an “offender”, appears to be the logical corollary of the recognition of the victim status for prostituted persons. It is important to make the sex buyer become accountable to his role, not as a mere consumer but a contributor to the maintenance of dependency and precariousness of prostituted persons, as he benefits from paid sexual relations. However, the ambition of the Nordic model is not to repress as a fundamental principle. Besides fines or terms of imprisonment used as a deterrent, some laws inspired by the Nordic model also include educational sanctions, such as raising awareness courses. The penalization of the sex buyer can

therefore be seen as a preventive tool, likely to ultimately lead to a change in mentality and deter prostitution networks.

### **Raising public awareness and prevention**

The Nordic model, beyond the sex buyer, aims more broadly to raise awareness of prostitution related issues among the general population, to reverse the triviality of this phenomenon. To do so, it relies on various tools: information campaign at the national level, education in schools to explain to young people the ravages of prostitution, and also reinforced training for the various public and private actors likely to be confronted with these subjects (teachers, police officers, magistrates, social workers, hospital staff, etc...).

### **Effectiveness of the laws inspired by the Nordic model**

First implemented in Sweden in 1999, the Nordic model retains a strong appeal, as evidenced, for example, by the adoption of the law in France on April 13<sup>th</sup>, 2016. Nevertheless, although it is acclaimed by some, it is still regularly challenged. Thus, during the parliamentary debates that preceded the adoption of the French law, many questioned the effectiveness of this approach. The results of this system should therefore be measured by means of a comparative analysis of the legislation of Sweden, Norway, Iceland, Canada and Northern Ireland.

#### ***Sweden***

On January 1<sup>st</sup>, 1999, Sweden became the first country in the world to criminalize the purchase of sex acts. As currently drafted, the Swedish Penal Code penalizes anyone for obtaining a “sexual relation in exchange for payments” (Chapter 6, section 11). In this regard, it should be noted that the terms of this law adopted on June 4<sup>th</sup>, 1998 are subject to extensive interpretation, making it possible to penalize sex buyers. Thus, the term “sexual relations” encompasses sexual relations in the *stricto sensu* definition of the term, as well as other acts of sexual nature, dealt with on a case-by-case basis through the jurisprudence. Similarly, the notion of “payment” does not solely refer to cash remuneration but includes any form of remuneration in kind (e.g. drugs or alcohol). As for the seller and the buyer, they can indifferently be female or male; yet it is specified that prostituted persons are not liable to be prosecuted in relations to their activity. The text lastly states that the offence of “purchase of sex acts” has occurred even if the payment was promised or made by a person other than the person who benefited from the paid sexual relation. Depending on the circumstances, including the offender’s state recidivism and personality, the penalties incurred range from a fine, adjustable according to income, to one year of imprisonment. In order to avoid any risk of reoccurrence, sex buyers may also be offered therapeutic support, which can take the form of discussion groups to reflect on their actions. Like sex buyers, procurers are likely to be subject to criminal sanctions in Sweden, although this is not typical of the Nordic model. The penalty incurred is 4 years’ imprisonment, it being stipulated that aggravating circumstances are likely to increase this quantum. Furthermore, the Swedish Land Code provides that in order to prevent the use of apartments or rooms for prostitution, the



owner or landlord is required to terminate the leasing contract if he suspects prostitution is taking place, and the lessee must leave the housing used for these purposes (Land Code 1970: 994 chap. 12 § 42.1.9; Condominium Act 1991: 614, chap. 7 § 18.8 2003 : 31).

In contrast, the Swedish law has the specificity of tackling the prostitution phenomenon by accompanying prostituted persons out of prostitution through exit plans. The equivalent of EUR 20 million (USD 22,64 million) has been allocated by the government to the reintegration of prostituted persons, and a national plan of action was implemented from 2008 to 2010 in order to make the fight against prostitution a national priority (*Le Monde Diplomatique*, January 2017). During this period, the Swedish government allocated approximately EUR 4.5 million (USD 5.09 million) to finance training activities for legal professionals (*GRETA*, May 27, 2014). Since the entry into force of the law, programmes to exit prostitution, run by specially trained social workers, have been developed to meet the needs of prostituted persons and enable them to reintegrate society through social and financial support. The last axis of the Swedish law aims to raise public awareness and prevent prostitution by targeting those at greater risk of being affected, in particular children and adolescents.

Eighteen years following its entry into force, the law on June 4<sup>th</sup>, 1998 has been the subject of several evaluations designed to measure the effectiveness of its provisions. Thus, an initial report submitted to the Swedish government on July 2<sup>nd</sup>, 2010 gave a positive assessment by indicating that street prostitution had fallen by more than half since 1999, that human trafficking in the country had been curbed and that the population's perception of this phenomenon had evolved considerably. In effect, the number of people in favour of penalizing sex buyers has risen from 30% to 70% of the population in ten years (*Fondation Scelles*, 2016).

Following this first report, the critics of the law argued that while street prostitution had decreased, prostituted persons were now forced underground, making them more vulnerable than in the past and dissuading them from cooperating with the police. Similarly, it was mentioned that the reform had resulted in the displacement of Swedish nationals to countries where prostitution was regulated. Aware of the potential for improvement in its model, the Swedish government has continued its fight against the prostitution phenomenon. Accordingly, in 2014, the emphasis was placed on raising awareness among the civilian population by encouraging tourism professionals to work more closely with the police. A bill to penalize Swedish nationals who engage in commercial sex with prostituted persons abroad is under study (*Euro-topics*, December 9, 2016). In an effort to better respond to the existing realities on the ground, the government has also commissioned the Stockholm County Administrative Council to conduct a new assessment of the state of prostitution in the country. Published in March 2015, this second report confirms that penalizing sex buyers has had a number of beneficial effects. Surveys carried out have shown that street prostitution has halved since 1995. For example, for the city of Stockholm alone, the number of prostituted persons engaging in street prostitution has decreased from about 650 to 200 between 1995 and 2014. Similarly, the raising awareness efforts seem to have borne fruit as 72% of the population (85% of women and 60% of men) is in favour of prohibiting the purchase sex acts. In order to ensure that the criminalization of sex buyers is

accompanied by an increased awareness of these perpetrators, and increasing number of police services have introduced psychologists in their units. Despite these advances, the rapporteurs intend to point out that prostitution has not been eradicated and alert the government to the rise of new forms of prostitution. Despite the fact that the number of sex buyers has remained constant since 2010, the studies conducted highlighted the growing role of the Internet in the development of prostitution. For example, in recent years, police forces have observed that a growing number of persons have been prostituting through online apartment rental websites, such as Airbnb, booked by either themselves or their procurers. In early 2016, 200 apartments registered on Airbnb and other sublease services were identified as having been used for prostitution purposes (*Vice News*, February 15, 2016).

Over the past 8 years, the number of ads published on the Internet has increased twentyfold yet this progression is not correlated with an increase in the number of individuals concerned. Similarly, the report highlights the development of clandestine prostitution, particularly in massage parlours. As a result of this growth, the hunt for sex buyers, once made possible by a network of informants, has changed field forcing investigators to adapt their investigation techniques. The results are positive in this respect: 500 men are arrested yearly, a figure that remains constant. Nevertheless, police forces regularly draw the government's attention on the lack of resources available to them to tackle the new forms of prostitution. There remains the question of the effectiveness of the sanctions imposed on convicted "consumers". Indeed, while the penalties incurred since 2011 may go up to a year's imprisonment, no custodial sentences have yet been imposed as magistrates prefer to impose fines.

Despite these limitations, Sweden remains the country in Europe where rates of human trafficking, prostitution and acts of violence against prostituted persons are the lowest. Simon Hågström, head of the Stockholm anti-prostitution brigade, was heard by the Senate's special committee as part of the preparatory work for the adoption of the French law (April 13<sup>th</sup>, 2013). He stressed the advantages of penalizing sex buyers in the context of dismantling prostitution and human trafficking networks. According to him, the law would not lead prostituted persons to refuse all forms of cooperation with the police. On the contrary, he believes that the society's improved view of them would be liberating. These advances in the fight against human trafficking have been confirmed by European institutions tasked in evaluating the Swedish legislation. In its report of May 24<sup>th</sup>, 2014, mandated by the Council of Europe, the Group of Experts on Action against Trafficking in Human Beings (GRETA) welcomes "the measures adopted by the Swedish authorities to combat human trafficking and support victims [...] It also welcomes the efforts made by the Swedish authorities in the field of international cooperation and the support they have provided to anti-trafficking activities in other countries".

### *Norway*

Faced with a surge in prostitution on its national territory, Norway is the first country to have taken inspiration from the Swedish legislation by addressing the demand for paid sex acts through the criminalization of sex buyers. Since the law of December 12<sup>th</sup>, 2008 (entered into force on January 1<sup>st</sup>, 2009), article 202(a) of the Norwegian Penal code prohibits the purchase of

sex acts regardless of the age of the prostituted person. Similarly to Sweden, the penalization of this offence is rather widely accepted. The offence is thus characterized against any person who obtains sexual intercourse or any other type of sex acts, for himself or a third party, in exchange of remuneration or an agreement providing for remuneration. Similarly, a person who would benefit from sex acts, paid for by others, may be liable to criminal prosecution on the same basis. Norway goes further than Sweden in its logic of penalizing sex buyers by giving its law an extraterritorial scope. Indeed, Norwegians who have commercial sex with a prostituted person abroad are also likely to be subject to the full force of the law. Sex buyers found guilty are liable to a fine and up to 6 months imprisonment. In the presence of aggravating circumstances, the quantum is increased to a year or more if the victim is a minor. Procuring, human trafficking and the advertisement of prostitution are also punished in Norway. Concomitantly to this repressive component designed to reduce the scope of the sex market, prevent entry into prostitution and thus curb sexual exploitation in Norway, the law includes a number of provisions designed to protect prostituted persons and accompany them in their exit of prostitution. Minors who are victims of prostitution and human trafficking are the subject of particular attention by the Norwegian authorities.

Subject to similar criticism targeting the Swedish legislation, the law of December 12<sup>th</sup>, 2008, appeared for a time threatened with its repeal. Following the publication in 2012 of a report by the field association *Pro Sentret*, which reported a sharp increase in violence against prostituted persons, some political decision-makers publicly declared themselves in favour of the law's abolition. While several studies agree that Norway remains an important country of destination for human trafficking, the 2008 law nevertheless seems to begin to prove its worth (*GRETA*, May 27 2014; *US Department of State*, June 2014). In a report published in August 2014, the independent research firm *Vista Analyse* noted a sharp reduction in the demand for acts of sexual nature. Since the enactment of the law, street prostitution would have dropped between 20% and 25% and more than 1500 persons would have been convicted of charges of "purchase of sex acts". While the sentences handed down remain monetary in nature they remain a deterrent to sex buyers, as evidenced by the sentence of Bård Hoksrud, a Norwegian Fremskrittspartiet deputy (populist right-wing), ordered to pay a fine of around EUR 3,200 (USD 3,621) in September 2011 (*Le Figaro*, July 7, 2012). Indoor prostitution is also reported to have decreased by 10% to 20%. Shortly after the law came into force, the prostitution market, at its lowest level, finally stabilized at a lower level than before 2009. Combined with the repressive texts of law against procuring and human trafficking, the 2009 law would have made Norway a much less attractive country for prostitution networks. It is in Oslo that the most significant changes can be observed, with a sharp decrease in street prostitution within the city, as well as an evolution in the population's perception of prostitution, especially among the younger generations. According to the report, there is no evidence to show that the law has resulted in an increase in violence against prostituted persons as its detractors claim.

Nevertheless, due to a lack of political will and resources, progress remains to be made in some areas. In 2015, the number of persons prosecuted for the purchase of sex acts in Oslo

sharply decreased, as the police forces mobilized their staff on more complex cases (*The Local*, February 11, 2015). According to *Rosa*, an association for the assistance of prostituted persons, the lack of police resources is a major obstacle to the dismantlement of prostitution networks, so much so that to this day Norway remains an attractive country for human traffickers. Consequently, the government is often questioned regarding the situation of migrants who, due to their precarious circumstances, remain a target of human trafficking networks. While noting that Norway has implemented a number of significant social policies aimed at the victims of human trafficking and prostituted persons, *Vista Analyse* researchers emphasize that the Norwegian authorities must pursue their efforts in order to diversify the offer of exit programs out of prostitution. In their view, the support provided to prostituted persons must include, among other things, the development of language and vocational training courses, as their beneficial effects no longer requires to be demonstrated. In their 2016 evaluation report, Amnesty International also emphasized the necessity to strengthen the protection of prostituted persons. Through a critical analysis of the Nordic model, the organization comments that prostituted persons are too often discriminated against in Norway. For example, it is noted that prostituted persons in irregular situations would not dare to file a complaint when they are victims of violence, out of fear of being sent back to their country of origin (*Independent*, May 26, 2016). While the penalization of sex buyers seems to have a more limited impact than in Sweden, due in part to a more recent application of the law and a lack of willingness from political leaders, the overall results are nevertheless positive on the reduction of street prostitution in Norway.

### ***Iceland***

Akin to Norway, Iceland has in recent years become a transit and destination country for human trafficking, mainly for prostitution purposes (*US Department of State*, July 2015). The fight against sexual exploitation has therefore become a priority for the Icelandic government. Over the course of 2009, the government was in turn inspired by the Swedish law. It introduced a national action plan against human trafficking and amended its Penal code to penalize the purchase of sex acts. Icelandic law is indeed very similar to the legislation previously studied and considers prostitution as a form of violence against women. On one hand, prostituted persons cannot be prosecuted. The national action plan against human trafficking thus emphasizes on the prevention and support of prostituted persons in collaboration with associations concerned: legal assistance, accommodation, etc. On the other, it follows provisions of article 206 of the Penal code that any person who pays or promises a payment or any other form of remuneration to obtain sexual relations from a prostituted person is liable to a fine or up to one year imprisonment. The definition of the offence, as well as the penalties incurred, are therefore very similar to those laid down in the Swedish and Norwegian legislation. Although, the Icelandic law provides that these penalties are increased to two years imprisonment when the victim is a minor. Under the same article, procuring, human trafficking, corruption of minors and the advertisement of prostitution are also subject to criminal penalties. During the adoption of the law, opinion polls showed that over 70% of the population was in favour of the prohibition of the purchase of

sex acts. Since a 2010 law, Iceland also prohibits striptease shows. The aim of this text, put forward by the female politician Kolbrún Halldórsdóttir, is to pursue the fight against gender inequalities by preventing anyone from benefiting of the nudity of their employee, but also to strengthen the fight against prostitution. This law authorized the Icelandic authorities to shut down all striptease establishments which had links with prostitution, human trafficking and other illegal activities.

In contrast with Sweden or Norway, there is no planned formal evaluation of the 2009 law that penalizes the purchase of sex acts. Nevertheless, some organizations have taken an interest in the effectiveness of the Icelandic legislation. The Icelandic Women's Rights Association (IWRA) and the Icelandic Human Rights Centre (ICEHR), in a report published in 2016 on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, had the opportunity to review the scope of prostitution and human trafficking within the country (*Kvenréttindfélag Islands*, February 3, 2016). While these two organizations welcome the reforms initiated by the Icelandic legislator, they note that the implementation of the law remains uneven across the country and is, for the time being, relatively ineffective. They first point out that, in the first cases implementing the provisions on the prohibition of the purchase of sex acts, Icelandic courts chose not to disclose the identities of convicted sex buyers. The two organizations also argue that the sentencing decisions were not published on the internet, as is usually the protocol followed regarding court decisions. Henceforth, the authors of the report fear that this guarantee of anonymity granted to sex buyers may render the law criminalizing the purchase of sex acts ineffective, or at least deprive it of any deterrent effect. Basing themselves on a study conducted by the National Commissioner of the Icelandic Police in 2015, ICEHR and IWRA report an increase in prostitution in Iceland in recent years, particularly in Reykjavik and in the country's major cities. According to the police, Iceland is indeed a popular destination for sex tourists. This has resulted in a sharp increase in the advertisement and offer of sex acts, notably through personal ads offering "escort girl" services on the Internet. To illustrate this point, a website that had 34 such ads in 2016 had 149 in October of the same year (*Iceland Review*, October 20, 2016). Similarly to Sweden and Norway, the police forces are also faced with the emergence of new forms of prostitution, including through online housing rental sites (*Iceland Review*, October 20, 2016). The surge of highly prized "champagne clubs" by tourists has been drawing the authorities' attention, as the police suspect these establishments to be involved clandestinely in human trafficking. According to the US Department of State, Iceland remains a preferred destination for human trafficking for sexual exploitation purposes. The traffickers would take advantage of the existing rules on the free movement of persons within the Schengen area to exploit their victims in Iceland before making them return the country as the legal deadline for them to register with the authorities has expired. Nonetheless, the Icelandic government's efforts in the field of prevention are highlighted. In 2015, 17 information sessions were held throughout the country for health, justice and social sector professionals to enable them to better identify and refer victims to the appropriate services. In 2016, about 30 seminars had been held and more than a thousand professionals trained.

Nevertheless, NGOs continue to denounce the lack of human and financial resources and cite, to illustrate this situation, the closure of the Kristínarhús shelter for women victims of human trafficking and prostitution, merely two years after its opening due to a lack of resources. Finally, they regret that the 2010 law banning striptease is not applied more rigorously by police forces.

### *Canada*

In considering the conclusions of the Bedford decision, at the end of which the Supreme Court judged that certain provisions of the Criminal Code were unconstitutional, as they were damaging to prostituted persons' right to safety, the Canadian legislature profoundly reformed their laws concerning this matter (*Fondation Scelles*, 2016). Thus, law C-36, or the "Protection of Communities and Exploited Persons Act," was implemented on December 6<sup>th</sup>, 2014, and acknowledged prostitution as a form of sexual exploitation. Furthermore, this law took inspiration from the Nordic Model in that it targets sex buyers and procurers rather than prostituted persons themselves. While the short-term objective of this law is to reduce demand for prostitution and to discourage anyone from doing so, the longer-term goal is to abolish the system of prostitution. To this effect, Article 286.1 of the Criminal Code condemns buying sex acts by stating that "any person in any place who obtains, for remuneration, the sexual services of any person or communicates with any person for the purpose of obtaining, for remuneration, such services," is susceptible to criminal prosecution. The penalties for this charge are particularly severe, with prison sentences ranging from 18 months to 5 years and graduated fines ranging from 500 to 4,000 Canadian dollars (CAD) (USD 371 to 2,969) depending on the circumstances. In addition to prohibiting obtaining sexual services for remuneration, the Canadian legislation provides for a number of other offences relating to the offering, providing or obtaining of sex acts for remuneration. Indeed, before the reform, the majority of prostitution-related offences (82%) reported between 2009 and 2014 involved communication or attempted communication with a person with the intention of engaging in sexual activity or obtaining sex acts (*Juristat*, November 10, 2016). From now on, Article 213 of the Criminal Code prohibits the solicitation of sex acts in public places or places accessible by the public, whether by the sex buyers or by the prostituted persons. The advertisement of sex acts is prohibited. The Act C-36 also provides for a budget of CAD 20 million (USD 14.8 million) over 5 years dedicated to the support of people who wish to leave prostitution.

Even though Act C-36 act officially came into effect by Royal Assent in 2014, its practical implementation has been confronted with a lack of will on the part of the authorities, and its effectiveness appears unequal across provinces. Thus, in certain cities such as Regina, the capital of the Saskatchewan province, police continue to tolerate massage parlors as long as they don't employ minors, and there is no suspicion of human trafficking. In December of 2014, when the law had just come into effect, a group of academics, lawyers and activists asked Christy Clark, the Prime Minister of British Columbia, not to prosecute on the basis of the new legislation. As in Nordic countries, there is a lack of consensus on the penalization of sex buyers, and critics fear that the new legislation which drive prostituted persons into clandestinity, thus putting them

at greater risk of violence. Although the Government of British Columbia did not expressly approve this request, it indicated that it would leave enforcement in the hands of the police department. However, the British Columbia police have made it clear that they will not mobilize additional resources to combat the sex trade, such as the closure of brothels, and that it would only continue to ensure the safety of prostituted persons. Thus, the focus is put on human trafficking and protecting minors. Conversely, some provinces indicated that they will not grant requests for the challenging of the constitutionality of Act C-36. Thus, the government of Quebec clearly indicated that the new provisions of the Criminal Code will be applied in the province. These rules are enforced rigorously in some cities where the police do not hesitate to carry out major undercover operations in order to arrest as many sex buyers in search of sex acts. At the end of the Summer of 2015, the regional Police of Cape Breton arrested 27 men who were soliciting paid sex acts from prostituted persons on the street. The names, ages and addresses of the individuals involved were published at a high-profile press conference. The City of Saskatoon has refused to grant and renew licenses for businesses offering “adult services” (*striptease*, escort agencies and massage parlors).

Although it is difficult to evaluate the effects of Act C-36 just 4 years after it came into effect, the first conducted studies have been overwhelmingly positive. For example, according to a survey on criminality in 2015 by Statistique Canada, the number of cases for the purchase of sex acts reported by the police rose to 345, of which only 9 were in Quebec. Generally speaking, there were 799 prostitution-related cases compared to 1,073 the year before (*Le Devoir*, July 23, 2016). In 2017, 741 cases of purchasing sex acts were reported by the police force in Canada, according to Statistique Canada.

The provisions of the law relative to the prohibition of the advertisement of the sale of sex acts seems to be difficult to apply. Indeed, it is noted that throughout the country, these types of advertisements on websites hosted abroad as well as in certain Canadian newspapers have persisted. The Montreal police admits in this respect that these types of advertisements are not a priority, and that they will only be investigated if they are likely to constitute evidence in more complex cases. Finally, there are significant disparities between provinces in the number of court cases involving procurers. According to a study by a Canadian newspaper, the number of criminal hearings conducted each year concerning procurers in Ontario since 2007 is equal to that of Quebec over the span of 10 years (*La Presse*, May 17, 2016). This difference could again be explained by the difference in police resources, as Toronto police services are better equipped than those in Quebec City. In general, in 2017, the police caught 78 people in 47 cases of human trafficking, as compared to 107 people in 68 cases in 2016 and 112 people in 63 cases in 2015. 4 people were sentenced for offences of sex trafficking in 2017 (10 in 2016 and 6 in 2015) and the penalty was 2 to 12 years’ prison time (compared with 6 months to 9.5 years in 2016). Authorities recorded a total of 367 trafficking victims in pending court cases in 2016 (*US Department of State*, June 2017).

Published on June 18, 2015, Act C-452 proposed to amend the Criminal Code by inserting a presumption of sexual exploitation when a person who is not exploited lives or is usually in the

company of an exploited person (section 279.01 of the Criminal Code). Similarly, the sentence imposed on a person on this basis was served consecutively to any other punishment for related offences based on the same facts and to any other punishment being enforced (section 279.05 of the Criminal Code). However, this law never came into effect, as the Ministry of Justice considered that this last provision risked being judged as an unjustifiable restriction to the rights protected by Article 12 of the Canadian Charter of Rights and Freedoms. On the basis of this article, the courts have held that the right to protection from cruel and unusual treatment or punishment is intended to prevent the imposition of grossly disproportionate sentences. Many of the offences involved in consecutive enforcement are punishable by mandatory minimum prison sentences ranging from 1 year to 6 years, making them disproportionately punitive. Also, the new C-38 Bill was tabled in the House of Commons in February 2017 to amend Act C-452 itself amending the Criminal Code and repealing the consecutive sentencing section. If the new version of Act C-452 is adopted, the incrimination of sexual exploiters will be facilitated (*Canadian Ministry of Justice*, February 9, 2017).

### ***Northern Ireland***

A part of the United Kingdom, Northern Ireland is a region of origin, transit and destination for human trafficking (*US Department of State*, June 2018). Because of its geographical location between Ireland and the rest of the United Kingdom, it is possible to consider that the situation is accentuated in the country. For this reason, the Assembly of Northern Ireland has passed a law to prevent and combat human trafficking, slavery and other forms of exploitation, including measures for preventing and combating exploitation, and for providing support to victims of exploitation (Preamble of *Human Trafficking and Exploitation Act* of 2015). On January 13<sup>th</sup>, 2015, the Human Trafficking and Exploitation Act was passed and, by amending Article 64 of the Sexual Offences Order of 2008, brought Northern Ireland into the narrow circle of states that adopted the Nordic model. Indeed, Article 15 of the 2015 law (64A paragraph 1 in the 2008 law) stipulates that a person is committing a crime if they obtain a sex act from another person in exchange for money. The 2015 law goes further by removing Article 59 of the 2008 law, which penalized the act of prostitution in public places (Article 15 paragraph 4). Northern Ireland thus became the 5<sup>th</sup> country to criminalize the purchase of sex acts and to decriminalize the act of prostitution completely.

Put into effect on June 1<sup>st</sup>, 2015, the text punishes the act of buying sex acts as well as the promise of payment (even by way of a third party). Payment shall be understood as any financial benefit including the settlement of a debt or the provision of goods or services (other than sex acts) free of charge or at a reduced price (Article 64A Paragraph 3). The notion of sexual services, which is not specified in this text (*Department of Justice*, October 2014), is defined by Article 4 of the Sexual Offences Order of 2008: “penetration, touching or any other activity is sexual if a reasonable person would consider that (a) whatever its circumstances or any person’s purpose in relation to it, it is because of its nature sexual, or (b) because of its nature it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both), it is sexual” (Article 4 of the Sexual Offences (Northern Ireland) Order 2008). This concept is



supplemented by Article 64A, which states that a crime is committed only if the sex buyer is in the presence of the prostituted person, in physical contact with the prostituted person, or “the prostituted person caresses herself in a sexual manner for the sexual pleasure of the sex buyer.” “Sexual services” corresponds with acts considered sexual by a reasonable person and which imply the physical presence of the concerned people, which differentiates between prostitution and pornography. The Policing and Crime Act of 2009 amended the law of 2008 to including the penalization of the sex buyer, but only if the prostituted person submitted under coercion. One can easily imagine the difficulties faced when proving that a prostituted person was coerced at the moment of the offence, which could have, in part, incited the legislature to once again amend Article 64A in 2015. It should be noted that the purchase of sex acts from minors falls under Article 37 of the Sexual Offences Order of 2008 and is a sexual crime.

The penalties for purchasing sex acts are 1 year in prison either accompanied with or replaced by a fine of up to GBP 5,000 (USD 6,501.25) (*Law Center NI*, Northern Ireland, 2015). Concerning the purchase of sex acts from minors, the law is much more severe. If the minor is under 13 years old, the sex buyer is liable to life imprisonment; if the minor is less than 16 years old, the sex buyer is liable to up to 14 years’ imprisonment; and if the minor is less than 18 years old, the sex buyer is liable to up to 7 years’ imprisonment.

An assistance plan for leaving prostitution has been published (*DHSSPS*, December 2015). This plan, which came into force before April 1<sup>st</sup>, 2016, aims in particular to provide an overview of prostitution in Northern Ireland, to identify obstacles to exiting prostitution, ways to exit, as well as identifying appropriate bodies. The plan focuses on street prostitution, indoor prostitution, escort services and brothels, however its provisions are not limited to just these categories (*DHSSPS*, December 2015). The scope of the plan is restricted: it does not include victims of trafficking, as there already are existing programs of aid specifically dedicated to helping these people. Minors are also excluded, and are instead referred to organizations dedicated to helping victims of sexual abuse. Although the law doesn’t distinguish between gender (paying for sexual services of *a person*), the strategy for aiding the exit from prostitution is consistent with the reality of the field, and proposes assistance exclusively for women, who represent 68% of prostituted persons in Northern Ireland (*Department of Justice*, October 2014). Through this plan, twelve barriers to getting out of prostitution are identified (substance addiction, housing difficulties, physical and/or mental disability, childhood violence, criminalization, coercion, lack of education or skills, age of entry into prostitution, stigma, need to provide for themselves and/or their children). To address these barriers, 8 aid sectors have been provided (medical, financial, housing, employment/training, legal, domestic and sexual violence, reception centers, advice), each of with its own specific body. However, despite the large number of services proposed by the plan, only the Belfast Drop-in Service for Commercial Sex Workers was dedicated to prostituted persons. Additionally, it was noted that prostituted persons had a significant lack of knowledge of the existing aid services, and an advertising strategy for these services is not explicitly foreseen. The plan also reflects a weak political will by simply stating that the (exceptional) financial difficulties encountered lead to existing services, resources and personnel being used to

achieve exit objectives, with social workers, police officers, health personnel and others working in the community are most likely to be in contact with prostituted persons, without specifying the terms and conditions (*HSPSD*, December 2015). The law in Northern Ireland does not provide for any extraterritoriality clause for its nationals concerning the purchase of sex acts abroad, possibly because this would affect the legislation of other nations in British territory. In 2015, the Irish NGO Ruhama was concerned that Ireland would become a top sex tourism destination in Northern Ireland and expressed its support for harmonizing legislation on the island (*Vice*, February 19, 2015). It was indeed noted by the NGO *Immigrant Council of Ireland* that the implementation of the law has led to an increase in online prostitution services in Ireland (*Irish Examiner*, November 5, 2015). Following the adoption of a similar law by Dáil Éireann (Irish Parliament) in February 2017, sex tourism on the island is no longer relevant. However, one can wonder about the future of Britain, now surrounded by countries that have adopted the Nordic model. Would this not be an opportunity to adopt it in turn, so as not to become a destination for sex tourism in Western Europe?

Legal recourse was filed against the law in September 2016 by Laura Lee, who self-identifies as a “sex worker”. She believes the law violates human rights, especially the right to a private life and the right to not be a victim of discrimination, as well as increases the danger of her activity. However, the court dismissed the recourse in March 2018 following the death of the complainant, which resulted in the cessation of the main objections to the law (*Belfast Telegraph*, March 8, 2018).

The first sentence for purchasing sex acts, under Article 64A, wasn’t given until the 22<sup>nd</sup> of June 2018 for a crime committed in 2016. Previously, 21 individuals had been arrested or were subject to a discretionary measure and 7 others had received warnings (*CARE*, June 22, 2018). The enforcement of the law is still limited, with some police personnel considering that the priority should be to target victims of human trafficking and sexual exploitation, with the penalization of sex buyers remaining secondary (*BBC News*, August 10, 2016).

### **A model that continues to spread**

While the Nordic model continues to be criticized by its opponents, new countries continue to be inspired by it.

For example, in France, the April 13, 2016 law number 2016-44 “to strengthen the fight against the system of prostitution” punishes with a fine of EUR 1,500 (USD 1,698) and additional penalties for 5<sup>th</sup> class contraventions the act of soliciting “relations of a sexual nature with a prostituted person, including on an occasional basis, in exchange for remuneration (...).” Repeat offences are punishable by a fine of EUR 3,750 (USD 4,245). The April 2016 reform created, in addition, a new penalty that obligates the offender to attend a workshop that raises awareness of the fight against the purchase of sexual services. This sentence is provided for in both contraventional and criminal materials. Attendance of this workshop can also be used as an alternative to prosecution. The law is intended to be more educational than repressive towards the sex buyer in order to prevent the risk of recurrence and reduce demand. At the same time, the

offence of passive solicitation is repealed and a way out of prostitution is put in place, with prostituted persons being considered by law as vulnerable and needing protecting. In May 2018, 64 people had embarked on a journey out of prostitution. Section 11 of the law creates “an aggravating circumstance for violence, sexual assault and rape against a prostitute,” thus strengthening the protection of victims of prostitution. To complement the legislation, “public awareness and sexuality education programs for the youngest” were also established (*GRASCO Review*, November 2018).

Two years after the law came into effect, professionals denounced the insufficiency of the allocated resources to allow for its effectiveness, for example the lack of adequate space in accommodation centers. The enforcement of the law is also not homogeneous at the territorial level and very ad-hoc on the Internet, so it is difficult to assess its actual effectiveness. More importantly, some municipalities are breaking the law by issuing municipal by-laws penalizing prostitution. Thus, 1 120 prostituted persons were written up between January and June 2017 in the 7th arrondissement of Lyon (*GRASCO Review*, November 2018).

Around 250 sex buyers have been fined by the police forces 6 months after the law came into effect (*Le Monde*, October 4, 2016). In September of 2018, nearly 2 800 sex buyers were fined, without any recorded recurrence to date. Indeed, 85% of sex buyers who attended an awareness workshop recognized its utility in reducing incidences of buying sexual services. Prostitution in the Fontainebleau forest has decreased by half between 2016 and 2018 (*GRASCO Review*, November 2018).

In the various countries where sex buyers are penalized, objections emphasize the precariousness and insecurity of prostituted persons in order to attack the law, particularly associations in favor of “sex work,” but also the NGO *Médecins du Monde-France*. The official evaluation of the law was delayed, and is expected to take place in the spring of 2019, allowing for a comprehensive review.

On November 14<sup>th</sup>, 2017, Ireland adopted the Nordic model. The Criminal Law (Sexual Offences) Act 2017 provides for the abolition of the offence of solicitation and penalizes the purchase of sex acts. Henceforth, the purchase or promise to purchase a sexual act from a prostituted person in Ireland will be liable to a fine of EUR 500 (USD 566) and EUR 1,000 (USD 1,132) in the case of recidivism (aggravated sentences if the prostituted person is a victim of human trafficking).

Finally, in October of 2018, the penalization of sex buyers came into force in Israel following the adoption of a draft bill by the government. Sex buyers will be liable to a fine of 1,500 shekels (ILS) (USD 421) and ILS 3,000 (USD 842) in the case of recidivism.

Other countries are looking at the possibility of doing the same thing. The issue is critical as the fight against sexual exploitation can only be successful when the Nordic model has become an international standard.

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## 2016-2017 Legal responses

*The overview of current worldwide judicial affairs, made through the vigilance of Fondation Scelles' information research center: Observatoire international de l'exploitation sexuelle (International Observatory on Sexual Exploitation), is, more than ever, indicative of the scale and variety of current forms of sexual exploitation. This selection of judicial responses from around the world is intended to illustrate the commonalities that characterize the judicial and police struggle against sexual exploitation today.*

The reports of trials and investigations, widely covered on the news over the 24 month period discussed here, January 2016-December 2017, certainly do not constitute an exhaustive account of reality since they only include cases brought to the attention of repressive authorities and handled by them. Nevertheless, the hundreds of reported cases reflect the true reality of a crime that aspires to show only its commercial side and hide the violence of the situations and damages done to people.

Public coverage of the most significant cases will not replace the necessary case-specific analysis whose comprehensive understanding is not possible without court records that are only accessible to involved parties. This demonstrates the interest, for victims and associations that fight against sexual exploitation, to become civil parties wherever the law of the country allows. One should not be struck by the importance of the cases presented here; they represent only a small minority of the proceedings opened each year around the world concerning the legal classification of human trafficking and procuring.

However, there is a recurrence of three phenomena: the dizzying increase in cases of prostitution networks of vulnerable people, including many minors; the almost systematic internationalization of prostitution organizations; and the constant use of digital technology.

### Global overview of high-profile cases in 2016-2017<sup>1</sup>

January 2016	<ul style="list-style-type: none"> <li>- Cancellation of a hunting trip that offered prostituted persons for the journey home (“Romantic Week End Hunting”) (<i>Austria</i>)</li> <li>- Indictment of 5 men of Chinese descent managing massage parlors in Toulouse via internet (<i>France</i>)</li> <li>- A special unit (Dolphin Force) dismantles a child prostitution network in Lahore; some children did not survive the abuse (<i>India</i>)</li> <li>- In Virginia, a procurer exploiting 55 women is sentenced to 30 years in prison (<i>USA</i>)</li> </ul>
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<sup>1</sup> All of the press articles recounting these cases are available at the Observatoire international de l'exploitation sexuelle/International Observatory on Sexual Exploitation (Fondation Scelles).

February 2016	<ul style="list-style-type: none"> <li>- Police raids of more than 30 brothels exploiting migrant women, resulting from complaints from 20 organizations (<i>Morocco</i>)</li> <li>- A young woman estimates having been raped more than 40,000 times during her ten years of exploitation in Mexico and the USA (<i>Mexico</i>)</li> <li>- 27 sex buyers, arrested under the new law criminalizing buying prostitution, filed a complaint against the police for misconduct and violation of their “sex buyers rights” (<i>Canada</i>)</li> <li>- Three brothers in the Rotherham network who exploited dozens of underage girls were sentenced to 19-35 years in prison (<i>UK</i>)</li> </ul>
March 2016	<ul style="list-style-type: none"> <li>- Due to the explosion of the number of prostituted children, the police decide to systematically arrest the sex buyers (800 arrests) (<i>Tanzania</i>)</li> <li>- In Valence, a 90-year-old man was convicted for repeat offenses of child sex tourism abroad (<i>France</i>)</li> <li>- Arrest of 18 people suspected of having enslaved 50 Syrian migrant women (<i>Lebanon</i>)</li> <li>- The “Traveling Circus” operation in Houston resulted in the arrest of 400 sex buyers and traffickers. Police set a trap for sex buyers who will then be reported on the “Johns Wall” (<i>USA</i>)</li> </ul>
April 2016	<ul style="list-style-type: none"> <li>- A court cancels the visa of a Chinese national “because of the risks he represents to the safety of children in Australia” for repeated acts of exploitation of minors, without sentencing him criminally (<i>Australia</i>)</li> <li>- First wave of sex buyers arrests in Quebec under the new law criminalizing the use of prostitution (<i>Canada</i>)</li> <li>- Dismantling of a Nigerian and Guinean prostitution network in Grenoble revealing particularly horrible living conditions for the victims (<i>France</i>)</li> <li>- Confirmation of the sentencing of the “Vampire Pimp,” who exploited and tortured his victims all around the world, to 27 years in prison (<i>USA</i>)</li> <li>- A procurer in San Francisco gets 97 years in prison “to serve as an example” (<i>USA</i>)</li> </ul>
May 2016	<ul style="list-style-type: none"> <li>- A computer scientist is prosecuted for offering a smartphone app to 40 procurers that lists the tastes of more than 110,000 sex buyers (<i>South Korea</i>)</li> <li>- Interrogation of the first sex buyer in Fontainebleau on the first of May under the new law penalizing the use of prostitution (<i>France</i>)</li> <li>- Draft law to prosecute sex buyers of illegal prostituted persons, whose number is increasing significantly (<i>Netherlands</i>)</li> <li>- The sentencing of a 98-year-old Geneva procurer to 13 months’ imprisonment with a suspended sentence (<i>Switzerland</i>)</li> </ul>

<p>June 2016</p>	<ul style="list-style-type: none"> <li>- A Texan judge acquits a sex buyer who killed an escort that refused to have sex with him, applying a law on self-defense in case of theft (<i>USA</i>)- Police encourages residents to photograph prostituted persons to facilitate their identification and arrest (<i>Kyrgyzstan</i>)</li> <li>- The Cour d'assises of Versailles sentences a French sex tourist to 16 years in prison and a socio-judicial follow-up (<i>France</i>)</li> <li>- 2,500 mobilized police freed more than 200 minors detained in three “houses of torture.” Minors who died there were fed to dogs (<i>Colombia</i>)</li> </ul>
<p>July 2016</p>	<ul style="list-style-type: none"> <li>- Hawaii becomes the last of the 50 States to pass a law against human trafficking (<i>USA</i>)</li> <li>- Police makes an assessment of the past 5 years of their fight against sexual exploitation, announcing that they have prosecuted 2,084 people and freed 4,500 victims (<i>Vietnam</i>)</li> <li>- In French Polynesia, a 73-year-old procurer and his 16-year-old tout accomplice are indicted for prostitution of minors (<i>France</i>)</li> </ul>
<p>August 2016</p>	<ul style="list-style-type: none"> <li>- A mother is prosecuted for prostituting her underage daughter to finance a pilgrimage to Mecca (<i>UAE</i>)</li> <li>- The trial of “Auntie Franca,” who used Heathrow Airport as a hub for sex trafficking of about 40 female minors placed in an orphanage (<i>UK</i>)</li> <li>- A procurer managing a “stable” of minors called Team LP (Love Pimpin) was declared a “danger to the community” by a judge and sentenced to 30 years in prison (<i>USA</i>)</li> </ul>
<p>September 2016</p>	<ul style="list-style-type: none"> <li>- Arrest of the creators of “The League,” a group of men participating in a web-based trafficking network that trafficked Korean adolescents in Seattle (<i>USA</i>)</li> <li>- Police freed 21 Nigerian women, 17 of whom were kept in a 30 square meters room and sold to tourists by the “Supreme Eiyé Confraternity,” a criminal group rampant throughout Europe (<i>Spain</i>)</li> <li>- The dismantling of a network entrapping 150 boys. Traffickers incur the death penalty or chemical castration (<i>Indonesia</i>)</li> </ul>
<p>October 2016</p>	<ul style="list-style-type: none"> <li>- Closure of 3 hostess bars managed in Mulhouse by a retired teacher (<i>France</i>)</li> <li>- Operation “Northern Spotlight,” conducted by 53 different police services, results in the arrests of 32 traffickers and frees 16 minors (<i>Canada</i>)</li> <li>- 51 women are freed from strip clubs where they were prostituted – 7 traffickers are imprisoned (<i>Mexico</i>)</li> <li>- Arrest of the CEO of <i>Backpage</i>, an online prostitution website, for online procuring (<i>USA</i>)</li> </ul>



November 2016	<ul style="list-style-type: none"> <li>- A British banker who killed two Indonesian prostituted women receives a life sentence in Hong Kong (<i>China</i>)</li> <li>- The Cour d'assises of Gironde sentences 11 Bulgarians for having prostituted their children (<i>France</i>)</li> <li>- 7 Chinese men are arrested for prostituting 150 women in Vienna after promising them jobs (<i>Austria</i>)</li> </ul>
December 2016	<ul style="list-style-type: none"> <li>- The city of Ushuaia is ordered to compensate a woman exploited in a bar owned by the municipality (<i>Argentina</i>)</li> <li>- Arrest of more than 300 people suspected of prostitution and procuring in nightclubs in the Dongcheng District of Beijing (<i>China</i>)</li> <li>- The Cour d'assises of Vannes sentences a prostituted woman to 12 years' imprisonment for the murder of her procurer, whose body was found in a suitcase floating off the coast (<i>France</i>)</li> </ul>
January 2017	<ul style="list-style-type: none"> <li>- Dismantling of a massage parlor network using Chinese illegal migrant women in Toulouse (<i>France</i>)</li> <li>- 9 Nigerian traffickers are arrested for prostituting illegal African migrants (<i>Spain</i>)</li> <li>- A Catholic priest is found to have organized the prostitution of about 15 women in his church in Padua (<i>Italy</i>)</li> <li>- A Calgary woman is sentenced to 8 years in prison for prostituting and confining identified victims at Alcoholics Anonymous and Drug addicts Anonymous meetings (<i>Canada</i>)</li> </ul>
February 2017	<ul style="list-style-type: none"> <li>- 522 sex buyers and 30 procurers are arrested at the Superbowl in Houston (<i>USA</i>)</li> <li>- In California, the "Claim and Rebuild" operation leads to the arrest of 474 people and the freeing of 50 victims, including 28 children (<i>USA</i>)</li> <li>- 77 traffickers and several hundred employees are prosecuted for procuring and prostitution in the "Baoli" nightclub in Beijing (<i>China</i>)</li> <li>- Three Hungarian traffickers are sentenced to 6, 8, and 13 years in prison for human trafficking in Manchester (<i>UK</i>)</li> </ul>
March 2017	<ul style="list-style-type: none"> <li>- Entry into force of a law penalizing the purchase of sexual services (<i>Ireland</i>)</li> <li>- Dismantling of a Romanian network that tattooed its victims (<i>France</i>)</li> <li>- Police estimate that 9,000 migrant minors are currently in prostitution, and report cases of organ trafficking and cannibalism (<i>Germany</i>)</li> <li>- Arrest of traffickers who sold minors' virginites online for EUR 5,000 (USD 5,621) (<i>Spain</i>)</li> </ul>

April 2017	<ul style="list-style-type: none"> <li>- 104 sex buyers of underage prostituted people are arrested in Toronto under the new law (<i>Canada</i>)</li> <li>- First assessment of the new law: no prostituted person arrested, 800 sex buyers prosecuted (<i>France</i>)</li> <li>- Dismantling of a child pornography ring on WhatsApp thanks to a Europe-wide investigation (<i>Spain</i>)</li> <li>- Arrest of an online Asian prostitution network (<i>Kuwait</i>)</li> </ul>
May 2017	<ul style="list-style-type: none"> <li>- Minnesota Prosecutor prosecutes 21 traffickers of Thai victims (<i>USA</i>)</li> <li>- The procurer “Gorgeous Black” is sentenced to 30 years for trafficking minors in Houston (<i>USA</i>)</li> <li>- Update on a large prostitution network of Nigerian minors (12-14 years old) whose number increased by 200% in one year (<i>Belgium</i>)</li> <li>- First convictions for procuring in Marrakech after an Italian television report (<i>Morocco</i>)</li> </ul>
June 2017	<ul style="list-style-type: none"> <li>- 21 sex buyers are arrested in Montreal during the Formula 1 Grand Prix (<i>Canada</i>)</li> <li>- A judge sentences a sex buyer to 35 hours of community service for refusing to pay a amount of USD 500 claimed by a prostituted person (<i>Australia</i>)</li> <li>- In Nantes, a couple of hairdressers offering a haircut with sexual relations are sentenced for procuring (<i>France</i>)</li> <li>- A man is sentenced to 8 years in prison for raping a prostituted person in a forest (<i>France</i>)</li> <li>- A German rap performer prosecuted for prostituting fans is finally convicted for tax evasion (<i>Germany</i>)</li> </ul>
July 2017	<ul style="list-style-type: none"> <li>- Florida police report 356 underage prostitution cases in 2016; the cost for necessary social assistance to help victims being USD 50,000 per year per minor (<i>USA</i>)</li> <li>- In Hanford, CA, an 18-year-old woman is sentenced to 13 years in prison for prostituting 14-year-old girls she recruited through social media (<i>USA</i>)</li> <li>- Adoption of a law penalizing the sex buyer (<i>Israel</i>)</li> <li>- Large-scale police raid against the website <i>Elysium</i> specializing in child pornography on the <i>darknet</i> results in the arrest of the site’s operator (<i>Germany</i>)</li> </ul>
August 2017	<ul style="list-style-type: none"> <li>- The Paris district court rejects a question regarding the unconstitutionality of the law repressing the purchase of sexual acts by a convicted sex buyer (<i>France</i>)</li> <li>- A Former MP is sentenced for life for procuring in his luxury hotel (<i>China</i>)</li> <li>- Dismantling of a network selling Venezuelan transgender people in Barcelona and the Balearic Islands (<i>Spain</i>)</li> <li>- Pakistani traffickers receive more than 300 years in prison in the case of a network trafficking English minors in Newcastle (<i>UK</i>)</li> </ul>

September 2017	<ul style="list-style-type: none"> <li>- Dismantling of a network in Lyon exploiting 50 Nigerian women – arrest of the pastor at the head of the network (<i>France</i>)</li> <li>- 20 people arrested in the “Sheikh Marriage” case involving the shipping of underage girls to the Persian Gulf (<i>India</i>)</li> <li>- One of the traffickers arrested in Operation “Sanctuary” in Newcastle is sentenced to 29 years in prison (<i>UK</i>)</li> </ul>
October 2017	<ul style="list-style-type: none"> <li>- In Lille, “Papa Success,” the head of a Nigerian procuring network operating out of Italy, was sentenced to 6 years in prison and EUR 10,000 (USD 11,241) in damages to victim support associations (<i>France</i>)</li> <li>- FBI operation “Crosscountry” to fight “the child trafficking epidemic” freed 50 children and arrested 120 traffickers in 2016 (<i>USA</i>)</li> <li>- In Hong Kong, an individual found guilty of the rape of and theft from prostituted people online is sentenced to 11 years in prison (<i>China</i>)</li> </ul>
November 2017	<ul style="list-style-type: none"> <li>- A network of Hungarian prostituted people is dismantled in Nice (<i>France</i>)</li> <li>- An Interpol operation simultaneously undertaken in 5 African countries leads to the arrest of 40 traffickers and the release of hundreds of victims, including 356 minors (<i>Chad</i>)</li> <li>- Dismantling of an international luxury prostitution ring (<i>Senegal</i>)</li> <li>- The head of a child prostitution ring is sentenced to 472 years in prison by a judge from Arapahoe County, CO, who noted the post-traumatic stress disorder suffered by the victims as well as the difficult childhood of the convicted person (<i>USA</i>)</li> </ul>
December 2017	<ul style="list-style-type: none"> <li>- Managers of Chinese massage parlors are arrested in Paris: victims were forced to have 30 “encounters” per day, and were recruited on social networks (<i>France</i>)</li> <li>- Arrest of a procurer in Delhi who had already been sentenced five times, for prostituting girls as young as 12 years old (<i>India</i>)</li> <li>- The Supreme Court decides that prostitution is not illegal but a “highly undesirable” activity, which justifies the refusal of a claim for compensation for loss of income presented by prostituted persons, due to the new law prohibiting the purchase of sexual services (<i>Norway</i>)</li> </ul>

### **The French Example of Police and Judicial Response**

While the response to the many challenges that sexual exploitation poses to our society cannot be reduced to repressive action, this answer remains an irreplaceable approach to give full effectiveness to the law, which is the democratic expression of the collective will, as well as to reveal objective data on the nature and extent of the phenomenon at any given time. For the period covered by the 5th edition of the Global Report, France has all the more repressive data as a result of the implementation of a new law, which required a particularly careful look at

objectives, means, and results. Thus, police reports (reports of the Direction Centrale de la Police Judiciaire - DCPJ) and judicial summaries (Direction des affaires criminelles et des grâces - DACG and National Criminal Record) are indicative of the quantitative and qualitative evolutions of sexual exploitation.

### **On the Police Level**

Police services have noted three trends. The first is the growth of Nigerian networks, which are spreading in the context of transnational criminal organizations linked, in particular, to the migratory consequences of the Syrian War. The second trend is the confirmed emergence of a Franco-French trade known as the “procuring in the projects,” which describes the movement of traffickers, from disadvantaged neighborhoods, from drug trafficking to the more profitable and safe prostitution market. The third is the widespread use of digital means to facilitate the detection of sex buyers and victims, as well as the booking of premises via *Airbnb*-type platforms.

The figures stating the number of arrests in 2017 confirm the scope of the task for specialized services, whose means have not increased: 67 networks, including 28 legally classified as sex trafficking networks, were thus dismantled, while 894 victims were identified and 1,422 sex buyers were fined.

### **On the Judicial Level**

The treatment of judicial follow-ups shows, in 2016 and 2017, the emergence of case files classified as human trafficking at the level of judgment, and generally treated by the eight *Juridictions Inter-Régionales Spécialisées* (JIRS - Interregional specialized jurisdictions), specialized in the most serious crimes. As of December 31<sup>st</sup>, 2017, these JIRS were examining 99 cases of human trafficking and 129 cases of procuring, 60% of which had the legal aggravated circumstance of the use of the internet. In 2016, 635 perpetrators were prosecuted and 575 convictions were pronounced, 71 of which were for human trafficking. Only 4% of investigations that became aggravated procuring cases did not result in a conviction at the end. The average prison sentence passed is 26 months' imprisonment for aggravated procuring and 42 months for human trafficking. The average fine is EUR 21,222 (USD 23,856), which is an increase compared to the previous period. In 2017, there were 850 convictions, 46% concerning women (compared to 10% for other offenses involving women). The report also shows that 92% of victims of human trafficking are women. Finally, 1,826 victims received follow-up care under the new penal policy inspired by the new law.

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# **2016-2018 COUNTRIES' PANORAMA**





# Algeria



**POPULATION**  
41,3 million



**GDP PER CAPITA**  
4,123.4 USD



**POLITICAL SYSTEM**  
Presidential Regime



**HUMAN DEVELOPMENT INDEX**  
83<sup>th</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
94<sup>th</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
112<sup>th</sup> rank among 180 countries

In parallel to the independence of Algeria came the illegality of prostitution, which had previously been regulated and legitimized by French colonial authorities from 1830-1962 (*Fondation Scelles*, 2013). Prostituted persons were required to register with a *Mezouar* (a high-ranking police officer), and the police or army were responsible for brothels. As part of Algeria's desire to break with its colonial past, the 1966 Penal Code criminalized prostitution. Since gaining independence, Algeria's policies have been the result of various influences and concession between opposing forces, notably between traditional Islamist movements and Arab socialist movements stemming from Ba'athism. This helps to explain the legislation on the status of women or prostituted persons, torn between two conceptions of Algerian society.

For several years, Algeria has been a country of transit for Sub-Saharan migrants, who cross through its borders to seek a better life in Europe. Faced with difficulties crossing the Mediterranean, as well as the hardening conditions of reception in Europe, these migrants find themselves stranded in Algeria, where they are then subjected to forced labor and sexual exploitation for the purpose of prostitution. Due to the weak progress in the fight against human trafficking, the 2018 US Department of State report on Trafficking in Persons classified Algeria in Tier 2 Watch List (*US Department of State*, June 2018).

## Overview of Prostitution

Although the Algerian Penal Code made prostitution illegal in 1966, in 2011 there were still 19 established brothels remaining out of the 171 that were dispersed throughout the country

during the colonial era. Instead of being entirely banned by the Algerian government, these 19 regulated brothels were simply placed under supervision (*Agoravox*, July 4, 2011). These brothels are strictly regulated by the police; women are required to apply through their neighborhood police station and cannot leave the establishment without being accompanied by someone and informing the police. The women are even asked to hand over their passports when entering the brothel, so they cannot escape (*El-Watan Weekend/Afrik.com*, December 17, 2010).

Due to the lack of government transparency, it is often difficult to obtain comprehensive data on prostitution in Algeria. Prostitution is present in most major cities in Algeria, including the main cities of Oran, Algiers, Béjaïa, Annaba, Tlemcen, Detif, Tizi-Ouzou, Sidi-Bel-Abbes, and Bordj Bourraredj (*Algeria Network*, June 8, 2014). Sex tourism is also present in Algeria's beach towns such as Tichy, a small beach town located in the province of Béjaïa. Tichy is highly popular among sex tourists, and about 1,500 prostituted people were reported there in 2011 (*Liberté Algérie*, June 25, 2011). As a result of the decrease of tourists during the off-season, hotels will go as far as to bring in prostituted persons to their establishments in an attempt to attract sex buyers. In 2018, the persistence of the phenomenon, associated with a large drug trafficking ring in the region, led citizens to meet in order to alert city authorities of the scale and impact of the phenomenon on the population (*Tamurt*, October 14, 2018). A number of activist organizations for human rights, including the *Algerian League for the Defense of Human Rights* (LADDH), participate in the fight against human trafficking. Several other organizations also fight for women's rights in Algeria, such as *CIDDEF*, *SOS Women in Distress*, *AFEPEC*, and *FEC*. However, due to the heavy regulations set by the Ministry of the Interior and the lack of state funding, many associations find it difficult to make significant changes in regard to human trafficking (*Amnesty International*, February 22, 2017). Thus, civil society actors such as NGOs are very limited in their abilities to implement significant change in Algeria.

### **Laws on Prostitution and Human Trafficking: What does the law say?**

The primary legal document prohibiting prostitution in Algeria is the Penal Code of 1966. The Penal Code defines human trafficking and provides convictions for those who engage or are associated with human trafficking or prostitution. The Penal Code was revised in 2015 in regard to prostitution, principally allowing for an increase in fines for those who engage or are associated with prostitution. The punishment for any form of human trafficking range from 3-10 years in prison and a fine of 300,000-1,000,000 Algerian dollars (DZD) (USD 2,520-8,400) to 10-20 years in prison and a fine of DZD 1,000,000-2,000,000 (USD 8,400-16,800) if certain circumstances are combined (Articles 303bis 4 and 303bis 5 of Penal Code). Anyone who incites, encourages, or promotes deviant behavior towards those under 18 years of age is punishable by a prison sentence of 5-10 years and fines of DZD 20,000-100,000 (USD 168-840) (Article 342 of the Penal Code). One major modification to this law was the change in the age of legal majority, from 18 to 19 years of age, and the quadrupling of the fine. Moreover, the Penal Code also condemns any type of business that tolerates prostitution activities or solicitation, with a punishment of 2-5 years of imprisonment and a fine of DZD 10,000-100,000 (USD 84-840).

The establishment's license is withdrawn and the institution is closed for a minimum of one year following the judgement (Article 346 of the Penal Code).

Lastly, "anyone who tolerates the habitual and clandestine practice of debauchery by persons engaged in prostitution in premises or sites not used by the public, in their possession" is punishable by 2-5 years imprisonment and a fine of DZD 500-2,000 (USD 4.2-16.8).

In the Algerian Penal Code, prostitution is described in the section entitled "*Excitation de mineurs à la débauche et prostitution*," (Incitement to debauchery and prostitution of minors) which describes the appropriate sentences for the different forms and practices of prostitution. Trafficking is defined and described in the section "*Traite des personnes*" (Human trafficking). The Penal Code is the only document that deals with and condemns prostitution in Algeria. Despite the legislation, there was only one documented case in 2014: a male Algerian citizen was interrogated, prosecuted, and sentenced for human trafficking (UNODC, December 2016).

### **The Lack of Protection for Victims**

Despite efforts to classify different types of participation in prostitution and "debauchery," Algeria still does not protect the victims of prostitution. In the Penal Code, any person who, in one way or another, contributes to prostitution is condemned. As a consequence, although they are victims and likely unable to afford the financial penalties, prostituted persons are fined a ticket and imprisoned. This penalization does not help efforts to eliminate prostitution. On the contrary, it contributes to the phenomenon. As victims of prostitution are condemned more and more often, their social and financial hardships worsen, ultimately giving more power and influence to those who have control over them. Moreover, the police are entrusted with the implementation of laws that protect victims of prostitution, even though police officers are directly linked to the establishment of prostitution in Algeria. Furthermore, most Algerian businesses and households believe that corruption is widespread amongst the police. The reliability of the police is therefore in question when it comes to protecting victims or arresting human traffickers.

### **Root Causes of Prostitution: The Social Situation**

Human rights abuses are often caused by societal gender inequalities. Algerian women face discrimination both socially and legally, thus making them especially vulnerable to trafficking and other human rights abuses. Women rarely report sexual abuse, out of shame and fear of social repercussions or bringing dishonor upon their families. However, these are not the only reasons. According to a 2015 study of more than 30,000 Algerian women between the ages of 15 and 49, 59% believed that "a husband has a right to strike or beat his wife for various reasons" (*HuffPostAlgérie*, June 11, 2015). 75% of cases of violence against women were committed by their husbands (*Middle East Eye*, October 9, 2015). Therefore, women are socially stigmatized and seen as inferior to their husbands and other male figures, which contributes to the culture of sexual exploitation.

In 2015, a law amended the Penal Code in order to criminalize conjugal violence with sentences of 1-3 years imprisonment or even life sentences (*Journal Officiel*, December 30, 2015). However, the amendments still allow spouses to escape prosecution if pardoned by the victim, or to reduce the sentence from 10-20 years to 5-10 years in case of permanent disability (*Journal Officiel*, December 30, 2015). This amendment is therefore ineffective as it allows offenders to put pressure on victims to withdraw their complaints to escape prosecution. The crime of rape is still not explicitly defined. The French translation of the Code uses the word “viol,” meaning “rape,” while the Arabic version uses the expression “hatk al-’ardh,” which means “infringement of honor,” rather than the more explicit Arabic word for rape, “ightisab.” This choice of vocabulary changes the characterization of the crime of serious sexual offense against an individual (usually a woman) to an offense that essentially affects the honor of the family. As a consequence, marital rape is not taken into account by the law. This displays the goals and priorities of the Algerian government. Algerian laws criminalize violence against women in vain by focusing primarily on morality rather than the bodily integrity and protection of women.

### **Efforts to Change**

In 2015, the Prime Minister formed the Inter-Ministerial Committee, which is made up of 14 ministries and government agencies that coordinate the government’s anti-trafficking activities. In this framework, a National Action Plan was established in December 2015 and a committee was established by presidential decree in September 2016 (*US Department of State*, June 2018). The Minister for Foreign Affairs explained the objectives of the Committee as follows: “Monitoring the implementation of international and national legal instruments [...] and the exchange of information on prostitution and human trafficking between national and international bodies.” However, it appears that the committee is also in charge of monitoring itself, which may pose a problem in the implementation of the anti-trafficking plan due to corruption. In order to best carry out these actions, an independent body must be set up to monitor the Inter-Ministerial committee as objectively as possible.

Another proposition made by the Algerian government is the creation of six operational police brigades specializing in law enforcement relating to human trafficking violations. These brigades received 15 days of specialized training in the fight against illegal immigration and human trafficking. The government has partnered with an international organization to provide human trafficking expertise not only to law enforcement, but also to prosecutors and judges (*US Department of State*, June 2016). It is unlikely, however, that 15 days of training will allow staff to tackle issues as large and complex as illegal immigration and human trafficking. Once again, Algeria is demonstrating its efforts to prevent and combat sex trafficking, but the country still lacks the necessary resources to implement and apply these initiatives.

In conclusion, despite the social stigma attached to all forms of sexuality, Algeria has a long history of prostitution. Prostitution is still an important issue in the country because of the inadequacy of government actions towards sex trafficking and sexual exploitation, as well as the traditional

attitude of society towards women and sexuality. In recent years, Algeria has passed laws and carried out actions to prevent and reduce prostitution, but still fails to effectively protect and assist victims of prostitution. Algerian legislation also remains insufficient in regard to protecting victims of sexual violence. In order to strengthen the protection and assistance of victims of prostitution, significant changes in the stigmatization of sexual violence, whether domestic or related to sexual harassment of any nature, should be made to Algerian legislation. If Algeria really wants to improve this situation and start protecting victims of prostitution, the government must begin to convict, prosecute, and register cases of human trafficking. The decree establishing the Inter-Ministerial Committee must be implemented in an effective manner in order to carry out effective action (*US Department of State*, June 2018). Finally, there needs to be established procedures to identify victims and refer them to health centers when necessary. In addition, victims should not be faced with arrests, transfers, or any other punishments for actions directly resulting from their trafficking.

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# Argentina



**POPULATION**  
44,3 million



**GDP PER CAPITA**  
14,402 USD



**POLITICAL SYSTEM**  
Federal Republic



**HUMAN DEVELOPMENT INDEX**  
45<sup>th</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
77<sup>th</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
85<sup>th</sup> rank among 180 countries

Human trafficking in Argentina remains a widespread form of crime in the country, and its effects should not be underestimated. According to Judge Diego Luciani of the Federal Prosecutor's Office, human trafficking violates human dignity while pursuing a lucrative purpose (*Luciani, 2015*).

Some mechanisms for fighting human trafficking and sexual exploitation have been established. The enactment of law n.26.364 of April 30<sup>th</sup> 2008, which concerns prevention, punishment of trafficking in persons, and victim assistance, has provided Argentina with a legislative framework, but the legislation does not provide for the penalization of sex buyers of victims of human trafficking.

As Argentina is a federal state, enforcement of the law at the provincial level has proven to be challenging (*ECPAT International, CASACIDN, April 12, 2018*). However, some provinces, such as the province of La Rioja, have adopted laws that specify national legislation.

Corruption among provincial officials can also hinder the enforcement of the law. In 2012, 13 people suspected of belonging to a sex trafficking network were acquitted by a court in San Miguel de Tucumán, even though the public prosecutor's office had called for prison sentences between 12-25 years. Judges cited a lack of evidence, despite victims' testimonies. The judges invoked a lack of evidence, despite the victims' testimonies. The decision sparked demonstrations and clashes with law enforcement in Buenos Aires due to the apparent corruption of the judges (*Le Monde, December 14, 2012*). The events lead to the amendment of the 2008 Law by the Law n.26.842 of December 26<sup>th</sup> 2012.

## **A legislative framework concerning human trafficking**

The new 2012 law allowed for the creation of a synchronized denunciation system on the crimes of human trafficking and exploitation (*Sistema Sincronizado de Denuncias sobre los Delitos de Trata y Explotación de Personas*), as well as an increase the levels of the fines. In addition, a common definition has been established concerning adults and minors, which was not previously the case. Methods of exploitation covered by the law have been extended to include the promotion, facilitation, and commercialization of prostitution and child pornography (including the presentation and production for the last element), as well as forced marriage. Since this law, the consent of the victim no longer exonerates responsibility from traffickers and procurers.

As a result, Argentina's Penal Code condemns the promotion or facilitation of the prostitution of others with a prison sentence of 4-15 years depending on the circumstances and age of the victim (articles 125bis, 126, and 127).

The offer, recruitment, transfer, and lodging of a person for sexual exploitation purposes, even abroad, are all punished by the same penalties (Articles 145bis and 145ter). It should be noted that the Migration Act (*Ley de Migraciones*) prohibits foreigners who have been convicted of participating in the prostitution of others (promotion, profit, encouragement), or who have been involved in human trafficking or sexual exploitation, from entering the country.

In order to more effectively prevent crimes of human trafficking and sexual exploitation, a decree promulgating the eradication of the spread of messages and images encouraging or supporting sexual exploitation was passed in 2011. A Surveillance Bureau (*Oficina de Monitoreo de Publicación de Avisos de Oferta de Comercio Sexual*) is responsible for enforcing this decree through the monitoring of the country's daily print media. In 2013, 80% of print media had stopped publishing offers of prostitution. However, in order to get around the law more easily, an increase in the use of the internet, particularly through job offers, was noted. With regard to audiovisual media, the Bureau works in consultation with the Federal Authority for Audiovisual Communication Services (*Autoridad Federal de Servicios de Comunicación Audiovisual*) and carries out inspections of sex trade publications on the internet (*Ministerio de Justicia y Derechos Humanos*, 2013).

## **The Regulation of Prostitution**

Since 1936, the law aiming to limit the spread of sexually transmitted diseases prohibits, in its Article 15, establishments or premises engaged in prostitution activities. The regulation of prostitution itself is left to the discretion of the provinces. As a result, different models can be observed, depending on the region. The province of Tucumán chose to prohibit all activities related to prostitution, be it solicitation (Article 92), the purchase of sexual services (Article 93), or activities related to prostitution establishments (Article 94). The city of Buenos Aires (which is autonomous) adopted a regulationist model, prohibiting the supply of and apparent demand for sexual services in public spaces (Article 81 of the *Código Contravencional de la Ciudad Autónoma de Buenos Aires*) besides the conditions under which they are allowed. They are

limited to *zonas rojas*, or red zones. Criminal activities are also occur in these specific areas where the police operates, notably in establishments involved in sexual exploitation. These measures, however, are difficult to enforce due to the need to prove the *flagrante delicto* of either an offer for or demand of sexual services, which requires a witness or the presence of a police officer. In addition, criticism has been made by the *Defensor del Pueblo*, who denounced the unconstitutional character of this regulationist law (AMADH, 2017).

### **Victims' profiles**

The Ministry of Justice and Human Rights reported that 1,200 victims were rescued in 2017 under the *Programa Nacional de Rescate y Acompañamiento a las Personas Damnificadas por el Delito de Trata*. The majority of victims were foreigners (53%), of which 65% were of Bolivian nationality (*Comité de Lucha contra la Trata de Personas*, January-February 2018). These numbers are contested by another report, in which 52% of victims were of Argentinean origin, and, therefore, 48% of victims were foreigners, with 33% of those victims being Paraguayan in another report (UFASE, INECIP, 2012). These differences may be related to the fact that the operations were carried out in different regions. However, one can see that the majority of identified victims are from Latin America.

The majority of victims are adult women, living alone with their children, in precarious economic situations. To ensure the survival of their children, these women are forced to accept degrading and dangerous situations. They are trapped in networks of exploitation by several means (debt bondage, restriction of freedom, retention of wages, etc.) and are generally found in the province of Buenos Aires (UFASE, INECIP, 2012).

Transgender people make up a significant percentage of the prostituted population in Argentina (path of social exclusion, family breakdowns at a young age, regular discrimination, etc.). Yet the law does not take them into consideration, even though some are also victims of human trafficking (AMADH, 2017).

### **Child prostitution**

The trafficking and sexual exploitation of minors is condemned by the general laws. The latter are supplemented by other legislation, like the *Ley de Protección Integral de Los Derechos de las Niñas, Niños y Adolescentes* of 2005 on the integral protection of the rights of girls, boys, and adolescents, or the *Ley de Derechos del Niño* of 2003 on the rights of the child, which prohibits the selling of children, the prostitution of children, and child pornography (Article 1). The latter offense is punishable by a maximum of 6 years in prison (Article 128 of the Penal Code). However, this does not relate to the possession of child pornography. Sites publishing such content are not blocked, and the use of the internet in cyber cafes or public spaces is not regulated (ECPAT International, CASACIDN, March 30, 2017). Grooming (sexual solicitation of a minor by an adult) is punishable under Article 131 of the same Code by a prison sentence of up to 4 years.



Despite such legislation, several cases of prostitution of minors have been revealed. In March 2018, within the *Independiente* football club, teenage players were encouraged to prostitute themselves in Buenos Aires. According to the prosecutor in charge of the case, the prostitution ring involved other clubs in the region, such as *River Plate* and *Temperley*. Underage girls involved in other sports were also involved. In November 2018, in the province of Buenos Aires, women and underage girls, attracted through false advertisements by professional photographers, were subsequently held against their will and were prostituted in establishments. The photos were published on specific sexual offer websites. Suspects face punishments for sexual exploitation, exploitation of prostitution (including that of a minor), and child pornography (*El Independiente*, November 22, 2018).

In the provinces adjacent to Brazil and Paraguay, the prostitution of children seems to be widespread, mainly around hubs of transport and migration such as the city of Puerto Igazú. Although there is no data available on sex tourism, it appears that children are sexually exploited to satisfy tourists and travelers in these areas (*ECPAT International, CASACIDN*, March 30, 2017). In 2005, the Ministry of Tourism created a program related to responsible tourism in order to tackle the problem of sex tourism through raising awareness measures within the sector and among tourists (*ECPAT International, CASACIDN*, April 12, 2018). In 2013, an raising awareness campaign was carried out in airports and training was provided to personnel in the tourism sector. At the end of the same year, the Ministry of Human rights, alongside provincial governments and ITAIPU Binacional (Itaipu hydropower plant, located between Argentina, Brazil, and Paraguay) conducted a campaign for the prevention of the sexual exploitation of children and adolescents on the borders of the three countries (*ECPAT International, CASACIDN*, March 30, 2017). In 2015, a federal law was enacted requiring international airports to display posters against sexual exploitation and the trafficking of minors (*Ley 27.046*, December 23, 2014).

There is few data concerning child marriage, but according to the 2010 census, about 8% of adolescents aged 14-19 were married or in a serious relationship. Yet, the Civil Code stipulates that marriages for those under 16 years of age require judicial approval, and marriages for minors between the ages of 16 and 18 requires the authorization of a legal guardian (Article 404) (*ECPAT International, CASACIDN*, April 12, 2018). This is directly related to the fact that, every year, about 16% of births are to mothers under the age of 20 (in 2014, close to 15% of teenage mothers were between 15 and 19, including 0.3% under the age of 15). Although this phenomenon is observed mainly among disadvantaged populations, it does affect all social classes (*Fundación para estudio e investigación de la mujer*, November 2016).

### **Assistance and Protection of Victims**

The anti-trafficking law of 2012 provides special rights for victims (Article 6), regardless of their involvement in the judicial process. The rights and protections granted are very broad. They include the right to information about their rights (depending on their language, age, level of education, etc.), full medication and psychological assistance, legal assistance, and full

protection against the risk of reprisals against them or their families. In addition, the law provides for basic needs such as food, decent housing, vocational training, assistance in job searching, and integration in the education system.

While at trial, testimonies of victims are subject to special conditions of protection. Minors under the age of 16 must be interviewed in a suitable place, by a specialized psychologist appointed by the court (Article 250bis). The same procedure applies to victims who were under the age of 16 at the time of the offense (Article 250ter) and may be extended to all victims, “whenever possible” (Article 250quater) (*ECPAT International, CASACIDN*, April 12, 2018).

The National Program of Assistance and Support for Victims of Trafficking in Persons was established through Resolution n.713/2012. The program is implemented as soon as the victim leaves the place of exploitation and lasts until their testimony at the trial. The victim benefits from a team of psychologists, social workers, lawyers, and doctors, associated with a group of non-commissioned officers of the Federal Police. The team assures the protection and security of the victims and professionals that are involved in the judicial process. They also support and assist the victims during interviews, especially their trial testimonies (*Ministerio de Justicia y Derechos Humanos*, 2017). Within the framework of the program, the National Administration for Children, Adolescents, and the Family is responsible for providing suitable assistance and protection to underage victims (*Ministerio de Justicia y Derechos Humanos, Infojus*, 2013).

### **The fight and means of action against human trafficking and sexual exploitation**

Resolution PGN n.805/13 of April 30<sup>th</sup>, 2013 by the Attorney General established the Prosecutor’s Office in charge of human trafficking and the exploitation of individuals, the *Procuraduría de Trata y Explotación de Personas* (PROTEX). This Office provides assistance to the Attorney General in the handling of cases of kidnapping, confinement, and human trafficking, and assists in developing policies against these crimes. In its 2017 report, *PROTEX* listed more than 2,000 tips from the *hotline 145* (1,800 in 2016), of which 60% were sent to the relevant courts for investigation within the timeline set by the law (48 hours) (*PROTEX*, 2018). Anonymity allowed for a significant number of reports of human trafficking to be made involving the complicity or participation of public officials (around 10% of the total in 2016) (*PROTEX*, 2017). Another telephone line was created as part of the Girls’ Brigade against Sexual Exploitation and Grooming (*Equipo Niñas contra la explotación sexual y grooming*), whose main purpose is to provide advice and information on the sexual exploitation of minors, grooming, child pornography, and sex tourism involving minors. It can also receive reports.

In 2016, the arrival of a new administration strengthened the fight against corruption with the reopening of investigations as well as reports made against members of the previous administration (including Cristina Fernández de Kirchner, the outgoing president). The chronic corruption in the country is especially observable at the provincial level (*Poder Ciudadano*, 2017). 8% of people convicted of human trafficking-related crimes are government officials (*ECPAT International, CASACIDN*, April 12, 2018). There would be significant collusion

between senior regional officers and criminal groups, the latter of which *de facto* essentially control parts of the territory or administration (*Poder Ciudadano*, 2017).

Despite significant political intervention in judicial affairs, some court cases are ongoing or have been conducted against important public figures. For example, Benito Pont, former Federal Prosecutor of the city of Paso de los Libres, and 18 others were charged with the human trafficking for sexual exploitation purposes of 38 women in vulnerable situations (*PROTEX*, 2018). Similarly, the Major and Commissioner of the city of Lonquimay were sentenced to 5 years in prison in June 2017 (*Infobae*, June 29, 2017) for involvement in human trafficking for sexual exploitation purposes (*PROTEX*, 2018).

In 2014, to fight against the phenomenon of human trafficking in South America, the member states of *Mercado Común del Sur* (MERCOSUR) adopted a plan of action to increase cooperation and to implement measures of general awareness and standardized training (*ECPAT International, CASACIDN*, March 30, 2017). As part of this international cooperation, the national assistance program conducts prevention and training programs, including within the United Nations Office on Drugs and Crime or joint actions with MERCOSUR (*Ministerio de Justicia y Derechos Humanos, Infojus*, 2013).

In conclusion, the fight against sexual exploitation in Argentina involves important means and numerous actions, though it is hindered by various factors such as corruption. With regard to prostitution, the debate between “prostituted women” and those calling themselves “sex workers” is important. While the first group considers themselves in a forced, violent situation, the latter consider prostitution a choice allowing them a way of life they would not otherwise have. Despite tensions between these two groups, points of agreement have been established regarding their shared vulnerability and the need for public policies in their favor. Action taken in regards to these common positions could improve the protection of prostituted people in the country.

Certain recommendations can be made in order to provide elements to improve the fight against human trafficking and sexual exploitation. Concerning the legal framework, penalizing sex buyers of adults and children victim with dissuasive sanctions will decrease demand, leading to a smaller number of victims in the country. Although sex tourists can be charged under existing laws, legislation specifically outlawing sex tourism should be established. This would make it possible to explicitly define the penalties incurred, facilitate convictions, and deter potential sex tourists. In order to strengthen the fight against child pornography, Article 128 of the Penal Code could be supplemented so as to criminalize the possession of child pornography. In this context, the law would be more effective if websites were better monitored in order to permanently block child pornographic content.

To improve the enforcement of federal laws at a provincial level, greater surveillance or more frequent lower-level government turnover (as is the case in La Rioja province) could be useful. Finally, strengthening the autonomy of provincial judiciaries would allow for better enforcement of penalties. (*ECPAT International, CASACIDN*, March 30, 2017).

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# Australia



**POPULATION**  
24,5 million



**GDP PER CAPITA**  
53,799.9 USD



**POLITICAL SYSTEM**  
Constitutional  
Monarchy



**HUMAN DEVELOPMENT  
INDEX**  
2<sup>nd</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
24<sup>th</sup> rank among 147  
countries



**CORRUPTION  
PERCEPTIONS INDEX**  
13<sup>th</sup> rank among 180  
countries

Australia is a constitutional monarchy with a parliamentary system. There is no national legislative framework pertaining to sexual exploitation, rather a federal organization with different laws depending on States and Territories. The models defined by the legislator range from the criminalization of all forms of organization of sexual exploitation (South Australia) to its complete decriminalization (New South Wales) to different legislative frameworks criminalising specific forms of sexual exploitation, such as street prostitution. Nevertheless, prostitution remains the focus of heated debates. The discourse on the professionalization and “secure” framework of prostitution is still prevalent in different regions of the country, at the risk of masking the reality of sexual exploitation.

## **Sexual exploitation and human trafficking: the illusion of freedom and equality**

Although the “sex industry” is largely under the control of the authorities, it remains difficult to obtain estimated figures relating to sexual exploitation, official or otherwise. Figures provided by civil society, similarly to the government’s, are often underestimated and do not reflect the true scope of the phenomenon as the data is often limited to a specific jurisdiction or city. A 2008 study has been the sole provider of a national estimate of prostituted persons in Australia, used by the Australian government, at the number of 20,000, although this figure probably underestimates the reality. (*Australian Institute of Criminology, 2015*).

### ***Human trafficking victims***

According to the 2018 US Department of State report on Trafficking in Persons, Australia is primarily a destination country for human trafficking victims. The reality of human trafficking for sexual exploitation purposes remains contested in the country. For the influential organizations claiming the existence of “sex work” and advocating for its decriminalization, “*human trafficking is not a widespread phenomenon in the sex industry: the preconceptions and false ideas of “sex workers” and the sex industry are at the root of the hypothesis that the majority of “sex workers” are victims of human trafficking*” (Chapter 4 Sexual Servitude) (*Parliament of the Commonwealth of Australia*, July 2017).

Researchers estimate however that around 2,000 women every year are victims of human trafficking for sexual exploitation purposes (CATWA, April 2017). In Western Australia, close to half of all persons involved in the sex industry are thought to be of foreign origin, among whom 30% are from non-English speaking countries (*National Center in HIV Epidemiology and Clinical Research, UNSW, 2010*). Individuals originating from South-East Asian countries (particularly Thailand and Malaysia) are amongst the first victims: they represent 53% of prostituted persons in Sydney brothels (*National Centre in HIV Epidemiology and Clinical Research, UNSW, 2010*). According to multiple studies, these women arrive in Australia legally with Working Holiday Visas (WHV) or student visas, are deprived of income, and turn to prostitution (*Frontiers in Public Health, June 2018*). Numerous cases indicate that these women are in fact coerced and exploited: confiscated papers, confinement... (*NorMAC, February 24, 2017*). Moreover, some fall victim to networks, which attract them under false pretences of employment and bring them legally to Australia. Indeed, if a business needs to fill a vacant position but cannot find a skilled person in the country, it can source one from abroad. This foreign worker will receive a Temporary Work (Skilled) visa, subclass 457 with a work permit valid for a maximum of 4 years. A 2017 investigation revealed that massage parlors were bringing in female “massage therapists” through the Working Visa 457 in order to coerce them into prostitution. According to an anonymous source, the government had become aware of the use of these specific visas in a context of sexual exploitation (*International Business Times, April 27, 2017; News.com.au, April 27, 2017*). This type of visa has since been eliminated, and be replaced by a stricter system.

Victims of stigmatization and racism, women of Asian origin are in a state of extreme vulnerability due to their lack of proficiency in English, and the social isolation in which they live. Their traffickers or procurers try to frequently move them between establishments, sometimes even from one State to another, to prevent them from forming relationships with other victims or outsiders.

### ***Exploitation of indigenous populations***

We note an overrepresentation of the aboriginal population within the sex industry without the ability to quantify it more precisely. Aboriginal women and indigenous women from the Torres Strait are amongst the most discriminated against in the Australian population. Their life

expectancy is 10 years shorter than the rest of the female population and they are more exposed to violence, particularly sexual violence.

Over the past ten years, the Australian government has been working towards closing the gap between populations (campaign “Closing the Gap”). Nevertheless, the protection of these women remains insufficient, as pointed out by the UN Committee on the Elimination of Discrimination Against Women (CEDAW) in July 2018, which recommended to the Australian government to “*develop, in collaboration with indigenous women and girls, a specific national action plan on violence against indigenous women and girls*” (§52, f).

### ***Sexual exploitation of minors***

According to the US Department of State, a small number of minors, predominantly Australian teenage girls and girls of foreign origin, are victims of sexual exploitation (*US Department of State*, June 2017 and June 2018). The figures on this phenomenon are few and inaccurate. Yet testimonies tend to indicate that sex buyers are looking for young prostituted persons, even very young. Jacqueline Gwynne, a long-time receptionist in a legal Melbourne brothel, testifies: “*The most frequently asked question by sex buyers is: “How old is the youngest?” They like them as young as possible, because it is easier to have them do things they do not want to do*” (*Révolution féministe*, September 30, 2018). Incidentally, the establishment where Jacqueline Gwynne worked was closed because a 14-year-old victim of prostitution was found.

A report on the implementation of the Convention of Children’s Rights, without directly mentioning forms of sexual exploitation, indicates that 13% of Australians of 18 years old and above have suffered from sexual and physical abuse before the age of 18. Girls are the most at risk: between 18% and 38% of girls have suffered sexual abuse before the age of 16 (including 4% to 12% with penetration) and between 6% and 20% of boys (including 1.4% to 7.5% with penetration) (*Australian Human Rights Commission*, November 1, 2018).

### **What types of prostitution?**

A distinction is made between indoor and outdoor prostitution. Outdoor prostitution occurs on the streets, in parks, or even in cars. According to official sources, it represents between 10% and 20% of all prostitution activities according to the States, and is in steady decline (*National Centre in HIV Epidemiology and Clinical Research, UNSW, 2010*).

### ***Unauthorized venues and illegality in authorized venues...***

Indoor prostitution is considered legal as long as it takes place in dedicated venues for these activities: brothels, showcases, private apartments and hotels. Nevertheless, we observe an increase in unauthorized prostitution venues. In Sydney, complaints regarding illegal brothels have increased by 37% in a year (*The Sydney Morning Herald*, April 30, 2017). Many prostitution establishments are concealed with signs for massage parlors, karaoke bars, nail salons... In Perth, in Western Australia, there are around forty massage parlors. In Queensland, the majority of prostitution is developing outside of the licensed sector. In 2018, there were 20



licensed brothels in Queensland, the lowest figure recorded since 2004. Licensed prostituted persons (legal), escorting agencies (illegal), and massage parlors (illegal) are replacing these establishments (*Queensland Government*, 2018). Furthermore, police operations carried out in the States of Victoria, Queensland and New South Wales have shown that some legal establishments concealed illegal activities such as: drug trafficking, and trafficking of women and children... (*Tasmanian Times*, July 11, 2018).

### ***Prostitution on the internet***

The most noteworthy change in the last of decade has been the development of online prostitution. The number of licensed prostituted persons is continuously increasing. The majority practice their activity from home and promote their services on their own websites, via social networks or advertisement platforms (Gumtree or Backpage) or even on camgirl sites (women who perform erotic acts to anonymous site visitors in front of a webcam in exchange for money). It is suspected that a growing number of female students have been victims of prostitution on “sugar daddies” websites. Young people registering as “sugar babies” increased from 82,760 in February 2016 to 425,761 in October 2018 (*Canberra Times*, October 28, 2018). Moreover, there is an increased number of “sex tours”, a *modus operandi* used by procuring networks, which entails the scheduling of trips for prostituted persons in different cities. Sex buyers make an online booking and receive their confirmation through text message. These tours are often organized in mid and high-end hotels, where their occupancy and size allow for prostitution activities to go unnoticed.

### ***Sex tourism***

Sex tourism has seen a subtle decline over the past 5 years, due to the increase in unemployment and lower discretionary spending (relative to non-essential household expenses) (*News.com.au*, July 4, 2016). Nevertheless, it remains a major issue for the Australian authorities on two counts: the development of sex tourism targeting minors on Australian territory and sex tourism involving Australian nationals abroad. Australian men are indeed the main sex buyers and sex tourists in South-East Asian countries (Thailand, Philippines...) (*News.com.au*, July 22, 2015). According to the Australian NGO SnowBell Project, Australian sex buyers represent 31% of sex tourists prosecuted in Thailand, constituting the largest group of offenders. Regarding cases of sexual exploitation of minors, they are reported to be present in at least 25 countries.

To fight against child sex tourism, a law passed in December 2017 now prohibits registered child sex offenders from leaving Australian territory (*The New York Times*, December 13, 2017). Some 20,000 Australians sentenced for offences of paedophilia could see their passports cancelled in accordance with the new law (trips for family or professional reasons may be organized with temporary passports). It is the first time a country has taken such radical measures in order to protect minors.

## **The leitmotiv of the decriminalization of prostitution**

The legislation on prostitution varies between Australian States and Territories (*Parliament of South Australia*, May 2017). The result is a highly complex set of rules, which encompasses

most forms of regimes in place throughout the world, from total decriminalization to strict criminalization, including various forms of gradual legislation.

### ***Decriminalized prostitution***

New South Wales is the sole State to have adopted total decriminalization of prostitution: no permit or registration is required. Spaces are dedicated to street prostitution. Brothels' activities are regulated by the authorities just like any other activity.

### ***Criminalized prostitution***

In Western Australia, South Australia and Tasmania, most forms of prostitution are criminalized: brothels and street prostitution are forbidden but the practice of prostitution is authorized for independent individuals, whether they operate alone or through escorting agencies. In South Australia, laws are the strictest and prostitution is criminalized: brothels are prohibited, living on profits from prostitution is liable to a term of imprisonment of 6 months and a fine of up to 2,500 Australian dollars (AUD) (USD 1,793), solicitation is punishable by a maximum fine of AUD 750 (USD 538), sex buyers can also be liable to a fine of AUD 1,250 (USD 896) or a three-month prison sentence.

### ***Legalized or licensed prostitution***

The States of Victoria and Queensland have legalized the activity of prostitution inside brothels, yet street prostitution is prohibited: prostitution establishments and escorting agencies need to be registered or hold a license from the authorities (Business Licensing Authority). In the Australian Capital Territory (ACT), laws are more liberal: all aspects of prostitution are authorized provided they are registered. In the Northern Territory (NT), escorting agencies and persons practicing in them need to be registered with the Director General of Licensing, however street prostitution, independent prostitution and brothels are forbidden. This legal diversity is an obstacle to the efficiency of the policies, therefore international organizations are requesting Australia to harmonize the existing regimes. In July 2018, the Committee on the Elimination of Discrimination against Women (CEDAW) declared being "*preoccupied by the fact that the lack of harmonization of legislation of the States and Territories regarding the prostitution of women impedes the access of prostituted persons to health care, support services, legal aid and employment*". Would this harmonization play in favour of decriminalization? This is a question worth asking if we examine the debates on the topic at the local level.

### ***South Australia at the forefront of decriminalization?***

Since 2015, a proposal for decriminalization of prostitution has been under review in South Australia. This project, brought forward by Michelle Lensink, a regulationist Member of Parliament, aims to "*decriminalize 'sex work,' to fight against discrimination towards persons who are or have been 'sex workers,' (...) to give 'sex workers' the same rights and the same protections awarded to other workers.*" In September of 2015, a parliamentary commission was formed to study the law proposal and the potential effects of the decriminalization of prostitution. During several months, health organizations, feminist movements, police staff, and,

above all, pro-“sex work” movements of such as *Sex Industry Network (SIN)*, *Sex Worker Action Group, Gaining Empowerment Rights & Recognition (SWAGGER)*, *Scarlet Alliance*, etc. were auditioned by legislators. Nevertheless, some discordant voices were heard during the investigation. Groups, such as the *Australian Christian Lobby (ACL)* and the *Nordic Model Australia Coalition (NorMAC)*, highlighted the dangers associated with the decriminalization of prostitution: normalization of sexual violence, increased risk of exploitation of women and children. Yet, these arguments were not accepted and the commission’s conclusions recommended the adoption of the draft law without amendments (*Parliaments of South Australia*, May 2017). The Legislative Council adopted the draft law in July of 2017 with 13 votes against 8. The review of the text by the Legislative Assembly was planned for September of 2017. However, with both Houses of Parliament dissolved and its members reluctant to discuss this issue in the run-up to the parliamentary elections, the debate was postponed to the new legislature. In May 2018, before a new Assembly, the debate on decriminalization of prostitution was reopened and the MP Tammy Frank reintroduced the draft law on the basis of the 2015 text. The text is currently in its second reading stage, awaiting its adoption by the Upper Chamber.

### **Reinforced actions in the fight against human trafficking**

Although it was placed in Tier 1 by the 2018 US Department of State report on Trafficking in Persons, Australia is faced with inconclusive results regarding the fight against human trafficking. The number of victims identified remains stable and relatively low. The US Department of State indicates that 36 potential victims of human trafficking (all forms combined) were identified in 2016 and 38 in 2017. The Australian Federal Police (AFP) displays slightly higher figures but they are still limited: 169 reports of alleged human trafficking cases in 2015 and 2016, including 69 for forced marriage and 39 for sexual exploitation purposes. The majority of victims identified by the authorities until 2016 were women from Asian countries exploited in prostitution (*Walk Free Foundation*, 2018).

The number of investigations by the Australian federal police is increasing: 61 in 2015, 105 in 2016, 166 in 2017. Nevertheless, convictions remain rare: a sole conviction in 2016 (for a minor offence, not human trafficking) and 5 in 2017 (*US Department of State*, June 2017 and June 2018). In September of 2017, a Malaysian woman living in Western Australia was convicted for human trafficking offences and condemned to 3 years and 4 months imprisonment. She had organized the transfer of a “friend” who thought she was going to Australia for holiday, to Perth. She then confiscated her passport and forced her into prostitution. It was the first time an investigation, prosecution, and conviction for human trafficking had taken place in Western Australia (*New Straits Times*, November 29, 2017).

#### ***Anti-human trafficking tools***

In response to this phenomenon, Australia has acquired an array of tools for combating human trafficking. The government continues to implement the action plan as scheduled for the period 2015-2019. Furthermore, a regional cooperation program was implemented between the

Asian and Australia. The Australia-Asia Program to Combat Trafficking in Persons (AAPTIP) 2013-2018 supports the different actors in the combat against human trafficking and establishes partnerships to allow for more efficient legal proceedings of traffickers and better protection for victims. The AAPTIP operates in Cambodia, Indonesia, Laos, Myanmar, the Philippines, Thailand and Vietnam.

### ***A parliamentary committee***

Following the adoption of the Modern Slavery Act by the United Kingdom in 2015, Australia established a parliamentary committee to analyze the phenomenon of human trafficking, evaluate the existing laws, identify good practices and study the possibility of drafting legislation on modern slavery similar to that of the United Kingdom (*Parliament of the Commonwealth of Australia*, July 2017 and December 2017). In this context, parliamentarians organized around a hundred hearings and collected more than 200 expert and NGO testimonies. Regarding the more specific case of human trafficking for sexual exploitation purposes, the questioned organizations expressed relatively diverse opinions. Some are opposed to the very principle of a Modern Slavery Act on the model of the United Kingdom, because they do not agree with the definitions of human trafficking and sexual exploitation as they are defined in this text. On one hand, pro-“sex work” organizations criticize the lack of distinction between exploitation/trafficking and “sex work,” and are concerned that migration for the purpose of prostitution is systematically equated with trafficking. On the other hand, organizations who defend the Nordic Model also challenge the overly rigid definition of sex trafficking, which does not take into account the exploitation of women in sex trade.

In December of 2017, the Committee submitted its report with 49 recommendations, focused around a few approaches:

- establish a law in Australia on the model of the United Kingdom Modern Slavery Act to tackle the phenomenon as a whole and make it a political priority;
- rethink the definition of modern slavery and give it a precise estimate;
- create an independent commission in charge of the combat against human trafficking;
- develop support for victims (financial aid to victims, subsidies to NGOs..) and facilitate access to residence permits... ;
- improve the identification of victims and the prosecution of criminals: training courses for police workers and magistrates, coordination between actors involved...;
- further the fight against the trafficking of orphaned children in institutions;
- rethink the legal framework of visas to better combat human trafficking and more specifically, forced labor.

### ***A law in the making***

Following the publication of this report, a draft law against modern slavery (the Australian Modern Slavery Act) was submitted to the Australian Parliament in 2018 (at the same time, a draft law was adopted by the New South Wales Parliament). This legal text has been hailed by the media as a strong and positive initiative, with its proposals going further than the British

model. The key measure aims to empower civil society by involving 3,000 large Australian companies in the fight against human trafficking (risk analysis of exploitation in the organization and the logistics chain, annual report on the actions taken to reduce the risks, raising awareness...). NGOs, for their part, are pleased that human trafficking is now high on Australia's political agenda. Nevertheless, for many of them, the draft law is not thorough enough as it does not consider penalties for companies that do not comply with the requirements of the law. Moreover, protective measures for victims are insufficient. Lastly, an overall vision of the phenomenon obscures the specificities of human trafficking for sexual exploitation purposes. Thus, a law which aims to empower industries that carry potential risks of exploitation (textile...) does not take into consideration all the prostitution establishments. Besides, the issue of demand is not raised.

### **The Nordic Model in Australia**

Yet, a number of international bodies are urging Australia to take into account the demand for human trafficking and prostitution. In 2018, the US Department of State recommended Australia to "*intensify its efforts to reduce the demand for the sex trade and forced labor*". Also in 2018, the UN Committee on the Elimination of Discrimination Against Women (CEDAW) issued the same request: "*In addition, the Committee is concerned that the State party has not taken measures to reduce the demand for prostitution in order to deter women and girls from entering prostitution, and to assist those who wish to leave prostitution*" (CEDAW, July 25, 2018).

Various NGO's defend the Nordic Model in Australia. Between 2016 and 2018, conferences brought together international activists and survivors of prostitution. These same NGOs appeared before parliamentary committees on the decriminalization of prostitution as well as on the current situation of human trafficking in order to improve the understanding the utility of the Nordic Model. Academics, such as Caroline Norma, and lawyers, such as Melinda Tankard Reist, have taken a public stance in defence of this model. Nevertheless, their voices are hardly heard. In a country that reasons in terms of criminalization and decriminalization, the Nordic model is viewed as a form of criminalization and for this reason, is often dismissed or misunderstood (like the motion introduced by a branch of the Liberal Party of the State of Victoria in April 2018 which, claiming to be inspired by the Swedish law, aimed above all to punish customers of illegal brothels and not to penalize the purchase of sexual services) (*News.com.au*, April 21, 2018).

As the pressure in favor of decriminalization intensifies, the debate is becoming more radical and individuals who oppose movements in favour of decriminalization are targeted by violent attacks. The Australian Summit Against Sexual Exploitation (ASASE) held in Melbourne in 2018 was stormed by supporters of the decriminalization of prostitution (*Feministcurrent*, August 7, 2018). Survivors of prostitution who share their experience in the media are victims of harassment (insults, threats, intimidation...) from these groups (*ABC.net.au*, October 12, 2016; *Dignity*, February 2017). Lastly, the activist Kathleen Maltzahn, member of the Green Party and

a pillar of the abolitionist movement in Australia, officially denounced her support for the Nordic model, probably as a result of political pressure, a few weeks before the legislative elections (*Tasmanian Times*, May 20, 2018).

In conclusion, Australia is faced with a major turning point. Will it choose total decriminalization? Southern Australia seems ready to initiate this change, and other States may soon choose to follow its lead. Tasmania has attempted to develop its law on prostitution. In the State of Queensland, as well as in the State of Victoria, “sex workers” movements are lobbying in order to obtain a change in regime. Decriminalizing, nonetheless, means normalizing the violence experienced by prostituted persons, accepting the exploitation of the most vulnerable ones in society and legitimizing the racialization of bodies. Is Australia truly aware of these stakes?

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# Belgium



**POPULATION**  
11,4 million



**GDP PER CAPITA**  
43,323.8 USD



**POLITICAL SYSTEM**  
Federal Government –  
Constitutional  
Monarchy



**HUMAN DEVELOPMENT  
INDEX**  
22<sup>nd</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
12<sup>th</sup> rank among 147  
countries



**CORRUPTION  
PERCEPTIONS INDEX**  
16<sup>th</sup> rank among 180  
countries

As early as 1948, Belgium adopted an abolitionist legislation, which was nevertheless tainted in nuances. While prostitution does not constitute a criminal offence in and of itself, solicitation, brothel-keeping, procuring, and more broadly, living from profits of prostitution are sanctioned. In the 1990's, Article 443 *quinquies* of the Penal Code confirmed this abolitionist by criminalizing the exploitation of prostitution and child pornography. This article was amended by the law of August 10<sup>th</sup> 2005, and supplemented in 2013 by the law of April 23<sup>rd</sup>, which introduced a definition for human trafficking. Paragraph 3 prohibits all advertisement of services of a sexual nature, as well as all forms of incitement of minors or adults. Penalties incurred range from a month to a year of incarceration. Nevertheless, the penal procedure remains somewhat deficient.

As a country of destination, transit, and, to a lesser extent, of origin for victims of human trafficking and commercial sexual exploitation, Belgium has consistently sustained and repeated its efforts to combat human trafficking and sexual exploitation, which has, according to the 2018 US Department of State report on Trafficking in Persons, allowed it to remain in Tier 1.

The results of the European campaign “A penny for your thoughts,” initiated by the Dutch artist Maria van der Zwaan in 2016 in partnership with four European NGOs including *Samilia Foundation* (Belgian NGO fighting against sexual exploitation), revealed the sex buyers’ indifference towards the victims from whom they obtain paid sexual services. One out of five sex buyers are indifferent to the exploitation of individuals in situations of prostitution. In the

framework of this campaign, *Samilia Foundation* received messages of support, requests for explanations and information, as well as questions on the theme of sexual exploitation and prostitution. However, the organization was also confronted by aggressive rhetoric, and, despite the nature of the campaign, received calls from sex buyers who wanted to have access to the services of prostituted persons. Furthermore, sex buyers are far from concerned about Belgian legislation as it largely benefits them, despite the intensification of police controls.

While figures vary, the number of prostituted persons is estimated to be between 15,000 and 20,000. We can observe the development of “survival” prostitution which remains a “marginal phenomenon” (*RTL*, October 13, 2016). In February 2015, a project mapping Belgian prostitution was initiated with the aim, according to Isabelle Simonis, Minister of Social Promotion, Youth, Women’s Rights and Equal Opportunities in the Government of the Fédération Wallonie-Bruxelles, of informing the public and gaining a better understanding of the prostitution phenomenon. This in turn would allow the launch of a national public prevention policy (*Le Vif*, March 12, 2015). In addition, an alarming increase in prostitution amongst minors has been observed, as well as a normalization of the phenomenon, particularly among students. In October 2017, the Minister of the Common Community Commission in the Brussels-Capital Region, Céline Fremault, commissioned a study on the new forms of prostitution in Brussels, aimed at the collection of comparative data for prostitution and human trafficking for sexual exploitation purposes within three European cities. The second component of this study was devoted to the developing trend of student prostitution via the use of specific apps and social networks in general. According to the study, escorting websites proliferate through organizing prostitution with young female students in difficult financial situations (*CFS*, October 1, 2016). Indeed, it is precariousness rather than the glamorous myth of parties and luxury portrayed by the escorting websites that pushes these young people into monetizing their bodies to pay for their university fees. The use of these specialized websites enables them to maintain a kind of anonymity, allowing them to separate the two activities: student versus escort.

Questioned about her own experience with prostitution, Ganaëlle, a student, explains: “Often we say ‘It’s only escorting,’ but in reality I do it because I really need the money. I have to pay for my flat, food, classes, laundry (...) So yes, above all it allows me to get by. I’m even doing well. Well, better than if I was working a student job in a restaurant or a bar. But it’s not like I’m buying designer clothes or going out all the time. Sometimes making ends meet isn’t so easy because studying gets expensive. And they aren’t necessarily handsome and rich men [...] like in *Pretty Women*. So it’s not always a party.” She adds that escorting websites showcase images of party and luxury: “Yes, that’s the ‘glamorous’ layer. But (...) you can wrap it as many times as you like, it is still sex for money” (*CFS*, October 1, 2016).

### **The worrying increase in the prostitution of minors**

The prostitution of minors has undergone a worrying development. The number of suspected cases of prostituted children is increasing significantly according to Child Focus’ annual report. In 2016, the numbers reported a significant increase. More often than not, these cases involved

runaways, which have consistently been on the rise. The 2017 report confirms this trend with 1,151 records of runaways (*Child Focus*, 2016 and 2017). Furthermore, there is also a steady increase in victims of blackmail of a sexual nature. The number of “sextortion” cases, or the extortion of selfies and videos of sexual nature with the threat of being leaked, has been increasing. This blackmail is characterized as an abuse of power over vulnerable individuals. Figures attest to an increase in this type of offence between 2015 and 2016, rising from 17 to 41 cases (*Child Focus*, 2016).

Belgium possesses a legal framework pertaining to the sexual exploitation of minors. The article 383bis of the Penal Code penalizes the exploitation of child prostitution and child pornography. Furthermore, in cases of sexual exploitation of minors below the age of 16 (or below the age of 10 depending on cases), sentences are more severe (article 380, paragraph 4). In this regard, the Belgian legislation is strict and the country’s repressive arsenal is quite effective. Nevertheless, much work remains to be done in terms of the care of unaccompanied minor victims or in the fight to diminish the demand linked to sex tourism involving children (*European Commission - Website*).

“Grooming,” a strategy to solicit minors via internet for the purpose of manipulating them in order to obtain sexual favors, is also continuously increasing: 48 cases opened in 2016 compared to 31 in 2015. The perpetrators of these abuses take advantage of the upturn of new means of communication to build a “trusting relationship with children” (*Actualités du droit belge*, April 4, 2014). However, the Belgian legislation penalizes the solicitation of minors through information and communication technologies, according to Articles 377ter et 377quater introduced into the Penal Code by the law proposal of 2014 (*Talhaoui, Vastersavendts*, February 26, 2014). According to I. Simonis, “It is paramount to caution students about the devastating consequences prostitution can have on their health and integrity. Through this campaign, which addresses a tough subject, we intended, without moralization, that youths who are prostituted or are tempted to do so be more aware of the risks but also of the many existing supports” (*La Libre Belgique*, January 23, 2018).

This caution and raising awareness are all the more necessary in view of the upsurge of student prostitution taking place in more or less ambiguous forms, as well as the trivialization of these activities (*simonis.cfwb.be*, January 23, 2018). Figures relating to student prostitution vary between 1,500 and 5,000 (*La Libre Belgique*, January 23, 2018; *RTBF*, January 24, 2018). The Campaign launched by the Belgian Minister of Social Promotion, Youth, Women’s Rights and Equal Opportunities brought forth the figure of 6,000 students. These estimations are based upon “the lower range of 3% (studies conducted report 2% to 6% of the student population),” which currently is 210,000 in Federation Wallonie-Bruxelles (*La Libre Belgique*, January 23, 2018; *RTBF*, January 24, 2018).

### **Profile of victims**

According to facts relayed by the American Department of State, victims of human trafficking and sexual exploitation are mainly from Bulgaria, Romania, Albania, Nigeria, China,

and Morocco. A number of victims originate from member states of the European Union. They can obtain a permanent residency permit only after the indictment of their traffickers (article 380, paragraph 3). 235 residency permits were issued or renewed for victims of human trafficking in 2017, compared to 216 in 2016 (*US Department of State*, June 2018). Belgian authorities have granted these permits on a regular basis, enabling victims to work and to benefit from protection services. However, these services are restricted to victims identified and recognized as such by the Prosecutor; which gives them the ability to benefit from a residence for a duration of 6 months (*Chambre des Représentants de Belgique*, March 4, 2016).

Relying on police reports, Joëlle Milquet, Deputy Prime Minister and Minister of the Interior and Equal Opportunity between 2011 and 2014, estimates there to be around 23,000 prostituted persons in Belgium, 80% (or 18,500) of whom are reported to be victims of human trafficking, and the majority of the others as victims of sexual exploitation (*Federation Wallonie-Bruxelles*, July 2015; *RTL*, October 13, 2016). The NGO *Espace P*, a pro-“sex work” organization reports 15,000 persons in situation of prostitution, of which one third are found in Brussels. These different figures are controversial, as prostituted men and transgender people are not systematically taken into account.

### **Pragmatism and regulationist components: the outline of the legal framework**

The Belgian law does not punish the act of prostitution itself. In contrast, the first paragraph of article 380 condemns those who contribute to “debauchery and prostitution: a) one who has hired, trained, diverted or withheld for the purpose of debauchery and prostitution of an adult; b) one who keeps a bawdy house and a prostitution establishment; c) one who sells, rents or makes available, for prostitution purposes, rooms or premises and making an abnormal profit; d) one who exploits the debauchery or the prostitution of others.” These offences are aggravated if there is the use of force, threats or pressures relative to the vulnerability of prostituted persons (article 380, paragraph 3).

Human trafficking for sexual exploitation purposes is penalized by sentences of up to 20 years’ imprisonment (article 443-5 to 443-9 of the Penal Code). The Belgian law adopted a broad definition of human trafficking, going further than the definition of the United Nations Convention against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of 2000. Lack of sufficient respect from an employer with regards to work schedules or conditions is considered a form of exploitation. The aspect of coercion or constraint represents solely an “aggravating factor and is not considered to be an integral part of the base offence” (*Chambre des Représentants de Belgique*, March 4, 2016). Hence, any form of coercion whatsoever is not necessary for the human trafficking conviction to be upheld. Article 380ter additionally punishes the production, publication, distribution, dissemination, direct or indirect, of content promoting or advertising of services of sexual nature, including “services supplied through a means of telecommunication”. While these elements allow to validate the existence of these measures, they remain an integral part of the regulatory system.

The criminalization of the purchase of sexual acts and the recognition of the prostitution system as a violation of gender equality and human dignity under the Nordic model is thus perceived as unsustainable by the Belgian authorities. Institutions have therefore favoured a so-called pragmatic vision, although unrealistic, is particularly worrying as it considers prostitution as an evil that cannot be eliminated. Belgian institutions have preferred to promote a model intended to be utilitarian, which considers it preferable to focus on combating all forms of violence, notably caused by sexual exploitation, given that prostitution cannot be prevented. These circumstances lead to a trivialization of the prostitution system that benefits procurers, stigmatizes prostituted persons, and encourages the development of a sexist culture around the woman-object. This policy tends to detract from the precarious situations in which prostituted persons find themselves, the majority of whom are victims of sexual exploitation.

Regardless, the government does not negate the precariousness or vulnerability of prostituted persons. The Belgian State has done considerable work to combat human trafficking, sexual exploitation, and prostitution (*US Department of State*, June 2018). The National Action Plan 2015-2019 to fight against all forms of violence linked to gender includes prostitution in addition to human trafficking for sexual exploitation purposes. The *Intra-Francophone Plan* to combat gender-based and domestic violence, jointly adopted for the same period 2015-2019 by the Wallonia Region, the Fédération Wallonie-Bruxelles, and the French Community Commission, also consider prostitution as a violence. I. Simonis would like to systematically sue procurers who benefit from relative impunity. According to the Minister, they are “exploiters, who generate situations of human exploitation” (*RTL*, April 30, 2017). Despite this overt willingness of public authorities, the State struggles to implement and execute effective measures.

As revealed in the fourth Global Report of the *Fondation Scelles*, a certain trend towards repression continues. Thus, we can see an increase in the number of measures taken at the communal level against the nuisances associated with prostitution (*Fondation Scelles*, 2016). The city of Brussels acquired a new regulation pertaining to prostitution for the neighbourhood of Alhambra in May of 2017 (*DH.be*, May 9, 2017). The town council ruled in favour of the prohibition of street solicitation and has decided to penalize motorists in cases of particularly slow driving. Within the framework of communal policies, specific regulationist components appear. Hence, prostitution “is the subject of a wider urban management policy linking safety to economic objectives, European policies therefore target the expulsion of prostituted persons who have become too visible in areas devoted to commercial or touristic activities” (*Fondation Scelles*, 2016).

Furthermore, the national legislation includes in articles 383 and 385 of the Penal Code specific procedures against public affront against morality. Thus, the question of vulnerabilities of prostituted persons and the violation of human dignity represented by these conditions is substituted by morality. Prostitution and sexual exploitation are solely associated with their external structures and the places where they occur: public roads, bars and clubs, windows, escort services, saunas, massage parlours, cabarets, and peep shows. Many Belgian citizens do

not know whether prostitution and procuring are legal or not in their country. This situation benefits procurers, who are rarely prosecuted or convicted (*European Commission - Website*). The government nonetheless attempts to put an end to this situation.

### **Public action: limits of a repressive legislation**

The Belgian government has maintained its efforts to fight against human trafficking in 2017, keeping the country in Tier 1 in the 2018 US Department of State report on Trafficking in Persons Report. From January 2017, operation “Dolly” was launched by the local police force of Brussels-North (Schaerbeek, Evere and Saint Josse), accompanied by a significant increase in police controls. Within the framework of these sixteen operations, the police were able to arrest 121 persons administratively and judicially. The strength and frequency of these new police actions were intended to secure the red-light districts. Figures testify to an increase in the number of individuals stopped by the police compared to 2015: 1,866 controls (a 35% increase from 2015), 27% of which were French nationals, and 654 vehicles checked, (53% more than in 2015) (*RTL*, January 24, 2017). Initially, the police force had planned 24 operations of this kind, yet this figure had to be decreased due to the threats of terrorism in Belgium. Admittedly, while this policy reinforces police checks, through the intensification of the framework of street prostitution, it does not fight in any way against insecurity levels and vulnerabilities faced by prostituted persons. Moreover, it appears impossible to combat such violence without considering the penalization of sex buyers. The question of demand must be addressed.

The government prosecuted 328 individuals in 2017 (324 in 2016), including 176 charged with human trafficking for sexual exploitation purposes and 18 for forced criminality. There were 184 cases of human trafficking for sexual exploitation purposes in 2016 and 105 condemned under the law relative to human trafficking, with no less than 223 additional charges with aggravating circumstances (compared to 15 in 2016). Previously traffickers did not, as a whole, receive any jail terms despite a substantial repressive legal arsenal Belgian authorities convicted 84 persons, a significant drop compared to figures from the previous year (*US Department of State*, June 2018). Indeed, in 2016, there were 113 convictions for imprisonment sentences of one to 5 years, rather light sanctions in regard to the gravity of the offences.

According to the Group of Experts on Action against Trafficking in Human Beings (GRETA), in view of the prevalent national security and terrorism-related issues, human trafficking cases were not prioritized by law enforcement agencies. Moreover, the judicial reform has led to a significant downsizing of the police force, as well as prosecutors that specialize in the fight against trafficking (*US Department of State*, June 2018).

### **Complacency: the banalization of the prostitution system**

The case of the pimp Dominique Alderweireld, also known as Dodo la Saumure, convicted in October 2011, reflects a certain tolerance, even complacency, towards traffickers. Found guilty and sentenced to 5 years’ suspended prison sentence for procuring and brothel-keeping. He owned 16 establishments between 2000 and 2009 in which numerous women reported to

have been victims of abuse (*Le Monde (blog)*, February 5, 2015). Despite the damning facts, in 2013, he tried to appeal. Dominique Alderweireld “openly displays” his proximity to law enforcement “who do not appear to” terminate his activities (*Fondation Scelles*, 2016).

The advertisement campaign of the escorting website *RichMeetBeautiful* on Brussels’ university campuses is a prime example of the normalization of prostitution in Belgium. At the start of the 2017 academic year, the website circulated promotional vehicles around Brussels’ university campuses, displaying the message “Hey students! Upgrade your lifestyle! Go out with a sugar daddy”. The dating website for “sugarbabies” and “sugardaddies” was promoting relationships between young women and older men, with the promise of an improvement of their living conditions. The encounters were glamorized and coated with false realities (restaurant invitations, presents and genuine emotional relationships) whilst the element of paid sexual services was minimized. Following numerous complaints about the *RichMeetBeautiful* advertisement, as well as complaints from a number of Belgian ministers (*The Guardian*, January 26, 2017), the Jury of Ethical Advertising considered that “this specific advertisement displays a lack a proper sense of social responsibility on the part of the advertiser” and that the advertisement infringed upon human dignity (*JEP*, October 3, 2017). Other arguments brought forward by the Jury referenced the devaluation of women and the perpetuation of gender stereotypes. The Minister C. Frémault declared: “By soliciting the bodies of female students in precarious situations directly on campus, the sex industry has shown that it no longer has limits” (*La Dernière Heure*, September 26, 2017).

### **Raising awareness policy of government authorities**

The national referral protocol for child trafficking victims and victims of domestic servitude was implemented, and its enforcement was subject to a particular kind of monitoring from the Belgian authorities (*US Department of State*, June 2018). Human trafficking training has become mandatory for a number of judicial officials who are on the career track to become magistrates and judges. Additionally, amendments have been made concerning the referral protocol as well as victim identification (*US Department of State*, June 2018).

In January of 2018, the Belgian government launched an extensive raising awareness and information campaign aimed towards students, under the initiative of the Minister of Youth and Women’s Rights of the *Fédération Wallonie-Bruxelles*, I. Simonis, and the Minister of Higher Education, Jean-Claude Marcourt (*Fédération Wallonie-Bruxelles*, July 2015; *RTL*, October 13, 2016). The campaign aims to hinder the normalization and the “glamorization” of prostitution begotten through a number of practices (“sugar daddy”), most notably student prostitution.

This poster campaign aims to raise awareness among young people and students of the “dangers of prostitution in terms of physical and psychological integrity”. Aid, health, and support services have been made available (*Fédération Wallonie-Bruxelles*, July 2015). In February of 2018, a colloquium was also organized by the Ministers of Youth and Women’s Rights and of Higher Education at Liege University. A training course held by the general

administration of youth outreach took place in April of 2017 for the purpose of informing field professionals (*Fédération Wallonie-Bruxelles*, July 2015).

### **Victim support services**

Considerable efforts have been made by Belgian authorities, particularly in the identification of victims: in 2017, 137 victims were identified (of which 59 were victims of human trafficking for sexual exploitation purposes). These figures, compared to previous years, also testify to an improvement to the access to aid services for victims (*US Department of State*, June 2018).

Although NGOs have identified numerous victims within shelters, the vast majority were identified by law enforcement, social workers, and health professionals. To benefit from the status of victim within shelters as well as an access to specialized services, it is paramount for victims to cease all contact with traffickers and report to a shelter specialized in human trafficking. In 2017, the government allocated EUR 428,000 (USD 484,431) to each of the three existing specialized shelters managed by NGOs, which also have received additional public funding from regional offices (*US Department of State*, June 2018). Some of these facilities provide psychosocial services, medical treatment, and legal support (*Fédération Wallonie-Bruxelles*, July 2015).

The vast majority of aid and support services have been provided by NGOs (who nevertheless have received funding from the government). The quality of these services is severely affected by delays in funding at both national and regional level.

### **Recommendations**

Despite continued efforts by the Belgian government, the fight against human trafficking and sexual exploitation has faced numerous hurdles. To mitigate their shortcomings, the authorities must provide essential guarantees at different levels, whether it is legal protection (which remains quite limited to this day), fund allocation, or even victim identification. The entire legislative body need to acquire better training in various areas (victim identification, intervention with unaccompanied underage victims, etc). The prosecution of traffickers has proved insufficient, and the legal framework, although quite comprehensive, rarely leads to the conviction of traffickers (*DH.be*, April 26, 2017). Indeed, thus far, sentences are often suspended.

Belgian authorities, furthermore, must allocate additional funds so as to aid victims and give them access to legal representation. These funds are also indispensable for shelters. Some deficiencies appear in the identification of victims (including minor victims, which is still lacking), as well as legal representation. According to GRETA, legal services are fairly expensive, which “dissuades victims and their cooperation in criminal procedures” (*US Department of State*, June 2018).

It is necessary to standardize compensation for victims. To aid in this goal, assets of suspected traffickers must be frozen before the trial, to ensure that a trafficker does not become insolvent before a victim can collect damages. Furthermore, there is a need to carry out more



thorough investigations, sue presumed traffickers, and lastly penalize them substantially. The US Department of State suggests that the seizure of goods should make it possible to compensate victims.

In addition, launched campaigns should be continued, by both government authorities and associations, in order to prevent and better inform the public opinion, with the main goal of discouraging prostitution of all forms and eliminating the normalization and glamorization of the phenomenon. Likewise, the repressive policy initiated by the municipalities, notably the city of Brussels, cannot be considered an adequate response and does not in any case protect prostituted persons or better their living conditions. This policy benefits the sex buyers, who are not concerned with the law and negate the violence of sexual exploitation and prostitution.

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# Brazil



**POPULATION**  
209,3 million



**GDP PER CAPITA**  
9,821.4 USD



**POLITICAL SYSTEM**  
Presidential Regime  
with a Federal  
Organization



**HUMAN DEVELOPMENT  
INDEX**  
79<sup>th</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
92<sup>th</sup> rank among 147  
countries



**INDICE DE PERCEPTION  
DE LA CORRUPTION**  
96<sup>th</sup> rank among 180  
countries

Brazil, the largest country in South America in terms of surface area and population, is characterized by significant ethnic and cultural diversity. Prostitution remains widespread for a number of reasons, mostly related to poverty. In recent years, the country has been hit with a major economic crisis that has led to an increase in the already large number of prostituted persons. Although prostitution is legal, many people in the country believe it to be a crime because it is associated with other criminal practices such as drug trafficking or violence. Thus, prostituted people are socially marginalized. Due to the stigmatization and the violent environment in which it is perpetrated, victims of sexual exploitation often develop negative self-images that lead to societal shame, destructive behaviors, and increased vulnerability to abuse from others.

The current national debate on prostitution is deficient and dominated by exclusively heteronormative terms. Although prostitution in Brazil is mainly associated with women, a large proportion of homosexual and transgender individuals are constrained into it. Due to a lack of governmental and social awareness, the Brazilian police force remains poorly prepared and lacks means to tackle the problems of sex trafficking and exploitation.

## Legislation regarding prostitution and sexual exploitation

In 2002, the Brazilian Ministry of Labor officially recognized prostitution as a profession under the New Brazilian Classification of Occupations (BCO) (*The Brazil Business*, September

19, 2013). Thus, any individual over 18 years of age can be a prostituted person under the name of “*profissionais do sexo*” (*Ministério do Trabalho e Emprego*, 2017). Since 2012, a bill has been presented to the Deputies, which calls for the removal of the “*profissionais do sexo*” from the BCO (*Human Rights Council*, May 2017).

However, some of the activities that could lead to the exploitation of prostituted persons still remain illegal under the Penal Code. Chapter V of the Penal Code is devoted to human trafficking for prostitution or sexual exploitation purposes, addressing in particular: the incitement to satisfy the desire of others (Article 227), the incitement to prostitution (Article 228), the running of a prostitution establishment where sexual exploitation occurs (Article 229), and procuring (Article 230). Therefore, it is illegal to earn a living off of prostituting another person, with sentences ranging from 1 to 5 years for the aforementioned crimes, and from 2 to 10 years in cases of aggravating circumstances (minor victim, violence, fraud, etc.). However, those who engage in the prostitution and sexual exploitation of minors less than 18 years of age, or any vulnerable person (with a mental illness or disability), are specifically criminalized in article 218-B. A sex buyer who receives sexual services from a minor, aged from 14 to 18 years, as well as the owner (or the person in charge) of the place where the sexual acts took place are liable to prison sentences of 4 to 10 years. Sexual intercourse with a child under 14 years of age is referred to as *Estupro de vulnerável* (rape of vulnerable persons). These acts are punishable by a prison sentence (under article 217-A) ranging from 8 to 15 years; 10 to 20 years in case of serious bodily injury; 12 to 30 years if the victim dies (*Senado Federal*, April 2017). This article implies that sexual intercourse with a minor who is more than 14 years of age is dependent on their consent.

Human trafficking is defined as the act of “Organizing, attracting, recruiting, transporting, transferring, buying, harboring, or accommodating a person by threat, violence, coercion, fraud, or abuse, for the purpose of removing organs, tissues, or parts of the body, forcing them to work in conditions similar to those of slavery, forcing them into any kind of servitude, illegally adopting or sexually exploiting them” (Article 149-A of the Penal Code). Human trafficking is punished by 4 to 8 years in prison. The sentence is increased by a third if the crime is perpetrated by an official when he or she is exercising their duties, the victim is a minor, an elderly person, or disabled, if the crime is committed by someone who is related to the victim, shares the same residence, has authority or a hierarchical ascendant over the victim, or if the victim leaves national territory (*Senado Federal*, April 2017). Thus, in order to fight, amongst other issues, sex trafficking, the government passed a comprehensive law in 2016 against human trafficking (*Presidência da República*, October 6, 2016).

### **Sex trafficking and the sex tourism industry**

Brazil remains a hotbed for sex trafficking, serving as a country of origin, transit, and destination (*US Department of State*, June 2018). Brazil’s fight against sex trafficking is not considered to be sufficient. Corruption in the judicial system paired with the investigative work

into trafficking conducted by police that result in an extremely low conviction rate cast doubt on whether there is a real willingness to combat the current situation.

Sex tourism directly impacts the growth of sex trafficking involving children. Usually coming from Western Europe, and to a slightly lesser extent, the United States, many sexual predators travel to Brazil in pursuit of sexual relations with children. This trend is especially apparent in the country's coastal regions and tourist zones in the northeast (*The Brazil Business*, September 19, 2013). Rio de Janeiro serves as the country's main tourist destination, as well as a renowned hub for sex tourism where it is very present (*TDH Netherlands, ECPAT Netherlands, Plan Netherlands, Free a Girl*, May 9, 2014). Child prostitution seems to go hand in hand with the country's tourism industry, particularly with hotels, taxis, and travel agencies serving as intermediaries between the tourists and young boys and girls. Moreover, despite having to display signs prohibiting child sex tourism in hotels and tourist establishments (*Assembléia Legislativa*, January 2, 2006), some establishments remove these posters during off-seasons to boost business. Some hostels or taxi drivers even have catalogs with pictures for sex tourists. For this reason, the presumption of the sexual exploitation of children in tourism is common.

Child trafficking for sexual exploitation purposes to other countries also takes place, with the use of false ID documents that claim the victims are over 18 years of age. Fortunately, airport security measures are becoming more and more effective in identifying children and intercepting minors before they leave the country (*ECPAT International, ECPAT Brazil*, December 2015). Although child sex tourism is widespread in Brazil, no reports or records of prosecutions or convictions of tourists seeking sexual relations with children have been made public.

### **Child prostitution: a major form of commercial sexual exploitation**

The main factor that drives Brazilian adolescents to prostitution is widespread poverty, particularly in the *favelas* (*ECPAT International, ECPAT Brazil*, December 2015). The economic crisis has only aggravated the situation.

Despite the increased severity of the legislation against the prostitution of minors (*Congresso Nacional*, March 23, 2011), the practice remains ubiquitous and "sex buyers" are not dissuaded, as the problem is entrenched in a culture and economy of sex tourism. Actors working towards the protection of children in Brazil unanimously testify to an increase in the phenomenon (*TDH Netherlands, ECPAT Netherlands, Plan Netherlands, Free a Girl*, May 9, 2014). The lack of data makes it difficult to quantify the true magnitude of the problem and implement appropriate response mechanisms. In the last reliable estimate, UNICEF reported that 100,000 children were being sexually exploited in networks in 2001. According to ECPAT, this number has increased since then, and concerns for the most part young women (*ECPAT International, ECPAT Brazil*, December 2015). The International Criminal Court estimated there were 500,000 children and adolescents being sexual exploited in 2014 (*TDH Netherlands, ECPAT Netherlands, Plan Netherlands, Free a Girl*, May 9, 2014).

Due to lack of information, some government and non-governmental organizations have difficulties in providing reintegration services to child victims and prosecuting their abusers.

Most children victim of sexually exploitation live in problem or single-parent households. Physical and sexual violence is a permanent factor, especially in homes where the parents experienced sexual abuse as children and continue the cycle with their children. This phenomenon is accentuated in households where a parent has remarried, where cases of stepfathers raping their partner's daughters are not rare (*ECPAT International, ECPAT Brazil, December 2015*).

Families often play a key role in the entry of their children into prostitution (*Global Sustainable Tourism Review, March 2014*). It is frequent that prostitution and drug use are already present in the family, making children all the more vulnerable. Early on, children may have to take on adult responsibilities as the family relies on them to provide financial support (*ECPAT International, ECPAT Brazil, December 2015*). Once in prostitution, these children have the greatest difficulties when attempting to leave.

The city of Fortaleza has long been considered a hub of child sexual exploitation in Brazil. (*ECPAT International, ECPAT Brazil, December 2015*). In 2014, it was the second most violent city in the country according to the Mexican NGO *Conselho Cidadão para a Segurança Pública e Justiça Penal (UOL Notícias, January 25, 2016)*. *Favelas* are the places where the prostitution of minors is significant due to chronic poverty, lack of education, and omnipresent criminal activity, especially linked to drug trafficking (*Nomad and Villager, September 20, 2016*). The development of the crack trade in these areas has been accompanied by a rise in the sexual exploitation of children (*ECPAT International, ECPAT Brazil, December 2015*). It appears that the residents of these neighborhoods pose a greater threat to children than sex tourists do (*Human Rights Council, May 2017*). The BR-116 motorway, which crosses 4,500 km from Fortaleza to the Uruguay border, is another emblematic location for prostitution, including at least 262 places for the exploitation of children (*News.com.au, July 24, 2016*). To combat this prostitution, the capitals of three Northeastern states, Fortaleza, Recife, and Salvador de Bahia, have set up specialized courts (*Global Sustainable Tourism Review, March 2014*).

Young transgender people are marginalized within the Brazilian population. Driven from their family homes, they find themselves in situations of exploitation in order to survive (*ECPAT International, ECPAT Brazil, December 2015*). These young people are not only rejected by society but also by their families, and face immense difficulties in finding shelter and protection. The life expectancy of a transgender person in Brazil is 35 years, and homicides in Brazil on the grounds of gender identity are not uncommon (*Human Rights Council, May 2017*).

As a result, many homosexual and transgender persons join sex trafficking networks seeking psychological and financial support. When integrated into these networks, they run the risk of being exploited and are often harassed by police who, rather than protect them, allow exploiters to abuse them with impunity (*ECPAT International, ECPAT Brazil, December 2015*).

### **Prostitution and Brazil's international sporting events**

The annual mega events in Brazil, such as traditional parties, the Carnival and sporting events, create an excessively high-risk environment for the sexual exploitation of prostituted

adults and children (*ECPAT International, ECPAT Brazil*, December 2015). Brazil has been a host country for some of the largest global sporting events, with the most recent cases being the 2014 World Cup and the 2016 Summer Olympic Games (*COHA*, April 6, 2015). The risk of sexual exploitation potentially increases during demonstration of this magnitude. In the case of the 2014 FIFA World Cup, approximately 3,16 million spectators traveled to Brazil. Although there are no official statistics or consistent records stating whether or not there was an increase in prostitution, there was a visible increase in human trafficking and sexual exploitation (*ECPAT International, ECPAT Brazil*, December 2015). Even before the tournament began, child sex markets developed near the stadiums under construction, involving construction workers (*Global Sustainable Tourism Review*, March 2014). Knowing ahead of time that this would be an issue, Brazilian NGOs took a number of measures before the event to prevent an increase in child sexual exploitation. The NGO *Barraca da Amizadea*, for example, proposed a debate in Fortaleza with the public on the risks of child sexual exploitation during the World Cup. The NGO *ECPAT International* implemented an awareness campaign involving 16 countries spreading prevention messages, with the support of famous Brazilian footballers, to reduce the risks associated with sex tourism involving children in Brazil.

But, two years later, during the Olympic Games of 2016, the phenomenon had not diminished as, driven by poverty, even more people had been prostituted, hoping to raise enough money to resume the course of their life once the competition was over (*Courrier International/El País Brasil*, August 3, 2016).

### **Impacts of the economic recession on prostitution**

In recent years, Brazil has experienced a considerable economic crisis that has led to an immense rise in unemployment, creating a favorable context for many to turn to prostitution. Beginning in 2015, Brazil entered a financial crisis, combined with a budget deficit and a political crisis that resulted in the impeachment of President Dilma Rousseff. During this period, the GDP fell 3.9% due to decreases in salaries, credit restrictions, and a rise in general interest rates. More than 1.5 million people lost their jobs in 2015, and the unemployment rate continued to rise throughout 2016, peaking at 12% (12.8 million unemployed people). In Brazil, 6.9 million people were living below the poverty line in 2015 (*World Bank*, October 2018). An increasing unemployment rate and poverty pushed many people into prostitution.

### **The deep-rooted relationship between prostitution and drugs**

There is a strong correlation between prostitution and drug use in Brazil, particularly among prostituted adolescents. Drug use often begins at a fairly young age, when children are prostituted to help their parents buy drugs. The children then, more or less rapidly, also fall into drug addiction. This drug-dependency subsequently leads to an increased vulnerability to sexual exploitation and abuse. Procurers often use drugs as a tool to trap victims by making them dependent. Dealers start off by offering drugs to children and then forcing them into prostitution to pay off their debt. The use of narcotics is often linked to traumatic events, especially frequent

within the *favelas*. Victims often fall into a cycle that is almost impossible to break, with prostitution and drugs feeding into one another (*Global Sustainable Tourism Review*, March 2014). This phenomenon is all the more worrying when it comes to child-mothers, made pregnant by sex buyers, who have to find money for both drugs and their children, which further impoverishes them (*ECPAT International, ECPAT Brazil*, December 2015).

### **Health services**

In response to the HIV/AIDS epidemic of the 1980s, Brazil established one of the most well-structured and effective HIV/AIDS programs in the world, with prostituted persons at the center of prevention campaigns (*Avert*, October 18, 2018). Currently, the HIV/AIDS rate for prostituted people is 5.3%. The focus therefore was put on the use of condoms by prostituted people, which proved particularly effective. According to a study conducted in 2013, roughly 90.1% of prostituted persons in Brazil use condoms when engaging in sexual activities with a sex buyer (*UNAIDS*, 2017). Although the tendency to use a condom has increased since the 1980s, the recent increase in poverty due to the recession has pushed many prostituted people to practice unsafe sex, exposing them to a much higher risk of sexually transmitted infections (STIs) or HIV/AIDS. The increase in the number of prostituted children, who are very vulnerable, has also led to an increase in underage mothers, victims of unwanted pregnancies.

Brazil's public health system is free and accessible to everyone (*Supremo Tribunal Federal*, 2018). Yet, this does not necessarily mean that the services are adequate, especially for prostituted persons: many of them do not have access to care as are often poorly received and ridiculed. Healthcare centers are highly dependent on local initiatives, and there are frequent cases of administrative neglect. In addition, there is little to no public awareness on the consequences of prostitution of the physical and mental health of prostituted persons.

### **Government initiatives and looking forward**

In recent years, the Brazilian Government has demonstrated considerable efforts in both handling the current national situation regarding prostitution and combating sex trafficking. According to the 2018 US Department of State report on Trafficking in Persons, Brazil remains in Tier 2, meaning it does not completely meet the minimum standards for eliminating trafficking, although it is making considerable efforts to do so (*US Department of State*, June 2018). The government has taken significant measures to pass a number of more comprehensive and cohesive anti-trafficking laws, and in parallel conduct prevention campaigns against forced labor.

However, the government still faces many difficulties due, in particular, to a lack of resources and awareness. Although a number of laws have been passed regarding sexual exploitation and trafficking, the judicial system of Brazil remains a very corrupt institution. For example, the former governor of Amazonia, who was elected as senator in 2015, was involved in a child sexual exploitation scandal. Yet he remains unpunished and was even re-elected for a second term until 2023 (*ECPAT International, ECPAT Brazil*, December 2015).



The country faces a serious lack of means to effectively punish traffickers and exploiters. The judicial process is exceedingly slow, often taking months to years before a trial takes place or judgment given. In addition to the corruption in the judicial system, Brazil also has a considerable amount of corruption within its police forces. Oftentimes, during the shutdown of a brothel, if the owner offers a bribe, the police will turn a blind eye to the continuing activity of the establishment (*Global Sustainable Tourism Review*, March 2014).

Victim protection programs are nonexistent. Still, NGOs have set up services, resources, centers, and communities for sexually exploited victims. For example, the NGO *Meninadanca* fights against the trafficking of girls along the BR-116 motorway through numerous raising awareness actions (*Breitbart*, August 16, 2016). The programs provide shelter (Pink Houses) where girls receive specific help. *Meninadanca* also enabled the arrest of the former mayor of Taiobearas and his sentencing to 26 years in prison. The mayor had used his influence and fortune to abuse underage girls over the last thirty years (*Mail Online*, December 15, 2015).

The development of the internet, social networks, and smartphones makes trafficking less visible. As children are no longer on the streets, it has become increasingly difficult for protection services to help them (*ECPAT International, ECPAT Brazil*, December 2015). Organizations gathering professors and researchers from a number of different Brazilian universities have initiated research projects regarding prostitution in the major Brazilian cities, in the hopes of initiating debates on the phenomenon.

At the national level, it is difficult to take significant action in combating sexual exploitation mainly due to the difficulty of broaching the subject with the public and political figures, and a widespread corruption. The government must implement coherent legislation regarding prostitution and human trafficking, increase resources for the elimination of prostitution, and provide reintegration services to victims. The government must focus its efforts on combating sex tourism, especially involving minors. This is achievable if authorities improve the judicial processes and conviction rates for those who exploit children and those who come to Brazil for the purpose of child sex tourism, and if they provide prostituted people with easier access to the judicial system.

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# Cambodia



**POPULATION**  
16 million



**GDP PER CAPITA**  
1,384.4 USD



**POLITICAL SYSTEM**  
Constitutional  
Monarchy



**HUMAN DEVELOPMENT  
INDEX**  
143<sup>rd</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
112<sup>th</sup> rank among 147  
countries



**INDICE DE PERCEPTION DE  
LA CORRUPTION**  
161<sup>st</sup> rank among 180  
countries

*“Men are made from gold, and women from cloth”* (A popular Cambodian saying).

In Cambodia, “female prostitution is associated with loss of female virtue, while males who purchase commercial sex benefit from an anonymity that allows them to avoid societal judgement” (*Samarasinghe, 2008*).

Over the course of Cambodia’s tumultuous history, the social phenomenon of female prostitution has evolved significantly in terms of both magnitude and form. Its fundamental structure can be analyzed by unpacking the interplay between, on one hand, the gendered power dynamics that set the agenda for social relations in Southeast Asia, and on the other, the socio-economic factors that drive migration and female labor patterns within its youthful population. From this perspective, the persistent male demand and “supply flows” of female bodies which sustain Cambodia’s sex trade are situated in a patriarchal framework in which uneven social effects are emphasized by factors of vulnerability tied to endemic poverty and illegal migration. According to a 2014 Cambodian police report, 1.6% of women aged 18 to 24 have been offered payment in exchange for sexual relations, which illustrates the position of women in society (*Ministry of Women’s Affairs of Cambodia, 2014*). According to the same study, 20% of men have already raped their partner and 8% have raped another woman. Similarly, gang rape against prostituted persons in major cities appears to be a common practice among certain groups of young people (*Ministry of Women’s Affairs of Cambodia, 2014*). This burdensome reality, both dependent on and the source of social judgement and disgust, only worsens the plight of those who become prostituted person to survive and provide for their family.

## Historical evolution and contemporary practices of prostitution in Cambodia

“Prostitution, in its various forms, is deeply rooted in Cambodia’s history” (*Journal of Human Rights Practice*, November 1, 2011). Prior to 1975, Cambodian women were used as prostituted persons, especially by foreign men who came to Cambodia as a result of wars that ravaged the country (*Samarasinghe*, 2008). The political instability that characterized most of the second half of the 20<sup>th</sup> century in Cambodia has had a considerable impact on the contemporary development of prostitution. During the Khmer Rouge regime (1975-1979), prostitution was practically eliminated from Cambodian society. Deemed by the Communist Party of Kampuchea as contrary to its moral code, exchanging sex for money (classified under the broad category of acts *khos sel’thor*) was punishable by death sentence (*Human Rights Watch*, July 2010). Under Vietnamese occupation (1979-1989), the re-emergence of the sex trade was met with strong government repression. Repression campaigns resulted in mass arrests of people involved in prostitution, who were, for the most part, locked up in the former Khmer Rouge detention center on Koh Kor Island (*Human Rights Watch*, July 2010).

In 1992, following the entry into force of the Paris Accords on Cambodia a year before (1991), nearly 20,000 peacekeeping personnel were deployed to Cambodia as part of the United Nations Transitional Authority in Cambodia (UNTAC). It has been widely acknowledged that militarized peacekeeping in post-conflict Cambodia contributed to the spread of demand for commercial sex by both foreign and local men (*Samarasinghe*, 2008; *Enloe*, 2000; *Whitworth*, 2004). While the number of prostituted persons in Phnom Penh (Cambodia’s capital) was nearly 6,000 before the arrival of UNTAC operatives, by 1992 this number had almost tripled to 20,000 in the capital city alone (*CHRTF*, 2011). The sex industry briefly declined following the departure of UNTAC in 1993, but the phenomenon re-emerged with the development of tourism in the 1990s and 2000s. “Work in the tourism industry is often a front for the sex industry” (*Samarasinghe*, 2008). According to *ECPAT International*, the increase in tourism over the past several years has led to an increase in prostitution activities in tourist hubs, particularly within the increase of Chinese businessmen that engage in sex tourism (of both adults and children) (*APLE Cambodia, ECPAT International*, July 9, 2018).

Due to the largely clandestine nature of the sex industry in Cambodia, it is difficult to establish precise figures on the exact number of persons implicated in prostitution. According to *UNAIDS*, there were 34,000 prostituted people in Cambodia in 2017. The proportion of prostituted children in commercial sex establishments in three Cambodian cities decreased from 8.2 % in 2013 to 2.2% in 2015 (*US Department of State*, June 2016). According to another report published by the Cambodian Ministry of Health in 2006, close to 6,000 prostituted persons operated in a “direct” manner (in brothels) and more than 26,000 prostituted persons operated in an “indirect” manner (in massage parlors as well as in entertainment centers like Beer Gardens, karaoke clubs, cabarets, bars, and restaurants) (*Human Rights Watch*, July 2010). Vietnamese women make up the majority of people involved in the sex industry in Cambodia.

Prostitution activities in brothels have seen a significant decline in Cambodia over the last decade (*UNDP*, 2012). This could be explained by the massive displacement of prostitution to

entertainment establishments, through the evolution of phenomena such as “social and sexual networking by male customers” and police crackdown campaigns targeting brothels following the 2008 Law (Law on Suppression of Human Trafficking and Sexual Exploitation), which only accelerated “a change already well on its way” (UNDP, 2012). Today, “freelance” prostitution is the norm –prostituted persons often rent rooms themselves and organize their rendez-vous (UNDP, 2012). Only a small minority of prostituted people continue to operate in public spaces (the streets, public parks, markets, and transport terminals). The NGO *Precious Women*, which raises awareness among the prostituted population of Phnom Penh, confirms this trend since they mainly intervene in beer gardens and karaoke bars (*Precious Women*, 2018).

### **Legislative framework and police brutality**

The Law on Suppression of Human Trafficking and Sexual Exploitation passed in February 2008, which broadly defined offences related to human trafficking and prostitution, criminalized most aspects of the sex industry. This law was drafted in hopes of bringing Cambodian internal legislation framework in line with its international human rights obligations as stipulated in the International Convention on the Rights of the Child and its Optional Protocol, as well as the Palermo Protocol, which relates to human trafficking. These laws were ratified by Cambodia in 2002 and 2006 respectively. The 2008 Law defines prostitution as “any sexual relation and/or intercourse with an unspecified person in exchange for anything of value” (Article 23). Prostitution, provided that it is practiced in private spaces, does not constitute a criminal offence in and of itself under Cambodian law. The 2008 Law penalizes child prostitution, public soliciting, and procuring, as well as management of an establishment for prostitution purposes (Articles 23 to 41).

Guidelines supporting the implementation of the 2008 law make it clear that prostituted persons are not criminals. However, prostituted people often face police abuse and other arbitrary acts committed by law enforcement in Cambodia (*CACHA*, 2009; *Human Rights Watch*, July 2010). Arrests without legal basis, violation of due process and legal guarantees, forced detention in re-education programs, physical violence and sexual abuse, systemic extortion, and forced labor all make up the daily reality of prostituted people targeted by local authorities in operations to clean the “undesirables” off the streets. The perpetrators of violence are police officers, municipal park security officers, district-level police staff, and security guards at centers run by the Ministry of Social Affairs. A certain climate of impunity contributes to the perpetuation of these acts (*Human Rights Watch*, July 2010). In 2017, the tragic death of Pen Kunthea, a young prostituted woman from Phnom Penh who drowned in the Tonle Sap river while fleeing Daun Penh district security guards, brought back to the forefront of public debate the issue of police brutality against persons involved in prostitution (*Phnom Penh Post*, March 6, 2017).

### **Sex trafficking in Cambodia**

The 2008 Law adopted the Palermo Protocol’s definition of trafficking, with each element of the act of trafficking, such as unlawful removal, the act of buying, selling or exchanging a human being, transportation with purpose to traffic (etc.), defined as criminal offences. The 2008 Law

explicitly addresses human trafficking offenses in 12 of its 30 articles, prohibits all forms of trafficking and makes both sex trafficking and forced labor punishable by 7 to 15 years in prison (up to 20 years for aggravating circumstances). These penalties are sufficiently severe because they are comparable with other serious crimes such as rape (*US Department of State*, June 2018). Internal human trafficking predominates in Cambodia (*Keo*, 2014; *Crime, Law & Social Change*, September 2012) and follows a migration pattern of rural exodus. Cambodian and Vietnamese women are often tricked into leaving their rural homes and become sexually exploited in large urban centers in Phnom Penh, Siem Reap, Sihanoukville, and Poipet. Human trafficking for sexual exploitation purposes in Cambodia “resembles an artisanal industry more than organized crime,” with recruitment networks structured, for the most part, around “personal relationships, sometimes familial” (*Derks, Henke, Vanna*, 2006). For example, 50 members of Chinese nationality running a prostitution ring in Sihanoukville province were arrested in 2018 (*Reuters*, August 14, 2018). Vietnamese women and children - often victims of debt bondage - travel to Cambodia through illegal channels, and constitute a particularly vulnerable population with regard to sex trafficking (*US Department of State*, June 2018).

The National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labour Exploitation, and Sexual Exploitation in Women and Children was established at the same time as the 2008 Law. In February 2015, the inter-ministerial committee – now known as the National Committee for Counter Trafficking (NCCT) – launched a new National Action Plan (2014-2018) aimed at coordinating the work of various ministries to combat sex trafficking. The Cambodian government dedicated an increased number of staff members to the committee and allocated a budget of close to 5 billion riels (KHR) (USD 1.25 million) in 2017, compared to KHR 4 billion (USD 1 million) in 2016 and KHR 3.6 billion (USD 900,000) in 2015, while six out of nine local coordinating committees at the provincial level received funding, compared to 5 in 2016 and 2 in 2014 (*US Department of State*, June 2018). In 2017, the NCCT reported convictions of at least 100 traffickers, a significant increase from 43 in 2015 and 29 in 2014 (*US Department of State*, June 2018). According to the Committee's biannual report released in July 2017, 50 cases of sex trafficking were documented in the first 6 months of 2017, compared to 25 over the same period in 2016 (*Phnom Penh Post*, July 12, 2017). Cambodian NGOs have long called for governmental approval of more sophisticated investigation techniques, including undercover operations, in order to adapt to the increasingly clandestine nature of sex trafficking in Cambodia and strengthen law enforcement efforts (*US Department of State*, June 2017). The government announced the implementation of a new National Action Plan for the period of 2019-2023 (*APLE Cambodia, ECPAT International*, July 9, 2018).

### **Public health implications of prostitution in Cambodia**

The Cambodian Health Minister, Mom Bunheng, confirmed in July 2017 that the country had met the UNAIDS 90-90-90 target (*Khmer Times*, July 31, 2017). The 90-90-90 target refers to a country-wide situation in which 90% of all people living with HIV/AIDS are aware of their HIV status, 90% of all people diagnosed with HIV/AIDS receive sustained antiretroviral

treatment and 90% of all people receiving antiretroviral therapy have viral suppression. However, numerous studies continue to highlight the particular vulnerability of prostituted persons to being infected with HIV/AIDS.

A 2016 study conducted by Global Health Promise, based on a cross section of 271 prostituted women in 4 Cambodian cities, showed that people involved in prostitution are about 12 times more likely to be infected with HIV/AIDS compared to other women in their community (*BMC Public Health*, 2016). The study also found that HIV/AIDS was the leading cause of death among female prostituted persons' children under five, despite accounting for just 0.30% of deaths in children across Cambodia as a whole; this discrepancy highlights an inequality in access to medicine and health care for prostituted women (*BMC Public Health*, 2016). Several other factors may explain this asymmetric risk profile. Firstly, prostituted women tend to engage in inconsistent condom-use with their regular partners, exposing them to the risk of being infected by undiagnosed HIV/AIDS or other STIs.

In Cambodia, more than 86% of 3,151 prostituted people surveyed across 18 provinces in the country regularly use condoms with their sex buyers (*NCHADS*, June 25-29, 2007), while only 27% consistently use condoms during sexual intercourse with their husbands, boyfriends, or regular partners (*The Cambodia Daily*, May 23, 2017). In addition, enduring police abuse makes even possession of condoms grounds for arrest, creating a climate of fear that discourages safe sex practices among people involved in prostitution. The vague wording of Article 25 of the 2008 Law (covering the crime of procuring) has had the effect of outlawing the actions of social workers attempting to promote safe sex practices among prostituted women (*APNSW*, 2008).

A joint statement by UN agencies and NGOs published in the wake of Cambodia's National Anti-Trafficking campaign following the adoption of the 2008 Law indicated a "26% reduction in the number of women seeking STI diagnosis and treatment at family health clinics" and a "10% reduction in contact with NGO social workers" (*UNDP*, 2012 ; *APNSW*, 2008). More recently, Cambodia's anti-trafficking police continue to prioritize "abusive shortcuts during investigations," despite the government's adoption of a regulation explicitly prohibiting the simple possession of condoms as evidence in criminal investigations (*The Cambodia Daily*, September 29, 2016).

Cambodian prostituted persons are not only disproportionately vulnerable to HIV/AIDS, but also face the life-threatening consequences of unsafe abortions. 40% of maternal deaths among Cambodian prostituted women were caused by abortions, in a cultural context where the procedure is tainted with social judgment and women are forced to resort to unqualified abortionists due to a lack of reliable information (*BMC Public Health*, 2016). At the same time, prostituted women make up the primary demand of the "virgin industrial complex" in Cambodia today, a largely unregulated niche industry offering services and products ranging from hymen repair surgery, elective vaginal tightening procedures, and tightening pills, in order to cater to the demand for "virgins" on the commercial sex market (*The Phnom Penh Post*, February 6, 2016).

## Tourism and the commercial sexual exploitation of children in Cambodia

*ECPAT International* identifies Cambodia as a new “key destination” for foreign pedophiles traveling in Southeast Asia alongside more “traditional” destinations such as Thailand and the Philippines (*ECPAT International*, 2016). Local male demand constitutes 75% of cases of Cambodian children being sexually exploited, which is a leading factor in the recrudescence of prostitution involving children. Tourists and businessmen coming from East Asian countries such as Japan, South Korea, Taiwan and China, among others, make up an expanding demand, particularly in regard to the virgin trade. The growth of the virgin industry is driven by the belief that “the act would be ‘rejuvenating’ or would bring good luck to a planned business venture” (*ECPAT International*, 2016). Chinese sex offenders targeting Cambodian children are, for the most part, businessmen who have been building a life and have been integrated in the country for months or years (*ECPAT International*, 2016). Western men form a “separate market” characterized by their choice in pre-pubescent victims (*UNIAP, World Vision*, 2007). In 2018, between 15,000-20,000 minors were victims of sexual exploitation (*ECPAT International*, 2018). The increase in the use of cellphones further exacerbates the vulnerability of minors (*APLE Cambodia, ECPAT International*, July 9, 2018).

The 2017 US Department of State report on Trafficking in Persons systematically included in its recommendations for Cambodia the development of “public awareness campaigns aimed at reducing domestic demand for commercial sex and child sex tourism”. The skewed focus on foreign sex tourists in the Ministry of Tourism’s efforts to raise awareness on the issue of child sex tourism is likely linked to the public controversy surrounding cases of Western pedophile perpetrators reported in the media. Specific anomalies are found in the research presented by different NGOs on the subject, largely due to different research methods (*ECPAT International*, 2016). For example, a 2014 survey on the subject conducted by local NGO *Action Pour Les Enfants* (APLE) found that Western pedophiles accounted for more than half of all sex offenders (63.8%), a statistical outcome that contrasts with the general consensus on the predominance of local and Asian demand.

In 2017, the results of a study conducted by Cambodia’s Ministry of Social Affairs, Veterans and Youth Rehabilitation financed by UNICEF were reported (*Sydney Morning Herald*, May 8, 2017). The results pointed to a dismaying lack of regulation in the country’s residential care institutions for orphan children, the number of which has doubled in the past 5 years. The highly lucrative and unmonitored business of “volunteering” in Cambodia’s many orphanages served as a main vehicle of child sexual abuse by both foreign and local men (*ECPAT International*, 2016). For local observers such as *APLE*, the case of 47-year-old Cambodian-American Tan Saravuth, whose arrest for child sexual abuse and exploitation in April 2017 sparked yet another public controversy, marked a new pattern in pedophiles’ behaviour in Cambodia. This change is characterized by a shift away from tourist spots and orphanages in urban areas to rural regions, where more informal volunteer jobs offer the opportunity to gain the trust of their victims and the local community (*Channel News Asia*, April 22, 2017).



With regards to the crackdown on cases of the commercial sexual exploitation of children, the Cambodian authorities reported the arrest of 12 foreigners suspected of child sex tourism, without providing any more information on the prosecution or conviction of the cases (*US Department of State*, June 2017). In 2017, a series of arrests of foreign pedophiles reported by the Cambodian press highlighted the role played by local NGOs (including *APLE*) in investigations leading to arrests of these sex offenders. The executive director of *APLE* stated that one of the priorities of the organization laid out in its five-year plan would be to strengthen the investigative capacity of the local police to allow local law enforcement agencies to independently fill their mandate to protect children in the long term (*South China Morning Post*, October 28, 2016).

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# Canada



**POPULATION**  
36,6 million



**GDP PER CAPITA**  
45,032.1 USD



**POLITICAL SYSTEM**  
Constitutional  
Monarchy with a  
Bicameral  
Parliamentary Regime



**HUMAN DEVELOPMENT  
INDEX**  
10<sup>th</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
18<sup>th</sup> rank among 147  
countries



**INDICE DE PERCEPTION DE  
LA CORRUPTION**  
8<sup>th</sup> rank among 180  
countries

According to the US Federal Bureau of Investigation (FBI), sex trafficking is likely the fastest growing type of organized crime. The International Labour Organization (ILO) estimated annual profits stemming from sexual exploitation at 99 billion US dollars (USD) (*The Globe and Mail*, February 10, 2016).

Canada is country of origin, transit, and destination for human trafficking. The vast majority of the phenomenon takes place within its borders. The government is struggling to assess the extent of internal trafficking due to the crime's complex and clandestine nature, as well as a general reluctance of victims to go to the police. Nevertheless, the 2018 *Global Slavery Index* estimates that 17,000 individuals are living in modern slavery conditions in Canada. Human trafficking for sexual exploitation purposes is the most common form of slavery detected by the authorities, and the Royal Canadian Mounted Police (RCMP) has confirmed a prevalence of Canadian citizens amongst the identified victims. Indeed, more than 90% of identified victims are of Canadian origin according to government statistics (*CBC News*, January 29, 2017). Victims tend to be very young as the average age of entry into prostitution is 13 years old (*Flare*, January 29, 2018).

According to Shae Invidiata, founder of the Toronto organization combating human trafficking *Free Them*, a prostituted person can earn up to 300,000 Canadian dollars (CAD) (USD 225,081) per year for their procurers (*Flare*, January 29, 2018).

Vulnerable population victims of human trafficking for sexual exploitation purposes in Canada are teenagers, young runaways, the socio-economically disadvantaged, as well as immigrants and First-Nation peoples (*The Globe and Mail*, February 10, 2016).

### **A Conflicting Assessment of Federal Law C-36**

In 2014, prostitution became illegal in Canada for the first time. New legislation declared the purchase of sexual services as a criminal offence, punishing sex buyers and procurers while offering a way out to the prostituted person.

Inspired by the Swedish model, Bill C-36 on the Protection of Communities and Exploited Persons Act, came into effect on December 6, 2014, following the decision made by the 2013 Canadian Supreme Court judgement in “Attorney General v. Bedford”. The Court struck down three offences as unconstitutional that are linked to prostitution: offences relating to brothels, living off of profits from prostitution and public communication for the purpose of selling or buying sexual services (*Canadian Center for Justice Statistics*, November 10, 2016).

Thus, the new federal law targets sex buyers who purchase sexual services and traffickers who exploit prostituted persons as they now are liable to be charged and risk prison sentences. Furthermore, the law had planned for a budget of CAD 20 million (USD 15 million) over 5 years within the framework of supporting prostituted persons in their journey out of prostitution.<sup>1</sup>

Four years later, it seems that opinions are divided on the effects and impact that this legislation has had on prostitution. While those who object to the law confirm a growth in violence and the precariousness of prostituted persons due to the law, abolitionists counter that this reality is inherent to prostitution and existed long before the adoption of the new law (*Le Devoir*, July 23, 2016). Indeed, the mortality rate of a prostituted person is 40 times higher than the national average, and as such the law is not responsible for the violence (*Sisyphé*, August 12, 2016). Police and lawyers believe that nothing has changed (*Le Devoir*, July 23, 2016).

However, Rose Sullivan, a survivor of prostitution and founder of *Collectif d'aide aux femmes exploitées sexuellement* (CAFES) asserts that if 90% of exploited women were able to express themselves and denounce the violence they live through daily, they would undoubtedly praise the new law (*Sisyphé*, August 15, 2016). R. Sullivan states that “while there are many who criticize its modest application and lack of substantial aid given to enable them to leave prostitution, they consider that, if properly applied, this law has the potential to improve their lot [in life].” She adds that prostituted persons “think that this law has the potential to improve their security, and some even use it to warn sex buyers they distrust,” however, if “they approved of the law, they do not see any efforts to apply it”. At the same time, R. Sullivan adds that sex buyers, who are increasingly approving the law, “do not clearly understand its full content, but understand that sex buyers must be respectful of women if they do not want to be turned in. And, in the words of some, it could eventually lead to “no longer being able” to buy a woman” (*Sisyphé*, August 15, 2016).

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<sup>1</sup> See Chapter « Canada », in: Fondation Scelles, Charpenel Y. (under the direction of), *Prostitution – Exploitation, Persecution, Repression (4<sup>th</sup> Global Report)*, Ed. Economica, Paris, 2016.

In October 2016, the RCMP co-led the fifth edition of the Northern Spotlight coordinated service communications operation, which aims to engage sex industry survivors in identifying and assisting those who are still exploited. 53 governmental and non-governmental partners from 9 Canadian provinces participated. A total of 334 meetings were held and 16 people were able to leave prostitution (*Department of Justice Canada*, September 2, 2017).

The *Concertation des luttes contre l'exploitation sexuelle (La CLES)* nevertheless notes that, since the adoption of the law, very few police interventions target sex buyers. Those arrested are sex buyers who purchase sex from underage prostituted persons. After years, this differential treatment is regrettable. Authorities should address the phenomenon in its entirety, namely consumers of sexual services, whether the victim is 16, 19 or 30 years old (*La CLES*, April 21, 2017; *La CLES*, July 27, 2017).

Law C-36, although imperfectly implemented, has given much hope for a reversal of the system: the abolition of sexual exploitation and a more just and equal vision of relations between women and men.

However, in April 2018, the Liberal Party of Canada adopted the “Decriminalization of Consensual Sex Work and Sex Industry” resolution to amend current legislation in anticipation of the upcoming 2019 elections. Without consulting prostitution survivors or NGOs fighting the prostitution system, it would appear that Justin Trudeau’s government is backing down even before the new legislation has been successful. According to *La CLES*, the risk is even “worse than the state of the prostitution system before the adoption of Law C-36” since a modification of the text would no longer target demand. Detractors of the law, who favor decriminalizing the sex industry, procurers and sex buyers, “lobby the government intensively to make a distinction between ‘voluntary’ and ‘forced’ prostitution” without admitting that prostitution is inseparable from human trafficking. It is “even sometimes a question of a so-called need to distinguish between procuring and coercive procuring.” If the resolution is favorable to so-called ‘sex work’ and reaches out to an extreme minority of ‘voluntary/ by choice’ prostituted persons, *La CLES* stresses that the government would end up “turning a deaf ear to a vast majority of survivors [and exploited persons] demanding a world without sexual exploitation” (*La CLES*, April 23, 2018). A case to be continued...

### **Sexual Exploitation in Legal Texts**

Section 279.01 of the Criminal Code (RSC, 18985, c C-46, Part VIII Criminal Offenses Against the Person and the Canadian Criminal Code) states that “any person who recruits, transports, transfers, receives, detains, conceals, or lodges a person or exercises control, direction or influence over a person’s travel, for the purpose of exploiting them or facilitating their exploitation” is liable to 4 years’ incarceration up to life imprisonment and, according to section 279.011, 5 years imprisonment to life if the person exploited is a minor.

Article 279.04 states that, for the application of the preceding articles, “a person exploits another if he or she causes them to provide or offer to provide their work or services, by acts that can be reasonable to expect, given the context, to lead him or her to believe that a refusal on his

or her part would endanger his or her safety or that of a person known to them”. Other penal provisions on kidnapping under section 279-1, confinement under section 279-2 or organized crime referred to in sections 467.11 to 467.13, may apply to combat the trafficking of persons.

Sections 210 and 211 refer to brothel offenses, and state that “everyone who keeps a brothel (that is, a place managed, occupied or used for the purpose of prostitution) is liable to imprisonment of a maximum of 2 years.” The following article states that “procuring is the act of causing, soliciting, encouraging, or forcing someone to engage in prostitution for the purpose of gain, including the living off the proceeds of prostitution.” An individual found guilty of one of these acts risks imprisonment for up to 10 years if he exploits an adult and 14 years if the victim is a minor. Lastly, disclosure offenses are set out in section 213 which states that “anyone guilty of an offense punishable on summary<sup>2</sup> conviction shall communicate or attempt to communicate with a person for the purpose of engaging in prostitution or to obtain sexual services in a public place.” Until the adoption of the new 2014 law, this provision made no distinction between the acts committed by prostituted persons offering sexual services and those perpetrated by the sex buyers who purchased them.

With respect to the public initiatives put in place to combat sexual exploitation, in June 2012, the Canadian government launched a National Action Plan to Combat Trafficking in Persons, which ended in March 2016. The planned commitments followed the “4Ps” approach (prevention of trafficking, protection of victims, pursuit of exploiters, and partnership with other domestic and international stakeholders) (*Government of Canada*, 2012). A task force led by Public Safety Canada and comprised of 18 federal departments has been established to oversee the implementation of the plan. Through the Federal Victims Fund, an amount of CAD 4 million (USD 3 million) over 8 years was made available to NGOs to help improve the direct provision of services to victims of trafficking (*Department of Justice Canada*, September 2, 2017). Canada has evaluated the plan and found that human trafficking continues unabated and that there is a need to renew a new National Action Plan first and then strengthen partnerships with the provinces, territories, NGOs, and the private sector (*Bulletin CATHII Info*, Summer 2018). However, as of 2018, nothing has yet been published.

In March 2016, Public Safety Canada partnered with the Canadian Women’s Foundation to organize a National Forum on Trafficking in Toronto. That same year, a national awareness campaign on the trafficking of First-Nation peoples for sexual exploitation purposes was launched (*Department of Justice Canada*, September 2, 2017).

### **Younger and Younger Victims**

In Canada, according to the RCMP, prostitution occurs in a variety of locations (nightclubs, bars, modeling studios, massage parlors, private homes, hotels, parks and even online). Peel

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<sup>2</sup> Differently to criminal acts, the procedure for this type of infraction aims to be simpler and faster. There is neither a jury present nor a preliminary investigation performed, and the person found guilty is liable to pay a fine up to CAD 5,000 (USD 3,751) and a maximum prison sentence of 6 months (on some occasions, 18 months).

Regional Police report that 60% of reported cases of trafficking occur in the densely populated Greater Toronto Area (*CBC News*, January 29, 2017).

The average age of entry into prostitution is remarkably young since victims are exploited as early as the age of 13 and, according to government statistics, more than 90% of them are Canadian (*Flare*, January 29, 2018). However, such a small percentage of foreign victims (less than 10%) does not necessarily reflect the reality since they are obviously much more difficult to identify.

Victims are recruited from school, social networks or dating websites, parties, amusement parks or shopping malls, often by young people of their own age. The latter use various techniques of approach. One of them is the “Romeo procurer”, which involves luring the victim into a false love affair and promising them love and protection (*The Globe and Mail*, February 10, 2016). A CBC News journalist reported the testimony of Vanessa, an 18-year-old girl who is one of many Canadian victims. She had fallen in love with a classmate who then gave her to two men after high school let out for the day. She let the two men do what they wanted, characterizing herself as shy and very submissive. Then they asked her to prostitute herself, promising her to make a lot of money. She felt a lot of pressure since the two men were, at first glance, friends of the boy she was in love with. They took her to a motel, photographed her and posted an ad on the internet. The traffickers had given her a phone and pushed her to negotiate with her first sex buyer while they watched her. The young victim followed through with her sex buyer and was given CAD 40 (USD 30) for five minutes of unspecified sexual activity. This sex buyer was well past forty. Then, the procurers forced the girl to give them the money, which she did. This scenario lasted for months. Her procurers picked her up from school every day and took her to a motel where she was forced to have sex with sex buyers who contacted her procurers. She was still living with her parents who had not noticed anything (*CBC News*, January 29, 2017).

The list of risk factors for sexual exploitation is long and notably includes a history of poverty and abuse, social isolation, emotional distress, and lack of social and family support (*Flare*, January 29, 2018).

According to *RCMP* data, the majority of procurers are men aged 19 to 32, of various origins. They earn on average CAD 300,000 (USD 225,081) per year and per victim, knowing that the younger the victims, the more money they can make. According to the *RCMP*, prostituted persons daily receive between CAD 500 and CAD 2,000 (between USD 375 and 1,500). Most, if not all, of their earnings are confiscated by the procurer (*Global News*, March 13, 2018).

Although they are usually men, recruiters can also be women who are themselves prostituted and forced to help with recruitment. They recruit thinking they will no longer have to meet the same daily quotas or suffer as much abuse (*The Globe and Mail*, February 10, 2016). In April 2016, a 17-year-old girl was arrested and charged with hiring a 16-year-old girl to enlist her in prostitution. The offender, a former student in the same school as her victim, introduced her to two men who then forced her to be prostituted in Toronto hotels. The older girl helped take photos of the young recruit and posted them on various online sex service sites. The girl, along with the two men, was charged with procuring a minor without even being considered a victim of prostitution herself, forced to recruit other teenage girls (*Global News*, March 10, 2016).



As this trend towards youth prostitution is becoming increasingly noticeable, the TV series “Runaway” was released on screens in early 2018. The show tells the story of a young teenager from an affluent background who is trapped in prostitution for love. During the writing process author Michelle Allen met police officers, educators and former prostituted people. The project has been accompanied by a website with informative brochures to raise awareness of the phenomenon of sexual exploitation of minors (*Le Devoir*, December 13, 2017).

Additionally, thanks to a grant from the Ministry of Justice, in December 2017, *La CLES* created an “information guide for relatives of victims of sexual exploitation”, providing parents with tools to identify signs that could indicate that their child is being exploited. The brochure details the path of entry into prostitution and offers solutions for the exit (*Le Devoir*, December 5, 2017).

### **Prostitution of First-Nation Women: A Hidden Phenomenon**

Since the 1980’s the murder and disappearance of Native women have been a societal problem in Canada. First-Nation populations are greatly affected by poverty, stigmatization, drug dependence, homelessness, gender-based violence and racial discrimination. As a result, they are more vulnerable to sexual exploitation.

Historically, colonial practices have caused deep intergenerational trauma amongst native peoples. Today, several characteristics identified as vulnerability factors to trafficking are direct consequences of the past. For example, thousands of First-Nation children were abducted from their families and gathered in catholic boarding schools to be “re-educated”. They were regularly victims of numerous abuses, including sexual assaults (*Société québécoise de droit international*, May 13, 2017). In the early days of colonization, settlers arrived without their wives, the latter joining them years later. It was during this time that prostitution and forced marriages began to take root. Sometimes it was even the Native chiefs who offered their wives up to be trafficked. Even today there is a link between mining and petroleum sites and the sex trade of Native women (*Gazette des Femmes*, September 25, 2015).

It is difficult to accurately identify the number of indigenous women who are victims of sexual exploitation because of the lack of statistics classifying origin or ethnicity. In fact, the data published by Statistics Canada provide information on victims’ characteristics such as their sex and age, but do not allow the proportion of Native victims to be determined (*Société québécoise de droit international*, May 13, 2017).

According to Kate Quinn, Director of the *Center to End Sexual Exploitation in Edmonton* (CEASE), Native women make up 5% of the population in Alberta, a province in Western Canada, but make up 60% of all persons prostituting in the streets.

In Winnipeg, Manitoba’s capital, journalist Emmanuelle Walter estimates that 70% to 80% of street prostitution is made up of Native women (Walter, 2014) although they only make up 4% of the female population in Canada (*Gazette des Femmes*, September 25, 2015). She also states that 14% to 60% of Native youth engage in prostitution in various parts of the country.

According to data from the *Native Women's Association of Canada* (NWAC), 54% of female disappearances and homicides occurred in the western provinces compared to 70% of disappearances and 60% of homicides in urban areas (*Radio Canada*, June 1, 2017). According to E. Walter, many of these victims disappear into sexual exploitation networks (*Gazette des Femmes*, September 25, 2015).

Thanks to years of work by families of the missing victims, civil society and international organizations, a National Commission of Inquiry into Missing and Murdered Indigenous Women and Girls was established in 2017 in Yukon Territory in the northeast of the country. It aims to understand the systemic causes of all forms of violence against Native women in Canada, particularly sexual exploitation (*Société québécoise de droit international*, May 13, 2017). It held its first hearings in May 2017 in the city of Whitehorse where many families of victims were able to testify.

Krista Reid, president of *Whitehorse Aboriginal Women's Circle*, admits that the task is a considerable one since "it's never been done before, there are numerous systemic problems and multiple legislations and different ministries are involved." (*Radio Canada*, May 29, 2017).

For many years, police services and the Canadian judiciary have put in place different initiatives to face this societal phenomenon. For example, the RCMP created the *Human Trafficking National Coordination Centre* (HTNCC) that serves to link various organizations together. Its goals are:

- Create tools and directives for legal and security professionals in order to help advance investigations,
- Maintain international partnerships,
- Coordinate national human trafficking training and awareness programs to be used by police, prosecutors, border police, immigration services, and NGOs,

In this framework, the *HTNCC* strives to point out the extreme vulnerability that Native women face in human trafficking for sexual exploitation purposes.

## **Prostitution and Health**

Physical, sexual, or psychological violence is a determining factor in bringing women into and getting them to remain in the prostitution system, as well as creating a major obstacle in finding a way out (*La CLES*, June 2015).

According to the *Conseil du statut de la femme du Quebec* and *La CLES*, 80% to 90% of prostituted persons want to leave the sex industry. This desire to leave can come about at different moments and for diverse reasons, but it is often motivated by extreme and daily violence or due to serious and/or reoccurring health problems (*Government of Quebec*, 2016; *La CLES*, June 2015).

According to the *Canadian Institute for Health Information* (ICIS), the general Canadian health system is regulated by the provinces. Its organization therefore varies according to where it is located.

While victims of sexual exploitation have access to health care, as everyone else without differentiation in treatment and a variety of treatments/services (listening and support, prevention of HIV/AIDS, emergency shelter, food distribution, and general health care), victims maintain that these resources do not meet their specific needs sufficiently. Among the victims interviewed by *La CLES* in Quebec, a number of them have notably mentioned geographic dispersion of the services as a problem (*La CLES*, June 2015). Indeed, it appears that prostituted persons often need to consult numerous different services to address their needs, medical, psycho-social, economic, etc. This difficulty constitutes a real obstacle for these individuals who, in addition to negative experiences with healthcare and social workers, do not feel they have access to adapted services and treatments. When prostituted persons meet with doctors the majority fear being judged, being labeled, or, for minors, being turned into Youth Protection. *La CLES* adds that First-Nation women are generally very poorly considered in the medical, social, and law enforcement spheres.

As such, a large majority of women interviewed readily admit that the medical services should absolutely be improved and adopt a specialized approach to better address the needs of prostitution victims. For example, the knowledge and skills of individuals intervening on behalf of prostituted persons should be acquired through trainings on the current system of prostitution as well as victim's needs. At the same time, direct links between health, social and law enforcement services should be created in an effort to streamline services for victims. Additionally, it is crucial to create the means to allow victims to meet and communicate in an effort to reduce isolation, create support groups while exiting the system and multiply specialized safe spaces including more confidential and secure emergency spaces (*La CLES*, June 2015).

The government of Quebec drafted a 2016/2021 strategy to prevent and combat sexual violence. It provides for the deployment of staff in a number of cities in Quebec, whose role will be to support prostituted persons in their exit route, assisted by informational tools to better understand the current situation of the prostitution phenomenon (*Government of Quebec*, 2016).

### **What Initiatives Does the Future Hold?**

What solutions are being implemented by the Canadian government to combat sexual exploitation? What training is available to law enforcement in order to improve their expertise in investigating human trafficking?

The *HTNCC* has developed a toolkit for all law and security officials to inform them about the law on sexual exploitation and its application. The *HTNCC* has also developed an online training platform implemented by the *Canadian Police Knowledge Network* (CPKN) for law enforcement agencies.

According to Larissa Maxwell, Director of *Anti-Human Trafficking Programs for the Salvation Army* in British Columbia, support and assistance to the survivors of prostitution is relatively new in Canada. There is still a long way to go. Programs should necessarily set up secure and hidden housing, create more adapted health programs (for addiction, sleep troubles, mental and physical health problems) and provide a financial support. However, this type of

program is rare in Canada and the Salvation Army would be one of the few organizations able to offer such specialized solutions for survivors, from support to socio-professional reintegration (*Flare*, January 29, 2018).

Moreover, it seems absolutely essential to reinforce the penalties against procurers who receive a reduced or very light sentence. According to L. Maxwell, it is now essential to tackle the root of the problem: the sex buyers of prostituted people (*Flare*, January 29, 2018). Indeed, according to certain NGOs, including *Persons Against Non-State Torture*, the new legislation is poorly enforced and the police do not seem to focus on cracking down on buyers of sexual acts as the most effective way of eliminating sexual exploitation.

For their part, prostitution survivors agree that there is a need to invest significant work in prevention and the education the general public. It is necessary to change attitudes and the unequal conception of relations between women and men, still very present, even in the most developed countries. Social workers and educational staff need to be trained so that they can identify situations of sexual exploitation and assist victims to exit. Finally, it is necessary to raise awareness in the private, sector whose employees are likely to participate indirectly in trafficking by allowing, for instance, a customer to purchase a hotel room accompanied by a prostituted person.

As part of the “Agissons ensemble” project, tools for young people have been prepared by the youth sector of *Young Women in Montreal* (YWCA) with the collaboration of school stakeholders, youth centers, and community organizations. The objective is to counter the recruitment of minors in the sex trade through prevention work in schools, and particularly in disadvantaged areas of the city (*Bulletin CATHII Info*, Summer 2018).

In addition, *La CLES*, YWCA, and the *Comité d'action contre la traite humaine interne et internationale* (CATHII) have joined forces for a major sexual exploitation awareness campaign surrounding the Formula 1 Grand Prix event in Montreal in May 2017, a gathering sadly known for its objectification of women's bodies and increased recruitment in prostitution (*La CLES*, May 30, 2017).

The 2018 report of the Global Slavery Index also points to a real need for coordination between Canadian services and authorities. If the country wants to eradicate trafficking for the sexual exploitation purposes on its territory, it should start by developing and adopting a new National Action Plan with an adequate budget. This new strategy should focus on human rights and thus give priority to measures of reparation and assistance to victims, without any discrimination (*Société québécoise de droit international*, May 13, 2017). All provinces should put in place a coordinating body to develop a provincial anti-trafficking strategy, such as the newly created Provincial Coordinating Office Against Trafficking Persons in Ontario.

For example, *La CLES* consults with police services in order to share their expertise and fight more effectively against sexual exploitation, as well as to collectively assist victims in order to direct them towards the appropriate support organizations (*La CLES*, June 14, 2017).

In April 2018, a federal multiparty parliamentary group to fight modern slavery and human trafficking was established. Its members, who are experts on the issues of trafficking, can inform

other parliamentarians about the realities of trafficking, both in Canada and internationally (*Bulletin CATHII Info*, Summer 2018).

The Quebec Ministry of Public Security recently implemented a Prevention and Intervention Program on Sexual Exploitation of Youth, which came into effect on February 14<sup>th</sup>, 2017 and is scheduled to end on March 31<sup>st</sup>, 2021. This program is included in the plans laid out in the Government Strategy for Preventing and Countering Sexual Violence for the 2016-2021 period. It finances projects to prevent the sexual exploitation of young people as well as actors who intervene with minors in vulnerable situations or who are victims of prostitution. More specifically, it aims to better understand the problem of prostitution, to learn to identify people at risk, to help them and to increase the intervention capacity of specialized services.

In conclusion, Canada is the first country in the Western Hemisphere to recognize prostitution as a system of violence and has given real hope to the fight against this exploitation by penalizing those who purchase sexual services and protecting prostituted persons. However, there are a few efforts that still need to be made on the repression of exploiters and in reinforcing protection of victims. Lastly, many civil society actors today continue to worry about the positions taken by the Canadian government and the resolution it adopted in April 2018, which would pave the way for the decriminalization of prostitution, with no regard for the thousands of victims still being exploited.

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# China



**POPULATION**  
1,409,5 million



**GDP PER CAPITA**  
8,827 USD



**POLITICAL SYSTEM**  
Single Party Republic



**HUMAN DEVELOPMENT INDEX**  
90<sup>th</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
37<sup>th</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
77<sup>th</sup> rank among 180 countries

The 2018 *Global Slavery Index* estimates that more than 3,8 million persons live in modern slavery conditions in China. There are no recent precise official figures on the number of victims of sexual exploitation in China. According to two studies completed by the World Health Organization (WHO) in 2010 and by the United Nations (UN) in 2013, the number of prostituted persons in China was assessed to be between 4 and 6 million (*Fondation Scelles*, 2016; *South China Morning Post*, January 12, 2018). Another study conducted by *Asia Catalyst* in 2013 provided an estimate of 2.68 million victims and 26.5 million sex buyers (*Fondation Scelles*, 2016). According to the Communist Party of China, there would be between 3 and 4 million prostituted persons within the territorial borders (*Fondation Scelles*, 2014).

China is a country of origin, transit, and destination for thousands of Chinese victims and others originating from neighbouring countries. The particularity of this Asian country is the male overpopulation due to the former one child policy and massive infanticide of female babies. This results in an increased demand for young women of neighbouring countries and the development of forced marriages, domestic servitude and sexual exploitation.

According to Professor Pan Suiming, Director of the Institute of Research on Sexuality and Gender of the Renmin University of China in Beijing, current estimates suggest that by 2020, around 17% of Chinese men aged 18 to 61 will have solicited the services of a prostituted person during their lifetime (*Sixth Tone*, November 30, 2017).

## The legal framework pertaining to sexual exploitation

The Chinese criminal code has a rigorous approach towards human trafficking for sexual exploitation purposes, defining it as “the kidnapping, purchase, sale, transport of women or children” (*People’s Republic of China, Criminal Code, art 240*). Thus, it entirely excludes men as potential victims of this crime, which is punished by a minimum sentence of 10 years imprisonment.

Article 358 establishes forced prostitution as a criminal offence and prescribes the penalty of a 5-10 year prison sentence for procurers.

Prostitution is illegal in China. It is governed by provisions of administrative law, specifically the Law of the People’s Republic of China on Penalties for Administration of Public Security, or the Administrative Penalty Law of 2005 (art. 66 and 67). Consequently, a prostituted person, her procurer and sex buyers are penalized. Prostitution was officially banned shortly after the Communist Party’s accession to power in 1949, which considered that a person who sells their body was inevitably forced to do so, whether it be through an exploitation network or for economic reasons. The Rules on the Control and Repression Concerning Public Security of the People’s Republic of China, adopted in October 1957, constitute the first laws forbidding prostitution. Thereafter, more severe penalties against prostituted persons and the sex buyers were introduced in the Criminal Code in 1979. Brothels gradually closed down. In the 1980’s and during the introduction of liberalism in China, prostitution slowly reappeared in clandestinely. Prostitution is increasingly more visible today.

Article 66 of the Administrative Penalty Law stipulates that fines incurred by prostituted persons go from 500 to 5,000 yuans (CNY) (USD 74.5 to USD 745). Re-Education Through Labor camps, where prostituted persons, sex buyers and other “small offenders” were sent, were officially closed by the end of 2013 (*ECPAT International, Defence for Children-ECPAT Netherlands, September 2015*). Nevertheless, public safety organs still have the ability to place adult prostituted persons and their sex buyers in administrative custody for ten to fifteen days (*Public Security Administration Punishment Law, August 28, 2005*). Prostituted persons and sex buyers can also be required to participate in a mandatory program through the Custody and Education System for a duration of 6 months to 2 years, with the triple objective of education, participation in community service, and the control of sexually transmitted diseases (*ECPAT International, Defence for Children-ECPAT Netherlands, September 2015; Fondation Scelles, 2016*).

Article 67 of the Administrative Penalty Law provides for 5 to 15 days of detention depending on circumstances and a fine of CNY 5,000 (USD 745) to any person who seduces, hosts or connects any other person destined to be involved in prostitution.

In the special administrative regions of Macao and Hong Kong, the existing legal regime concerning prostitution differs from the regime of mainland China. Indeed, prostitution in private places is legal, however solicitation and procuring are criminalized (*Fondation Scelles, 2014*).

The Ministry of Public Security (MPS) publishes data on investigations and convictions relative to human trafficking on its national territory. In 2016, the Ministry investigated 1,004



cases of human trafficking and 2,036 suspects were arrested. The government convicted 1,302 persons for non specific human trafficking and 435 persons for human trafficking for sexual exploitation purposes (*US Department of State*, June 2017). The MPS has not provided any data on the number of investigations opened for the offence of human trafficking in 2017 and 2018.

The Supreme People's Court (SPC) reported the prosecution of 1,146 cases of human trafficking that resulted in 1,556 convictions (compared to 1,756 in 2016) 1,097 of which were for the trafficking of women and children, and 420 for forced prostitution (*US Department of State*, June 2018).

According to Professor P. Suiming, the number of cases linked to prostitution drastically decreased after 2001. With the exception of a small increase during the Beijing Olympic Games, the number of cases has been decreasing to this day. In 2015, less than 75,000 cases linked to prostitution were recorded, a decline of two thirds in from 2001 (*Sixth Tone*, November 30, 2017).

### **The state of Chinese prostitution: a growing threat**

Chinese society remains patriarchal and unequal. The market economy disadvantaged Chinese women and encouraged gender based income disparities. In 1990, urban women earned on average 78% of what men earned (65% for rural women). This figure today has plummeted to 67.3% (*South China Morning Post*, January 12, 2018).

The vast majority of Chinese victims of prostitution are extremely poor, uneducated and unskilled rural women, wives abandoned by their husbands or whose relatives are gravely ill or even women who have lost their employment. The last few years have seen the comeback of *ernai* ("second wife") as rich man "gift" themselves with students (*South China Morning Post*, January 12, 2018).

China is a country of origin for thousands of victims exploited in neighbouring Asian countries, and also in European and African countries where many Chinese procuring networks have established themselves.

Secondly, China is a country of destination for thousands of sexually exploited victims within its territory. Traffickers use various methods to attract and recruit their victims in prostitution, notably though false employment offers. Victims exposed to the risk of human trafficking for sexual exploitation purposes and forced marriages are Chinese women, but also women originating from neighbouring countries (North Korea, Vietnam, Cambodia, Laos, Tibet, Myanmar) and other countries of the Americas and Africa (*Walk Free Foundation*, 2018).

A large number of North Korean women each year leave their country to find refuge in China, with traffickers often facilitating the trip with the intention of exploiting them. As soon as they cross the border, they are sold against their will to poor peasants and forced into cyber pornography or prostitution (*South China Morning Post*, July 2, 2017). The situation of these victims is particularly alarming because, once arrested by the Chinese authorities, they are detained and forcibly repatriated to North Korea where they face extremely harsh sentences (*Fondation Scelles*, 2014). One of China's distinctive characteristics lies in the significant gender

imbalance linked to the long-standing one-child policy. Many Chinese men, particularly in the most remote provinces, seek to marry foreign young women who they can buy with a few thousands yuans. The Chinese Academy of Social Sciences estimates that by 2020 there will be around 30 to 40 million more Chinese men than Chinese women of marriageable age (*ABC News*, April 20, 2018). Thus, the past few years have brought to light significant cross-border trafficking which consists in bringing in foreign women, sometimes minors, to sell them to single men. The phenomenon of “bride trafficking,” traffic of young Vietnamese women from Lào Cai to the Chinese border (*UNICEF Viet Nam, Lao Cai People’s Committee*, 2016) or young Mongolian women to Yunnan or Beijing (*ECPAT International, Defence for Children-ECPAT Netherlands*, September 2015), recently revealed the methods used by traffickers on both sides of the border to attract their victims. Sold by their families or recruited by coercion or deception (false promises of employment or false love stories), women often find themselves in situations of domestic and/or sexual servitude and remain in China against their will. Confronted with criminal groups and corrupted public authorities, some associations attempt to locate, identify, and rescue these victims (*South China Morning Post*, July 2, 2017).

A phenomenon named ‘soft drink prostitution’ has been developing since 2016 near universities, and rapidly spread through social networks (*What’s on Weibo*, January 8, 2018). This is a practice whereby men park outside some university campuses. They place on the roof or hood of their cars a bottle, meaning they are looking for students involved in prostitution. If a man displays a bottle of mineral water, it signifies that he is willing to pay CNY 200 (USD 30) for the purchase of a sex act, while a green tea bottle represents CNY 300 (USD 45) and a can of Red Bull corresponds to CNY 600 (USD 90) (*UNICEF Viet Nam, Lao Cai People’s Committee*, 2016).

Lastly, while the Chinese government is engaged in a campaign against online pornography, it nevertheless remains lenient towards prostitution on the Internet. Indeed, platforms on which sexual services are advertised have developed rapidly over the past few years. According to Chinese regulation, these platforms have the responsibility to monitor and preserve their content pertaining to “damaging content” which “spread obscenity, pornography, gambling activities, violence, murder or fear, or incitement to commit crimes”. Yet, it appears difficult for the authorities to determine the platforms’ responsibility for ambiguous ads or offers of prostitution (*Foreign Policy*, April 12, 2016).

### **Sexual exploitation of minors**

China today has 274 million children, close to 25% of whom are living below the poverty line (*ECPAT International, Defence for Children-ECPAT Netherlands*, September 2015). While disparities between rural and urban areas continue to increase, migratory flows towards urban centres have considerably impacted the lives of millions of children. Some migrate with their parents or stay behind in rural areas under the guardianship of relatives, while others migrate alone, exposing themselves to extreme vulnerability and precariousness (*ECPAT International, Defence for Children-ECPAT Netherlands*, September 2015).

Limited information is available regarding the sexual exploitation of minors in China. Nonetheless, local NGOs highlight that the large majority of victims from the prostitution system as well as sex tourism are young girls from rural provinces (*ECPAT International, Defence for Children-ECPAT Netherlands*, September 2015). The Global Slavery Index stresses that children placed in the care of relatives following the departure of their parents to economic centres are particularly vulnerable and exposed to risks of abduction and sexual exploitation. The report also signals that many adolescent girls from neighbouring countries (Vietnam, Russian Federation and Mongolia), are also victims of human trafficking for sexual exploitation purposes and forced marriages in China (*Walk Free Foundation*, 2018; *ECPAT International, Defence for Children-ECPAT Netherlands*, September 2015).

Chinese law makes it a criminal offence to act “indecently” towards a child (art. 237). Article 236 of the Penal Code provides that any person having sexual relations with a minor under 14 years of age is considered to have committed rape and shall be liable to a penalty of at least 10 years imprisonment, and under certain aggravating circumstances, life imprisonment or even the death penalty.

In section VII of the same code, article 358 condemns any person who forces girls under the age of 14 into prostitution to a minimum of 10 years to life imprisonment. Article 360 states that: “*anyone who visits a prostituted young girl under the age of 14 is liable to a term of imprisonment of five years or more and to a fine.*” In August 2015, the National Congress approved a proposal from civil society activists reclassifying the offence of sexual relations with juvenile prostituted persons as rape. Thus, a term of life imprisonment or, in certain cases, the death penalty may be required (*Foreign Policy*, February 2, 2016).

Nevertheless, the Penal Code does not make any specific reference to prostitution of boys or girls aged 14 to 18 years old. Solely the Law of the People’s Republic of China on the Protection of Minors of 1991, in article 53, specifies that the one who lures, incites, or forces a minor into prostitution must be punished more severely than one who is accused of prostitution involving adult victims...

According to the international NGO *End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes* (ECPAT), the law clearly defines a distinction between a rape on minor girls under the age of 14 and the solicitation of a prostituted person under the age of 14. Consequently, the sentences imposed to the perpetrators vary.

A number of media outlets denounced the convictions handed by the local courts who decided that sexual relations with a minor under the age of 14 do not qualify as rape if the perpetrator was unaware of the age of the child, and if the relation was seemingly “consensual.” To decide whether these two conditions can be accepted as aggravating circumstances is evaluated on a case-to-case basis and largely depends upon the court responsible for the case, which is not specified by the law. If established that the offender has paid for such a relationship, he may be prosecuted for a visiting a minor prostituted person (*ECPAT International, Defence for Children-ECPAT Netherlands*, September 2015). Hence, in 2012, Chinese public officials in the Shaanxi province were tried for having paid for sexual relations with a 12-year-old girl (*Wall*

*Street Journal (blog)*, March 13, 2012). The local court regarded this as a question of “sexual relations with a prostituted child” instead of using the legal classification of rape of a minor (*ECPAT International, Defence for Children-ECPAT Netherlands*, September 2015).

This approach is extremely controversial as it creates legal loopholes for criminals and raises significant reactions from the population. Besides the suggestion that a young minor could consent to a sexual relation with an adult, it moreover signifies that a minor could have the option to freely choose to be a prostituted person... (*Foreign Policy*, February 2, 2016).

In practice, the prostitution of minors is growing. Few prosecutions result in convictions as corruption is so prevalent, some cases have highlighted the involvement and complicity of police officers in exchange of sexual relations (*ECPAT International, Defence for Children-ECPAT Netherlands*, September 2015).

### ***Similar sentences in Hong Kong***

Hong Kong’s criminal law possesses its own framework, despite very similar definitions and sentences to Chinese law. Articles 123, 124 and 132 of chapter 200 of the Ordinance of Hong Kong on criminal offences (*Crimes Ordinance*, Chapter 200, 1997) provide that “unlawful sexual intercourse” with a girl below the age of 13 can lead to a life sentence whereas the same act with a minor below the age of 16 only carries a maximum penalty of 5 years imprisonment. Concerning young girls between the ages of 16 and 18, Hong Kong laws have set the age of consent at 16, therefore the qualification of the sexual intercourse is left to the discretion of the judge on a case-to-case basis. Article 135, the main provision on criminal offences relative to the sexual exploitation of children, specifies that “whoever induces or encourages prostitution or an illegal sexual act with a girl or boy under the age of 16 is liable to a term of imprisonment of 10 years”.

### **The Chinese government faced with HIV/AIDS**

China has a relatively low prevalence rate of HIV/AIDS, corresponding to 0.037% (*Avert*, October 10, 2018). Nonetheless, the country has been confronted by a rising epidemic since the 2000s. More than 820,000 persons are infected by HIV/AIDS in China and approximately 20,000 new cases were reported in the second trimester of 2018 (*BBC*, September 29, 2018).

In the past, this virus was generally spread through infected blood transfusions, but today the vast majority of new cases are infected through sexual acts due to a lack or failure of protection (*Health Europa*, October 1, 2018).

Although the strongest progression of HIV/AIDS transmission was registered in homosexual men, the transmission amongst prostituted persons and their sex buyers is equally as critical. According to *WHO*, injection drug users (44%) in addition with prostituted persons and their sex buyers (19,6%) represent the majority of infected persons by HIV/AIDS in China (*Health Europa*, October 1, 2018).

According to *WHO*, China has adopted a rather pragmatic approach to this situation for several years now (*Bulletin of the World Health Organization*, April 2006). The government is committed to strengthening HIV/AIDS prevention and treatment. The Prime Minister Li Keqiang

acknowledged in 2017 before the National Health Assembly that it was an absolutely essential aspect in improving general public health (*The Lancet – Public Health*, July 1, 2018). Beginning with the implementation of free HIV/AIDS screenings and treatment using methadone in 2003, the Chinese government has continued to provide universal equal access to medicines that fight HIV/AIDS. Since 2014, 99% of programs fighting HIV/AIDS are financed by the national government (*The Lancet – Public Health*, July 1, 2018).

Although, in practice, China faces difficulties implementing health programs as the country is confronted by important logistical challenges. Additionally, the central government's policy is often not effectively deployed at the local level (*Bulletin of the World Health Organization*, April 2006).

Lastly, the Chinese population lacks information regarding risks, means of prevention and treatments. In 2016 the government announced that middle and high school students were to attend mandatory sex health and education classes (*Avert*, October 10, 2018). Nevertheless, these ambitions have not kept pace with health care reforms as these classes are often not mandatory in all schools. A survey published in 2017 indicated that 44% of Chinese university students had never received any sexual education prior to starting university (*Reproductive Health*, August 2017).

These HIV/AIDS prevention programs remain limited due to the criminalization of certain populations at risk of incarceration. Their access to prevention and care is therefore much more restricted (*Avert*, October 10, 2018). With regard to prostituted persons, the government's response seems to focus on the maintenance of law and order through repression at the expense of risk prevention and treatment of the virus. The social stigma remains dominant towards this group, even within the health system, which in turns prevents them from accessing the most basic care.

### **Few opportunities for popular initiatives in an authoritarian China**

The Chinese government represses the work of activists and human rights lawyers. As a result of the presidential appointment of Xi Jinping in 2012, the situation has deteriorated. Since summer 2015, more than 300 lawyers and activists have been arrested, summoned and detained by the police. According to the *China Human Rights Lawyers Concern Group* based in Hong Kong, some have disappeared. In 2016, the NGO *Beijing Zhongze Women's Legal Counseling and Service Center*, founder of the campaign for the removal of the concept of "underage prostitution" in Chinese law, was forced by the Chinese authorities to close down definitively (*Foreign Policy*, February 2, 2016).

Moreover, the government currently blocks the reception of foreign funds sent to the majority of local associations. They are slowly pressured to put an end to their activities. Today, it remains extremely difficult for an NGO to operate in China, and even more so for those trying to help prostituted persons (*The Times Literary Supplement*, June 1, 2017). Although the fight against human trafficking for sexual exploitation purposes falls under its authority, it is

absolutely urgent that the government refrain from obstructing NGOs, which, at their own level, do extremely important work, and yet are devalued by it.

In 2017, during the Asia House Bagri Foundation's literary festival, the writer Lijia Zhang presented her new novel *Lotus*, which addresses the themes of gender, equality, sexual exploitation and the lives of Chinese prostituted women (*The Times Literary Supplement*, June 1, 2017). The author was inspired by the life story of her grandmother, who was prostituted in the 1930s. Following the investigation of prostitution venues in different Chinese cities and the interviews of numerous victims, L. Zhang retraced the paths and conditions that lead to prostitution: extreme poverty, violence, rural exodus, profound and widening inequalities between genders in a fundamentally patriarchal society, capitalism, sexual liberation and the commercialization of the "woman-object"... She also examined the profiles of consumers of sexual acts and the reasons that push them to seek a prostituted person.

The legalization of prostitution in China is not subject to debate in the public and media spheres. Nevertheless, in this specific context, some personalities such as Professor P. Suiming agree that ending the arrest and detention of prostituted persons, or even adopting a "more lenient" attitude towards them would already constitute an important step towards protecting these victims (*Sixth Tone*, November 30, 2017).

### **For a more egalitarian China**

With regards to prosecutions and convictions, it is clear that the government is not doing enough to protect victims of sexual exploitation and to punish their procurers. Today, solely a few cases result in prosecutions or convictions of traffickers, who are often only sentenced to a few days' detention and a minimal fine. It is a known fact that some officials accept bribes or sexual services in exchange for their silence, and that the families of victims sometimes accept money from traffickers in exchange of their promises not to file a complaint or testify (*Foreign Policy*, February 2, 2016). The government should make a stronger commitment to the fight against corruption in the country.

Even though they are supported by stricter laws against traffickers and more protective laws towards victims, Chinese law enforcement lacks basic training adapted to help prostituted persons. Matt Friedman, international expert on human trafficking and Director of Club Mekong, which trains companies to identify forced labour, said that police officers who come into contact with prostituted persons are "often male, and do not take the time to talk to women and to listen to their stories". Nicholas Bequelin, Director of *Amnesty International East Asia*, states that "the general improvement of the legislative framework should be considered as the starting point rather than the result" (*Foreign Policy*, February 2, 2016).

L. Zhang indicates that, since the Cultural Revolution, changes have allowed business growth and the development of capitalism, yet nothing has contributed to social well-being or gender equality. Indeed, she has noticed that "Deng Xiaoping's reforms have offered opportunities to educated and urban women. Yet, the market economy has undermined gender equality. The government has withdrawn from its role and allowed the market to take over, but

the market does not always treat women with benevolence. It is women who are most affected by this economic change: they must obtain higher grades to be admitted to university, they are laid off first, companies can even stipulate that they are only looking for young and beautiful women, they hardly participate in the political life” (*The Times Literary Supplement*, June 1, 2017).

The status of women in China is alarming, and evidently that of prostituted persons is even more so. Victims of sexual exploitation are ever more numerous, stigmatized and persecuted... Today, a few voices are fighting to be heard to defend their rights in a country that is neglecting them, and to argue that the root of this scourge is the ever-increasing inequality between genders.

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# Colombia



**POPULATION**  
49,1 million



**GDP PER CAPITA**  
6,301.6 USD



**POLITICAL SYSTEM**  
Presidential Regime



**HUMAN DEVELOPMENT INDEX**  
95<sup>th</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
89<sup>th</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
96<sup>th</sup> rank among 180 countries

On the November 24<sup>th</sup>, 2016, a peace treaty was signed between the Colombian government and the *Fuerzas Armadas Revolucionarias de Colombia* (FARC) armed group. Officially putting an end to a 50 year civil war, this treaty among other things, established an amnesty procedure for crimes committed by the various guerrillas. Nevertheless, the most serious crimes are not concerned by this amnesty procedure, being crimes of sexual violence and deprivation of liberty (article 29). Crimes under the Special Act on forced prostitution, sex slavery and human trafficking for sexual exploitation purposes within the context of the armed conflict of June 18<sup>th</sup>, 2014 (*Ley 1719 de 2014, acceso a la justicia de las víctimas de violencia sexual, en especial la violencia sexual con ocasión del conflicto armado*) are, therefore, still condemnable. This suggests an increase in judicial proceedings, in the coming years, against former belligerents reintegrating civilian life. Conditions of the most vulnerable (women, children, ethnic minorities) have drastically deteriorated during the past 50 years.

The 2015 Venezuelan crisis has triggered major migratory flows towards Colombia, who according to *International Organization for Migration* (IOM), receives the majority of migrants (*Observatorio del Delito Trata de Personas (b)*, 2018). In July 2017, more than 870,000 Venezuelans were in Colombia, of which 240,000 in the capital Bogotá (*Ministerio de relaciones exteriores*, July 18, 2017). The situation of these persons results in an increased vulnerability to human trafficking and sexual exploitation. It has lead local authorities to have grave concerns,

despite only 10 cases of trafficking of Venezuelan persons being recorded between 2015 and 2017 (*Observatorio del Delito Trata de Personas (b)*, 2018).

Human trafficking, sexual exploitation and prostitution in Colombia are due to factors inherent to these phenomena (poverty, social exclusion and psychological factors). Poverty is most probably the most significant factor, with 6% of the population living below the poverty line with less than EUR 1.6 (USD 1.79) per day. In addition, corruption is deeply rooted throughout the country, as it connects the sex buyers system with large criminal organizations involved in drug trafficking and human trafficking. Corruption is sanctioned in the Penal Code.

Prostitution is covered under the Penal Code on one hand to penalize activities linked to human trafficking and sexual exploitation, and under the National Police Code (*Código Nacional de Policía y Convivencia*) on the other to supervise regulated prostitution activities.

### **Legislative framework relative to human trafficking and sexual exploitation**

The Colombian legislation pertaining to human trafficking and sexual exploitation can be found in a number of articles of the Penal Code, which illustrates the willingness to fight against the phenomenon.

Human trafficking (recruitment, transfer, receipt) of a person for exploitation purposes (sex, labor, slavery, servitude, begging, arranged marriages, organ trafficking, sex tourism), even in cases where there is consent, is punished by article 188A of the Penal Code through terms of imprisonment ranging from 13 to 23 years, and a fine ranging between 800 and 1,500 times the statutory minimum monthly wage. These sentences have a dissuasive purpose, as the minimum wage on January 1<sup>st</sup>, 2018 was 781,242 pesos (COP) (USD 234), the fine is therefore between COP 625 million and more than COP 1 billion (between USD 187,500 and USD 300,000).

Activities related to prostitution and the sex trade punishable under criminal law are mentioned from article 213 to article 219 of the Penal Code. Incitement and enforced prostitution (articles 213 and 214) are punished with sentences ranging from 9 to 22 years of imprisonment and fines between 66 and 750 times the minimum wage. The remaining articles specifically refer to the sexual exploitation of minors.

Procuring (organization, facilitation, involvement) and activities related to a prostitution establishment exploiting minors are punishable under articles 213A and 217.

Sex buyers of underage prostituted persons are condemned to sentences ranging from 14 to 25 years imprisonment under article 217A, even with the victim's consent. The prison sentence is increased by a third if the perpetrator of the crime is a tourist (from another region of the country) or a foreigner.

Regarding sex tourism, the management or the promotion of prostitution are also condemned (article 219). The publication (posters, information networks, means of communication) for the offer or the search of sexual activities with minors is sentenced in article 219A between 10 to 14 years' imprisonment and 67 to 750 times the minimum wage.

Child pornography is condemned by article 218 and encompasses the entirety of activities, media and means of diffusion that may be used.

The Penal Code goes further by penalizing the failure to report crimes involving the sexual exploitation of minors with fines ranging from 13.33 to 75 times the minimum wage (article 219B).

Article 216 gathers all aggravating circumstances relating to articles 213, 213A and 214. The majority are common to the existing legislation in many countries (age of the victim, relation to the victim, human trafficking abroad). Several elements, however, are specific to Colombia. The legislation takes into consideration ethnic origins in situations of vulnerability to exploitation, as well as in situations where a member of an organization (social, community or political) is sexually exploited to retaliate, repress or silence (which can be explained in a civil war context).

### **The framework around prostitution**

Prostitution is not considered a public order offence (article 42). Thus, prostitution, establishments and solicitation are regulated by articles 42 to 46 of the *Código Nacional de Policía y Convivencia* of July 2016. This legislation was upheld by the Constitutional Court's decision T-594/16 on October 31<sup>st</sup>, 2016, enforcing the development of laws protecting the activities of the "sex workers". However, prostitution can only take place in demarcated areas at certain times, both designated by the municipality. Only solicitation is authorized on public roads. Certain rules must also be upheld (health, means of protection and possession of identification documents). In the event of a breach of these rules, the prostituted person is temporarily or permanently suspended from it (article 44).

Prostitution establishments are regulated by article 43. This notably includes health standards, free availability of condoms and access to health services. Measures are in place to ensure the rights of prostituted persons, such as the intervention of the manager in the case of a conflict between a prostituted person and a sex buyer.

The behavior of the sex buyer is also subject to certain restrictions. They must not display disrespectful, violent or abusive behavior towards prostituted persons. They cannot compel prostituted persons to perform a sexual act against their will (article 45).

The initial overview of the framework of prostitution highlights the legislator's desire to protect and ensure the rights of prostituted persons. Nevertheless, the penalties are very low for the crimes committed. As proof, in the case of rape, the sex buyer is only liable to participate in community programs or educational activities. With regards to the managers of prostitution establishments, article 46 stipulates that they must comply with the preceding articles, under penalty of a permanent suspension of their activities.

As a result, the line between manager and procurer is very thin, the latter being able to use his position of authority to force prostituted persons to increase his profits, given the low penalties incurred. This may be compounded with the corruption of local officials. Prostituted persons are *de facto* in an exploitative situation.

In August 2017, Constitutional Court decision T-073/17 confirmed the position in favor of recognizing prostitution as a "work". Yet, it opposes article 42, which highlights the vulnerable

situation of prostituted persons who are victims of a system of violence and the desire to regulate this system of violence as “work” rather than to abolish it.

### **The reality of the situation in Bogotá**

There are reportedly 26,000 prostituted persons in the Colombian capital as well as 500 prostitution establishments (*Jimenez Martin, Obregon Cubillos, 2017*), located in delimited areas (Zonas Especial de Servicios de Alto Impacto), the largest of which is the Santa Fe district (*Valencia, 2010*). They are tolerance zones, where prostitution is restricted to in order not to have a negative impact on the rest of the city.

The line between legal and illegal activities is often blurred in these neighborhoods, where prostitution, sexual exploitation, human trafficking and drug trafficking are intertwined. In 2010, the Constitutional Court had already issued a decision stating that prostitution is a “profession”, thus integrating it into labor laws. Yet, in a study published in 2017, it was reported that 80% of the people questioned in these neighborhoods did not have an employment contract (written or oral), and the majority of them did not have access to a system of social security (*Jimenez Martin, Obregon Cubillos, 2017*).

Despite legal obligations, prostituted persons remain marginalized, and lack the economic, educational or social conditions needed to leave prostitution. They are thus vulnerable to trafficking and sexual exploitation (*Quiroga et al., 2013*), a phenomenon that is all the more present as Venezuelan migrants seem to be forced into prostitution in these neighborhoods since the crisis (*Redmas, November 22, 2018*).

Between 2002 and 2010, the group *Asovegas*, consisting of prominent owners of prostitution establishments in the Santa Fe neighborhood, expanded. It functions as a lobby group to the public authorities, seeking to increase its influence and control over the various special tolerance areas of the capital and to expand its activities at a national level. One of its members, Hernando Cardona González, participated in the creation of a tolerance zone in Santa Fe. Thereby, it is probable that *Asovegas* was one of the influential groups that participated in the promotion of prostitution as “work” in front of the Constitutional Court, as well as the promotion of the regulation of prostitution in the *Código Nacional de Policía y Convivencia*. For example, the provision in section 43 offering a mediator position to the manager of the prostitution establishment in the event of a dispute between a prostituted person and a sex buyer can be seen as a measure promoted by the lobby, as can the low penalties for offences committed.

Although the group formally puts the rights of prostituted persons first, the application of the labor law shows that the circumstances of prostituted persons are those of sexual exploitation (*Valencia, 2010*). It is probable that the regulation of prostitution by the *Código Nacional de Policía y Convivencia* and the decisions of the Constitutional Court will also be poorly enforced. This includes health and hygiene standards (although the majority of prostituted persons use condoms), but also the rights of prostituted persons in relation to their sex buyers (*Vargas Ramírez, 2014*). It is also clear that this cannot be done without significant corruption of law enforcement in these neighborhoods. The weak enforcement of the law is also illustrated by the

prevalence of the prostitution of minors in Santa Fe. In a 2014 investigation, 46% of people questioned stated having entered into prostitution between the ages of 10 and 18 (49% between the ages of 19 and 25) (*Vargas Ramírez, 2014*). The city of Bogotá, in partnership with the United Nations Office on Drugs and Crime (UNODC), implemented an awareness campaign in 2017, *Hagamos un trato: Bogotá sin trata*. The objective is to prevent trafficking and the various forms of exploitation that result from it (*Gobierno Bogota, July 31, 2017*). In November 2018, a police operation led to the arrests of 146 people for the trafficking and prostitution of minors (*Bluradio, November 22, 2018*).

### **The phenomenon of forced displacement of populations**

Forced displacements of populations due to armed conflicts affected more than 12% of the country's population; around 6 million people. Among these victims, members of ethnic minorities are particularly vulnerable, notably indigenous groups, among whom 10% were forced to leave their environment (145,000 out of 1.4 million people), while they represent only 1.2% of the total population (*Hernández Sabogal et al., 2015*). The majority of these groups were subjected to significant amounts of violence (massacres, trafficking, exploitation, etc.) and a 2009 study already highlighted that there was an over-representation of these individuals among victims exploited in prostitution (16% of victims are indigenous) (*Meertens et al., February 2009*). The Constitutional Court considers that a third of these 90 existing indigenous groups could disappear (*ACNUR/UNCHR, 2013*).

The armed conflict is not, however, the only factor in the forced displacements of these populations. The occupation and exploitation (legal and illegal) of land by mining, forestry and agricultural industries also lead to their expulsion from their territories. The end of the civil war will not necessarily lead to a return of these populations, especially given the number of anti-personnel mines buried by the guerrillas (*Meertens et al., February 2009*).

Other populations are also affected. The limited data available on the situation of LGBTI victims of sexual exploitation in Colombia does not allow for the impact to be measured, nor does it allow for the determination of its causes and consequences. However, these people are affected by the numerous forced displacements (often due to their sexual orientation or their gender), which leads to situations similar to those of the rest of the population (*Hernández Sabogal et al., 2015*).

A Venezuelan population in exodus finds itself in precarious circumstances. Although the same language is spoken in both countries, which allows, for example, for migrants to know their rights, trafficking of migrants occurs for those who want to transit through Colombia to another destination. These migrants are thus vulnerable to different forms of exploitation and trafficking.

### **Victims of trafficking and sexual exploitation**

The armed conflict has resulted in an increase in sexual violence against women and children. They are used as “war booty” by military groups to satisfy the *guerilleros*. Along with arms and

narcotics trafficking, human trafficking, prostitution and sexual exploitation are among the main means of financing these groups (*Meertens et al.*, February 2009). However, only 422 cases of trafficking have been recorded by the anti-trafficking group (*Grupo de Lucha contra la Trata de Personas*) between 2013 and 2018, of which 254 were cases of trafficking for sexual exploitation purposes. The majority of identified victims were between 18 and 30 years of age (60%), and were primarily from China, Mexico or Argentina (*Observatorio del Delito Trata de Personas (a)*, 2018). This can be explained by the context, as the different groups behind these crimes are out of reach of the authorities.

Among these victims, 90% to 96% are women and young girls, of whom 72% were also victims of the armed conflict of 2003 (*Journal of Trauma Practice*, 2003). Between 1985 and 2015, around 70,000 women were reported missing in Colombia, due to trafficking, sexual exploitation and the sexual violence within the conflict (*Fundación Nydia Erika Bautista para los Derechos Humanos*, May 2015).

Although prostitution is legal and regulated, discrimination, poverty and social exclusion are inherent to the activity. Prostituted persons in prostitution establishments are excluded from citizenship as they cannot exercise their civil and political rights. Moreover, while they should have priority access to medical and social services under the law, they are discriminated against and socially excluded (*Vargas Ramírez*, 2014). The phenomenon is all the more serious as conflict-related forced displacements have led to large population flows to major urban centers far from conflict areas (*Nueva Sociedad*, May-June 2016). Thus, 55% of prostituted persons in Bogotá are originally from another region of the country (*Vargas Ramírez*, 2014). These people find themselves in situation of vulnerability to prostitution and sexual exploitation. The precariousness of a significant portion of the population facilitates underground economies (drug trafficking, illegal mining, prostitution, etc.). For example, women are regularly brought into prostitution establishments in mining zones on weekends (*Nueva Sociedad*, May-June 2016).

### **Prostitution of Minors**

According to *ECPAT International*, the sexual exploitation of children in prostitution is significant, and 5 to 10% of victims have been identified. In reference to figures from the police and the *Instituto Colombiano de Bienestar Familiar (ICBF)*, there were between 4,320 and 7,750 children exploited in prostitution in 2014 (*Fundación Renacer/ECPAT Colombia, ECPAT International*, September 27, 2017). The NGO *Children Change Colombia* estimates however that there were 35,000 children exploited in the country in 2017 (*Children Change Colombia*, 2017). The trafficking of children for sexual exploitation purposes is significant in tourist areas, large mining zones and military camps of revolutionary armed groups.

Since the official end of the conflict, Colombia has seen a strong growth of its tourist industry, which has inevitably led to an increase in sex tourism involving minors. This is particularly the case along the border with Brazil where, according to the NGO *Fundación Renacer*, there are a number of places where sexual exploitation of minors is occurring (*ECPAT International*, 2016). This situation is likely similar along the borders with other countries

(Venezuela, Panama, Ecuador, Peru). It is thus possible to see the development of sex tourism linked to the professional activities of businessmen because, according to *Fundación Renacer*, it seems as if the sexual exploitation of children in Bogotá is more common between Monday and Thursday, the period when foreign businessmen are in the capital (*Fundación Renacer et al.*, June 2011). This phenomenon is also present within the mining industry, where the vulnerability of children tends to increase with the arrival of rich foreigners for business reasons (*ECPAT International*, 2016). Mine workers coming from other regions become sex buyers of prostituted children and adults.

To combat sex tourism, *The Code* was established by *ECPAT International*, the *World Tourism Organization* (WTO), and *UNICEF*. It consists of a certification for tourism businesses that sets standards for child protection. In Colombia, the certification is managed by *Fundación Renacer*, representative of *ECPAT Colombia*. The Ministry of Commerce, Industry and Tourism watches over the implementation of this project in businesses (*Fundación Renacer/ECPAT Colombia*, *ECPAT International*, September 27, 2017). Thus, in the city of Medellín, a network led by a local drug trafficker who was organizing auctions of underage girls was dismantled (*ECPAT International*, 2016).

In February 2017, 33 sexually exploited minors (5 boys and 25 girls) in the neighborhood of Santa Fe were rescued, in addition to 2 children aged less than 12 years old and 1 pregnant minor. Among them, the authorities were able to identify 2 adolescents reported as missing. They were placed in the care of the *Colombian Family Welfare Institute* (CFWI), who was charged with their protection (*El Tiempo*, February 13, 2017). The CFWI is specifically charged with the care of minor victims of violence, and attempts to provide them with assistance, have their rights recognized, as well as to raise the awareness of civil society around these issues. For this purpose, it is responsible for the special program *Sistema Unico de Información de la Niñez del Sistema Nacional de Bienestar Familiar* (526 children in 2005, 203 in 2016). To carry out its mission, it has 211 centers throughout the country, as well as a hotline (*línea 141*) implemented to report abuse and threats toward children (maltreatment, sexual violence, child labor, etc.). In case of an emergency, the children's police can also intervene immediately (*CFWI website*). Police crime statistics show a sharp increase in the number of reports of child pornography and sex tourism. Between 2014 and 2015, the number of crimes reported increased by 385%, most of which were concerning pornography (100 to 463) (*Revista Criminalidad*, 2017).

With regard to child marriages, the 2016 UNICEF report estimated that 6% of minors under the age of 15, and 23% of minors under the age of 18 were married. According to the Civil Code, minors cannot be married without written authorization from their parents (or their legal guardian). In the event of a conflict, the father's will prevails. It is however specified in article 140 of the Civil Code that the marriage is void if the married girl is less than 12 years old, and the boy is less than 14 years old. The Constitutional Court, however, ruled in 2004 that this distinction, based on the age of puberty, is an evident discrimination against young girls. It has therefore standardized the minimum age of marriage to 14 years old (*Sentencia C-507/04*, May 25, 2004).

In conclusion, Colombia still has some efforts to make to strengthen its fight against trafficking and sexual exploitation, especially through legislation.

Penalties for crimes of trafficking and sexual exploitation in the Penal Code are exemplary. However, in order to allow for a broader application, it is necessary to explicitly incorporate into the law that the consent of a minor does not constitute grounds for exemption from criminal proceedings. Regarding the sexual exploitation of adults, the harmonization of penalties between the different codes would prevent abuses in regulated prostitution. Indeed, there are currently many discrepancies between the Penal Code and the National Police Code. Therefore, while articles 213 and 214 of the Penal Code condemn incitement and coercion to prostitution with a minimum of 9 years' imprisonment, article 46 of the National Police Code condemns the manager of the establishment to an indefinite suspension of his business activities.

The same problem arises with regard to the prostitution of minors. While article 46 of the National Police Code also punishes establishment owners to a suspension of activity, Article 217 of the Criminal Code sentences them to a minimum of 10 years' imprisonment. The sex buyer, who forces a prostituted person to have sexual relations against her will (implied rape), is sentenced to community programs or educational activities instead of harsher sentences relating to rape. All of these provisions would provide better protection for prostituted persons, who would probably be less subject to situations of exploitation. In addition, it would clarify the law and prevent the distinction between legal and illegal establishments to determine the seriousness of the situation.

The minimum age of marriage could be raised to avoid many abuses against particularly vulnerable minors, notably in the current context. Indeed, some people in precarious circumstances could be led, for survival, to offer their children for marriage in exchange for money. This would also prevent minors under the age of 14 years old from being sexually exploited under the guise of false marriages.

It should be noted that a bill was introduced in the Chamber of Representatives on August 2<sup>nd</sup>, 2017, with the objective of instating a legislation based on the Nordic Model in Colombia. It highlights the unique situation of Colombia, marked by forced displacement and armed conflict which have promoted the development of prostitution and sexual exploitation by criminal organizations. The fact that the regulation of prostitution does not consist of anything but further marginalization and exploitation of these people to the benefit of their procurers was highlighted in the preliminary debates of May 2018. More than just penalizing sex buyers, the bill provides numerous measures to assist prostituted persons (*Cámara de Representantes*, May 18, 2018). Such legislation would allow for the advancement of the fight against trafficking and sexual exploitation and affirm that human dignity is a fundamental right.

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# Cyprus



**POPULATION**  
1,2 million



**GDP PER CAPITA**  
25,233.6 USD



**POLITICAL SYSTEM**  
Presidential Regime



**HUMAN DEVELOPMENT INDEX**  
33<sup>rd</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
21<sup>st</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
42<sup>nd</sup> rank among 180 countries

Prostitution is not illegal in the Republic of Cyprus. It is governed by the Criminal Code (ch.154) and is mentioned in the 4<sup>th</sup> chapter dedicated solely to “*Offences contrary to morality*”. Sexual exploitation is therefore considered as a behaviour which goes against the social order and morality, yet it is not prohibited in this capacity (MIGS, 2018). Nevertheless, the law condemns the obtainment of profits as a result of prostitution and penalizes the act of procuring, procurers themselves. Brothels are also forbidden, in addition to the renting of a location used to host prostitution activities. To avoid the opening of brothels, the law stipulates that one building cannot host the activities of more than one prostituted person.

## **A complex and difficult legislation to apply**

The policing methods used to record occurrences of procuring are strongly contested. Indeed, the police use marked bank notes to detect women who are being sexually exploited: police officers are sex buyers “for the needs of the investigation” and apprehend the procurers or traffickers following the transaction, once the bank notes have been exchanged. In 2017, the arrest of a police officer revived the debate around these investigative methods. (*Cyprus Mail*, June 18, 2017). The implicated police officer had had sexual relations with a person who was prostituted in a pub in Paphos, and had paid her with specific marked bank notes in order to implicate the owner of the pub. “It is unacceptable that members of the police force whom are public officials exploit women as a part of an investigation of a crime” declared Josie

Christodoulou, a member of the NGO *Mediterranean Institute of Gender Studies (MIGS)*, who has been calling of the government to amend the law which authorizes the use of such methods. The national police responded to these accusations by highlighting that these methods are the only legal approach they have to detect traffickers and procurers. The police have requested to have alternative legal recourse, modelled on European countries. Following this case, the Minister of Justice and the Chief of Police have finally agreed to consider alternatives that would allow to observe a *flagrante delicto* on a legal basis, such as phone tapping (*Cyprus Mail*, June 18, 2017).

Human trafficking for sexual exploitation purposes is sanctioned by a sentence of up to 10 years imprisonment when the victim is an adult and up to 20 years imprisonment when the victim is a minor. The payment of sexual services to a victim of human trafficking for sexual exploitation purposes has been penalized since 2014 in Cyprus. In the event of a conviction, the sex buyer is liable to a penalty of a maximum term of 3 years imprisonment and/or a EUR 15,000 (USD 16,978) fine. However, convictions are rare: between 2014 and 2016, no legal actions were taken on this basis (*Cyprus Mail*, March 12, 2016). Most often, the sex buyers assert that it was impossible to suppose that they were facing a victim of human trafficking.

A draft legislation was put forward to the Parliament to reinforce the prohibition of the purchase of sexual services from a victim of human trafficking, whether or not the sex buyer was aware of the circumstances of the prostituted person (*Cyprus Mail*, February 27, 2017). Yet, mentalities remain hostile to this proposed approach. In 2016, during a meeting of the Committee of Human Rights, a Member of Parliament labelled the sex buyer as a victim of prostitution: “In the situation of the sexual exploitation of a woman, the man (...) is also a victim. He comes, he pays and we take his money”. This Member of Parliament was not the first representative of the state to make such public declarations. In March 2015, a conservative Member of Parliament declared being a sex buyer of prostitution and gave arguments in favour of the regulation of prostitution, which he considered a « profession »<sup>1</sup>. Following this episode, the Ombudswomen Eliza Savvidou publicly denounced the complacency of a large part of the Cypriot society towards such behaviours (*Cyprus Mail*, March 12, 2016).

### **The trial of the Oxana Rantseva case**

In September 2016, two former police officers and the owner of a cabaret where the victim was prostituted appeared before the tribunal of Limassol for the death of Oxana Rantseva fifteen year earlier. The former police officers were accused of abuse of power and negligence of performance of duties, while the owner was accused of kidnapping and deprivation of liberty (*Cyprus Mail*, June 28, 2016).

In March 2001, 20-year-old Russian Oxana Rantseva was found dead in the street, just two weeks after her arrival in Cyprus, below the balcony of a 5<sup>th</sup> floor apartment, from where she had been trying to escape. The Cypriot authorities had concluded that no one was legally liable for

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<sup>1</sup> See chapter « Cyprus », in : Fondation Scelles, Charpenel Y. (under the direction of), *Prostitution – Exploitation, Persecution, Repression (4<sup>th</sup> Global Report)*, Ed. Economica, Paris, 2016.

her death, and had refused to pursue an investigation. In 2010, the *European Court of Human Rights* (ECHR) condemned the handling of the case by the Cypriot authority, recognised Oxana Rantseva as a victim of human trafficking and demanded the opening of a second investigation. (ECHR, January 7, 2017).

Subsequently, the Republic of Cyprus criminalized human trafficking and ratified the Council of Europe Convention on the fight against human trafficking. Furthermore, the regulations of the visa system, which had been convoluted to facilitate the trafficking of women for sexual exploitation, were modified, provoking a sharp decline of such visas: 3,000 were attributed in 2007, compared to a mere 50 in 2017 (MIGS, 2018). The majority of cabarets which employed women holding these specific visas were shut down: 90 establishments (of a total of 108 in 2012) were closed (*Cyprus Mail*, February 27, 2017).

Despite the symbolic importance of this case and its repercussions on the Cypriot law, the three defendants linked to Oxana's death were acquitted due to insufficient evidence in February 2017. For the NGOs involved in this particular battle, this judicial decision was once again a reminder of the urgent need to train judges, prosecutors and lawyers on human trafficking issues (MIGS, 2018).

### **Bars and pubs, main premises of prostitution**

The measures taken following the death of Oxana Rantseva have failed to significantly change the situation: bars and pubs have taken over the role of cabarets and are today the main premises for overt prostitution.

In February 2017, the owner of a nightclub in Limassol, the second biggest city in the country after Nicosia, did not hesitate to advertise through a large ad on the front of his establishment: "Come & See – 10 new beautiful girls and 1 ugly". Questioned by police, the man, who had been previously condemned to 3 years of imprisonment for procuring, denied the facts: "There is nothing wrong here (...) Women here do not sell their bodies ..." (*Cyprus Mail*, February 27, 2017). The ad was removed without any additional sanctions.

The owners of these bars and pubs manage to carry on with such behaviours in a climate of impunity. Trials often end with dismissals and the testimonies of victims are considered as unreliable.

In 2016, a young woman from the Dominican Republic returned to Cyprus to file a complaint with the police against the owner of the cabaret who had exploited her six years prior. The young woman, then 21 years old, had arrived in Cyprus in 2010 to work as a waitress and a dancer in a cabaret in Nicosia. Raped and beaten, she had managed to escape. The trial was adjourned several times, ultimately resulting in an acquittal as the testimonies of the witnesses, this young woman and 15 of her compatriots, were deemed unreliable. During her return in 2016, this woman faced her past exploiters, however her testimony was interrupted by one of the perpetrator, claiming not to recognize her and demanding to verify with custom authorities if she had in fact ever "worked" for him (*Cyprus Mail*, June 1, 2016).

## **New forms of sexual exploitation, new vulnerable populations**

Victims of human trafficking for sexual exploitation purposes originate from countries of Eastern Europe, Vietnam, India, and countries of Sub-Saharan Africa. Some victims are recruited on the basis of false promises of marriage or employment (waitresses in bars or hostesses) (*US Department of State*, June 2018). Profiles and backgrounds vary between victims. The Humanitarian Affairs Unit of the NGO *Future Worlds Center* welcomes victims of human trafficking for sexual exploitation purposes originating from Cameroon and Nigeria, who have arrived in Cyprus through the north of the island. The NGO *Cyprus Stop Trafficking* welcomes victims from Romania, the Russian Federation, Ukraine and African countries, most often distinguished students who have fallen in the traps of traffickers (*Cyprus Mail*, July 16, 2017).

### ***The vulnerability of domestic workers to sexual violence***

In addition to the many cases of women victim of sexual exploitation, a significant amount can be reported specifically on migrant women employed as domestic workers, who become victims of sexual violence by the men of the families in which they are employed. Cyprus has around 30,000 domestic workers, predominantly women from South-East Asia, who work in slave-like conditions, for minimal salaries estimated at EUR 314 (USD 355.4) per month (*Cyprus Mail*, September 27, 2014). Without any social protection, these women are powerless in situations of abuse at the hands of their employers. Their visas are delivered by the Ministry of Labour for a period of 4 years, under the condition of maintaining the same job under the same employer for the entire period. If a person leaves their employment due to abuse suffered, they have 15 days to file a complaint with the authorities before losing their residence permit. This system creates quasi-feudal situations: the foreign worker is dependent on her employer, who she fears to report as it could lead to deportation without pay. On the other hand, even if the victim reports her employer, she is forbidden to change employers during the duration of the legal enquiry following her complaint. For Doros Polykarpou of the NGO *Kisa*, “the Cypriot migratory system is most similar to that of the Middle East, more specifically to the Lebanese system, than other European countries. We can observe a very high dependency to the employer, who is responsible for the migrant. The line between exploitation and human trafficking is very fine, and the system itself encourages human trafficking” (*Cyprus Mail*, July 16, 2017). While sexual violence against domestic workers is not, strictly speaking, sexual exploitation, it is similar as the victim is often too vulnerable to stop the violence.

### ***Sham marriages organized by human trafficking networks***

The increase of prevalence of sham marriages arranged by human trafficking networks has been a worrying phenomenon developing in Cyprus since the accession of Bulgaria and Romania to the European Union (EU) in 2007 (*Cyprus Mail*, February 18, 2016). Men coming from non-EU countries see it as a mechanism to acquire the European nationality by buying a wife through Romanian or Bulgarian networks, and subsequently profit from them through prostituting them. “Usually, an individual from a village or a specific region approaches two or three women they know, telling them they will take them to Cyprus to help them find a job or a likeable husband”

explains Androulla Christofidou, Director of the NGO *Stop Trafficking Cyprus*. “The women, unsuspecting, agree, but are confronted with a different reality upon their arrival. (...) The traffickers are paid to bring the women to Cyprus, but most of the time the women are not. And if they accept to marry the man presented to them, they are quickly abandoned because they are no longer required or necessary (...) or they are forced into prostitution by their new husbands” (*Cyprus Mail*, February 18, 2016). The women are deprived of their liberty as soon as they arrive; their papers are confiscated and they are sometimes subject to violence. In February of 2016, during the raid of an apartment in Nicosia, the Anti Trafficking Office police discovered a 37-year-old Bulgarian woman locked in. She had been married to a Bangladeshi man and was a victim of rape. In 2016, 113 defendants appeared in court under the specific charges of sham marriages. The “spouses” identified were from India, Pakistan, and Bangladesh. In September of 2016, new measures were introduced to strengthen controls around civil marriages, as well as an evolution of the mechanisms already in place. The new measures will call for the coordination of concerned government departments (border police, immigration police, social services) and specific programs will be implemented to train workers in these sectors (*Cyprus Mail*, September 2, 2016). In 2018, cases of arranged marriages of Syrian young women, some minors, were recorded (*In-Cyprus*, October 24, 2018). Rita Superman, Director of the police force in charge of the fight against human trafficking, stressed, on this matter, that the links between migration and human trafficking are obvious at various levels: student visas, work permits, sham marriages..., migrant women and girls make up a very vulnerable population (*Financial Mirror*, October 23, 2018).

### ***Minors victims of sexual exploitation***

Although figures on the subject are lacking, there is every reason to believe that an increasing number of minors are victims of sexual exploitation via Internet. Most often, young girls are approached through social media by boys of their age or older who seduce them, establish trust and end up exploiting them in prostitution (*In-Cyprus*, September 11, 2018). The number of investigations for charges of sexual exploitation of children increases every year: 37 investigations in 2013, 56 in 2014, 77 in 2015; 76 cases of child pornography in 2014, 135 in 2015 (*Inter-ministerial Committee*, 2015). To address these challenges, Cyprus established a national strategy and an action plan to fight sexual abuse, the exploitation of children and child pornography from 2016 to 2019. This plan has three main objectives: to recognize the scale of the problem, identify the priorities, and determine the actions and the policies necessary to protect children from all forms of exploitation or sexual abuse.

### **The fight against human trafficking: intensification and results**

Since 2011, the Cypriot fight against human trafficking intensified and its efforts have been recognised by most international organizations. The 2018 US Department of State report on Trafficking in Persons ranked Cyprus in Tier 1, an upgrade after ranking it in Tier 2 in 2017 (*US Department of State*, June 2017 and June 2018). In the 2016 report, Rita Superman, Director of the *Police Office for Combating Trafficking in Human Beings* (POCTHB), was given the

honourable title of “Trafficking in Persons Hero”, which rewards leading figures implicated in the fight against human trafficking each year (*US Department of State*, June 2016).

In September 2018, while on a visit to Cyprus, Valiant Richey, Deputy Coordinator of the Office to Combat Human trafficking at the *Organization for Security and Co-Operation in Europe* (OSCE), commended the accomplished progress: better identification of the victims, a national action plan which sets out the priorities, protection services for victims... (*Knews Kathimerini Cyprus*, September 14, 2018).

The results are visible. In 2018, the US Department of State recorded an increase in prosecutions of traffickers, and an improvement in the protection given to victims. 27 victims were identified, of which 18 were victims of human trafficking for sexual exploitation purposes and 1 victim of human trafficking for forced labour and sexual exploitation purposes. The Anti-Trafficking Unit (ATU) questioned 80 potential victims (against 169 in 2016). 64 victims were identified by the government and ten by the NGO.

With regards to legal proceedings, the Cypriot police investigated 38 presumed traffickers in 2017 (including 29 for human trafficking for sexual exploitation purposes and 4 for human trafficking for sexual exploitation and forced labour purposes), compared to 26 in 2016 (including 13 for human trafficking for sexual exploitation purposes) (*US Department of State*, June 2017 and June 2018). The jurisdiction of the *POCTHB* has been extended. Specialized police officers have joined the team and the cooperation with Europol, Eurojust and Interpol has increased. In November 2017, a police operation jointly organized by the Republic of Cyprus and Bulgaria enabled the dismantlement of a sex trafficking network in both countries: one victim was identified, apartments and vehicles were searched in Larnaca, Limassol and in Bulgaria, where five individuals were arrested (*Cyprus Mail*, November 28, 2017).

In recent years, the efforts of the Cypriot government have been focused on the implementation of a structure to combat human trafficking (national action plan, national coordination, national referral mechanism, multidisciplinary task force...), as well as strengthening the support provided to the victims through better quality services. Guidelines have been given to the government to provide quicker and more appropriate support to victims. Social services have the files of the victims and are responsible for the attribution of financial support laid down by the law, as well as the management of the specialized shelters created by the government specifically for victims of sexual exploitation (*Council of Europe*, December 12, 2016).

Specialized staff is dedicated to the fight against human trafficking alongside the police force, most notably a forensic psychologist who conducts interviews with potential victims. The authorities have implemented training sessions, so far attended by 220 government officials. Monthly training sessions in 2017 have also been made available for social services workers, shelter staff and psychologists from the Health Ministry (*US Department of State*, June 2018).

### **Progress still needs to be made...**

One of the first requests from international bodies, as well as NGO's, is an evaluation by an independent body of the policies and the programs implemented to combat human trafficking.



The National Plan of Action currently in place appears to be rarely or poorly applied, and the assessment planned in 2017 during its implementation phase has not been carried out (*In-Cyprus*, October 8, 2018). Equally, the *Multidisciplinary Coordinating Group* (MCG), the central agency against human trafficking created in 2015, has been faced with serious problems of malfunction. Presided over by the Minister of the Interior as national coordinator, the MCG is meant to gather representatives of all relevant ministries as well as NGOs to elaborate policies to combat human trafficking (creation of tools for actors, standardization of procedures...). Yet, meetings are rare (two in 2016), debates are limited, and NGOs are rarely given the opportunity to speak. “The MCG, in all honesty, is a joke!”, declared Doros Polycarpou, from the NGO *Kisa* in July 2017. Simultaneously, three out of four NGOs (*MIGS*, *Cyprus Stop Trafficking* and *STIGMA*) in the group officially resigned (*Cyprus Mail*, July 16, 2017).

### ***Protection of victims***

The Cypriot State allocated EUR 265,770 (USD 300,812) to social services and shelters in 2017, notably less than in 2016 (EUR 294,940) (USD 333,828) (*US Department of State*, June 2018). Yet, for the funding of a safe house for women victim of human trafficking for sexual exploitation purposes, the government released funds of close to EUR 30,000 (USD 33,955) versus EUR 15,000 (USD 16,978) in 2016. It has also partnered with NGOs to provide apartments to male victims, a monthly allowance to victims, psychological, medical and social services, access to translation and interpretation services and access to education and professional training. Nevertheless, the care of the victims is strongly delayed due to the heavily bureaucratic social service system (*Cyprus Mail*, September 10, 2018). It can be up to 3 years before a victim can access the state aid to which they are entitled. Furthermore, due to the improvement of the identification process a higher number of victims have been identified, which means that the only government shelter available to victims is insufficient: the Nicosia shelter, with a maximum capacity of 13 to 15 women is saturated. The NGO’s try to face these shortcomings by giving monetary compensation to the victims, or by finding them accommodations, however they are often faced with refusals from the owners to rent out their properties to victims of human trafficking (*Knews Kathimerini Cyprus*, October 26, 2018). The same bureaucratic delays hinder the trials of the procurers and traffickers. The victims, deprived from all care from the State, often go back to their country of origin before the trial of their procurer or trafficker. This can bring to an end the legal proceedings, as the key witnesses are no longer present in the country. NGOs have been advocating for the creation of a specific court which would exclusively deal with human trafficking cases, with specialized judges, to accelerate the course of justice and ensure respect of the victims. A. Christofidou denounces, “Is it normal that the lawyers of the traffickers accused in court can get away with telling female victims that they are liars, whores, and that it is their fault, without being reprimanded?” (*Knews Kathimerini Cyprus*, October 26, 2018). Moreover, A. Christofidou resigned as head of the NGO *Cyprus Stop Trafficking* in September of 2018, as he declared that it had become impossible to work with the Cypriot social services (*Cyprus Mail*, September 10, 2018). Going even further, the same NGO clearly implicated the responsibility of the government in the system malfunction,

accusing it of reducing social benefits for victims, multiplying the delays before providing support to victims (before trial) (*Cyprus Mail*, September 10, 2018). The NGO also lamented the absence of appropriate psychological support for women who have experienced traumatic events and who sometimes have to wait for a significant period before giving their statements and reliving these ordeals.

In conclusion, despite the progress accomplished in the defence of women's rights, the issue of violence remains a taboo subject in Cyprus: around 60% of female victims of violence do not report it (*The Cypress Observer*, December 8, 2018). The sexual exploitation of women in human trafficking is a topic which still bothers certain individuals. In this context, prostitution is considered as an affront to public morality and a nuisance harm to the social order. Thus, although the fight against human trafficking and the exploitation of women's bodies grows year after year, the challenge of the Cypriot society today is to change attitudes and mentalities. Raising awareness campaigns have to inform the general public of the links between human trafficking for sexual exploitation purposes and prostitution, of the role played by the sex buyer in the system, and of the violation of fundamental human rights that is prostitution.

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# France



**POPULATION**  
65 million



**GDP PER CAPITA**  
38,476.7 USD



**POLITICAL SYSTEM**  
Bicameral Presidential  
Regime



**HUMAN DEVELOPMENT  
INDEX**  
21<sup>st</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
19<sup>th</sup> rank among 147  
countries



**CORRUPTION  
PERCEPTIONS INDEX**  
23<sup>rd</sup> rank among 180  
countries

The last chapter ‘France’ of the Fondation Scelles’ 4<sup>th</sup> Global Report ended with the hope that the bill “*aiming to reinforce the fight against the system of prostitution and to care for prostituted persons*” would be finally adopted by the National Assembly. The bill has been in effect since April 13<sup>th</sup>, 2016, following months of debate, commissions and legislative shuttles back and forth between the two chambers. This law marks a profound change on numerous levels.

- Firstly, it is a legislative change. Probably the biggest reworking of prostitution policy ever undertaken by French politicians, this law modifies 9 legislative codes and required 6 implementation decrees before coming into effect.
- Next, it is a change in mentality: the purchase of sexual acts is henceforth prohibited, and sex buyers are punishable while the prostituted person is a victim in need of protection. In accordance with the French law, prostitution is from this point forward considered an act of violence and one of the worst forms of modern slavery, powered by national and international criminal networks.
- The reversal of the criminal charge constitutes a major evolution that uproots society’s complacent view of prostitution.

## Emergence of Nigerian Brotherhoods

The number of victims originating from sub-Saharan Africa, Nigeria in particular, has considerably increased: 28% of dismantled networks in 2016 were Nigerian (8% in 2015). Almost 15% of identified victims in 2017 were Nigerian, compared to 10% in 2016. “Today it is

the primary foreign community to be sexually exploited in France,” explained Jean-Marc Droguet, the Director of the *Office Central pour la Répression de la Traite des Etres Humains* (OCRTEH) (*La Croix*, May 16, 2018). Amongst these victims, NGOs report a growing number of underage individuals involved under the age of 15, (even 11) and are concerned about the constant rejuvenation of the victim population as it continues to decline in age: in 2015, out of the 100 Nigerian prostituted persons identified in Paris, 25% were under the age of 15 (*GRETA*, July 6, 2017).

Networks today rely on immigration patterns in Sahelian Africa; victims are moved by smugglers to Libyan camps where they are placed in very harsh living conditions, waiting to be sold to procurers based in Europe. The procedure is always the same: recruited by the networks in their native country, the victims are subjected to spells (Juju) that keep them in a state of vulnerability and extreme submission due to their beliefs and fears of retaliation. Some young women’s families leave them with ‘mamas’, who charm them with false promises of employment or education. The young women are then required to reimburse their endless debt (travel, passport, etc).

The “Authentic Sisters” trial, which was held in Paris in May 2018, allowed for a better understanding of the organization of these networks. Eleven women, all former prostituted persons who became procurer ‘mamas’, and five men appeared before the court under charges of aggravated procuring and human trafficking as an organized group. Facing them in court, four victims testified against them, despite fear of reprisals. The operations were highly structured: ‘mamas’ were tasked with recruitment, training and the surveillance of the prostituted persons, as well as fundraising, while the network organized the trafficking and passage of the victims to France. The ‘mamas’ belonged to the “Authentic Sisters” group, a “club” (to which the ‘mamas’ paid dues) which oversaw the network. Approximately fifty women were thus exploited between 2013 and 2016.

Alongside these traditional ‘mamas’ prostitution networks, criminal organizations of a particular nature, ‘Nigerian Brotherhoods’ have recently established themselves in human trafficking channels. One of the most active brotherhoods in France is the Supreme Eiyé Confraternity (SEC)<sup>1</sup>, a highly hierarchical all-male organization, where the members are indoctrinated and receive paramilitary training. It is considered today as an international mafia specialized in the sexual exploitation of young Nigerian women.

The channels’ functioning is thus amplified. As the Director of the *OCRTEH* explains, “Today, victims are arriving on a just-in-time basis and no longer by order. This means that recruitment is no longer on the “individual” level but rather on a “more collective level, in mass”. These developments imply that these channels, far from being dismantled, are on the contrary in full expansion” (*La Croix*, May 16, 2018).

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<sup>1</sup> Eiyé meaning ‘bird’ in the Yoruba language, their emblem is a golden eagle.

## The Expansion of Chinese Networks

Chinese prostitution continues to grow in France. Victims practice their activities in massage parlors, on public roads, in restaurants and karaoke bars, or within the context of sex tours<sup>2</sup> throughout the country. 70% of these women originate from Dongbei, a province in Northern China. They are usually between the ages of 40 and 50, immigrating alone and not under the control of a man or network.

Yet, the steady dismantling of Chinese prostitution networks tends to indicate the contrary. According to the *OCRTEH* reports, Chinese prostituted persons represented almost 18% of identified victims in 2016, and 8% in 2017. Fifteen Chinese networks were dismantled in 2016.

These networks vary in size. Some are very structured and organized. In 2016, the judicial police in Lille arrested five Chinese procurers who organized sex tours with several dozen women, who had arrived directly from China. The soliciting took place online and the appointments (made on the phone) were carried out in apartments in Lille, Toulon, Niort, Angers, and in different locations throughout the Paris region. “*It was organized in a Stakhanovist way*”, mentioned an investigator (*La Voix du Nord*, January 30, 2016).

Other smaller networks are almost family-like in their organization. In December 2017, a 44-year-old Chinese woman and her husband were arrested in Paris. The woman recruited victims in China and through social media. The victims did not speak French and were fully managed by the couple, who controlled every aspect of their lives (living arrangements, food, and livelihood through prostitution in the salons). The victims engaged in up to 30 sexual acts per day with sex buyers, billed between EUR 100-150 (USD 113–170) by the couple, of which only EUR 5-10 (USD 5.7-11.4) were paid to the young woman (*RTL*, December 11, 2017).

## The Omnipresence of Eastern European Networks

The majority of the dismantled networks originate from Eastern European countries, from Romania in particular. In 2016, 9 Romanian networks were dismantled. About 110 Romanian victims were identified between 2016-2017. However other nationalities are also establishing themselves in the prostitution system.

The Ministry of Interior has thus alerted to the return of Albanian criminal gangs that, following the arrest of numerous network leaders, had moved their criminal activities to Belgium, Switzerland and Italy (*DCPJ, Ministère de l’Intérieur*, March 2018). These groups’ activities are characterized by extreme violence: the victims of a dismantled network in Toulouse in June 2017 all had the group’s leader’s name tattooed on their forearms or chest and were regularly beaten, even tortured (*La Dépêche du Midi*, June 8, 2017).

Russian procuring is also present on French territory. In June 2017, the situation was made evident by the arrest of 9 individuals suspected of aiding an international criminal organization,

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<sup>2</sup> This procuring networks operation procedure consists of planning the prostituted persons stay in different European cities. The sex buyers reserve the prostituted persons online and receive confirmation of the meeting via text message. These tours are generally organized in middle to high-end hotels which, due to the frequency of guests and their size, allow the practice of prostitution to go unnoticed.

who were receiving orders from Russia: “[It is] the largest network of escort network dismantled in Paris since 1994,” declared the police at the time (*Le Point*, June 24, 2017). 35 young Russian and Ukrainian woman were recruited in their native countries, with valid passports, and sent to Paris to be prostituted in chic apartments throughout the capital. Two escorting agency sites received between 800 and 1,000 messages per day through dedicated servers located in Cyprus and Israel. The profits were amassed by a collector inside the airport: almost EUR 115,000 (USD 130,163) in cash were seized during police raids.

### **Sex Trafficking and Migration**

The operating logic of migrant smugglers has integrated human trafficking, particularly with the purpose of sexual exploitation, as a means of reimbursing the cost of travel. So far, precise data on this phenomenon is fairly rare. In Paris, associations report the disappearance of unaccompanied minors or young adults, absorbed by networks (*France Bleu*, September 26, 2017).

In its survey on unaccompanied minors in refugee camps in the north of France, *UNICEF* reported several trafficking situations that had been reported to them (*UNICEF, Trajectoires*, June 2016). Sexual violence are a constant threat for young women and boys. The survey clearly identifies practices that consist of an exchange of sexual acts for the promise of a passage to the United Kingdom or towards the payment for passage. “The style of coercion common to these different situations is similar to debt bondage,” explained *UNICEF*.

The NGO *Save the Children* also denounced the “forced” prostitution of young migrants in order to cross the French-Italian border. More than 1,900 young girls, of whom at least 160 were children, were thus sexually exploited between January 2017 and March 2018, on the French side and/or on the Italian one (*Save the Children Italia onlus*, July 2018).

### **A Rising Number of Underage Victims**

The percentage of underage victims is at a huge increase. According to the *OCRTEH*, minors represented 15% of the identified victims of sexual exploitation in 2017. In the same year, the *Brigade de Protection des Mineurs* (BPM) investigated 90 “voluntary prostitution” cases, which represented 150 underage victims (compared to 20 in 2014) (*Le Figaro*, July 4, 2018).

#### ***Zahia Imitators***

Teenage girls aged 13 or 14 years old, pressured by their friends, agree to prostitute themselves occasionally to buy clothes or a cell phone. This has been called the “Zahia Effect”, in reference to a young woman named Zahia, made famous by an underage prostitution scandal implicating French football players. Transformed into a fashion designer and largely glorified by the media, she has become a symbol of “glamorized” prostitution. Much like her, these young girls dream of improving their social standing, and see this as a path to ascending social ranks. It is the result of a mixture of irresponsibility and the normalization of the trade of the body. “Almost everyone around me did it,” explained a victim teenager to a district judge. “My

contacts on social media, we see it all the time, it's become common; my friend told me about it and it's done." (*Le Monde*, April 5, 2018).

### ***Boyfriend procurers***

A phenomenon with a well-known presence in the Netherlands and in Germany, *loverboys* are beginning to make an appearance in France. *Loverboys* are young men who seduce girls, usually minors, and consequently forced them to prostitution. This type of exploitation is frequently accompanied by violence. Numerous cases of this type were brought before the court in 2017 and 2018. An exemplary case of this was carried out in Paris in May 2018; 12 young men, barely 20 years old, were accused of having prostituted 14 young women, 8 of whom were underage. The victims were recruited via social media (Instagram in particular) or at the entrance of their middle schools and high schools. They were promised opportunities to make money very quickly. The young girls were tested for their "sexual performance", photographed in flimsy clothing for online announcements, before being prostituted in hotels or Airbnb apartments. The procurers gave them a phone and some condoms, and then waited outside the rooms to pick up the money from the sex buyer after the session was over (*20 Minutes*, June 25, 2018).

### ***Young French Girls: Victims of Suburbs' procurers***

Among the new groups of at risk individuals, it is important to highlight the development of internal trafficking within the suburbs or low income neighborhoods of large urban areas. Drug traffickers, subjected to a saturation of their market, are orienting themselves towards the sexual exploitation of young girls, who are often underage. The phenomenon of French nationals trafficking other French nationals is one that is quickly growing. A few cases were recorded in 2014, 21 in 2015, 48 in 2016, and 84 in 2017 (approximately 193 victims) (*20 Minutes*, July 2, 2017). This type of prostitution represents 14% of identified victims on French soil. These new procurers are young (18-25 years old) and have previous criminal experiences (drug trafficking, scamming, etc). They often exercise in small, fairly structured groups: one handles sex buyer relations, a second rents the bedroom, and a third is the lookout/driver... They recruit their victims in their neighborhoods or online, using online advertising platforms to find sex buyers. Their methods are based on seduction and extreme violence (blows, confinement, rape, barbaric punishments). Their victims all share the same profile: young girls, often underage, runaways or rebelling against their parents. Interviewed by the press in May 2017, Yves Charpenel, President of the *Fondation Scelles* and public prosecutor at the *Cour de Cassation* explained the phenomenon as such; "Prostitution in the suburbs is in the midst of a large increase, representing about 20% of human trafficking in France. We didn't see the phenomenon arrive as most of it is on line and away from the public eye. The girls are prostituted in apartments and hotel rooms. There's also the reign of terror, a code of silence, victims do not generally press charges. The phenomenon was noted about 2-3 years ago through judiciary wiretaps. Armed robbers and traffickers spoke of "packages" and "parcels". We first thought they were talking about drugs but they were talking about prostituted persons. No longer do they need to bring "girls" from Africa or South America- raw material is found within the projects, within easy reach. It's French



citizens against other French citizens. The girl- they watch her, they confine her, they assault her...” (*Le Parisien*, May 18, 2017).

### **Places of Exploitation: From the Street to the Internet**

The domain of sexual exploitation remains predominantly in public spaces, however more and more of these transactions are taking place in private spaces, either rented or purchased: apartments, hotels, hostess bars, and particularly in massage parlors. According to the Ministry of Interior, for the first time in 2017, the percentage of identified victims actively involved in public spaces was lower than those who were practicing “in lodged prostitution settings” (*DCPJ, Ministère de l’Intérieur*, May 2, 2018).

A few saw this change as a consequence of the law n.2016-444, passed on April 13<sup>th</sup>, 2016. However this phenomenon is more likely linked to the constant growth and presence of the internet in our lives. Already in 2015, it was estimated that 62% of prostitution passed through the internet (*Mouvement du Nid, Psytel*, May 2015). It is particularly encouraged by the use of social networks and online advertisement platforms, both to solicit and to offer paid sexual services or to organize their logistics. There have been several such cases highlighting the role played by platforms like Airbnb in the development of prostitution networks.

Online advertisement platforms are also targeted. In 2016, a complaint for aggravated procuring was filed against the Vivastreet advertisement website after a 14-year-old girl posted a prostitution advertisement. In May 2018, when the matter was thought to be dormant, the Paris Public Prosecutor announced the opening of a criminal investigation for aggravated procuring against X. Vivastreet, the second largest French site for online ads with 35 million visits per month, is suspected of facilitating prostitution in a more or less hidden fashion through ads categorized as “Erotica”, from which it would be making significant profits.

For the advocates of the website, Vivastreet is only a platform and therefore cannot be held responsible for the content broadcasted by its users. “There is an automatic moderation system for advertisements posted, a software,” explains a lawyer of the site. “If the announcement corresponds to the software’s regulations, it passes” (*Marianne*, May 31, 2018). On June 21<sup>st</sup>, 2018, the site suspended its “Encounters” section on the grounds that some users would make “inappropriate use [of it]”, “contrary to the terms of use.” In 2017, the “Erotica” section of the site represented between 40% and 50% of the site’s profits, between EUR 11 million and EUR 21 million (USD 12,45 million and USD 23,77 million) per year.

### **A Major Change in Legislation: Progressive Implementation of April 13<sup>th</sup>, 2016 Law**

Law number 2016-444, “*aiming to reinforce the fight against the system of prostitution and to care for prostituted persons*”, was adopted on April 13<sup>th</sup>, 2016, and is defined by four main axis of action:

- the support of prostituted persons and the establishment of a exit path out of prostitution;
- the prohibition of the purchase of sexual acts and the penalization of sex buyers of prostitution;
- the reinforcement of the fight against procuring, in particular procuring on the internet;

- the development of awareness programs for the general public and sexual education for the youth.

Its implementation required long and complex legal work: 9 legislative codes were amended, memorandums were issued, and 6 implementing decrees were promulgated, the last of which was in December 2017<sup>3</sup>. In other words, the law has only really been applied for a few months. The official evaluation, planned for two years after its application, has also been postponed and should take place in 2019. Nevertheless, month after month, the law comes into action in each department of the country.

### ***Penalized Sex Buyers***

The biggest advance of the abolitionist law of April 13<sup>th</sup>, 2016, was the reversal of the criminal charge of the prostituted person towards the sex buyer. The criminal basis of the offense of buying sexual acts is a ‘*contraventionnel*’ (summary) penalty (5<sup>th</sup> class, EUR 1,500/USD 1,698 fine) or a ‘*délictuel*’ (criminal) penalty (EUR 3,750/USD 4,245 in summary recidivism). Since April 2016, according to the Ministry of Interior, 2,791 sex buyers have been written up and fined (*Mediapart*, September 7, 2018). Nearly half of the write-ups were made in Ile-de-France (with more than a thousand proceedings in Paris since April 2016), while the others took place in several major French cities: 49 write-ups in 2017 in Toulouse, about 200 write-ups in Bordeaux from April 2016 to April 2018... 65 online sex buyers were also punished following the dismantling of an online network (*La Voix du Nord*, March 7, 2017). The best results are those displayed by Fontainebleau and Narbonne, the first locations to have implemented the penalization of sex buyers. In Fontainebleau, 199 trials have taken place and 156 men have been registered for sexual awareness workshops. In Narbonne, 88 sex buyers were written-up between April 2016 and April 2018. The penalty is a fine and the mandatory attendance of awareness workshops for sex buyers. The purpose of these workshops is to provide offenders with information about the reality of prostitution and to help them become aware of their actions. In April 2018, regular training courses were operating in four departments: Seine-et-Marne, Essonne, Nord and Paris. Since then, new courses have been organized (in Nancy in particular). In Paris, the courses are organized by the *Association de Politique Criminelle Appliquée et de Réinsertion Sociale* (APCARS) and by the Paris Public Prosecutor’s office. They are led by the *Fondation Scelles* with the participation of prostitution survivors. More than 50 sex buyers (all males) participated in these courses. Failure to follow through and attend the awareness workshops is punishable by up to two years in prison and a EUR 30,000 (USD 33,956) fine. In Fontainebleau, a sex buyer was sentenced for this reason and received a fine of EUR 400 (USD 453) (*La République de Seine-et-Marne*, June 8, 2018).

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<sup>3</sup> Decrees implementing the law: Decree n.2016-1467 (October 28, 2016) "on the exit route of prostitution and social and professional integration ..."; Decree n.2016-1456 (October 28, 2016) "laying down various provisions relating to the entry, stay and work of foreigners in France"; Decree n.2016-1709 (December 12, 2016 ) relating to the sensitization internship in the fight against the purchase of sexual acts; Decree n.2017-281 (March 2, 2017) "approving the national reference of harm reduction towards the prostituted persons and supplementing the code of the public health"; Decrees n.2017-542 (April 14, 2017) and n.2017-1635 (November 29, 2017) "relating to financial assistance for social and professional integration of persons engaged in the exit route of the prostitution".

### ***Local Policies Contradiction with the Law***

These examples show that the penalization of sex buyers, described as a utopian dream by many, works and obtains results. It is still necessary to focus on applying and enforcing the law. However, in September 2018, many cities and territories had yet to implement the criminal aspect of the law or, more importantly, still retained “anti-prostitution” municipal decrees (parking ban in particular), contrary to the law’s general sense and spirit. As such, for more than ten years, the municipality of Lyon has locked down on its decrees prohibiting the parking of prostitution vans. The April 2016 law did not change anything. “For the moment, no directive has been given to this effect to the police”, explains Lyon’s Public Prosecutor’s office (*Rue89 Lyon*, April 9, 2018). As a result, in April 2018, no criminal charges have yet been recorded. In Toulouse, the municipality is playing both sides. It penalizes the sex buyers while it renews the anti-prostitution orders. Thus, in Toulouse, if 47 sex buyers were caught in the act of buying a sexual service in 2017, 1,047 prostituted persons were written up (EUR 68/USD 77) fined police report) for not respecting local municipal decrees.

### ***Caring for Prostituted Persons***

Departmental commissions have been effective in several departments. These commissions are responsible for organizing and coordinating the reintegration and rehabilitation for victims of prostitution, procuring and human trafficking. As of December 31<sup>st</sup>, 2017, 18 commissions were established. 53 associations were approved for implementing an exit path out of prostitution in 44 departments. In April 2018, nearly 70 departments had formed (or were in the process of setting up) their departmental commissions to fight against prostitution, 34 commissions were active. The first commissions met in July 2017 and the first exit paths were notified in October. By the end of 2017, 29 exit paths were underway. Five months later, the number had doubled; in May 2018, 64 people were involved in an exit route, including 34 beneficiaries of Financial Assistance for Social and Professional Integration (*Assemblée nationale*, June 13, 2018). Most of them were foreigners, from countries outside the European Union, and in illegal situations, meaning the exit path was their only way out. The files for French nationals are still rare, as they already have access to common law and the *Revenu de Solidarité Active* (RSA).

### ***Obstacles and Fears: Hesitant Departments and a Declining Budget***

Today, the process of setting up commissions continues. This is the beginning of a movement. However, by April 2018, some departments still had not launched the process for creating their own departmental commission. In others, the exit routes are blocked because the commissions or the prefects (who have the final decision) invalidate or reject the applications submitted. In general, the integration criteria vary from one prefecture to another. Thus some commissions require the victim to be regularized beforehand, which the law does not require. The migration policy often takes precedence over the protection of victims. Some prefects are reluctant to validate the request of an undocumented for fear of creating a pull-in effect. “The most frequent refusal cases”, summarizes MP Stella Dupont, “are probably persons in ‘Dublin’

proceedings<sup>4</sup>, under the effect of an *Obligation de quitter le territoire* (OQTF - Obligation to leave the French territory) or in application for asylum before the *Office français de protection des réfugiés et apatrides* (OFPRA - French National Office for the Protection of Refugees and Stateless Persons) or the *Cour nationale du droit d'asile* (CNDA - National Court for the Right of Asylum), to whom certain prefectures refuse to deliver provisional residence permits..." (*Assemblée nationale*, June 13, 2018). Therefore, those who could benefit most from the law are excluded. Lastly, the difficulty of setting up exit paths is also due to an insufficient budget, resulting in a lack of accommodation centers and a lack of financial means for the associations charged with support... The situation is aggravated by the reduction of the 2018 budget that was devoted to the "prevention and fight against prostitution and human trafficking", which decreased to EUR 5 million (USD 5.65 million) from a previous EUR 6.8 million (USD 7.7 million). "What was provisioned for the budget was the implementation of 1,000 exit paths but there have only been 25 so far. We have therefore set out to support 600 people in 2018, which already seems very optimistic," explained the office of Marlène Schiappa, Secretary of State for Equality between Women and Men. For the politicians and associations that carry out law, this budget cut was seen as a sign of withdrawal by the government. How can the situation grow in power if the financial means do not follow?

### ***Moving Towards Another Outlook on Prostitution***

The application of the law has also been an opportunity to measure the overall prostitution phenomenon. Departmental commissions are charged not only with the care of the prostituted person, but also with the implementation of strategy at the local level to work on prevention and combat prostitution, procuring and human trafficking. To handle this mission many departments felt the need to conduct diagnostics actions in advance and take stock of the current situation to fully understand the phenomenon. These studies have made it possible to collect relatively precise data on certain departmental situations and, above all, to dismantle pre-existing ideas on prostitution. Thus, some regions who thought they had been spared, discovered prostitution in their territories, while others have become aware of the urgent actions that they need to take (in particular to spread awareness with the youth). Prostitution has therefore been placed at the heart of public policies. Local actors, so far unaware of the current realities, are taking hold of these subjects and working together to build a new approach. In certain departments, sometimes in certain regions, specific public raising awareness actions have been put in place to "acquire a common knowledge on the phenomenon of prostitution." The law thus achieved its ultimate goal: to change the public's perspective on prostitution, to learn to think of it as a violence and exploitation, to become aware of the presence of prostitution in the country, to measure its extent...

### ***The Debate Continues...***

Even though the law has not yet been officially evaluated, its opponents continue to fuel the public debate. Some police members openly express their hostility to the criminalization of sex

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<sup>4</sup> Meaning a migrant, in virtue of the Dublin regulation, must submit in their asylum request in the first European country where they are registered.

buyers in the media. “Sex workers” denounce the law, saying that it puts them in danger. A report published in April 2018 by two researchers from the NGO *Médecins du Monde* states that the law has created more precariousness and insecurity, particularly for those in the prostitution system. A *Question prioritaire de constitutionnalité* (QPC - Priority Question of Constitutionality) was even submitted to the Council of State in August 2018 (*Le Figaro*, September 6, 2018). These positions were widely relayed by the media, without ever undergoing the slightest critique. Several associations, including the NGO *Amicale du Nid* (ADN), have nevertheless demonstrated the biased nature of the NGO *Médecins du Monde* study. One example is that the report states that “the drop in the number of sex buyers and increase in insecurity probably push people in prostitution to take more risks, to isolate themselves more, which leads to an increase in the violence experienced. What do the prostituted people say? For 45.5% nothing has changed, for 9.3% the situation has improved” (*Amicale du Nid*, September 21, 2018). Prostitution is violent and only the systematic application of the law can counteract this violence. In areas where the law is applied, like Narbonne and Fontainebleau, violence has decreased. Indeed, Narbonne’s prosecutor has highlighted this fact; “Serious assaults on prostituted people have practically ceased” (*Midi Libre*, February 22, 2018).

### **Advances in the Fight against Human Trafficking for Sexual Exploitation Purposes**

There has been no particular progress made by the State in terms of applicable legislation regarding human trafficking in 2018. Only 2 circulars of the Ministry of Justice (one on December 19<sup>th</sup>, 2013, the other on January 22<sup>th</sup>, 2015), intended for public prosecutors and their services, have been disseminated. The circulars encourage authorities to enforce the legal classification of human trafficking as soon as circumstances permit it (Article 225-4-1 of the Penal Code), and to strengthen repression on traffickers.

In 2017, 48 people were sentenced for human trafficking by French courts (compared to 75 in 2016 and 83 in 2015).

In 2016, it was possible to note a sharp increase in human trafficking trials, although they appeared to have been insufficiently implemented in previous years. The advantages of this additional qualification, beyond the heavy penalties provided for by the law (from 7 to 20 years imprisonment), lie mainly in the resulting procedural facilities at the European and international levels: European arrest warrants, specific investigations allowing infiltration, the capture of images and sound in private settings, searching outside legal hours, 96 hours of police custody, patrimonial inquiry abroad, protective status for the victims of trafficking, and joint investigation teams at the European level under the EUROJUST leadership.

### **Debate and Controversy Around the Age of Sexual Consent**

In the fall of 2017, several court rulings launched the debate on the question of consent by minors for sexual acts. Sexual majority age in France is set at 15, but unlike other European countries, France has not set a minimum age of consent to sexual intercourse. This means that the sexual assault of a child under the age of 15 may not be characterized as rape and may be

considered as “consent” by the child victim. Such was the case in November 2017, when the Criminal Court of Seine-et-Marne acquitted a man tried for the rape of an 11-year-old girl on the grounds that it was not established that the sexual acts had occurred under force.

A law reinforcing the fight against sexual and gender-based violence (Law number 2018-703, adopted in August 2018) did nothing to fill this legal vacuum. Abandoning the idea of setting a minimum age of sexual non-consent, the current law, after considering creating a ‘crime of sexual assault on minors with penetration’, provides for children younger than 15 the following: “the moral constraint or the surprise are characterized by the abuse of the vulnerability of the victim, devoid of the necessary understanding of these acts.”

This law, much awaited and hotly debated, deeply disappointed expectations. The associations denounce such a law that “does not ultimately solve anything and does not allow for the guarantee that children are protected under criminal law at the highest order.” For the *Haut Conseil à l’Égalité entre les femmes et les hommes* (HCE - High Council for Equality between Women and Men), there is a need to go further: “The text is still not satisfactory. As it stands, it still does not recognize the undeniable inability of children to understand, desire and consent to a sexual act with an adult and does not form a clear prohibition for adults” (*Femme Actuelle*, July 6, 2018).

The situation regarding prostitution in France is evolving. Two years after its adoption, and only a few months after the promulgation of the last implementation decree, the law “aiming to reinforce the fight against the system of prostitution and to care for prostituted persons” is beginning to bear fruit; nearly 2,800 write-ups of sex buyers and 65 victims of prostitution finding an exit path out have proven this. This is just the beginning of a fundamental change that requires time and political support. Enforcement of the law will not be possible without a government push. A directive is needed to frame the implementation of the law; we need coherence in migrant policies and an exit procedure from prostitution developed by the law. There needs to be additional resources to apply the law in all its dimensions and throughout the territory: to train local actors, to fund exit routes, to educate the general public, etc. Only at this cost will France experience a real change.

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# Germany



**POPULATION**  
82,1 million



**GDP PER CAPITA**  
44,469.9 USD



**POLITICAL SYSTEM**  
Federal Republic



**HUMAN DEVELOPMENT INDEX**  
4<sup>th</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
9<sup>th</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
12<sup>th</sup> rank among 180 countries

With the intention of improving the rights of prostituted people and combating mafia networks, Germany passed a law in 2002 that regulated prostitution. As a result, prostitution has become a profession in its own right, with brothel managers being described as mere businessmen and prostituted people being described as "sex workers".

More than a simple legislative change, the 2002 law normalized prostitution and rooted it within German society. The Red Light districts of German cities are now tourist attractions with guided tours. Procurers are treated as successful businessmen and reality TV stars; men to go to brothels with their colleagues or friends to celebrate a diploma or a promotion. In a study on the sex lives of German citizens, 8% of men surveyed claimed to have had sexual relations with at least one prostituted person (*Deutsche Welle*, August 24, 2017). Advertisements for brothels are seen on buses, taxis and city walls, making prostitution simply another consumer product...

Twelve years later, the toll is heavy: the development of clandestine prostitution, the surge of human trafficking, the stranglehold of organized crime over prostitution, the omnipresence of violence, and more. Germany is the "brothel of Europe", as described by *Der Spiegel* magazine in 2013. In recent months, the German government has focused its efforts on strengthening laws regarding human trafficking and prostitution. As a result, the Trafficking in Persons Act and the Prostitution Act have been amended. Germany is thus entering into a transitional phase. What do these new measures provide for? How do they improve (or do not) Germany's situation?

## Current situation

Prostitution is a thriving market in Germany. Its revenue is estimated to be around EUR 14.6 billion (USD 16.53 billion) per year (*Die Welt*, November 3, 2013). All cities in Germany have

their own prostitution establishments. Duisburg, for example, has a population of less than 500,000 persons (North Rhine-Westphalia), yet about 30 places dedicated for prostitution (brothels, saunas, Swinger clubs, etc.) where about 500 women are prostituted each day (WAZ, April 25, 2017).

There is no official estimate on the amount of prostitution occurring within Germany. Estimates are diverse: 150,000 to 700,000 prostituted persons (Feminist magazine *Emma*), 400,000 prostituted persons (NGO *Hydra*), between 100,000 to 200,000 prostituted persons (*Die Welt*<sup>1</sup>), 200,000 prostituted persons (*MGEPA*, October 8, 2014)... In the explanatory memoranda in the Law on the Protection of Prostituted Persons (May 25<sup>th</sup>, 2016), the government estimated there were around 200,000 prostituted persons in the country.

### ***European victims***

According to the annual report from the Federal Office of Criminal Police (Bundeskriminalamt - BKA), 488 victims of human trafficking for sexual exploitation purposes were identified in 2016, 95% of whom were women, a 17% increase compared to 2015 (416 victims). However, these figures follow a declining trend, as they are much lower than the 2014 results (557 victims identified). Almost 82% of the identified victims (or 363 persons) are of foreign origin and 85% of them (75% in 2014) come from a European country. 19% (or 92 victims) are of Bulgarian origin (16% in 2014, 15% in 2015), and 16% (71 victims) are of Romanian origin (a significant decrease compared to previous years: 37.9% in 2014, 24% in 2015). Hungary, Ukraine and Poland are among the other countries of origin of European victims. The number of German victims is continuously growing, so much that they are becoming the primary group of identified victims: 26% of victims in 2016 (compared to 23% in 2015 and 15.8% in 2014). 22% of them are young women aged 19 to 26, victims of *loverboys*, procurers who seduce victims before forcing them into prostitution. Yet, these high figures are not representative of prostitution. German young women, who are more socially integrated, have a better knowledge of their rights and are more likely to report the exploitation they experience to the police.

### ***The growing emergence of Nigerian prostitution***

As in most European countries, the number of victims from West African countries, particularly Nigeria, has increased steadily in recent months:

	<b>2014</b>	<b>2015</b>	<b>2016</b>
Victims from West African countries	32 (5.7%)	20 (4.8%)	36 (7.4%)
Nigerian victims	18 (3.2%)	10 (2.4%)	25 (5.1%)

<sup>1</sup> See Chapter "Ukraine", in Fondation Scelles, Charpenel Y. (under the direction of), *Prostitution. Exploitation, Persecution, Repression (4<sup>th</sup> Global Report)*, Ed. Economica, 2016.

In May 2016, the *BKA*, in cooperation with *EUROPOL*, initiated a major police operation against Nigerian prostitution networks (*EUROPOL*, May 4, 2016). Airports within 17 European countries and over 650 prostitution sites within Germany were inspected, resulting in the identification of more than 400 potential victims. Finally, we can highlight the still limited development of Chinese prostitution: 13 victims were identified in 2016 (9 in 2015, 7 in 2014).

### ***Increasingly younger victims***

During 2016, the overall number of victims under the age of 21 decreased: 214 victims (44%) in 2016 compared to 225 victims (54%) in 2015. The proportion of victims who were minors, however, continued to increase (after a period of decline between 2012 and 2014): 96 underage victims in 2016, which was a 25% increase (77 victims in 2015, 57 victims in 2014). In 2016, 145 investigations into the sexual exploitation of minors were conducted. Through these investigations, 214 underage victims were identified: 180 were victims between 14 to 17 years old, and 33 were victims under the age of 14 (*GRETA*, February 5, 2018). 72% of the underage victims were of German origin.

### ***Refugees and asylum seekers: A population at risk of prostitution***

For NGOs, the increase in the number of asylum seekers has had a definite impact on the number of victims identified and on the number of people at risk of prostitution. In 2015, Germany registered about 1.1 million asylum seekers and refugees (635,000 in 2016). Among them, more than 40,000 were unaccompanied minors. On several occasions, NGOs have reported cases of refugee women being sexually exploited from within refugee camps and where refugee women are being exploited in the pornography industry (*Mail Online*, 16 October 2015). Since 2015, there has been the surge of a new trend: "Refugee Porn". This trend includes films that are widely distributed on the Internet, featuring characters of refugee women who are played either by real refugee women or by porn actresses playing the role of refugee women subjected to acts of humiliation inflicted by Caucasian men. These productions, which reveal the way the refugee population is viewed, are very successful throughout several European countries, particularly in Germany: 800,000 Internet searches for this material were registered in September 2017 alone (*Zeit Online*, May 15, 2018). In April 2017, the NGO *Hilfe für Jungs* reported cases involving the prostitution of young men, some minors, principally of Pakistani, Afghan and Iranian origins in Berlin's parks. According to the *BKA*, in July 2017, there were nearly 6,000 missing refugee minors (5,502 aged 14 to 17 and 945 aged 13 or under) (*Daily Sabah*, July 6, 2017).

In October 2017, a *ZDF* report publicized the existence of prostitution networks in migrant shelters in Berlin. Security guards, working in these municipal homes, reportedly encouraged refugees to prostitution. The guards mostly encouraged men, who were very often minors ("the younger they are, the more expensive," commented one of the guards). They acted as intermediaries, arranging appointments with sex buyers (*The Local Germany*, October 25, 2017).

### ***Places of exploitation: increasingly clandestine prostitution***

According to the German government, there are 1,700 prostitution vehicles (love mobiles, sex drive-ins, and boxes called *Verrichtungsbox*) and more than 10,000 prostitution businesses:

62% are apartments or private houses, 14% are clubs, bars and saunas, 12% are brothels, 1% are classified as 'other', less than 1% are escort agencies. In 2016, while the *BKA* observed the same development of prostitution in private places, its estimates are slightly different: 29% in hotels, 26% in apartments, 41% in bars and brothels and 12% in streets.

These figures indicate that most occurrences of prostitution escape the attention of authorities as it develops in clandestinity. This is confirmed in the example of the city of Stuttgart, which, according to the city councilor in charge of equal opportunities, Ursula Matschke, has 1,500 legal prostituted persons and 3,000 underground prostituted persons.

Simultaneously, prostitution also continues to develop on the Internet: 11% of the victims identified in 2016 were recruited online. The Internet is the preferred tool for *loverboys*, who seek out their victims on social networks and chat rooms, then organize their meetings via Messenger Services such as *WhatsApp*, which are more difficult to monitor. In addition, online brothels have been created. These so-called "erotic" sites primarily offer sex-toys, but also prostitution advertisements, organize orgies, and auctions of women (sometimes young virgins). Users can also comment and rate the sexual services they purchased... One of these websites has more than 6 million visitors per month. The operator, who is behind several of these websites, made a profit of EUR 15.3 million (USD 17.3 million) in 2015 (*Révolution féministe*, December 15, 2017).

### **Germany in the fight against human trafficking for sexual exploitation purposes**

#### ***Investigations and prosecutions: results in decline***

Despite the severity of the current situation within Germany, the government's actions are still insufficient. Year after year, the number of prosecutions, trials and convictions for offences of human trafficking for sexual exploitation purposes continues to decline:

	<b>2014</b>	<b>2015</b>	<b>2016</b>
Investigations	392	364	363
Identified suspects	507	573	524
Convictions	79	72	-

The low number of investigations is due to the difficulty in classifying acts of human trafficking for sexual exploitation purposes. As a result, police and judges tend to lean towards easier qualifications. Prison sentences are rarely imposed (30% of sentences were prison sentences in 2015; only 19 sentences of 2 to 10 years of imprisonment were handed down in 2014). Similarly, the number of suspects remains stagnant: 524 suspects in 2016, 573 in 2015 and 507 in 2014. 25% of these suspects were German nationals.

### ***Legislative progress...***

As part of the transposition of Council of Europe Directive 2011/36 EU into national law (expected since April 2013), several articles relating to human trafficking within the Criminal Code were amended in October 2016:

- The law now covers new forms of trafficking (forced begging, forced criminality), as it was previously solely focusing on forced labor and sexual exploitation;
- Penalties have been increased when victims are under the age of 18;
- Demand is now sanctioned: sex buyers who are aware they are buying sexual services from prostituted victims of human trafficking are liable to a penalty of 3 months to 5 years' imprisonment (however if the sex buyer reports the victim to the police, he or she is granted amnesty) (*US Department of State*, June 2017 ; *German Criminal Code*, §232a.6);
- Better protection for victims of human trafficking who are willing to testify.

### ***... but lasting weaknesses***

Despite these legislative changes, the German anti-trafficking policy continues to be the target of criticism from international organizations and national NGOs (*KOK*, October 4, 2017). Germany is criticized for:

- The lack of a comprehensive action plan that standardizes identification and assistance measures for Germany's 16 federal states;
- The inefficiency and inadequacy of the victim protection policy: in 2016, only one third of identified victims were able to benefit from special protection, and more than half of the victims received no care at all (*US Department of State*, June 2017). This is due to the lack of homogeneous assistance measures within federal states, but also due to the fact that assistance for victims continues to depend on their willingness to provide testimonies.
- The lack of resources provided for specialized centers.

## **The Law on the Protection of Prostituted Persons**

The new Prostitution Act (*Prostituiertenschutzgesetz* - ProstSchG), following five years of debate, came into force on July 1<sup>st</sup>, 2017. Its objective is to "better inform people about their rights and obligations when they are prostituted, to strongly encourage them to exercise their rights and to obtain help, if necessary" (Preamble of the Act). According to Federal Minister Manuela Schwesig, "the new legislation will protect men and women who are in brothels from exploitation and violence" (*Metro Canada*, September 23, 2016). This law provides for:

- The obligation of registration (*Anmeldepflicht*): prostituted people, whether regular or occasional, must first undergo a medical consultation (*Gesundheitliche Beratung*), at the end of which they are given a certificate. With this document, they must then personally register their activities. Registration consists of an interview with a skilled authority figure, which determines whether or not there is an exploitative third party involved, informs the interviewee of their rights and obligations as a prostituted person, and provides them with advice and emergency numbers. Following this interview, a second certificate is given to prostituted people, which is

renewable every two years. Prostituted people must be able to present both certificates at any time, under penalty of a fine. These documents also have to be checked by brothel operators:

- Specific obligations for persons under 21 years of age: medical check-ups every 6 months and registration each year. It is prohibited to issue permits to a prostituted person under the age of 18, a person under 21 who was encouraged by a third party to practice prostitution, a person practicing prostitution under the coercion of a third party, or a person who is more than 7 months pregnant;
- The obligation to use condoms (*Kondompflicht*) during all sexual relations: prostituted persons have the right to refuse unprotected sexual relations. Customers who do not use condoms are liable to fines of up to EUR 50,000 (USD 56,593);
- Inspections of brothel owners: an administrative authorization is required to open and manage a prostitution establishment (*Erlaubnis für Prostitutionsgewerbe*) of any nature (brothels, saunas, naturist clubs, prostitution vehicles, Internet escort agencies, prostitution events such as paid sex evenings). This authorization is renewable every 3 years. To obtain it, operators must provide their criminal records, present their “business models”, and meet the defined legal requirements (health facilities, safety of the premises...). From now on, state services (police, hygiene services, etc.) may carry out inspections at any time within these establishments;
- The prohibition of injunctions (*Weisungsverbot*): brothel managers must not impose sexual services upon prostituted people. The sexual services are defined only between the prostituted persons and sex buyers. Practices contrary to human dignity, e.g. flat-rates (where sex buyers pay an entrance fee of about EUR 70 to EUR 100 (USD 79 to USD 113) , which allows them to “consume food, drinks, sex at will”), gangbang parties (form of violent pornography aimed at the humiliation of a woman by several partners), etc. are prohibited. It is also prohibited to restrict the rights of prostituted persons. Thus, women cannot be forced to practice naked and their identity documents cannot be confiscated.

While the new law has come into force, it continues to receive universal criticism. For representatives of associations promoting "sex work", the obligation for prostituted persons to register is considered discriminatory, and several demonstrations have taken place throughout different cities in Germany to denounce it. For human rights defenders, the registration of prostituted persons is also disturbing, as it violates data protection rules. Finally, abolitionist activists and representatives of victim support associations believe the law to be a "bureaucratic monster" that is too difficult to enforce. There is still a lack of sufficient measures to assist prostituted persons and there are no programs to facilitate exiting prostitution (*Deutsche Welle*, July 2, 2017).

### ***Law enforcement: a slow and laborious process***

As the new law is so administratively complex, a six-month transitional period has been provided for its implementation by the federal states and municipalities. Yet, the lack of resources dedicated to its implementation has slowed down the process. The procedure for registering prostituted persons and establishment operators requires the hiring of specific personnel, the provision of premises, and more. In Munich, three doctors, one social worker, and

two administrative employees were hired. In addition, 8 new jobs were created for the purpose of registering prostituted people and nine new jobs were created with the purpose of inspecting brothels with a budget of EUR 1.5 million (USD 1.7 million). In the absence of a specific budget, some federated states charge prostituted people fees for medical examinations and registration (e.g. EUR 35/USD 40 in Bavaria and Saarland). As of January 1<sup>st</sup>, 2018, this law, particularly concerning the registration of prostituted persons, was not being enforced. In Hamburg, there were 2,200 prostituted persons registered according to Norddeutscher Rundfunk and between 4,000 and 6,000 according to the city's social services. Only 600 prostituted persons have registered and some 150 certifications issued so far (*Deutsche Welle*, January 18, 2018). By the spring of 2018, Berlin had not yet officially registered prostituted people, only distributed provisional certificates in the event of an examination. Other feedback also shows the difficulty of implementing the law's other articles:

- Registration interviews with prostituted persons: the social workers in charge of these interviews express skepticism. How can one detect if a person is a victim of exploitation in just a few minutes of conversation when it takes months to establish trust within a relationship with a prostituted person? The victims know in advance what they will be asked, and often pre-prepare their answers. They sometimes come to interviews with translators, who are none other than their procurers (*Kraus*, May 24, 2018).

- Condom use requirement: the enforcement of this measure often seems to be limited to the distribution of a flyer to sex buyers. Some complaints have been recorded and subsequently investigated: one woman reported a sex buyer, and a sex buyer was thus convicted for unprotected sex (*Révolution Féministe*, December 15, 2017).

- Prohibition of undignified practices, such as gangbangs: there is no evidence that gangbangs have actually disappeared from prostitution sites, especially since these practices are often known to no longer fall under the law. Thus, gangbangs become "sex orgies"! This practice continues to be very popular on the Internet: pornographic films that feature gangbang scenes are shot in giant brothels with prostituted people and sex buyers who, for EUR 35 (USD 40), have unlimited food, drinks and sex. Sex buyers have unprotected sexual intercourse. Their faces are blurred. They are simply asked to produce an HIV/AIDS test (or they are tested before filming). Illegal or not, advertisements for such events continue to be circulated on the Internet. In addition, other practices that are not specified by the law are developing: for example, paid relationships with pregnant women, which is authorized if they are under 7 months pregnant.

- Closure of illegal venues: As early as November 2017, sociologist and activist Manuela Schon testified: "In my city (Wiesbaden), 90% of brothels are illegal, which means that most will have to close, or be legally registered. Many have already closed because they do not meet the conditions for a permit and these closures will continue into 2018". While the closure of these establishments is welcomed, there is fear that this new law will lead to owners reorganizing and strengthening their control over large brothel chains and wellness-centers in the "market". The managers of these establishments do not seem worried: "The purpose (of the law) is to have

more information about women to take more taxes from them, not to help them," Michaël Beretin, spokesman for "Paradise", cynically explains.

### **Paradise, Pascha, Artemis... Behind the scenes**

"Since then (the 2002 law), there has never been so much investment in this sector," said Jürgen Rudloff, the head of the brothel chain "Paradise", in September 2017. "Paradise" (found in Stuttgart, Frankfurt, Saarbrücken...), "Artemis" (Berlin), and "Pascha" (Cologne, Munich, Stuttgart...) are some of the most famous *Freie Körper Kultur* (FKK). FFKs are large-scale brothels in luxurious settings which, under the label of well-being and naturism, offer men food, swimming pools, saunas (and more), but above all, prostituted persons.

Around 60 to 90 young females are prostituted every day at "Paradise", which welcomes around 300 sex buyers daily for an entrance fee of EUR 79 (USD 90). This fee covers unlimited access to the buffet (excluding alcoholic drinks) and rooms. Prostituted persons, most of whom are from Eastern Europe, pay the same admission fee. They directly charge sex buyers for their services and pay a flat-rate tax of EUR 25 (USD 28.3) to Paradise, who transfers the tax to German tax authorities, as required by law. Those who want to sleep on site (dormitories with 2 to 6 beds) pay EUR 23 (USD 26) per "night" (*Les Echos*, September 21, 2017). Another important rule in "Paradise", similarly to other prostitution establishments, is that men are required to wear bathrobes whilst women are almost naked.

#### ***The reality of the FKK: tax evasion, human trafficking, procurment...***

Mediatized, heroes of reality TV shows (Red light Experts, Bordell SOS, Puff my Pimp, etc.), bosses of FKKs represent success and money. However, current judicial events show that these institutions are far from being the economic, entrepreneurial and "humanist" models that they claim to be. Several police operations have taken place in recent months in Goch, Leipzig, and Frankfurt, including in the most prestigious establishments. In 2014, "Paradise" establishments were subjected to police raids. Jürgen Rudloff, the network's owner and a regular on TV talk shows, fled to Switzerland. In September 2017, upon his return to Germany, he was arrested for commercial fraud, human trafficking and procuring. In April 2016, a major police raid took place at Berlin's "Artemis" following suspicions of tax evasion, procuring of prostituted persons and human trafficking. 96 prostituted persons were questioned, 6 procurers were arrested, and EUR 6.4 million (USD 7.24 million) in cash, real estate and vehicles was seized (*Slate.fr*, April 15, 2016). However, the investigation was unsuccessful. In September 2017, Hermann Müller, owner of the "Pascha" chain in Munich and Cologne and the owner of establishments in Linz, Graz and Salzburg, was tried and sentenced to 3 years and 9 months' imprisonment for tax evasion. He was suspected of not having paid social contributions and not having paid the taxes levied on sexual services for his institutions. In these three cases, the justice system questioned the "independence" of the prostituted women within these establishments. Those responsible were suspected of keeping prostituted women against their will, with several criminal gangs being accomplices, particularly Hell's Angels. The involvement of these groups (Hell's Angels, United Tribunals, Bandidos, etc.) in prostitution circles is not



surprising: "The fact that Hell's Angels deliver women to brothels in many cities and control the market is not new," explains feminist Alice Schwarzer. "In the prostitution district of Stuttgart, they run an "office", ensuring the security of the nearby Paradise (...) In Duisburg, for example, the gangs, including Hell's Angels, divided the brothels among themselves..." (*Slate.fr*, April 15, 2016). In the Leinfelden-Echterdingen brothel, run by Jürgen Rudloff, there are also rumors of women being "forced, exploited, beaten" (*SWR Aktuell*, April 17, 2018). These accusations of procuring and human trafficking are combined with suspicions of tax evasion, embezzlement and illegal work. In some institutions, prostituted people were reportedly forced to declare themselves as autonomous "workers", in order for the institutions to avoid taxes. "Artemis" is suspected of never having paid social security contributions. Thus, since the opening of the establishment in 2006, more than EUR 17 million (USD 19.24 million) have been embezzled.

In conclusion, recent events in Germany have been marked by the adoption of this new law on prostitution, after several months of debate. Will this law achieve its objective of safety and protection for prostituted people? Will the registration of prostituted people have a real impact on the fight against human trafficking? Only the official evaluation of the law, scheduled for 2022, will be able to answer these questions. Whatever its application, the new law will not be enough to fundamentally change the German situation. There is no provision to help women exit prostitution. Indeed, the proposed protection measures are insufficient, the shelters for victims and, in particular, for minors are lacking... Beyond these shortcomings, the law does not call into question the regulationist model put into place in 2002. Consequently, how is it possible to change an industry as prosperous and powerful as the sex market in Germany without incriminating sex buyers and brothel operators or denouncing the exploitation imposed on prostituted women? However, to call into question the bosses of Germany's largest FKK chains could perhaps change the situation. Behind the luxurious facades of these establishments, there is a worrying reality: fraud, violence, and the control of criminal circles. The boss of "Pascha" has already been convicted in court and the boss of "Paradise" is liable to 10 years of imprisonment according to his trial, which began in April 2018 and isn't expected to end before March 2019 (after examining 145 pages of charges) (*Emma*, September 29, 2017). Will these cases be able to dethrone the kings of German prostitution? Will they show the way for a more in-depth reflection about the very foundation of the regulation system? One can only hope.

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# Guatemala



**POPULATION**  
16,9 million



**GDP PER CAPITA**  
4,471 USD



**POLITICAL SYSTEM**  
Unitary State with a  
Presidential Regime



**HUMAN DEVELOPMENT  
INDEX**  
125<sup>th</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
113<sup>th</sup> rank among 147  
countries



**CORRUPTION  
PERCEPTIONS INDEX**  
143<sup>rd</sup> rank among 180  
countries

Guatemala is country of both origin and transit for human trafficking. These activities find fertile ground in the heart of a country afflicted by violence, poverty, corruption, and drug trafficking. Understanding the ins and outs of prostitution and sex trafficking in Guatemala requires studying both Guatemalan social structures and the country's contemporary history.

Following a civil war that lasted more than thirty years (1960-1996), Guatemala is going through a complex phase of post-conflict transition. This war pitted an American-influenced, authoritarian government against Marxist groups who wanted to put an end to a highly unequal and racist society. This social structure established itself ever since the Spanish colonization in the 16<sup>th</sup> century. To base their power, the colonizers created a caste system build on different ethnic groups. At the top of this hierarchy: the *criollos*, white people of European origin; then the *ladinos*, indigenous people who assimilated the criollo culture; and finally, the *Mayas* or native populations. The Mayas were marginalized to the status of third class citizen, and their lands, which they saw as sacred, were confiscated by the Spanish colonizers. The colonists then created large estates, and monopolized political, social, and economic power. Territorial issues and racial inequalities played a decisive role in both the war outbreak war and the resulting violence (Hickey, 2013). This conflict has had a lasting impact on society by accustoming its population to violence and ethnic and gender inequalities.

It is in this context of decay that prostitution and human trafficking are continuing to develop. These phenomena particularly affect the most vulnerable people in Guatemalan society,

that is, Maya women and street children. There are no official figures on the number of prostituted persons in Guatemala. Adult prostitution, before being legalized, had always been tolerated. It was considered a "necessary evil" to protect the virtue of the "ladies" (Howell, May 2003). Furthermore, the country's legislation considers it impossible for a prostituted person to be raped, as violence is an integral part of her living conditions. Until 1906, single women convicted of "misconduct" could be sold to a brothel. Thus, prostitution is in line with a sexist dynamic and a patriarchal control of women.

Guatemala supplies national and international networks, notably to Mexico, the United States, and Belize (US Department of State, June 2017). The Guatemalan people are not the only victims of these criminal networks. Very young girls are targeted by these gangs and end up being exploited along the Mexican border. Government studies provide a better understanding of the functioning of these organizations and their recruitment methods (US Department of State, June 2017). Women have the role of attracting victims, whilst men are responsible for these networks.

Some NGOs, dedicated to defending children's rights, report alarming practices such as the sale of children to traffickers and owners of hotels for prostituted persons.

## **Violence and poverty in the heart of the Guatemalan prostitution system**

### ***Poverty and educational deficiency***

According to the World Bank report, "despite a 3% growth rate, Guatemala is one of the few countries in the region where poverty increased between 2006 and 2014, from 51% to 59.3%." (World Bank, October 4, 2018). It is one of the most unequal countries in Latin America and has a very high poverty rate, particularly in rural areas and among indigenous peoples. In the most isolated villages, 80% of the population is bereft and lives either in poverty or in extreme poverty. According to the *United Nations Development Programme* (UNDP), "a person lives in extreme poverty if he or she does not have the income necessary to satisfy essential nutritional needs - defined on the basis of a minimum calorie requirement [...]. A person lives in general poverty if he or she does not have sufficient income to satisfy basic non-nutritional needs - such as clothing, energy and housing – and nutritional needs" (*Études rurales*, 2001).

As poverty in the rest of the world declines, it continues to increase in Guatemala. The links between poverty and education are obviously very strong. If a child goes to school, he can no longer earn a living, and he incurs expenses for his parents. Very poor and extremely poor boys are forced to earn their living, however are paid very low wages. The girls interrupt their studies to relieve their mother by caring for their many brothers and sisters. Of course, primary school is free, but extracurricular costs, supplies, books, uniforms... put a strain on the family budget and doom the schooling of these children.

As studies go on, educational expenses increase. This has led to an increase of scholarships starting from middle schools. This augmentation was even higher in the case of professional courses, which, in addition to school fees, include additional costs (transport, accommodation, and food).

Change of attitudes is always a very long process, which requires financial means that are often prohibitive for the most vulnerable and marginalized populations. One father describes his very low income: “I’m a person who doesn’t know about education, my father didn’t have any money. I myself have no regular income; I often go to work away from my family, on the Pacific coast, or elsewhere, a month here, a month there. When I find a good job, I buy schoolbooks. I struggle to earn about 40 quetzals a day (USD 5) to support 7 people.”

The annual tax losses caused by corruption in Guatemala are estimated at 550 million US dollars (USD) (*El Periodico*, September 27, 2017). Children are the main victims: investment in educational programs amounts to less than a dollar a day per child. There is then a decrease in educational coverage and a worrying chronic malnutrition that continues to affect one in two children under 5 years of age. This “hidden hunger” affects children’s health (delay in weight and height) as well as mental development, because it is connected with poor school performance if no treatment is undertaken before the age of two.

### ***Institutionalised and integrated violence into social mechanisms***

The phenomenon of prostitution is concomitant with violence, which is inherent to the political and social system. Prostitution and human trafficking develop in a region of the world that is characterised by its aggressiveness, especially towards women.

The brutalities of the civil war have had a profound and lasting impact on the country. Many anthropologists thus recognize the existence, for these populations, of a recurrent link between past conflicts and current tensions (*Garcia*, 2015).

For Guatemalans, violence has gone through three phases: “1) State terror (1980s); 2) waiting for agreements (1990s); 3) time for evaluations (2006)” (*Hébert*, May 2008). The first movement corresponds to the physical and material acts of violence committed. This conflict then institutionalized state violence, causing multiple massacres against the Maya people.

The second period corresponds to the signing of the peace agreements in 1996, which put an end to the context of extreme insecurity. Guatemalan representations of violence are changing and are gradually not limited to physical violence (*Hébert*, May 2008).

During the third phase, the post-war period, violence is gradually becoming a real political issue. There are two opposing speeches: one official, from the government, and the other, social, from the most marginalized groups.

An analysis of these perceptions and of the stakeholders is necessary, making it possible to better report instances of violence against women. Since the signing of the peace agreements in 1996, authorities have tried to impose, through political discourses and positions, a particular vision of violence. This vision is based on a moralistic approach, claiming that the phenomenon of violence results from individual failures, or a deviance of some individuals (*Hébert*, May 2008). This perception of violence thus reinforces the power of repressive agencies such as the police, the army, or even *las juntas de seguridad* (local militias). It also allows an entire ruling class to release itself from its responsibilities.

The second discourse, social and coming from marginalized populations, conveys the idea that violence in Guatemala is first and foremost systemic. The aim is to denounce the problems

connected to an oligarchy which prevents the full expression of democracy. Violence is primarily seen as corruption of the State, organized crime, and nepotism, which generate economic problems, poverty, and authoritarianism.

Today, according to the *Institut national d'études démographiques* (INED), Guatemala is the fifth most violent country in the world among the nations that are not currently at war. The rate of homicide (38 per 100,000 inhabitants) remains significantly above the average of the South American continent, which is 23 per 100,000 inhabitants (UNODC, March 2014). Impunity persists, with 98% of murder cases not investigated or closed (*Le Figaro*, September 1, 2011). This atmosphere of extreme violence is maintained by *Las maras*, which are local gangs specializing in drug trafficking, human trafficking, and fraud. The network of these criminal organizations extends to the United States, corrupting even the highest-level political spheres. Although this violence is widespread and institutionalized, it particularly affects certain groups, several studies conducted by researchers and NGOs showing that it exists mainly as discrimination, with the most affected populations being indigenous women and street children (Hickey, 2013).

In Guatemala, femicide (or the murder of women) takes several forms: intimate violence, when it concerns the current or former partner; “honor-killings,” which are committed by a member of the family, clan or group to which the victim belongs; or non-intimate, which explicitly affects a woman and involves one or more forms of sexual violence. These assaults, motivated by gender or ethnicity, were quite common during the 36 years of armed conflict. 88.7% of the victims of sexual attacks during the war were Maya women, and this left deep scars (*Revista Mexicana de Ciencias Políticas y Sociales*, September-December 2016).

### **Inadequacies in the Guatemalan legislative framework**

Prostitution is legal in Guatemala if it is the result of an agreement between the sex buyer and the prostituted person. On the other hand, child prostitution, procuring, and sex tourism are condemned. The regulatory system is therefore based on the consent of the prostituted person, who must be able to negotiate with the potential sex buyer, which presupposes equality of bargaining power. This situation obviously primarily benefits the sex buyers.

Facing the worrying increase in sex trafficking and the repeated appeals from the UN, Decree 09-2009 against sexual violence, exploitation, and human trafficking aims at “preventing, repressing, punishing, and eradicating sexual violence, exploitation, and human trafficking,” as well as taking care of, protecting, and compensating the victims of the damages suffered (CENADOJ). Thus, the *Secretaria contra violencia sexual, Explotación y Trata de personas* (SVET), was established for the prevention, management, prosecution, and punishment of crimes related to sexual violence, exploitation, and human trafficking.

In practice, few victims dare to file a complaint because of the threat of possible reprisals or the mistrust of the justice system<sup>1</sup>. In 2017, the government identified 316 victims of human

<sup>1</sup> See chapter « Guatemala », in : Fondation Scelles, Charpenel Y. (under the direction of), *Sexual exploitation – A growing menace (3<sup>rd</sup> Global Report)*, Ed. Economica, Paris, 2013.

trafficking, compared to 484 in 2016 and 673 in 2015 (*US Department of State*, June 2018). The Guatemalan State investigated 254 reports of trafficking offences in 2017 compared to 243 in 2016 (*US Department of State*, June 2018).

These measures seem superficial and not very effective. In fact, while Guatemalan law requires that the victim be removed from their tormentors' vicinity, this remains difficult to apply due to the lack of specialized shelters. People placed in public institutions do not receive sufficient legal advice or sufficient protection protocol. In addition, the only women's only public shelter closed in December 2017, when only small budget cuts were announced.

Cases of sex trafficking are often brought late to the attention of judges, which complicates access to support services. Some underage victims placed with their families fall back into trafficking. In addition, family members are often involved in these criminal networks (*US Department of State*, June 2018).

While authorities have encouraged victims to participate in the conviction of traffickers by giving them the opportunity to testify anonymously, victims residing in government facilities have not been able to benefit from adequate legal support or witness protection.

### **Assistance to victims of sexual exploitation**

The Guatemalan State has reduced its efforts to identify and protect victims by offloading some of its victim assistance responsibilities to specialized NGOs. The NGOs managing shelters have expressed concerns regarding their ability to meet the specific needs of victims. This situation often leads to victims being trapped by traffickers or trafficking networks once more.

*SVET* has provided training in various Mayan dialects and has continued the implementation of the inter-institutional protocol, initiated in 2016, for the protection of victims of trafficking. Three shelters managed by Government have been set up, sheltering 89 victims of human trafficking in 2017 (80 girls, 7 boys, and 2 women), compared to 77 in 2016. An amount of GTQ 17.6 million (USD 2.3 million) were allocated to these three governmental shelters. Of the 316 identified victims of human trafficking in 2017, 292 were children and 24 were adults. NGOs also host and provide services to 127 victims of trafficking, including victims of trafficking for sexual purposes and forced labor (*US Department of State*, June 2018). However, assistance to victims remains insufficient and incomplete, when it comes to government shelters.

Social workers, judges, and law enforcement agencies have at their disposal an agenda containing a list of useful contacts (resource people, etc.) and a manual to facilitate the protection of victims. While the transmission of information is facilitated, essential acts for the protection of victims are not or no longer provided by the government.

### **Child prostitution**

The development of child prostitution is a phenomenon that is increasingly worrying defenders of children's rights, notably *ECPAT International* and *UNICEF*. Child sex tourism has expanded throughout South America. The number of visitors has quadrupled since 1980 (*Actu Latino*, May 13, 2016).

The main destinations for child sex tourism have now changed. Awareness campaigns against child prostitution and the end of impunity for these crimes have allowed countries such as Thailand and the Philippines to no longer be among the favourite destinations for sex tourism. Thus, these sex tourists have turned to other destinations, such as Guatemala, which guarantee them total impunity.

The country has set up state entities to protect people and combat sexual violence. The resources allocated to these missions are insufficient for a phenomenon of this magnitude.

In Guatemala, street children are a particularly vulnerable and marginalised population. Guatemalans have a very low opinion of street children and there is a lack of social services assistance for these children. Every year, cases of abuse in shelters break.

In March 2017, the case of the *Hogar Seguro Virgen de la Asuncion* shelter caused a particular scandal in Guatemala. Located 10 kilometers east of the capital, this governmental shelter had a capacity of 400 people, but was actually accommodating 700 and had serious managerial problems. This overcrowding had an impact on the living conditions of children. Therefore, the Guatemalan authorities have repeatedly called on the managers to improve their services and care. In addition, serious dysfunctional elements had been reported: unhealthy food, mistreatment, and the sexual abuse of some young girls. On March 7<sup>th</sup>, 2017, a group of young girls who had been victims of mistreatment, sexual violence, and humiliation decided to flee the shelter. That same evening, they were arrested by the police and brought back to the center. In retaliation for their escape, they were locked up all night in a 16m<sup>2</sup> room, deprived of food and access to toilets. On the morning of March 8<sup>th</sup>, the girls decided to set fire to the mattresses to protest against their imprisonment conditions and, thus, obtain release. No one helped them and the 46 young girls were burned alive (*US Department of State*, June 2017).

Prosecutors stressed the lack of adequate protection options for adult victims. The shelter had already been the subject of an investigation conducted by the UN concerning its difficulties in its activities management. Allegations of corruption and sexual exploitation had even been made. The tragic event that occurred within the establishment provoked rage from the Guatemalan people, who expressed indignation and hostility towards the government in power. A few days after the fire, the Secretary of State for Social Welfare, the undersecretary, and the director of the institution were arrested and charged with homicide, breach of official duty, and violence against minors. In all, seven government officials were prosecuted for abuse of power, neglect of their duties, and maltreatment of minors (*US Department of State*, June 2018). The shelter was closed down and three national days of mourning were decreed.

Following this tragedy, Guatemalan President Jimmy Morales called for a restructuring of the country's housing system. The government released a new Action Plan for the Protection for Children and Adolescents 2017-2032, which aims to protect victims of trafficking and children placed in public institutions (*US Department of State*, June 2018).

## **Health and prostitution**

In the poorest and most violent districts, prostitution is one of the most important resources of the *maras* (gangs). This international trade is prospering because the main stakeholders, who



are also involved in drug trafficking, have friends in high places, such as influential politicians and powerful businessmen.

The health of the poorest girls is directly affected by these activities. Children are the primary victims of drugs. Young people consume crack and opiates from the age of 12-13. To finance their daily dosage, this fragile population has to engage in prostitution.

According to *UNAIDS*, the rate of HIV/AIDS is not a public health problem of primary concern in Guatemala. In 2016, there were on average in the country, 46,000 HIV-positive people, of whom 2,900 were newly infected, and 1,600 deaths connected to the disease. Only 36% have access to antiretroviral therapy.

In Guatemala, the phenomenon of teen pregnancies is very worrying. According to Myrna Montenegro, director of the *Observatorio en Salud Sexual y Reproductiva* (OSAR), the banalization of this phenomenon is the result of child prostitution, gender inequality, and violence against women in Guatemala. According to *SVET*, since January 2017, 472 girls under 14 were pregnant. However, the director of *OSAR* denounces a manipulation of the numbers as, according to her, the statistics should be revised upwards: “[there is] A false decrease in the number of teen pregnancies because of inadequate methods of counting. Every 8 hours at least one child becomes a mother in Guatemala before her 15<sup>th</sup> birthday. This is a shocking figure, but the reality could be much worse, indeed, because the data has been being skewed since 2012”. Myrna Montenegro is conducting a campaign for medical care for these young girls. According to her, it is essential that Guatemala recognises these teen pregnancies as both a social and a public health problem.

In conclusion, Guatemalan authorities are not concerned about prostitution. Although laws to combat these crimes have been established, very few resources have been allocated to ensure their effective implementation.

Moreover, prostitution and sex trafficking are only symptoms of deeper political, economic, and socio-educational dysfunctions. The phenomenon of prostitution remains taboo in Guatemalan society. It is also intrinsic to the system of violence, which is specific to Latin American countries.

Today, it appears urgent to truly implement a policy of protection and assistance to victims with the opening of many shelters, the establishment of a removal protocol for victims in danger, and, finally, assistance for the professional reintegration of these populations in extreme vulnerability.

In regards to child prostitution, the implementation of the Code of Conduct (*The Code*) enables all stakeholders of the tourism, hotel, and transport sectors to mobilize against sexual exploitation in the travel industry, an initiative proposed worldwide by *ECPAT International* to combat child prostitution.

All these measures must put an end to impunity, but also contribute to raising awareness of sexual violence and gender inequalities.

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# India



**POPULATION**  
1,339,2 million



**GDP PER CAPITA**  
1,939.6 USD



**POLITICAL SYSTEM**  
Federal Regime



**HUMAN DEVELOPMENT INDEX**  
131<sup>st</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
125<sup>th</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
96<sup>th</sup> rank among 180 countries

Millions of people, most of them women and children from poor backgrounds, are victims of human trafficking in India. Enticed by promises of jobs and better lives, many victims migrate to urban centers, where they are sold as domestic slaves, sex slaves, or are forced to work in the agricultural and textile industries. According to the 2018 Global Slavery Index, India has an estimated 18.3 million people in slavery, which accounts for nearly half of the world's trafficking victims (*PBS News Hour*, December 29, 2017). Nearly 26% of these victims, 5.5 million, are children living in inhuman conditions in working class neighborhoods of large cities, locked in the back of brothels where they serve several sex buyers per day (*Foreign Policy Blogs*, July 18, 2018). The Indian state of West Bengal, which shares its borders with poor neighboring countries, Bangladesh and Nepal, recorded having more than a third of the world's total number of sexual exploitation victims in 2016. The desert state of Rajasthan recorded the second highest number of trafficked children in 2016, while the western state of Maharashtra, which is home to India's economic capital, Mumbai, recorded the second highest number of female victims of trafficking (*Foreign Policy Blogs*, July 18, 2018).

With more than 80% of human trafficking in India being for sexual exploitation purposes, India is considered to be the main hub for this type of crime in Asia. Many victims originate from Nepal and Bangladesh (*Foreign Policy Blogs*, July 18, 2018). According to NGOs, the figures provided by the government are drastically underestimated as “only” 20,000 victims of human trafficking were recorded in 2016, an increase of almost 25% compared to the previous

year (*Reuters*, March 9, 2017), including more than 7,500 victims of sexual exploitation (*US Department of State*, June 2018). However, police officials are welcoming an increase in the number of victims recorded, due to increased public awareness and visibility in the media, which is driving more and more victims of sexual exploitation to come forward (*Reuters*, March 9, 2017).

According to Siddharth Kara, Director of the Program on Human Trafficking and Modern Slavery at Harvard's Kennedy School of Government, a sex slave in Mumbai would bring in about 13,000 US dollars (USD) a year to traffickers (*All That's Interesting*, May 15, 2018).

### **An overwhelmed justice system despite an existing legislative framework**

In India, prostitution is legal if the prostituted person is of legal age and if they are not prostituted in a public place. As for trafficking for the purpose of sexual exploitation, the Immoral Traffic Prevention Act, adopted in 1956 and amended and modified in both 1986 and 2006, provides the general legislative framework and penalizes a number of stakeholders. Thus, any individual who owns or manages a brothel faces a sentence of between 2 to 7 years in prison, and any person who recruits, transports, or receives a person for prostitution faces a term of imprisonment ranging from 7 years to a life sentence. In addition, those found to be buying the services of a victim of sexual exploitation in a brothel are liable to a penalty of 3 to 5 months of imprisonment and a fine of 20,000 to 50,000 Indian Rupees (INR) (USD 288 to USD 720).

In regard to the prostitution of minors, the Act provides that any individual who procures, incites or exploits children for the purpose of prostitution shall be liable to between 7 years of imprisonment to a life sentence. Finally, to ensure that all individuals involved in the trafficking chain are held accountable, the law provides that any individual involved in acts of recruiting, transporting, transferring, harboring or receiving persons for the purpose of prostitution is guilty of trafficking and, therefore, liable to a term of imprisonment.

In its Penal Code, India has criminalized most forms of modern slavery. Yet with limited resources and its own corruption problems, India's criminal justice system has had a low impact on trafficking for sexual exploitation purposes in recent years, with few arrests and convictions. Despite the existence of specific legislation and programs that are dedicated to preventing sexual slavery, significant gaps have been identified between the government's political commitments and their implementation. For example, a study conducted in 2016 on child victims of trafficking emphasized the practical challenges of the reintegration of victims such as the lack of adequate reintegration services, lack of human and financial resources, lack of organizational accountability, and lack of coordination between NGOs and the government (*Walk Free Foundation*, 2016).

In addition, the most recent data from the *National Crime Records Bureau* (NCRB) indicates that the phenomenon of prostitution is on a constant rising trajectory. For example, in 2010 there were only 3,422 cases of trafficking reported in India, compared to 6,877 in 2015 and 8,132 in 2016. Also in 2016, 15,379 people were identified as victims, including 9,034 who were under the age of 18. Additionally, 23,117 people were rescued from trafficking of which 14,183 were

minors. Most of them, 10,509, reported having been trafficked for forced labor, while 7,570 reported having been trafficked for sexual exploitation. However these figures seem very small when considering the millions of victims suffering sexual exploitation in India.

The sex slave trade in India thrives with impunity. Criminal networks are developed in collaboration with corrupt law enforcement officers. In exchange for protection, brothel owners and traffickers bribe police, sometimes with sexual services. As expected, the conviction rate is low. Out of the 11,720 arrests made for trafficking committed in 2015, only 2,139 individuals were convicted (*Asia Times*, January 8, 2017).

In March 2018, The Ministry for the Promotion of Women and Children reported that it would be increasing its efforts to combat the threat of trafficking for the purpose of sexual exploitation (*Press Information Bureau, Government of India*, March 9, 2018). These efforts were demonstrated in July of 2018, when the ministry introduced a draft law on human trafficking dedicated to the prevention, protection, and reintegration of victims, which was subsequently adopted by Parliament. Notably, the new law provided the establishment of a National Anti-Trafficking Bureau, committed to investigating trafficking cases while maintaining effective coordination between law enforcement agencies, NGOs and any stakeholders, as well as international cooperation with foreign authorities. The law also pledges the establishment of Rescue and Reintegration Committees responsible for victims' compensation, repatriation, and reintegration into society. Finally, the law requires the central government, or that of each state, to establish protective shelters in which to provide housing, food, counseling, and medical care for victims (*PRS Legislative Research*, March 9, 2018). Opponents of the law reacted with fury to the new anti-trafficking legislation, as the law also penalizes prostituted people who "voluntarily" engage in the sex trade, since the text makes no distinction between any prostituted persons (*The Guardian*, August 10, 2018). In addition, recent allegations of sexual abuse in government and NGO-run shelters in Delhi and other parts of the country have also generated concerns about the rescued women's safety and their designated locations for reintegration (*The Guardian*, August 10, 2018).

### **Indian prostitution, a plague that continues to spread**

In India, with prostitution and trafficking for sexual exploitation purposes constantly increasing, new trends are developing, including the development of online prostitution. Sex traffickers usually target the poorest communities, such as lower caste populations and those in rural and vulnerable areas. They attract young girls by offering to pay their family debts or offering a well-paid job in the city.

There is widespread discrimination throughout India, particularly against women, but also against castes. The caste system is still a distinctive feature of modern Indian society, but is more evident in urban areas. About 70% of India's victims of trafficking belong to a lower caste, ethnic minority group, and are among the most deprived socio-economic groups in the country. Social stigmatization and economic marginalization, reinforced by inadequate access to healthcare or social benefits, poor work conditions and low levels of education increase the vulnerability of these groups

and inhibit their abilities to escape exploitation. Women, in particular women from economically deprived and marginalized communities, are at the highest risk of sexual exploitation. In addition, India's society is one that is fundamentally patriarchal with egregious gender inequalities, fuelled by practices such as dowry. This society makes women more vulnerable to trafficking and abuse. As a result, traffickers gain a position of domination and entice women into prostitution so as to support themselves and their family (*Foreign Policy Blogs*, July 18, 2018). Some recruitment practices even exploit families who are desperately seeking to marry off their daughters. Young women become trapped into situations of debt bondage and, consequently, sexual exploitation occurs (*Walk Free Foundation*, 2016). Many social pressures force Indian women to remain within the domestic sphere, restricting their movements and a lack of education deprive them of access to justice and expose them to violations of their most fundamental rights.

In addition, so-called intergenerational prostitution is very present in some communities such as Nat, Beriya or Agrawali, according to the NGO *South Kolkata Hamari Muskan*, which works to protect victims and prevent trafficking for sexual exploitation in Southern Calcutta. As a result, young girls are groomed from the early age of 12, or sometimes younger, for their future "prostitution activity."

The recruitment process for prostitution has somewhat evolved in recent years. More and more young men between the ages of 20 and 24 are being hired by traffickers to attract and trap young girls. Traffickers obtain the telephone numbers of their next victim by bribing employees of mobile recharging stores, who easily give up information for just a few hundred rupees. The recruited young man then contacts the girl and befriends her, attracting her to urban centers with promise of employment, marriage or even a visit to a tourist attraction. Once in the city, the girl is trapped and sold in a brothel. These young intermediaries receive about INR 50,000 (USD 720) per deceived victim (*Newslick*, October 21, 2017).

Today in India, 90% of human trafficking takes place within the country, not across its borders. In many cases, traffickers lure children or young adults from rural villages to the urban centers of Calcutta, Mumbai, Delhi, Gandhinagar and Hyderabad. Far from the public eye, traffickers exploit victims in small hotels, abandoned vehicles, dilapidated cabins, or residential complexes. They have increasingly been using the Internet to connect sex buyers with women, in an attempt to avoid police (*Asia Times*, January 8, 2017).

However, not all victims of sexual exploitation are native to the country. According to the UN, traffickers bring around 15,000 people from Nepal to India each year, selling them for forced labor or prostitution. Nepalese women are commonly exploited to the State of Assam, or in the cities of Nagpur and Pune. Many victims of prostitution also come from Malaysia, Kazakhstan, Uzbekistan, or Bangladesh (*All That's Interesting*, May 15, 2018).

### **Minors, vulnerable people in all aspects**

Minors account for more than a quarter of all victims of trafficking in India, or more than 5 million, and this figure is constantly rising (*Foreign Policy Blogs*, July 18, 2018). In 2017, an *International Justice Mission* (IJM) investigation highlighted the extremely violent and cruel

methods that traffickers use to force Calcutta's underage girls into prostitution. West Bengal, with Calcutta as its capital, accounted for 44% of reported cases of human trafficking in 2016 and, according to government data, the largest number of missing children (*Independent*, December 6, 2017). The testimonies of these survivors of prostitution provide a sad insight into the types of violence they endure. For example, according to Saji Philip, an *IJM* member, conditioning periods are widely used by traffickers to break the resilience of children, (*International Justice Mission*, 2017). The majority of the surviving victims report having being beaten and raped daily during this period, burnt with cigarettes, kept in isolation and locked up for days without food, sometimes even forced to watch the murder of their peers.

In addition, the study found that half of these victims were sold by their families, who come from disadvantage socio-economic backgrounds, who see their daughters as burdens. Young underage girls find themselves trapped, indebted to "their hosts" who feed, clothe and shelter them before being forced into the sex trade (*Independent*, December 6, 2017).

According to *UNICEF*, there are an estimated 11 million children living on the streets in India (*L'Humanité*, December 1, 2015). In situation of extreme vulnerability and precariousness, they are exposed daily to numerous dangers and trapped in trafficking networks that exploit them for professional or sexual purposes. In extremely vulnerable and precarious circumstances, they are exposed daily to numerous dangers and trapped in trafficking networks that exploit them for labor or sexual purposes. For several years, the number of children who disappear into the Indian railway network has been increasing. The latest police statistics indicate that children's abduction within India is an increasingly widespread crime, with figures rising from 15,284 abducted children in 2011 to 41,893 in 2015 (*The Guardian*, July 30, 2017). In Calcutta, hundreds of minors live at the Sealdah railway station. Sometimes alone, sometimes in groups, they are left to their own devices and exposed to all kinds of crimes, beaten up by travelers and the police, raped, racked, victims of organ trafficking. Each year, a certain number of them disappear in the chaos of the immensity of the Indian railway stations and the dense crowd. Their fate is unknown and their trace almost impossible to find. At the Sealdah railway station, nearly 750 trains run each day, with nearly 2 million passengers in transit. Children are easily abducted and sold as sex slaves. The exact number of missing children is unknown. Between June 2016 and May 2017, 1,628 children were rescued in Calcutta. Of those rescued, 134 were girls and the youngest child was only 4 years old (*The Guardian*, July 30, 2017). Today, abductions are on the rise, threatening the fate of thousands of children who roam alone on trains every year. These children have often fled poverty or family abuse, or have been sent into the city by desperate parents who cannot support themselves. The government faces difficulties in effectively protecting these minors who survive in the extremely dangerous environment of railway stations.

For many years, the city of Hyderabad, capital of the state of Telangana in Southern India, has witnessed sales of young Indians girls to rich Arabs. This phenomenon has become a real transnational trade, involving Indians from many different cities and foreign tourists. The city of Hyderabad has had historical links with the Gulf States since the 19th century when Nizam, the sovereign of Hyderabad, recruited Arab people to become soldiers. Today, some of the soldiers'

descendants still live in the city, which welcomes many tourists from the Gulf. Thus, to satisfy these rich tourists, gangs of traffickers turn into marriage agencies, undoubtedly a very lucrative business. These agencies offer two types of services: long-standing marriages, in which the girl enters into marriage in India and thereafter follows her new husband to his country of origin, and short-term marriages, the most common, which only last for the duration of the stay, followed by the man repudiating the young girl. The implementation of this type of trafficking is truly inhuman. Traffickers invite the men to hotels where 20 to 30 young Muslim Indian women, who were recruited by agencies that promised them marriages to rich men who could support them and their families, are lined up. The men, who are often significantly older than the young girls, select a girl and send the others home with a tip of a few dollars in their pocket. The man and his selected girl then "marry" for the duration of his stay in India. The man also signs post-dated divorce documents that will be given to the girl after the departure of her "husband" (*Reuters*, October 10, 2017).

These marriages are performed by an Imam or *qadi* (Muslim judge performing notary functions) who takes care not to verify the girl's age or even falsifies it. Most young girls have no idea of the consequences and see in such a marriage the solution to escape their difficult lives. They are convinced that "they will see the Burj Khalifa (Dubai's landmark skyscraper) and live in villas, but they do not know that they will be abandoned within 15 or 20 days of the wedding," said V. Satyanarayana, the Deputy Police Commissioner in Hyderabad (*Reuters*, October 10, 2017). A young girl, rescued by the Child Protection Unit of Hyderabad District, testified: "I was 14 and our neighbor told us that a rich Arab was looking for a bride. We went to meet him, he was 62. They convinced me that my life would change if I married him. I was promised gold, money and a house for my parents. I believed him". This man, who contracted his second marriage in 5 days, paid INR 30,000 (USD 432) to her mother and INR 50,000 (USD 720) to the agency and the *qadi* (*Reuters*, October 10, 2017). According to Qadir Ali, a fourth generation *qadi* in Hyderabad, "rich men from the Gulf know people are poor and vulnerable in Hyderabad. Since they cannot touch a woman outside of marriage, they marry the girl and sign a blank paper for divorce at the time of marriage." In addition, according to the Indian police, in those rare cases of young brides following their husbands back to their country of origin, only domestic servitude and sexual slavery await them.

In September 2017, around 30 people of which traffickers, *qadis*, men from Qatar and Oman and hotel owners were arrested and charged for trafficking children for sexual exploitation purposes. Simultaneously, 14 young girls were rescued, all of whom were minors (*Reuters*, October 10, 2017). Yet government authorities underestimate the problem, while activists and local police forces report that there is a real sex tourism industry that is evolving very rapidly, under the guise of marriage contracts.

### **Health challenges in an extremely stigmatizing Indian society**

While there is extreme discrimination against women throughout India, discrimination against prostituted people is even worse. Prostituted people have very little access to the national health care system, facing stigmatizations from medical staff on a daily basis. According to the NGO *South Kolkata Hamari Muskan*, many people in prostitution hide their identities when they



consult health professionals. In an Indian society that is still very patriarchal, prostituted women are reluctant to speak about their health concerns and be examined by male doctors. Moreover, due to ingrained societal stigmas, female doctors also harmfully judge prostituted women, practicing with the same sexist values as their male counterparts. The majority of prostituted persons are forced to go to "charlatans" so that their visit is less embarrassing and less demoralizing. Unfortunately, charlatans are known to sexually abuse patients and, sometimes, their accompanying children. With such poor access to healthcare, prostituted persons find it very difficult to seek treatment and prevent sexually transmitted infections.

### **Prostitution at the heart of many debates: towards a progressive awareness for the Indian population**

According to the NGO *South Kolkata Hamari Muskan*, despite prostitution being on the rise in recent years, there has been a significant lack of action from the public and media authorities in India. At the same time, some leaders and abolitionist NGOs are taking the floor to denounce and fight against this rising epidemic, which claims more victims each day. Others, who advocate for the decriminalization of prostitution, are putting arguments forwards such as "my body, my rights" in attempt to justify prostitution as a feminist choice. The NGO *South Kolkata Hamari Muskan* (SKHM) explains that this argument often highlights sexual liberation but disregards the common profile of the poor rural young women who is sexually exploited against her will, although it refers to the overwhelming majority of cases. While this current trend of feminist thought has had many positive impacts for other global issues, it poses a threat to the global issue of prostitution as it largely influences attitudes in a society where women are trying to free themselves from the patriarchy. The NGO SKHM emphasizes the urgent need to expose the truth about the prostitution phenomenon to the public, especially to young adolescent girls. They aim to remind the public that women can be liberated in more than just through their sexual liberation -especially not through prostitution- and that they have the power to obtain economic autonomy through education.

Ruchira Gupta, founder and president of the NGO *Apne Aap Women Worldwide*, is an Indian activist known for her abolitionist struggle. Focusing on Calcutta, Delhi, and the Indo-Nepalese border, the organization works to end intergenerational prostitution and has supported more than 20,000 women across the country since its creation (*Vogue India*, October 29, 2017). The NGO *Apne Aap Women Worldwide* has provided thousands of victims with identity documents, voter cards, and Below Poverty Line cards<sup>1</sup>, all of which have enabled victims to obtain a political voice. Victims have also been integrated into government anti-poverty programs, low-cost housing, and health care, with the possibility of gradually gaining independence and escaping from prostitution. In addition, the NGO *Apne Aap Women Worldwide* has integrated women into political and judicial levels; teaching them how to testify in court and how to write letters to the government, the Ministry of Women and Child Development or to the UN. To date, through their common actions, they have succeeded in

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<sup>1</sup> A card system used by the Indian government to indicate the poverty index of the person and the need to obtain government assistance and support.

convicting 74 traffickers (*Vogue India*, October 29, 2017). R. Gupta also focuses on raising public awareness and the impact of words. Indeed, R. Gupta has been attempting to eradicate the use of the term “sex workers” by explaining that the term describes women who are victims of prostitution, which is so intrinsically linked to exploitation that, in no way, can it be defined as a type of “work”.

Finally, the NGO *Apne Aap Women Worldwide* and other similar organizations are working to raise public awareness by implementing educational campaigns that are mainly aimed at men. These campaigns mainly intend to reduce demand for prostitution, and more generally, to change attitudes about gender hierarchies.

In 2017, the *#MeToo movement*, which encouraged thousands of women to speak out about their own experiences of sexual assaults, gained a large platform on social networks. Yet it did not address the abuse that the world’s most vulnerable women endure in India and elsewhere. R. Gupta said the *#MeToo movement* was a campaign that “gives women a voice. (...) but where are the voices of the women in prostitution? They are the most abused and exploited, but since they are referred to as “sex workers”, it signifies that they do so willingly, therefore how could they say “me too?”” (*Reuters*, December 18, 2017). Women in the Bollywood film industry have denounced sexual crimes, but yet there has been no initiation of a discussion about the lives of other women in the country who are trafficked for sexual exploitation, victims of sex buyers and of the system.

In 2018, *Anyay Rahit Zindagi*, a charity organization dedicated to fighting human trafficking, launched a project featuring survivors (*Reuters*, September 5, 2018). Since survivors of trafficking for sexual exploitation are never given the opportunity to testify due to threats and stigmatizations, this project has allowed them to speak out. Through audio recordings broadcasted on the Internet, survivors were able to describe their experiences, talk about drunk and violent sex buyers, traffickers, police officers who negotiate with brothel owners for a night of free sex in exchange for their silence, and much more. By giving the public a real insight into what these women and girls had to endure, the project’s initiators hope to see a reduction in discrimination against prostituted persons, and to advocate for their legitimate status as victims.

The Indian population seems to be becoming increasingly more aware of the trafficking and sexual exploitation that is occurring within their country. For example, in July 2018, a train passenger witnessed the abduction of a group of 26 young teenage girls on board who were likely being brought to the city to be sold as sex slaves (*Global News*, July 8, 2018). He immediately posted a tweet alerting the railway authorities. Police intervened to rescue the girls, who were between the ages of 10 and 14, and arrested the two men who were suspected of being traffickers (*Global News*, July 8, 2018). The incident occurred less than a month after the Indian Council of Railways launched a public information campaign intended to raise awareness about the plight of vulnerable children on the country's rail network. This encouraged passengers to assist the rail police in their efforts to protect victims of trafficking.

### **Timid government initiatives despite a growing phenomenon of prostitution**

While India has more victims of sexual exploitation each year, the US Department of State classified the country in Tier 2 for an eighth consecutive year in its 2018 report on Trafficking in Persons (*US Department of State*, June 2018). The report highlights India's significant efforts and implementation of appropriate measures devoted to combating trafficking and sexual exploitation, regardless of the fact that the country still does not fully comply with the minimum required standards to eliminate these phenomena. The Indian government has great difficulty in identifying the most vulnerable groups at risk of sexual exploitation since poverty is not the only factor taken into account. Thus, the government is considering a preventive approach with young and rural populations in an effort to combat prostitution (*US Department of State*, June 2018).

However, it is clear that prevention is not enough. The government will have to move *a posteriori* to rescue and assist victims, crack down on traffickers and officials involved in trafficking. Indeed, corruption is still a major problem in India, where many police officers and judicial professionals hide cases and turn a blind eye to the violence committed in their presence (*US Department of State*, June 2018).

Meanwhile, the elite still benefits from human labor and sexual exploitation, and a large majority of human rights violations still go unpunished (*Foreign Policy Blogs*, July 18, 2018).

It is imperative that public authorities finally take control of the issue in its entirety, for example by devising a National Action Plan with a global strategy, as other Asian countries have done (*US Department of State*, June 2018).

In addition, the new July 2018 law on prevention, protection and reintegration of victims of human trafficking provides hope for victims, who currently receive no help or assistance in exiting prostitution, and for Indian society as a whole, which is gradually becoming more aware of the extent of the phenomenon (*US Department of State*, June 2018).

Significantly increasing each year, human trafficking is the third most lucrative criminal activity in the world, after drug and arms trade. India, which will soon become the most populated country in the world, accounts for a significant share of human trafficking in the world. If India wants to become a global leader and claim the moral distinction of a great democracy, the abolition of the modern slave trade occurring within its borders must become its main priority (*All That's Interesting*, May 15, 2018).

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# Ireland



**POPULATION**  
4,8 million



**GDP PER CAPITA**  
69,330.7 USD



**POLITICAL SYSTEM**  
Parliamentary Regime



**HUMAN DEVELOPMENT INDEX**  
8<sup>th</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
26<sup>th</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
19<sup>th</sup> rank among 180 countries

In 2017, Ireland criminalized the purchase of sexual services and ceased to criminalize prostituted persons. As the seventh country to adopt the abolitionist model following the establishment of a second National Action Plan against Human Trafficking in October 2016, Ireland aims to bring an end to demand of sexual services and to protect the victims of sexual exploitation. This plan was strengthened by the 2017 adoption of the Criminal Law (Sexual Offences) Act. Despite the progress of this legislation, the 2018 US Department of State report on Trafficking in Persons demoted Ireland in Tier 2 that it has not reached the level required to eliminate prostitution, although it had been classified in Tier 1 for the previous seven years (*US Department of State*, June 2018).

## The Irish Sex Trade

No official national statistics on prostitution have been published in recent years: the most recent report containing numerical data was released in 2009 (*ICI*, 2009). The *Immigrant Council of Ireland* (ICI) and the NGO *Ruhama* estimate that today, more than 1,200 women, men, children, and transgender people are allegedly sexually exploited in the country, among whom 200 are prostituted on public roads. While outdoor prostitution is mainly done by Irish women, the online sex industry is mostly made up of foreigners, however, no precise figure can be established for the latter given the regular displacements of victims, especially as a result of sex tours (an operating procedure of procuring networks that consists of organizing the tour –

travel and accomodation- of prostituted persons in different cities) (*The Irish Times*, September 4, 2017). The Irish sex trade is controlled by criminal organizations (gangs, traffickers, and procurers) rather than individuals operating alone (*HSE*, May 18, 2018). Sex buyers and procurers alike rely upon mobile technology for solicitation to ensure anonymity and avoid legal repercussions.

Even though advertising prostitution is illegal in Ireland thanks to the adoption of the Criminal Justice (Public Order) Act of 1994, online solicitation through escort websites is commonly used for prostitution in brothels, massage parlors, etc.

Internet sites are hosted abroad in countries where the provisions are more favorable towards advertising of a sexual nature, and are therefore not subject to Irish regulation (*The Irish Times*, September 28, 2017). This outsourcing contributes to the development of massage parlors and ‘pop-up brothels’, or temporary brothels set up in hotels or apartments (*The Journal*, March 12, 2017).

According to *ICI* and *Ruhama*, the revenue generated by the sex industry is allegedly around EUR 250,000 (USD 281,035). In reality, this number could be much higher.

Ireland is a country of origin, transit, and destination for human trafficking and sexual exploitation. In 2017, 63 victims of human trafficking for sexual exploitation purposes were identified, an increase from the 52 victims identified in 2016 (*US Department of State*, June 2018). However, this is only the number officially recognized by the State, not an estimate of the total number of victims in Ireland. Some of these victims were destined for sham marriages with citizens of countries outside of the European Union. The most common countries of origin for these victims are Romania, Nigeria, Moldova, Latvia, Brazil, and Pakistan. Roma people and undocumented migrant workers are considered groups highly vulnerable to human trafficking.

Despite this range of countries, half of the victims identified in Ireland are EU nationals (*US Department of State*, June 2018)

### **Current Legislation**

The Criminal Law (Human Trafficking) Act 2008 on human trafficking criminalizes sex trafficking and provides penalties of life imprisonment for crimes of this manner, whether committed against minors or adults. Although the penalties provided for in this law on trafficking and pornography of minors have increased, the definition of sexual exploitation in the law for both pornography and prostitution remains broad. According to the law, anyone who solicits a victim of sex trafficking is liable to a fine of up to EUR 5,000 (USD 5,621) and/or a prison sentence ranging from one to 5 years.

Prostitution, procuring, and brothel-keeping are punishable by fines ranging from EUR 1,000 to 10,000 (USD 1,124 to 11,241) and/or sentences ranging from one-ten years in prison since the Criminal Law (Sexual Offenses) Act 1993.

The new Criminal Law (Sexual Offenses) Act 2017, which came into effect on February 22<sup>nd</sup>, 2017, represents a major legislative advance in the fight against trafficking and sexual exploitation and the promotion of human dignity. Prostituted people can no longer be prosecuted

for solicitation. Thus, under the law, they are considered victims and sex buyers are the sole guilty party in infractions, punishable by a fine of EUR 500 (USD 562) or EUR 1,000 (USD 1,124) for repeat offenses.

According to the NGO *Ruhama*, enforcement of the law has encountered several problems. Even if prostituted persons are no longer criminals, they are sometimes prosecuted for “running an establishment of prostitution” because they share premises. In addition, sanctions and prosecutions for the purchase of sexual acts are not yet fully implemented and there is no specific data on the topic. Nevertheless, the law plans the publication of a report by the Ministry of Justice and Equality three years after its promulgation, on the number of arrests and convictions, which will be an evaluation of the effects of the law on the safety of prostituted persons.

### **Prosecution and Protection**

One year after the law’s enactment, no lawsuits for buying sexual services have been filed. *SPACE International*, an organization of survivors of prostitution that advocates for the Nordic model, estimated that there is no way of knowing how many sex buyers have been arrested, since the purchase of sex had not been classified as a separate offence from other sex crimes. The lack of specificity was subsequently rectified when *An Garda Síochána*, or *Gardaí* (Ireland’s national police force) announced that its data collection system had been enabled to track the specific offence of purchasing sexual services. According to the Central Statistics Office and the *Gardaí*, 56 instances of ‘prostitution offences’ were recorded in 2015, 34 in 2016, and 40 in 2017. As defined by the *Irish Crime Classification System (ICCS)*, ‘prostitution offences’ include brothel keeping, organization of prostitution, and prostitution, including soliciting.

*An Garda Síochána* opened 91 investigations into human trafficking in 2015 and 61 investigations into human trafficking for sexual exploitation purposes in 2016. Despite these efforts, no trafficking investigation has ended in a conviction in Ireland since 2013 (*US Department of State*, June 2016 and June 2017). However, in 2015, the Garda National Immigration Bureau carried out “Operation Vantage” against facilitators of sham marriages and illegal immigration, with the intent to reduce the trafficking of women in Ireland (*Halpin*, 2017). In 2016, the *Anti-Human Trafficking Unit (AHTU)* reported one significant sexual exploitation case related to human trafficking which resulted in three arrests and indictments. According to the *AHTU*, this was the first time charges were brought against individuals under Section 4 of the Criminal Law (Human Trafficking) Act 2008 for the sexual exploitation of an adult. However, the investigation and arrests did not lead to any convictions (*AHTU*, 2017). The Department of Justice and Equality published its Second National Action Plan to Prevent and Combat Human Trafficking in Ireland in October 2016 to review actions previously undertaken and to outline future plans to combat human trafficking. The Plan is comprised of 65 actions, including prevention strategies (training, raising awareness, and enhanced coordination between agencies) (*AHTU*, 2016). Throughout 2017, meetings were held to further identify structural administrative issues to make the necessary amendments. The Action Plan is open-ended, that is, has no end date or planned evaluation.

The *Gardaí* has also made changes in its response and support processes in order to better aid victims of domestic violence, sexual violence, child abuse, organized prostitution, and human trafficking. One of the main changes regarding the response and support processes includes the establishment of the *Garda National Protective Services Bureau* (GNPSB) in 2015, which is now rolling out regional offices across the country. These new branches are charged with dealing with specific crimes related to sexual exploitation, as opposed to the former system in which these crimes were generally investigated by local divisional police, which lead to poor outcomes and low conviction rates. These units specialize in investigating sex crimes and organized prostitution, and are trained on combating human trafficking (*The Irish Times*, June 3, 2017). The GNPSB has taken some steps to enhance its outreach to prostituted persons who are victims of crimes, such as establishing an emergency line for those wishing to report violence. While welcoming the establishment of these Protective Services Bureau, NGOs such as *Ruhama* note that significant resource investment and training will still be required to ensure a positive impact and increased convictions.

Ireland has been demoted in Tier 2 by the 2018 US Department of State report on Trafficking in Persons because the government's efforts against human trafficking were not deemed sufficiently sustained compared to previous years (*US Department of State*, June 2018). The 2018 report lists infrequent investigations and prosecutions, decreased law enforcement efforts, and inadequate victim identification. Authorities opened 65 new sexual exploitation investigations in 2017, compared to 61 in 2016. The process of identifying victims of human trafficking is flawed because only foreign nationals from outside the *European Economic Area* (EEA) who are not seeking asylum can be formally identified as suspected trafficking victims, potentially depriving EEA nationals and asylum-seekers of certain victim support services. The Second National Action Plan highlighted the need to utilize and improve the *National Referral Mechanism* (NRM) to identify trafficking victims and provide them with assistance in cooperation with local NGOs.

### **Victim Support and Organizations**

In 2016 and 2017, *Ruhama* reported helping 304 women, men, and transgender people, with 63 receiving street outreach support in 2016 and 62 in 2017. The NGO continues to be an active supporter of victims of prostitution and human trafficking. In 2017, 244 victims received individual support, 50 victims benefited from housing and social security, and 81 victims received reintegration assistance. The Department of Justice and Equality, in agreement with the Irish Department of Health Services, provides funding to *Ruhama* to support exit routes for prostituted people. *Ruhama* was also a partner in the 'A Penny For Your Thoughts' campaign, an international art project which aimed to raise awareness of the reality of human trafficking within prostitution. Different countries developed a narrative tailored to their culture using a 'provocative' silhouette and phone number displayed as an advertisement. The story of 'Andreea' was used in Dublin to draw attention to the prevalence of trafficking in the Irish sex trade. The result of the project, a video called "What Irish Sex Buyers Are Really Thinking,"



revealed some of the over 1,000 responses from persons looking to buy sex. Even after hearing a message from ‘Andreea’ describing being trafficked into Ireland, 68% of the callers who left voicemail messages still asked about the services she offered. Not only were the callers looking to buy sexual services, which has been illegal in Ireland since 2017, they were also knowingly soliciting sex from a victim of trafficking, which is an even more serious offence under the 2017 law.

The campaign ‘Turn Off the Red Light’ was the product of an alliance of more than 70 organizations campaigning for the ‘Nordic model’ of prostitution legislation in Ireland, and ended after the successful passage of the Criminal Law (Sexual Offences) Act 2017.

The REACH project (2014-15), a European Commission funded project that aimed to raise awareness of trafficking as a form of violence against women, was responsible for the ‘We Don’t Buy It’ campaign in 2015.

The Anti-Human Trafficking Unit uses the ‘Blue Blindfold’ campaign in order to raise awareness of human trafficking in Ireland, and to encourage the public to ‘open their eyes’ to the reality of the situation. The Blue Blindfold motif is used in videos and posters displayed in the Dublin Airport and throughout Ireland. When asked about plans for a public awareness campaign for the Criminal Law (Sexual Offences) Act 2017, Charles Flanagan, Minister for Justice and Equality, stated, “The question of a public awareness campaign is under consideration by my Department, in conjunction with *An Garda Síochána* and with other partners, including civil society.”

The Irish Government’s Reception and Integration Agency (RIA) provides trafficking victims with support (*US Department of State*, June 2018), but lacks adequate physical and mental health services required for complete care. As a result, government-funded NGOs provide the majority of assistance and support to individuals affected by prostitution or sex trafficking. Victims of prostitution and sex trafficking who were subjected to physical and psychological abuse face obstacles in accessing the mechanisms in place (immigration status, lack of knowledge, third party control, location, etc.) (*Ruhama*, 2018).

The *Group of Experts on Action Against Trafficking in Human Beings* (GRETA) cites sexual health clinics as an essential part to aiding persons in prostitution, including access to free condoms, blood tests, screening and general medical health, and emotional support as well as exit strategies. The HSE Women’s Health Service (WHS) has developed a specialized service for prostituted women, both on the street and indoors, which provides medical services (STI, HIV/AIDS, hepatitis, and smear tests). The WHS also includes an Anti Human Trafficking Unit which provides care for victims of sexual exploitation and provides training to NGOs.

It has been found that outdoor prostituted people are more likely to have addiction problems than those who are indoors (*Ruhama*, 2017). This finding triggered the development of specific programs for prostituted women with drug addictions such as the Chrysalis Community Drug Project in Dublin. It provides a specialized drug rehabilitation program for prostituted women. In 2017, the Limerick-based organization *Gender, Orientation, Sexual Health, HIV/AIDS* (GOSHH) published a study on the development of services for people involved in street-based

and indoor prostitution. The 2017 Annual Epidemiological Report on HIV in Ireland highlighted the low correlation between substance abuse and HIV/AIDS estimated at 4%, in opposition to the high correlation of HIV/AIDS infection through heterosexual sex, especially among women (33%) (HSE, 2017). GOSHH focused on raising awareness of their support and guidance services, including the distribution and availability of free condoms. The analysis also noted that the biggest concerns among prostituted persons interviewed regarded the lack of confidentiality and numerous deficiencies in services, due in part to a lack of feedback from those actually using the resources (GOSHH, 2017).

### **Sexual exploitation of children**

*ECPAT International* confirms the presence of minors in prostitution establishments, predominantly Irish and European children.

Due to the consequences of the 2007-2008 economic crisis, 11.1% of minors live in circumstances of perpetual poverty, resulting in a high risk of sexual exploitation. In addition, nearly 4,000 minors are homeless according to the August 2018 report from the Ministry of Housing.

Roma children are particularly vulnerable to this phenomenon. In 2016, 13% of Roma girls had a secondary school education level and 57% of boys had a primary school education level.

In March 2018, a pedophile network was dismantled in Munster where nearly 20 children were victims of prostitution. 11 people were arrested as part of this investigation (*ECPAT International*, 2018).

The Criminal Law (Sexual Offences) Act 2017 introduced new clauses to protect children from sexual exploitation. For example, grooming and the sending of child pornography by electronic means are punishable by a fine of EUR 5,000 (USD 5,621) and/or up to 14 years in prison. The law therefore completes legislative failures concerning the link between the sexual exploitation of minors and technological tools. The age of consent, 17 years old, was set in 1935 and confirmed by the 2017 law.

### **Recommendations**

According to *GRETA*, the Criminal Law (Sexual Offences) Act 2017 is limited in its support for victims of sexual exploitation and does not address the root causes of prostitution. In addition, it contains neither provisions for exit routes from prostitution nor offers plans for education and raising awareness. The law does not protect trafficking victims from prosecution for crimes committed as a result of being trafficked (such as a violation of immigration law). It instead advises the prosecutor to consider whether the prosecution of a suspected victim is in the public interest (*GRETA*, 2017). Local organizations call for better protection of victims of sexual exploitation and recommend extending the ban on cross-examination for all, not just those under 18, to prevent further traumas; updating policies for identifying trafficking victims so they can seek asylum in line with EU and international law (*Ruhama, Immigrant Council of Ireland, Doras Luimní, One in Four*). *Ruhama* recommends amending the Criminal Law (Sexual

Offences) Act 1993 to prevent victims of prostitution from being charged with brothel-keeping simply for being in a place with two or more individuals (*Ruhama*, 2018). Others criticize the low fines for purchasing sex, claiming that EUR 500 (USD 562) for the first offence and EUR 1,000 (USD 1,124) for subsequent offences are not enough to deter buyers. Rachel Moran, the co-founder of *SPACE International*, points out that the fines for dog fouling (failing to clean up after a dog in public) are up to 8 times greater than the fines for paying for sex (EUR 4,000/USD 4,497) (*Independent*, 7 April 2018).

Direct Provision, a governmental program used to accommodate survivors of trafficking and asylum-seekers, is highly criticized for its failure to provide gender-specific, safe housing for victims to prevent new trauma. The Irish government does not have shelters dedicated to helping trafficking victims. Additionally, asylum-seeking victims may remain in the Direct Provision system for years before receiving a final decision on their immigration status (*US Department of State*, June 2018). Direct Provision shelters are 'hotbeds' of criminal activity, including drug-dealing, drug-using, and the sexual exploitation of female residents by male residents (*Doras Luimní*, 2015). In addition, the victim compensation system must be improved, especially for victims of sex trafficking who do not have any financial resources. The United Nations Committee on the Elimination of Discrimination against Women (CEDAW) noted in their 2017 report the low prosecution and conviction rates in trafficking cases in Ireland, as well as the lack of formal procedures for NGOs participation in the identification of trafficking victims. The Convention urged the Irish government to implement anti-trafficking laws that ensure that traffickers are thoroughly investigated and appropriately prosecuted, coordinate with NGOs in the identification of victims, and continue to provide adequate funding. Organizations recommend vigilant implementation of the Criminal Law (Sexual Offences) Act 2017 to reduce demand for sexual services and protect victims of sexual exploitation.

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# Israel



**POPULATION**  
8,3 million



**GDP PER CAPITA**  
40,270.3 USD



**POLITICAL SYSTEM**  
Parliamentary Regime



**HUMAN DEVELOPMENT INDEX**  
19<sup>th</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
20<sup>th</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
32<sup>nd</sup> rank among 180 countries

Despite a series of government crackdowns in recent years, prostitution in Israel continues to thrive. Tel Aviv remains the hub for organized prostitution. In 2015, there were approximately 300 prostitution establishments in the city (*The Jerusalem Post*, September 20, 2015). In 2017, Tel Aviv was home to 62% of Israel's "discreet apartments" (apartments serving as a meeting place for sex buyers and prostituted persons) and 48% of its massage parlors (*Exodus Cry*, October 4, 2017).

## Israel's Current Prostitution Market

One of the most common guises that organized prostitution uses are "spas" (brothels disguised as massage parlors). Easily found via the internet or a simple phone call, these "spas" offer sex buyers the opportunity to "choose" from a large number of women of different nationalities. Sex buyers pay 200 shekels (ILS) (USD 56) for a massage, but can negotiate other "benefits" in exchange of an additional tip. The initial payment, in theory, is shared between the manager of the establishment and the prostituted person, with the tip being entirely for the latter. Sex buyers are asked to bring their own condoms, which women dispose of outside the establishment in case of a police inspection. A status quo with the police seems to prevail as long as there is no "misbehavior."

The majority of prostituted persons are migrant women from the former Soviet Union (*Haaretz*, June 7, 2017). Male prostitution is primarily homosexual.

Recent reports from NGOs have revealed that vulnerable LGBTI Palestinian youth are easy prey for sex traffickers, due to their precarious status and restrictions on access to employment (*US Department of State*, June 2018). A deafening silence surrounds the sexual exploitation of children. A hidden phenomenon, omerta, the prostitution of minors is certainly a devastating reality in Israel despite being vastly under-reported. It has already been mentioned in many different places such as strip clubs, spas, the street, at parties, and on the internet. According to a specialized inter-ministerial team, the average age of entry into prostitution in Israel is between 12 and 14 years old (*ECPAT International*, June 26, 2017).

In 2016, a study commissioned by the Ministry of Social Affairs estimated that there were between 11,420 and 12,730 prostituted persons in Israel, of whom 95% were women and 5% were men. About 11% of female victims were minors and 62% were mothers (*The Times of Israel*, May 2, 2016). This study does not necessarily include victims of trafficking, who are more difficult to identify.

In addition, *ELEM - Youth in Distress in Israel*, an Israeli NGO whose aim is to provide assistance to young people in distress, reported that out of the 423 young people in prostitution who received assistance in 2017, the majority were girls (100% in the Alma center), however the proportion of boys reached 30% in the city of Haifa. Among these young people, the majority are between 18 and 26 years old, except at the Alma center where 51% were between 14 and 18 years old. There is a majority of persons of Israeli or Arab origin in Haifa, with significant proportions of immigrants in certain city centers (Eilat: 30% Russian women, Alma: 25% Russian women and 27% Ethiopian women) (*ELEM*, 2018).

Despite the illegality and the repression, brothel activity thrives. About ILS 510 million (USD 142 million) would be generated each year in “discreet apartments”, representing 43% of the total annual revenue (ILS 1.2 billion/USD 334 million in 2016) generated by prostitution in Israel. Escort services collected ILS 220 million (more than USD 61 million) (*The Times of Israel*, May 2, 2016). The vast majority of the money generated by prostitution comes from clandestine and illegal means of practice.

### **Gentrification of Tel Aviv**

The gentrification, decided in the course of the 2010's, of certain neighborhoods of Tel Aviv has had the more or less voluntary consequence of driving away illegal prostitution (*Haaretz*, October 2, 2017). Urbanization projects have increased police presence in these neighborhoods, which were generally overrun by prostitution. A new police station, built near a park where prostitution once flourished but has since been rehabilitated as a children's playground, testifies to the neighborhood's transformation efforts (*Haaretz*, October 2, 2017). It appears that the objectives of eliminating prostitution and various forms of trafficking have been achieved through shutdowns of many prostitution venues and arrests. However, this is not a long-term solution for the city, as illegal activities have already moved to other popular neighborhoods.

## **A Proactive actor in the fight against trafficking**

According to the 2018 US Department of State report on Trafficking in Persons, Israel has been classified in Tier 1 since 2012 because the country is considered an effective actor in the fight against human trafficking (*US Department of State*, June 2018).

This classification is based on various criteria, such as the efforts made in trafficking investigations, convictions and prevention and protection measures for victims. Israel's commitment to combating human trafficking has enabled it to be classified in Tier 1, but this assessment must be qualified in practice. Indeed, if the efforts undertaken by the country are indisputable (significant legislative arsenal, active fight against traffickers, training of the personnel concerned, victim identification, complete assistance), they must be compared to more disputable aspects (inadequacy between the law and the applied penalties, low number of prosecutions compared to the number of investigations, the keeping of African migrants in vulnerable situations that benefit traffickers).

231 investigations for sex trafficking were initiated in 2017 (279 in 2016) and 10 traffickers were prosecuted (3 in 2016). However, only 3 people were convicted (16 in 2016) (*US Department of State*, June 2018). Sentences rarely exceed 7 years of imprisonment and most traffickers receive suspended prison sentences, fines, or community service (*US Department of State*, June 2017). The dichotomy between the low sentences given and the recommended sentences in the 2006 anti-trafficking law (16 years' imprisonment for the trafficking of adults and 20 years for the trafficking of minors) is striking and highlights the low involvement of some of the judicial personnel in the fight against human trafficking. However, specialized training is provided to law enforcement, diplomatic and judicial personnel.

Many efforts are being made to identify and assist victims of trafficking, but for African migrants, those efforts have been limited. Indeed, African migrants are often subjected to arbitrary detention due to violations of the immigration law, even those who are identified as victims. Some illegal migrants do, however, have access to specialized shelters and specific assistance when they have been identified as victims (*US Department of State*, June 2018).

## **Migration and Prostitution**

The country's immigration policy has become more severe since 2013. Due to Israel's hardline immigration policies and its reluctance to grant the refugee status, many migrants in precarious circumstances turn to prostitution. This assessment is all the more worrying as it is estimated that there are 40,000 refugees from Sub-Saharan Africa in the country, all of whom are affected by these repressive measures (*HRW*, 2018).

In 2013, the Prevention of Infiltration Law, originally created to keep Palestinian nationals with violent intentions out, was amended to allow detainment of African immigrants for one year without trial, followed by deportation (*Ynetnews*, 24 November 2013) The figures are evidence of this harsh attitude: 99.9% of asylum claims by African migrants, mainly from Eritrea and Sudan, were reportedly rejected (*HRW*, 2016). Thus, many women, especially Eritrean women, become trapped in prostitution.



According to data transmitted by the Knesset subcommittee Combating Trafficking in Women and Prostitution, around 360 Eritrean women were engaged in prostitution at the beginning of 2018, which is 160 more than the previous year (*Haaretz*, March 9, 2018). It is also important to note that gathering data on this population is extremely difficult, given their illegal status. With people from Eritrea accounting for 72% of illegal immigrants in the country, the number of trafficked persons is likely much higher (*US Department of State*, June 2018). The numbers are certainly much higher than the Ministry of Justice's estimation of 3,000 victims.

The closure of the Egypt-Israel border has led to a drastic drop in the number of migrants arriving in the country (from 17,000 in 2011 to none in 2017). As a result, many migrants have been stranded in precarious situations in the Sinai desert. A significant number of them are then abducted by sexual exploitation networks and brought to Israel. With the Knesset approving plans to close the Holot camp in December 2017, this problem will likely get worse, as the Holot camp was used to detain migrants pending deportation or transfer to third countries. With the closure of the camp, there is no doubt that its occupants will in turn become victims of sex trafficking networks (*US Department of State*, June 2018).

Over 6% of children in Israel are not Israeli nationals. Children of migrants and asylum seekers are very vulnerable to sexual exploitation networks, as are the children of Bedouins, Arabs, and Palestinians (*ECPAT International*, June 26, 2017). Indeed, these populations suffer from marginalization that contributes to situations of precariousness and vulnerability (*HRW*, January 2018).

## **Sex Tourism**

The development of tourism in Israel has been accompanied by the development of sex tourism, with, for example, soliciting activities seen in hotels and hostels. Sex tourism in Israel takes many forms. On one hand, tourists come to enjoy a "variety of sexual experiences", while on the other hand, traffickers bring women into the country on tourist visas in order to feed organized prostitution networks (*Haaretz*, June 7, 2017).

Many hotels rent rooms for prostitution to sex buyers via unofficial websites. In 2016, a couple was sentenced for human trafficking, procuring, and money laundering. For 6 years they used, among other things, hotel rooms in Jerusalem. Their victims entered the country on tourist visas and were taken from the airport to hotel rooms where they were forced into prostitution (*Haaretz*, September 18, 2017).

This method is widely used by traffickers because there are many countries for which a visa is not required in order to enter Israel. This is notably the case for former members of the Soviet Union, whose citizens' account for around 52% of the prostituted people in Israel (*Haaretz*, June 7, 2017).

In June 2018, the head of Border Control gave a presentation on this issue to the Knesset, before the Subcommittee on Combating Trafficking in Women and Prostitution. He said that since the beginning of the year, 72 women from Ukraine and Georgia had been caught and arrested trying to enter the country for prostitution purposes (*Haaretz*, June 7, 2017). Given the

scale of this phenomenon, the resources allocated to the police for this fight are clearly insufficient.

### **The Adoption of the Nordic Model**

Prostitution has been legal in Israel since 1949 with the Prostitution and Abomination Act. However, all forms of exploitation of prostitution, such as procuring or brothel management, are illegal (*Kehila News Israel*, August 25, 2015). Nevertheless, prostitution activities in brothels and spas are still carried out in a discreet and illegal manner.

On December 31<sup>st</sup>, 2018, the Knesset plenary passed a bill, introduced by Ayelet Shaked, the Minister of Justice, that criminalizes the use of prostitution. This bill will be accompanied by an aid and support program for prostituted persons to exit prostitution.

This bill, introduced as a five-year temporary order, will come into effect in 18 months to give law enforcement ample time to prepare for its implementation and expand rehabilitation services for prostituted persons (*Alliance*, January 1, 2019).

According to the new law, the criminal offense will mainly be considered an administrative offense, punishable by a fine of ILS 2,000 (USD 556). A repeat offense within 3 years is punishable by a fine of ILS 4,000 (USD 1,113). However, in relevant cases, the prosecution may indict for a criminal offense, which carries a maximum penalty of ILS 75,300 (USD 20,954). The Minister of Justice may advocate an alternative to the payment of the fine, such as attending a workshop to raise awareness and educate the public on the harm caused to people trapped in the prostitution cycle in order to prevent recidivism.

The government has continued to provide aid to trafficking victims through several initiatives. A compensation fund was set up in an effort to redistribute traffickers' seized funds to victims, and resulted in the allocation of ILS 887,000 (USD 246,825) to victims in 2017. The same year, the Ministry of Justice received 202 requests for legal aid from trafficking victims and issued 129 visas. The government also manages shelters for victims, including reintegration services (employment training, psychosocial support, medical treatment, language training and legal assistance) for a period of one year. These shelters welcomed 98 victims in 2017. A day center offers the same services, and 350 people visited these day centers in 2017 (*US Department of State*, June 2018).

### **Prostituted Persons' Health**

Drug addiction is a common problem among prostituted persons in Israel. It is usually once a person is in prostitution that they develop an addiction. People in prostitution are affected by many medical problems (gynecological problems, poor dental health, Post-Traumatic Stress Disorder, and other issues) (*The Conversation*, October 27, 2016).

Of the young prostituted people assisted by the NGO *Elem*, a very high proportion of them have developed issues with alcohol (89%) or drugs (81%). 97% also have high-risk sexual behaviors and 94% are victims of sexual violence. In addition, a significant percentage (18%) suffers from malnutrition, up to 40% in the Alma center (*ELEM*, 2016).

## The Internet and Prostitution

According to Reut Guy from the NGO *Elem*, social media and certain apps have made finding a prostituted person extremely easy and accessible for men in Israel (*Haaretz*, July 3, 2017). In addition, anonymous online message boards allow potential sex buyers to discuss how and where to find particular types of women and services. Today, Tinder is the most-used tool for finding prostituted persons in Israel. The app's predisposition towards "one-time encounter" culture makes it the perfect place to search for and sell sexual services. According to Idit Harel-Shemesh, director of the NGO *Mitos-The Day After Prostitution*, women involved in these Tinder relationships often consider that they have deceived these men into offering paid sex acts, for example, a new pair of jeans or concert tickets. They do not understand that they do not hold the power in these relationships (*Haaretz*, July 3, 2017).

Prostitution on the Internet operates without regulation. The Combating Trafficking in Women and Prostitution Subcommittee met in 2017 to discuss the issue. During this meeting, they determined that the lack of information regarding the use of apps for soliciting prostitution and perpetuating trafficking is a major issue (*Haaretz*, July 3, 2017).

In conclusion, Israel has undertaken extensive investigative work on the remaining spas and brothels in the country, especially in Tel-Aviv. However, law enforcement still remains dangerously understaffed. For example, only one police officer has the jurisdiction to approve the status of victim of trafficking, even though the country offers immunity in regard to immigration violations for victims of trafficking (*US Department of State*, June 2018). As a result, only 47 victims were identified in 2017. It is essential for Israel to work on broadening the abilities of its police force, especially to help address the situation of victims brought into prostitution on a tourist visa. In addition, increased punishment is essential for the penalties to become dissuasive.

Efforts to combat child marriage should also be strengthened. Raising awareness campaigns could be implemented in religious communities (through rabbis or sheiks), as about 4,000 children are married each year.

Furthermore, although sentences for sex buyers of child prostitution have increased from 3 to 5 years of imprisonment, their sentences should be equal to the penalties for sexual violence or rape of a child under the age of 16 (*ECPAT International*, June 26, 2017). The Combating Trafficking in Women and Prostitution Subcommittee should establish a task force specializing in prostitution and trafficking. Tinder and other social networks are widely used by traffickers who have learned to make the most of them.

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# Italy



**POPULATION**  
59,4 million



**GDP PER CAPITA**  
31,953 USD



**POLITICAL SYSTEM**  
Parliamentary Regime



**HUMAN DEVELOPMENT INDEX**  
26<sup>th</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
16<sup>th</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
54<sup>th</sup> rank among 180 countries

“Always more” is the best expression to summarize the recent evolution of prostitution in Italy. There have been more sex buyers, more prostituted people, more and more prostituted children, more locations, more forms, and more nationalities involved.

The number of sex buyers has increased significantly over the past ten years (from 3 million in 2014 to 9 million in 2017) (*New Notizie*, December 5, 2014; *TPI*, January 11, 2017). The number of prostituted persons has simultaneously increased, from around 90,000 in 2014 to 120,000 in 2017. More than half of them are of foreign origin, most of whom come from Nigeria (36%), Romania (22%), Albania (10.5%), Bulgaria (9%), and Moldova (7%) (*Linkiesta*, July 15, 2016). The number of Italians involved in prostitution is also reported to have increased (*Cestrim*, July 2017).

Street prostitution is the most common (65% of cases) (*TPI*, January 11, 2017). The phenomenon is spreading throughout the country. Even isolated cities, which previously didn't experience street prostitution, are seeing an increase in the number of prostituted people. This is the case in Potenza, a southern city of 68,000 inhabitants, located near both coasts and thus exposed to the migration of foreigners, particularly from Nigeria through Naples. Between 2014 and 2017, the number of prostituted persons on the street went from 20 to 40 (*Cestrim*, July 2017).

Even more worryingly, the number of prostituted children has increased from 10% to 37% between 2014 and 2017.

For procurers and other traffickers, the activity is very lucrative in this period of crisis, generating a minimum of 90 million euros (EUR) (USD 100 million) each month throughout Italy.

### **Legislation and Convictions**

The “Abolition of the Regulation of Prostitution and the Battle Against the Exploitation of the Prostitution of Others Act,” also known as the “Merlin Law,” has not changed at the national level since its adoption in 1958. Article 1 affirms the prohibition of brothels on the Peninsula, including within state administered territories. Article 3 specifies which behaviors are subject to punishment: ownership of a brothel; the excising of premises for prostitution purposes; recruiting people for prostitution; incitation into prostitution; incitation into travelling to another country for purposes of prostitution; association for the purpose of recruiting people for prostitution and the facilitation or exploitation of prostitution.

Throughout the past few years, several politicians and political groups have tried in vain to repeal the law. Nevertheless, this law is open to interpretation, allowing a discretionary application of certain provisions. A revision of the law would be necessary to clarify the situation or, at the very least, to allow its full application. Providing resources to encourage and support people who want to leave prostitution, while specifically sanctioning sex buyers and direct exploiters may be options for the State.

In 1998, Italy introduced Article 18 of the Consolidated Text on Immigration (Title II - Legislative Decree, coordinated text, 25/07/1998 n. 286, G.U. 18/08/1998) which introduced a special residence permit and a guarantee of social protection to non-EU citizens who were recognized as victims of violence and exploitation, including victims of trafficking.

The main element of this law is a new six-month residence permit issued by the Police Commissioner for protection reasons. This protection thus removes the main cause of vulnerability for foreign victims of trafficking, which is generally their status as illegal migrants. This therefore allows victims to escape the violence and control of criminal organizations and to benefit from a program of assistance and social integration.

This program provides protection to victims without having to collaborate with the judicial authorities. In practice, however, it is generally necessary for victims to cooperate with the judicial authorities to apprehend the criminals or criminal groups exploiting them.

Law 11/08/200 n.228, G.U. 23/08/2003 *Misure Contro la tratta di persone e la riduzione in schiavitù* (Measures against Trafficking in Persons and Reduction in Slavery) of August 11<sup>th</sup>, 2003, played a decisive role. It increased the penalties for human trafficking and slavery as well as increased the scope of their definitions. This law amended Articles 600, 601 and 602 of the Penal Code by broadening the traditional definition of slavery. The phenomenon of trafficking is therefore configured as a specific type of crime. In particular, Article 13 provides for a “special anti-trafficking fund” and a program to assist victims of these crimes for a minimum of 3months. The assistance programs provide, among other things, food, shelter, and health care for victims.

### **Proposed measures: Regulationist laws versus Nordic Model proposals**

At the national level, dozens of bills on prostitution have been introduced since 2013 but have never been subject to parliamentary review.

The dominant trend seems to be regulationist policy. One proposal is that of Senator Maria Spilabotte (*Partito Democratico*), through the draft law n.1201 of December 10<sup>th</sup>, 2013 *Regolamentazione del fenomeno della prostituzione (Regulation of the Phenomenon of Prostitution)*, signed by 70 parliamentarians. Spilabotte proposed the repeal of one of the most important aspects of the Merlin Law, which included the opening of brothels, but also the possibility of renting a house or apartment for prostitution purposes. Spilabotte also proposed the creation of a “cooperative of prostituted persons” in a limited number of self-managed brothels. The proposal would also require a prostituted person to hold a license, and carry the obligation of regular medical examinations and the use of condoms.

However, the adoption of a regulationist model is unlikely to succeed given Italy's international obligations. As noted by Esohe Aghatise, founder of the NGO *Iroko*, which helps Nigerian prostituted women, Italy's ratification of the Convention for the Suppression of the Traffic in Human Beings and of the Exploitation of the Prostitution of 1949, ratified in 1952, and the Additional Protocol to the United Nations Convention Against Transnational Organized Crime to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), commits the country to comply with its international obligations (*Violence Against Women*, October 1, 2004). The 1949 convention clearly states in its Article 1: “The Parties to the present Convention agree to punish any person who, to gratify the passions of another: 1) Procures, entices or diverts, for purposes of prostitution, another person, even with the consent of that person; 2) Exploits the prostitution of another person, even with the consent of that person.”

This treaty has not prevented local authorities from attempting to introduce local practices to regulate prostitution. This is the case of the zoning initiated in Mestre (Venice) in 2009. Andrea Santoro, mayor of Rome's 9<sup>th</sup> municipality, also wanted to establish prostitution zones in the city with a 2014 proposal called *#Michela*, in tribute to a young Romanian prostituted woman who survived the burns inflicted by her procurers in 2012. The Prefect of Rome rightly opposed it, noting its incompatibility with the Merlin Law. Establishing red light districts would be tantamount to facilitating the activity. Due to general outcry and resistance from the population, the measure was abandoned (*Il Giornale d'Italia*, July 9, 2015). In July 2015, the Milan Municipal Council tabled a similar motion and was met with the same result (*Milano Today*, July 16, 2015)

The issue of “sexual assistance” has also emerged in Italy. Max Ulivieri, director of the NGO *Love Giver*, collaborated with Senator Sergio Lo Giudice (also signatory of the Spilabotte project) to bring forth the *Disegno di Legge n. 1442 Disposizioni in materia di sessualità assistita per persone con disabilità, 2014 (Draft Law n.1442 Provisions on Assisted Sexuality for People with Disabilities, 2014)*, in order to create a specific status of sexual assistance for individuals with disabilities in Italy. In the absence of a parliamentary debate, Max Ulivieri decided to do an

act of “civil disobedience” by launching training courses for “assistance” from May 2017 (*Love Giver*, April 24, 2017).

In June 2016, MP Caterina Bini of the *Partito Democratico*, , submitted the project *Atto Camera n. 3890 –Modifica all'articolo 3 della legge 20 febbraio 1958, n. 75, concernente l'introduzione di sanzioni per chi si avvale delle prestazioni sessuali di soggetti che esercitano la prostituzione, 2016* (Parliamentary Bill n. 3890 - Amendment to Article 3 of the Law of 20 February 1958, n. 75, concerning the introduction of sanctions for those who pay for the sexual services of prostituted persons, 2016). In her own words, Bini described it as “A counter-current proposal” to import the reinforced abolitionist model of sex buyer criminalization (Nordic Model). About 30 signatories approved her proposal to add a paragraph to the Merlin Law. This new law would punish sex buyers with fines of EUR 2,500 to EUR 10,000 (USD 2,798 to USD 11,178), unless the crime is aggravated. In the event of a repeat offence, the sex buyer would be sentenced to one year in prison and fined again. According to the MP, this was in accordance with the vision of prostitution as violence against women, which was specified under and in accordance with the Honeyball Resolution adopted by the European Parliament in 2014 which encourages each Member State to adopt the Nordic model of sex buyer penalization (*European Parliament*, February 3, 2014). The reactions to this proposal were strong. The radio presenter of a popular program exclaimed, “*Puttaniери di tutta Italia, unitevi*” (Prostituted people from all of Italy, unite), and “*Dove non c'è prostituzione non c'è democrazia*” (Where there is no prostitution, there is no democracy). The MP also claims to have received an email threatening her with the loss of 9 million voters if she was to pass the law (*Il Sole 24 Ore*, July 15, 2016). However, many others welcomed the draft law, particularly human rights groups, who hailed it as a historic step towards gender equality for women and the upholding of women’s rights and dignity (*LEF*, February 26, 2014).

### **Arrests, criminal prosecutions and convictions**

In 2016, there were 215 convictions in Italy for prostitution-related offenses. This figure has fallen since 2011 (323 convictions) (*Corte di Cassazione*, 2016) despite the increase in human trafficking. Given the close links between organized crime, drugs, and prostitution, it is conceivable that the convictions for prostitution-related offences may have been classified in other categories. Major operations to dismantle criminal networks linked to procuring have been carried out. A joint operation with Romania, Albania, and Greece resulted in the arrest of 30 traffickers in February 2014 (*Rai News*, February 4, 2014). Operation Cults, a three-year operation conducted with the assistance of the Republic of Togo, resulted in the arrests of 44 Nigerian mafia members scattered throughout Italy in 2016. Charges included the exploitation of 250 Nigerian women and girls (*Vincenzi*, 2014). At the end of the same year, Operation Skin Trade resulted in the arrest of 15 Nigerian men for human trafficking and procuring (*La Repubblica*, October 24, 2016).

Institutions are sometimes involved in prostitution. Some civil servants become “apprentice procurers” such as in the case of Anna Teresi, a municipal officer who was also the manager of a



"beauty institute" that was frequented by some 40 Sicilian mothers and students (*La Repubblica*, January 17, 2014). Not to mention cases involving police officers who are sex buyers. The "Unar scandal," named after the Ufficio Nazionale Antidiscriminazioni Razziali (National Anti-Racial Discrimination Office) is emblematic of this. This body, developed by the Ministry for Equal Opportunities, is responsible for funding anti-discrimination associations. Its director, Francesco Spano, reportedly used public funds amounting to EUR 180,000 (USD 201,526) to finance three homosexual prostitution clubs of which he was a member (*The Daily Beast*, February 22, 2017).

Members of the clergy have also abused minors in exchange for money. For example, Andrea Contin, a priest from Padua, allegedly prostituted two of his faithful in need (*Il Mattino di Padova*, December 23, 2016). Despite being under investigation for procuring, Contin refused to resign (*Il Giornale*, August 28, 2017). Italian newspapers are overflowing with cases involving Italian priests convicted of paying for sex with minors or for possession of child pornography.

### **Prostitution of Minors: "Ruby effect" and the phenomenon of "baby squillo"**

*Squillo* in Italian means ringtone, however when associated with the word *ragazza* (girl), it is generally used to refer to a Call Girl, meaning a prostituted person with whom the appointment is arranged by phone. The word "baby" was recently widely used by the Italian media to refer to Italian teenage girls, usually aged between 14-16 years old, who are prostituted.

The Italian media coined this expression during the "Parioli case", named after an upper class district in Rome. In October 2013, five adults were investigated under suspicion of being involved in the prostitution of two Italian teenage girls in a local apartment. The long list of names of sex buyers, revealed during the investigation, caused a scandal. Included in this list was the husband of a well-known Italian MP, some MPs' sons, three officials from the *Food and Agriculture Organization of the United Nations* (FAO) and a senior executive from Ernst&Young (*Vincenzi*, 2014). The scandal ended with 8 adults sentenced to prison and ten convictions overall. The Italian judge refused any possibility of appeal or release of bail to reduce sentences. She even sentenced one of the sex buyers to two years' imprisonment and an obligation to buy as many as thirty feminist documents (books and DVDs) for the teenagers as damages. "The decision suggests that the judge has favored a solution that will help the young girls understand that the real damage they have suffered is damaging to their dignity as women," wrote one newspaper (*Corriere della Sera*, September 22, 2016).

The spokesperson of the NGO *Osez Le Feminisme* protested up: "It's up to men to learn about the status of women. It's a bit like saying to the victims, 'You, young prostituted girl, read Hannah Arendt to educate yourself a little'" (*Marianne*, September 27, 2016).

Peer pressure from other young girls is one of the main factors pushing teenage girls into prostitution (48% of cases). Adults are also a contributing factor, as seen in the 33% of cases where the parents play the role of the procurers (*CEPIC*, 2005). One mother allegedly prostituted her 12-year-old daughter for sums ranging from EUR 5 to 10 (USD 5.6 to 11.2) (*Huffington Post*, January 31, 2017). Another woman, who had previously reacted indifferently to the rape of

her then 12-year-old daughter, began prostituting her when she turned 16 (*Huffington Post*, October 22, 2015). According to the testimony of a *baby squillo* procurer, the case of Ruby, a young prostituted woman in the Silvio Berlusconi case, glamorized and advertised child prostitution among teenage girls.

Yet, the legislation is not lenient towards the prostitution of minors. The penal legislation aimed at the prevention and repression of all forms of sexual abuse of minors is constituted by Act n.66 of February 15<sup>th</sup>, 1996 *Norme contro la violenza sessuale* (Standard against Sexual Violence) and Law n.269 of August 3<sup>rd</sup>, 1998 *Norme contro lo sfruttamento della prostituzione, della pornografia, del turismo sessuale in danno dei minori quail nuove forme di schiavitù* (Standard against the exploitation of prostitution, pornography, sex tourism to the detriment of minors, which are new forms of slavery), which includes all forms of sexual exploitation of minors. It prohibits the production, publication, and possession of child pornography, punishes sex tourism and sanctions from 6 to 12 years' imprisonment anyone who encourages children to engage in prostitution. Law 228/2003 supplements it by imposing 8 to 20 years' imprisonment to any person who reduces a child to an object or enters them into sexual slavery, as well as any person who buys a prostituted child by any means of payment (*CEPIC*, 2005).

While it is important to recognize the pertinence of the contributions of the Law 66/96, it is also important to underline that, in the Italian Judicial system, only Law n.269/98 sets the specific objective of protecting children against all forms of sexual exploitation and violence, in order to safeguard their physical, psychological, and moral development.

### **Prostitution and migration**

At least 55% of prostituted persons in Italy are foreigners, mainly from Nigeria, Romania and Albania. Italy has also seen an increase in the number of persons from China, Eastern Europe, and specifically transgender people from Latin America. Most of these people are prostituted on the street. Their rates (EUR 20-25/USD 22-28 per trick) are much lower than those of Italian prostituted persons or those being prostituted indoors. However, it is not uncommon to encounter Nigerian prostituted women offering even lower rates.

Following an influx in migration to Italy in the 1980s, the number of Nigerian women and girls that are victims of sex trafficking has continued to increase in the country. In 2013, there were 400 Nigerian women, then 1,500 in 2014 and 5,000 in 2015. In the first five months of 2016, there were 2,000 Nigerian women being prostituted in Italy already, a 300% increase over the same period of the previous year. These victims are also getting younger, 20% of them are minors with an average age of 15, although the number of 13-year-old girls is increasing (*Ziniti*, 2017). Women are deceived by false promises of employment, though some are already aware they will be prostituted. Their families, neighbors, friends, or relatives urge them to leave "for a better life." Traffickers are called "trolleys" (or (shopping) carts) because the victims are considered goods being imported into Italy. These traffickers do not need to exercise physical violence because they silence their victims through *Juju* rituals (*Violence Against Women*, October 1, 2004). The journey of these women takes them through Niger and Libya. On their

way to Sicily, they are exploited in "connection houses", where they are repeatedly raped (slaughtered) in order to break them down psychologically. Once in Italy, they are exploited by so-called "Madams" who become their "owners" and procurers. Madams are Nigerian women who have themselves been prostituted, exploited by other Madams. The promise of "buying a girl" that they will be able to exploit and enrich themselves once they have paid their debts is part of the motivation to ensure that the women will not run away. These girls are prostituted between 8 and 10 hours a day for 3 to 7 years in order to repay their debt (between EUR 30,000 and 40,000/USD 33,590 and USD 44,780) that they contracted to come to Europe. A large number of Nigerian women are stationed in the northern regions of Italy, in transit towards France, Spain, the United Kingdom and Finland. The *US Federal Bureau of Investigation* (FBI) claims that the Nigerian Mafia is the only non-European criminal organization to have stabilized on the continent. Up to 80% of Nigerian women and girls in the peninsula are reported to be exploited (*Ziniti*, 2017).

For Romanian traffickers, and the few Italians involved, the *modus operandi* is simpler and faster as they solely have to drive on European roads, with scheduled buses to Italy to exploit women and children. Recruitment is carried out either by friends or by loverboys (men who seduce very young, vulnerable girls in order to force them into prostitution), or by false advertisements.

Albanian criminal networks are particularly violent. They use physical force and increased surveillance, and do not hesitate to re-sell prostituted women and girls among themselves. They recruit their victims through false promises of marriage and exploit values such as family honor and loyalty. Albanian procurers remain in contact with the families of their victims, an additional means of pressure to control them (*Violence Against Women*, October 1, 2004). Albanian minors constitute the second largest group of unaccompanied minors in Italy, making up 12.5% of the total, a percentage that has been increasing since 2015. The possibility for Albanian citizens to enter the Schengen Area without a visa since 2010 could partly explain this increase (*Save the Children Italia Onlus*, July 2016).

The majority of prostituted persons killed in Italy are foreign nationals (*Sex Industry Kills*, 2018). Andrea Cristina Zamfir was murdered by serial killer Riccardo Viti, who was also accused of assaulting at least five other prostituted women (*Il Tirreno*, May 9, 2014). In December 2016, Victory Uwangue, a 20-year-old Nigerian woman, was burned alive in the Apulia region. A report produced in Bari revealed areas populated by children, mostly of Bosnian origin and sometimes as young as 8 years old, who are being sexually exploited without any serious intervention by social services (*Mediaset*, April 2, 2017).

### **Measures: towards a more complete "Italian model"**

In February 2016, the Ministry for Equal Opportunities launched the *Piano nazionale d'azione contro la tratta e il grave sfruttamento*, (National Action Plan against Trafficking and Exploitation), which aims to harmonize the treatment of trafficking victims. The program involves deploying the four "P's": prevention, prosecution, protection, and partnership. It aims to

coordinate actions within the territory, improve cooperation between different national and international administrations, train personnel to better identify and assist persons at risk and raise awareness about trafficking in both areas of destination and origin.

In short, this plan formalizes what lawyer E. Aghatise calls the "Italian model", a model of strong cooperation between police, government agencies and NGOs, and has been used in major anti-sex trafficking operations. In addition, E. Aghatise suggests improving the penal component through the seizure of traffickers' assets to reimburse victim assistance costs. The withdrawal of residence permits from convicted traffickers could be an obstacle to any recidivism upon their release from prison. This approach has already been applied in Abruzzo in 2012. Assets that were confiscated from procurers were used to directly compensate the 17 Nigerian women who had reported them (EUR 50,000/USD 55,975 in immediate compensation to each woman) (*L'Espresso*, June 18, 2012).

There are also interesting initiatives at the associative level in Italy. The NGO *Iroko* has begun to set up a farm called *Casale Del Rio* in Piedmont. The organization is seeking funding for a multi-purpose center to provide shelter and employment to female victims of trafficking, while also enhancing the local community. Once completed, the center will provide local and international catering services, conference rooms, training centers, agricultural and organic sales to raise public awareness support and empower victims of trafficking and prostitution.

In Verona, *QUID* is a socially and environmentally conscious ready-to-wear brand that uses recycled fabrics and employs people with difficult backgrounds, including women who are victims of trafficking or abuse. *QUID* is present throughout Italy and works in partnership with major names within the Italian textile industry, like *Calzedonia* and *Diesel*.

In conclusion, while the Italian judicial system has irregularities, with vast and effective national operations, but an extremely slow judicial process for procurers, in recent years, a national press review on the current state of prostitution in the country has given a glimpse into the extent of this very significant phenomenon in the peninsula.

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# Japan



**POPULATION**  
127,5 million



**GDP PER CAPITA**  
38,428.1 USD



**POLITICAL SYSTEM**  
Constitutional  
Monarchy –  
Parliamentary  
Democracy



**HUMAN DEVELOPMENT  
INDEX**  
17<sup>th</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
21<sup>st</sup> rank among 147  
countries



**CORRUPTION  
PERCEPTIONS INDEX**  
20<sup>th</sup> rank among 180  
countries

Japan is a country of origin, transit, and destination for human trafficking for sexual exploitation purposes. The victims originate mainly from South and West Asia (China, Vietnam, the Philippines, and Indonesia), but also from Eastern Europe, the Russian Federation and South America (Colombia). Some trafficking victims pass through Japan before being exploited to other destinations, particularly East Asia and North America (*US Department of State*, June 2018).

## Legislation and low conviction

The *Baishun Bōshi Hō* (Law on the Prevention of Prostitution) of 1956 aims to prevent prostitution, punish sex traffickers, and protect and rehabilitate women involved in prostitution.

Prostitution is “damaging to human dignity, goes against sexual morality and corrupts public decency and morals” (Article 1). Prostitution is defined as “having sexual relations with one or more unspecified persons in exchange for compensation or the promise of compensation” (Article 2). This definition is strictly limited to vaginal intercourse, and any other sexual act is excluded from the scope of the law. As a result, places of business for the sex trade were created so as not to break the law (nudist massage parlors, pink salons where only oral sex is practiced, etc.).

Even though Article 3 states that “No one may engage in prostitution or be a sex buyer”, no coercive sentence is provided for in the law.

Article 5 condemns the incitement of others to purchase sexual acts in public (solicitation), with a maximum of 3 years in prison or a fine of up to 10,000 Japanese Yen (JPY) (USD 91).

Article 6 penalizes intermediaries and negotiators in prostitution with a maximum of two years’ imprisonment or a fine of up to JPY 50,000 (USD 455).

In addition, Articles 7 to 13 condemn the coercion of persons into prostitution, the act of taking advantage of the sexual services of a person, the incitement into prostitution with a payment in advance, the establishment of a contract with the intention of bringing a person into prostitution, the provision of premises for the purposes of sexual practices, the control of a person to force them into offering sexual services and the provision of funds financing acts of prostitution.

Article 15 provides that prostituted women are to be considered victims under the protection of the state. They are therefore not liable to any criminal sanctions, and on the contrary can be referred to protection centers (Article 36).

Similarly, Article 17 highlights that “women and young girls at risk of entering prostitution” should be placed at a counseling office set up for this purpose for their protection.

A specific law for child prostitution (Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children) was passed in 1999. It prohibits all acts of prostitution and pornography involving children (complicity, solicitation, and procuring, as well as the production, possession, and import or export of child pornography). Criminal sanctions can range up to 7 years and/or a fine up to JPY 10,000,000 (USD 91,100) (Article 5).

Article 8 of this law prohibits and punishes trafficking children for prostitution or pornography purposes, from one to ten years in prison. Under the same provision, any Japanese national found transporting a child who has been abducted, kidnapped, sold, or bought in a foreign country will be liable to a prison sentence of at least two years.

Authorities indicated that they had sentenced three individuals under the provisions relating to child prostitution, but this number only takes into account cases of child prostitution officially recognized by the government as trafficking; the actual number of convictions under these provisions was likely much higher (*US Department of State*, June 2018).

The Japanese government did not release the number of investigations into crimes linked to trafficking opened in 2017 (44 investigations in 2016), but the courts prosecuted 26 traffickers (43 in 2016), leading to 23 convictions (37 in 2016). Thus, 6 were fined, 12 were sentenced to 2 to 4 years suspended sentences, and 5 were incarcerated. The government conducted 956 child prostitution investigations (809 in 2016) (*US Department of State*, June 2018). Despite the identification of these 956 cases, the police officially identified only 6 children as victims of sex trafficking during the reporting period (10 in 2016); authorities continued to separate these statistics on the basis of persistent differences in definitions that may have had a negative impact on law application. The police continued to treat some minors, potential victims of sex



trafficking, as delinquents, warning them about their behavior instead of examining them to determine their victim status, investigating their cases, or referring them to specialized services (*US Department of State*, June 2018).

Japanese legislation has gaps when it comes to child pornography. According to *ECPAT International*, many written or audiovisual media (manga, anime, etc.) produced in Japan that show explicit images of sexualized children are not regulated (*ECPAT International*, 2017 and 2018). Maud de Boer-Buquicchio, UN Special Rapporteur on the sale of children, child prostitution and child pornography, notes that on and offline child sexual exploitation remains a major concern in Japan (*Japan Times*, March 9, 2016) and evokes a certain social and institutional tolerance of sexual delinquency around minors (*Libération*, November 14, 2015). For example, photos of children, from the age of 6, posing in swimsuits or underwear are sold in Tokyo neighborhoods linked to the entertainment industry (Akihabara, etc.) (*Mail Online*, February 28, 2017). This material is considered legal because the children are not completely naked (*ECPAT International*, *ECPAT/STOP Japan*, 2018).

Lastly, in July 2017, Japan passed a law approving the United Nations Convention against Transnational Organized Crime and became a State Party to the 2000 United Nations Protocol on Trafficking in Persons (*US Department of State*, June 2018).

### **The infantilized sex culture in Japan**

The social acceptance and tolerance of child pornography and pedophilia seems to be a very peculiar phenomenon that can be explained by the fact that the Japanese society is very conservative regarding sexuality, and the attraction of men to *Lolicon* (women or girls with a prepubescent appearance). Many Japanese men do not look for a relationship with a woman. *Otaku* are single men who take refuge in fiction and the virtual world. Having grown up in the world of manga and video games, they perceive the “ideal woman” as being like a woman from an anime, which are most often created and imagined by men. They are not interested in “real” women who could lie to them, cheat on them, etc. In addition, in anime, girls are hypersexualized in their appearance and dress. The ideal woman is constructed from manga, where women look like teenagers, which partially influences male fantasies (*Boer-Buquicchio (de)*, March 3, 2016).

In June 2014, a law was passed by the Japanese parliament to punish all persons in possession of photos or videos of child pornography with a fine of JPY 1 million (USD 9,110) and a year of imprisonment. The law was not put in place immediately. In fact, the Japanese governments imposed a one-year moratorium to give Japanese companies and individuals extra time to dispose of images and videos with illegal content.

### **Younger and younger victims**

Young Japanese girls –particularly young runaway girls– are victims of human trafficking for sexual exploitation purposes. A company was created around the phenomenon of *Joshi Kosei* (*JK Business*), a widespread practice in Japan where young high school girls, employed by

dating agencies, offer to walk or talk with men in exchange of remuneration (*JK osanpo*). However, the walks often end in a “Love Hotel” (rooms rented hourly) for massages (*JK rifu*).

*Enjo Kosai*, also known as “compensated dating,” and other variants of *JK Business* continue to facilitate the sex trafficking of Japanese minors. Highly organized prostitution networks target vulnerable Japanese women and girls –who often live in poverty or are cognitively disabled– in public places like the metro, popular meeting places for young people, schools, and the internet, and subject them to sex trafficking. Some groups pretending to be modeling or acting agencies use fraudulent recruiting techniques to force Japanese men, women, and girls to sign vague contracts, then threaten them with legal action or the publication of compromising photographs unless they participate in pornographic films. Japanese private immigration brokers help Japanese-Filipino children and their Filipino mothers move to Japan and gain citizenship for a large fee. Upon arrival, some of these women and children are sex trafficked to pay their debts (*US Department of State*, June 2018).

Authorities have strengthened law enforcement measures against the sexual exploitation of children in *JK Business* and in forced pornography schemes. Police arrested and charged the director of an entertainment industry placement agency and the operator of a pornographic video production company that incited women and girls to engage in sex for profit –the first application of this criminal law in over 80 years. However, the Public Prosecutor’s Office did not prosecute the suspects. Police also arrested the owner of a major online DVD distributor for forcing women, including a minor, into participating in pornography. The owner was convicted and sentenced to a suspended sentence, which prosecutors successfully challenged: he was then sentenced to two and a half years in prison and a JPY 300,000 fine (USD 2,733) (*US Department of State*, June 2018).

In order to combat the commercial sexual exploitation of children, the Tokyo Metropolitan Assembly passed an ordinance in July 2017 prohibiting girls under 18 from working in paid dating services and requiring that *JK Business* agencies record their employees on the city’s Public Safety Commission’s list.

Authorities identified 114 of *JK Business agencies* across the country in 2017, and 14 of them were shut down for violating the provisions of the ordinance. The courts then filed suit against the owner of one of these establishments for having sexually trafficked three minors under the Labor Standards Act.

In certain neighborhoods of Tokyo (Akihabara, Kabukicho), organized prostitution networks target vulnerable women and girls, and some massage parlors provide sexual services for JPY 4,000-12,000 (USD 36-110) (*Tokyo Business Today*, January 15, 2016).

The Ministry of Health, Labor, and Welfare has implemented Women’s Consulting Offices, with reception centers for victims of sex trafficking. The protection of victims of foreign origin is handled with the help of their national embassy. The Japanese government raises awareness of this issue while NGOs like *Grow as People* support people trying to exit prostitution.

M. de Boer-Buquicchio has drawn up a list of recommendations for the government in order to better combat child sex trafficking, child prostitution and child pornography, including a more

repressive legislation, stronger victim support programs, and further raising awareness on these issues (*Boer-Buquicchio (de)*, October 26, 2015).

Japanese men remain major consumers of sex tourism involving children, mainly in Asian countries (*ECPAT International, ECPAT/STOP Japan*, 2018). On this subject, M. de Boer-Buquicchio noted in his last report that Japan has made significant progress in the fight against child sex tourism by Japanese men (*Boer-Buquicchio (de)*, October 26, 2015). A dedicated committee promoted the adoption of the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code)* (*Boer-Buquicchio (de)*, March 3, 2016).

### **Preventive actions to fight against prostitution in Japan.**

Authorities have continued to make the multilingual emergency hotline available to reach local police and immigration offices through NGOs and in consultation with the governments of countries of origin.

The government has raised public awareness of human trafficking through the dissemination of information online and through radio programs, posters and leaflets, as well as by distributing leaflets to NGOs, immigration and labor offices, and to diplomatic missions in Japan and abroad.

The government has continued to distribute posters and brochures in transport hubs and to travelers with the intent to warn Japanese citizens that they can be prosecuted if they are suspected of being involved with child sex tourism abroad. The government has extraterritorial jurisdiction to prosecute Japanese nationals who engage in the sexual exploitation of children abroad, but the authorities have not declared that they intend to exercise their authority.

NGOs have welcomed the establishment of a high-level inter institutional group by the government. This group is led by the Minister of Gender Equality, and is tasked to address violence against children perpetrated through forced participation in pornographic films and *JK Business* (*US Department of State*, June 2018).

### **The fight against Boryokudan criminal organizations**

The night life and the sex industry in Japan are inevitably tied to criminal organizations called *Boryokudan* (the term used by Japanese authorities for the *Yakuza*, large criminal groups organized in mafias). *Boryokudan* means “violent group.” Originating in Japan, they operate on a global scale and are considered one of the most sophisticated and prosperous criminal organizations in the world. *Boryokudan* manage a large variety of activities that generate illegal revenue, from fraudulent speculation to the extortion of people, commonly resulting in sexual exploitation (*Washington University Global Studies Law Review*, 2014).

Traffickers use fraudulent marriages between foreign women and Japanese men to facilitate the entry of women into Japan for sexual exploitation purposes in bars, clubs, brothels, and massage parlors. Traffickers keep victims in prostitution through debt bondage, threats of violence or deportation, blackmail, passport retention and other psychologically coercive methods. Most victims have to pay their “employer” a fee (food, medical care, etc.). Brothel

managers sometimes impose arbitrary “fines” on victims for misconduct in order to prolong their debt (*US Department of State*, June 2018).

A Colombian victim published a book about her experience as a victim of sex trafficking in Japan. As she was a single mother, a male broker proposed to help her to find a job as a dancer in Japan (*Infobae*, September 4, 2014). She entered the country with a fake Dutch passport that was subsequently taken away by a criminal organization. She was prostituted in a brothel until she repaid her JPY 4 million (USD 36,440) debt. She managed to escape and sought refuge at the Colombian Embassy in Tokyo (*Letras Libres*, April 30, 2010). The NGO *Polaris Project* estimated that there were 54,000 women and children victims of sex trafficking in Japan in 2012 (*World Justice Project*, October 22, 2012).

Aware that these criminal groups play a major role in human trafficking, the Japanese government has introduced specific legislation aiming to control the activities of organizations such as the *Boryokudan*. The anti-*Boryokudan* law (Law concerning prevention of unjust acts by organized crime groups – Act n.77) was enacted in May 1991. It defines *Boryokudan* as “Any organization that is likely to help its members to collectively and habitually commit violent illegal acts” (*National Police Agency of Japan*, 2015). The law aims to minimize the harm their activities inflict on the population by prescribing regulations that restrict the areas to which they can be active. Violent illegal acts involve threats and violence (extortion, coercion) (Article 9). Articles 11 and 12 allow the police to issue cease-and-desist orders to criminal group members who have been reported for extortion.

In 2006, legislators amended the *Anti-Boryokudan Law* (Act. n.115) with the introduction of articles addressing the rituals and hierarchical relationships of the organizations. Articles 16 to 26 put in place new restrictions concerning:

- The recruitment of minors and the coercive methods of recruitment (Article 16)
- Traditional rites such as the tattooing on minors (Article 24-17)

The revision also included a clause making the Public Safety Commission responsible for assisting those wishing to leave a criminal organization (Article 28).

In 1999, the *Act on Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters* was enacted, instituting measures for the confiscation of crime related assets as well as for the reporting of suspicious financial operations by financial institutions. As the law aims to strengthen sanctions against crimes committed by organized groups, the law introduced provisions extending monetary laundering offenses to crimes related to the smuggling of migrants, participation in the illegal employment of foreigners, assistance with illegal entry into the country, the reception and harboring of groups of trafficked migrants, as well as the confiscation of criminal evidence (*Government of Japan*, August 10, 1999).

A revision made to the anti-*Boryokudan* law in 2012 (Act n.53) authorized police to arrest those involved with criminal activities (extortion, etc.) without prior warning. This enforcement response provides a higher level of security for citizens wishing to inform police on the criminal activities of these groups (*Washington University Global Studies Law Review*, 2014).

In terms of the containment of illegal activities, the *Anti-Boryokudan Law* goes hand in hand with the *Law on Control and Improvement of Amusement Business* enacted in 1948 and revised in 1998. This law aims to control entertainment establishments, in particular establishments providing sex entertainment services, by restricting their operating hours and confining them to restricted areas. Article 28 prohibits managers of entertainment establishments to impose debts that are disproportionately high in relation to the person's ability to pay when leaving their job. An amendment to the Law in 1998 introduced provisions specifically targeting the practices used by employers of trafficked women.

While measures such as the *Anti-Boryokudan Law* are put in place to curtail their activities and connection to other related illegal activities, the results do not seem to be sufficiently effective. The law requires that a member of a criminal organization has committed a crime to be tried and convicted (*Washington University Global Studies Law Review*, 2014).

In addition, *Boryokudan* groups have reorganized themselves so they can operate with greater discretion and improve their relations with the population. Close to 2,000 gangs were disbanded between 1991 and 2000. According to a report by the *National Police Agency* (NPA) of Japan, the total number of members of criminal organizations dropped from 86,000 in 2005 to 43,500 in 2014. Many analysts believe that the NPA's numbers are not representative of the actual total number of members (*Washington University Global Studies Law Review*, 2014). The three most important *Boryokudan* organizations remain the *Yamaguchi-gumi*, the *Sumiyoshi-kai*, and the *Inagawa-kai*. In 2015, they made up 70% of all members of criminal organizations, giving them considerable power over the law (*National Police Agency of Japan*, 2015).

### **Male Prostitution, an invisible business in Japan**

Even if it is less visible, male prostitution should not be neglected. The documentary "Boys for sale" explores this hidden prostitution of young boys (*Huffington Post*, July 22, 2017). The principle is the same as in the *JK Business*. Boys keep older men company, which can lead to sexual relations. Some are in host clubs, where they are paid to entertain customers and possibly have sexual relations with them, similarly to male *geishas*. Other are paid to entertain rich women; they are taken to dates, diners and movies or to Love Hotels.

A majority of them are doing it as a regular job, to pay rent or University fees. They are very vulnerable and exposed to sexually transmitted diseases (STDs) and HIV/AIDS because of the high number of unprotected sexual relations they have with sex buyers. Since prostitution is defined only in terms of vaginal intercourse, homosexual prostitution benefits from a legal loophole in the Japanese legislation.

### **Prostitution and Health**

There are no official statistics on the number of prostituted persons infected with HIV/AIDS. Only 39.8% of prostituted persons use condoms (*UNAIDS*, 2017). Because of a certain taboo related to sexuality in the peninsula, little is known about the risks and modes of transmission of HIV/AIDS. This phenomenon is all the more worrying as sex buyers demand unprotected sex

against the will of the prostituted person (*Huffington Post*, July 22, 2017). Nevertheless, the number of reports of people infected with HIV/AIDS has been increasing since 1985, which implies greater awareness of the phenomenon, even though the number of infected persons is constantly increasing (*UNAIDS*, April 2016).

The majority of people in prostitution can receive assistance from NGOs that have a reception center with publicly funded medical care (*US Department of State*, June 2018). However, prostituted persons of foreign origin seldom seek help for fear of deportation (*World Justice Project*, October 22, 2012).

The government has allocated more than JPY 3.5 million (USD 31,885) to house male victims of trafficking, although it is not certain if the sole male victim identified in 2017 has received direct government assistance (*US Department of State*, June 2018).

### **What future for Japan?**

NGOs have pointed out that the lack of language translation services poses a particular challenge for the protection of foreign victims. The availability and quality of these victim services varies according to the relative experience of administrative officers in trafficking cases. The government continues to offer training on investigation and victim identification methods for police officers, prosecutors, judges, and immigration officials (*US Department of State*, June 2018).

As a general rule, the penalties prescribed by the law provide for fines instead of imprisonment for sex trafficking, which is not proportional to the penalties for other serious crimes such as rape. Trafficking crimes should be punishable by at least 4 years in prison.

The Japanese government's commitment to combating the exploitation of prostituted persons and assisting victims is relatively low, particularly for foreign nationals who have limited access to government services. Furthermore, there is a shortage of interpreters within these services (*US Department of State*, June 2018).

According to the 2018 US Department of State report on Trafficking in Persons, it is necessary to increase the resources allocated for victims of trafficking (housing, care, assistance) including those for foreign and male victims.

In addition, the criminal groups behind prostitution are not directly affected by the law, only their methods, means of action, and incomes (illegal gambling, prostitution, drug trafficking, and hacking) (*OCCRP*, July 12, 2017). This can be explained by the difficulty of identifying and targeting a specific group before it has committed a criminal act. Some measures can be devised, such as discriminatory laws against *Boryokudan* members (illegality of distinctive tattoos for example), but that would run counter to the rule of law. However, it is necessary to apply the prescribed penalties in the law, which would have a dissuasive effect on some prostitution and trafficking networks (*US Department of State*, June 2018).

The Japanese legislation on human trafficking is fragmented and obsolete. It consists of a set of laws with articles condemning various aspects of trafficking (*US Department of State*, June 2018). The law as it stands currently lacks comprehension and readability, and therefore it is

necessary to establish a single law regarding human trafficking. This would also make it possible to fill in the gaps of the current legislation, by widening the scope of prostitution to include all interactions that can be considered of a sexual nature, or by taking into accounts evolutions in society, such as *JK Business* and online prostitution.

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# Latvia



**POPULATION**  
1,9 million



**GDP PER CAPITA**  
15,594.3 USD



**POLITICAL SYSTEM**  
Parliamentary Regime



**HUMAN DEVELOPMENT INDEX**  
44<sup>th</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
41<sup>st</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
40<sup>th</sup> rank among 180 countries

Latvia is a country of origin for human trafficking, and, to a lesser degree, transit and destination (*ENM*, March 2014). Yet, despite the extent of the phenomenon, few victims have been identified: 84 between 2014 and 2017, 81 of whom were Latvian; their main destinations being Ireland, the United Kingdom, Sweden, Cyprus, Germany, Greece, the United States and Brazil (*GRETA*, March 9, 2018). Since 2002, Latvia has been ranked in Tier 2 in the 2018 US Department of State report on Trafficking in Persons.

## Numerous Forms of Sexual Exploitation

The NGO *Resource Centre for Women MARTA* has reported that prostitution on the street and indoor (in massage parlors, hotels, brothels, via the internet, etc.) is omnipresent. Latvia is estimated to have between 15,000 and 20,000 prostituted people (*Fondation Scelles*, 2012). Sex tourism and child sex trafficking are also reported to be on the rise (*US Department of State*, June 2018).

In 2016, more than 28% of the Latvian population was at risk of poverty or social exclusion (*Eurostat*, “*People at risk of poverty of social exclusion*”, May 2018). These economic and social difficulties accentuate the vulnerability of those already most at-risk, particularly women and children, to prostitution and sexual exploitation (*ECPAT International*, 2017). Within these groups, non-Latvian speaking groups are more exposed to discrimination and exploitation risks. The high unemployment rate (between 6 and 17.5% since 2002) mainly affects women (*United*

*Nations Human Rights Committee*, April 11, 2014). As the main victims of economic or social difficulties, they fuel the prostitution system. In 1995, 79% of Latvian women were engaged in prostitution activities in order to support themselves. This finding is confirmed by multiple recent studies (*Bite et al.*, 2014).

### **Exploitative Marriages of Convenience**

“Marriages of convenience,” marriages between EU and non-EU nationals for the purpose of obtaining a residence permit, are on the rise (*GRETA*, March 23, 2017). This phenomenon is nowadays considered as a form of human trafficking that is very prevalent in European countries (*US Department of State*, June 2018). Trafficker’s main targets are young girls from disadvantaged backgrounds, who have low levels of education or mental disabilities (*Bite et al.*, 2014). As a result, women from ethnolinguistic minority groups are targeted, particularly among the Roma community. Members of the Roma community are victims of discrimination and social exclusion in employment, access to housing, health care and education, and often live in precarious situations (*United Nations Human Rights Committee*, April 11, 2014). In 2014, the Police Anti-Trafficking Unit identified recruiters of Latvian women for marriages of convenience in Ireland, the United Kingdom and Cyprus, also involving criminals operating from Sweden (*GRETA*, March 23, 2017).

### **Child Victims**

According to the NGO *Resource Centre for Women MARTA*, 40% of prostituted people in Latvia are underage. The United Nations Committee on the Rights of the Child has reported cases of young girls involved in prostitution activities with truck drivers on motorways. Cases of child prostitution have also been reported in Riga (*ECPAT International*, 2017). Juvenile prostitution is a developing phenomenon, although the problem is often denied due to lack of data.

The situations are diverse: street children, children from disadvantaged backgrounds who are sold by families without means to support their education... The *Resource Center for Women MARTA* reports cases of prostitution of minors in state orphanages. These cases are particularly difficult handle. Indeed, to deal with as these minors are officially under state protection, the law on Victims of Trafficking and Sexual Exploitation cannot be applied to them (*US Department of State*, June 2018).

There are also concerns about the development of child marriages. A minor may legally be married from the age of 16, with the consent of a parent or legal guardian (Article 33 of the Civil Code). These premature marriages can evolve into forms of sexual exploitation. Husbands have prostituted their wives, thus becoming their procurers. Sometimes, procurers marry their victims to make it easier to bypass the law. These cases are all the more difficult to deal with because, similarly to adults, they involve legislation on domestic violence and sexual slavery, with the addition of the legislation concerning minors (*Resource Center for Women MARTA*, 2016). The spread of online sexual exploitation and sex tourism involving children has led to the creation of

a task force focused on a strategic plan “Prevention of sexual offenses against minors for the period 2017-2020” (*ECPAT International*, 2017).

### **Victim Recruitment Methods**

The most common method of recruitment is that of loverboys, or boyfriend procurer. The loverboy gradually acts to better convince the victim that he or she has decided freely to engage in prostitution (*Bite et al.*, 2014). “A man cares for a woman,” explains Zane Zvingzdina, a lawyer at *Resource Center for Women MARTA*. “He supports her financially. One day, he announces that he needs money, and accustoms the woman to the idea of prostituting herself by saying it could improve their financial situation. It’s a very manipulative method” (*Baltic New Network*, February 13, 2018).

The loverboy, accompanied by his victim, regularly spends time with prostituted people to accustom her to the environment. Gradually, this environment becomes familiar, even “normal.” By mixing almost exclusively with prostituted people, the victim gradually becomes aware of the possibility of making it her main occupation. A process of indebtedness (gifts and invitations) completes the process of manipulation, as the victim is increasingly indebted to the generosity of her “friends”. The use of drugs at parties, accompanied by a debt to drug dealers, accelerates the phenomenon. Thus, even if the victim is not forced into prostitution, she cannot exercise free will, as this activity appears to be the only option to earn money (*Bite et al.*, 2014).

### **Legal but strictly regulated Prostitution**

Latvia has chosen to regulate the system of prostitution. On January 22<sup>nd</sup>, 2008, the Cabinet of Ministers introduced Regulations Regarding Restriction of Prostitution, new rules to regulate the practice of prostitution. These laws require that the prostituted person must carry out this activity only in their home, and are subject to certain conditions: the practice of prostitution is prohibited if the home is within 100 meters of a church or school, if a minor is present in the apartment, or if one of the inhabitants of the residence objects to it (Article 4). The law also prohibits the formation of groups for the purpose of prostitution (Article 6). The keeping of a brothel as well as several prostituted persons living together are thus prohibited. The practice of prostitution in establishments for entertainment or leisure is prohibited (Article 7). Advertising of prostitution activities is prohibited on the internet, in the press and via other mass media, with the exception of erotic media (Article 11). It is also prohibited to promote the prostitution of another person (Article 12). Measures are moreover aimed at preventing the spread of HIV/AIDS and sexually transmitted infections (STIs). Each person involved in prostitution receives a healthcare card prescribed by a specialized doctor (dermatologist or venereologist) (Article 2). This card must be updated monthly by a doctor (Article 8) and presented at the request of the sex buyer (Article 13). Prostituted people with STIs or who are HIV/AIDS positive should not participate in paid sexual activities. However, these health requirements are reportedly poorly enforced because prostituted persons have difficulty accessing the healthcare system (*Resource Centre for*

*Women MARTA*, 2016). According to UNAIDS, the HIV/AIDS prevalence rate is reported to be 22% among prostituted persons, while the rate of condom use is 85.5% (*UNAIDS*, 2017).

Since 2014, Article 164 paragraph 2 of the Penal Code has aimed to protect the prostituted person and penalize sex buyers who behave “dishonestly,” abusing trust “in bad faith, or by deceit, or by taking advantage of the dependence of the person on the offender or his or her state of helplessness.” The penalty carries a maximum of 5 years’ imprisonment or a fine of up to 120 times the monthly minimum wage<sup>1</sup>. The same article also criminalizes “buying sexual services from a prostituted person knowing that they are a victim of trafficking,” and the buying the sexual services of a prostituted child, with penalties up to 5 years’ imprisonment, community service or a fine.

However, these strict rules are rarely or ineffectively applied and do not prevent the development of the phenomenon, nor its extreme normalization. The authorities’ tolerance has made prostitution a societal norm like any other (*Bite et al.*, 2014). A sign of this normalization, the *Centrālā Statistikas Pārvalde* (Central Statistical Bureau of Latvia) provides a budget line dedicated to prostitution in the household services expenditure, alongside the cost of hairdressers or object repair.

### **A New Law on Prostitution for 2019**

For several years, the government has been considering the possibility of changing the prostitution regime and transforming the current regulation adopted by the Council of Ministers into national law. NGOs have denounced the unconstitutionality of this modification (*Resource Centre for Women MARTA*, 2015). Thus, at the end of 2015, a working group under the authority of the Ministry of the Interior, bringing together various relevant bodies (Ministries of Health, of Justice, of the Interior, the police, the office of the Ombudsman, and NGOs such as *Resource Centre for Women MARTA*), has been established (*Resource Centre for Women MARTA*, 2016).

As a result of these exchanges, a law on the restriction of prostitution (*Prostitūcijas ierobežošanas likums*, VSS-946) came into force on January 1<sup>st</sup>, 2019. The aim is “to limit and reduce prostitution, to reduce the risk of human trafficking, to protect the health of individuals and of the public, to prevent children and young people from being involved in prostitution, to reduce the risk of violence against those involved in prostitution, to encourage the abandonment of prostitution...” (*LV Latvijas Vēstnesis*, October 19, 2017).

The law largely reiterates the requirements of the 2008 legislation. It also provides some new measures: raising the minimum age of prostitution from 18 to 25 years old, prohibiting the purchase of sexual acts by those under 25 years of age, prohibiting the purchase of sexual acts from a victim of human trafficking, prohibiting prostitution outside authorized premises. The law also establishes exit and social reintegration programs for prostituted persons who wish to give up their activity. Finally, the State has a duty to provide information on these issues. It is now written in the law that courses on gender equality, the forms of exploitation of human beings and

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<sup>1</sup> The minimum salary was USD 483.47 on January 1<sup>st</sup>, 2018 (*EURES*, 2018).

the consequences of prostitution will be added to school curricula. The ministries involved are committed to continuously informing the general public on these issues.

### **Human Trafficking: The Legislative Framework**

Human trafficking is defined by article 154(2) of the Penal Code as: “the recruitment, transportation, transfer, concealment, harboring or reception of persons for the purpose of exploitation, by means of violence or threats or by means of fraud, or by taking advantage of the person’s dependence on the trafficker or his or her situation of vulnerability or distress, or by the giving or obtaining material benefits or benefits to obtain the consent of another person on whom the victim depends”. Human trafficking is penalized with sentences of up to 8 years in prison, between 3 and 12 years’ imprisonment if it is committed by an organized group, or if the victim is a minor between 5 and 12 years’ imprisonment in the event of aggravating circumstances (*GRETA*, March 23, 2017).

The prosecutable forms of exploitation are specified in Article 154-2: “For the purposes of this article, ‘exploitation’ means to exploit another through prostitution or other forms of sexual abuse, coercion to perform, to provide services or to commit an offense, slavery or practices similar to slavery (debt slavery, serfdom or the compulsory transfer of a person into dependence upon another person), the holding of a person in servitude and the unlawful removal of a person’s tissues or organs.” The exploitation of a person for the purpose of prostitution is punishable by a maximum of 3 years in prison, or a fine not exceeding 60 times the minimum monthly wage. If the victim is a minor over 16 years of age, the prison sentence is a maximum of 6 years. If the victim is under 16 years old, the prison sentence is between 5 to 12 years’ imprisonment.

In addition, it is illegal to earn a living from the exploitation of a prostituted person, with penalties of 4 to 12 years in prison depending on the age of the victim and the level of organization involved in their exploitation (Article 165).

Article 154-2 was amended in 2014 “to include the coercion of a person to commit offenses as a form of exploitation and the abuse of a position of vulnerability as a means, as well as the definition of the term ‘vulnerability’” (*GRETA*, March 23, 2017).

Article 165-1 punishes human trafficking for sexual exploitation purposes, even with the victim’s consent, with penalties of 4 to 15 years in prison, depending on the age of the victim and the organization of the trafficking. According to the 2018 US Department of State report on Trafficking in Persons, Latvian authorities also implemented this article in order to prevent potential cases of human trafficking by indicting recruiters (*US Department of State*, June 2018).

The 2013 reform of criminal sanctions made it possible to impose alternative penalties (community service or fines) under Article 165-1. Since this reform, traffickers are more often sentenced to alternative sanctions rather than prison time under Article 154-1. The reform has reduced or even eliminated certain minimum penalties (*GRETA*, March 23, 2017). Following a case in 2015 regarding the sexual abuse of a minor whose perpetrator was only punished with community service and probation, the NGO *Resource Centre for Women MARTA* carried out significant advocacy work with Parliamentarians to amend the Penal Code on this matter. In December 2015,

the laws were amended to include more severe penalties and increase minimum sentences for crimes of sexual violence against minors (*Resource Centre for Women MARTA*, 2015).

## **The Fight against Human Trafficking and Sexual Exploitation**

### ***Rewarded Efforts***

Whatever the difficulties encountered, Latvia's fight against human trafficking is recognized and welcomed by international bodies. Thus, in 2017, *GRETA* emphasized the efforts made by Latvia since their first visit in 2014 to implement the measures provided for by the Warsaw Convention (*GRETA*, March 23, 2017). Similarly, since 2016, the US Department of State has honored a Latvian personality every year with the title of "Heroes of the Fight against Trafficking in Human Beings." Lasma Stabina, the national Anti-Trafficking Coordinator in Latvia, was awarded in 2016 for two international programs: "Preventing human trafficking and sham marriages: A multidisciplinary solution" and "Strengthening the role of municipalities in the work against trafficking in human in the Baltic Sea Region" (*US Department of State*, June 2016). Juris Jansons, Ombudsman of Latvia, was honored in 2017 for his prevention work and his research, "The Role of local governments' social services, orphan's and custody courts and branch offices of the State employment agency of Latvia in the process of identification of victims of trafficking in human beings" (*US Department of State*, June 2017). Finally, Andris Bidzans, Chief Inspector of the Latvian State Police, received the title of "Hero" in 2018, for his transnational investigations and his participation in international cooperation during joint investigations (*US Department of State*, June 2018).

### ***Ongoing Plan of Action***

In 2014, the government approved a national plan of action, "Guidelines for the Prevention of Trafficking in Human Beings 2014-2020," which provides for 39 measures organized around four lines of action: prevention, protection of victims, investigations and prosecutions, cooperation between authorities at the national and international levels (the four P: Prevention, Protection, Prosecution, Partnership). A working group under the authority of the Ministry of the Interior oversees the implementation of the action plan. Among the first measures in place was the creation of a National Anti-Trafficking Coordination within the Ministry of the Interior, with functions equivalent to those of a National Rapporteur. A preliminary mid-term evaluation of the implementation of the action plan (June 2017) was launched by the government in 2017. Evaluations were sent to 119 municipal social services, 119 family courts and 28 regional offices of the National Employment Agency to assess the level of awareness of trafficking, training opportunities, institutional cooperation, etc. The Ombudsman also asked NGOs to draft a note about possible problems with the implementation of the action plan, the functioning of social reintegration services, and so on (*GRETA*, March 23, 2017).

### ***The Fight Against Sexual Exploitation Online***

Actions specifically against sexual exploitation on the internet have been put in place. Indeed, most prostitution advertisements can be found on job sites, dating sites and online marriage proposals (*Bite et al.*, 2014). In order to combat recruitment for prostitution and sexual

exploitation, the police have set up a specialized anti-trafficking unit. Despite the NGO *Safe Net* providing ways to block child pornography, the unit's 20 police officers designated to the task are not enough to combat the phenomenon (*GRETA*, March 23, 2017).

### ***Effective Police Cooperation but Insufficient Prosecution***

As part of the international fight against human trafficking, there have been several agreements concluded amongst 28 countries. There has been police cooperation with INTERPOL and EUROPOL offices. In 2017, the *National Anti-Trafficking Coordination unit* opened investigations into 7 cases involving four suspects (compared to 4 cases for 3 suspects in 2016). 3 traffickers were prosecuted in 2017 (compared to 11 in 2016). There were 4 convictions (3 suspended sentences of imprisonment and 1 fine). Under article 165-1, the authorities investigated 8 new cases, prosecuted 5 suspects and convicted 6 in 2017 (compared to 10 cases, 4 prosecutions and 10 convictions in 2016). In 2017, none of the convictions resulted in a prison sentence (*US Department of State*, June 2018). Since 2014, 40 people have been sentenced to suspended prison sentences; only 12 prison sentences were handed down, 4 of which were for less than 1 year (*GRETA*, March 9, 2018). International experts call on Latvia to intensify its efforts in prosecuting traffickers and to impose penalties commensurate with the severity of the crimes committed. *GRETA* stresses the importance of imposing effective, proportionate and dissuasive sanctions. It also stresses the need to enshrine in the law the fact that the victim's consent cannot justify the absence of convictions, which would make possible, for example, to try cases even when the victim does not dare to file a complaint against their traffickers (*GRETA*, March 23, 2017). Some experts are also concerned about cases of human trafficking in the legal sector of prostitution in Latvia, with police simply imposing fines for non-compliance with prostitution regulations rather than seeking to identify potential victims.

### ***The Identification and Protection of Victims: A System to be Improved***

In 2017, 20 victims of human trafficking were identified by the police and the multidisciplinary commission of experts (which is comprised of several NGOs), including 8 victims of sexual exploitation and 7 victims of forced marriages (compared to 11 in 2016, including 14 victims of trafficking for the purpose of sexual exploitation and 1 for forced marriage) (*GRETA*, March 9, 2018). Civil society plays an important role in victim identification. Emergency hotlines allow everyone to report potential situations of trafficking and sexual exploitation. The State has mandated the NGOs *Resource Center for Women MARTA* and *Shelter "Safe House"* (respectively in 2015 and 2017) to take charge of the victims' assistance actions, with a budget allocated by the Ministry of Social Affairs. *GRETA* notes, however, that the budgets granted cover only assistance for a few persons, and the mandated NGOs have to cover the additional costs. Similarly, there are no specialized centers for victims of trafficking. Mandated NGOs must establish agreements with other NGOs to benefit from reception centers or rent apartments (*GRETA*, March 23, 2017). A victim assistance program has been implemented by the State and NGOs for the period of 2017-2018. It includes medical and

psychological assistance, legal representation, housing assistance and reintegration (*US Department of State*, June 2018).

### ***The Case of Migrants***

Border police officers have indicated that Latvia is most likely a transit country for human trafficking, although no foreign victims have been identified as of this moment. Yet, migrants are particularly vulnerable due to their very precarious situations. These migrants are not identified as victims of trafficking, but are rather considered irregular migrants and are held in detention until deportation. In cases involving the absence of identity documents, detention can last from ten days to a year. The application of deportation procedures and the lack of training of officials and sworn interpreters all prohibit the identification of victims among migrants. Thus, 463 migrants were detained in 2015 (139 in 2014, 171 in 2013) but none were identified to be victims of human trafficking, although European legislation regulating the right and recognition of victims of trafficking is effective (*ENM*, March 2014). Moreover, in cases of identification, the issuance of a residence permit is conditional on the victim's participation in investigations or criminal proceeding (*GRETA*, March 23, 2017). In 2017, the Code of Administrative Offenses and article 58 of the Criminal Code were amended to ensure that victims of human trafficking who commit criminal acts under duress are not prosecuted. However, during *GRETA*'s evaluation visit, members of civil society revealed the case of a 14-year-old Lithuanian girl who was a victim of human trafficking and who had been punished for theft, as the trafficking was committed in Lithuania and the theft in Latvia.

### **Training and Raising Awareness for Professionals and the Public**

Since 2012, training has been provided for the national police, border police, the Office of Citizenship and Migration Affairs, judicial institutions, schools, the Ministry of Social Affairs and Labor Inspection. 690 border police officials participated in the training, and 681 specialists attended the program by the Ministry of Social Affairs (*GRETA*, March 23, 2017).

Conferences are regularly organized to raise public awareness and to provide information on the phenomenon of human trafficking and sexual exploitation. An informative forum on the social consequences of sex trafficking was organized in 2014 by the Ministry of the Interior with the support of the Nordic Council of Ministers. The forum included the participation of representatives from eight northern European countries and the Russian Federation (*GRETA*, March 23, 2017). In 2015, *Shelter "Safe House"*, *Resource Centre for Women MARTA* as well as the Ministry of the Interior participated in conferences on human trafficking. However, the 2018 US Department of State report on Trafficking in Persons recommended that Latvia strengthen its training programs for civil servants, judges and magistrates in particular, to help them understand the different aspects of trafficking and to better enforce existing anti-trafficking laws, as the low number of convictions is a sign of officials' lack of knowledge regarding the phenomenon (*GRETA*, March 23, 2017).

Several initiatives involving the private sector have also been launched, notably with Air Baltic and the Latvian State Tourism Agency, to prevent trafficking and sex tourism through the



implementation of prevention programs on trafficking and sex tourism (*ECPAT International*, 2017).

Several actions are being carried out in schools to raise awareness of trafficking and sexual exploitation. A book, illustrated by trafficking survivors, has been published for schools' use (*GRETA*, March 23, 2017). Similarly, Hanuka Lohrengel, a former social worker, wrote a comic book retracing her journey and experiences working with prostituted persons. The book was published in 2016 with the funding of the Nordic Council. Some passages in the document lead readers to reflect on the situation of prostituted persons: "Prostitution rarely is a choice, unless you consider poverty as a choice. Prostitution is an act of survival," and, on the purchase of sexual acts: "What is a rapist? It is a person who exerts an unwanted sexual act on someone. In prostitution, a person gets paid for having unwanted sex. If it was wanted, the act would not need to be paid" (*Lohrengel*, 2016).

On the occasion of the European Anti-Trafficking Day (October 18), raising awareness events are organized in the country. Every year, the Municipality of Riga updates and distributes a brochure on the prevention of trafficking to Latvian social welfare institutions, schools, universities and Latvian diplomatic missions (more than 10,000 brochures in Latvian and 3,600 in Russian in 2015) (*GRETA*, March 23, 2017).

In conclusion, despite clear progress, the fight against sexual exploitation has its limits. The new prostitution law that will come into effect in 2019 will not change this situation, since, after months of debate over the possibilities of moving towards a total prohibition of prostitution or towards the Nordic model of penalizing the purchase of sexual services, Latvia has chosen to not substantially change its approach to the problem.

The main obstacle is still a deep ignorance or a too stereotyped vision of these problems. *GRETA* also recommend combating sexist prejudices in order to limit the trivialization of prostitution and sexual exploitation. The US Department of State is calling upon Latvia to expand public awareness efforts to educate at-risk groups about these phenomena. It is also recommended that education on trafficking for specialized bodies be made mandatory in order to increase the prosecution and conviction of criminals. The culture of impunity, still omnipresent, must be broken and Latvia must continue its efforts in this direction.

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# Lebanon



**POPULATION**  
6,1 million



**GDP PER CAPITA**  
8,523.7 USD



**POLITICAL SYSTEM**  
Parliamentary Regime



**HUMAN DEVELOPMENT INDEX**  
76<sup>th</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
83<sup>rd</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
143<sup>rd</sup> rank among 180 countries

Lebanon is facing a growing sex industry on its territory, with different forms and locations of prostitution (streets, super night clubs and via apps). Currently, the most significant increase in Lebanese prostitution is due to the recent war in Syria, which has led to over 1.5 million Syrian taking refuge in Lebanon, 78% of whom are women and children according to the United Nations High Commissioner for Refugees (UNHCR). Many of these women have been forced into prostitution in order to survive. Others arrived in Lebanon after being misled with false job offers. Within Lebanon's super night clubs, the majority of prostituted persons are from Eastern Europe, particularly Ukraine and Russia. Laws relating to prostitution and human trafficking bring forth many difficulties, making their enforcement and prosecution difficult for the judiciary. Increases in the numbers of child marriage and male prostitution also remain concerning, especially since the beginning of the Syrian refugee crisis.

## Legislative Issues

Law 164 of 2011 on the Combating Trafficking in Human Beings criminalizes all forms of trafficking, including trafficking for the purposes of sexual exploitation, with sentences of 5 to 15 years of imprisonment. These penalties are sufficiently severe and proportional to those of other crimes, such as rape (*US Department of State*, June 2018). It also states that if a victim can prove that she or he has been exploited, then she/he will not be prosecuted for engaging in prostitution. However, Article 523 in the Lebanese penal code continues to criminalize prostituted persons,

equating them to procurers by imposing the same sentences and penalties. This discrepancy between the two laws makes their enforcement by law enforcement officials and judges unpredictable, as they have the power to choose between two different sets of provisions. Adding to the confusion, Article 523 criminalizes “facilitators of prostitution,” whereas Law 164 criminalizes traffickers without specifying what differentiates between those who “facilitate prostitution” and those who “traffic.”

According to the terms of Article 523 as well as Lebanese cultural norms, prostituted persons are negatively viewed by the public and police and are often arrested and jailed with their procurer(s) (*BBC*, March 23, 2017).

It is difficult for a prostituted person to prove that she has been a victim of trafficking. If victimhood is not expressly stated, the police or a judge will penalize her. Moreover, no support or care is given to victims of trafficking upon release. Some are released from police custody after questioning with no resources or places to go. When a prostituted person wishes to prosecute her trafficker, trials can take up more than 3 years. Many victims prefer to abandon the procedure rather than undergo the ordeal of testifying.

In 2017, the government reported that they had opened 134 investigations into trafficking (compared to 71 in 2016). The Internal Security Forces’ (ISF) Anti Human Trafficking Unit investigated 23 suspected cases of trafficking, involving 55 victims of sexual exploitation and child trafficking (compared to 20 ISF investigations in 2016). Of these 23 cases, the ISF issued 17 arrest warrants and sent 39 alleged traffickers to justice (*US Department of State*, June 2018).

Lebanese police arrested Nabil Al Halabi, a prominent Lebanese lawyer, following a Facebook post where he was accusing some government officials of being accomplices in a sex trafficking ring where 75 Syrian women were exploited (*The National*, April 24, 2016).

The government has still not reported any investigations, prosecutions or convictions of officials complicit in offences related to human trafficking in recent years. However, there is a consensus among NGOs that officers of the *General Security Directorate* (GSD) have accepted bribes to protect super night clubs or to deliver artist visas (a program which supports the sex industry and allows sex trafficking). The government has encouraged civil servants to participate in training provided by NGOs, and the GSD has introduced human rights and anti-trafficking training in its curriculum for new recruits (*US Department of State*, June 2018).

Officers from the General Security Directorate are known to have accepted bribes to protect owners of super night clubs instead of prosecuting them. To date, there have been no investigations, prosecutions or convictions of government officials regarding complicity with sex trafficking (*US Department of State*, June 2016).

### **Syrian Refugees in Lebanon**

According to UNHCR, there are currently nearly 1.1 million Syrian refugees in Lebanon, or about a quarter of the total Lebanese population. It is estimated that about two thirds of prostituted people in Lebanon are reported to be Syrian refugees, which shows the significant impact of the crisis on the country (*Le Monde*, July 30, 2016).

Lebanon does not grant political rights to refugees. The government does not allow refugees to work legally, which forces them out of the regulated workplace and into dangerous activities, such as prostitution.

In addition, in 2015, the government made it so that any Syrian refugee coming to Lebanon had to first get a visa as well as a sponsor. Then, every year these refugees must renew their residency papers, for the sum of USD 200. To maintain a legal standing, they must provide a copy of their lease signed by their landlord. Due to high cost and the difficulty of obtaining a visa, many Syrians find themselves in irregular situations in Lebanon. All of these circumstances foster many factors of vulnerability.

First and foremost, many Syrian women are forced to engage in “survival prostitution”. They must engage in sexual relationship with their landlord in order to have their residence certificates renewed or to keep their accommodation. Their stay in Lebanon depends on it and, to avoid getting deported back to Syria’s horrific conditions, they have no other alternatives.

The men who have this type of relationship with these Syrian refugee women are taking advantage of their precarious situation within Lebanese society to exploit and control them. If a woman is residing illegally in Lebanon and is being sexually exploited or abused, she does not report it, for fear of being deported. Even if a woman is in Lebanon legally, she remains reluctant as she may still be treated as a criminal by the police and deported regardless.

The more economically desperate an individual is, the more likely they will be drawn into situations of sexual exploitation and/or prostitution. In Syria, traffickers deceive women by promising them visas to Lebanon to become domestic workers or waitresses. In reality, the traffickers smuggle them across the Lebanon-Syria border and force them into prostitution.

These victims have no access to legal recourse, even if they have enough freedom to go to the police. If they go, it is very difficult for them to prove that they have been victims of trafficking since they have technically agreed to come to Lebanon illegally. The Lebanese army will sometimes intervene violently in refugee camps for various reasons, forcing women to resettle. If women are forced to move and if there are no economic opportunities within the refugee camps, the only option available to them is prostitution.

In March 2016, Lebanese police raided a sex trafficking ring in Ma’ameltein, neighborhood in Jounieh, a city well known for its red-light district, and freed 75 women prisoners, most of whom were Syrian, from two brothels called Silver and Chez Maurice. The women had been brought to Lebanon under the promises of marriage or a job, but instead were sold into sex slavery for about USD 2,000 each.

They were not allowed to leave the brothel except when they had to get forced abortions, and were forced into having 10 to 20 sexual relations per day. If they refused to have sexual intercourse or refused a specific request from a sex buyer, they were beaten and tortured. One victim said: “We couldn’t go out, not even to see the light outside. The windows were painted black” (*The Guardian*, August 1, 2016). Another confessed, “We were not treated as human beings. We were nothing but merchandise for sale” (*The National*, April 24, 2016). Another woman recounted her experience, saying, “After a few months, I had forgotten my mother’s face. I felt that I was no longer human, but

garbage” (*RFI*, June 17, 2017). The narratives of these victims describe the horror they have faced and the dehumanizing and traumatizing experiences they went through. These women require help and support to overcome the traumas they faced for months on end.

A member of an NGO dedicated to fighting slavery said that “75 women being rescued is just the tip of the iceberg... it is very likely that they are many more” (*The National*, April 24, 2016). The 75 women were freed when 4 of them were able to escape and take refuge in a police station. It was estimated that the brothel was making up to USD 1 million per month in profit off of these women over the last three years, although not all the women had necessarily been there for the entire time (*The Guardian*, August 1, 2016).

In 2011, during a police raid in the Chez Maurice establishment, police forces discovered a 17-year-old Syrian prostituted girl. This forced the brothel to shut down for three months, but it later reopened (*Human Rights Watch*, July 28, 2016). This demonstrates how even though Lebanon’s laws and sentencing guidelines are strict on paper, in practice they are poorly enforced. Following the raid, over a dozen people were arrested and prosecuted for sex trafficking. The women were sent to local NGOs, where they were able to get help and support. The way this case was handled sets a good precedent for future cases, as the women were given assistance and the perpetrators were arrested. However, the investigation is still ongoing and the severity of future sentences is unknown. Since this raid, there has been an increased awareness of the issue of sex trafficking in Lebanon.

### **Forced child marriages and sex trafficking**

Since the beginning of the refugee crisis, child marriage is becoming increasingly more common in Lebanon. Refugees marry their daughters off to Lebanese men in the hope that the young girls will have better lives, protected against poverty and sexual exploitation. One study conducted by the *United Nations Population Fund* (UNPD) found that 24% of refugee girls aged 15 to 17 years old are married, and almost a third of refugee women aged 20 to 24 years old were married before they turned 18 (*UNFPA*, January 31, 2017).

Marriages of underage girls usually have a devastating impact on the child. Their husbands will often abandon them after just a few months of union, leaving them to fend for themselves and making them more vulnerable to sex trafficking. If their husbands do not abandon them, the marriages will often lead to abuse and rape.

Currently, in Lebanon, no official minimum age for marriage is required. It is left to the discretion of religious services, which sometimes allows girls under the age of 13 to marry. However, a bill was introduced in Parliament in March 2017 that could raise the minimum age 18 years without exceptions (*Human Rights Watch*, April 12, 2017). Unfortunately, such a law is unlikely to be passed.

### **Increase in street and online prostitution**

As a result of the influx of Syrian refugees, there has been a further increase in street prostitution, as opposed to prostitution in super night clubs and other brothels. Artist visas in Lebanon allow women to work in clubs as performers or bartenders, among other professions. In

2015, 5,120 women were issued artist visas to work in clubs. This is an increase from 2014, when 3,400 visas were issued, but a drastic decrease from 2013, when over 11,000 were issued (*US Department of State*, June 2016). However, the women at these clubs are almost always involved in prostitution. The majority of these women come from Eastern Europe or the Russian Federation. The reason for the decrease in visas may be due to the increase in Syrian refugees, who are involved in street prostitution or brothels more often than in super night clubs. Sex tourism, which feeds super night clubs, may also have decreased in Lebanon due to the political climate in the region.

In recent years, procurers have been developing their traffic via mobile apps and the internet, where communication between them and sex buyers has become easier. This was seen in the case of a Russian woman who was arrested in 2016 after she was found to be running a prostitution ring in Lebanon and throughout the Middle East using WhatsApp.

However, police are also utilizing this technology to arrest procurers by posing as sex buyers seeking women but then subsequently conducting raids. The use of apps also fuels street prostitution. Procurers can take women to the sex buyers or to a hotel via car when requested.

### **The Artist Visa**

Lebanese legislation allows for artist visas, which are valid for 3 months and can be renewed once. The government reported that 10,363 women entered Lebanon with an artist visa in 2017 (compared to 11,284 in 2016). These visa holders, who are generally women, enter Lebanon to work as dancers in night clubs or hotels. However, in reality, this practice actually serves as a way to conceal the trafficking of women, mainly from Eastern Europe or Northern Africa. These women, who are supposed to perform erotic dances in bars, strip clubs or hotels, are in reality victims of physical and sexual violence and forced into prostitution. Thus, the artist visa has accelerated and aggravated the exploitation of these vulnerable women.

Although the law is supposed to fight prostitution, there is a contradiction between Article 164 and Article 523 of the Penal Code. All persons involved in prostitution are supposed to be penalized. According to the Penal Code, the women are charged with prostitution, but according to Article 164, they are victims of sex trafficking. This contradiction creates a huge issue, yet the government is not acting accordingly. It is essential for the law to be amended to be cohesive, consistent and protect victims. Striptease bars, brothels and super night clubs are all tolerated, although they are illegal.

### **Male Prostitution**

Just like female prostitution, male prostitution has increased sharply due to the refugee crisis. Homosexual men are fleeing to Lebanon, not only to escape the persecution in their home country, but also because of the civil war. Many of them turn to prostitution. While the majority of female prostitution takes place on the streets or in super night clubs, male prostitution is almost exclusively practiced through apps or websites.

Syrian LGBTI refugees continue to be vulnerable to sexual exploitation. An international organization reported in 2017 that some employers force Syrian men to engage in sexual acts by threatening to withhold their salary or terminate their employment (*US Department of State*, June 2018).

For prostituted men, prostitution can have serious health consequences. According to one study, 62% of Syrian homosexual male refugees surveyed said they were engaged in prostitution, as well as 42% of Iraqis surveyed (*AIDS and Behavior*, December 2016). About half of them had never been tested for HIV/AIDS. The study found that male prostitution involves more unprotected sexual intercourse than relations between non-prostituted men.

In conclusion, much remains to be done to end sexual exploitation in Lebanon and ensure that traffickers are prosecuted effectively and systematically.

Lebanon should repeal Article 523 of its Penal Code, so that prostituted persons are no longer criminalized in the same way as the procurers that exploit them. Under Law 164, women should not have to prove they have been trafficked in order to receive help and protection.

The tendency to separate prostituted persons into two different categories (those exploited in trafficking networks versus ‘immoral’ people who have ‘chosen’ this life) must stop immediately.

It is imperative that Lebanon provide more support to victims of sex trafficking. In practice, the Lebanese government provides no support and relies entirely on NGOs. Currently, the government does not directly provide protection services, but simply refers victims of trafficking to services run and managed by NGOs with which work collaboratively to try to meet the most basic needs of these victims (*US Department of State*, June 2018). During the investigations conducted in 2017, the *ISF* identified 55 victims, women and children, who had been sent to shelters managed by NGOs (compared to 87 in 2016). Victim support centers run by NGOs target only women and children victims of trafficking, with nothing being provided for male victims. Although initiatives by such organizations are not negligible, it is absolutely necessary for the government to implement state programs to accompany and protect victims of sexual exploitation.

From a judicial perspective, the State should facilitate victims’ access to justice and the lodging of complaints.

The government does not directly protect victims and does not fully apply the identification and referral procedures provided for in the law, which lead to arrest, detention or deportation for some. Moreover, the State should develop and implement procedures to specifically identify victims of exploitation among vulnerable populations, such as illegal migrants, women holding artist visas, domestic workers and Syrian refugees (*US Department of State*, June 2018).

The government must ensure that victims can feel safe when seeking police aid, so that no prostituted person fears deportation, or more generally for their lives and those of loved ones.

The main priority for the police should be arresting and convicting traffickers, rather than the expulsion of victims.



Despite an upsurge in police interventions against prostitution networks, it appears that prostitution and sex trafficking will not decrease in the coming years due to the refugee crisis currently taking place in Lebanon.

As long as there are women with no other options and men who are willing to buy sex, women will continue to be forced into prostitution by factors out of their control.

Lebanon has efforts to make towards strengthening the enforcement of the laws relating to sex trafficking and prostitution, as well as reforming them to decriminalize those exploited by the prostitution system.

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# Malawi



**POPULATION**  
18,6 million



**GDP PER CAPITA**  
338.5 USD



**POLITICAL SYSTEM**  
Parliamentary Regime



**HUMAN DEVELOPMENT INDEX**  
170<sup>th</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
145<sup>th</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
122<sup>nd</sup> rank among 180 countries

Malawi is a country of origin, destination, and transit for human trafficking and prostitution. The combination of economic, social, and climatic changes that the country has undergone in recent years has led to an increase in prostitution and sexual exploitation. This increase, which is as significant outside of the country as it is inside, is mainly due to poverty, the main factor leading to prostitution. This vulnerability is compounded by a succession of factors such as the significance of tradition, gender issues, environmental challenges and dependence of income on agricultural activities, all of which explain the entry of women, men and children into human trafficking networks.

No reliable statistics on victims of prostitution and trafficking for sexual exploitation are currently available in Malawi to date. However, civil society organizations including the NGO *People Serving Girls at Risk* (PSGR), estimate that approximately 600,000 persons are victims of prostitution. According to *PSGR*, this number is constantly increasing and predominantly concerns women. The price of a trick per night is about 700 Malawian Kwacha (MWK) (USD 0.93) (*Ventures Africa*, March 31, 2016).

Despite an increase in prostitution, Malawi is characterized by the growing efforts of the government and national organizations to combat trafficking and prostitution. The 2017 US Department of State report on Trafficking in Persons classified Malawi in Tier 2. This means that the government is taking appropriate measures to combat this phenomenon. For example, the government has put in place a national action plan to combat trafficking, worked with border and foreign governments to repatriate victims, organized a first meeting of a 'National Coordination

Committee’ and encouraged cooperation between district and national police forces. The implementation of the anti-trafficking law of 2015 is one of the most important measures to prosecute traffickers. Despite these achievements, Tier 2 means that the country does not yet meet the minimum standards required to eliminate trafficking. Efforts to assist survivors and victims remain to be seen. Protection should not only be provided by NGOs. In December 2017, the government launched an anti-trafficking fund (Trafficking in Persons Fund) as required by the 2015 anti-trafficking law. The fund, intended to finance the provision of protective services, shelter rehabilitation and repatriation, has yet to be credited with the budgeted funds (*US Department of State*, June 2018).

### **Partially implemented legislation, proving that Malawi has the means to achieve its ambitions**

Prostitution is illegal in Malawi. According to Section 145 (1) (a, b) of the Penal Code, “a person who knowingly lives wholly or in part on the earnings of prostitution or in any public place persistently solicits or importunes for immoral purposes shall be guilty of a misdemeanor.” A procurer, being a person who owns, controls, manages, supervises or keeps, alone or in association with other persons, a house or a prostitution business, may be charged and imprisoned for up to 14 years (section 147(1)(a)). Malawi has also put in place various laws and policies to protect women and children from nuisance, abuse, exploitation and gender inequality. As such, a ‘National Gender Policy’ was established in 2013. A report on trafficking in persons, accompanied by an anti-trafficking law, as well as an act of protection and justice were also introduced in 2015. All of these decisions highlight the government's desire to tackle these issues. From a regional and international perspective, Malawi is a signatory to several treaties that also aim to promote the rights of women and children. The country has ratified the Palermo Protocol, the Convention on the Elimination of Discrimination against Women (CEDAW), and the African Youth Charter.

Training and raising awareness efforts have been carried out with police, administrative and judicial institutions (*US Department of State*, June 2017). The *Malawi Police Service* (MPS) has conducted anti-trafficking training at the Limbe, Mtakata and Mlangeni Police Schools, as well as at the Zomba Police College. The Ministry of Immigration has trained new immigration officers on identifying and assisting potential victims of trafficking. A judge, in partnership with the Malawi Women’s Judges Association, sensitized magistrates to the prevalence of trafficking in the country and the 2015 anti-trafficking law, focusing on sanctions. The Ministry of Gender and the Secretariat of the *Southern African Development Community* (SADC) trained 39 law enforcement officials, including police, immigration officers, social workers and prosecutors on the legal instruments available. Nevertheless, there is a need to continue to train police investigators, prosecutors, magistrates and immigration officers on the Trafficking in Persons Act and how they can enforce it.

Legal and legislative frameworks are in place. Nevertheless, the increase in trafficking and prostitution in the country in recent years is an evidence of the ineffectiveness of these measures.

Indeed, penalties are rarely or partially applied and convictions are reduced to simple fines. Sanctions are certainly necessary but are very insufficient for traffickers and procurers, who are far from deterred by these measures. Life imprisonment, recommended by the law in some cases of trafficking, has never been imposed. In 2016, data collected by the MPS made it possible to study the application of the 2015 anti-trafficking law. Among 34 police stations, 7 sent monthly information and reports on trafficking in their districts to police headquarters for the year. 30 alleged traffickers were prosecuted and arrested by the MPS under the anti-trafficking law of 2015. 18 were convicted. Among them, some were sentenced to 14 years' imprisonment and others were handed suspended sentences. These sentences were handed down by the Ministry of the Interior, a group of officials from the Ministry of Public Security and Immigration. The figures have decreased compared to the year before the study. 68 traffickers were prosecuted and 58 convicted. These figures are contradictory in relation to the prostitution observed on the field. They illustrate a shift of the prostitution phenomenon to other structures less visible than the street.

Impunity persists in Malawi. Despite numerous reports in the country's media that police, health and immigration officials are complicit in the trafficking of young women in Kuwait (*US Department of State*, June 2017), the government has not investigated, prosecuted or convicted these officials. Similarly, in November 2016, a US Court in Maryland issued a default judgment awarding more than USD 1 million in damages to a domestic worker who sued her former employer, a Malawian diplomat, for trafficking. The diplomat left the USA in 2012 and now works in the Malawian Foreign Service. The government has taken no action to date to prosecute him.

However, prostituted persons are arrested. Most often, they are sentenced and subsequently fined as 'undesirable' or for 'vagrancy.' They must pay a penalty on the spot. Amounts can be between USD 1 to 20. In 2016, 19 prostituted persons were tried for receiving income from prostitution (*The Nyasa Times*, September 9, 2016). The judge in charge of the case, Judge Zion Ntaba of the High Court of Zomba, overturned the conviction of these women. This decision has been debated within the country. The judge questioned the fact that sex buyers were not penalized. In addition to this unusual decision, the judge ordered that the victims of prostitution be compensated. They had already paid MWK 7,000 (USD 9.73) to the State.

### **The different forms of prostitution in Malawi**

Following the anti-trafficking law of 2015, prostitution in the country has decreased on the streets, however it has increased in brothels, bars, and nightclubs. The tricks are often made inside or behind the clubs, in rooms that the sex buyer can reserve. Depending on the location, sex buyers are recruited through procurers that facilitate the exchange or by prostituted persons directly. Regarding payment, procurers are paid by sex buyers, by prostituted persons or sometimes both.

The main prostitution areas are found in urban, peri-urban and business areas. The cities of Lilongwe, the capital, and Blantyre, a city located in the south of the country, concentrate the

majority of prostitution networks and trafficking. The majority of those employed are women or young girls from rural areas who wish to find a job in the city. Most of them are between 15 and 25 years old.

Several forms of prostitution are observed within the country: prostitution destined for South Africa or other countries bordering Malawi, prostitution destined for Europe and lastly prostitution internal to the country, consumed by tourists and locals. The International Organization for Migration (IOM) uses this typology, but it is only a categorization that does not exhaustively represent all forms of sexual exploitation present in the country (*IOM*, May 2003).

Prostitution designated for South Africa or other border countries, such as Tanzania, Mozambique or Zambia, is one of the most widespread forms of exploitation. The exchanges are facilitated by porous borders and a lack of any specific administrative procedure to cross. The journey is most often made aboard trucks, with truckers carrying goods. The first destination for victims of trafficking in this region of southern Africa is Johannesburg. Victims' testimonies show that recruitment is often linked to a promise of marriage, a very important act for the victim and her family, who hope for a secure future for their child.

The precariousness of the Malawian population is leading more and more people to leave rural and agricultural areas, which no longer allows them to meet their needs. People who are separated from their families and communities seek other sources of income in the city, whether in Malawi or abroad. The main targets of recruiters are people who want to leave the country. The proposals are diverse: leaving the country to take up job opportunities in hairdressing salons, clothing shops or educational opportunities (scholarships) in Europe or the Middle East. Prostitution is never mentioned. These recruiters are mostly Malawians or Nigerians. The Nigerian traffickers use the power of women, called 'Moms' or 'big mamas' to recruit. Among those involved, some have never been confronted with the prostitution phenomenon. Others are recruited directly from brothels and think they can access another future abroad. One of these Nigerian recruiters was arrested in 2012 for trafficking women for prostitution and sentenced to pay a fine of USD 500. The main countries of destination for these women are the United Arab Emirates, Qatar, Kuwait, the Netherlands, Belgium, Italy and Germany. Women arriving in Europe are sold for an average of USD 10,000. The debt burden often amounts to USD 40,000. Victims' testimonies attest that once they arrive in their country of destination, their passports are confiscated. A vicious circle is set up: the victim must repay her debt and send money home under pressure from both the procurer and his peers, but also from all the rites and magic used to threaten them. The Minister of Labour, Patrick Kabambe, spoke in 2016 to underline his determination to fight against these false recruitments exploiting unemployed Malawians.

The North of the country is a tourist area where Lake Malawi is home to many hotels. Some tourists are sex buyers and engage in prostitution during their stay. The main sex tourists come from Germany, the Netherlands and England, according to researchers (*IOM*, May 2003). Others use these prostituted people to feed pornographic websites. A minority of tourists recruit victims to repatriate them to their country before integrating them into European or Middle Eastern networks. The promise of scholarships removes any suspicion from the family unit.

Children are also affected by sexual exploitation. While Malawi has legislation that partly incorporates United Nations recommendations, setting the age of majority at 18 and designating sexual exploitation as one of the worst forms of child exploitation, the phenomenon still affects very young populations. NGOs report cases of 10-year-old victims already in networks (*PGSR*, December 2017). These organizations distinguish between two types of children present in brothels. On one hand, they describe the situation of children in prostitution alongside their mothers. The testimonies reveal an extreme state of vulnerability. Younger children are sometimes put to sleep with alcohol or drugs while the older ones are exposed to traffickers for whom they are easy prey. The education of these children is an additional issue. According to *UNICEF*, Malawi's literacy rate among 15-to 24-year-olds is 72%. Among child victims of trafficking and prostitution, the illiteracy rate is over 30%. On the other hand, there are children and adolescents directly involved in prostitution.

The main cause of entry into prostitution is endemic poverty. The country suffers from an increased lack of employment, a large population and structural economic problems leading the majority of the population to live in extreme poverty. However, the perversion of cultural practices and the early sexualization of the population are also factors encouraging entry into prostitution.

### **Malawi's hyenas: institutionalized sexual exploitation**

Within Malawian society, inequalities between men and women, seen through the prism of sexuality, are glaring. A woman must fulfill a role assigned to her from a very young age: to respond to men's sexual pleasures. Sexual learning is therefore an integral part of girls' education from their first menstruation. To do this, in some cultures (Sena and Yao), families recruit men called 'hyenas' or 'fisi' in Chichewa language (*Le Monde Afrique*, July 23, 2017). These men are paid by families to initiate their daughters into sexual practices by having unprotected intercourse at least once. Another type of teaching is possible and takes place within holiday camps. The young girls, mostly from rural areas, are sent to these camps run by women, during which the hyenas intervene. Testimonies tell how girls learn to "please men" by practicing oral sex with wooden sticks or by using techniques to hide their menstruation in order not to "disgust men" (*Le Monde Afrique*, July 23, 2017). Traditions are also taught. Non-compliance with rituals can lead to curses on them and their families. However, no lessons about contraceptive use are organized. Hyenas are also called when other tragic events occur in a woman's life: loss of husband, brother, father, son, a move or unwanted sexual relations. This ritual is a way of purification, a traditional law called 'kusasa fumbi,' which, according to testimonies, "prevents the soul of the deceased from prowling around the matrimonial home" (*Le Monde Afrique*, July 25, 2017).

These practices, previously carried out throughout the country, are now mainly practiced in the south. They are becoming increasingly criticized and questioned in more urbanized areas. However, the two main places where hyenas remain active are Nsanje and Chikwawa, not far from Blantyre. Those areas are the most known for their high prostitution, except for the capital.

These regions are also among the poorest and most remote in the country. Sexual initiation by a hyena is a factor that encourages entry into prostitution.

These traditions were also practiced in Kenya and Tanzania before these countries legislated the practice to the point of prohibiting it. Malawi has followed this approach. In 2013, a law banned the use of hyenas. Unfortunately, community law prevails over central state law in the remote southern regions of the country. The application of this law is also problematic because it is not translated into local dialect. Therefore, some NGOs carry out translation work in order to inform women of their rights (*Le Monde Afrique*, July 27, 2017). A woman representing the community is then appointed to raise awareness among other members of her community about the evolution of this tradition.

In November 2016, the first conviction of a man engaged in this activity was pronounced against Eric Aniva (*Le Monde Afrique*, July 26, 2017). He was sentenced to two years in prison and hard labor for having had sexual relations with 104 women. In 2016, 4 other hyena men were arrested according to a Mulanje police chief. Two of them were convicted. However, the fight is not in vain in view of the testimonies of Louis Foté, who is also a hyena in Malawi: "It's easy money, and women enjoy it!" (*Le Monde Afrique*, July 26, 2017). Paid between USD 4 and USD 7 per person, this practice has been accepted for generations in rural communities and seems to be an integral part of the culture. This practice "certifies the transmission to young girls of the know-how necessary for the reputation of good wives and even promises protection against diseases and misfortunes" However the practice continues to infect people with HIV/AIDS every day (*Jeune Afrique*, November 22, 2016).

What to do about tradition? It is unthinkable to question a tradition that is an integral part of women's integration into their community. Disobedience to these traditions may result in rejection by their community. The priority of all the programs of local and international organizations is not to cause or increase the exclusion and vulnerability of the population being assisted. However, due to the transmission of HIV/AIDS through this tradition, a thorough reflection is necessary for Malawian and foreign NGOs operating on the field. Respect for the population's wishes and the refusal of victimization are benchmarks that must constantly be measured by the NGO before any intervention.

On one hand, when dealing with victims, it is important to study this practice through the norm and not through deviance, a reading that could disrupt victims' experiences. Didier Fassin explains that the expression "rape culture" is "a weapon before it is a concept" (*France Culture*, December 6, 2017). D. Fassin advises one to: "(...) think of sexual violence in cultural and not individual terms, not as a pathological exception, but as a practice inscribed in the norm that makes it possible by tolerating it or even encouraging it" (*France Culture*, December 6, 2017). On the other hand, when dealing with those responsible for such violence, the courts and governments must be firm. When Eric Aviva's lawyer claimed that: "The whole procedure is based on the qualification of rape, whereas my sex buyer's sexual relations were not. Who can define a sexual relation as rape and not as a cultural practice?" (*Le Monde Afrique*, September 8, 2017). It must be remembered that this traditional practice remains a violence, at once physical,

psychological and symbolic, which reflects the domination of one gender over another. The use of hyenas also encourages young girls to enter prostitution at an early age and causes early marriage, pregnancy and school dropouts. According to *Human Rights Watch* (HRW), about half of all girls marry before the age of 18 in Malawi (HRW, June 16, 2017). In 2015, a bill was introduced to raise the legal age of marriage from 15 to 18 years old. This could have changed the legal age for one's first sexual intercourse, which in the country is carried out very young. The law was not passed, so the minimum age for marriage remains 15 years of age.

### **“Climate survival prostitution” in Malawi**

Today, only 2% of greenhouse gases come from the African continent. Yet it has the population who is, and will be, most affected by environmental challenges. Less responsible, yet the first victims of climate change, Africans are gradually adapting to environmental changes. They are looking for solutions, not to ensure the sustainable livelihood of future generations, but to support current generations. Developing the resilience of these populations is a key issue.

The Malawian population predominantly hails from rural areas and lives mainly from subsistence agriculture. Since 2013, droughts followed by severe flooding have affected the country. They were caused by climate patterns of El Niño, followed by those of La Niña. El Niño increased surface water temperature, creating a change in climate and leading to droughts. Then, La Niña caused severe flooding, ruining farmland and future harvests. Climate change is added to these two phenomena, heightening periods of aridity (*France Culture*, September 30, 2016).

In 2015, following repeated droughts and floods, 2.8 million Malawians were affected by hunger crises, mainly in the southern regions of the country. The government, constrained to respect a budget deficit close to zero, is trying to manage the situation with limited resources. In 2016, President Peter Mutharika declared a state of emergency following the cumulative impact of several natural disasters. It had been 30 years since the country had experienced such a drought. In addition, Mary Shawa, the Secretary for *Gender, Childhood, Disability and Social Welfare*, pointed out that: “As a result of climate change, which has led to increased poverty and lower crop yields, many women are having extramarital relationships to feed their families” (*Equal Times*, October 6, 2015).

Indeed, women's lifestyles are being particularly transformed in the face of environmental challenges. In 2008, researchers from the *Stockholm Environment Institute* (SEI) conducted a field survey in a town near Lilongwe: Bwemba. The testimonies of local women recounting their journeys were collected (SEI, 2010). They explain that low rainfall results in both very low harvests and reduced incomes. Under these conditions, men leave the home to fetch food, water or wood from other remote areas. Meanwhile, women find themselves alone, faced with the obligation to feed their children, and are sometimes forced to engage in prostitution. These cross-sectional studies between climate change, poverty and the environment make it possible to understand the spiral of vulnerability in which certain communities find themselves trapped (*Oxfam International*, 2009). Hunger crises inevitably lead to population displacements. The



Dzaleka camp illustrates this. It hosts more than 25,000 refugees in a location not far from Lilongwe; many women from the camp travel to Lilongwe to be prostituted there.

Another link between climate change and HIV/AIDS can be established based on the analyses of researchers such as Pablo Suarez from Boston University. In a 2008 report Suarez examines these links, both insidious and direct. On average, a sick person needs 50% more nutrition and energy, including 15% more protein than a non-ill person (*The World Bank*, May 2008). The physical weakness of these people often prevents them from carrying out their work and their income is therefore considerably reduced. Without adequate means of healing, sufficient food and enough rain to grow their crops, these people enter a vicious and sometimes deadly cycle.

The environmental question is a multidimensional problem that must be analyzed and understood in all its dimensions in order to better respond to the challenges it poses. Currently, no purely environmental conflict really exists. However, environmental issues are superimposed on existing conflicts and primarily affect the poorest people. Tensions over resource sharing will continue to rise. Kenyan Wangari Maathai's 2004 Nobel Peace Prize symbolizes the need to take the environment into account in combating a large number of crimes, including trafficking and prostitution.

### **The HIV/AIDS challenge: considerable but achievable**

Malawi has one of the highest HIV/AIDS prevalence rates in the world: 9.2% of 15-64 years old were living with the virus in 2016, according to *UNAIDS*, or about one million individuals. 24,000 people died from this disease in 2016. Trafficking and sexual exploitation are responsible for much of the spread of the disease (*Ventures Africa*, March 31, 2016). Among the population of prostituted persons, 24.9% are reported to be infected with HIV/AIDS. This figure is significantly lower compared to the 77% that were infected in 2006. Only about 85% of them use a condom. However, progress has been made in recent years and it is notable.

First, the government has committed itself to the '90/90/90' target set by *UNAIDS*. By 2020, countries following this program commit to helping 90% of people living with HIV to know their status. 90% of people screened and infected with HIV/AIDS must receive antiretroviral treatment. And finally, of those people on treatment, 90% must manage to have a suppressed viral load. Currently, 70% of the population knows that they suffering from HIV/AIDS, of those 66% are on treatment and 59% have a suppressed viral load. Further progress therefore still needs to be made. NGOs participate in joint efforts jointly with the government.

Similarly, the *World Health Organization* (WHO), in partnership with local stakeholders, proposed in 2017 to distribute self-tests enabling people to know their status for themselves. Lack of confidentiality, discrimination against people who know their status and distance from hospitals are all reasons as to why Malawians never take the test. However, the earlier the disease is diagnosed, the greater the patient's ability to fight it and heal. Malawi is also the first African country to benefit from a new *UNICEF* program. Drones will travel across the country to reduce the time it takes to transfer blood samples in order to detect more people in a smaller

amount of time (*RFI Afrique*, January 4, 2017). If this trial period gives conclusive results, the air corridors reserved for this use will be maintained and extended. They can be used in the future to monitor harvests or to develop aid in the most remote regions of the country. Lastly, at the end of 2017, researchers have introduced a still-experimental drug (*BBC News*, December 4, 2017): an intrauterine ring that women could wear without disclosure, as it is imperceptible to men during sexual relations and could help stop the spread of HIV/AIDS. This antiretroviral treatment in the form of a ring allows women to be treated “in secret.”

Other health problems are related to drug and alcohol use, which is widespread to support the difficult pace of life and suffering of prostituted persons. NGOs note the use of cannabis, mandrax, cocaine and aphrodisiacs. Not only do these substances have long-term effects on women, but also on their children.

### **Initiatives and recommendations**

In recent years, NGOs have supported the creation of numerous groups of prostituted persons in order to put pressure on the police and judicial institutions and put an end to the discrimination that affects them. For the NGO *PSGR*, setting up exchange sessions is one of the best ways for these women to talk about their suffering while thinking about their future.

Civil society organizations call for field studies to be conducted in order to lead better advocacy campaigns and raise public and government awareness. As *Amnesty International* notes, NGOs must be careful that the government, who wants to change legislation in order to exercise greater control over their activities, will not change their status (*Amnesty International*, 2018). An intrusive and excessive focus on the actions of NGOs on the field could prevent them from carrying out their missions. In 2014, Aida Deleza was appointed UN Ambassador for Women's Rights (*Le Monde Afrique*, July 27, 2017). Deleza, an activist and traditional leader of the Mulanje region, has launched an awareness campaign against kusasa fumbi and campaigns against child marriage. She defends her position: “We are behind the world. Societies are changing, we must also change” (*Le Monde Afrique*, September 8, 2017).

There have been notable developments in the religious field. In 2015, Jenny Trinitapoli of the University of Chicago produced an analysis studying the relationship between HIV/AIDS and religious life, which showed that religious leaders were increasingly inclined to talk about sexuality during their religious services (*INED*, 2015). Thus, even if traditional Malawian norms evolve slowly and are more subject to traditional local regulations than to the usual legal system, things will emerge in several spheres of society.

While there is a palpable tremor and initiatives are being taken by the government and various local and international organizations, the most urgent and important reforms are related to the protection of victims. The 2017 US Department of State report on Trafficking in Persons recommends, for example, that a list of victim support and protection centers be written in the official newspaper. This ambition is also reiterated in government documents (*Ministry of Gender, Children, Disability and Social Welfare*, December 2014). The government must also better support NGOs, which could develop greater information sharing with these organizations.

Raising awareness on trafficking and prostitution issues is essential. The 2018 US Department of State report on Trafficking in Persons also advocates that the anti-trafficking law of 2015 be fully implemented. The provisions relating to prosecutions and convictions must be respected and sufficiently severe. The government could also increase support and funding for police and justice services to carry out their work. Improving data collection on trafficking and prostitution would also be one of the objectives. Lastly, increased border control is recommended.

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# Mexico



**POPULATION**  
129,2 million



**GDP PER CAPITA**  
8,902.8 USD



**POLITICAL SYSTEM**  
Presidential Regime  
with a Federal  
Organization



**HUMAN DEVELOPMENT  
INDEX**  
77<sup>th</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
73<sup>rd</sup> rank among 147  
countries



**CORRUPTION  
PERCEPTIONS INDEX**  
135<sup>th</sup> rank among 180  
countries

Hundreds of thousands of people are reportedly victims of sexual exploitation in Mexico, and the country's sex industry is estimated to account for 2% of its GDP (*Al Día*, March 8, 2017). The phenomenon is linked to the country's larger issue of daily violence against women. Mexico is ranked as one of the world's 25<sup>th</sup> countries with the highest rates of femicide (*Forbes*, June 22, 2016). The country's rate of early marriages is the 8<sup>th</sup> highest in the world. As a result, many young girls are trafficked and forced into prostitution. Corruption is the main obstacle to combating sexual exploitation, as many law enforcement officials are often complicit in these acts.

## Legislation in effect

Mexico is predominantly prohibitionist, with the exception of 13 out of its 31 states that regulate prostitution.

The Colima State Health Act, for example, provides for the allocation of certain tolerance zones for the practice of prostitution (articles 67 to 70), the location of which are determined by municipal authorities. Prostituted persons are required to use condoms and are subject to periodical medical examinations (*Dirección de Procesos Legislativos*, February 7, 2015).

Mexico City's health law also provides for the use of condoms, as well as free medical care by healthcare authorities to any prostituted persons suffering from Sexually Transmitted Infections (STI) (*Gaceta Oficial del Distrito Federal*, August 17, 2012). A specific law is

foreseen to regulate prostitution in the Mexican capital. Prostitution is prohibited outside of specifically allocated tolerance zones defined by the city. Prostitution establishments must abide by certain rules (no prostitution of minors, mandatory medical checks and availability of hygiene services...). The offer and promotion of prostitution activities in the press or on the internet are also prohibited. In the federal district of Mexico, prostituted persons are subject to a certain number of rules, such as not practicing at home or outside authorized areas, not providing sexual acts to minors, not being under the influence of drugs or alcohol, etc. The penalties for not following these rules is a fine ranging from 20 to 100 days' minimum wage, and 36 hours in police custody (*Gaceta parlamentaria de la Asamblea legislativa del Distrito Federal*, October 31, 2013).

Trafficking and sexual exploitation are regulated by the Anti-Trafficking in Persons Act of 2012 and the Penal Code. Thus, the law condemns all forms of trafficking (including the exploitation of persons through activities of a sexual nature, as well as the promotion of such activities) with penalties ranging from 5 to 30 years' imprisonment (*Cámara de Diputados del H. Congreso de la Unión*, June 14, 2012). The Penal Code focuses on the sexual exploitation and trafficking of minors (articles 202 to 204). Procuring, managing prostitution establishments, pornography and sex tourism involving minors are punishable by sentences ranging from 7 to 15 years in prison. Sex buyers of prostituted children incur penalties of 12 to 16 years in prison. The procuring of adults is punishable by two to nine years in prison (article 206) (*Justia*, 2018). However, procurers are rarely arrested or are arrested because of corruption offences. Prostituted persons are often subjected to police harassment. Furthermore, the minimum legal age of entry into prostitution (18 years old) is rarely respected and few investigations into crimes of sexual exploitation of minors have been carried out. In October 2016, amendments were proposed in order to closely align Mexico's legislature with international anti-trafficking laws, but these amendments have yet to be adopted.

### **The situation of prostituted women and men**

It is estimated that there are between 450,000 and 500,000 prostituted persons, both adults and children, in Mexico (*Fondation Scelles*, 2016). In Tapachula, a city near the border with Guatemala, an estimated 30,000 migrants from Guatemala, El Salvador and Honduras enter prostitution in hopes of earning enough money to travel across Mexico and to enter in the USA (*Thomson Reuters Foundation News*, January 11, 2017). Most prostituted people resort to prostitution for economic reasons. Some, with little education, can only claim under-paying jobs which are insufficient to meet their needs, and thus have no choice other than to enter prostitution to survive. Others are engaged in prostitution to be able to finance their drug addictions. Many prostituted persons are trapped in an escapeless cycle of poverty and, consequently, see prostitution as their only way out.

Despite having been legalized in many parts of the country, prostitution remains largely stigmatized. Mexican society, as a whole, has a very negative view of prostituted persons: only immoral people choose to engage in prostitution. These ideas are widespread, causing prostituted

persons to have a profoundly negative self-image and devalue themselves. Some mothers are too ashamed to see their children and they fear that their children will reject them as a result of their activity. Some prostituted people turn to drugs in an attempt to cope with the difficulty of their lives. In an attempt to gain more control them, some heads of trafficking cartels even force these prostituted people into drug use. Access to drugs is particularly easy for these trafficking cartels given the pervasiveness of this trade in Mexico.

Prostituted men are confronted with even more prejudices, as homophobia is still very prevalent in many parts of Mexico. Most prostituted men usually only have a middle school education, leaving them with few options other than prostitution. They have little access to social services, unlike prostituted women. Some enter into prostitution due to their family or hometown's lack of acceptance of their homosexuality. They are particularly exposed to a higher risk of contracting HIV/AIDS. Homosexual prostitution is particularly common in tourist cities across Mexico, such as Puerto Vallarta and Guadalajara among others.

The legalization of prostitution has not freed women from their procurers. In Tijuana, women are often threatened by their procurers if they decide to go to the police station to report cases of abuse or assault.

### **Violence against transgender prostituted persons**

Transgender people face prejudice and hate in Mexico. Today, the life expectancy for a transgender woman is only 35 years. This is partly due to the 217 murders of transgender people between 2008 and 2016 (*USA Today*, March 21, 2017). Mexico City has the second highest murder rate of transgender people in the world. Many of them are rejected by their families at a very young age and live on the streets, which exposes and makes them more vulnerable to exploitation.

Prostituted transgender people are confronted with many dangers, such as abuse and violence from sex buyers and the general population, as well as harassment from police. In 2016, a prostituted transgender woman was shot and killed by a sex buyer in Mexico City. Despite testimonies of 6 prostituted women as well as video evidence, the women's words were ignored and the man was not convicted. This case is an example of the ineffectiveness of the justice system and the discrimination that transgender prostituted women face when they try to seek justice.

### **Child prostitution**

Child prostitution is illegal throughout the country (*Fondation Scelles*, 2016). According to some estimates, there are about 22,000 minors forced into prostitution in Mexico City. However, the actual number is likely higher (*Mexico News Daily*, June 20, 2017). Prostituted children are more exposed than adults to violence and the risk of HIV/AIDS transmission: 5.9% of minors are infected with HIV/AIDS compared to only 1.5% of adults (*Journal of the American Medical Association*, August 4, 2015). There are different routes into prostitution for minors: parents sell their daughters to traffickers or, more frequently procurers seduce young girls. A procurer offers

to help her get to the USA or to marry her. The procurer convinces her to leave her family and go with him, but will then either force her into prostitution or sell her to another person who will. Migrant minors, often isolated, fleeing violence and poverty in countries like Nicaragua, Honduras, Guatemala and El Salvador are at a very high risk for being trafficked and forced into prostitution. Traffickers promise to smuggle them into the USA, but instead force them into prostitution in Mexico. Child sex tourism is very prevalent in some cities such as Tijuana, where there is a demand for underage boys and girls. Nevertheless, in the eyes of sex buyers and procurers, the majority of these young girls are not seen as “prostituted children”, but simply as “prostituted persons”.

### **Early marriage and its links to trafficking**

Latin America is the only region in the world where the overall rate of child marriage is increasing, not decreasing. In Mexico, the rate of early marriage has remained stable for the last 30 years at 23%; currently making it the world’s 8<sup>th</sup> highest rate of child marriage (*Girls Not Brides*, June 23, 2017). In rural areas, this rate can reach as high as 30%. Mexican law has set the minimum age of marriage at 18 years of age, but also allows for girls to be married at the age of 14 and boys at the age of 16 if there is parental consent. While the exceptions in this law are problematic, 4 in 5 unions in Mexico are informal, meaning that 80% of couples living together as if they are married do not go through the legal process (*Girls Not Brides*, June 23, 2017). Thus, modifying the law would not be sufficient; it is necessary to educate the public about the dangers associated with child marriage. 70% of young girls who are in formal or informal unions are living with a man that is at least 11 years older than them (*The Guardian*, May 2, 2017). The strong culture of “machismo” that prevails in Mexico sexualizes young girls and perpetuates the idea that marrying younger girl makes a man more masculine, in part because young girls are considered easier to dominate. Again, this shows how important it is to change societal and cultural norms, as well as the law, to fight against early marriages.

Early marriages can end up leading girls to prostitution. These marriages exponentially increase the likelihood of a girl dropping out of school: 92% of girls in informal unions and 86% of girls in early marriages abandon their studies completely (*INSAD*, 2017). Young girls with little education are more likely to enter into prostitution at some point in their lives as they have fewer future employment prospects. Thus, early marriages and sex trafficking are closely linked. As previously mentioned, procurers and traffickers will often seduce these young girls and convince them to go away with them; once they have accepted, they become victims of trafficking and forced into prostitution. Tenancingo, a small town in the state of Tlaxcala known as the hub of human trafficking, is where many families who run trafficking rings live. Oftentimes, young girls are taken there and then trafficked to other cities in Mexico, and sometimes end up in the USA. These young teenage girls, naive and willing to believe these promises of love or future opportunities, are easily deceived by procurers, who prostitute them as soon as they gain their trust. This cycle is continuously repeated throughout Mexico.



Girls who enter into unofficial unions as minors also face the risk of abandonment or being victim of abuse by their spouse or families. Abandonment can lead young girls into prostitution and increase their risk of exploitation. Even if they are not abandoned, husbands will sometimes force their wives into prostitution if they need money.

### **Mexico as a country of destination, origin and internal human trafficking**

Mexico is a country of major importance for sex trafficking, as a country of origin, transit and destination. Drug cartels make USD 10 billion a year from the trafficking of women and children, mainly for sexual exploitation purposes (*Index on Censorship*, June 29, 2016). It is estimated that 20,000 women are trafficked every year in Mexico (*United Nations University*, May 4, 2016). Due to the violence in many Central American countries, particularly in the Northern Triangle region (Guatemala, El Salvador and Honduras) as well as the ongoing crisis in Venezuela, Mexico is exposed to a continuous flow of migrants and refugees, most of whom are seeking to cross the country and make it to the USA. Traffickers will often promise these migrants safe passage to the USA as well as jobs in restaurants or hotels, but instead force them into prostitution, either in the USA or in Mexico. Some victims of trafficking, from African, Asian and Eastern European countries are brought to Mexico before being transferred to the USA, as it is easier to enter in the USA illegally by crossing the Mexican border than it is to fly into an American airport or to cross the border between the USA and Canada. Thousands of Mexican women of all ages have been transferred across this border to the USA for prostitution; others are victims of internal trafficking and are found in various cities within Mexico. Poor and indigenous women are at an even higher risk of trafficking. Many of these women and girls are trafficked to border towns or major metropolitan areas in the American Southwest, but many others are also taken to Queens, New York City.

Most trafficked women and girls are subjected to violence from traffickers as well as their sex buyers; they are raped, beaten, tortured. These women generally have between 10 and 40 paid sexual relations per day, usually unprotected as their procurers, or “madam”, do not allow them to use condoms in order to increase the prices they charge to sex buyers. Thus, these practices increase the risk of pregnancy and infection with HIV/AIDS and STI’s. In addition to adult victims, girls as young as 14 years old are smuggled in the USA to be prostituted, oftentimes in bars or “cantinas” (local bars). *Polaris*, an anti-trafficking organization that operates a specialized anti-trafficking hotline, reports that of all call received from Mexican victims of sex trafficking, more than half were from underage girls (*The Guardian*, September 8, 2016).

A study conducted by the University of Tlaxcala found that 1 of 5 boys in Tenancingo, want to become procurers when they grow up, considering it a lucrative and profitable “profession” (*The Guardian*, April 5, 2017). This shows the urgency of raising public awareness. Sex trafficking in Tenancingo is practiced in plain sight and no one is preoccupied about law enforcement. It is important to raise awareness about the consequences of sex trafficking on the lives of women and young girls.

As a result of the widespread normalization of sex trafficking in Tlaxcala, the number of investigations and prosecutions for human trafficking does not reflect the reality of prostitution. Since 2011, only 14 people have been imprisoned for human trafficking (*The Guardian*, April 5, 2017). Overall, Mexico is a corrupt country. According to a lawyer who specializes in trafficking cases, police officers are implicated (or complicit) in 8 out of 10 cases (*Thomson Reuters Foundation News*, January 11, 2017). A priest, who runs a shelter for victims of trafficking, went so far as to say that “as far as the government is concerned, trafficking doesn’t exist”, highlighting the government’s lack of commitment to fighting this rampant problem (*Thomson Reuters Foundation News*, January 11, 2017).

### **Progress and recommendations**

Currently, the Mexican government is making little progress in its fight against the sexual exploitation of women. Out of 330 individuals charged with trafficking since 2009, only 87 have been convicted (*Thomson Reuters Foundation News*, January 11, 2017). While there were more convicted traffickers in 2016 than there were in 2015, there were fewer identified victims (*US Department of State*, June 2017). In addition to identifying fewer victims, not all victims were able to access assistance services, as they are unavailable in many non-urban parts of the country. In 2016, the government identified 740 trafficking victims, including 707 of those being sex trafficking victims (compared to 1,800 in 2015). Although corruption remains a widespread problem in trafficking, prostitution and almost all areas of the law in Mexico, the government has continuously failed to investigate officials on their corruption or involvement in trafficking cases since 2010 (*US Department of State*, June 2017).

Assistance provided to trafficking victims is very limited, and the government is not encouraging its development. In 2016, funding for the Special Prosecutor’s Office for Violence Against Women and Trafficking in Persons (FEVIMTRA) was reduced by USD 1 million from the previous year (*US Department of State*, June 2017). While the government does run some shelters, the majority of services are provided by NGOs. Due to the risk of retaliation from the gangs or cartels, NGO-run shelters sometimes fear taking in trafficking victims. Women who are able to escape their traffickers are also afraid to involve the police because of the risk of reprisals when the officer is complicit with the trafficker. Some reports implicate police officers who illegally detained trafficking victims who came to them for help.

It is even more difficult for prostituted persons to find support services. The police will sometimes arrest prostituted persons, even if they are in red-light districts where prostitution is not reprehensible. In some cases, they may be forced to have sexual intercourse with the police officers in order to be allowed to leave. The legalization of prostitution does not automatically solve the problem of police harassment and unlawful detention, which are a consequence of the stigmatization of prostituted persons.

Overall, the Mexican legal system is incredibly ineffective: the vast majority of crimes go unpunished, and crimes of sex trafficking and sexual exploitation are no exception. While sexual relations with a child are illegal, prosecutions on this ground are almost non-existent and no child

sex tourists have been investigated in recent years. Changing the public's opinion about child marriage is a necessity for Mexico, as this could save many young girls from human trafficking and sexual exploitation. In addition, FEVIMTRA funding should be increased and corruption in the country should be actively combated. This is the only way traffickers and procurers will be prosecuted. Sex buyers should be prosecuted effectively and prostituted persons should be able to access support services, just like victims of sex trafficking.

In conclusion, Mexico faces many challenges in the fight against sex trafficking, sexual exploitation and prostitution. The biggest obstacle Mexico faces is the country's endemic corruption, which hinders all attempts to investigate traffickers and exploiters. Societal and cultural norms also contribute to the perpetuation of early marriages and in turn facilitate sexual exploitation in Mexico. The lack of education for many people prevents them from accessing jobs that pay enough to survive. Currently, the situation is unchanging, as traffickers continue to exploit the large number of vulnerable women and girls. This will continue until the government takes further action to stop the phenomenon.

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# Morocco



**POPULATION**  
35,7 million



**GDP PER CAPITA**  
3,007.2 USD



**POLITICAL SYSTEM**  
Constitutional  
Monarchy



**HUMAN DEVELOPMENT  
INDEX**  
123<sup>rd</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
113<sup>th</sup> rank among 147  
countries



**CORRUPTION  
PERCEPTIONS INDEX**  
81<sup>st</sup> rank among 180  
countries

Morocco is a source, transit and destination country for victims of trafficking for the purpose of sexual exploitation. The majority of prostitution takes place on the streets. While the Moroccan Penal Code makes activities related to prostitution illegal, traffickers, procurers, and sex buyers generally go unpunished. However, judges are said to show little tolerance for victims of the system of prostitution. Cases involving sex tourism are denounced and child marriages remain a widespread practice. Morocco is said to be a hub for the increasingly numerous and structured migrant trafficking networks, that promotes sexual exploitation and the selling of people for prostitution in Europe and the Persian Gulf.

## Existing Laws

Officially, prostitution is criminalized under Articles 497-503 of the Moroccan Penal Code.

Prostituted persons and sex buyer are not punishable under the articles governing prostitution. However, according to the Penal Code (consolidated version dated July 5, 2018), they risk a one month to one year prison sentence for having sex without being married (for heterosexual persons).

Activities related to prostitution (procuring, knowledge of its existence, advertising, etc.) are liable to one to ten years prison sentences for the sexual exploitation of adults, and from two to ten years for child prostitution. Penalties may be raised to 20 years imprisonment for criminal conspiracy and life imprisonment if torture had been used. While these sentences are strict, they

are rarely enforced. In addition to application of the law, the legislation itself complicates the fight against sexual exploitation and its criminalization.

Male prostitution is prohibited because homosexuality is illegal in Morocco. According to the Penal Code (consolidated version dating July 5, 2018), homosexual people can be punished by 6 months to 3 years in prison. A Spanish NGO was expelled from Morocco for allegedly defending the rights of the LGBTI community. The project manager had been detained and deported, accused of using false documents, and sent back to Algeciras.

Under the article on non-marital and homosexual sexual relations, minors exploited in prostitution are condemned instead of being identified as victims. Indeed, the Moroccan Penal Code is not sufficiently precise on these issues and leaves the judges to decide based on their own interpretation. Their limited knowledge of gender issues and lack of training on these topics facilitate the application of unfair court rulings for women and girls in prostitution cases.

For many years, Morocco lacked any kind of law regarding human trafficking. In 2016, the country finally passed a law criminalizing the practice. Sexual exploitation is defined as “all forms of sexual exploitation, notably exploitation through prostitution (...) exploitation through (...) pornography, including by means of computer communication.” Sentences range from 5 to 30 years imprisonment but the legislation does not provide for penalties other than those for human trafficking in general (*Bulletin officiel*, November 15, 2016). This law, which reproduces the content of international treaties, remains insufficient and the mandates and powers of the commission responsible for monitoring the enforcement of the law remain rather unclear. Thus, the legislation should instead be broken down into decrees for better application. In addition, the law does not sufficiently protect victims, and traffickers are rarely prosecuted due to corruption. Few victims dare to testify against traffickers and are often dissuaded by lengthy trials (*US Department of State*, June 2016). Different forms of trafficking must receive different penalties.

### **Prostituted Persons in Morocco**

The Moroccan Ministry of Health estimates that there are around 50,000 prostituted women in Morocco (*Huffington Post Maroc*, May 25, 2015). A second study conducted by the Ministry of Health estimated that there were 19,000 women engaging in prostitution in the cities of Rabat, Fez, Tangiers, and Agadir (*Newsweek*, February 15, 2016). However, data from cities such as Marrakech or Casablanca, where a significant amount of sexual exploitation in travel and tourism occurs, was not included in this study. This explains the high difference in estimates. These studies also reveal that 1 in 4 prostituted women do not use condoms, either because they cannot afford them or because their sex buyers refuse to use them. They fear contracting certain sexually transmitted infections (STIs), including HIV/AIDS.

The number of people infected by HIV/AIDS among the entire Moroccan population was estimated to be 13,322 in 2017, of which 52% were diagnosed between 2012 and the end of June 2017, according to a fact sheet on the epidemiological situation of HIV/AIDS in Morocco created by the Ministry of Health (*Huffington Post Maroc*, July 13, 2015). According to Ministry data, three regions account for more than 50% of people infected by HIV/AIDS (Souss Massa,

Casablanca-Settat, and Marrakech-Safi), revealing that 67% of new infections occur in the networks of key populations at the highest risk of infection (*Huffington Post Maroc*, July 20 2018).

There is a significant societal stigma in Morocco surrounding women who have extramarital sex, due to the country's culture and tradition. As a result, women who engage in prostitution are even more looked down upon, seen as "impure" and "depraved." They do not receive empathy, for what they live, nor understanding for the reasons that pushed them towards prostitution. The criminalization of extramarital sex demonstrates how deep-rooted this stigma is in Moroccan society, including through the Moroccan Penal Code. A married prostituted woman can be accused of adultery by her spouse, and incur one to two years in prison. On the other hand, if the husband forces his wife into prostitution, it is easier for him to deny the facts, and the wife is often the only person charged.

Many prostituted women try to forget about their situation by turning to alcohol and drugs. They often have a very poor self-image, which is reflective of society's judgment. They are then convinced that they do not deserve to fall in love or marry.

There are many reasons why women may feel the need to turn to prostitution. Some women have been raped and subsequently forced to leave their communities, and thus prostitution becomes the only way to provide for themselves. Other women are forced into it by family members. According to the *World Bank*, unemployment in Morocco is around 10%, but the doubles for youth aged 15-24, at 20%. Many young women cannot find a job, and thus turn to prostitution. The Ministry of Health found that 62-73% of prostituted women are widowed or divorced, and face precarious situations (*Huffington Post Maroc*, May 25, 2015). Many women who engage in prostitution suffer physical and sexual abuse at the hands of sex buyers. It is difficult for them to get police support without being treated like criminals.

The Moroccan Penal Code (consolidated version dated July 5, 2018) condemns sexual relations between homosexual persons, with sentences of 6 months to 3 years in prison. Homosexual people are often subject to attacks, humiliation, and stoning by the population. Due to the stigmatization of homosexuality in Morocco, they have difficulty to find a job and must turn to prostitution. Thus, prostituted men face abuses related to their sexual identity.

### **Sex Tourism and Child Prostitution**

Sex tourism is a prosperous industry in Morocco. The government refuses to acknowledge the presence of sex tourism in the kingdom, fearing damaging the country's reputation as a safe, family friendly, and cheap vacation destination. An Italian film crew tried to make a documentary on child prostitution in Morocco, before being expelled by the authorities and accused of investigating without authorization (*Huffington Post Maghreb*, September 29, 2016). The Moroccan government is trying to hide this reality occurring at the expense of children.

Yet, sex tourism remains a large issue within the kingdom, as evidenced by the large number of prostituted women in Marrakech, Agadir, Tangier and Casablanca, all major tourist hubs.

No official data exists on child prostitution in Morocco, and no official government study has been carried out on the subject. In fact, the term “pedophile” doesn’t exist at all in Moroccan legislation. This disinformation on the part of the authorities, as well as the lack of institutional support, further complicates the fight against sexual exploitation of children.

Street children are more likely to be exploited, especially those who live in cities like Marrakech. They are economically forced to engage in prostitution to support themselves and their families. Some families will not even allow their children to come home unless they bring money. Like with prostituted adults, social services are very limited. Only certain associations and organizations help children cope with these particularly traumatic experiences.

### **Child Marriage**

The 2014 census reported that there were over 100,000 married girls under the age of 18 in Morocco (*Morocco World News*, October 14, 2015). The NGO *Girls Not Brides* estimates that 16% of girls are married before they turn 18. While Moroccan law sets 18 as the minimum age for marriage, it gives judges the ability to “reduce the age in justified cases” (*Bulletin officiel*, October 6, 2005). Parents encourage their daughters to get married before the legal age because they think it will give their daughters better lives and help them escape poverty. Judges will most often grant exceptions for economic reasons. However, child marriages usually have devastating consequences for girls, as they are made vulnerable to sexual abuse and rape from their husband. It increases their likelihoods of being trafficked or forced into prostitution, especially if they are left by their husband.

In more rural areas, the law is evaded altogether with the practice of *Al Fatiha*, a religious marriage ceremony that has no legal status and gives no rights to the bride. These marriages are very risky for girls. If they become pregnant and their husband leaves, the man does not have a legal obligation to the child.

### **Migrants and Prostitution**

Morocco is not only a destination country for migrants and victims of human trafficking, it is also a transit country. In 2016, a network of Nigerian traffickers was dismantled and 23 people were arrested (*BBC News*, January 27, 2016). They brought young Nigerian women to Spain through Morocco to force them into prostitution.

In recent years, thousands of Sub-Saharan African migrants have come to Morocco in hopes of crossing over the Mediterranean Sea and getting to Spain. In 2017, the number of people attempting to get from Morocco to Europe tripled (*The Telegraph*, June 1, 2017). Many of these migrants end up being unable to make the journey to Spain. Moroccan legislation on migrants and refugees is quite weak. To relieve congestion in Tangier and Nador, informal camps were established in other cities, begetting forced displacement of migrants. Because these camps are sometimes located in the forests near cities, they are often attacked and destroyed. Working licenses were delivered to migrants through two operations but due to the strict criteria to obtain them, this action was strongly criticized by NGOs. In practice, a large proportion of migrants



have not been able to secure a residence permit, and the lack of opportunities, one year later, does not allow for its renewal. Migrants find themselves once again without prospects for the future in the kingdom. Newly introduced socio-professional integration projects reserved for those who have a residence permit have nonetheless been developed. However, the government offers no support services to refugees, and migrants have to fend for themselves. Unlike migrants, refugees benefit from self-employment programs, as well as social assistance from the *United Nations High Commissioner for Refugees* (UNHCR).

The *UNHCR* estimated that 44% of migrants in Morocco are women. These women face threats of sexual violence, both from their smugglers or traffickers during their journey to Morocco, and upon their arrival in Morocco. Some women who are raped on their journeys become pregnant, but there are very few services available to them in Morocco, because of the legislation concerning extramarital sexual relations. Only some associations implement help services for female migrants, as well as services for female Moroccan victims of violence. However, those services remain insufficient and none are intended specifically for migrant women. Although many migrant women have jobs such as street vending, domestic work, hairdressing, or tailoring to survive, many still remain targets for traffickers and procurers. Sometimes, traffickers use the women's babies as leverage.

There are several powerful Nigerian, Cameroonian, and Malian criminal networks throughout Morocco, who traffic women by forcing them into prostitution. Due to legislative and institutional shortcomings, very few manage to escape or testify against traffickers. The Moroccan government needs to be more aware of not just the trafficking that is happening within Morocco's borders, but also the traffickers that pass through the country before heading to Europe. The significant number of migrants and refugees in Morocco increases risks of sexual exploitation and trafficking for these populations.

### **Progress and Recommendations**

Some progress has been made in the fight against prostitution in Morocco. In 2015, a policy was launched regarding tourism and child protection to promote responsible tourism and combat sexual exploitation. This public policy encourages the private tourism sector to fight sex tourism and child sex tourism. In the same year, the Moroccan government also collaborated with Internet providers to stop the sexual exploitation of children online.

The Moroccan government seems to understand that to effectively combat this complex problem, the private and public sectors must work together.

There have also been several anti-trafficking trainings provided to judges and law enforcement officials. In 2016, the government investigated four individuals accused of child sex trafficking and child sex tourism, a very low number considering how rampant the problem is in the kingdom (*US Department of State*, June 2017). Finally, to fight against the root causes of child marriage, Morocco must invest in schools in rural areas. The education of these girls reduces the risk of getting married at a young age.

In conclusion, while the Moroccan government has made attempts to fight sexual exploitation, it must do more. The situation will remain unchanged unless the government starts prosecuting traffickers and exploiters. Prostituted persons must be given more support and the issues of prostitution and sex tourism must be publicly acknowledged by the government, otherwise no real progress can be made. In addition, the only way to end prostitution, child sexual exploitation in particular, is to prosecute those who are seeking it. Otherwise, foreign and local sex buyers will not be worried and prostituted people will continue to be victims of this phenomenon.

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# Netherlands (the)



**POPULATION**  
17 million



**GDP PER CAPITA**  
48,223.2 USD



**POLITICAL SYSTEM**  
Constitutional  
Monarchy with a  
Parliamentary Regime



**HUMAN DEVELOPMENT  
INDEX**  
7<sup>th</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
3<sup>rd</sup> rank among 147  
countries



**CORRUPTION  
PERCEPTIONS INDEX**  
8<sup>th</sup> rank among 180  
countries

In 2000, the Netherlands legalized prostitution. The aim was to better control prostitution and limit criminality. The ban on procuring was thus lifted, prostitution is now recognized as a profession and brothel owners are considered as “relaxation business managers”. As such, prostitution has become a symbol of the Dutch liberal model.

## Out of Control...

The reality, however, is more complex. The law passed in 2000 planned to entrust the organizational management of prostitution to Dutch municipalities. Each municipality put the law in place in diverse ways. There are, indeed, different prostitution statutes in different cities: legal with a permit system (prostituted persons are registered by the municipal authorities), legal without a permit system, and illegal. In 2014, 24% of Dutch municipalities had no policy on prostitution, leaving the field open to illegal and clandestine prostitution. Additionally, the places for prostitution are numerous: window displays, sex clubs/brothels, apartments, street prostitution, escort agencies, massage parlors, catalogues on internet ...

Consequently, what actual control can the Dutch authorities really exercise? Especially as, year after year, the number of licensed establishments has decreased, particularly prostitution window displays. In April 2017, the municipality of Amsterdam closed 126 prostitution window displays (out of 470), and planned to close 37 more in 2017-2018. Like Amsterdam, most cities have closed these establishments so as to generally combat human trafficking, as investigations

have shown that these places are managed by trafficking networks (*Gemeente Amsterdam*, April 30, 2017). Thus, since 2000, Utrecht and Arnhem have closed all their windows (160 in Utrecht, 300 in Arnhem), Groningen has closed 50 windows, and Alkmaar closed 60. Prostitution has not, however, decreased. If anything, we note an increase in less visible places of prostitution. Escort agencies, for example, increased from 81 in 2006 to 125 in 2014. Most are licensed. Yet the number of escorts has also increased in the industry's illegal sector- although this increase cannot be quantified (*WODC*, 2016).

An increasing number of human trafficking victims have been identified in the least visible sectors of prostitution (apartments in particular): 55% of victims identified in 2012-2013, 72% in 2014-2016 (*Nationaal Rapporteur*, 2017). Several cities (The Hague, Rotterdam, Utrecht, Amsterdam in particular) have police services tasked with the policing of prostituted persons in apartments. The latter are detected through online ads based on certain key-words that can be used to alert the reader: available 24/7, intercourse without condoms, low rates. In 2017, 154 prostituted persons were checked by police in The Hague and 461 in Rotterdam. These operations made it possible to detect irregularities in 60% of cases (human trafficking, tax fraud, illegal occupation of premises, presence of children while their mothers were receiving sex buyers, etc.) (*NRC*, February 27, 2018).

### **A Decreasing Number of Victims, for a Developing Reality**

The number of identified human trafficking victims, all forms combined, is decreasing each year: from 1,711 in 2012, to 952 in 2016 and 1,076 in 2017 (*CoMensha*, 2012, 2016 and 2017). In 2017, 75% of the victims were women and 62% were sexually exploited (75% on average in previous years).

Authorities, however, do not see this steady decline as a sign that the phenomenon is abating or of the effectiveness of the policy pursued. Rather, it is the effect of a shift in political priorities following the increase of migrants arriving into the country and the heightened terrorist threat. Efforts now focus more on combating the illegal trafficking of migrants, at the expense of the fight against human trafficking. In addition, the restructuring of the police services, which began in 2012, has led to staff turnover and changes in practices. This could dangerously slow down certain areas of action, particularly the fight against human trafficking.

Everything suggests that the reality of exploitation is far worse than estimated. For the first time, a study conducted by the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, published in October 2017, managed to issue a quantitative estimate of the phenomenon through cross-referencing all the data recorded for the 2012-2016 period (*Nationaal Rapporteur*, 2017). Thus, there are reportedly 6,250 victims of human trafficking (all forms combined) each year in the Netherlands, a figure five times higher than the number of identified victims.

### ***Transnational Trafficking Versus Internal Trafficking***

According to these same projections, more than 65% of victims of human trafficking are victims of trafficking for prostitution purposes, a figure that can be subdivided into two groups: 21% are victims of transnational trafficking and 46% are victims of internal trafficking (*Nationaal Rapporteur*, 2017). This means that each year, approximately 3,000 victims are Dutch nationals, which far exceeds the number of victims of foreign origin. This supposition is corroborated by the identification data. For several years, Dutch victims have been the first identifiable group: 33% of the victims identified in 2015, 28% in 2016, 32% in 2017 (*Nationaal Rapporteur*, 2017). The phenomenon would therefore remain largely invisible; if the figure of 3,000 Dutch victims each year is reliable, it can be concluded that only 15% of them are identified (compared to the 33% of transnational trafficking victims, mainly from Bulgaria, Poland, and Romania).

### **Minors: Increasingly Victimized**

According to the National Rapporteur, approximately 1,320 female minors are reported to be victims of loverboys every year. Loverboys are men who seduce and charm very young, vulnerable girls in order to force them in prostitution. Only 1 out of 10 victims is identified and rescued (*NOS*, October 18, 2017). Of the 592 victims identified between 2010 and 2014, 358 were aged 16 or younger, with the youngest victim being as young as 11 years old (*Nationaal Rapporteur*, 2016).

According to observers, this phenomenon is evolving towards heightened violence and criminality... It is no longer a question of seduction and love. Loverboys are looking for quick money and power above all else. They are true criminals who “handle” many victims at the same time. They often belong to networks that also deal with arms sales or drug trafficking (*AD*, May 20, 2018). The connections with their victims are made via social media and the seduction phase is brief. The first sexual relations are filmed and the loverboys force their victims into prostitution by threatening to put the videos online or by sending them to their families.

#### ***Exploited Young Boys***

For several years, all of the government’s attention has been focused on the young Dutch women victims of loverboys. However, other forms of sexual exploitation of minors have begun to appear. Many organizations have been warning of the emergence of underage male prostitution. In January 2018, the reporting platform *WATCH Nederland*, created by the NGOs *Fier*, *Centrum Kinderhandel Mensenhandel* (CKM) and *Terre des Hommes*, received 131 reports of sexual exploitation of minors: of the 61 cases investigated, 5 concerned underage boys. A survey carried out in Eindhoven, by the NGO *Lumens*, showed that at least 70 boys or young men between 14 and 22 years old were exploited in prostitution. The phenomenon is also reported to exist in other cities like The Hague, Delft, Gouda, Rotterdam, as well as in rural areas (*NL Times*, February 6, 2018; *Fier CKM*, January 10, 2018). The situations vary greatly. Some are prostituted in exchange for material goods while others are victims of boyfriends who push them into prostitution. Some others are under the “protection” of sugar daddies who offer material security against sexual relations. All of these victims have one thing in common: their

young age. The issue is still taboo. “Who considers them victims? Girls are victims, not boys”, notes the researcher Daniëlle van Went from the NGO *Lumens*. In February 2018, in response to this emerging phenomenon, Herman Bolhaar, the new National Rapporteur, called for a better training of social workers and police officers on these issues.

### ***Victims of Child Pornography***

In recent years, there has been a substantial increase in the number of reports of child pornography. The figures vary according to sources: from 3,000 in 2014 to 18,000 in 2017 according to the Ministry of Justice and Security, and from 25,000 in 2015 to 35,000 in 2016 according to the Dutch hotline *Meldpunt Kinderporno*. The majority remain unresolved, as the police lack the time and human resources to investigate each report.

Today, the Netherlands is the leading European country in hosting child pornography websites, and the second worldwide (*Le Figaro*, April 3, 2017). According to *Meldpunt Kinderporno*, which analyzed more than 100,000 photographs, videos and websites with child pornography content, found that 80% of the material were hosted on Dutch servers. 200 children were rescued by the Dutch police in 2016 compared to 130 in 2017. All of these victims had been identified through photos or videos depicting them (*NL Times*, May 31, 2017; *Dutch News*, March 17, 2017; *Government of the Netherlands*, February 7, 2018; *NL Times*, April 4, 2018).

### **Behind the Official Discourse, Violence...**

Dutch authorities continue to praise the “well-being” of the prostituted persons who practice within the licensed, or legal, sectors. Yet, behind the satisfaction shown, another reality is beginning to emerge, including in studies commissioned by the government or Parliament. According to a survey conducted in 2014 (*WODC*, 2015), it appears that:

- more than 50% want to get out of prostitution;
- a certain number have been confronted with moments of anxiety, despondency and loneliness; 40% had been experienced situations of distress;
- almost 60% consider their activities as difficult to endure.

In another study conducted four years later, on the same population, clear findings of omnipresent violence in all its forms were noted (*Snippe, Schoonbeek, Boxum*, 2018):

- 93% admitted they had dealt with emotional violence (humiliation, inappropriate questions, insults, harassment, violation of private life ...);
- more than 75% experienced sexual violence (threats, forced sexual relations with a sex buyer, rape);
- 60% experienced physical violence;
- more than 50% mentioned economic violence: theft and extortion by sex buyers in particular, exploitation or refusals by financial organizations...

### **Rethinking Prostitution: Towards a New Model?**

Since 2013, the idea of self-managed brothels has invaded the debate on prostitution in the Netherlands, and several projects have arisen in this direction. The foundation *Non Nobis* has

thus proposed to create a “humane brothel”, liberated from the dominance of procurers, brothel owners and unscrupulous lessors, thereby empowering prostituted persons (AD, December 16, 2016). The project, first proposed in The Hague, was supposed to take root in several Dutch cities to replace the current red-light districts. However, the project no longer seems to be on the agenda.

In Amsterdam, the *Eigen Raam/ Own Window* project, originally launched in the spring of 2015, renamed My Red Light was inaugurated in May 2017. The project is based on 14 display windows of 4 buildings in the Red Light District (buildings repurchased by the city in 2007 from Charles Geerts, a brothel owner known under the nickname of ‘King of the Red Light District’) which could accommodate up to 40 prostituted persons (men, women and transgender people). The establishment is managed by the NGO *Start Foundation* in partnership with the Dutch bank Rabobank. The municipality, involved in the purchase of the buildings, withdrew from the project because it would no longer be a public brothel: the establishment does not receive public funds and the city does not directly benefit from it. The city now only controls the conditions of practice.

“Sex worker” organizations were involved in all the phases of the project’s development: architecture, room decoration, lighting choices... a collective manages the establishment. The goal is to provide a form of empowerment and freedom to the prostituted persons who would then have a choice in terms of their engagement in prostitution (rates, hours, holidays) and would be protected against the pressures and abuses imposed by intermediaries, and will be able to learn how to manage their own business (training will be offered to them).

“If this works, it could be a new model for prostitution” declared the managers of the establishment triumphantly on its inauguration day (*The Guardian*, May 16, 2017). Yet, one year after its opening, My Red Light seems to have failed (*NL Times*, April 2, 2018). Prostituted persons are reluctant to come, spaces remain vacant during the day and the investment is not amortized. The facility’s managers explained this failure by challenging the rules imposed by the municipality, in particular the ban on unregistered prostituted persons engaging in activities from home or online. In response to these attacks, the city declared that My Red Light shall not be treated differently from other brothels and that the prostituted persons in the facility have to comply with the rules.

### **Towards a New Prostitution Legislation?**

Since 2009, the Netherlands has been discussing a draft law “to regulate prostitution and combat abuse in the sex industry” (in Dutch, “*Wet Regulering Prostitutie en bestrijding misstanden seksbranche*” - WRP), which still has yet to be passed. The legislative process is slow: each proposal is analyzed, debated and corrected until almost nothing remains. Meanwhile, victims of human trafficking continue to suffer, whilst procurers and traffickers get wealthier. In its 2014 version, the bill provided for:

- the establishment of a national licensing system for all forms and places of prostitution;
- the establishment of national standards for managers of prostitution establishments;



- the criminalization of seeking sexual services from a prostituted person under the age of 21.

Nine years have passed and the draft law is still trapped in parliamentary deadlocks, debates and amendments.

### ***The Debate around the Registration of Prostituted Persons***

The registration of prostituted persons project via the attribution of a licence represents the main stumbling block of the draft bill. In December 2016, senators had proposed to exempt prostituted persons from this obligation when engaging in the activity at home. The Minister of Security and Justice himself indicated that independent prostituted persons could not be considered as an organized prostitution business and consequently should not have to apply for a license. The proposal was met with strong reactions. Corine Dettmeijer, National Rapporteur on human trafficking, clearly expressed her opposition as, in her opinion, half of the trafficking victims identified by *CoMensha* are exploited in the least visible sectors of the sex industry and “the person prostituted at home needs better protection” (*Dutch News*, December 19, 2016; *NOS*, December 19, 2016). The police are also concerned that they no longer will be able to reach potential victims and that they will lose all possibility of control on that part of the sex industry. Despite these arguments, the amendment was adopted by the Senate in February 2017. However, this issue remains at the centre of local debates. In anticipation of the adoption of the new Prostitution Act, several cities such as Amsterdam, Utrecht and The Hague have already put in place a form of mandatory registration for prostituted persons. In 2017, the Dutch authorities in charge of data protection (*Autoriteit Persoonsgegevens*- AP) and the Amsterdam Administrative Court challenged these decisions: the recording of personal data (in relation to health, criminal background, religious affiliation, or ethnicity) constitutes a violation of the right to personal privacy, even if the objective is to combat exploitation and human trafficking (*Dutch News*, August 4, 2017). The implicated cities opposed these decisions, with the Mayor of Utrecht explaining that the registration of prostituted persons was the best weapon against human trafficking. The municipality of Amsterdam appealed against the decision of the administrative court and, as a last resort, in a final plea, the State Council finally overturned the court ruling and accepted the municipality’s decisions (*NL Times*, August 4, 2017; *Sputnik News*, August 31, 2018).

### ***A Project on the Penalization of Sex Buyers***

In May 2016, at the initiative of the PvdA Labour party, a bill was introduced to penalize “certain” sex buyers. The text proposed to punish sex buyers of sex trafficking victims if it is demonstrated they had “serious suspicions” on the status of the prostituted person they met (*Dutch News*, May 26, 2016). “Sex workers” voiced clear opposition to this legal project. The Liberal and Democratic People’s Party (VVD) and Party for Freedom (PVV) expressed doubts on the legal definition of the concept of “serious suspicions”. The text was adopted by the Lower House (*Tweede Kamer*) in June 2016 and awaits an assessment by the Senate/Upper House (*Eerste Kamer*). The possibility of penalizing sex buyers has already been brought up in the Netherlands. In 2013, two MPs travelled to Sweden to study the effects of the ban on purchasing

sexual services. In October 2014, a draft law prescribing the criminalization of sex buyers had been submitted (and rejected). As a consequence, we are pleased to see that the Netherlands are reconsidering a project that makes sex buyers accountable for their actions. But will the proposed law, with the subtleties it imposes, be actually enforceable?

### ***The Development of Exit Programs from Prostitution***

In 2014, Parliament adopted the ‘*Van der Staaij et Segers*’ motion aimed at developing exit programs to help prostituted persons: *Regeling Uitstapprogramma’s prostituees II* (Rups II). The object is two-fold: to empower municipalities and NGOs to develop and implement programs to help prostituted persons change their lives and, in the long term, to create a national network of exit programs.

A budget of EUR 3 million (USD 3.36 million) per year was allocated to finance these programs over a 4-year period, from July 2014 to July 2018.

### ***Commitments of the New Coalition Government***

However, the situation could still progress. In October 2017, the new coalition government (VVD, D66, CDA and Christen Unie) made a commitment to put the prostitution reform on its agenda. The project is as follows:

- harmonize laws regulating the practice of prostitution throughout the country and for all persons engaging in the trade of sexual services;
- introduce a registration system for all prostituted persons (including escorts and ‘independent’ prostituted persons);
- strengthen the fight against procuring (Article 273f of the Criminal Code) by criminalizing individuals who benefit from prostitution when practiced without a license;
- allot funds to aid individuals exiting prostitution (*Confidence in Future - 2017-2021 Coalition Agreement*, October 10, 2017).

In accordance with this agreement, the government announced its intention to modify the WRP bill.

### **Assessing the Fight Against Human Trafficking**

The second evaluation cycle of the implementation of the Warsaw Convention by the *Group of Experts on Action against Trafficking in Human Beings* (GRETA) in 2017 and 2018 provided a relatively mixed picture of the Netherlands’ efforts in this domain. The results show a strong concern about the steady decline in the number of identified victims, associated with an equally significant decrease in the number of legal convictions for these acts: 103 in 2016 compared to 139 in 2015. Additionally, the sentences imposed were low and did not match the severity of the crimes committed (585 days’ imprisonment, on average).

Currently, the fight against human trafficking does not seem to constitute a real priority for the government. This is confirmed by the absence of a national plan of action against human trafficking. Indeed, a new plan has been awaited since the expiry of the previous plan, which covered the period 2011-2014. During their second evaluation, the GRETA were informed that a

new plan was to be completed in early 2018. However, its publication was postponed. “GRETA is concerned about the delay in the adoption of the new national action plan against trafficking and urges the Dutch authorities to make it a priority and allocate the necessary budgetary resources (GRETA, October 2018).

### **Protection of victims**

From 2012 to 2016, only 960 out of the 5,765 identified victims (all forms of trafficking combined) were able to benefit from protection in shelters, due to the lack of appropriate structures (*U.S. Department of State*, June 2018). Since then, three specialized centers for victims of human trafficking (men, woman and children) have been created. The sum of USD 2 million was released for their creation in 2017. From 2018 to 2021, approximately USD 1 million will be dedicated yearly to their management (*U.S. Department of State*, June 2018). The protection of foreign victims continues to present difficulties. To be recognized as victims, individuals have to file a complaint against their traffickers. They benefit from a period of reflection to do so, during which they must be placed under protection. Foreign individuals with a victim status can receive a residency permit (B-8 permit). However, these rules are applied inconsistently and randomly, depending on the government services contacted. As such, it is urgent to homogenize practices so as to respect the rights of victims. “No matter whether you meet the NZW services or the police, all trafficking victims deserve to be protected on the same level and according to the same rules”, declared Corinne Dettmeijer, the National Rapporteur on the fight against trafficking (*Nationalrapporteur.nl*, November 9, 2017).

### ***Training of Professionals***

In accordance with the anti-trafficking program of the new government coalition, the national police and the Prosecutor’s office have received additional funding to strengthen their efforts against human trafficking. An amount of USD 1 million were allocated in 2017 with an additional USD 2 million allocated per year starting in 2018. These funds are intended to increase the number of investigators and develop victim-identification training programs. Approximately 40,000 police officers are expected to receive this training (*Dutch News*, November 6, 2017). The Dutch government’s current concern is to raise awareness amongst health professionals. In a study lead by seven different medical professionals, it was revealed that more than 50% of health professionals either had little or no knowledge of the phenomenon at hand. Only 27.4% reported having sufficient knowledge of human trafficking and 22.2% reported they had received some sort of training on the subject. However, more than 50% of respondents admitted to meeting patients whom they suspected of being victims of trafficking. The urgent need to create training for health professionals is one of the main themes highlighted in the 10<sup>th</sup> annual report of the National Rapporteur on the Fight against Human Trafficking.

## The Debate Continues...

A growing phenomenon, uncertain estimates, the multiplication of illegal prostitution sites, minors increasingly exposed to the risks of sexual exploitation, violence, authorities unable to control the situation... the Dutch authorities are beginning to realize the seriousness of the problem.

Today, a growing number of politicians, magistrates and involved personalities (such as former prostituted person Xaviera Hollander) recognize the Dutch system's inability to eradicate crime in the sexual exploitation of persons. The abolitionist voice is even beginning to be heard. Journalist and abolitionist activist Julie Bindel recounts witnessing a march in The Hague, with slogans such as "Stop the sex trade" and "Enough is enough!" (*The Independent*, February 13, 2018).

Yet, the current authorities in place are not allowing real progress. The succession of amendments of the WRP bill, so contradictory in spirit, testifies to this. One day, it is planned to exempt people engaging in prostitution (in their homes) from any obligation to register; another day, it is proposed to penalize "certain" sex buyers. The Netherlands may be at a crossroads. It is to be hoped that the governing coalition will finally be able to move the Dutch system towards abolition.

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# Nigeria



**POPULATION**  
190,9 million



**GDP PER CAPITA**  
1,968.6 USD



**POLITICAL SYSTEM**  
Federal Regime



**HUMAN DEVELOPMENT INDEX**  
152<sup>nd</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
N/A



**CORRUPTION PERCEPTIONS INDEX**  
148<sup>th</sup> rank among 180 countries

A Sub-Saharan crossroads for human trafficking for sexual exploitation purposes, at once a country of origin, transit and destination, Nigeria is mainly perceived as a source country for victims from which traffickers and mafias draw ever younger girls to flood Western Europe and the Middle East. Taking advantage of the increase in migration flows, criminal groups smuggle their victims through Italy and Spain, alongside other migrants, in order to exploit them in prostitution upon arrival. Locally, poverty, lack of professional opportunities and basic needs push many young women, sometimes high school students, into prostitution when it is not their own families who encourage them to do so. The most vulnerable are the primary victims of this spiral. The phenomenon does not slow down and pushes many young women into the clutches of procurers and sex buyers who exploit them and take advantage of their situation.

In the north, the impact of the insurrectionary Boko Haram movement has substantially increased the displacement of populations (2.4 million people), and has provoked a serious humanitarian crisis involving many young women being forced into prostitution to support their families.

The kidnapping of several thousand young women and girls, including 276 high school girls from Chibok in April 2014, for ransoms or sexual slavery, had a very high media profile. After being forcibly married to the groups' fighters, some of these women were released in 2018. Several dozen of them died in captivity after being used as human shields during the aerial attacks against the group or as victims of crossfire (*Le Point*, April 17, 2018).

Upon being returned to their families, many of these women were met with stigmatization by their community, as a result of their abduction, in addition to the physical and psychological consequences of the sexual violence they were subjected to during their captivity, as they leave deep wounds that are difficult to heal.

Within Nigeria, women and children are trafficked and displaced from rural zones to urban centers (Olateru-Olagbegi). Trafficking and sexual exploitation of young girls has been on the rise in these regions, primarily in the innumerable prostitution establishments in large urban centers (on the streets, in hotels or night bars).

Furthermore, despite multiple campaigns since 2016 to reduce these practices, early marriage remains significant in Nigeria. According to *UNICEF*, 44% of young girls are married before the age of 18, and 17% are married before the age of 15. These rates vary significantly from one region to another. Finally, it is necessary to highlight the high prevalence of the HIV/AIDS epidemic, which particularly affects prostituted persons (14.4% are reportedly infected) (*UNAIDS*, 2018).

There are many trafficking routes from Nigeria. Traffickers take victims to North Africa, where they are exploited through forced labor, domestic work and prostitution. Victims are also brought to Europe, where they are faced with the same fate.

Nigerian networks, which have also established themselves in Libya, are organizing the departure of the young women “recruited” in Nigeria, primarily from the country’s poorest regions, to supply the European prostitution market. The Spanish route, via Morocco, is now abandoned and the victims are currently instead brought to Italy. Traffickers generally use the route through Niger, Algeria and Libya, where their victims are put aboard ships in Tripoli, Misrata or Benghazi in large numbers (*Fondation Scelles*, October 13, 2017).

### **Current legislation**

According to Articles 222-227 of the Nigerian Criminal Code, prostitution is prohibited in Nigeria. Although procuring is criminalized, the sanctions for forcing an adult or minor into prostitution are relatively light (two years in prison). Some regional specificities of the Penal Code allow more severe condemnations for those who force a minor under 18 years of age to engage in prostitution, with penalties of up to 10 years’ imprisonment and a fine.

Theoretically, the prostituted person is not criminalized, however the enforcement procedures of the law remain unclear. Several reports cite arrests of prostituted persons.

All trafficking, including sex trafficking, was criminalized in the 2003 Trafficking in Persons Law Enforcement and Administration Act. This law has since been amended several times in recent years to impose harsher sentences on traffickers. The current sanctions for cases of trafficking for sexual exploitation are a minimum of 5 years’ imprisonment, as well as a USD 5,470 fine. The minimum sentence is increased to 7 years if a child is implicated in the offense (*US Department of State*, 2016). These sentences are sufficiently stringent, unlike the sentences concerning prostitution. The Trafficking in Persons Law Enforcement and Administration Act also provides for the support and protection for victims through the creation of the *National*

*Agency for Prohibition of Traffic in Persons* (NAPTIP), which provides shelter for victims of trafficking across the country.

### **Sex trafficking of Nigerian women and girls**

Nigeria's economic crisis has worsened in recent years. As a result, the number of young Nigerian women trying to travel to Europe has skyrocketed. To a lesser extent, women are also victims of trafficking to neighboring African countries, many of which have legalized prostitution, making it even more difficult to assist victims. The percentage of reported cases regarding sex trafficking increased by 204% in 2016, a figure indicating the gravity of the problem (NAPTIP, 2017). Nevertheless, most of these women go to Italy, where the number of Nigerian women has increased eightfold between 2014 and 2016 (*Vanguard*, April 2, 2017). Other cases of trafficking to Belgium, Spain, the United Kingdom and other Western European countries have also been reported. However, it is important to note that Nigerian women who are victims of trafficking are not only sent to Europe. However, due to the clandestine nature of human trafficking, it is difficult to find reliable and accurate data on the number of victims sent to different parts of the world. It is even more difficult to assess the number of victims trafficked during large scale international events, such as the FIFA World Cup in the Russian Federation where, according to the NGO *Women's Consortium Nigeria* (WOCON), a large number of Nigerian women were victims of sex trafficking.

In 2016, 11,000 Nigerian women and girls were trafficked to Italy, almost twice as many as in 2015 (*The Guardian*, January 12, 2017). Due to a demand for younger girls, children as young as thirteen are now making the dangerous journey to Europe. The *United Nations* (UN) estimated that 80% or more of these underage victims arriving in Europe were victims of sex trafficking (*The Guardian*, August 8, 2016). Traffickers take advantage of the refugee crises across Africa and the absence of a real government in Libya to send young Nigerian girls across the Mediterranean basin. According to the *International Organization for Migration* (IOM), the vast majority of Nigerian migrants who arrived by boat to the Italian coast in 2016 came from Benin City in the State of Edo, a region that accounts for only 2% of the country's population. It is thanks to the money earned by children who have left on the northern shores of the Mediterranean that the city can survive, as it has been severely affected by industrial decline for many years, and is today riddled by human trafficking networks (*Fondation Scelles*, October 2017).

Located in Southern Nigeria, Edo State is extremely poor. In 2016, the state had the highest number of reports of trafficked girls in the country (NAPTIP, 2017). Benin City, the state's capital, is recorded as Nigeria's largest human trafficking center. The *mama* (sometimes referred to as the "madam") is a key figure in the organization of sex trafficking in Nigeria. Madams seek out young girls and recruit them, while also financing and managing the entire process until exploitation. The number of female traffickers has increased significantly. In the countries of destination, the Madams control and watch over their victims as soon as they arrive. Most of these Madams are former victims who, after repaying their debt from their journey, became



procurers in their own right. Some Madams who specialize in recruitment voluntarily return home to search for victims.

The most common way for criminal groups to proceed is to take the victim from Benin City to Lagos, where they hand her over to another trafficker who is responsible for the next step of the journey. The trip can take up to two years.

Nigerian migrants are often told by traffickers and smugglers to travel illegally to Europe to obtain legal documents. Information and services provided by traffickers to victims in Nigeria differ. Some plan the entire journey, including transport to travel documents, while others only provide information on how to migrate to Europe. Traffickers may contact women and girls' families directly and offer to help their daughters to migrate abroad for a fee of about 10,000 or 20,000 Nigerian Naira (NGN) (between USD 27.8 and USD 55.6). Often, families need to borrow money or sell their properties to pay the requested amount. If the women handle the business themselves, they have to go into debt, thus initiating the spiral of exploitation.

Most victims think they are indebted to traffickers, however they are not informed of the amount of their debt until they arrive in Europe. Others are aware of the actual amount of the debt, but do not necessarily understand how much it represents or what they will need to do in order to repay it. Many women think that the amount of the debt announced in Nigerian was in Nigerian currency. It is not until they reach the country of destination that they are made aware of the sum they owe to be reimbursed is, in reality, expressed in euros.

Traffickers may increase victims' debts as punishment for 'bad' behavior. Abortions or unwanted pregnancies also result in "fines". In addition, air travel is more expensive than maritime travel, as a result of costs of travel documents and airfare. The debt rises again upon the women's arrival in Europe, where the traffickers charge higher interest rates, making reimbursement even less probable. *Mamas* take disproportionate sums of the women and young girls' earnings to pay for their food or lodging. In 2015, the debt contracted for a journey from Nigeria to Europe ranged from EUR 40,000 to EUR 60,000 (USD 44,933 to USD 67,394), depending on the mode of transportation (EASO, 2017).

Many young women are sexually abused and exploited during their journey to Europe, in addition to what they will suffer upon arrival. Many risk becoming pregnant during the journey after being raped by their traffickers. Some do not even make it to Europe because they cannot afford the transportation costs between Libya and Italy, or between Morocco and Spain. Consequently, many are held in Libya and forced into prostitution in detention camps until they have the means to pay for the rest of the trip. Some of these women never reach Europe.

Upon their arrival in Italy, the young girls are taken to reception centers for refugees and migrants where they are sheltered, protected from traffickers and informed of their rights. However, most of them are ordered to call a specific individual so that either a *mama* or a trafficker can pick them up once they arrive on Italian territory.

In the meantime, the families of these women expect to receive money regularly from their daughters abroad. However, victims are typically not allowed to send money home until their debt has been repaid in full. Some attempt to hide some of their earnings in different places to

send this money back home, unbeknownst to the traffickers. If they are caught in the act, a fine will be added to their initial debt. Even after they have repaid their debt, victims may feel compelled to continue prostituting themselves, as they do not have any other remunerative prospects to continue to live and support their at home. They then remain under the control of a *mama* before becoming a *mama* in their own right, once the debt has been repaid.

### **Aggravating factors**

The main reasons many women migrate to Europe are due to being pressured by their family, or the desire of young women to support their relatives in Nigeria. Families in Edo State, where many young girls are exploited in sex trafficking, are often poor and illiterate (EASO, 2017). Sometimes, families, and even their daughters themselves, are deceived by traffickers about the purpose and “finality” of their destination. However, even when they do know the cause, they may not fully understand the mortal risks that await them during their journey, and on arrival at their destination. Sending women and young girls abroad has become a symbol of success for some families who pride themselves on having their daughters in Europe earning and sending them money.

### **Manipulation through *juju***

*Juju* remains a widespread singularity in Nigerian trafficking, as it allows traffickers to keep their victims under their control. This traditional practice in West Africa of bewitchments by *juju* priests results in the manipulation of people’s lives. After the *juju* ritual is performed on an altar by the *juju* priest, the victim promises to reimburse their trafficker, to never run away and not to reveal their identity. The victim is told that if they break their oath, terrible things will happen to them or their family.

*Juju* may not always be used as an instrument of intimidation and coercion. It can also be used after recruitment to facilitate the travel and trafficking. *Juju* only becomes a threat when the woman is in a situation of exploitation, and becomes a binding part of the oath if women try to betray it.

If the victim wants to leave the prostitution network, she may experience physical abuse and be threatened with the consequences of *juju*. The purpose of the oath is to prevent the disclosure of the traffickers’ identity or the details of the ritual itself, and to ensure that victims pay their debts as agreed without creating problems.

In addition, the opportunities available to Nigerian women in Italy are very limited, so much so that they prefer to remain in prostitution as they know that they will not find a job due to their status and lack of language skills. The fear of leaving this situation is easily explained. *Mama*’s are able to contact other traffickers within Nigeria to attack their families.

Young girls who manage to leave their *mama* suffer significant psychological problems because they imagine themselves having to bear the curse of *juju*. It is possible that these psychological consequences may be the result of the trauma they were subjected to. Some survivors show symptoms of Post-Traumatic Stress Disorder (PTSD).

In Italy, trafficked individuals can obtain a temporary residence permit if they report their trafficker. However, many Nigerian women claim to not know who the traffickers are, or claim to be unable to identify them. Many young Nigerian girls are afraid of the consequences of their oath. They risk being sent back to Nigeria, where they can fall back into the hands of a network.

### **Female prostitution and exploitation in Nigeria**

Prostitution is very significant within the country itself, with 103,506 prostituted persons reported in 2018 (*USAIDS*, 2018). With high rates of unemployment (14% according to the National Bureau of Nigerian Statistics), an evident lack of professional opportunities, a moribund economy that is far too dependent on crude oil prices, the main export resource, the state of the country encourages exploitation. Street prostitution, which is the most visible form, remains prevalent in large urban centers. Although brothels are prohibited, these establishments can still be found in all Nigerian cities. There are countless hotels and places of operation “in the streets of Lagos, Ibadan, Owerri, Port Harcourt or Calabar, in Abuja or Lokoja” (*The Guardian*, April 2, 2018). Money from the sex trade also floods strip clubs and nightclubs in the capital and elsewhere. The wealthy, local elites, politicians, foreigners and all those who own a little more than the rest of the vast majority of the population are the main consumers-exploiters.

The student environment is particularly affected. Every university campus has its own center for prostitution where procurers organize their exploitation (*Pulse*, November 21, 2017). Rapidly perceived as a way to finance their studies, pay their rent and earn money to support their family or buy material goods, prostitution affects all social classes (*Pulse*, January 23, 2017). Sexual acts may be granted to other students in exchange for homework assistance, or even to lecturers for favorable grades (*Pulse*, November 21, 2017).

International trafficking networks seem less active locally, as many young girls reportedly do not have procurers. However, this also means that the government does not consider these women to be victims, and they therefore cannot have access to assistance programs they are entitled to in order to leave prostitution.

Northern Nigeria suffers from another problem. Boko Haram, an Islamic terrorist organization, has caused the displacement of more than 2.4 million people in the Lake Chad region, at the crossroads of the borders with Cameroun, Chad and Niger (*Daily Post*, January 6, 2017). Many women, displaced in this way, have been forced into prostitution in order to survive and feed their families. This phenomenon is especially prevalent in internally displaced persons (IDP) camps within the country. Some government officials in the camps use their status to sexually abuse and exploit women and young girls. Public officials and camp workers threaten to withhold food rations to obtain sex from the women in the camps. There have also been reports of rape and abuse by these individuals. Traffickers, especially in the Edo region, come to the camps in groups to recruit underage girls to be sent to Italy, where they will be sexually exploited. Some young girls abducted by Boko Haram and who subsequently managed to escape decide to leave to Europe, despite the dangers. After having them take a sedative without their knowledge, some are even murdered on the way to Europe to collect their organs.

## Male Prostitution

While not as prevalent as female prostitution, male prostitution still does exist in Nigeria. Under Nigerian law, homosexuality is illegal and punishable by up to 14 years' imprisonment. The majority of Nigerian population holds a negative view of homosexuals (*Human Rights Watch*, October 20, 2016). Cases of male homosexual prostituted persons who have been abused by the police have been reported. Nigeria offers no protection against discrimination to homosexual individuals, who find themselves vulnerable to attacks due to the very high degree of homophobia in the country. There is no recourse for them if they are victims of abuse. In July of 2017, "40 gay men and boys, some of whom were no more than 13 years old, were arrested in a gay nightclub in a hotel located in the disadvantaged neighborhoods of Nigeria's economic capital, Lagos" (*ABC*, October 22, 2017).

## HIV/AIDS

Nigeria has the second largest rate of HIV/AIDS epidemic in the world, with 3.1% of its population affected, or 3.2 million people living with the disease (*UNAIDS*, 2015). Social stigmatization is important around HIV/AIDS in Nigeria. Among prostituted people and drug users, the rate reaches 32% of new infections in 2015, although they only represent 3.4% of the population (*NACA*, 2015). 25% of prostituted women and 19% of prostituted men are carriers of HIV/AIDS. These figures are 8 times higher than the general population. This highlights the heightened risks associated with prostitution due to exposure to many different individuals, and a lack or inconsistent use of condoms (*NACA*, 2015). Nevertheless, there is an apparent growing awareness of the importance of condom use, at least among prostituted women, as 93% of them reported to have used a condom during their last sexual encounter, as compared to 55% of prostituted men. This difference in figures may be partly explained by the fact that women fear pregnancy during unprotected sex, which is not the case for men who, moreover, are not very concerned about the risks of sexually transmitted infections (STIs) or HIV/AIDS.

## Early marriages

Child marriage remains a major problem in Nigeria, especially in the northern regions, where cultural and religious norms push many families to marry off their daughters at a young age. Nationwide, from 2008 to 2014, the rate of marriage for girls under 18 years old was 43% (*EASO*, 2017). In northern Nigeria, however, 78% of girls are married before they reach 18 years of age, which is the highest rate in the world. In 2003, Nigeria passed the Child Rights Act, which set the minimum age for marriage at 18 years old, and criminalized those who facilitated child marriages with a punishment of up to 7 years' imprisonment. However, not all states in the country have ratified this Act, and others have ratified it but lowered the age to preserve their cultural traditions. In practice, even in states where it has been ratified, the law is not fully enforced and families decide to marry their young daughters at an age they deem appropriate.

Because of widespread poverty in Nigeria, some families sell their daughters mainly by marrying them, as they receive a wedding dowry. Others will marry their young daughters in fear of them having sex before marriage. Boko Haram also abducts young girls in order to force them into early marriage with their fighters. Many of these girls will be stigmatized if they manage to escape and return home, especially if they have a child from these unions.

### **Progress and recommendations**

The Nigerian government continues its efforts against human trafficking and sexual exploitation. However, as demonstrated by its demotion in Tier 2 Watch List in the 2017 US Department of State report on Trafficking in Persons, there is still much progress to be made. *NAPTIP* grants increased in 2018 by NGN 1.5 million (USD 4,170) compared to 2017 (*US Department of State*, 2018). The government has trained over 200 officials in the fight against trafficking in 2017. It also identified and referred more than 1,000 victims of trafficking in the same year and referred them to *NAPTIP* (*US Department of State*, 2018). The government has collaborated with numerous other countries to prosecute Nigerian traffickers abroad. Compared to 2017, *NAPTIP* investigated, prosecuted and convicted more traffickers (*US Department of State*, 2018). Lastly, in March 2017, the government introduced a law that would increase the fine for illegal migration from about USD 1 to over USD 3,000, in an attempt to stem the flow of thousands of illegal migrants from leaving the country (*Deutsche Welle*, March 21, 2017). The Nigerian government should consider several options when fighting against trafficking and sexual exploitation, including developing the enforcement of its anti-trafficking law and continuing to work with foreign governments in search of Nigerian networks trafficking women and girls abroad. In addition, it could also increase the insufficient sentences for individuals who lead adults and minors into prostitution, as they currently lack stringency.

The government should ensure that victims of trafficking are able to resume a normal life in Nigeria, without the constant threat of violence they experienced when they were victims of trafficking. A victim reintegration scheme would be essential in these circumstances, as well as means to raise awareness of the nature of human trafficking in order to reduce the isolation victims may face upon their return. For example, the Italian NGO *Slaves No More* is helping Nigerian women who are victims of trafficking to return to their country and find economic alternatives to rebuild themselves. The Nigerian government should raise awareness about the reality of sex trafficking abroad, as increased awareness could potentially discourage girls from leaving the country. A victim reintegration scheme and protection program should be able to limit the power of traffickers over their victims.

Finally, the aim would be to enforce, throughout the country, a law criminalizing child marriage and to apply a zero tolerance policy for reports of sexual abuse and rape in camps for internally displaced persons. Poverty reduction throughout the country, economic development, strengthening gender equality, promoting cultural changes that respect the human rights of women and children are essential to hope for long-term improvement, at least locally. Even if progress has been made in the fight against sexual exploitation, the magnitude of the

phenomenon would require a real change of scale that the current government does not seem able to provide. The development of international cooperation (agreements between states, Interpol, etc.) also appears to be essential to curb this “exportation of prostitution” which only enriches criminal networks, accentuates corruption at all levels of society, hurts victims and delays economic development in a country that has significant assets.

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# Pakistan



**POPULATION**  
197 million



**GDP PER CAPITA**  
1,547.9 USD



**POLITICAL SYSTEM**  
Multiparty Federal  
Republic



**HUMAN DEVELOPMENT  
INDEX**  
147<sup>th</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
130<sup>th</sup> rank among 147  
countries



**CORRUPTION  
PERCEPTIONS INDEX**  
117<sup>th</sup> rank among 180  
countries

Prostitution in Pakistan remains an exceedingly intricate and diverse issue. Although all forms of prostitution-related activity have been declared illegal in the country, practices remains omnipresent in almost every province and district, primarily driven by poverty. The word “prostitute” or “prostitution” in Urdu, the national language of Pakistan, is a heavily stigmatized word, and carries exceedingly negative connotations. The practice is often associated with women, but it is equally widespread among men.

Women are victims of sex trafficking, and are generally recruited through coercion or deception (false marriages, false offers of employment or forced marriage). Pakistani prostituted women can be classified into three distinct categories.

The former are referred to as *Tuwaif*, who come from artists’ families. These young girls are raised solely for the practice of prostitution. From childhood, they are trained to dance and sing for visiting sex buyers, and have sexual relations with sex buyers who are from middle to upper socioeconomic classes.

The second form of prostitution concerns migrant families of prostituted persons. Since the 1980s, the red-light districts of major cities like Lahore and Karachi have been a high migration destination for families of prostituted persons. This is in response to the implementation of Islamic regulations, which have closed many red light districts in the country's small and medium-sized cities. This has brought forth a number of difficult situations within society, as there are no specific public policies, nor legislative strategies to confront the issue of said



migration. Migrant women from Afghanistan, Bangladesh, Myanmar, the Philippines, Nepal and the Central Asian States are trafficked into prostitution for a limited period of time to low and middle-income sex buyers.

Finally, the third category of prostituted females includes prostituted women or young girls in brothels. These women usually come from extremely impoverished families and tend to be the most marginalized in society. They are subjected to the most extreme forms of exploitation from brothel owners, police, and sex buyers.

### **Current legislation in Pakistan**

Legislation on issues regarding or relating to sexual exploitation has been unfavorable towards victims of exploitation. In 1979, the military regime of General Zia-ul Haq, driven by the objective of bringing the Pakistani legal system closer to Islam, promulgated a series of revisions to the Pakistani Constitution with the Hudood Orders, mainly concerning sexual crimes. Most notably, sexual intercourse outside of marriage was found illegal and punishable by public flogging or stoning, a practice extracted from Sharia law. Many women, who had decided to take their cases to court, were persecuted as their taking the stand was considered a confession of the crime committed. Furthermore, in order for cases of rape or sexual exploitation to be duly proven, the Hudood Orders established and required the presence of four adult Muslim male witnesses. If women were unable to present these testimonies, they were punished as criminals. The Women's Protection Act, enacted in 2006, amended the penalties by abolishing the corporal punishment prescribed by the Sharia law and replaced it with a term of imprisonment of up to 5 years and/or a fine. Victims continue to be prosecuted under the remaining elements of the Hudood Orders because societal customs often place the burden on prostituted women rather than the sex buyers. Today, legislation and law enforcement efforts against prostitution and sex trafficking remain insufficient.

With regard to human trafficking, the law does not criminalize all forms of trafficking, making it difficult to ensure its proper implementation. Transnational sex trafficking is criminalized in the Prevention and Control of Human Trafficking Ordinance (PACHTO), which provides for sentences of 7 to 14 years' imprisonment.

However, laws regarding domestic sex trafficking are far less conclusive. Indeed, although article 369A of the Pakistan Penal Code, amended in March 2016, declares internal sex trafficking of women and children to be illegal, and yet in the same section, the prostitution of children under the age of 18 is not recognized as an act of human trafficking.

In July 2016, the Punjab passed a law criminalizing the sex trafficking and forced labor of children with a prison sentence of 3 to 7 years. In March 2017, Sindh's provincial government passed a similar law prescribing between 5 and ten years' imprisonment.

In June 2018, Pakistan adopted a new law to combat and prevent human trafficking. The law included a better definition of trafficking, a better system of care for victims and the possibility for the government to manage awareness campaigns (Act to prevent and combat trafficking in persons especially women and children).

## Sexual Exploitation of Boys

Although the exact number of prostituted persons in Pakistan is unknown, the prevalence of underage prostituted male is estimated to be higher, regardless of the fact that homosexual activity in Pakistan is illegal. While the majority of male victims often come from the same backgrounds as their female counterparts, the method of exploitation seems to differ between sexes. Firstly, boys are exposed to a higher risk of sexual exploitation due to their greater freedom of movement. They are easily trapped as they leave their homes to play in the streets. The sexual exploitation of these boys is generally more visible, often seen in public spaces, such as the streets, markets, restaurants, bus stations, public toilets, etc. In addition, several small-scale studies have shown that, paradoxically, madrassas (Islamic schools) tend to be high-risk places for boys. Safety may be compromised at school, as teachers sometimes blackmail and threaten boys with fines and disciplinary sanctions if they refuse certain forms of sexual abuse.

Reporting cases of this type of sexual exploitation remains exceedingly complex due to a number of social barriers. On one hand, families feel more comfortable reporting abuse perpetrated against boys as defamation issues do not affect men in the same way as women. On the other hand, however, many boys are often unwilling to report their abuse, a seemingly rising trend. The common association between male prostitution and homosexuality has important consequences on the judicial situation for boys victim of sexual exploitation. Boys are frequently advised not to speak to the authorities about their experiences due to their sexual identity and the social taboo of homosexuality. In addition, gender bias has a significant effect on the attitude of law enforcement. Often, if male victims choose to file a complaint, it is rare that their requests are taken into consideration due to the existing stigma surrounding the notion that, since they are men, they are mentally and physically capable of stopping any form of sexual activity imposed on them.

## The Hijra Community: A Group Extremely Vulnerable to Sexual Exploitation

The Hijras have existed in South Asia for hundreds of years and are largely defined as belonging to the “third gender” which includes those who are transgender, eunuch, hermaphrodites and transvestites. It is estimated that 500,000 individuals define themselves as Hijras within Pakistan. Due to the very conservative Islamic structure of Pakistani society, there is little to no public awareness that gender is not binary. It is for this reason that there is an endemic phenomenon of sexualization of transgender people that often leads to sexual harassment in public places, humiliation, abuse and gang rape. In addition, due to the lack of acceptance of those who do not conform to societal gender binaries, many transgender people are unable to find employment, and are deprived of many fundamental rights.

Unemployed and forced from their homes, many transgender individuals often turn to *Khawaja Sira* communities for shelter, food and acceptance. Within these communities, all transgender individuals are subject to a highly controversial *Guru-Chela* system. Hijras obey a leader, known as the Guru, who imposes a limited number of employment opportunities: prostitution, begging or dancing. The Guru takes a certain percentage of the Hijra’s earnings in

exchange for accommodation, protection and acceptance. This guru culture has proven to be detrimental to the Hijras, as Gurus tend to sexually abuse vulnerable transgender youth, rather than act as guardians. Many Gurus encourage young transgender individuals to enter into prostitution and force them to beg on the streets, which exposes them to certain forms of sexual exploitation. Education is generally discouraged and repressed within the community, as it empowers Hijras and reduces their dependence on Gurus. Yet, individuals often have no choice but to join these communities since it is exceptionally difficult to live in a society where violence and abuse predominate. Thus, they prefer the *Guru-Chela* system, which gives them some protection.

Although there is a minimal governmental response to the Hijras' socio-economic circumstances, the situation of transgender prostituted persons has improved in recent years as a result of a series of Supreme Court decisions. A June 28, 2017 ruling stated that transgender should be recognized as intersex on their national identity cards. In the past, in order to receive an identity card, one had to declare themselves as male or female. As Hijras do not define themselves as either, their refusal to declare themselves as male or female deprived them of identity cards and in turn of certain rights such as the right to vote or to run for elections.

### **Forced Marriages and Child Marriages**

Gender roles, reinforced by traditional attitudes, beliefs and practices, have contributed to limiting women's participation in Pakistan's social development. One of the most pervasive traditional practices in Pakistan is the forced marriage of women and children. According to a *UNICEF* report, 21% of Pakistani girls are married before the age of 18, and 3% are married before the age of 15. Women living in poverty are generally the most at risk of forced marriages. Due to a popular familial notion that daughters are an economic burden as opposed to sons, early and forced marriages are often motivated by the prevailing practices of *Watta Satta*, dowry exchanges, and *Vani* (also known as *Swara*). *Vani* is a cultural custom according to which a young girl is forcibly married off as a form of punishment for a crime committed by one of her male relatives. *Watta Satta*, on the other hand, is the practice of exchanging two women from different families, which usually involves the exchange of young girls. This practice often parallels the continued cultural tradition of dowries, where brides are sold for the best price offered. Dowry practices are used as a form of sexual exploitation. Deceived by a female member of the family directly involved in the sale of the bride, the young women are then sold by their husbands into prostitution.

For a number of years, the legal age of marriage for women has been a debated issue. In accordance with Pakistan's Child Marriage Restraint Act of 1929, the legal age of marriage for women is 16 years old, and 18 years old for men. Over the years, several attempts have been made to raise the legal age of marriage for girls from 16 to 18 years of age, yet all have been rejected. In May 2017, the National Assembly rejected one of these attempts to revise the Child Marriage Restraint Act. Conservative Islamic beliefs are proving to be the main cause of the refusal to postpone the child's age. In its last rejection, the National Assembly stated that the

amendment was “contrary to religious injunctions,” as were the common objections of the Council of Islamic Ideology. The purpose of this organization is to provide Islamic legal advice to the government, and often proclaim that the Pakistani law against child marriage is un-Islamic. Within Pakistani courts, there is frequent confusion and lack of separation between Islamic religious interpretations and federal law, which often results in a significant lack of clarity. The law setting the legal age of marriage at 16 years old is not properly enforced in many Pakistani courts, which interpret it and apply Sharia law in order to declare a girl fit for marriage once she has reached puberty.

### **Magnitude of HIV/AIDS Amongst Victims**

Prostituted persons in Pakistan face a number of grave health issues, the most common being HIV/AIDS and other sexually transmitted infections (STIs). Regarding prostituted women, male sex buyers are proving to be the vector of transmission. It is estimated that more than two thirds of sex buyers do not use condoms, which significantly increases the threat of HIV/AIDS and other STIs. The lack of education surrounding STI risks also contributes to the heightened danger of infection among prostituted persons. HIV/AIDS is incredibly widespread amongst Hijra communities, due to a combination of two factors: the government’s refusal to provide public services, such as medical treatment and education, and their extreme vulnerability.

In Pakistan, sexual violence and drug addiction are interrelated issues. Indeed, many victims of sexual exploitation and abuse begin using drugs as a means of coping with abuse and exploitation. These victims fall into an endless cycle of addiction and the subsequent need for drug money. Some are even paid in the form of drugs in exchange for sexual services. In addition, the correlation between commercial sex and the drug trade is a determining factor in the prevalence of HIV/AIDS and STIs among prostituted persons.

### **Repression and Corruption**

In October 2002, the *Prevention and Control of Human Trafficking Ordinance* (PACHTO) was enacted, defining what constitutes human trafficking and creating the first laws relating to human trafficking in Pakistan. Subsequently, in accordance with the 2009 National Action Plan adopted in 2009, the *Federal Investigation Agency* (FIA) was established to lead anti-trafficking efforts through the intermediary of the Department of Anti-Human Trafficking and Smuggling.

Despite a lack of adequate resources and funding, the *FIA* has since taken a considerable number of anti-trafficking measures in recent years. Since November 2015, there has been a drastic rise in arrests for trafficking (3,466 over the course of the past 3 years) and, according to the Interior Minister Ahsan Iqbal, in an address to the National Assembly in December 2017, there have been a total of 7,430 recorded cases of human trafficking over the last two years. This increase in the number of investigations and arrests correlates to some structural modifications implemented within the *FIA*, particularly with the establishment of the Anti-Trafficking Unit, a specialized unit devoted to all matters relating to human trafficking, as well as the establishment of the Human Trafficking Circles and sub-units of the Anti-Trafficking Unit in the *FIA*’s

regional areas (Karachi, Lahore, Rawalpindi, Peshawar and Quetta). The Human Trafficking Circles and sub-units of the Anti-Trafficking Unit investigates and prosecute illegal migrants and travelers, resulting in a 2016 government report mentioning the increase in the number of investigations, prosecutions and convictions for trafficking for sexual purposes. In 2016, the five FIA regional areas (Punjab, Khyber Pakhtunkhwa, Sindh, Balochistan, and Islamabad Capital Territory) along with the two semi-autonomous territories (Azad Jammu and Kashmir and Gilgit-Balkistan) reported a total of 1,374 investigations of sex trafficking cases, 2,353 prosecutions and 41 convictions. The vast majority of said reports pertain to the Punjab province, the most populous province of Pakistan. The FIA still lacks infrastructure in a number of major cities in the regional areas (notably Gujranwala and Gujrat). Despite the latest operations, the *FIA* has limited number of border points, which considerably reduces their impact and effectiveness as border police. These dysfunctions have contributed to the continued corruption within the *FIA*. Although the *FIA*'s main purpose is to combat human trafficking, a number of agency officials were discovered to have been involved in trafficking cases. In recent years, a number of Pakistani women, with the involvement of numerous *FIA* officials, were sent abroad with fake documentation.

Corruption within law enforcement has proven to be a grave issue for many prostituted persons. Prostitution remains illegal in the country, many women face heavy criminal charges and potent social stigmatization. In the red-light district and the vicinity of Shahi Mohalla's bazaar in Lahore, more than 60% of prostituted women's families have faced at least one legal issue. These women have great difficulty in coping with the expenses associated with their legal issues, and subsequently fall into a cycle of perpetuating prostitution in order to pay their accumulating bills. Police harassment for the purpose of financial gain and/or sexual gratification is a seemingly all too prevalent occurrence. Public officials tend to exploit the stigma and criminal charges attached to prostituted persons in order to amplify their individual power and authority. The most vulnerable to police harassment are migrant prostituted persons.

### **Government Initiatives**

Over the past few years, the Pakistani government has taken a number of initiatives to fight against human trafficking and sexual exploitation.

In July 2017, Pakistan officially joined a global initiative against human trafficking and smuggling of migrants. Launched in 2015 by the European Union and the United Nations Office on Drugs and Crime (UNODC), the 4-year project involves 13 countries around the world. The Pakistani Government is responsible for the development and implementation of national measures against trafficking and smuggling, including through legislative frameworks that meet international standards.

Prosecution and victim protection are insufficient and poorly defined at the national level, with little to no resources available in many parts of the country. However, in recent years, the country's larger provinces have adopted a number of legislative measures to combat these issues.

In 2015, rehabilitation centers for victims were established in all 36 districts of Punjab, providing women victims of sexual exploitation with access to a number of necessary resources (first aid and legal assistance). In 2016, Balochistan established child protection units throughout the province. The provincial governments of Sindh and Punjab have also taken a number of initiatives regarding shelters for victims. In 2017, the province of Sindh also increased its budget dedicated to women's shelters, allowing for an increase in resources and support mechanisms.

In regard to the many issues victims face with law enforcement, the gradual increase in the presence of female police officers is a promising trend. Although their numbers are still low, these female civil servants provide a form of protection and fairer legal proceedings for victims. According to data compiled by the National Police Bureau, out of a total of 391,364 police officers across the country, only 5,731 are women. This accounts for less than 2% of the total police population, with the highest percentage being in the province of Gilgit-Baltistan (3.4%) and the lowest in the largest geographical province of Balochistan (0.4%).

In conclusion, the most pertinent and pressing measures to be taken addressing sexual exploitation are those aimed at combating corruption within the FIA and the police forces. In addition, the FIA needs to receive more appropriate funding in order to establish itself in all large cities in the various districts and to enable it to operate better as a border police force. In addition, monitoring mechanisms within the *FIA* and other police groups are necessary to combat the prevalence of corruption. By stopping the sexual abuse of victims by law enforcement officers, victims would have more favorable opportunities to report offenses.

In terms of legislation, the lack of clarity on many legislative issues related to prostitution makes criminalization and law enforcement challenging. The government must take more cohesive measures on human trafficking and child trafficking, child prostitution, forced marriages and early marriages. For instance, in order to address the imprecise nature of the trafficking legislation, the government is advised to adopt an overarching law that prohibits and penalizes all forms of trafficking of individuals below the age of 18.

In Lahore's Shahi Mohalla red-light district, local community based activism has proven to be extremely productive in combating sexual exploitation. Women's centers provide vocational training in specialized fields (sewing, embroidery, cooking, etc.) that provide alternative employment opportunities for vulnerable women. A number of projects and academies of classical music and dance have opened with the aim of strengthening the cultural heritage of these women. Finally, in response to the lack of appropriate education, the local community has created educational sectors for children. Each of these projects have proven to be effective methods for the community's socio-economic development, and are therefore a promising model for other communities across the country.

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# South Africa



**POPULATION**  
56,7 million



**GDP PER CAPITA**  
6,160.7 USD



**POLITICAL SYSTEM**  
Parliamentary Regime



**HUMAN DEVELOPMENT INDEX**  
119<sup>th</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
90<sup>th</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
51<sup>st</sup> rank among 180 countries

South Africa is a country of origin, transit and destination for victims of human trafficking for sexual exploitation purposes (*US Department of State*, June 2018). Prostitution and human trafficking for sexual exploitation purposes are regulated by three laws in South Africa. The Sexual Offences Act 23 of 1957 condemns all activities related to brothel-keeping, procuring and prostitution. The Criminal Procedure Act 51 of 1977 criminalized solicitation. Lastly, the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 criminalized the purchase of sexual acts and human trafficking for sexual exploitation purposes. It also established specific sentences concerning the sexual exploitation of children (prostitution, procuring, brothels, pornography and sex tourism). In order to comply with South Africa's international commitments regarding the fight against human trafficking for sexual exploitation purposes, President Jacob Zuma signed the *Prevention and Combating of Trafficking in Persons Act (PACOTIP)* in July 2013, which entered into force on August 9, 2015 (*Regulation Gazettes*, August 7, 2015).

In May 2017, the *South African Law Reform Commission (SALRC)* published Project 107 (Sexual Offences: Adult Prostitution) of June 2015. This report noted that the 2007 Law does not effectively address violence against women. The report also pointed out that there is no national policy on prostitution, nor is there any provision to assist those who wish to exit prostitution. In its recommendations, the commission recognizes that viewing prostitution as a matter of choice is an illusion that only serves the interests of sex buyers and procurers. The text is even more

innovative in that it highlights the fact that prostitution, sexual abuse and harassment are synonymous. The Commission is in favour of the Nordic model, and even proposed a draft law criminalizing the exploitation of prostitution and the purchase of sexual acts, and decriminalizing prostituted persons (*South African Law Reform Commission*, June 2015). In December 2017, the *African National Congress* (ANC) called for a national debate on prostitution in the final text of the ANC's 54th National Conference Report and Resolutions: "Calls for the decriminalization of 'sex work' should be subjected to debate and engagement (...) with the various stakeholders concerned (...). 'Sex workers' must be protected" (ANC, December 2017).

The vast majority of prostituted persons in South Africa are found on the streets and are at risk of violence from sex buyers and police officers. The HIV/AIDS epidemic strongly affects prostituted persons, as it is the country with the highest epidemic in the world (*UNAIDS*, 2016). Child prostitution is also a concern. It is partly due to the sex tourism industry and the vulnerability of children orphaned by the HIV/AIDS pandemic. High levels of poverty, unemployment and societal inequalities also contribute to the high rates of prostitution in minors. Sex-tourists come from within South Africa, Nigeria, Europe and the USA. While South Africa is making progress in combating sex trafficking, much remains to be done in assisting victims of trafficking and prostitution.

### **Existing laws**

The current law in South Africa criminalizes all aspects of prostitution. However, procurers and sex buyers are rarely prosecuted due to police tolerance and corruption, thus prostituted persons often bear the real burden. However, this situation may change following the publication of the *SALRC* report and the *ANC's* announcement. The report presents two legislative proposals in its conclusion, offering an alternative to change the legislative framework regarding prostitution.

The first bill takes after the Nordic model, decriminalizing prostituted persons while criminalizing other actors (procurers and sex buyers). The second bill specifies total criminalization, i.e. maintaining the current legislation, but with the addition of providing assistance and rehabilitation services to all persons wishing to leave prostitution (*South African Law Reform Commission*, June 2015). Some groups, such as the *Sex Workers Education and Advocacy Taskforce* (SWEAT), denounced the report, as it does not propose the complete decriminalization of prostitution. Others, such as *Embrace Dignity*, praised the report for its conclusions in favour of greater abolitionism. The legal option in favour of the *Nordic Model* provides a more effective and humane solution insofar as it targets demand for prostitution by criminalizing the purchase of sexual acts, procuring and brothel management, while decriminalizing prostituted persons.

It is essential for legislators and the government to recognize the harmful consequences of prostitution and address the roots of the phenomenon, by, for example, working to keep girls in school. The government adopted a national development plan to eliminate poverty and reduce

inequality by 2030 (*National Planning Commission*, August 15, 2012), which would, in turn, significantly reduce the causes of prostitution.

Current trafficking laws are sufficiently restrictive, with sentences of up to life imprisonment. Yet, corruption considerably limits their enforcement and significantly reduces the number of arrests and prosecutions of traffickers (*US Department of State*, June 2017).

### **The situation of prostituted persons**

According to a 2015 study, there are between 131,000 and 182,000 prostituted persons in South Africa (*AIDS and Behavior*, January 13, 2015). Male and transgender individuals represent between 4% and 5% of the prostituted population (*Women's Legal Centre*, April 2016). The majority of the victims of prostitution are from South Africa, but some also originate from neighbouring African countries (Nigeria, Zimbabwe and Mozambique), who arrive with a migrant or refugee status. Women are more likely to be unemployed than men, which makes them more vulnerable to being exploited in prostitution (*Fondation Scelles*, 2016).

Based on the number of prostituted persons who requested legal assistance between 2011 and 2015, it can be assumed that the majority of prostitution activity takes place in the streets (*Women's Legal Center*, April 2016). Outdoor prostitution exposes them to harassment, violence and murder, whether by the police, sex buyers or the general population. In 2013, Zwelethu Mthethwa, a famous South African painter, murdered a prostituted person (*Daily Maverick*, March 16, 2017). In June 2017, Mthethwa was sentenced to 18 years in prison (*City Press*, June 7, 2017). This case illustrates the violence that prostituted people are subjected to. Due to the stigmatization of prostitution in South Africa, as well as the public's ignorance of the phenomenon, prostituted persons regularly suffer verbal abuse from passers-by. They also are at high risk of developing drug addictions, either because procurers force them to take drugs, or because these substances help them cope with their conditions of exploitation.

The issue of the human trafficking for sexual exploitation purposes of many Thai, Chinese, Brazilian and Eastern European victims exploited in large cities is also arising (*US Department of State*, June 2018). Reports also show significant trafficking of children from other African countries, but also of girls as young as 14 years old sold to brothels or subjected to sex slavery (*Tanzania Daily News*, June 25, 2017).

### **Police Harassment**

Prostituted persons report that one of the most difficult aspect of their lives is the harassment and abuse they suffer at the hands of the police (*Women's Legal Centre*, April 2016). Transgender people, as well as foreign prostituted persons, who are particularly stigmatized, are the most exposed.

Police will often pick up prostituted persons off of the streets and arrest or detain them at police stations. 70% of those who were picked up reported being deprived of their right to a phone call or a visit, and 50% of them reported not having access to food or water while in police custody (*Women's Legal Centre*, April 2016). Women also reported that they were forced to

have sexual intercourse with police officers or had to pay bribes in order to be released from custody. There have been reports of women being raped and sexually assaulted by police officers. Even when women are not arrested, police confiscate condoms or antiretroviral treatment for HIV/AIDS, arguing that they are evidence of prostitution. Police often arrest prostituted persons and take them far from their original location, forcing them to walk home, exposing them to serious danger. As these practices are illegal, police officers will remove their badges so they cannot be reported to the authorities. The most common form of police harassment, however, is simply verbal abuse on the streets. As a result of the abuse suffered, women will often choose to leave their communities when they are prostituted. They do not want to be despised, rejected and socially excluded by their neighbours, families or religious institutions. This problem is exacerbated by the fact that police officers illegally take pictures of the women during police custody, which they then share amongst themselves. Consequently, police officers who are members of the communities can identify prostituted persons and harass them in their daily lives (*Women's Legal Centre*, April 2016).

Prostituted people have no ways of filing complaints against the police for the abuses they suffer, nor the violence perpetrated by sex buyers. If they report being sexually or physically assaulted to the police, they will generally not be taken seriously. Police officers often tell the victims that the abuse they endure is just one of the many consequences that come with being involved in prostitution and those who have sought help from the police have reported their experience as traumatic.

As they are not taken seriously and often verbally abused by police officers, prostituted people are deterred from reporting assaults they have suffered at the police station, even if they find themselves in serious danger (*Women's Legal Centre*, April 2016).

Similarly, victims of sex trafficking are afraid to file a complaint against their traffickers because they know that they will most likely be considered as a criminal and may be convicted. Police practices hinder efforts to combat trafficking, as well as efforts to provide support to prostituted persons. The National Commissioner of Police should provide the police with clear instructions on how to handle these cases, and what actions to take against police officials who abuse prostituted persons.

## **HIV/AIDS**

South Africa has the highest rate of HIV/AIDS in the world, with 18.8% of those aged 15 to 49 infected with the virus (*UNAIDS*, 2017). The percentage of prostituted people with HIV/AIDS is estimated at 57.7% (*UNAIDS*, 2017). One study found that 71% of prostituted women in Johannesburg are carriers of the virus, 40% in Cape Town and 54% in Durban. People under the age of 25 have a higher rate of infection than older people, partly because they are less aware of the dangers or effective prevention methods (*SANAC*, 2016). *UNAIDS* estimates that 86% of prostituted persons use condoms, a number that is still too low in view of the HIV/AIDS epidemic (*UNAIDS*, 2017).

The biggest challenge for prostituted persons with HIV/AIDS in South Africa is access to care. When prostituted persons go to clinics to get treatment or testing, they are often denigrated, making it difficult for them to get the care they need. The stigma that prostituted persons face and the poor care they receive in hospitals discourage them from seeking treatment as often as they should. The *South African National AIDS Council* (SANAC) produced in 2016 the South African National Sex Worker HIV Plan, 2016-2019 with President Cyril Ramaphosa (then MP) to ensure equitable access to legal and health services for prostituted persons (UNAIDS, 2016). The NGO *SWEAT* has opened a clinic that offers services and healthcare exclusively for prostituted persons. These actions are an important step in providing access to healthcare for the population that is the most vulnerable to the HIV/AIDS epidemic. However, many sex buyers refuse to use a condom or pay more for unprotected sex, resulting in a higher risk of infecting any future sexual partners of both sex buyers and prostituted persons with HIV/AIDS (SANAC, 2016).

In some parts of South Africa, there is still the belief that having sexual intercourse with a virgin will cure diseases, which has led to widespread child rapes and forced marriages of minors (*AIDS Foundation South Africa*, 2018). Raising awareness actions must be carried out to denounce these aberrations and educate the public about the realities of HIV/AIDS.

The country has the largest treatment program in the world, with 61% of infected people on antiretroviral therapy and 23% of infected prostituted persons undergoing treatment (UNAIDS, 2017).

This treatment program puts a strain on the country's health budget, which is why it is so important for the country to focus on preventative actions.

### **Child prostitution**

It is estimated that there are around 45,000 prostituted children in South Africa (*Daily Maverick*, March 16, 2017). 63% of South African children live below the poverty line, which puts them at a high risk for sexual exploitation (*UNICEF South Africa Media Centre*, November 22, 2016). Orphans and children from single-parent families are the most vulnerable. Sex tourism significantly affects South African children. Many sex tourists come from Europe and the United States, but the majority of child sex offenders are South African. Due to the high poverty rate, it is not uncommon for parents to sell their children to buyers who often turn out to be procurers or traffickers who force the children into prostitution. Some procurers give 2,000 to 3,000 rands (ZAR) (EUR 126-189) to a community to make it seem as though they are trying to help the children. Families in the community, hoping to save some children from their impoverished environment, will subsequently entrust some of them to these criminals. Police and customs officers are often complicit in these crimes, allowing children to cross the border illegally, unaccompanied by a parent or guardian in exchange for a bribe, allowing brothels to continue their activities, or failing to respond to complaints.

Social networks have facilitated the sexual exploitation of minors. Online ads for modelling jobs or material goods trap minors in prostitution and sex tourism networks (*Fair-Trade*

*Tourism, Defence for Children-ECPAT Netherlands*, May 2015). These social networks also allow sex buyers to access online services with more ease, making child prostitution an even more lucrative business than it was previously.

### **Progress and recommendations**

Despite the efforts of the South African government against sex trafficking, the problem is getting worse and much remains to be done to better protect those most at risk of becoming victims, namely women and children.

The *National Human Trafficking Resource Line*, a hotline dedicated to assisting victims of human trafficking, was created in 2016 in collaboration with the NGO *A21 Campaign*. This hotline helps victims of sex trafficking by avoiding contact with the police (*US Department of State*, June 2017). The government prosecuted 23 alleged traffickers in 2017 (6 in 2016), and convicted 8 traffickers (11 in 2016) (*US Department of State*, June 2018). The failure of the government to allocate sufficient funds for the strengthening of the *PACOTIP* may be a contributing factor to the low number of prosecutions (*US Department of State*, June 2017). In addition, the government has done little to tackle the large international crime syndicates operating in the big cities (*US Department of State*, June 2017). 390 victims of trafficking were cared for in government centres in 2017 (compared to 220 in 2016 and 103 in 2015). The government also contributes to the financing of 14 shelters and 17 secure housing units, all of which are managed by NGOs (*US Department of State*, June 2018).

Following the release of the *SALRC* report on prostitution, the government should take immediate action to implement the Nordic Model. The police should be better trained on how to interact with victims of prostitution or trafficking when they come to report acts of aggression or rape. Sanctions should be given for the unlawful detention or arrest of prostituted persons.

The number of prosecutions for cases involving the sexual exploitation of children is very low, partly because children involved fear reprisals if they were to speak out. The government should ensure protection for these children so their exploiters can be brought to justice (*Fair-Trade Tourism, Defence for Children-ECPAT Netherlands*, May 2015). While formal procedures to refer victims of trafficking to competent services have been implemented, these procedures are not applied uniformly across South Africa. Finally, prostituted persons should be referred to NGOs that can help them and provide them with appropriate care and support.

In conclusion, with the release of the *SALRC* report on adult prostitution, South Africa has an opportunity to take decisive action to provide effective protection to women and girls vulnerable to prostitution and sex trafficking. It all depends on the path the government chooses to pursue: either leave the laws as they are, ineffective and detrimental, or act and decriminalize prostituted persons while providing or referring them with support services. Of the two legislative options in the *SALRC* report, partial decriminalization is the only legal framework that has shown results in curbing prostitution and preventing new entries. As shown in Sweden, where it was pioneered in 1999, decriminalization improves the lives of prostituted people. Three government surveys conducted in Sweden indicated that street prostitution has halved and there

have been no violent incidents against prostituted persons since the law passed. The behaviour of the Swedish population towards prostituted persons has changed, thus shifting the negative stigma of prostitution from the prostituted person to those who buy sexual services.

South Africa would benefit from following the example set by Sweden and all the other countries that have adopted the *Nordic Model* (Norway, Iceland, Canada, Northern Ireland, France and the Republic of Ireland). However, if the South African economy does not improve and generate more jobs, people will continue to see prostitution as the only way to support themselves and their families.

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# Spain



**POPULATION**  
46,4 million



**GDP PER CAPITA**  
28,156.8 USD



**POLITICAL SYSTEM**  
Constitutional  
Monarchy



**HUMAN DEVELOPMENT  
INDEX**  
27<sup>th</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
15<sup>th</sup> rank among 147  
countries



**CORRUPTION  
PERCEPTIONS INDEX**  
42<sup>nd</sup> rank among 180  
countries

In 2017, Spanish NGOs, including the *Asociación para la Prevención, Reinserción y Atención a la Mujer Prostituida* (APRAMP), estimated there to be 200,000 to 400,000 prostituted persons in Spain. Although these numbers have remained steady over the last few years, the nature of prostitution in Spain has changed since the late 1980s. Today, 80% of prostituted people are foreigners, often residing in Spain under illegal circumstances. Most are from Latin America (Brazil and Paraguay), China, Eastern Europe (Romania), or Africa (Nigeria). More than 90% of these migrants are suspected to be victims of human trafficking for sexual exploitation purposes (UNODC, December 2016).

Although prostitution in Spain is part of an underground economic system, it generates considerable revenue: about 12 to 18 billion euros (EUR) (USD 13,4 to 2,01 billion) each year (*Municipality of Madrid*, 2016). The scale of this phenomenon, worsened by the 2007 economic crisis, can also be explained by its normalization; it is estimated that 39% of Spanish men bought the services of a prostituted person (APRAMP, 2011), and that some spend around EUR 1,530 (USD 1,714) a year, which is EUR 127.50 (USD 142) per month, for paid sexual acts (*Fondation Scelles*, 2012). Spain thus is the third largest consumer of prostitution in the world after Thailand and Puerto Rico (*Marie-Claire*, November 15, 2013). Sex buyers tend to be younger, especially in the brothels of La Jonquera (in Catalonia), a border city to France, where using a prostituted person is considered as a rite of passage to adulthood and proof of hetero-normative virility among certain young adults (Harlé *et al.*, 2013).

Spanish prostitution comes in different forms. The indoor sex trade (in bars, clubs, apartments, massage parlors, karaokes, brothels, hotels, hair salons, and industrial ships; 1,500 clubs are said to be home to prostitution “businesses”), is mainly composed of prostituted women; the outdoor sex trade (in streets, forests, parks, and roads), is composed of prostituted people of all genders; victims in both indoor and outdoor prostitution are minors or adults (*Europa Press*, 2017). Other forms of prostitution include student prostitution and sex tourism, both of which affect mainly women. Soliciting often takes place through the internet, notably through online advertisements and escort or “cam-girl” websites.

Prostitution can also happen within the context of human trafficking for sexual exploitation purposes, which is the main form of human trafficking in Spain, for example being of a higher significance than human trafficking for the purpose of forced labor. Trafficking networks are generally organized around two leaders surrounded by a number of Spanish or foreign accomplices who are from the same country as the victims. Sex trafficking mainly takes place in three geographical areas: the Mediterranean coast with Valencia and the Balearic Islands, northeast of Spain with Catalonia and mostly Barcelona, and the center of Spain with Madrid, due to a high density population, tourism, and migratory flows.

### **Spain, a leading country in regards to ending violence against women...**

Since the end of the 1980s, Spain has been a leading country in regards to ending violence against women. In fact, it was one of the first European countries to have conceived and acted on the principle of gender-based violence, notably by adopting the expression “gender-based violence” (*violencia de genero*) and “macho violence” (*violencia machista*). The Spanish lawmaker has stated as a result that violence against women was no longer viewed as an isolated and unfortunate phenomenon; rather, that it is an indicator of a larger social phenomenon, arising from a global context of unequal gender relations and male domination.

The Spanish process was spearheaded by the passing of the Organic Law LO 1/2004 on December 28<sup>th</sup>, 2004 (*Ley orgánica de medidas de protección integral contra la violencia de género*), which implemented measures that protect women from gender-based violence. This national initiative was also supported locally; on April 24<sup>th</sup>, 2008, Catalonia passed the Local Autonomy Law LA 5/2008 on women’s rights to the eradication of macho violence (*Ley del derecho de la mujeres a erradicar la violencia machista*)

This work against gender-based violence has continued with the 2013 to 2016 National strategy for the elimination of violence against women (*Estrategia nacional para la erradicación de la violencia contra la mujer 2013-2016*), which was renewed for the 2017 to 2020 period in a second part focusing on young audiences and social media (*II Estrategia nacional para la erradicación de la violencia contra la mujer 2017-2020*).

Even more recently, the State Pact against gender-based violence (*Pacto de estado contra la violencia de género*) was passed in 2017 (*RTVE.es/EFE*, September 28, 2017). This nonpartisan act adopted nearly 200 measures and provides for EUR 1 billion (USD 1,12 billion) over the course of 5 years, or about EUR 200 million (USD 2,24 million) each year. Concerning sexual

exploitation, the Act intends to reinforce prevention, notably of human trafficking, through the introduction of identification programs for teaching staff and interdisciplinary modules on sexual violence during professional training.

### **... yet not in regard to ending prostitution**

While ending gender-based violence in any form is, of course, welcome, it is nevertheless unfortunate that eliminating prostitution does not seem to stand among the legislators' priorities. According to article 1 of the LO 1/2004, gender-based violence is defined as any physical or psychological violence, including "attacks on sexual freedom" against women by their present, or past, husbands or partners. Thus buying sexual acts and procuring are not considered violence against women and the Spanish definition of gender-based violence is limited to domestic violence, notably marital.

Prostitution, however, is gender-based violence in and of itself, and may lead to an increased chance of physical (beatings), sexual (rapes), and psychological violence (post traumatic stress disorders). Between 2010 and 2015, out of 678 femicides in Spain, 31 were committed because of the links with the prostitution activity of the victim. 7 of these murders were committed in Catalonia, 8 in the region of Valencia, and 8 in Andalusia. Victims are most often stabbed or beaten to death, oftentimes due to a conflict over price (*Femicidio.net*, March 31, 2016).

### **An abolitionist system...**

Spain is an abolitionist country. It ratified the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of December 2<sup>nd</sup>, 1949, although prostitution was criminalized until the 1995 new Penal Code (*Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal*).

Today, only the procuring of prostitution and human trafficking for sexual exploitation purposes are illegal (though procuring shortly was depenalized between 1995 and 2003 - *Ley Orgánica 11/2003, de 29 de septiembre, de medidas concretas en materia de seguridad ciudadana, violencia doméstica e integración social de los extranjeros*).

According to articles 187 and 188 of the Spanish Penal Code, procuring can take two forms. The first form uses violence, intimidation, dishonesty, and/or an abuse of power dynamics to force someone to enter or stay in the system of prostitution. The second involves, more broadly, taking advantage of the sexual exploitation of others, regardless of the consent of the victim. Sexual exploitation is presumed in cases of personal or economical vulnerability, or in cases of a practice of prostitution that involves severe, disproportionate or abusive circumstances. Penalties incurred by perpetrators were strengthened by the March 30<sup>th</sup>, 2015, LO 4/2015, known as the protection of civil security (*de protección de la seguridad ciudadana*). Under this law, perpetrators may be punished more severely if they are in a position of authority, if they belong to a criminal organization, if they put a prostituted person's life or health at risk, or if they exploit a minor or other vulnerable person.

However, contrary to the French system, the Spanish Penal Code doesn't consider brothel ownership illegal, under the conditions that the manager does not receive financial profits by employing the prostituted people themselves, and that the prostituted people are adults and are not victims of human trafficking (*European Parliament*, January 2014). There even exists a Union of brothel landlords called ANELA (*Asociación nacional de empresarios de locales de alterne*).

Furthermore, Autonomous communities (first territorial subdivision of the country) have some legal autonomy which allows them to adopt derogatory local legislation. Catalonia in particular has turned away from national regulations regarding prostitution since their August 1<sup>st</sup>, 2002 decree 217/2002, which facilitated the apparition of "mass prostitution" in "puticlubs" (strip clubs) (*Multitudes*, June 2012).

Human trafficking only became a specific legal offence in Spain with the LO 5/2010 of June 22<sup>nd</sup>, 2010, which incorporated in the domestic law, precisely into Title VII (art.177bis and subsequent) of the Penal Code, the Council of Europe Convention on Action against Trafficking in Human Beings, also known as the "Warsaw Convention," dated of May 16<sup>th</sup>, 2005. Until then, prosecutions and convictions of those involved in human trafficking were rather based on legislations relating to aiding illegal immigration or on labor laws, for example by punishing false hiring promises.

On the other hand, neither the prostituted person nor the sex buyer is, in principle, penalized. However, solicitation may be punished under LO 4/2015 when it happens in a public place near children, such as schools and parks, or when it represents a risk to road safety. This law, known as the *Ley Mordaza*, was heavily criticized during its adoption, as it prioritized safety over the protection of prostituted persons and the penalization of sex buyers, whose demand perpetuates the system of prostitution (*Fondation Scelles*, 2016).

Purchasing sexual acts under such circumstances is punishable by a fine of up to EUR 30,000 (USD 33,607). Buying sexual acts from minors is also punished, but with that being said, Spain does not align itself with the abolitionist Nordic model, founded in Sweden, which penalizes all purchases of sexual acts. For this reason, "non-legality" (*alegalidad*) concerning prostitution in Spain is frequently discussed: it is neither entirely lawful nor unlawful (*Municipality of Madrid*, 2016).

This legal uncertainty is the source of distinct debates in Spain concerning the abolitionist model. Different Spanish organizations (composed of prostituted persons) or political parties that uphold "sex work" are in favor of a regulatory model.

### **... centered on human trafficking for sexual exploitation purposes**

Spanish penal law focuses on prostitution in the context of human trafficking for sexual exploitation purposes. Spain is a party to a number of international treaties regarding this thematic, such as the United Nations Convention against Transnational Organized Crime of November 15<sup>th</sup>, 2000, and its additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, known as the "Palermo Protocol". Other treaties

include the United Nations Convention on the Rights of the Child of November 20<sup>th</sup>, 1989, also known as the “New York Convention”, as well as the United Nations Convention on the Elimination of all Forms of Discrimination Against Women of December 18<sup>th</sup>, 1979.

At the European level, Spain is bound by the directive 2011/36/UE of the European Parliament and of the Council, of April 5<sup>th</sup>, 2011 and on preventing and combating trafficking in human beings, and protecting its victims.

At a national level, Spain created an official Integral Plan against human trafficking and sexual exploitation for the 2009-2012 period. A second plan was implemented to focus on the trafficking of women and girls (*Plan integral de lucha contra la trata de mujeres y niñas con fines de explotación sexual*), for the 2015-2018 period and in the context of the Social forum on combating human trafficking for sexual exploitation purposes. This specific plan takes a multidisciplinary approach, with several stakeholders: several different governmental ministries, Public Prosecutor’s Departments, Autonomous communities, and specialized NGOs. The plan aims to coordinate policies that aid and protect victims, to develop the skills of participants, and to improve cooperation between official authorities and civil society. It is led by the Government Delegate for Eradicating Gender-Based Violence (*Delegación del Gobierno para la Violencia de Genero – DGVG*) under the authority of the Ministry of Health, Social Affairs, and Equality.

The Spanish government has also established other, more specific protocols for healthcare professionals or the police (*GRETA*, February 24, 2017).

These strategies have been implemented by the Autonomous communities who adapted them to local particularities and issues, like the Madrilenian strategy 2016-2021 against human trafficking for sexual exploitation purposes (*Estrategia madrileña contra la trata de seres humanos con fines de explotación sexual*).

In general, the fight against human trafficking for sexual exploitation purposes in Spain operates in three main ways.

## **Prevention**

In Spain, the prevention of human trafficking for sexual exploitation purposes comes in several forms.

Training professionals: all relevant sectors have mobilized, including police and justice officials, education and healthcare professionals, members of the civil society, social workers, diplomats, and military personnel before being deployed on international peace missions. This specialized training is provided by the government with the help of NGOs (*US Department of State*, June 2017). Professional information is also spread through quarterly newsletters such as *DGVG informa* (*GRETA*, February 24, 2017).

Promoting public awareness of the general public: official telephone hotlines are in place since 2013 and make it possible for one to report possible human trafficking cases. In addition to those, the 2015 to 2018 Integral Plan aims to discourage the demand of prostituted persons, notably through several dedicated days such as the European Union Anti-Trafficking Day

(October 18), and campaigns like “#tomaconciencia” (#become aware) (*GRETA*, February 24, 2017). There are more targeted campaigns in schools.

To a larger degree, Spain tries to change women’s image in the media through projects like *Novicom*, which deals with different media materials (TV, papers, etc) and reaches a large audience (*GRETA*, February 24, 2017). The government also wishes to put an end to escorting advertisements in newspapers, including those in the national newspapers like *El Mundo* and *El Pais*, as well as advertisements for prostitution training classes, such as those given for EUR 100 (USD 112) in Valencia, with “guaranteed employment” at the end (*L’Obs avec Rue89*, September 23, 2012).

## Protection

In Spain, there are several components for the protection of victims of human trafficking for sexual exploitation purposes.

The first component is on victims’ identification. To identify a potential victim, two protocols are applied: the “Framework protocol” and the “SGIE protocol” (*GRETA*, February 24, 2017). Both are founded upon three bases: collecting information about the potential victims, interviewing with them, and transmitting this information to the police and specialized NGOs, which play a major role in this process. Authorities reported the identification of 114 victims of sexual exploitation over an eight-month period in 2017 (73 in 2016 and 65 in 2015) (*US Department of State*, June 2018).

Although the care and protection of child victims falls under the authority of Autonomous communities, it can be shared with specialized NGOs. Underage victims benefit from reinforced legal protection, notably under the July 22<sup>nd</sup>, 2015 LO 8/2015, which modified the system of protection for children and adolescents (*Ley de modificación del sistema de protección a la infancia y adolescencia*). The law allows assuming minority until proved otherwise, and the appointment of an *ad hoc* civil servant in the event of suspected human trafficking. The rule is always to insure the best interests of the child that shall be a primary consideration. A second National Plan for children and youth 2013-2016 (*II Plan estratégico nacional de infancia y adolescencia*, *PENIA*) was established in response to the increasing issue of unaccompanied minors.

The second component is on providing support for victims. A 2016 state budget was dedicated to helping and protecting human trafficking victims. This budget reached EUR 4,9 million (USD 5,5 million), out of which EUR 2 million (USD 2,2 million) were shared among 40 specialized NGOs (*GRETA*, February 24, 2017). In addition, the State now finances the repatriation of the human trafficking victims to their country of origin.

Victims in the country illegally may receive a residence permit in two cases. The first one is when their personal situation justifies it. The second one is when they collaborate with authorities, even if the collaboration does not bear fruit, provided that it is not in a deceitful or dishonest manner. According to LO 4/2000 of January 11<sup>th</sup>, 2000, which concerns the rights and freedom of foreigners in Spain (*Ley sobre Derechos y libertades de los Extranjeros en España*),

better known as the “Law of Foreigners” (*Ley de Extranjera*), such victims have a 90 days period of reflection during which they cannot be expelled from the country.

In addition, through NGOs, funds and lodging are available to victims with children.

The third component is to ensure the effectiveness of victims’ rights. In Spain, victims must have access to information regarding their rights (the lawyer assistance, access to complaint procedures and protective measures, the ability to claim compensation, and the right to an interpreter) as well as information regarding the resources available to them, communicated in a language they understand within a reasonable amount of time.

They are also entitled to free, unrestricted legal aid, during both the investigation and the trial, with access to a complete copy of the proceedings and to information on the course of events.

Victims may receive damages from their abusers, which is financed by an account provisioned by traffickers’ confiscated property. The public prosecutor must in principle require that a victim receives compensation unless the victim has formally renounced it. Victims may ask for compensation even after having returned to their home country.

The 4/2015 Act of April 27<sup>th</sup>, 2015 on the status of victims of an offense (*Act del Estatuto de la víctima del delito*) provides for the possibility to lengthen the appeal period of the decision to dismiss, discharge, or acquit a trafficker, and grants victims the right to appeal decisions to release traffickers on parole.

The final component concerns victims’ protection. Victims benefit from the principle of immunity, as established by Article 177bis of the Spanish Penal Code. They cannot be condemned for an offence committed in the context of exploitation, when it is the direct result of the violence, intimidation, and abuse to which they were subjected to, provided that the act is proportionate.

Victims are also protected from their traffickers. Their personal data (such as their identity or address, or any other key data that may identify them) may be kept confidential during the penal proceedings, through methods like voice modification, two-way mirrors or pseudonyms.

More recently, the 4/2015 act also ensures that victims’ rights are protected during proceedings. This includes: the right to avoid any contact with the offender (using video-conference or closed hearings); the right to be accompanied by a person of their own choice and their lawyer; the right to questionings as short and as unrepeated as possible; the right to medical exams when necessary; and the right to hearings in a room adapted to their needs, led by one trained agent of the same gender.

## **Repression**

The office of the Public Prosecutor announced that they had investigated 135 new files concerning human trafficking in 2017 (compared to 272 in 2016 and 344 in 2015). The Public Prosecutor initiated the criminal prosecutions of 60 defendants on grounds of human trafficking for sexual exploitation purposes in 2017 (compared to 37 in 2016 and 30 in 2015). The same year, Spanish courts condemned 26 traffickers for sexual exploitation (compared to 22 in 2016 and 58 in 2015 (*US Department of State*, June 2018).

Although the Spanish government has not provided precise data on the subject, it is estimated that in 2016, sentences handed down to traffickers were up to 34 years’ imprisonment and EUR

80,000 (USD 89,618) of damages awarded to victims. On average, traffickers served 75% of their sentences before being released on parole (*US Department of State*, June 2017).

Spain has worked to improve its investigations on human trafficking for sexual exploitation purposes. Firstly, prosecution services have closely collaborated with other partners, whether domestic, such as the Minister of the Interior and Spanish NGOs, or foreign, during international investigations. For instance, in 2018, the Spanish National Police collaborated with British and Nigerian authorities to arrest 89 members of an international prostitution network, rescuing 39 Nigerian victims (*US Department of State*, June 2018).

Secondly, the LO 13/2015 modifying penal proceedings, for the reinforcing of procedural guarantees and the regulation of technological enquiry techniques (*Ley de modificación de la ley de enjuiciamiento criminal para el fortalecimiento de la garantías procesales y la regulación de la medidas de investigación tecnológica*), passed on October 5<sup>th</sup>, 2015, reinforced police's ability to use special enquiry techniques, such as phone call interceptions, photo captures, and computer data captures. However, because these methods particularly infringe on suspects' privacy, they must only be used in accordance with the principles of exceptionality, necessity, specialty and relevance, in other words legal guarantees (*GRETA*, February 24, 2017).

Lastly, in order to more effectively fight against sex tourism, Spanish courts can prosecute crimes committed on Spanish ground (known as "territorial jurisdiction"), as well as those committed outside the territory when the offender is a Spanish citizen or resident (known as "passive personal competence").

Spanish NGOs have also requested greater protection for witnesses, since fear of retaliation is often a hindrance in human trafficking prosecutions.

In conclusion, since the passing of LO 1/2004, Spain has served as an example of a working multidisciplinary legislative framework in the fight to eradicate violence against women. However, these initiatives still focus primarily on marital abuse and human trafficking as a whole, and major elements of the phenomenon of prostitution escape the legal framework. In addition, Spain's abolitionist position at the national level is weakened by certain regulatory areas such as Catalonia. This ambiguous situation thus contributes to a lack of social consensus on prostitution. The decline of prostitution in Spain depends above all on essential educational work, as the phenomenon has become commonplace, notably among the youth. This is one of the major approaches of the medium and long-term work developed by the last multiannual plans on combating macho violence and human trafficking. Those initiatives must be further encouraged in order to be reinforced and successful.

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# Sweden



**POPULATION**  
9,9 million



**GDP PER CAPITA**  
53,442 USD



**POLITICAL SYSTEM**  
Parliamentary  
Monarchy



**HUMAN DEVELOPMENT INDEX**  
14<sup>th</sup> rank among 187  
countries



**GENDER INEQUALITY INDEX**  
4<sup>th</sup> rank among 147  
countries



**CORRUPTION PERCEPTIONS INDEX**  
3<sup>rd</sup> rank among 180  
countries

Sweden was the first country to criminalize sex buyers. Over the years, the “Swedish Model” has established itself as the spearheaded of the fight against exploitation of prostitution. This approach, adopted in late 1998, criminalizes the purchase of sexual acts (as well as the attempted purchase and aid given to a purchase) without penalizing prostituted persons, who are considered victims of a system of domination that is fundamentally violent and unfair. The Swedish model also includes other abolitionist laws and regulations. For instance, in order to prevent the use of apartments or rooms for prostitution, the owner or landlord is required to terminate the leasing contract if he suspects prostitution is taking place, and the lessee must leave the housing used for these purposes (Land Code 1970: 994 chap. 12 § 42.1.9; Condominium Act 1991: 614, chap. 7 § 18.8 2003: 31).

Ten years after the law’s implementation, a government commission led by Anna Skarhed, the Chancellor of Justice, evaluated its effects. The commission’s final report concluded that the law had had the desired effect: street prostitution was reduced by half, and Sweden no longer is an attractive country for international criminal networks that now prefer to settle in other countries. The report also found that the reduction in street prostitution was not accompanied by an increase of the phenomenon elsewhere, notably in the expanding market of Internet prostitution. Lastly, the law had a social norm effect: the practice of buying sex is no longer considered “normal” nor acceptable. Thus, the report revealed a profound change within society. In ten years, the number of people supporting the criminalization of sex buyers of prostituted

persons increased from about 30% to 70% of the total population. The confirmed success of the law has helped its advocates, among which the first is the Swedish government, to promote this new abolitionist approach internationally. Several countries have already followed suit. Norway, Iceland, France, Canada, and Ireland adopted a law inspired by the Swedish model. Nevertheless, Sweden continues to try to improve its legislative model and to reflect on the needed changes to better address the realities of the situation.

### **Effective Enforcement of the Law In Question**

In 2017, 82 cases of human trafficking for sexual exploitation purposes were subject to police investigations, 23 of which were concerning minors. In 2016, 6 people were prosecuted for sex trafficking and 5 were sentenced. The given sentences ranged from 8 months to 4 years imprisonment and a fine of 75,000 Swedish kronor (SEK) (USD 7,791). In addition, it was decided that those sentenced would be expelled from the country and sent back to their native country after having served their prison sentence (*US Department of State*, June 2018).

Furthermore, Swedish law permits the prosecution and punishment of any sex offense committed by a Swede abroad in order to effectively combat sex tourism. A study conducted in 2013 revealed that each year, between 4,000 and 5,000 Swedes committed sex tourism infractions abroad, primarily in South-East Asia. Yet, only one offender was prosecuted for this type of crime, making it the first case since 2012. The repression therefore remains well below the scale of the delinquent phenomenon (*US Department of State*, June 2017 and June 2018).

The apparent ineffectiveness of this repression is partly due to the extensive work required for law enforcement to collect evidence about exploited, coerced or deceived individuals. In addition, both the national anti-trafficking coordinator and the law enforcement national rapporteur indicated that the reorganization of the police force, which was completed in 2016, hindered the coordination and effectiveness of the fight against human trafficking as a whole (*US Department of State*, June 2017). The completion of this restructuring thus gives hope for better results in the years to come.

The Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe noted that in practice, there is sometimes an amalgamation between trafficking and prostitution in Sweden (*GRETA*, May 27, 2014). Consequently, cases of trafficking for sexual exploitation purposes may not always be properly identified. The improvement of the criminal handling of human trafficking cannot happen without training and raising awareness efforts. In this sense, the Swedish state has reinforced their efforts. The national courts offer training for judges and lawyers that include sections on sex trafficking and child victims; however, experts reported some judges lack sufficient understanding and do not apply current legislation in human trafficking cases, which may have resulted in fewer convictions and lighter sentences. The National rapporteur conducted training for police and judges, and the prosecutor's office offered online training on working with trafficked victims for prosecutors (*US Department of State*, June 2018).

Finally, today, critics of the law are primarily academics and lesbian activists, who have adopted a pro-“sex work” position justified by arguments concerning individual freedom and self-determination. Detractors of the law also point out that sex buyers penalization has led to the stigmatization of prostituted persons as offenders. There are no figures, however, which support this theory. If the fight against stigmatization doesn’t appear completed yet, on the one hand, nothing supports the conclusion that the abolitionist law is responsible for the existence or increase of this stigmatization, on the other hand, the Swedish government includes the penalization of sex buyers in its strategy for the fight against gender-based violence, which contradicts the idea of comparing prostituted persons to offenders.

Successive governments of all political tendencies promoted the law on both the Regional (Northern/Baltic) and European level. It is also interesting to note that the grounds for which governments support the law vary and evolve over time: the moderate party (Liberals) was initially opposed to the law, but changed its position after coming into power in 2006, recognizing its usefulness in combating human trafficking (*European Commission*, 2016).

### **Current Situation of Prostitution**

In March 2015, the *Stockholm County Administrative Board* published its report under the direction of Amanda Netscher, a specialist in crimes against women. The objectives of the study were both to estimate the extent of the problem and to identify recent developments, thus confirming or refuting the results of the 2010 assessment. There was no new national study in 2016 or 2017.

#### ***Stable results***

According to the 2015 study, street prostitution diminished by half in 2014 when compared to 1995: 200 to 250 women were engaged in street prostitution in Stockholm in 2014 versus 650 in 1995. At the same time, the study noted an increase in advertisements for sexual acts on the Internet: nearly 7,000 listings were identified in 2014 versus 304 in 2006. Yet crosschecking proves that these ads frequently refer to the same person, which puts the recorded increases into perspective. “Prostitution is more openly advertised than ever in Sweden”, says A. Netscher, “but compared to many other countries, the problem is more limited here” (*20 Minutes*, March 13, 2015). In addition, the Swedish newspaper *Dagens Nyheter* revealed that early 2016, prostituted persons used approximately 200 registered apartments on Airbnb, along with other subletting services (*Vice News*, February 15, 2016). The 2015 *Stockholm County Administrative Board* also reported an increase in hidden prostitution, particularly in massage parlors, though it is unable to determine the significance. This confirms the results of a 2013 survey on Thai massage parlors in Malmö, which found that one in five offered “sexual endings” (*The Local*, August 8, 2013). In accordance with a gender equality policy, the *County Boards* of Norrbotten, Västerbotten, Jämtland, and Western Norway commissioned two studies in 2016 and 2017 that resulted in a report entitled “Prostitution in Northern Sweden” published in 2017. This report found 270 individuals vulnerable to prostitution in the counties of Norrbotten, Västerbotten, Västernorrland and Jämtland. Out of these 270 individuals, very few were in touch

with aid services or support agencies (*County Councils in Norrbotten, Västerbotten, Västernorrland and Jämtland*, 2017). The number of sex buyers has remained fairly constant since the 2010 assessment: “(...) the proportion of individuals that purchased sexual acts is relatively stable over time: approximately 7.5% of Swedish men have at least once, and nearly 1% in the past year.” In comparison, in 1996, 13.6% of men bought sexual acts. In 2008, that number dropped to 7.9% (*La Presse*, May 4, 2014).

### ***Populations at risk***

In general, and according to the *Stockholm County Administrative Board* report, the majority of prostituted persons are foreigners coming from the poorest European countries (Romania, Bulgaria) and Nigeria. 80% of online ads are for persons of foreign origin. The study also identifies several groups at risk, and calls for specific measures for prevention:

- Youth (13-25 years): several studies (2003, 2009, and 2014) showed that a constant number of young people, mostly boys, sell sexual acts for different forms of compensation (money, accommodation, cigarettes...). The latest study concerning youth aged 18 to 30 in the region of Skåne showed that 1.3% of boys and 1% of girls had had a paid sexual relation.
- Unaccompanied minors: More than half of child trafficking victims identified in Sweden since 2012 are unaccompanied minors, mainly coming from countries in Africa or Eastern Europe (*US Department of State*, June 2017). More than 1,336 unaccompanied foreign children applied for asylum in Sweden in 2017 (*US Department of State*, June 2018). Over 2,100 unaccompanied minors from Afghanistan (30%), Syria, Somalia, and Eritrea arrived in Sweden in 2016 (nearly 4,000 in 2013 and 7,000 in 2014). Police also commented that street children, especially Moroccan boys, are particularly vulnerable to sex trafficking (*US Department of State*, June 2017 and June 2018). Accordingly, Moroccan newspapers expressed suspicions of prostitution networks involving foreign minors in the Malmö refugee camp in August 2016 (*Kiosque 360*, August 14, 2016).
- Transgender prostituted persons: according to the 2015 report, the number of ads posted by prostituted persons who are transgender may have doubled since 2010.
- Migrants in general: the approximately 26,000 migrants who applied for asylum in 2017, primarily from Nigeria, Afghanistan, Iraq, Vietnam, Morocco, and Cuba, as well as many stateless individuals, are all vulnerable to human trafficking. The migration agency's anti-trafficking coordinator identified 444 suspected human trafficking victims among asylum-seekers in 2017 (107 were children), a 30% increase from 2016 (*US Department of State*, June 2018). The *Swedish Migration Agency* reports a growing number of suspected human trafficking cases. In 2016, the cases of human trafficking had already seen a 75% increase compared to 2015 (*US Department of State*, June 2017). In addition, more and more asylum seekers are coming from Cuba (98 individuals from this country have applied for asylum between January 1<sup>st</sup>, 2016 and June 30<sup>th</sup>, 2017), and the *Swedish Migration Agency* identified a relatively large percentage of supposed victims of human trafficking among this population (*Migrationsverket*, September 12, 2017).

## **A vision of “gender equality” in the fight against sexual exploitation: mutual efforts for increased resources**

In Sweden, the point of contact for issues concerning the fight against human trafficking is the Ministry for Integration and Gender Equality. Indeed, sex trafficking is considered one of the worst forms of violence towards women (*Government offices of Sweden*, May 4, 2016). So, since the ministry's formation in 2014, the government has established numerous distinct measures against domestic violence and other forms of violence towards women. These measures and their financing make it possible to combine and, therefore, strengthen the means to fight against sexual exploitation.

Thus a budget of SEK 1.3 billion (USD 135,03 million) is planned for the period of 2017-2020 to support efforts to fight violence against women. More specifically, the government has given up to SEK 425 million (USD 44,14 million) in funding for 2015-2019 to aid women's shelters that also help human trafficking victims. The government has also committed to implementing 20 new measures recommended by the National coordinator on Domestic Violence (*Government offices of Sweden*, November 2016).

These investments are part of the “National strategy to prevent and combat men's violence against women,” which was enacted on January 1<sup>st</sup>, 2017 and will be applied for 10 years. This strategy aims to discourage the demand for the purchase of sexual acts.

As part of the implementation of this national strategy, the “Gender Equality Agency” was created and is responsible for working towards abolishing men's violence towards women (*Government offices of Sweden*, November 2016). Since January 1<sup>st</sup>, 2018, the *National Task Force against Prostitution and Human Trafficking* (NMT) has been transferred from the *County Administrative Board of Stockholm* to the *Gender Equality Agency* (*Government offices of Sweden*, May 4, 2016). This transfer took place with regard to the *Office of the National Coordinator against Trafficking*. However, most of its employees did not transfer to the new agency, which raises concern about the loss of knowledgeable staff (*US Department of State*, June 2018).

The NMT is composed of authorities working against prostitution and human trafficking, and constitutes a strategic resource to develop and increase the effectiveness of cooperation in the process. It supports municipalities and regions through its telephone line and website (created in collaboration with the *International Organization for Migration* (OIM) and a UN agency). It also offers support to victims through the efforts of regional coordinators. Lastly, it conducts trainings for local authorities and NGOs (*Swedish Gender Equality Agency*, January 22, 2018).

The *National Referral Mechanism* (NRM) was developed in 2015-2016<sup>1</sup>. It explains the support and protection pathways available to human trafficking victims, and was developed from national legislation, international guidelines, and identified practices. An explanatory manual on the mechanism, coordinated by the *County Administrative Board in Stockholm* (in its position as Anti-trafficking and Anti-prostitution National Coordinator), was published in 2016 for

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<sup>1</sup> See Chapter "Sweden", in Fondation Scelles, Charpenel Y. (under the direction of), *Prostitution. Exploitation, Persecution, Repression* (4<sup>th</sup> Global Report), Ed. Economica, 2016.

professionals working directly with human trafficking victims. The manual consists of a 5-step guide to follow to ensure effective victim support and protection measures: 1) victim identification; 2) first aid and protection measures; 3) long term support and social inclusion measures; 4) return to the country of origin; 5) penal procedures. For each of these steps, the guide contains answers to questions such as: what measures to take for each individual case; who is responsible for their implementation; when must they be set up; and how to achieve them (*Lansstyrelsen Stockholm*, 2016).

In relation to the *NRM*, the National police rapporteur noted an increase in the capacity of social workers and migrant authorities in identifying human trafficking victims. However, the European migration crisis and significant number of asylum seekers, who occupy most available means (time and human resources to manage emergencies), have hindered the ability of authorities to fully implement methods of identification for cases of human trafficking. Thus, the increase in the number of identified victims is only relative (*US Department of State*, June 2017).

In addition, to benefit from the *NRM* mechanism, the victim must first file a complaint with the police, causing the exclusion of many people from the system (*Swedish Platform Civil Society against Human Trafficking*, January 25, 2018). In order to make up for the lack of care for human trafficking victims who have not filed a complaint, the *Swedish Platform Civil Society Against Human Trafficking*, a network of some 20 NGOs and civil society actors, has developed the *National Support Program (NSP)*, which provides assistance to those not supported by the *NRM* (*Swedish Platform Civil Society against Human Trafficking*, January 25, 2018). Since the program is truly complementary to the *NRM* for the effective care of trafficked victims, the Swedish State funded the Platform for SEK 500,000 (USD 51,932) in 2016 (*US Department of State*, June 2017).

The Platform works in collaboration with the *NMT*, for example through the “You decide!” awareness campaign, which consisted of creating 50 website pages that imitated existing sites offering sexual acts. When a user connects to these pages of the campaign, he opens a fake prostitution page and is then warned that the purchase of sexual acts is a criminal offense (*NMT*, December 18, 2017).

Other initiatives are the result of collaboration between different organizations fighting against sexual exploitation. In 2017, the *Resekurage* was developed through cooperation between the *County Administrative Boards*, the police, the *NMT*, and the *World Childhood Foundation*. It worked to denounce the sexual abuse of minors committed by Swedes abroad. An electronic platform (*resekurage.se*) makes it possible to inform users of the applicable rules in the matter and gives them the possibility to report such abuses (*NMT*, December 11, 2017).

In May 2016, the government created a new Ambassador position aimed at fighting human trafficking. The purpose of this decision was to strengthen Sweden’s position and international cooperation in the matter (*US Department of State*, June 2017).

Lastly, to prevent the phenomenon of sex tourism, in 2016 the State organized training on the subject of human trafficking and sexual offenses for its diplomatic staff and soldiers, before their deployment abroad. Awareness training projects for taxi drivers, hotel staff, and restaurant

staff were also funded by Swedish authorities to provide these actors with the ability to detect cases of human trafficking in their workplace (*US Department of State*, June 2018).

### **Increasing considerations of the needs of human trafficking victims**

#### ***Aid in Criminal Proceedings***

Every victim participating in a trial in Sweden has access to a lawyer, who provides psychological help and legal assistance. Moreover, there have been no identified cases of victim criminalization due to acts committed because of their exploitation. This is likely to encourage victims to cooperate in investigations. Indeed, the law allows victims of sexual exploitation, forced to commit offenses, to avoid prosecution or, in cases of criminal prosecution, to see the charges against them dropped (*US Department of State*, June 2018).

#### ***Aid in Housing***

Human trafficking victims have the right to housing adapted to their needs, particularly in terms of security (*Migrastionsverket*, March 9, 2017). Although there are no specific shelters to accommodate them, the National coordinator has established a network of approximately 40 safe houses run by NGOs where adult women who have been trafficked can find accommodation. This way, they might have access to aid services destined notably for victims of domestic violence. These shelters offer human trafficking victims assistance with immigration procedures, medical care, training needs, and job searches (including language training). Concerning children, social services are responsible for placing them in foster families or in group homes (*US Department of State*, June 2018).

#### ***Specific Aid for Migrant Human Trafficking Victims***

Since 2004, persons of foreign nationality who participate in a criminal investigation for procuring or sex trafficking, or in hearings as witnesses, can be granted a temporary residential card under the Aliens Act. Since 2007, those identified as human trafficking victims by the police can obtain such a residence permit for a minimum of 6 months. In addition, it is possible for said individuals to obtain a 30-days temporary residency permit as a “reflection period” before deciding whether to cooperate with the authorities. Regarding social aid, human trafficking victims have the same rights as Swedish nationals during their temporary residence. 13 human trafficking victims and 47 witnesses received permits in 2017 (25 and 45, respectively, in 2016) (*US Department of State*, June 2018). On the other hand, being a victim of human trafficking is not a sufficient basis for receiving refugee status in Sweden. Particular circumstances and/or a trauma caused by human trafficking can, nonetheless, have an influence on the decision to grant refugee status. A residential card can be granted on a humanitarian basis. Prosecutors have the power to file applications for permanent residence permits on behalf of victims based on protection needs, such as with cases where victims would face retribution in their countries of origin. The government did not issue any permanent residence permits in 2016 or 2017 (*Lansstyrelsen Stockholm*, 2016). Additionally, while applications for family reunification made by an asylum seeker are unlikely to succeed since a reform came into effect



in November 2015, if a family member of the individual seeking protection has been a victim of human trafficking, the principle is overturned as the circumstance is regarded as serious enough (*Migrastionsverket*, January 9, 2018). There is also a return assistance program, carried out in cooperation with *IOM*, though it is neither open to human trafficking victims abroad nor to individuals identified as potential victims who have not yet been exploited. The return assistance program for trafficked victims in Sweden (*Swedish Platform Civil Society against Human Trafficking*, January 25, 2018) includes:

- Information giving, preparation, and pre-departure assistance (evaluation of needs, analysis of risks and threats to the individual, organization of the necessary documents for transport, etc.)
- Organization of the journey (reservations, transit visas, assistance at the airport for departure and transits, escorts when necessary)
- Assistance on arrival (transport, guidance to local partners, assistance with reintegration, monitoring and support). This final phase of the return assistance program takes approximately 6 months and aims not only to reintegrate victims, but also to avoid risks for the individual to once again become a victim of human trafficking. In 2017, 40 individuals benefited from the return assistance program (14 in 2016) (*US Department of State*, June 2018).

In conclusion, Sweden continues to improve the implementation of its legislative model. Completing the integration of sexual exploitation issues into the policy against violence towards women is not insignificant. It allows for an increase in the means of protection and assistance for anyone wishing to leave prostitution networks. It also identifies the commodification of sex as a violent act, and as a gender power relationship. In doing so, Swedish policy is working to help and support prostituted persons, rather than stigmatizing them. However, despite real efforts to identify victims and perpetrators of human trafficking, the number of criminal prosecutions is still low given the high rate of the phenomenon. Furthermore, it wasn't possible to use the *NRM* at its full capacity because of the migratory crisis.

These efforts should therefore be maintained and even increased in order to ensure the effective application of Swedish criminal law. Reform projects have been drawn up with this intent: a bill proposed to Parliament in December 2017 extends the breadth of sexual offenses and provides for the absence of consent, not just violence, threats or particular vulnerability, to be a constitutive element of the offense. According to this bill, prosecution would be possible if the offender knew the victim might not consent (*Government Offices of Sweden*, December 2017). The implementation of this law should facilitate the incrimination of human trafficking for sexual exploitation purposes in particular.

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# Thailand



**POPULATION**  
69 million



**GDP PER CAPITA**  
6,593.8 USD



**POLITICAL SYSTEM**  
Constitutional  
Monarchy



**HUMAN DEVELOPMENT  
INDEX**  
87<sup>th</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
79<sup>th</sup> rank among 147  
countries



**CORRUPTION  
PERCEPTIONS INDEX**  
96<sup>th</sup> rank among 180  
countries

Infamous for its high prevalence of sexual exploitation and child sex tourism, Thailand faces many factors that favor the trafficking of vulnerable people.

The political instability and poverty experienced by Thailand's neighboring countries have led to massive flows of migrants into the country. In 2015, there were about 4 million migrants in the country, including 1 to 2 million illegal migrants. This was twice as many as the amount in 2005. As the country is not equipped with sufficient resources to handle such a large influx, migrants become more vulnerable to traffickers. Between 120,000 and 250,000 refugees from Myanmar (notably Rohingyas) have settled along the border in camps built, for some, since 1984 (*UNODC, TIJ*, August 2017). Their precarious situations make them vulnerable to human trafficking and sexual exploitation, especially for those who don't have IDs. Additionally, most do not speak Thai.

For Thai natives, there are numerous factors as to why they enter prostitution (lack of education, consumerism, corruption, etc), however the main reason is the absolute need to provide for themselves and their families (*Téoros*, 2013). This is particularly the case in the north of the country, where the Hill Tribes group (a group of a dozen ethnic minorities in the region) represents a large proportion of exploited persons in prostitution, many of whom are children.

These circumstances led to the omnipresence of sexual exploitation and prostitution within the country, resulting in the establishment of a legislative framework.

## Existing legislation

In Thailand, prostitution is tolerated only within private spaces. Solicitation is punishable by a fee of up to 1,000 Thai bath (THB) (USD 31) by the *Prevention and Suppression of Prostitution Act*. The Thai Penal Code also prohibits anyone from earning an income from the prostitution of another person (article 286); sentences for that crime range from 7 to 20 years' imprisonment and fines from THB 14,000 to THB 40,000 (USD 440 to USD 1,256), and sometimes even life imprisonment. Under the law, prostituted persons are not considered as victims, but rather subjected to a presumption of criminality (article 6), which condemns activities of prostitution (*Empower Foundation*, May 19, 2017). This law also punishes sex buyers of prostituted children in brothels with 1 to 3 years' imprisonment accompanied by a fine of THB 20,000 to THB 60,000 (USD 628 to USD 1,885) if the child is between the age of 15 and 18, and with 2 to 6 years' imprisonment and a fine from THB 40,000 to THB 120,000 (USD 1,256 to USD 3,769) when the child is under the age of 15. The Thai Penal Code condemns sexual intercourse with a girl less than 15 years of age (if the offender is not the husband) with penalties from 4 to 20 years' imprisonment and a fine from THB 8,000 to THB 40,000 (USD 251 to USD 1,256). If the girl is less than 13 years old, penalties range from 7 to 20 years' imprisonment and a fine from THB 14,000 to THB 40,000 (USD 440 to USD 1,256). Both texts specify that the consent of the victim has no influence on the conviction. However, if the victim (between 13 and 15 years old) agrees to marry the man (i.e. her rapist), all charges will be dropped. The absence of a definition of sexual relations within the Thai Penal Code leads to a legal vacuum, which penalizes the victim. In December 2015, the Thai Penal Code was amended to criminalize the possession, sharing and dissemination of child pornography (*Liberty Asia, Linklaters, MAST*, 2017). This law specifies that if any person takes advantage of a child and has hold of any pedopornographic material, the exploited child does not have to testify during the trial (*UNODC, Regional Office for Southeast Asia and the Pacific*, 2015). This is an important step forward, given that most traffickers and procurers possess pornographic material of their victims, who are then generally afraid of reprisals if they agree to testify. The *Computer Crime Act* was amended in 2015, criminalizing download and/or electronic dissemination of pedopornography content (*Liberty Asia, Linklaters, MAST*, 2017).

Under the 2008 *Anti-Trafficking in Persons Act*, all forms of human trafficking are illegal in Thailand. According to the 2017 amendment version, punishments for human trafficking range from 4 to 20 years' imprisonment and fines from THB 80,000 to THB 2 million (USD 2,513 to USD 62,820), depending on the age of the victim (*US Department of State*, June 2018). In this law, human trafficking for sexual exploitation purposes is not explicitly mentioned or defined. However, a 1996 law criminalizes procuring, seducing and abducting for prostitution (even in foreign countries) with penalties ranging from 1 to 10 years' imprisonment and a fine from THB 20,000 to THB 200,000 (USD 628 to USD 6,282). However, due to the country's widespread corruption, the law enforcement is weak.

## Sexual exploitation of children

Exacerbated by the country's sex tourism, the sexual exploitation of children, notably within prostitution networks, is a structural issue in Thailand. While most people buying sex from children are Thai nationals and Chinese tourists, most governmental efforts are focused on preventing Western travelers from sexually exploiting Thai children (*ECPAT International*, 2016). This can mainly be explained by the media coverage of the phenomenon. However, these governmental efforts have led to a decrease in sex tourism in recent years, which has moved to neighboring countries, where the legislation is less strict (*ECPAT International*, *UNICEF*, November 2015).

One of the difficulties in the fight against the sexual exploitation of children is that many children do not realize that they are being exploited. Many of these victims neither know how to read nor write, and do not know their rights when faced with procurers or traffickers (*ECPAT International*, February 2017).

This is the case with *katoey* children (the Thai term for transgender people), who, in order to survive, are often victims of sexual exploitation. Indeed, following conflicts with their parents, who don't accept their gender identities, these children end up on the streets. Being too young to obtain lawful work, they are then forced into prostitution to survive (*UNICEF*, February 24, 2015).

Many exploited children live on the streets, but it seems law enforcement officials do not hesitate to use violence against these children (arresting them, putting them in custody, using physical violence) (*ECPAT International*, February 2017). Some police officers arrest prostituted children (unless they offer bribes) (*UNICEF*, February 24, 2015), go to brothels to obtain bribes and even to abuse children (*ECPAT International*, February 2017). For these reasons, child victims of sexual exploitation are reluctant to report their experiences to the police. Moreover, according to the NGO *Nvader/Lift International*, there is a custom among local officials in some regions of satisfying visiting senior officials with prostituted underage girls (*The Nation*, April 28, 2017). In 2017, a child prostitution ring was dismantled in the city of Mae Hong Son, which is found at the Myanmar border. Run by a non-commissioned police officer, the network was composed of many political personalities, including the region's governor. Senior government officials were often offered young girls during their stay in the region (*PIU*, *OMS*, 2016).

Some projects in the country have been established to change the relationships between institutions and victims of prostitution. In Chiang Mai, in the north of the country, the *Big Brother Project* aims to create relationships built on trust between child victims and police officers, through activities such as sport (*ECPAT International*, February 2017). In partnership with the *FBI*, the Thai police have developed a new approach to the sexual exploitation of children, centered on victim assistance. This approach enables the facilitation of children's testimonies, and gives them access to support services (*ECPAT International*, February 2017).

Minors who go to the police station are obligated to prove their status as minors in order to be recognized as victims of sexual exploitation (*ECPAT International*, February 2017). However, most child victims were generally trafficked from a neighboring country or are from northern tribes (mainly in Bangkok), and therefore don't have IDs or birth certificates that can

prove their age (*ECPAT International, UNICEF*, November 2015). If uncertain, the default for police officers is to classify the person as an adult and apply the law criminalizing solicitation. (*ECPAT International*, February 2017). Children also may pretend to be adults to avoid being placed in child detention center or specialized shelters for children. These shelters allow for the isolation, for their own benefit, of the children from family and friends for the duration of the trial, and thus prevent traffickers and procurers from finding them (*ECPAT International*, February 2017). Since 2003, the Child Protection Act and the Witness Protection Act better protect trafficked child victims during the trials; however, these legislations are not yet applied uniformly (*Ministry of Social Development and Human Security*, 2018). Indeed, some trials are still taking place without the implementation of specific measures that separate witnesses and traffickers (*ECPAT International*, February 2017).

It seems the Thai authorities realized the scale of the development of child prostitution online, even though they do not have enough resources to fight it. In September 2017, a human trafficking ring that operated on *Facebook* was dismantled, resulting in the arrest of 9 traffickers (8 of whom were minors). During the same period, a person was condemned for possessing and distributing pedopornography material online (*Ministry of Social Development and Human Security*, 2018).

### **The situation of prostituted persons**

According to *UNAIDS*, there were around 144,000 prostituted people in Thailand in 2017, with around 123,000 women and 18,000 men involved in prostitution. Minimum wage (THB 300 – USD 9.4) is lower than the average price for intercourse with a prostituted person (THB 500 – USD 15.7), so many women turn to prostitution to support the needs of their families. Many Thai women are alone in trying to provide for their children, which results in them having to turn to prostitution, especially within populations of minors who cannot lawfully be employed. Teen pregnancy is still prevalent; 9% of women between the ages of 20 to 24 had their first child before the age of 18 (2011-2016 period) and 6% of teenage girls between 15 and 19 were mothers (2009-2014 period) (*UNICEF*, December 2017). However, another *UNICEF* report revealed higher rates: 13% and 9% in 2016 (*National Statistic Office of Thailand, UNICEF*, 2017).

Women from northern rural areas are more vulnerable to human trafficking and prostitution for several reasons; poverty, cultural behaviors, and the ‘exoticism’ surrounding ethnic northern women compared to Thai women. In some situations, women and girls, forced into prostitution to help their families, may even be sold to traffickers, notably in Buddhist communities. Indeed, girls are responsible for the material well-being of parents, while boys are responsible for spiritual well-being, making women less socially significant than men (*L’espace politique*, January 2015). According to the NGO *Urban Light*, young men and boys are sometimes forced to leave villages in the north, notably in the Chiang Mai province, to travel to touristic cities of the country in order to provide for their family, and risk finding themselves trapped in sex trafficking networks.

Other women enter prostitution after being forced by traffickers to take drugs: a video they don't know about is recorded while they use drugs, and serves as blackmail material (*The Nation*, April 28, 2017). Although Thai law does not punish individuals who use drugs, many adolescent girls are unaware of this legislation and fear being arrested. They are also afraid of the stigmas surrounding drug-use and the shame they would receive if these videos were to be publicly released (*The Nation*, April 28, 2017).

All individuals who engage in prostitution are vulnerable to sexual and physical abuse from sex buyers, procurers and police officers. Transgender persons, referred to as “*ladyboys*” in Southeast Asia, are considered to all be prostituted persons, and thus face stereotypes and stigmas, notably in tourist areas. They are subject to police harassment, and are arrested after being presumed to be prostituted persons (*Kang*, 2016). Prostituted persons fear reporting to the police the abuse they received from their traffickers or procurers, because they are convinced they will receive a fine and be held into custody; this provides major setbacks in the fight against sexual exploitation. Because of the prohibitive approach to prostitution, only minors receive access to the government-provided exit services. To receive such services, other prostituted persons must go to local NGOs, like *Empower* in Chiang Mai, *SWING* in Pattaya, or *Self Help and Empowerment* in Phuket.

## HIV/AIDS

The HIV/AIDS prevalence in the Thai population is the highest of the region<sup>1</sup> (0.64% of the total Thai population and over 8% of people infected in the Asian-Pacific region) (*UNAIDS*, 2017). This represents a significant risk for prostituted persons who are coerced, by their procurers or sex buyers, to have unprotected sexual relations.

Data on HIV/AIDS prevalence among prostituted persons shows their significantly higher rates of infection compared to the rest of the population. For women, the infection rate is low (1%), but for men, the infection rate is more than 10%. However, we can see a decrease from 2010 to 2016: from 3% to 1% among women and from 16% to 10% among men. This decrease goes hand in hand with the increase in condom use. There are supposedly 75,000 prostituted transgenders in Thailand, mainly who are found in big cities, where they are the most vulnerable to sexual exploitation. This could explain the high average HIV/AIDS rate among them (over 12%) (*National AIDS Committee*, 2015). In the capital, Bangkok, HIV/AIDS has infected about 20% of prostituted persons (*International Journal of STD and AIDS*, May 6, 2013).

The NGO *Service Workers In Group* (SWING) has created a space dedicated to providing medical care, HIV/AIDS tests, and sex education programs to prostituted persons. However the NGO has stated that many prostituted persons do not use these health services, for fear of being arrested by the police. Indeed, some police operations or arrests happened there as some prostituted persons were waiting to receive care (*The Bangkok Post*, July 3, 2016).

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<sup>1</sup> Rate of infested persons among the population in Malaysia (0,28 %), in Cambodia (0,41 %), in Myanmar (0,4 %), in Laos (0,17 %) and in Vietnam (0,27 %).

## Human trafficking of women to and from Thailand

Thailand is a destination, transit and source country for human trafficking for sexual exploitation purposes. Victims are trafficked from Thailand to every region in the world. For example, in 2016, a large human trafficking ring was dismantled in the USA. Thai women were brought into the USA and constrained by debt bondage. To repay their traffickers for their fake visas and methods of travel, they were indebted from USD 40,000 to 60,000 (*CBS News*, October 4, 2016). Moreover, as some countries' populations are prospering, new trends are appearing. For example, Thai women are increasingly becoming victims of sex trafficking to Persian Gulf countries, where they are forced into prostitution in massage parlors (*L'Espace Politique*, January 2015).

Thailand is also a transit country for victims, who come from China, North Korea, Vietnam, Bangladesh, India, and Myanmar, and are sent to Malaysia, Indonesia, Singapore, the Russian Federation, South Korea, the USA, and some Western European countries (*US Department of State*, June 2018).

Additionally, there are cases involving foreign women being trafficked to Thailand for sexual exploitation. Most women are from Laos, Myanmar, Cambodia, Vietnam, Sri Lanka, the Russian Federation, Uzbekistan, and some African countries (*US Department of State*, June 2018). At the beginning of 2017, 39 African women from Uganda and Madagascar were found to be victims of human trafficking for sexual exploitation purposes after they were arrested for prostitution in Pattaya. However, instead of screening them to see if they had been trafficked, the police processed them under the legislation regarding illegal immigration (*Coconuts Bangkok*, March 3, 2017). In contrast, a human trafficking ring for sexual exploitation was dismantled at the end of 2017, leading to the identification of 70 Ugandan women as victims. Similarly, 113 Asian women were saved in January 2018 from being exploited in massage parlors (*Ministry of Social Development and Human Security*, 2018).

The law states that trafficking victims must be identified within 24 hours, but this is difficult to enforce as many victims are not ready to testify, even though the deadline can be delayed by a week.

There also seems to be an increase in police investigations in entertainment establishments, particularly in Pattaya (*News.com.au*, February 25, 2017).

## Child Marriage

The Thai Civil Code sets the legal age of marriage to 17. However, the law specifies that a court may allow marriage before the age of 17 in certain circumstances (article 277 of the Thai Penal Code). As a result, the *World Health Organization* (WHO) estimates that 22% of girls in Thailand are married by the time they reach 18, and 4% are married before 15 (*IPU, WHO*, 2016). Moreover, the Thai Civil Code stipulates that marriages of minors cannot be done without the consent of the parents, and the provisions of the Thai Penal Code state that the consent of the young girl is also necessary. But in some cases, the consent of the families may substitute for the consent of the young girls. There can be several reasons families do this, such as the payment of the *khongman* (dowry



paid to the bride) and the *sinsod* (dowry paid to her family) that serve as promise of marriage. Another reason can be the strong social stigma regarding sexual intercourse before marriage in rural areas. With Thailand's culture and values being representative of the patriarchal system, young girls must follow the will of their family and future husband (*Rivera, 2011*).

According to the 2018 US Department of State report on Trafficking in Persons, Thailand's important increased efforts in the combat against human trafficking have made it a Tier 2 country in 2018, when it was in the last two years a Tier 2 Watch List (*US Department of State, June 2018*).

The government provided trainings on human trafficking to more than 2,600 police officers, judges and other law enforcement officials. To combat sex tourism, 800 local government officials received training and 315,000 raising awareness booklets were distributed to businesses and tourism professionals (*US Department of State, June 2018*). In 2016, the Ministry of Interior established a special unit dedicated to eliminating human trafficking (*Liberty Asia, Linklaters, MAST, 2017*). The government has also been working with neighboring countries, like Laos, Myanmar and Cambodia, to prevent illegal immigration and human trafficking between these countries (*US Department of State, June 2018*).

In 2017, the government refused entry into the country to 74 known paedophiles (2,054 in 2016, 511 in 2015 and 98 in 2014), which is still insufficient (*US Department of State, June 2018*). The Ministry of Social Development and Human Security has established an action plan to wipe out the trafficking of women and children. This includes: raising awareness campaigns against sex tourism by the Ministry of Tourism, increased measures of inspection by the Ministry of Interior, and child protection measures by the Thai police (*Ministry of Social Development and Human Security, 2017*). In the context of the *Thai Internet Crimes Against Children Task Force (TICAC)*, there were 8 prosecutions concerning child trafficking among the 18 trafficking cases investigated by *TITAC* regarding online child exploitation in 2017 (*US Department of State, June 2018*).

In conclusion, several recommendations can be made to help the Thai government more efficiently combat human trafficking and sexual exploitation.

Concerning the law, the sentences for sex buyers of child prostitution must be raised to make them match with the sentences of sexual intercourse with children. Moreover, article 277 of the Thai Penal Code's exception for marriage with a minor girl should be repealed to better condemn rapes of minors.

The efforts in combating sex tourism should also be focused on tourists, who are increasingly visiting the different countries of the region in search of prostituted children. Better coordination between police, immigration services and embassies is necessary to avoid the possibility of sex tourists leaving the country unpunished (*ECPAT International, 2016*).

Fighting against corruption is also necessary for the law to be properly applied. The corruption and complicity of government officials in human trafficking crimes are still too widespread, and are sanctioned only by small administrative penalties (suspensions or transfers) (*US Department of State, June 2018*).

The government increased its efforts towards holding its employees accountable. In 2017, 11 government officials were sentenced to penalties of 14 to 79 years in prison for trafficking Rohingya

migrants, and 4 police officers were sentenced to 5 years in prison in March 2018 for not intervening in this human trafficking.

To improve foreign victim assistance, it is necessary to increase the number of interpreters, notably who specify in languages from neighboring countries (*ECPAT International*, 2016). Also, working more closely with NGOs through common actions and funding would allow for an improvement in assistance services for victims. Finally, victims should be granted anonymity in trials, notably child victims of sexual exploitation.

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# Ukraine



**POPULATION**  
44,2 million



**GDP PER CAPITA**  
2,639.8 USD



**POLITICAL SYSTEM**  
Semi-Presidential  
Regime



**HUMAN DEVELOPMENT  
INDEX**  
84<sup>th</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
55<sup>th</sup> rank among 147  
countries



**CORRUPTION  
PERCEPTIONS INDEX**  
130<sup>th</sup> rank among 180  
countries

As a destination for sex tourism, as a country of origin, transit, and destination for victims of human trafficking for sexual exploitation purposes, and as a producer of child pornography, Ukraine is a country particularly exposed to sexual exploitation issues. Multiple different factors have led to this situation.

The first is the economic situation of Ukraine, which is the second poorest country in Europe after Moldova. Currently, 25% of the population lives below the poverty line (15% in 2014) (*Ukrinform*, July 18, 2018).

Secondly, the Russian Federation's annexation of Crimea in 2014 and the ongoing military conflict<sup>1</sup> in the east of the country have created a profound climate of insecurity both in the concerned regions, where 1.8 million people were displaced in 2017 (*UNHCR*, 2017), as well as for the rest of the country: 21% of the Ukrainian population has declared that they would do anything to leave the country, including accepting risky working conditions (entrusting their passport to an employer, crossing borders illegally, etc.) (*GfK Ukraine*, 2017).

Furthermore, although younger generations are changing this model, Ukraine continues to be a paternalistic society, in which women are dependent on men and are often victims of their violence. One in five women between the ages of 15 to 49 has experienced physical violence, and the perpetrators usually go unpunished. To date, the Ukrainian government has still not

<sup>1</sup> See Chapter "Ukraine", in Fondation Scelles, Charpenel Y. (under the direction of), *Prostitution. Exploitation, Persecution, Repression (4<sup>th</sup> Global Report)*, Ed. Economica, 2016.

ratified the Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence.

Finally, Ukrainian society is dominated by a very traditional vision of what the role of women should be: passive, feminine, and respectful of male domination. This mythical representation of feminine submission coexists with the supposed beauty and availability of Ukrainian women, which is idolized by men all over the world.

In this situation, what attention is given to victims of sexual exploitation? In a country plagued by war, economic difficulties, and gender discrimination, prostituted persons come from the population's most vulnerable segments. What political will to adopt when the omnipresent conflict with the Russian Federation has the primary effect to monopolize Ukraine's attention and financial capacities, to the detriment of other causes?

### **The Current Situation of Prostitution and Human Trafficking**

There is no official estimate on the amount of prostitution that occurs in Ukraine. In 2012, a study by the *Ukrainian Institute for Social Research Yaremenko* estimated that the sex trade was affecting about 50,000 Ukrainian women. Today, these same researchers believe that the population of prostituted persons has doubled. According to the *All-Ukrainian League (Legalife)* and the *Alliance for Public Health*, there are more than 80,000 prostituted persons in Ukraine, including 11,000 in Kiev and 25,000 in the eastern conflict zone (*ICF Alliance for Public Health, All-Ukrainian League « Legalife », April 4, 2017*).

The reality is probably worse since these hypotheses only take into account so-called "regular" prostitution. In 2014, 81% of prostituted persons declared that they lived solely off prostitution. However, now the situation is very different. In 2016, nearly 30% of prostituted persons said they also make a living off other more or less lawful activities.

#### ***Victims of human trafficking for sexual exploitation purposes***

There is a constant increase in the number of cases of human trafficking. In 2017, there were 346 identified cases of trafficking involving 184 women, 161 men, and 22 minors. The phenomenon of trafficking for forced labor purposes is rapidly developing, but the percentage of human trafficking for sexual exploitation purposes remains significant: more than 40% of cases identified in 2017 (*Ukrinform, February 28, 2018*).

Most Ukrainian victims are exploited in the Russian Federation (67% of them in 2016). Other destinations include China, the United Arab Emirates, the Philippines, Malaysia, Japan, and Turkey.

#### ***Profile of victims***

While the average age of a person's first sexual intercourse in Ukraine is around 16, the average age of entry into prostitution is said to be 22 (22 in 2013, 21 in 2011) (*ICF Alliance of Public Health, 2016*). The average age of a prostituted person is reported to be 29 years (28.5 years in 2013). Nearly 50% of prostituted persons were said to be between 25 and 34 years of age. Most victims have a high level of education; 31.2% of prostituted persons have completed

secondary school, 32.4% have completed a vocational and technical course, and 10.7% have completed university. In 2016, 57.4% of prostituted persons reported having children or one or more dependent close relatives. Thus, it is the lack of sufficient income and essential goods that forces women into prostitution to ensure the survival of both themselves and their families. The phenomenon of human trafficking for sexual exploitation purposes is believed to rather impact more vulnerable profiles: single women between the ages of 18 and 26, often from broken homes (*ICF Alliance of Public Health*, 2014 and 2016).

### **Vulnerable minors**

According to several sources, the number of minors being sexually exploited (in prostitution, human trafficking for sexual purposes, and pornography) is decreasing. According to the Ukrainian government, from 2006 to 2010, minors accounted for 10% of the victims of human trafficking. But, since 2011, the trend has been reversed. In 2016, only 4.7% of trafficking victims were minors. Similarly, the NGO *Alliance for Public Health* stated that the number of underage and young adult prostituted persons is decreasing: 4.5% of victims were between 14-19 years of age in 2016 (6.4% in 2013, 9.4% in 2011, and 13.9% in 2008).

On the other hand, the *Ukrainian Institute for Social Research Yaremenko* reported that one in 6 or 7 prostituted persons is a minor and *La Strada-Ukraine* reported that one third of the world's child pornography production comes from Ukraine, the Russian Federation, and Belarus.

Other sources also warned about how highly vulnerable minors are to the risk of sexual exploitation. According to a study conducted by the *International Organization for Migration* (IOM), 40% of minors aged 13 to 17 in vulnerable situations (children placed in institutions or foster families, children displaced from conflict zones, etc.) said they were willing to accept offers that could lead to situation of exploitation (*GfK Ukraine*, 2016). Children placed in orphanages and institutions (82,000 to 200,000 children, according to the 2016 US Department of State report on Trafficking in Persons) are particularly vulnerable.

In fact, the sexual exploitation of minors in Ukraine is still a taboo subject, and official data records are non-existent. Between 2009 and 2011, the Attorney General's Office identified 479 juvenile prostituted persons aged 16-18 years old, 61 in 2012 and 30 between January and September 2014. However, since 2014, these data records are no longer available to the public.

### **Places and forms of exploitation**

The main venues for prostitution are bars, nightclubs, apartments, massage parlors, hotels, brothels, strip clubs, and also forests, parks, vehicles, the streets, etc. Although prostitution is a prohibited activity, it is easy to open an establishment, as long as you know who to contact and who to negotiate with. Less than 5% of the prostituted population operates on the street.

The Internet is now playing an increasing role in the organization of prostitution. Social networks, dating sites, recruitment sites, and instant messaging services (such as WhatsApp) are used by both prostituted persons to find sex buyers, and by traffickers to find victims. In 2015, one out of five prostituted persons was settled in an apartment or via the Internet (compared to

13.2% in 2013). The majority of victims engaged in online prostitution are younger, while older prostituted persons prefer street prostitution.

### ***Ukraine: a sex tourism destination***

In 2015, 41.8% of prostituted persons reported having provided sexual acts to foreign sex buyers within the past month (more than 50% in 2013) (*ICF Alliance of Public Health*, 2014 and 2016). After the increase recorded in 2012-13 (on the occasion of Euro 2012, the UEFA men's football championship), the 2015 data shows a clear loss of interest, likely correlated to the annexation of Crimea by the Russian Federation, and the ensuing military conflict (*Kyiv Post*, March 8, 2018).

Nevertheless, Ukraine remains a country well known for its marriage agencies. Western men, usually middle-aged, continue to come *en masse* to find a young Ukrainian wife who will "be poor and easier to manage" (*Vice*, November 9, 2016). This is a real industry that provides income to agencies, translators, and "fiancées." However, in reality, this so-called "marriage industry" is nothing more than sex tourism and a form of prostitution. Men buy their "fiancées" through agencies, which act as intermediaries, and who get rich in this market. For Inna Shevchenko of the NGO *Femen*, women are the victims: "It's difficult for women in Ukraine to be economically independent, even though they are educated and skilled (...) Young women see, in the foreign men, a chance for a better life, a possibility to leave and escape from life-long struggle that their mothers (...) experience" (*Vice*, November 9, 2016). It is this hope held by Ukrainian women that the marriage industry exploits.

### **Victims of prostitution: Between violence and police harassment**

Prostituted persons are trapped in a cycle of exploitation and repeated violence. According to surveys conducted by *ICF-Alliance for Public Health*, nearly half of the population of prostituted persons reported to having been victims of violence during their activities (46.6% in 2015, 48.9% in 2013): verbal abuse and humiliation (69.5%), threats (50.1%), theft (refusal to pay the sexual act) (49.5%), beatings (38.3%), rape (24.3%), physical violence (24.3%), etc. There were also reports of torture, such as women being handcuffed to radiators or beaten with electric cables (*ICF Alliance of Public Health*, 2014 and 2016).

Sex buyers, who commit 81% of this violence, remain unpunished no matter what happens. Prostituted persons are also targets for police violence during raids on prostitution sites. During these raids, the police demand money and blackmail the prostituted persons, threatening to reveal their activities to their family and friends if they do not comply (29.4% of prostituted women have been victims of extortion, 14.7% of threats, and 38.2% of wrongful arrests).

According to some surveys, the rate of police violence tends towards decrease: 23% in 2013 and 12.4% in 2015. This reduction, if confirmed, could be the result of the government's efforts to reform the police corps and make it an effective agency (*OSCE*, November 23, 2015).

Out of all the prostituted persons who were victims of violence in 2015, only 49% sought help or reported to the police (29% in 2013). However, their word is often not taken into

consideration and their complaints are rarely recorded by the police, as if the violence they are subjected to is inherent to their circumstances.

### **The health risks**

Ukraine has one of the highest HIV/AIDS prevalence rates in Europe. *UNAIDS* estimates that in 2016, 240,000 people were living with HIV/AIDS, 37% of whom were on antiretroviral therapy. 5,000 children under 14 years of age were living with HIV/AIDS. Prostituted persons are among the most exposed population: 7% of them were carriers of the virus in 2016 (compared to 7.3% in 2014) (*UNAIDS*, 2016).

Thanks to information campaigns, awareness within this population on ways of transmission and risk factors is said to have gradually increased. In 2015 and 2016, 93.5% of prostituted persons surveyed said they used condoms during their last paid sexual act, and 86.8% in the last 30 days. However, these data are to be taken with great caution. Indeed, *ICF Alliance for Public Health* works in close cooperation with pro-legalization of prostitution organizations, so it is important for them to promote the idea that prostituted persons use condoms and thus prostitution is safe in Ukraine.

Prostituted persons are aware of the need to protect themselves. In 2016, 69.9% of prostituted persons said that they refused unprotected sex with a sex buyer (compared to 47.2% in 2008) (*ICF Alliance of Public Health*, 2016). They are also aware of the importance of monitoring their HIV/AIDS status. In 2016, 67% of prostituted persons had been tested and knew their results (*UNAIDS*, 2017). Nevertheless, the vulnerability of prostituted persons remains extreme for several reasons.

Firstly, in 2014, one third of the prostituted persons interviewed said they had drugs experience and, of these, 24% admitted to having used unclean equipment for their drug use (*ICF Alliance of Public Health*, 2014). In 2016, this number is greatly reduced: 4.6% (*ICF Alliance of Public Health*, 2016).

Secondly, in 2016, 34.4% of prostituted persons reported to having had an incident with a condom during paid sexual acts with a sex buyer in the previous month (31% in 2013) (*ICF Alliance of Public Health*, 2016).

Furthermore, while NGOs frequently provide supplies of condoms, nearly 25% of prostituted persons provide their own condoms or are supplied by the sex buyers, which represents a significant cost for both parties involved (particularly in conflict areas, where the cost of condoms is higher than elsewhere).

Finally, prostituted persons are not always able to demand the sex buyers wear condoms. Some sex buyers, under the influence of alcohol or drugs, refuse to use condoms. Others insist on unprotected sex: 11.3% of prostituted persons surveyed have agreed to having unprotected sex for an extra fee.

### **Decriminalization? Legalization? Debates on prostitution**

Prostitution is prohibited in Ukraine. Procuring of prostituted persons and brothel management are punishable under the Criminal Code. The former is punishable by 3 to 5 years'



imprisonment (4 to 7 years in the event of aggravating circumstances) while the latter has a less severe punishment, from a fine of 850 UAH (USD 32) to 2 years in custody. An average of 500 convictions occurs per year for these crimes.

Since 2006, to prostitute oneself, previously punishable under the Criminal Code, has been an administrative offence (art. 181-1), punishable by a fine of UAH 85 to UAH 255 (USD 3.2 to USD 9.7). Despite this change, government policies continue to be more repressive than protective toward prostituted persons. Finally, the purchase of a sexual act is not criminalized; only sex buyers of prostituted persons under 16 years of age are penalized, not because they are sex buyers, but because any sexual act with children under 16 years of age is punishable.

### ***A bill to legalize prostitution***

The debate on the legal status of prostitution, which began in 2015<sup>2</sup>, has continued and intensified. In September 2015, Deputy Andrei Nemirovski, a member of President Porochenko's party, submitted a bill (n.3139) in Parliament (*Verkhovna Rada*) that would legalize prostitution and turn prostituted persons into "entrepreneurs who offer intimate services" by setting legal conditions for their practice (age limits, medical checks, etc.). The official objective of this project was to "put the country on the same level as a developed European country" and, drawing on the examples of Germany and the Netherlands, to send a strong message to the *European Union*. Unofficially, the project's objective was also to open up a huge market that could aid the fragile economy and enrich the state budget with new taxes on prostitution.

This bill was eventually withdrawn without having been debated. Nevertheless, several political figures continued to make numerous statements to this effect (*Sputnik News*, October 1, 2016; *Causeur.fr*, October 1, 2015). Former President Yushchenko, Kiev Mayor Vitali Klitschko, MP Anton Gerashchenko, Police Chief Vadym Troyan, MP Leshchenko (who is close to the president), and Galina Tretyakova, Director of the Ukrainian Insurance Federation, have repeatedly called for the legalization of prostitution. In May 2016, a petition, signed by 52 prominent public figures, was published on President Poroshenko's website. The arguments in favor of legalizing prostitution are the same every time: ensuring the safety and social protection of prostituted persons, taxing an activity that currently brings no benefit to the State, developing tourism, etc.

All of this has opened up the debate. Opponents of the legalization project were able to express themselves, and different viewpoints have emerged. Oleg Soskin, a specialist on political science and director of the Institute for Social Transformation, calls for a public debate "to abandon this hypocritical position: the problem exists and no one knows how to get out of it." Mikhail Chaplya, representative of the Ukrainian Ombudsman, wondered, "Can the government intervene in the right to manage one's own body?" For others, such as MP Bogdan Galaiko, legalization "is a shameful and immoral bill. Prostitution involves drugs, alcoholism, the destruction of the physical and psychological health of the individual, the loss of the ideological and moral values of society, the lack of respect and love for the family." Similarly, in a public

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<sup>2</sup> See Chapter "Ukraine", in Fondation Scelles, Charpenel Y. (under the direction of), *Prostitution. Exploitation, Persecution, Repression (4<sup>th</sup> Global Report)*, Ed. Economica, 2016.

debate entitled "Sex for money: service or crime?" Olena Kucheruk, the head of a public health program, called for the need to separate the concepts of human trafficking for sexual purposes and "voluntary sex work" (*IRF*, 27 March 2018).

### ***Call for the decriminalization of "sex work"***

At the same time, several organizations that defend the rights of Ukrainian "sex workers" have mobilized to carry out their own project: decriminalizing prostitution. On March 3<sup>rd</sup> 2017, the *International Day of "Sex Workers"*, Ukraine had its first march of "sex workers" (the same march also took place on the same date in 2018). At the initiative of the *All-Ukrainian League "Legalife"* and the *ICF Alliance for Public Health*, with the support of *Amnesty International Ukraine*, activists and prostituted persons marched in the government district of Kiev, screaming "My job, my choice" or "Sex work is work." The objective of this march was to capture the attention of politicians and society on the necessity to remove article 181-1 of the Code of Administrative Offences, which imposes a fine on sex buyers. A draft law on "the amendment of the Criminal Code of Ukraine on administrative offenses (concerning the abolition of administrative liability for prostitution)" was also submitted to President Poroshenko and the government.

The term "decriminalization" is deliberately ambiguous. Calling for the "decriminalization of prostitution" implies that prostituted persons are subject to criminal punishments, which is not true. Prostitution was decriminalized in 2006 and removing article 181-1 from the Code of Administrative Offences is not "decriminalization" in the literal sense. Moreover, the term is intentionally associated with the idea of "full decriminalization of prostitution," including the decriminalization of all forms of procuring.

### ***The abolitionist message***

In this context, abolitionist voices are also beginning to be heard (albeit with more difficulty). Several activists took part in the demonstrations of March 3<sup>rd</sup> 2017 and 2018 to express their rejection of all forms of legalization or decriminalization of prostitution: "Feminists against procurers and supporters of legalization." A movement is growing, especially on social networks (in groups like *#feminismUa*, *FemUA Nordic model*), to fight prostitution and call on Ukrainian feminists to support the *Nordic model*: "the sexual exploitation of women's bodies should not be considered as a work," explains Olena Zaytseva, who leads the Facebook group "*Resistanta*" (*Open Democracy*, March 7, 2018).

## **The emphasis on the fight against human trafficking**

In 2013, international organizations brought to light the insufficient progress made by Ukraine in combating human trafficking, to the point where the 2013 to 2016 US Department of State reports on Trafficking in Persons included Ukraine in Tier 2 Watch List. In particular, observers criticized the inadequacy of the allocated budgets, the low number of victims identified, the difficulty in developing a new action plan, the steady decline in the number of prosecutions and convictions of traffickers, etc.

In January 2016, *IOM* called on Ukraine to strengthen its fight against human trafficking. The 2016-2020 National Action Plan against Trafficking was then still under preparation, and there was an announced reduction in the allocated budget (30% less than the previous plan), which was a cause for concern. "When we start talking about human trafficking," explained an official of the NGO *La Strada-Ukraine*, "[the government] start to think: 'Oh, that's not a big problem for our society. We don't have money, we have a war'" (*Newsweek*, January 16, 2016).

The implementation of a new action plan has gradually made it possible to change the current situation. Since 2017, the US Department State report on Trafficking in Persons has reinstated Ukraine in Tier 2 of its ranking of countries in the fight against human trafficking. The objective of this reassessment is first and foremost to welcome Ukraine's clear efforts to tackle the problem. The measures taken include:

- The 2016-2020 Plan against Human Trafficking entered into force after several months of waiting and tergiversation. This plan, which focuses on the protection of victims' rights and assistance, and on prevention, provides in particular for the creation of new training and raising awareness programs, the improvement of procedures for identifying victims and traffickers, the development of cooperation between executive authorities, international institutions and NGOs, and more;
- Increases in the financial allowances granted to victims. On average, allowances have been multiplied three times the initial amount. This measure came into effect in January 2017;
- Increases in budgets dedicated to the fight against human trafficking. The central government's share thus increases from UAH 98,800 to UAH 548,000 (USD 3,748 to USD 20,791) per year (*GRETA*, July 4, 2017). This budget is supplemented by regional and private funding;
- In April 2018, Petro Poroshenko, the President of Ukraine, signed a law strengthening the protection of minors under 16 years old against sexual exploitation. Now, voluntary sexual relations with a person under the age of 16 committed by an adult are criminalized. Thus, the minimum age of sexual adulthood is established in line with the recommendations of the UN Committee on the Rights of the Child (*Kyiv Post*, April 16, 2018);
- Increased police cooperation with various European countries (Moldova, Russian Federation, Turkey, Poland, Netherlands, France, Greece, etc.).

The results of these efforts are visible, as more than 31,000 university and high school students were educated on this issue in 2016 (compared to 15,000 in 2015) and more than 11,000 law enforcement personnel were trained in 2016 (compared to 400 in 2015). A dedicated hotline for victims was created and recorded 19,444 calls in 2017. As a result, 80 potential victims were identified. The number of victims and traffickers identified is again on the rise and the number of investigations into human trafficking has never been so high (see table below).

	2013	2014	2015	2016	2017
<b>Investigations</b>	130	109	111	115 (including 72 for sexual exploitation purposes)	346 (including 142 for sexual exploitation purposes)
<b>Legal proceedings</b>	91	42	59	45	66
<b>Convictions</b>	109	57	25	28	23
<b>Identified victims</b>	-	-	83	103	367
<b>Assisted victims</b>	-	940	699	1105	1256

Sources: *US Department of State*, 2013, 2014, 2015, 2016, 2017 / *GRETA*, July 4, 2017

Nevertheless, while some aspects are improving, much remains to be done. Although the number of investigations is increasing, convictions remain insufficient. For 66 trials in 2017, only 23 convictions were handed down, making it the lowest rate in the last 6 years, and only 7 of those convictions were prison sentences (compared to the 119 prison sentences handed down between 2012 and 2016).

NGOs point out the inadequacy of assisting measures for victims. In particular, there is a lack of specialized homes. As of March 2017, only 19 out of 24 regions in Ukraine had established centers that could accommodate victims of human trafficking.

In conclusion, Ukraine faces an extreme situation, and its government's responses are seemingly guided first and foremost by the need to comply with international guidelines, and therefore have had little practical impact. While policy is, at best, focused on combating human trafficking, prostitution, on the other hand, is not one of the government's first priorities, especially in the current military situation. Victims are forgotten, procurers and traffickers go unpunished, and sex buyers are free from responsibility.

In this situation, it is urgent to take actions that take victims into account: more facilities to receive them, the establishment of exit programs with assistance and training, etc. Procurers and traffickers must also be prosecuted to the fullest extent of the law, with sentences measuring up to the crimes committed.

These developments will not happen without a deep reflection on the place of prostitution in Ukrainian society. Discussions on its legal status have begun. This is the first sign of awareness on the part of Ukrainian authorities. But the debate must increase. Many political figures are already pushing for the legalization of prostitution, putting forward economic (bailing out the state by taxing the prostitution market) and geopolitical (pleasing the European Union) arguments. At the same time, "sex workers" movements are advocating for the repeal of section 181-1 of the Criminal Code and the decriminalization of prostitution, thus paving the way for future legalization. Can normalizing prostitution be the solution for Ukraine? How can one debate the issue by citing Europe without studying the *Nordic model*, which criminalizes the sex

buyer and prohibits the purchase of sexual acts? Ukraine must consider all possible options, while keeping for sole objective the protection of victims.

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# United Kingdom



**POPULATION**  
66,2 million



**GDP PER CAPITA**  
39,720.4 USD



**POLITICAL SYSTEM**  
Constitutional  
Monarchy



**HUMAN DEVELOPMENT INDEX**  
16<sup>th</sup> rank among 187  
countries



**GENDER INEQUALITY INDEX**  
28<sup>th</sup> rank among 147  
countries



**CORRUPTION PERCEPTIONS INDEX**  
8<sup>th</sup> rank among 180  
countries

While research conducted in 2014 by the British Home Office estimated between 10,000 and 13,000 potential victims of modern slavery in the United Kingdom (UK), the *National Crime Agency* (NCA) noted that it was only the “tip of the iceberg” as the actual figures were probably much higher (*BBC News*, August 10, 2017). The 2018 Global Slavery Index estimates that, in 2016, 136,000 persons were in a situation of modern slavery in the UK. The National Referral Mechanism Statistics reported 1,744 cases of sexual exploitation in 2017 (and a total of 5,145 registered cases of modern slavery) 599 of which concerned minors (*NCA*, March 26, 2018). According to a 2016 report by the House of Commons Home Affairs Committee, the number of prostituted persons in the UK is estimated at 72,800, of which 32,000 are in London (*House of Commons*, July 1, 2016). These prostituted persons would have on average 25 encounters with sex buyers per week who would pay an average of 78 pounds (GBP) (USD 99) per visit.

In the UK, the large majority of prostituted persons and procurers are of foreign nationality, whereas sex buyers are mostly British.

The expansion of the Internet has substantially modified the sex industry and the way traffickers exploit their victims. Street prostitution is less prevalent, while “pop-up brothels” have considerably developed in recent years.

The UK gathers disparate legislative models that correspond to different ideological structures with regard to prostitution. Northern Ireland is, for example, the sole member to

incorporate the abolitionist Nordic Model in its legislation by criminalizing the purchase of sexual acts and by considering prostituted persons as victims of a violent system.

### **Disparate legislations**

Under the Modern Slavery Act enacted in 2015, which gathers several existing legal texts (Coroners and Justice Act of 2009, Sexual Offences Act of 2003, Asylum and Immigration Act of 2004), the UK punishes all forms of human trafficking with 10 to 14 years of imprisonment (*Fondation Scelles*, 2013).

With respect to the legislation on prostitution, Scotland and Northern Ireland legislate separately from England and Wales.

Indeed, in England and Wales, prostitution “independent” of any constraints is legal, which means that the sale and purchase of sexual acts between “consenting” adults is not criminalized. However, the involvement in other associated activities is illegal (management of a brothel, kerb crawling, procuring and crimes committed by organized groups). With solicitation being an act punishable by law, British prostitution now increasingly takes place in private spaces (illegal brothels, massage parlours, homes and hotels, on the Internet) (*Fondation Scelles*, 2016).

In 2018, the Crown Prosecution Service published updated guidelines for legislation regarding prostitution in the Legal Guidance on Prostitution and Exploitation of Prostitution (*CPS*, July 5, 2018).

Article 1-1 of the 1959 Street Offences Act, amended by article 16 of the Policing and Crime Act of 2009, has made solicitation an offence liable to a level 3 fine of GDP 1,000 (USD 1,271). This article was amended by article 68-7 of the 2015 Serious Crime Act, consequently solely recognizing solicitation as an offence for adults, thus identifying children as victims in such circumstances.

Furthermore, article 33A of the Sexual Offences Act 1956, introduced by paragraphs 1 and 2 of article 55 of the Sexual Offences Act 2003, provides that the keeping, management or support of management of a brothel is punishable by a maximum penalty of 7 years’ imprisonment on indictment, or 6 months’ on summary conviction, or even a fine of GBP 5,000 (USD 6,357).

Article 53A of the 2003 Act, introduced by article 14 of the 2009 Act, criminalizes paying for sexual services from a prostituted person “coerced by force”. Thus, solely sex buyers of prostituted persons who are victims of human trafficking for sexual exploitation purposes are punishable by a maximum level 3 fine of GBP 1,000 (USD 1,271). It is a strict liability offence, which means that the level of awareness of the sex buyer on the exploitative or non-exploitative situation of the prostituted person is not relevant. Nevertheless, evidently the law is difficult to apply in practice... Article 47 of the 2003 law provides that the purchase of sexual services from a minor under the age of 13 is punished by life imprisonment, by 14 years’ imprisonment when the child is under 16 years of age and 7 years’ imprisonment when the child is 16 or 17 years old.

Lastly, article 51A of the 2003 Act, as amended by article 19 of the 2009 Act, provides that a person cannot, in a public place, solicit another person in view to obtain paid sexual services.



This refers, *inter alia*, to the practice of kerb crawling. Penalties vary from city to city, but a sex buyer guilty of such an offence is liable to a level 3 fine.

In Scotland, in accordance with the provisions of the Human Trafficking and Exploitation Act of 2015, human trafficking for sexual exploitation purposes may be punishable by prison terms of up to life. Section 4 of the Civic Government (Scotland) Act of 1982, along with the Prostitution Scotland Act of 2007, criminalize activities related to the purchase and sale of sexual services. The 2007 text provides in its articles 1-1 and 1-3, that these offences, when committed in a public space, are punished by a maximum of a level 3 fine, GBP 1,000 (USD 1,271).

In September 2015, Jean Urquhart, Highlands and Islands MP, had put forward a bill for reform to:

- decriminalize activities related to the purchase and the sale of sexual services,
- strengthen the capacity of the legislation against coercion within the sex industry, in accordance with the New Zealand model.

To this day, the bill has not resulted in any legislative modifications.

Northern Ireland criminalized the purchase of sexual acts on January 13<sup>th</sup>, 2015. The Assembly adopted the Human Trafficking and Exploitation Act, by amending article 64 of the 2008 Sexual Offences Order, bringing in Northern Ireland in the inner circle of countries having adopted the Nordic Model. Indeed, article 15 of this new law, which entered into force on June 1<sup>st</sup>, 2015, provides that a person is guilty of an offence if he or she obtains a sexual act from another person in exchange for a pecuniary benefit. Article 15-4 goes further by repealing article 59 of the 2008 law, which criminalized prostituted persons soliciting in public places. Henceforth, Northern Ireland is one of the few countries that decriminalized prostitution in its entirety, therefore considering prostituted persons as victims.

Today, the sex buyer of a prostituted person shall be liable to a penalty of up to a year's imprisonment and/or a fine of up to GBP 5,000 (USD 6,357). With regard to sex buyers of sexual acts from minors, the law provides for life imprisonment if the child is under the age of 13, up to 14 years' imprisonment when the minor is under the age of 16 and up to 7 years' imprisonment when the minor is under the age of 18.

### **Enforcement of the law**

The Home Office declared that the British government is committed to ensuring that existing legislation allows the police and the judiciary to fight sexual exploitation and assist victims looking to exit prostitution.

In 2015, the Modern Slavery Act was passed and a Modern Slavery Police Transformation Unit was established to strengthen police initiatives in this direction.

In April of 2018, the *All-Party Parliamentary Group on Prostitution and the Global Sex Trade* (APPG), a multi-party parliamentary group, identified 212 ongoing police operations and investigations into modern slavery cases involving sexual exploitation in the UK (APPG, May 2018).

The National Police Chief's Council (NPCC) in collaboration with the College of Policing has circulated a revised version of the National Policing Sex Work Guidance throughout England, Wales and Northern Ireland, which issues specific guidelines for police chiefs (*House of Commons, Home Affairs Committee*, July 1, 2016). It was adopted by all police services in England and Wales.

The APPG emphasizes that the repression of prostitution involves, however, inconsistent priorities and resources at the national level. The handling of the prostitution phenomenon is far from uniform, and the fate of prostituted persons is rarely a priority for the police (*House of Commons, Home Affairs Committee*, July 1, 2016). Thus, the absence of a global and centralized policy strategy results in a disparate local enforcement. In the city of London, one district can protect and guide prostituted persons into exit programs while another can focus on penalizing them.

Advocates for the introduction of a law on criminalizing sex buyers believe that the application of current legislation unfairly targets prostituted persons. In 2014 and 2015, there were more convictions for solicitation than for procuring, brothel keeping or kerb crawling (*House of Commons, Home Affairs Committee*, July 1, 2016).

### **The stranglehold of organized crime and the growth of “pop-up brothels”**

The National Referral Mechanism Statistics identified 1,744 potential victims of human trafficking for sexual exploitation purposes in 2017, of which 1,185 were adults (versus 945 in 2016, an increase of 25%) and 559 were children (versus 359 in 2016, an increase of 55%) (*NCA*, March 26, 2018). The statistics for the first half of 2018 confirm these trends. Between January and June 2018, 966 potential victims were registered, almost a third of whom were minors: 651 adults, of which 596 were women and 315 children, of which 269 were girls (*NCA*, March 26, 2018).

In 2018, an APPG investigation revealed that 94% of victims of sexual exploitation are women, 85% of whom are not British (APPG, May 2018). They are predominantly from Romania (39%), China and Hungary. The same study also reveals that 40% of suspects in ongoing investigations for human trafficking for sexual exploitation purposes are from Romania, 25% from the UK, followed by China and Hungary. Indeed, according to the *Joint Slavery and Trafficking Analysis Centre*, “traffickers tend to exploit victims of their own nationality, probably due to the ease of access and communication upstream. British procurers represent an exception and exploit both British and non-British nationals” (APPG, May 2018)

A study on the sex buyers of prostituted persons led by the University College London in November 2014, included in a 2016 report from the House of Commons Committee on Internal Affairs concluded that, of more than 6,000 men aged 16 to 74 residing in the UK, 11% (or 2.3 million individuals) reported having paid for sexual acts (*House of Commons, Home Affairs Committee*, July 1, 2016). Furthermore, 3.6% of them claimed to have had such relations within the past five years (*Telegraph*, November 17, 2014). Lastly, more than 60% reported having paid

a prostituted person outside of their country, in most cases in Europe or Asia (*Sexually Transmitted Infections*, March 2015).

Organized crime today holds a predominant place in sexual exploitation in the UK. The need to adapt to police methods has led criminal organisations to change their *modus operandi* in the field of sexual exploitation. While street prostitution still exists, it represents today only a minor aspect of the sex industry, whose main activity takes place indoors. Pop-up brothels, “temporary” venues for prostitution, have progressively multiplied throughout the country. They have become the operating model most often used by traffickers, who move their victims from a private property to another (rented apartments or houses, hotel rooms...) in order to avoid police detection and to maintain the most coercive control over the women they exploit, by disorienting and isolating them ever more (APPG, May 2018). Henceforth, their watchword is: movement. Creating a dynamic to never stay for too long in the same place, changing location and young girls to reduce the risks of detection, these are the new techniques used by procurers.

In 2017, *Crimestoppers*, an independent charitable organisation “who empowers people to speak out and take action to stop crime”, launched an awareness campaign inviting anyone to detect pop-up brothels in their neighbourhood or street and to report them to the authorities (*Chronicle Live*, December 5, 2017).

In 2017, a scandal revealed that more than 10,000 children taken into care by state social services had gone missing. Politicians feared they had been trapped into sexual exploitation by criminal organizations. Unfortunately, this is a recurrent reality in the UK, where thousands of minors go missing, and are then extracted from exploitation each year (*Mail Online*, April 21, 2018).

As elsewhere, various factors lead to sexual exploitation. Procurers take advantage of their victims’ deepest vulnerabilities. According to Phillipa Roberts, member of *Hope for Justice*, a charitable organisation working with frontline NGO’s to identify trafficking victims, “victims are targeted because of a variety of vulnerabilities, including childhood trauma and history of sexual abuse, unemployment, homelessness, drug or alcohol addictions, mental health problems, etc.” (APPG, May 2018). For example, in 2017, hundreds of prostituted young men were identified in the streets of Manchester. The majority were homeless, unemployed or recently released from prison. Unlike women, the large majority of them were British nationals (*Manchester Evening News*, July 16, 2017).

Prostituted persons are constantly victims of physical, sexual and psychological violence from the hands of procurers and sex buyers because they are isolated from their relatives, observed, threatened...

Since the adoption of the Modern Slavery Act in 2015, only 6% of crimes reported to the police resulted in legal proceedings (*Mail Online*, April 21, 2018). An investigation by *The Times* newspaper revealed that police forces were facing difficulties completing their investigations and building cases leading to charges. Police authorities find themselves overwhelmed with the large number of foreign criminal groups operating in the territory. Moreover, their work is impeded by the victims’ reluctance to testify, the majority being of

foreign nationality, sometimes in irregular situations and unable to speak English (*The Times*, April 20, 2018).

### **Health and Prostitution**

The HIV/AIDS prevalence rate is relatively low in the UK, with about 102,000 individuals carrying the virus and 4,363 new infections in 2017 (*Public Health England*, November 2017). The virus is highly concentrated in certain populations. It continues to disproportionately spread amongst men having sexual intercourse with other men, persons originating from sub-Saharan Africa and persons who inject drugs, particularly intravenously (*Avert*, January 2018).

Screenings and medical treatments are free and available throughout the territory. In 2016, 84% of the 5,000 prostituted persons identified by the British authorities were tested in specialized sexual health services. 11 persons were living with HIV/AIDS (the equivalent to a prevalence of 0.3%).

Prevention programs are mainly managed by *HIV Prevention England* (HPE), coordinated by the *Terrence Higgins Trust*, a charitable organisation in the UK fighting HIV/AIDS. Nevertheless, they mainly focus on population groups concerned (homosexual persons and persons from sub-Saharan Africa), with few actions put in place for prostituted persons (*HPE*, November 2015). Particularly as the government reduced by 6.5% the spending allocated to the prevention of HIV/AIDS in 2016 and 2017 (*Avert*, January 2018).

As in many parts of the world, the stigmatisation and discrimination linked to HIV/AIDS prevents many people from accessing the services they need. While prostituted persons are faced with extremely penalizing stigmatisation, access to health services is an additional challenge to the obstacles and difficulties they face.

### **A decisive turning point in the fight against the sex industry in the United Kingdom**

In its 2016-2017 report, the Home Affairs Committee noted a lack of available information about the extent and nature of prostitution in England and Wales (*House of Commons, Home Affairs Committee*, July 1, 2016). It underlines that without an adequate database of reliable data, the government cannot take informed decisions on the prostitution issue as a whole. As the sex industry is rapidly developing complex means, it appears urgent that the government conduct studies in order to establish a complete and accurate analysis of the prostitution phenomenon. The Home Affairs Committee recommended that the Home Office commission a comprehensive study in order to acquire effective tools to better understand the current extent and the nature of prostitution in England and Wales in order to make informed future legislative and regulatory works.

Moreover, in a 2018 investigation, the *APPG* noted that the British government's current strategy to end sexual exploitation is a failure. Indeed, the legislative framework and the responses provided in practice are inadequate. As England has become a profitable and low-risk destination for traffickers, it is time for the government to send a strong message and put prevention at the heart of its concerns. The *APPG* asserts that the first step should be to address

the major factor in the development of the sex industry: the demand. While it already punishes the sex buyers of “forced” prostituted persons, it is now necessary for the country to amend its legislation and join the model adopted by some of its neighbouring countries by generalising the criminalization of any purchase of sexual acts from a prostituted person, while repealing the offence of solicitation.

Lastly, given the development of online prostitution that is taking place today, it is urgent that the government adopt legislation that would make websites that supply prostitution ads and profit from the sex trade responsible and reprehensible, on the same basis as other actors in the system.

In March 2018, the *NCA* accused Google and Facebook of contributing to the development of prostitution in pop-up brothels by allowing ads for human trafficking to be posted and thus profiting from trafficking of the most vulnerable (*The Sunday Times*, March 4, 2018).

On the same date, Theresa May, Prime Minister, and Matt Hancock, Secretary of State for Digital Technology, Culture, Media and Sport examined a landmark law adopted in the United States of America, which for the first time, made tech companies and the giants of social networks responsible if they were to “help, support or facilitate” any publications resulting in human trafficking. T. May highlighted that “as hosting service providers, Internet companies can and must necessarily do more to prevent the appearance of human trafficking related content of their platforms”.

Recently, some cases involving the online publication of sexual exploitation ads were brought before the courts of the UK. In May 2017, D. Archer, owner of a website accessible through Google and Facebook, was sentenced to 13 years’ imprisonment for running a real “empire” of prostitution amounting to GBP 16 million (USD 20,34 million) (*The Sunday Times*, 4 March 2018).

The *NCA* therefore calls for a real awareness of the situation by website hosting platforms that should take action to identify and prohibit the spread of such criminal activities.

The police forces genuinely underestimate the scale of organized crime and its invisible indoor activities. Consequently, local authorities, police services and the voluntary sector recommended in their report the joint development of strategies tailored to the local context to assess and target the off-street sex industry, and increase their efforts to identify victims exploited and hidden in private and inaccessible places (*The Police Foundation*, December 2016).

Today, the UK is a crossroad where many traffickers come to develop a trade of the most vulnerable. While other countries have chosen to categorize prostitution as a system of extreme violence towards women, the UK, since the House of Commons Home Affairs Committee’s “Prostitution” report in 2016-2017, has demonstrated some reluctance towards the Nordic Model, preferring instead the New-Zealander approach. Nevertheless, the government appears to be moving towards a positive direction, including the repeal of the offence of solicitation and protection such as the support and care of prostituted persons to exit the system.

During public debates of July 4<sup>th</sup>, 2018, at the House of Commons, some Members of Parliament expressed their desire to legislate in favour of the Nordic Model and therefore penalize the sex buyers (*Lipscombe et al.*, July 4, 2018). Gavin Shuker, member of the British Labour Co-operative and Member of Parliament, stated that the issue of prostitution concerns women in general and not only prostituted persons, since the system perpetuates the myth that men have an absolute right to sex and potentially unlimited access to women's bodies. Ian Paisley, Member of Parliament, expressed with clear intent that "victims are not subjected to forced labour but raped daily. To put an end to sexual exploitation, demand must be eradicated". He subsequently added that the government needed to establish school programs to prevent gender-based violence, and educate the population on the respect of the human body and gender equality.

Victoria Atkins, Parliamentary Under-Secretary of State at the Home Office, simply replied that "the government continues to focus on the protection of persons who sell sexual services and on police repression of those who exploit vulnerable persons involved in prostitution". She did not mention the question of demand, which remains the root of the problem.

In the face of this approach, it is high time for the UK to review its point of view in the perspective to gradually move towards a model closer to that of its neighbours, within a Europe that aspires to be egalitarian.

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# United States of America



**POPULATION**  
324,5 million



**GDP PER CAPITA**  
59,531.7 USD



**POLITICAL SYSTEM**  
Presidential Regime  
with a Federal  
Organization



**HUMAN DEVELOPMENT  
INDEX**  
10<sup>th</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
43<sup>rd</sup> rank among 147  
countries



**CORRUPTION  
PERCEPTIONS INDEX**  
16<sup>th</sup> rank among 180  
countries

According to the 2018 US Department of State report on Trafficking in Persons, the United States of America (USA) is ranked in Tier 1, meaning the government fully complies with the Trafficking Victims Protection Act's (TVPA) minimum standards. Human trafficking for sexual exploitation purposes is illegal across the USA, as well as at the federal level, however the definition of "trafficking" differs depending on individual states' statutes, sometimes conflicting with the definition in the TVPA.

Particular differences in opinion exist between states in regards to child victims of human trafficking and prostitution. According to the TVPA, all persons under the age of 18 involved in the sex trade are considered trafficking victims, although some states continue to prosecute minors for prostitution.

Convictions for human trafficking differ from state to state. Most trafficking prosecutions occur at the federal level, due to jurisdictional authority, resources and experience. The most common types of trafficking found in the USA are sex trafficking (especially in illicit spa/massage businesses, hotel/motel-based operations, online ads, and escort services) and forced labor (especially domestic slavery).

There is no single profile for a trafficking victim in the USA, victims come from diverse socio-economic, ethnic, national, gender or sexual identities and educational backgrounds. However, there are certain characteristics that can make populations more vulnerable to exploitation, prostitution and human trafficking. Young runaways and homeless people, LGBT



individuals, foreign nationals with limited English speaking skills, people suffering from addiction and victims of deep trauma are the groups that have been recorded as having the highest rates of victims of human trafficking, particularly for prostitution purposes.

According to data collected by Polaris since 2007 from reports of trafficked persons through the National Human Trafficking Hotline, it is possible to determine certain trends. More than 7,000 victims of trafficking were identified in 2017 (2,000 reports were made directly by victims), mostly adult women from Latin America and Asia, whose exploitation began when they were between 12 and 20 years old.

Sexual exploitation takes place mainly in massage parlors, brothels, hotels, in the pornography industry and via online ads (*National Human Trafficking Hotline*, May 2018). The vast majority of reports are made in coastal areas (West, East, Gulf of Mexico, Great Lakes region), but also in the country's many urban centers (Denver, Kansas City, Omaha), especially near the US-Mexico border (Texas, Las Vegas, El Paso) (*Polaris*, 2018). The majority of reported cases are in the states of California (760), Texas (455) and Florida (367) (*National Human Trafficking Hotline*, May 2018) while the majority of reports in the cities come from Houston, New York, Los Angeles and Washington (*National Human Trafficking Hotline*, September 2017).

According to the numbers collected by the *Federal Bureau of Investigation* (FBI), 28,490 people were arrested in 2017 for prostitution-related activities (of which 17,366 were women and 11,124 were men). The arrests took place mainly in California, Texas, Florida and Nevada (*US Department of Justice a), b), c), d)*, 2017).

## **Legislation in Force**

The US main federal bill regarding human trafficking is the TVPA of 2000, as well as its successive revisions in 2005, 2008 and 2013. This text provides a standardized definition of human trafficking, as well as standardized federal penalties incurred according to the different levels of crime. The *Stop Enabling Sex Traffickers Act* (SESTA) and the *Allow States and Victims to Fight Online Sex Trafficking Act* (FOSTA) legislations passed in 2018 are also landmark federal laws regarding human trafficking. Both laws make it illegal to knowingly assist, facilitate or manage sex trafficking, including on Internet websites that use their platform to participate in trafficking. Another federal instrument to combat human trafficking is the *Justice for Victims of Trafficking Act* (JVTA) of 2015, which augmented the resources available to assist trafficking victims, including children. The No Human Trafficking On Our Roads Act of 2018 mandated professional drivers convicted of using their commercial driver's license to transport victims of trafficking to permanently lose their Commercial Driver's License (CDL), which allows them to drive heavy trucks or 18-wheelers.

The Preventing Sex Trafficking and Strengthening Families Act of 2014 aims to reduce the rate of child trafficking within the foster care system. Among other federal legislation to combat trafficking in persons, the *Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today* (PROTECT) Act of 2003 strengthened efforts to protect children from sexual

exploitation, including sex trafficking and sex tourism. Lastly, the Intelligence Reform and Terrorism Prevention Act of 2004 established the Human Trafficking and Smuggling Center to facilitate the dissemination of information on trafficking and the smuggling of migrants and to prepare strategic analysis. The center also plays an important role in the coordination and cooperation between US agencies as well as foreign governments and international organizations.

There is no federal legislation regarding prostitution, as it falls under state jurisdiction. Prostitution is illegal in all 50 US states, except in 12 counties in the state of Nevada, which regulates it under certain conditions. Prostitution is legal in counties with less than 700,000 residents (which excludes Las Vegas and Reno). Prostituted persons must be at least 18 years of age, submit to weekly Sexually Transmitted Infections (STI) tests, and are required to systematically use condoms. Brothels cannot be located within 350 meters of a school or a place of worship, and may not be located on a principal shopping street or main artery. They may not be advertised in any public place or county where prostitution is illegal. To date, 21 brothels are reportedly legally operated in seven counties in Nevada, employing around 200 prostituted people at all times. However, there is reportedly more illegal prostitution than legal prostitution in Nevada (*Justia*, 2013).

A number of laws have been passed in the USA regarding child prostitution and trafficking. In September 2016, Decree SB1322 was issued in California to decriminalize minors in prostitution. Therefore considered to be victims, this law exempted persons younger than 18 from being arrested for violating California's solicitation laws. Prostituted children are dependent on the juvenile courts and can therefore be placed in Civil Protective Custody, under certain conditions, to ensure their protection. For example, a prostituted child acting under the influence of alcohol or drugs may be taken into preventive custody for a period of 72 hours. After this period, they are not considered a criminal and may be referred to social services. California is the tenth state in the USA to decriminalize underage prostitution, although most of the other state automatically established it under the TVPA.

In 2016, the state of Hawaii passed legislation that explicitly criminalized sex trafficking and allows the state to prosecute traffickers in both state and federal courts. Hawaii is the latest state to have ratified this legislation (*Star Advertiser/AP*, July 5, 2016).

Specialized courts have been created to refer victims to social services rather than condemning them as criminals. In 2015, the Center for Human Trafficking Court Solutions published a series of informational guides on human trafficking and its consequences on victims. Some of those documents, intended for designated judges, explain how to identify potential victims of trafficking and describes the complexity of the human trafficking system and its consequences (*CPSS*, July 2014). Because specialized courts operate in each state, centralized data collection to compile national statistics remains difficult.

Residency allowances continue to be allocated to victims of trafficking of foreign origin brought to the USA. Depending on circumstances, in 2017, allowances included 446 Certification Letters, 509 Eligibility Letters, 160 Continued Presence grants, 113 Continued

Presence extensions and 672 T non-immigrant status visas to victims, as well as 690 visas for eligible family members (*US Department of State*, June 2018).

In April 2018, the US government also enacted the *SESTA* and *FOSTA* laws, which strengthened the existing anti-trafficking law by clearly criminalizing all forms of assistance, facilitation or support to human trafficking. This resulted in the repeal of Article 230 of the Communications Decency Act of 1996, which provided special protection for access providers and users of online services from prosecution for content published by third parties on their sites. This safe harbor was used to protect online commercial sex advertisement platforms from legal action, notably the website Backpage. Thus, these new laws have made it possible to make online service and ad providers responsible for any illegal content posted on their websites.

### **Federal Operations**

The US Federal government has undertaken several coordinated operations to combat human trafficking at the national level. One of these projects is the annual operation conducted by the FBI called Operation Cross Country. This law enforcement action focuses primarily on rescuing underage victims of prostitution and raising awareness to the issue of human trafficking in the USA and abroad (*FBI National Press Office*, October 17, 2016). Another annual national operation is the National Johns Suppression Initiative (*Dart*, February 6, 2018). Placed under the authority of the Cook County Police in Illinois, this joint law enforcement operation spans over multiple states and targets sex buyers.

The US government also continued its efforts against trafficking via the Blue Campaign, a series of actions coordinated by the Department of Homeland Security. This campaign aims both to provide anti-trafficking resources to various industries and to establish collaborations with other governmental and non-governmental organizations to raise awareness about human trafficking in the USA and abroad. The Blue Campaign provides support for law enforcement services to identify victims of human trafficking and trains them to conduct victim-centered investigations. Various training tools have been published for first responders (law enforcement, health professionals, aviation professionals, various community groups and judicial employees).

### **Repression and Convictions**

By analyzing the articles published in the American press in 2017 and 2018, the number of arrests and dismantling of prostitution networks can be seen to be significant (*International Observatory on Sexual Exploitation/Fondation Scelles*, 2018). Between January and December 2018, at least 15 cases related to prostitution and sexual exploitation networks were reported. Several of these networks involved foreign or transnational individuals. This is the case of an Indian couple who exploited Indian actresses across the country (*The Tribune*, June 18, 2018), or the dismantling of a Venezuelan network in California that prostituted more than 40 women (*Deutsche Welle*, November 23, 2018). Most of the criminals are American citizens and their victims are mainly migrants (especially from Mexico) or missing children (*New York Post*, October 9, 2018). Fines can amount to several million dollars and sentences can range from 2 to

26 years in prison (*Indianapolis Star*, June 29, 2018). As part of an investigation into a prostitution ring in New York, 7 police officers were arrested by the FBI (*Mirror*, September 12, 2018).

Tensions between the police and the American population have always existed, and this phenomenon is only getting worse. Studies conducted in Miami and Las Vegas in 2016 by the Center for Court Innovation also reported police abusing their power to coerce sexual favors from prostituted persons. A 2016 Urban Institute analysis of individuals arrested and prosecuted for offences related to prostitution in New York City revealed that the majority of respondents had “overwhelmingly negative experiences [with the police], which consisted of verbal abuse, intimidation, humiliation, sexual harassment and criminal profiling” (*Urban Institute*, April 5, 2017).

In August 2016, the *US Department of Justice* (DOJ) conducted an investigation into the *Baltimore Police Department* (BPD), which revealed that the *BPD* disregarded reports of sexual assault made on prostituted persons. The investigation also found that *BPD* officials intentionally targeted prostituted women in order to “coerce sexual favors from them in exchange for avoiding arrest, or for cash or drugs” (*US Department of Justice, Civil Rights Division*, August 10, 2016).

In 2017, the Oakland Police Department was ordered to pay nearly USD 1 million in damages to a 19-year-old woman who claimed to have been sexually abused by over a dozen Oakland police officers while she was still a minor (*National Public Radio*, June 1, 2017).

In 2017, Michigan became the last state in the USA to pass legislation to prohibit undercover police officers from engaging in sexual relations during the course of immersions prostitution stings (*Independent*, April 24, 2017). Yet, various reports dealing with the relationship between prostituted people or victims of human trafficking for sexual exploitation purposes and the police force show that the latter are almost systematically harassed and abused, particularly in Alaska (*Burns*, May 2015), in Las Vegas (*Center for Court Innovation a*), March 2016), in Miami (*Center for Court Innovation b*), March 2016), in Chicago (*US Department of Justice Civil Rights Division*, January 13, 2017), and in New Orleans (*US Department of Justice Civil Rights Division*, March 16, 2011).

The American government must fight these abuses of power more concretely. Competent authorities should take systematic punitive actions in response to abusive actions committed by police officers; the use of non-lethal weapons (pepper sprays, tasers) should be strictly regulated to avoid certain threats or torture; training should be systematically provided to raise awareness law enforcement officials about the situation of victims of prostitution and trafficking.

## **Initiatives implemented in the fight against sex trafficking in the USA**

### ***The Role of Civil Society***

Several NGOs have also played an important role in the fight against human trafficking and prostitution in the USA. This is the case, for example, of the NGO *Truckers Against Trafficking* which brings together truck drivers in all states of the USA and works to identify victims of trafficking on the roads. They work alongside law enforcement to report instances of human

trafficking they notice while driving. The organization has a number of projects currently underway: the *Freedom Drivers Project* aims to raise awareness among the general public; the *Shipping Partners Project* seeks to engage major international shipping companies in the fight against human trafficking; the *Builds Coalition* offers training to individuals employed in sectors with high risks of human trafficking; and *Busing on the Lookout* trains both commercial and school bus drivers on how to identify and report potential victims to the authorities.

However, the NGO's main program is the *Industry Training Program*, which aims to train people working in and around the trucking industry on how to deal with human trafficking, and specifically on how they can help victims. In 2017, thanks to these programs, members of *Truckers Against Trafficking* made 391 calls to the *National Human Trafficking Hotline*, resulting in 85 new cases being opened (compared to 325 calls in 2015 and 265 in 2016). In total, they identified over 1,000 potential victims, including hundreds of minors.

American civil society has also been involved in the fight against prostitution and human trafficking. Popular culture and the media frequently address these problems. The two most striking examples of this have been Steven Soderbergh's 2016 television series *The Girlfriend Experience*, which "embellishes" the relations between call-girls and their sex buyers, as well as director Mary Mazzio's two documentary films, *I Am Jane Doe* and *I Am Little Red*, which were both released in 2017 and denounce sex trafficking and the severity of these issues.

### ***Engagement of tech companies***

Major technological advancements in the USA have strengthened the fight against human trafficking and prostitution. Some call for public participation, such as an app called *TraffickCam*. This app allows users to upload photos of their hotel rooms to a database accessible by law enforcement. The authorities can then use these photos to identify the hotel rooms pictured in online prostitution ads. This, in turn, lets them target specific locations that have high incidences of prostitution, and allows them to take action quickly after a room has been identified. Thanks to the contribution of over 140,000 users since 2015, nearly 3 million photos taken in more than 255,000 hotels have been recorded in this database.

Another software used by law enforcement to combat human trafficking is the *Traffic Jam*, created by the *Marinus Analytics group*. In 2017, the group partnered with *Amazon Rekognition* software to integrate facial recognition into their program, which helps police identify victims, particularly underage victims. Thanks to this software, law enforcement can take a photo of a missing child, whether from their social media or given by a social worker, and quickly determine whether that child is being advertised online for commercial sex. Traffic Jam has indexed over 1.5 million faces to date (*Marinus Analytics*, 19 October 2017).

In 2015, the company *Thorn* created the *Spotlight* software to help find children sexually exploited online. Thorn is a computer company that actively fights human trafficking in the USA. The company works with law enforcement to prevent the spread of child pornography by using a facial recognition software to analyze online sex services advertisements. By 2015, the software was implemented in 48 states and used by over 1,900 police officers, decreasing the investigation time by over 50% in cases where it was used. This in turn helped to identify more

than 360 victims and arrest more than 60 traffickers. In 2016, *Thorn* identified over 2,020 child victims of sexual abuse, and 5,894 child victims of sexual exploitation in 2017. *Thorn* has participated in the rescue of 103 underage victims and helped law enforcement to accelerate the pace of their investigations by nearly 65%.

In 2017, *Microsoft* debuted a chatbot in Seattle, which posed as an underage girl attempting to engage in the sex trade. The virtual character conversed with potential sex buyers who responded to the ad. When the chatbot confirmed that they were buying sexual services from a minor, it would send them a response describing how prostitution is a harmful system that destroys the lives of millions of women around the world. This message was sent out to over a thousand men. The chatbot's objective was to act as a deterrent for sex buyers by introducing psychological barriers in the minds of those attempting to purchase sex online. *Microsoft* would like the system to be applied in other cities across the USA in order to reduce the demand for commercial sex nationwide (*BBC News*, November 25, 2017).

## Healthcare

The most recent study concerning the health of prostituted persons was conducted by Melissa Farley in 2016 on Native American prostituted women and victims of human trafficking for sexual exploitation purposes in Minnesota. More than 34 pathologies were referenced among the women interviewed (from 6 to 72% of those affected) including muscle problems (72%), joint problems (52%) or paralysis (25%). In addition, 72% of them suffered head injuries from blows to the head (*Dignity*, April 2018). More than 70% experienced symptoms of post-traumatic stress disorder (*American Indian and Alaska Native Mental Health Research*, 2016).

Violence is also a recurring factor in the background of prostituted persons, especially in childhood or adolescence. 79% had been sexually abused as children and 39% had been sold in exchange for sex.

During their time in prostitution, 92% of women were raped, and 68% had been raped more than five times. As official complaints are rare, the number of assaults suffered is difficult to assess. Other studies show that more than 80% of prostituted persons had been assaulted, and 55% of these attacks were by sex buyers. Prostituted people are also at a higher risk of being murdered, raped, and receiving death threats than the rest of the population (*Thoughtco*, July 12, 2018).

This results in a large proportion of victims who regularly consume alcohol or drugs. It is difficult for them to imagine a way to improve their situation, when, according to Farley's study, 98% lived in circumstances of extreme poverty, or even on the streets (*American Indian and Alaska Native Mental Health Research*, 2016).

## The Fight Against Online Sex Trafficking

In recent years, the USA has been attacking platforms and systems that facilitate online prostitution. Three significant progressions have marked the fight against online sex trafficking in the USA.

In August 2015, the *FBI* closed the *Rentboy* website, which allowed prostituted homosexual men to advertise online. During a raid on the company's premises, seven people were arrested. In October 2016, the CEO was charged with promoting prostitution and sentenced to 6 months' imprisonment. This conviction was intended to send a deterrent message to other online prostitution website managers and make clear that all parties involved in the Internet sex trade will be convicted of participating in the promotion of an exploitative system (*CBS News*, August 2, 2017).

In 2017, the *FBI* shut down a Seattle based website called *The Review Board*, which had been described as "*Yelp*" for sex trafficking. Seattle's sex buyers could review prostituted persons they had frequented. The *FBI* charged many of the sex buyers who had identified themselves on the site through a several month long sting, and did not charge any of the women, referring them instead to social services (*The Seattle Times*, July 26, 2017). This is an example of an effective police-led approach focused on victims of prostitution.

Yet, the most significant development in this sector was the *FBI*'s seizure and closure of the *Backpage* website, which specialized in dating and paid sexual services ads. With the adoption of the *SESTA* and *FOSTA* laws in April 2018, Internet Service Providers (ISPs) are now held responsible for the publication of human trafficking ads on their websites. On April 6<sup>th</sup>, 2018, the *FBI* seized the website *Backpage* and its affiliated sites, and indicted several high level site officials with charges ranging from money laundering to facilitating the prostitution of others. The CEO of *Backpage*, Carl Ferrer, pleaded guilty to money laundering and conspiracy to facilitate prostitution in California, Texas, and federal charges in Arizona. He faced a sentence of up to 5 years in prison (*Reuters*, April 6, 2018).

In conclusion, US policy has sought to target those who facilitate prostitution and the exploitation of others while protecting the victims of this system. This trend is positive and needs to be more widely applied as much work remains to be done. The USA must strengthen the prosecution of those responsible for perpetuating cycles of prostitution, whether procurers, traffickers, or sex buyers who are complicit in this human trafficking for sexual exploitation purposes. Sanctions against police officers who abuse their authority must be systematically applied. Education and training to raise awareness on trafficking and sexual exploitation should be provided to all law enforcement agencies. The recognition of prostituted persons as victims of exploitation in the law would also improve the fight against trafficking. There is also a need to increase the accessibility to healthcare services for prostituted persons. The US government must also continue to support NGOs that help victims of prostitution, including providing established budgets for exit routes from prostitution. Preventive actions should also be improved, including through the implementation of national awareness campaigns on the situation of victims and the effects of trafficking. Finally, awareness within communities, including knowledge of the *National Human Trafficking Hotline*, is not yet sufficient and the government should implement poster campaigns in places frequented by vulnerable people (schools, social services, immigration offices, etc.).

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# Vietnam



**POPULATION**  
95,5 million



**GDP PER CAPITA**  
2,343.1 USD



**POLITICAL SYSTEM**  
Single Party Republic



**HUMAN DEVELOPMENT INDEX**  
115<sup>th</sup> rank among 187 countries



**GENDER INEQUALITY INDEX**  
71<sup>th</sup> rank among 147 countries



**CORRUPTION PERCEPTIONS INDEX**  
107<sup>th</sup> rank among 180 countries

Southeast Asia is one of the world's regions most affected by human trafficking, making up a third of the world's female and child trafficking victims, according to Paul Priest, a member of the *International Organization for Migration (IOM)* (*IRIN*, September 2, 2016). Even though Vietnam reports an increasing number of victims each year, the 2018 US Department of State report on Trafficking in Persons classified Vietnam in Tier 2 for the sixth consecutive year, citing significant efforts and the implementation of appropriate measures against sexual exploitation and human trafficking, despite the fact that the country is not yet meeting the minimum standards necessary to eliminate the phenomenon (*US Department of State*, June 2018). This analysis is widely contested by some local NGOs who believe that very few of the government's efforts are noteworthy. Nevertheless, the Vietnamese Government seems to have taken several steps to prevent human trafficking in recent years. In July 2016, the government organized the first National day against human trafficking, with the goal of raising public awareness of the phenomenon (*IRIN*, September 2, 2016). The government has also announced its 2016-2020 strategy for combating human trafficking, which has marked the starting point of awareness and actions from a country that has seen its number of trafficked victims for sexual exploitation purposes increase. More recently, in January 2018, the Vietnam Penal Code was amended to complete and reinforce the criminalization of all forms of human trafficking. However, despite prostitution remaining widespread, there is currently no official data regarding how many adults and children are victims. The country suffers from a lack of overall

coordination concerning the suppression of the phenomenon and the protection of victims due to a lack of financial and material resources. Consequently, the *IOM* has encouraged the government to persevere and do more, including and especially by researching and publishing thorough data on this plague and its victims, whose numbers continue to rise while their ages go down (*IRIN*, September 2, 2016).

Faced with this situation, in which progress has been limited, the question that remains is why Vietnam, with its sufficient legal framework, is failing to effectively enforce the law in regards to cracking down on human trafficking and sexual exploitation, as well as protecting victims.

### **In theory, a solid legal arsenal**

Prostitution is illegal in Vietnam. Consequently, all involved are condemned by the law. Whether it is the sex buyer, the procurer, or even the prostituted person, all will incur a fine. Until 2017, Vietnam already had a complete legislative framework on combating human trafficking and sexual crimes in place, but it only explicitly referred to women, leaving a legal void for male victims. 2018 was marked by considerable legislative progress: the recognition of male prostitution. Indeed, thanks to the revision of the Vietnamese Penal Code (n.100/2015QH13, November 27, 2015) and the amendments that came into force in January 2018, the law now takes into account both prostituted women and prostituted men (*East Asia*, June 28, 2018). These revisions were made possible due to the mobilization of the civil society, which encouraged public authorities to react to a gap that no one was taking seriously but that was clearly prevalent within Vietnam. This significant step forward will finally allow law enforcement to prosecute and punish criminals who are exploiting young men. This step is also remarkable due to the fact that it truly challenges and rattles societal “expectations” and conceptions in a society that is still very sexist and unequal, in recognizing that a man can be sexually exploited in the same way as a woman (*East Asia*, June 28, 2018).

In addition, in regard to child prostitution, Vietnamese law has not yet amended its provisions, which maintain contradictions between what constitutes the definition of a child. Under the International Convention on the Rights of the Child and the Vietnamese Civil Code (n.33-2005-QH11, June 14, 2005), the age of majority is 18, but the Penal Code establishes the age of majority at 16, giving children between 16 and 18 years old the status of an adult.

Regarding the prosecution of traffickers, Article 150 of the Vietnamese Penal Code states that human trafficking for the purpose of sexual exploitation is punishable by a 5 to 10 years prison sentence and a fine of 20 to 100 million Vietnamese Dong (VND) (USD 800 to EUR 4,000). Under Article 151, human trafficking of children under the age of 16 for sexual exploitation purposes is punishable by a 7 to 12 years prison sentence and a fine of between 50 and 200 million Vietnamese Dong (USD 2,000 - USD 8,000).

The Vietnamese Government seems to be increasingly committed to the fight against human trafficking, because in 2016, two new National action plans were adopted for the period of 2016 to 2020; one on the prevention and control of prostitution and the other against human

trafficking. The following year, the government launched a National action plan for implementing their 2030 Agenda for Sustainable Development, which includes commitments to end human trafficking, sexual exploitation and all forms of violence (*UN*, October 21, 2015).

From an international perspective, Vietnam is signatory to several conventions and bilateral agreements relating to the fight against sexual exploitation. In recent years, the government has continued to negotiate and sign bilateral treaties with neighboring countries, Cambodia, China, Laos, and Australia, concerning transnational cooperation on the fight against human trafficking and procedures for the identification and repatriation of victims.

This legal framework, which seems quite complete, seems to show the Vietnamese Government's willingness to address the problem of prostitution, which is constantly growing and spreading throughout its territory and across its borders.

### **In practice, an ineffective application of the law**

However, the 2018 US Department of State report on Trafficking in Persons points out, as do local NGOs, that the Vietnamese legislation, although correct, is sometimes poorly, partially, or not at all enforced.

Indeed, while the Ministry of Justice has indicated that it has distributed legal updates on the new changes and has trained judges on proper application, the government has not yet published a formal memorandum to lead the application of these revisions. Prosecutors and legal professionals emphasized this lack of guidance, as seen in the failure to conclude 8 cases brought against fourteen alleged traffickers. Moreover, while the *Vietnam Border Guard Command*, under the direction of the Ministry of Defense, has recently set up a special working group to control and conduct investigations in the border areas most exposed to crime and human trafficking, no data of their results are available or reported (*US Department of State*, June 2018).

Furthermore, the significant lack of coordination between central and provincial authorities due to budgetary constraints, poor understanding of existing legislation by local officials, and the confusion of local authorities about the role and the responsibilities of the various provinces in the overall context of the National action plan, constitute a significant obstacle to applying uniform and effective law enforcement throughout Vietnam. Indeed, the government is decentralizing its financial responsibilities by encouraging local authorities to finance their own anti-human trafficking programs, which only moves Vietnam farther away from a real coordination of resources for an effective fight against exploitation in all its forms (*US Department of State*, June 2018).

According to the Ministry of Public Security, border guards and diplomatic envoys in contact with neighboring countries, 350 cases of human trafficking with the purpose of forced labor and sexual exploitation were identified in 2018 (compared to 234 in 2016), involving more than 500 criminal suspects (compared to 308 in 2016). The prosecutors reported that 245 defendants were prosecuted for human trafficking offences and the judicial system obtained 244 sentences ranging from 3 to 30 years' imprisonment (*US Department of State*, June 2018). For example, in June 2016, the Criminal Court of the city of Can Tho sentenced six Vietnamese

women to 5 to 13 years of imprisonment for sexual exploitation. These women had forced young Vietnamese girls into prostitution in Malaysian “coffee shops,” where they had promised the girls jobs as waitresses (*Thanh Nien News*, June 11, 2016).

Meanwhile, Nguyen Xuan Lap, director of the *Department of Social Vices Prevention* at the Ministry of Labor, Invalids and Social Affairs (MOLISA), reported that in 2017 there were 1,177 police interventions that led to 3,053 arrests (1,316 traffickers and procurers, and 976 prostituted persons) (AAT, 2017).

These figures are encouraging, but according to Christa Crawford, an American lawyer, obstacles exist because “no one wants to testify against the agents or gangs involved in the trafficking. Since there are no protection programs for witness in this area, the fear of reprisals is a deterrent. As a result, few cases lead to a conviction.” (*Chronique ONU*, February 2003). Indeed, even though the Vietnamese Government is encouraging victims to attend and participate in court proceedings by providing them with protection and financial compensation, most of them remain silent (*US Department of State*, June 2018). However, the NGO *Alliance Anti-Traffic* (AAT), which intervenes exclusively in Ho Chi Minh City in the fight for the elimination of sexual exploitation and the protection of victims, exposes the lack of reaction from the Vietnamese police services. In 2017, the NGO AAT supported 19 victims who wanted to file a complaint and report their traffickers. While the statements were recorded and the names of the traffickers were revealed, none of the traffickers were arrested and no legal action was taken.

### **A worrying situation**

Vietnam is a country of origin and, to a lesser extent, destination for women, men, and children who are victims of human trafficking for sexual exploitation purposes. Many victims are sent to neighboring countries. In the south of the country, human trafficking involves exploited victims in Malaysia, Thailand, Cambodia or Singapore. Victims from central provinces are more likely to be sent to European countries, such as the United Kingdom (UK) or France, while victims from northern Vietnam are exploited in China, South Korea, or Taiwan.

Vietnam also has a problem of internal human trafficking. Specifically, women and children from rural areas are trafficked to urban centers. The country is increasingly becoming a destination for sex tourism, attracting men from Japan, China, South Korea, but also increasingly attracting men from Western countries such as the UK, Australia, and the North America. It should be noted that this year the country has recorded an impressive amount of growth in the tourism sector. The statistics provided by the Ministry of Culture, Sport and Tourism revealed that from January to April 2018, the country welcomed 5,547,314 tourists, a 29% increase compared to the same period in 2017. While the country’s cultural wealth does make it an attractive destination, it is also clear that a good number of tourists go to Vietnam for sex.

Regarding the number of Vietnamese women who are victims of sexual exploitation, many civil society stakeholders testify to significant differences between the official estimates provided by the government and the reality. Nguyen Xuan Lap stated in a press interview on

March 28<sup>th</sup>, 2018 that according to data from 2017, there are 15,000 prostituted persons in Vietnam, 25% of whom are men. According to the University of Human Sciences in Ho Chi Minh City, to try to reach the actual figures, one must multiply any published official figure by ten. The University reports that it has counted almost 10,000 cases of prostitution in the city's karaoke bars alone (AAT, 2017). In Vietnam, prostitution mainly takes place *outdoors*. The NGO AAT estimates that 30% is indoor prostitution (coffee shops, bars, brothels) and 70% is outdoor prostitution (public gardens, parks, streets). Men, women, and children, the latter representing 10% of the victims, are involved into prostitution in Ho Chi Minh City, and while 19.3% come from the city, the majority (80.7%) comes from rural areas. These prostituted persons, who come from the poorest and most vulnerable environments, are prostituted in the streets, in parks, and sometimes even on sidewalks in plain sight. Students of the capital are more likely to be involved into prostitution in coffee shops or in karaoke bars.

In its 2016 Global Report on Trafficking in Persons, the United Nations Office on Drugs and Crime (UNODC) revealed that Vietnamese trafficking victims are located in several countries around the world. The NGO AAT has estimated that there are 20,000 cases of Vietnamese prostituted people abroad.

The UK has been at the centre of a series of prostitution cases involving Vietnamese victims in recent months. Victims are seized in Vietnam and then exploited in China, the Russian Federation, and the UK via France. Their testimonies have revealed significant cross-border trafficking (*Independent*, September 13, 2017). Once in the UK, victims are imprisoned and their identity documents confiscated. Although the Home Office often grants them the status of victims of modern slavery, the provided protection is not sufficient enough to ensure their integration, which remains difficult because of the language barrier and isolation they are subjected to, and a return to their own country is almost impossible (*Independent*, September 13, 2017). In January 2018, three Vietnamese members of one of the most organized gangs of modern slavery were tried and imprisoned for forcing into prostitution Vietnamese teenagers in nail salons in the city of Bath (*Independent*, January 2, 2018). A report by the Independent Anti-Slavery Commissioner, published in September 2017, revealed that 1,747 Vietnamese women were presumed victims of human trafficking into the UK between 2009 and 2016 (*Silverstone and Brickell*, September 2017).

While some trafficked Vietnamese women are exported to Europe, others are abducted and exploited in neighboring countries, especially in China, where the phenomenon of bride trafficking is becoming increasingly important.

### **The growing phenomenon of "Bride Trafficking" in China**

The Vietnamese population is one of the most connected populations in the world, with *Facebook* being the most popular network in the country, even reaching people within small rural villages. This strong Vietnamese connection endangers the most vulnerable, at-risk young girls. Indeed, a phenomenon has devastated many families in the recent years: the trafficking of Vietnamese brides to China for sexual slavery purposes. The most common process is for young

village women, often minors, to meet and communicate with young men on social networks. In fact, to entice young girls, traffickers often recruit young men, who also come from very poor backgrounds, as these teenage girls, naïve and unaware of the risks, easily trust boys of their own age and ethnicity (*The Guardian*, August 26, 2017). The young meet, often in places far from the villages, where the girls have no points of reference. They are then kidnapped, taken to the Chinese border, and sold to traffickers.

Girls are also trapped by the false promise of jobs, and subsequently sold as sex slaves on their arrival in China. Others are deceived by a relative, who promises jobs but instead takes them to a border to be sold (*This Week in Asia*, June 17, 2018).

The Lào Cai province (located in the north of Vietnam), one of the poorest provinces in the country, is well known for this phenomenon (*UNICEF Vietnam*, 2016) that provokes the frequent disappearance of young, adolescent girls, who often belong to minorities and vulnerable ethnic groups such as H'mong (*ABC News*, April 21, 2018). Trafficking is particularly on the rise towards China, where the one-child policy and infanticide of female children are causing a significant and alarming gender imbalance. The *Chinese Academy of Social Sciences* has estimated that by 2020 there will be about 30-40 million more Chinese men than women of marrying age (*The Guardian*, August 26, 2017). Thus, particularly in the more remote Chinese provinces, men are compensating for this imbalance by "buying" young Vietnamese woman for several tens of thousands of yuans who will later become their sexual and domestic slave.

There is no official data on the number of girls missing and sold abroad. But official statistics from the General Police Department have showed that between 2011 and 2017, almost 6,000 victims of human trafficking were identified and almost 600 of them have managed to return to Vietnam after several years of isolation and sexual slavery (*This Week in Asia*, June 17, 2018). On average, in the province of Lào Cai, nearly 100 girls are repatriated each year from China to Vietnam (*ABC News*, April 21, 2018). The official figures are significantly underestimated compared to the actual ones. Police have reported that the buying of children for forced marriages is common in provinces closer to the Chinese border and is seeing an alarming increase (*ABC News*, April 21, 2018). However, Vietnamese authorities are struggling to react. Indeed, the border areas are extremely lacking in human and financial resources. Cooperation with Chinese authorities is not always smooth, although it is clearly improving, according to Nguyen Tuong Long, head of the Department of Social Prevention in Lào Cai (*CNN*, April 19, 2016). In 2016, Chinese authorities reported that 207 Vietnamese women were rescued from a cross-border trafficking network involving no less than 61 groups (*The Guardian*, August 26, 2017). In addition, once a victim has been sold and isolated from all forms of communication, she often becomes very difficult to trace.

Gradually, families are beginning to testify and fight to get a reaction from Vietnamese and Chinese authorities.

According to Dang Thi Thanh Thuy, a member of the NGO *Hagar International*, which works with women and children who have survived sexual slavery, the return of victims, whether they have escaped or have been rescued by police, is very difficult and only intensifies the



psychological trauma to which they have been subjected. Indeed, these young, adolescent girls are very often stigmatized within their communities. They often hear insults such as "easy girls" and "China girl," which only further isolates them in their tragedy (*This Week in Asia*, June 17, 2018). Some worry that they will never be able to "remarry" in Vietnam again. The Vietnamese system does not yet offer a system of psychological support or assistance to these young girls, who face real stigmatizations in a society that condemns victims as a way of responding to human trafficking issues. In addition, although traffickers are sometimes identified, only a small minority of them are prosecuted, with corruption still very present in rural areas where local authorities conceal cases. According to Nguyen Xuan Lap, "it's a cat-and mouse game: the laws against trafficking get stronger, and then the traffickers get smarter and more sophisticated." (*The Guardian*, August 26, 2017). An example of this can be seen in traffickers' sudden increase in Internet recruitment.

Despite awareness gradually spreading about the trafficking of women throughout Vietnam, much remains to be done. Unfortunately, both politically and socially, this phenomenon is still not being taken seriously enough, despite its continuous increase, taking thousands of victims each year.

### **Health challenges**

Rapes, beatings, stigmas, insults, malnutrition, depression, violence and threats against their families: this is the daily life of thousands of prostituted people all over the world. The NGO AAT regularly witnesses this in Vietnam. In addition, HIV/AIDS is a major health problem, taking new victims each day. According to the NGO AAT, 21.7% of sexual relations were unprotected in 2017 (compared to 23% in 2015). There has been a slight improvement, likely due to awareness campaigns and the work of the local NGOs. It should be noted that these statistics are based on an average of all prostitution sites in the city, although it is not surprising that there is more unprotected sex outdoors than indoors.

According to the NGO AAT, Vietnam does not have specific health facilities for prostituted persons; however they do have access to the national health system, which is confidential and accessible to all for about USD 22 per year. Since 2015, the NGO AAT has established monitoring and medical treatment programs for prostituted persons from Ho Chi Minh Ville and supports almost 3,000 people a year. Although very few local initiatives manage to develop victim protection programs, as the funds allocated for such purposes are limited, the NGO AAT seeks to fill these government shortcomings of care for victims of sexual exploitation, with the view that public authorities struggle to act effectively.

### **Government initiatives: timid efforts**

According to the 2018 US Department of State report on Trafficking in Persons, there are few political and media debates about the epidemic of the sexual exploitation happening in Vietnam, although the government is taking some efforts towards prevention and raising awareness about prostitution. Thus, since 2015, police and the MOLISA have claimed to have

worked towards the "eradication of prostitution" with the hope of working closely with local NGOs. NGOs believe the starting point in this fight for the elimination of human trafficking and sexual exploitation begins with coordinated measures to raise actual awareness of the entire Vietnamese population. This includes raising awareness amongst victims, sex buyers, and traffickers, but also amongst all ordinary citizens. At the same time, the government is trying to legalize prostitution and create regulated urban areas called "red lanterns", to which police are opposed. However, each year since 2013, the government proposes this law to Parliament, who, each year, rejects it (AAT, 2017).

Moreover, government authorities appear to be taking some efforts to prevent human trafficking. In 2016, the government adopted a four-year *Prostitution prevention and combating program, 2016-2020*, aimed at reducing demand by launching awareness campaigns for local and foreign sex buyers. Public authorities are also carrying out awareness campaigns in rural schools, and the Ministry of Information and Communication has asked the official media to broadcast reports to raise public awareness of human trafficking and sexual exploitation (*US Department of State*, June 2018). However, according to the NGO AAT, the reality of the situation is that local NGOs, not public authorities, do most of the prevention work. These NGOs work with the most vulnerable populations, even in the most remote rural provinces.

The Vietnamese government also appeared to have reduced its efforts to protect victims of human trafficking. While in 2016, authorities identified 1,128 victims, it was less conclusive in 2017 with only 670 people being identified and rescued from criminal networks. In 2017, the government reported that it had provided assistance to 500 victims, compared to 600 in 2016, providing them with medical, legal and financial assistance. What were the reasons for this change? The government alludes to a lack of resources despite it not sufficiently allocating the funds for the protection of victims. Financial responsibility was transferred to the provincial authorities, encouraging them to finance victim assistance programs directly. With a population afflicted by increasing trafficking rates, does this lack of allocated resources not conceal the Vietnamese Government's lack of will? The NGO AAT stressed the government's tendency to close centers dedicated to the protection and rehabilitation of victims of sexual exploitation rather than to finance their operations. Therefore, the actions of local NGOs are entirely financed by foreign funds.

### **Recommendations for a real hope for change in Vietnam**

According to police, media, and NGOs, Vietnamese prostitution is steadily increasing. Firstly, in regards to the sexual exploitation of children which worries many stakeholders, the United Nations has indicated serious concern about the extent of sexual abuse and exploitation of children in Vietnam. The organization warned Vietnamese authorities that it was absolutely essential to strengthen the country's child protection system and to continue to invest in necessary human and financial resources, including the training of qualified social workers, which would provide specialized assistance to the most vulnerable victims. At the same time, the country must also be investing more in prevention. The United Nations has indicated that it will

work closely with the Vietnamese Government to strengthen laws on preventing sexual violence and child trafficking (*United Nations Viet Nam*, March 17, 2017).

In addition, a conference on "the sexual exploitation of children in tourism: an analysis of national legal frameworks" was held in Hanoi on July 14<sup>th</sup> 2017. The symposium was organized by *UNODC* in collaboration with the Vietnamese Ministry of Justice and Japan International Cooperation Agency, and brought together government officials, international organizations, researchers, lawyers and social workers (*UNODC Vietnam*, July 14, 2017). Discussions were mainly focused on recommendations for future measures and legal reforms concerning the sexual exploitation of children, particularly child sex tourism. Nguyen Thi Kim Thoa, Director of the *Department of Criminal and Administrative Laws* of the Ministry of Justice, stressed the government's awareness, which adopted numerous action programs, but he stated that in recent years, this situation has become more complex, requiring even greater efforts to actively intervene in the protection and prevention of the sexual exploitation of children.

With sexual exploitation affecting thousands of victims, men, women, and children, in Vietnam each year, the 2018 US Department of State report on Trafficking in Persons includes recommendations for how the Vietnamese Government should combat this growing epidemic (*US Department of State*, June 2018), highlighting the urgent need for collaboration between government actors and authorities at all levels in order to implement various legislative texts and national programs. It appears essential for the central government to define the role and responsibilities of each stakeholder. The government should also develop guidelines for its officials, whether from the central or the local administration, on how to homogeneously apply laws throughout national territory, focusing primarily on the identification of victims. In the field of law enforcement, universal guidelines should be available to practitioners in order to create concrete and effective mechanisms that lead to more arrests and convictions. Finally, prevention work and "awareness education" are absolutely necessary throughout the country, particularly in rural and remote areas, to diminish the social stigmas and gender inequalities that are the fundamental cause of sexual exploitation.

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# Zambia



**POPULATION**  
17,1 million



**GDP PER CAPITA**  
1,509.8 USD



**POLITICAL SYSTEM**  
Multi-Party Republic  
with Presidential  
Regime



**HUMAN DEVELOPMENT  
INDEX**  
139<sup>th</sup> rank among 187  
countries



**GENDER INEQUALITY  
INDEX**  
124<sup>th</sup> rank among 147  
countries



**CORRUPTION  
PERCEPTIONS INDEX**  
96<sup>th</sup> rank among 180  
countries

In July 2012, the World Bank identified Zambia as a middle-income country due to the rise in copper prices in recent decades and the international aid it receives. The country thus benefits from relative political stability and economic benefits from tourism, with more than 956,000 tourists visiting the country in 2016 (*Le Point Afrique*, August 19, 2014; *PopulationData.net*). However, Zambians face extreme poverty, with 60% of the population living below the poverty line and 42% living in extreme poverty (*Central Statistical Office of Zambia*). Zambia is a country of origin, transit and destination for prostitution, an increasingly worrying evil that affects women and children, but also, to a lesser extent, men. Prostitution takes place in particular, in the Lusaka and Solwezi regions. Human trafficking for sexual exploitation purposes is particularly prevalent in Livingstone, Chirundu, Chipata, Kapiri-Mposhi, Kasumbalesa and Nakonde, all of which share borders with Zimbabwe, Namibia and Botswana. There are currently no official figures on national prostitution and no recent official reports. However, it is estimated that there are nearly 9,285 people involved in prostitution in Lusaka. They are mainly found in bars, clubs, hotels, brothels, streets and universities, including the University of Zambia-UNZA, the National Institute of Public Administration-NIPA and the University of Lusaka.

## Child prostitution

In Zambia, there is a strong link between child marriages and the traditions of certain ethnic groups (among the 72 existing groups) on the one hand, and the commercial sexual exploitation

of children on the other. In April 2015, research conducted by UNICEF confirmed the existence of child marriage in at least six regions (Katete, Lusaka, Luwingu, Mufulira, Mwinilunga and Senanga). This practice is motivated by families' desires to escape poor living conditions and extreme poverty. The marriage rate for women aged 20 to 24 who were married at the age of 18 is at 31% (UNICEF, 2017; Panos Institute Southern Africa-PSAf, *Media Brief on Ending Child Marriage in Zambia*, 2014). Zambia has one of the highest rates of child marriage in the world: reaching 60% in the eastern region of the country, and up to 28% in the capital, Lusaka. Child marriage is for some an integral part of a survival economy. The groom's family pays a sum, or "lobola", to the bride's family before the ceremony. The amount of the sum depends on various factors, such as the young woman's level of education. In the book "Nightlife", Wezi Ngwenya recounts the lives of some prostituted persons in Lusaka. One of her stories follows Lulu; a 17-year-old girl who fled her parent's arranged marriage with an old man. After defying her parents, she had to find a way to provide for herself. Lulu's story is not uncommon. Many people who escape arranged marriage later find themselves forced into prostitution. Despite a lack of current reports, the NGO *ECPAT International* determined in 2014 that nearly 500 out of 100,000 children were involved in prostitution. In recent years, there has been an increase in internal child trafficking and the commercial sexual exploitation of children, within the context of sex tourism. Both local residents and foreign tourists take advantage of these phenomena, including Chinese investors who are involved in the mining and construction sectors. According to a 2015 *ECPAT International* survey, sex tourism involving minors is common within Zambia, most notably in Livingstone, the tourist capital, but also in Nakatindi and Solwezi. Most children involved are just 10 years old. While many are involved due to financial hardships, some children are pressured into prostitution. Local hotel owners often encourage sex tourism, who not only offer private rooms, but also act as intermediaries between sex buyers and young people involved in prostitution. The *ECPAT International* study shows that the lack of information on this subject is partly due to the reluctance of these intermediaries to testify.

### **Prostitution and precariousness**

As previously mentioned, prostitution is above all linked to a precarious economic situation. Faced with rising food prices, a low human development index, rising fuel and transport prices, inequalities continue to widen. Suffering from these hardships, Zambians are ready to resort to extreme measures. Some groups are particularly vulnerable: students, single mothers, street children, the homeless and the unemployed. Many students are involved in prostitution to pay for their tuition fees. Indeed, corruption does not allow disadvantaged students to obtain scholarships. University dormitories can thus be transformed into brothels. Some students play the role of "Madams", they communicate with sex buyers and recruit young girls. The sex buyers, who are mostly men, are called "Sugar Daddies". Prices depend on the time at which the trick takes place and the physical appearance of the young woman. The price of a girl who is considered to be within a so-called 'superior category' is ZMW 500 (USD 42). In some cases,

young women are classified into categories (“high”, “medium” or “low”), based on their physical appearance. “Connection” fees vary between ZMW 50 to ZMW 150 (USD 4 to USD 13).

### **An ineffective law confronting the prostitution system**

Despite condemning the acts of procuring and managing a brothel, Zambian legislation does not provide an exact definition of prostitution. The law penalizes those who are living off incomes that are based on prostitution, soliciting and the trade of sexual acts. In addition, the Criminal Code defines and punishes child prostitution, procuring, and commercial exploitation of children. Despite the law stating that any individual involved in child prostitution shall receive a prison sentence ranging from 20 years to life, Zambia's law remains weak and ineffective. Inadequate legislation and the absence of prosecutions of sex buyers do not highlight the alleged fight against the prostitution system. In regard to the convictions of child sex offenders, several witnesses are needed due to a lack of material evidence. While this provision prevents false accusations, it also makes it impossible to convict criminals. The country's legislation allows criminals to escape their sentences and allows for corrupt law enforcement officials to encourage and maintain the prostitution system. While sanctions are relatively rare, they are applied when given. Corruption is very prevalent in the country (*Transparency International*, 2017). Some witnesses claim that police officers protect brothel owners in exchange for money or favors. The police officers are then accomplices of the crimes committed. The Penal Code does not penalize sex buyers, as the act of buying a sexual act is not illegal. Without the criminalization of demand, the fight against prostitution is difficult to envisage. In the case of adult prostitution, however, the laws do not seem to be enforced. Prostitution does not only stem from the economic difficulties experienced by the most disadvantaged, but also from the corrupt system that seems to favor its existence.

### **Technologies and the growth of online demand**

The upsurge of new technologies has improved the daily lives of many Zambians. Unfortunately, at the same time, it has favored the development of the prostitution system. According to the 2015 *ECPAT International* report, social networks have facilitated communication between prostituted persons and sex buyers. With regards to child prostitution, Facebook remains the main platform used due to its free nature and lack of oversight. Nowadays, Internet is much more accessible thanks to the abundance of Internet cafés found everywhere. In an Internet café, one only has to pay ZMW 0.2 (USD 0.02) per minute for Internet access. For many students, WhatsApp and Facebook groups are also used to connect people involved within prostitution and sex buyers. The trade of photos and videos is equally widespread. Some people send sexual photos of themselves in exchange for sums ranging from ZMW 10 (USD 0.84) to ZMW 50 (USD 4), while videos make ZMW 100 (USD 8). Surprisingly, these practices are often openly shared on social networks, rather than secretly as one would imagine. In some cases, the “Madam” publicly posts victims’ phone numbers on Facebook, an act similar to soliciting, which is punishable under the Criminal Code. In fact, many of these intermediaries

seem unaware that their actions are considered to be a crime, and often do not realize they are encouraging child prostitution. According to an interview conducted by a journalist from the Zambia Daily Mail at UNZA and NIPA universities, "Madams" often think there is nothing wrong with recruiting women and men who are just 17 years old.

### **Prostitution: an active struggle?**

Does the government realize the extent of this phenomenon and its impact on Zambia's economy and society? Despite significant gaps in legislation, the phenomenon has not raised any questions or debate from the government. Only non-profit organizations seem to be actively fighting against prostitution, such as *Tacintha*, based in Lusaka. The NGO's mission is to promote the rehabilitation and development of certain tools that enable concerned individuals to exit prostitution. These organizations depend on the support of donors and volunteers. The *Tacintha* team walks the streets of Lusaka, to talk to prostituted people and inform them about their program, but also to provide them with opportunities to change their lifestyles. Unfortunately, these organizations are threatened by a lack of resources.

In conclusion, the shortcomings of the Zambian government and its lack of involvement in the fight against prostitution make it difficult to effectively fight this phenomenon and to strengthen its legislation, instead allowing for corruption among officials. Despite the authorities' indifference towards the issue, the presence of several NGOs proves that civil society is aware of the need to act. It is absolutely essential for the government to amend the existing laws, and to criminalize those who purchase sexual services. The government must include NGOs in this fight, and allocate a larger budget. If officials become more active in the fight, corruption within the law enforcement sector and public bodies may disappear. In regard to the prostitution that occurs within universities, scholarships should be provided to students who need them most.

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## List of acronyms

AAPTIP	Australia-Asia Program to Combat Trafficking in Persons
AAT	Alliance Anti-Traffic (Vietnam / Thailand)
AC.Sé	Dispositif d'Accueil Sécurisant (France)
ACL	Australian Christian Lobby
ACPO	Association of Chief Police Officers (United Kingdom)
AdN	Amicale du Nid (France)
AFIS	Aide Financière à l'Insertion Sociale et professionnelle (France)
AFP	Australian Federal Police
AHTT	Anti-Human Trafficking Team (Ireland)
AHRQ	Association des Hôteliers de la Région du Québec (Canada)
AHTC	Anti-Human Trafficking Circle (Pakistan)
AHTU	Anti-Human Trafficking Unit (Ireland / Pakistan)
AI	Amnesty International
AJK	Azad Jammu and Kashmir
ALM	Avid Life Media (United States)
ANC	African National Congress (South Africa)
ANELA	Asociacion nacional de empresarios de locales de alterne (Spain)
AP	Autoriteit Persoonsgegevens (Netherlands)
APCARS	Association de Politique Criminelle Appliquée et de Réinsertion Sociale (France)
APF	Association des Paralysés de France
APL	Administrative Penalty Law (China)
APLE	Action Pour Les Enfants (Cambodia)
APPG	All-Party Parliamentary Group on Prostitution and the Global Sex Trade (United Kingdom)
APRAMP	Asociación para la prevención, reinserción y atención de la mujer prostituida (Spain)
ARS	Argentinian Peso (Argentina's currency)
ASASE	Australian Summit Against Sexual Exploitation
ASBL	Association Sans But Lucratif (Belgium)
ASEAN	Association of Southeast Asian Nations

ATU	Anti-Trafficking Unit (Cyprus)
AUD	Australian dollar (Australia's currency)
BACRIM	Bandas Criminales (Colombia)
BBC	British Broadcasting Corporation
BCO	Brazilian Classification of Occupations
BCSI	Bureau de Contrôle des Services Internes (Democratic Republic of the Congo)
BKA	Bundeskriminalamt (Germany)
BLA	Business Licensing Authority (Australia)
BRL	Brazilian Real (Brazil's currency)
BRP	Brigade de Répression du Proxénétisme (France)
CAASE	Chicago Alliance Against Sexual Exploitation
CAD	Canadian Dollar (Canada's currency)
CAFES	Collectif d'Aide aux Femmes Exploitées Sexuellement (Canada)
CATW	Coalition Against Trafficking in Women
CATW-LAC	Coalition Against Trafficking in Women-Latin America and the Caribbean
CCNE	Comité Consultatif National d'Ethique (France)
CDA	Christen-Democratisch Appèl (Netherlands)
CDC	Center for Disease Control and Prevention (United States)
CDL	Commercial Driver's License (United States)
CEASE	Centre to End All Sexual Exploitation (Edmonton, Canada)
CEDAW	Committee on the Elimination of Discrimination Against Women
CENADOJ	Centro Nacional de Análisis y Documentación Judicial (Guatemala)
CEO	Chief Executive Officer
CEOP	Child Exploitation and Online Protection Centre (United Kingdom)
CEPOL	European Police College
CHEMI	Centre des Hautes Études du Ministère de l'Intérieur (France)
CJEU	Court of Justice of the European Union
CKM	Centrum Kinderhandel Mensenhandel (Netherlands)
CNCDH	Commission Nationale Consultative des Droits de l'Homme (France)
CNDA	Cour Nationale du Droit d'Asile (France)
CNY	Chinese Yuan (China's currency)
COAT	Centro Operativo Anti Trata de Personas (Colombia)

CoMensha	Coordination Centre against Human Trafficking/Coördinatiecentrum Mensenhandel (Netherlands)
COP	Colombian Peso (Colombia's currency)
COYOTE	Call Off Your Old Tired Ethics (United States)
CPI	Corruption Perceptions Index
CPKN	Canadian Police Knowledge Network
CRC	Committee on the Rights of the Child
CSOs	Civil Society Organizations (Nigeria)
CU	Christen Unie (Netherlands)
D66	Democraten 1966 (Netherlands)
DACG	Direction des Affaires Criminelles et des Grâces (France)
DCPJ	Direction Centrale de la Police Judiciaire (France)
DGVG	Delegación del Gobierno para la Violencia de Género (Spain)
DHSSPS	Department of Health, Social Services and Public Safety (Northern Ireland)
DZD	Algerian Dinar (Algeria's currency)
EACP	Equipes d'Action Contre le proxénétisme (France)
ECHR	European Court of Human Rights
ECP	English Collective Prostitutes (United Kingdom)
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
ECPHRFF	European Convention for the Protection of Human Rights and Fundamental Freedoms
EEA	European Economic Area
EU	European Union
EUR	Euro (Schengen Area's currency)
EUROJUST	European Union's Judicial Cooperation Unit
EUROPOL	European Police Office
FAO	Food and Agriculture Organization of the United Nations
FARC	Revolutionary Armed Forces of Colombia/Fuerzas Armadas Revolucionarias de Colombia
FAS	Fédération des Acteurs de la Solidarité (France)
FBI	Federal Bureau of Investigation (United States)
FEVIMTRA	Special Prosecutor's Office for Violence Against Women and Trafficking in Persons / Fiscalía Especializada para los delitos de Violencia contra las Mujeres y Trata de personas (Mexico)
FIA	Federal Investigation Agency (Pakistan)
FKK	Frei Körper Kultur (Germany)

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FNARS	Fédération Nationale des Associations d'Accueil et de Réadaptation Sociale (France)
FORCES	Fédération féminine d'Organisation et de Revalorisation Culturelle Economique et Sociales (France - Guadeloupe)
FOSTA	Allow States and Victims to Fight Online Sex Trafficking Act (United States)
GAATW	Global Alliance Against Trafficking in Women
GAFAM	Google, Apple, Facebook, Amazon, Microsoft
GBP	Great Britain Pound (United Kingdom currency)
GDP	Gross Domestic Product
GII	Gender Inequality Index
GNP	Gross National Product
GNPSB	Gardaí National Protective Services Bureau (Ireland)
GOSHH	Gender, Orientation, Sexual Health, HIV/Aids (Ireland)
GRETA	Group of Experts on Action against Trafficking in human beings (European Union)
GTQ	Guatemalan Quetzal (Guatemala's currency)
HCEfh	Haut Conseil à l'Egalité entre les femmes et les hommes (France)
HDI	Human Development Index
HIV	Human Immunodeficiency Virus
HPE	HIV Prevention England
HPI	Human Poverty Index
HRW	Human Rights Watch
HTNCC	Human Trafficking National Coordination Centre (Canada)
ICBF	Instituto Colombiano de Bienestar Familiar
ICC	International Criminal Court
ICMPD	International Centre for Migration Policy Development
ICRC	International Convention on the Rights of the Child
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDP	Internally Displaced Persons
IDU	Injection Drug Users
IJM	International Justice Mission
ILHR	International League for Human Rights
ILO	International Labour Office
ILS	Israeli Shekel (Israel's currency)

IMF	International Monetary Fund
INED	Institut National d'Etudes Démographiques (France)
INR	Indian Rupee (India's currency)
INSAD	Investigación en Salud y Demografía (Mexico)
INSEE	Institut National de la Statistique et des Etudes Economiques (France)
INTERPOL	International Criminal Police Organization
INVS	Institut National de Veille Sanitaire (France)
ISP	Internet Service Provider
IOM	International Organization for Migration
IPTF	International Police Task Force
IWRA	Icelandic Women's Rights Association
JIAS	Journal of the International AIDS Society
JK	Joshi Kosei (Japan)
JPY	Japanese Yen (Japan's currency)
JVTA	Justice for Victims of Trafficking Act (United States)
KHR	Cambodian Riel (Cambodia's currency)
La CLES	Concertation des Luttes contre l'Exploitation Sexuelle (Canada)
LADDH	Ligue Algérienne pour la Défense des Droits de l'Homme (Algeria)
LBP	Lebanese Pound (Lebanon's currency)
LCEN	Loi pour la Confiance dans l'Economie Numérique (France)
LGBT	Lesbian, Gay, Bi, Trans
LGBTI	Lesbian, Gay, Bi, Trans and Intersex
LGBTQ	Lesbian, Gay, Bi, Trans and Queer
LO	Ley Orgánica
MAD	Moroccan Dirham (Morocco's currency)
MASH	Multi-Agence Safeguarding Hubs (United Kingdom)
MCG	Multidisciplinary Coordinating Group (Cyprus)
MDM	Médecins Du Monde
MdN	Mouvement du Nid (France)
MERCOSUR	Mercado Común del Sur
MIGS	Mediterranean Institute of Gender Studies (Cyprus)
MIPROF	Mission Interministérielle pour la Protection des Femmes contre les violences et la lutte contre la traite des êtres humains (France)

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MPS	Ministry of Public Security (China)
MPS	Malawi Police Service
MSSSI	Ministerio de la Sanidad, Servicios Sociales e Igualdad (Spain)
MWK	Malawian Kwacha (Malawi's currency)
MXN	Mexican Peso (Mexico's currency)
NAP	National Action Plan
NAPTIP	National Agency for Prohibition of Traffic in Persons and Other related Matters (Nigeria)
NCA	National Crime Agency (United Kingdom)
NCCT	National Committee for Counter Trafficking (Cambodia)
NCDHR	National Campaign on Dalit Human Rights (India)
NCHAD	National Center for HIV/AIDS, Dermatology and STDs (Sweden)
NCRB	National Crime Records Bureau (India)
NERDC	Nigerian Educational Research and Development Council
NGN	Nigerian Naira (Nigeria's currency)
NGO	Non-Governmental Organization
NIPNA	National Institute Of Public National Administration (Zambia)
NMT	National Task Force against Prostitution and Human Trafficking (Sweden)
NorMAC	Nordic Model Australia Coalition
NPA	National Police Agency (Japan)
NPCC	National Police Chiefs' Council (United Kingdom)
NRM	National Referral Mechanism (Ireland/ Sweden)
NRMS	National Referral Mechanism Statistics (United Kingdom)
NSP	National Support Program (Sweden)
NWAC	Native Women's Association of Canada
NZCP	New Zealand Collective of Prostitutes
NZPA	New Zealand Police Association
OCRTEH	Office Central pour la Répression de la Traite des Etres Humains (France)
OFPPRA	Office Français de Protection des Réfugiés et Apatrides (France)
OPALS	Pan African Organization for the Fight against AIDS
OQTF	Obligation de Quitter le Territoire Français (France)
OSAR	Observatorio en Salud Sexual y reproductiva (Guatemala)
OSCE	Organization for Security and Co-operation in Europe

PACHTO	Prevention And Control of Human Trafficking Ordinance (Pakistan)
PACOTIP	Prevention and Combating of Trafficking in Persons Act (South Africa)
PCC	Communist Party of China
PENIA	Plan Estratégico Nacional de Infancia y Adolescencia (Spain)
PIAC	Plate-forme d'Identification des Avoirs Criminels (France)
PKR	Pakistani Rupee (Pakistan's currency)
PLA	Prostitution Licensing Authority (Australia)
PRA	Prostitution Reform Act (New Zealand)
ProstSchG	Prostitution Protection Act/Prostituiertenschutzgesetz (Germany)
PROTECT	Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act (United States)
PROTEX	Procuraduría de Trata y Explotación de Personas (Argentina)
PSAf	Panos Institute South Africa
PSGR	People Serving Girls at Risk (Malawi)
PTSD	Post Traumatic Stress Disorder
PvdA	Partij van de Arbeid (Netherlands)
PVV	Partij Voor de Vrijheid (Netherlands)
PLWH	People Living With HIV
QPC	Question Prioritaire de Constitutionnalité (France)
RCMP	Royal Canadian Mounted Police
RIA	Reception and Integration Agency (Ireland)
RNW	Radio Netherlands Worldwide/Radio Nederland Wereldomroep
RTL	Re-education through labor (China)
RUPS II	Regeling uitstapprogramma's prostituees II (Netherlands)
SADC	South African Development Community
SALRC	South African Law Reform Commission
SANAC	South African National AIDS Council
SAR	Special Administrative Regions of China
SECTT	Sexual Exploitation of Children in Travel and in Tourism
SEI	Stockholm Environment Institute
SEK	Swedish Krona (Sweden's currency)
SENNAF	Secretaría Nacional de Niñez Adolescencia y Familia (Argentina)
SESTA	Stop Enabling Sex Trafficking Act (United States)



SGIE	Services of General Interest European
SPC	Supreme People's Court (China)
STI	Sexually Transmitted Infections
STIC	Sex Tourism Involving Children
SVET	Secretaría contra la Violencia Sexual, Explotación y Trata de personas (Guatemala)
SWAGGER	Sex Worker Action Group, Gaining Empowerment Rights & Recognition (Australia)
SWE(R)F	Sex Worker Exclusionary Radical Feminist
SWEAT	Sex Workers Education and Advocacy Taskforce (South Africa)
SWING	Service Workers In Group (Thailand)
T visa	T non-immigrant status visa (United States)
TED	Technology, Entertainment and Design (series of conferences)
THB	Thai Baht (Thailand's currency)
TI	Transparency International
TICAC	Thai Internet Crimes Against Children task force
TIP	Trafficking In Persons
TPU	Trafficking and Prostitution Unit (United Kingdom)
TVPA	Trafficking Victims Protection Act (United States)
UAH	Ukrainian Hryvnia (Ukraine's currency)
UDHR	Universal Declaration of Human Rights
UFASE	Unidad Fiscal Especializada en Secuestros Extorsivos (Argentina)
UKBA	UK Border Agency
UKHTC	UK Human Trafficking Centre
UN	United Nations
UNAIDS	United Nations Programme on HIV/AIDS
UNAR	Ufficio Nazionale Antidiscriminazioni Razziali (Italy)
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Program
UNEF	Union Nationale des Etudiants de France
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Council
UNIAP	United Nations Inter-Agency Project on human trafficking
UNICEF	United Nations International Children's Emergency Fund

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UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNODC	United Nations Office on Drugs and Crime
UNPF	United Nations Population Fund
UNTAC	United Nations Transitional Authority in Cambodia
UNZA	University of Zambia
UQAM	Université du Québec à Montréal
USAID	United States Agency for International Development
USD	American Dollar (United States' currency)
VDN	Vietnamese Dong (Vietnam's currency)
VOD	Video on demand
VTP	Voluntary Termination of Pregnancy
VVD	Volkspartij voor Vrijheid en Democratie (Netherlands)
WHO	World Health Organization
WHS	Women's Health Service (Ireland)
WHV	Working Holiday Visa (Australia)
WRP	Wet Regulering Prostitutie en bestrijding misstanden seksbranche (Netherlands)
ZAR	South African Rand (South Africa's currency)
ZDF	Zweites Deutsches Fernsehen (Germany)
ZMK	Zambian Kwacha (Zambia's currency)

## Privileged contacts and exchanges around the world

Convinced that no single organization can win the fight against the commercial sexual exploitation of human beings on its own, the Fondation Scelles works alongside its institutional and nonprofit partners, both French and international.

As part of the 5<sup>th</sup> Global Report on Sexual Exploitation, the mission of the *Observatoire international de l'exploitation sexuelle* (International Observatory on Sexual Exploitation) was to seek out individuals and organizations from civil society, experts from many countries, to exchange or relay any relevant information on the situation of commercial sexual exploitation.

Certain contacts took the time to respond to our questionnaires or provided us with contact information, statistical data, and/or recent publications. Others have refined and supplemented our analysis with their commentary and expertise.

These exchanges represented a privileged and valuable partnership that enriched our approach to the international system of prostitution.

**The Fondation Scelles and the whole team at the Observatoire international de l'exploitation sexuelle would like to thank everyone for the support and the expertise they brought to our analytical and advocacy work in the fight against commercial sexual exploitation, because only cooperation and joint efforts can lead to change.**

NB: The comments and opinions expressed in this book are the sole responsibility of the author and cannot reflect the position of each individual or organization listed below.

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## Civil Society Organizations

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**AUSTRALIA** – The **Coalition Against Trafficking in Women Australia** (CATWA) is an NGO with Category II consultative status with the United Nations Economic and Social Council. CATWA works at the local and international levels to end all forms of sexual exploitation of women, especially the violence of prostitution, trafficking, and pornography.



**BELGIUM** – The **Samilia Foundation** was created in 2007 to raise awareness in Belgium of the situation of human trafficking, mostly for purposes of sexual exploitation, and, more recently, forced labor. To tackle the underlying causes of human trafficking, Samilia has decided to develop prevention efforts in the countries of origin of the victims. These efforts target potential victims as well as survivors of human trafficking of all forms. Samilia has also developed programs for victims' social integration, in partnership with the private sector, as the lack of employment opportunities is often a cause of trafficking.

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**BRAZIL** – The **Centre d’Appui Intégré Familial (CIAF)** is an NGO founded in Brazil in 1996 to protect children and young people. CIAF has developed, in order to prevent the violation of the rights of children and young people, several prevention programs on the sexual exploitation of children in travels and tourism and training and raising awareness programs at local, national, and international level. The CIAF also works toward implementing effective legislation and national action plans aimed at fighting against the sexual exploitation of children as well as raising the public’s awareness of its causes and consequences.



**CAMBODIA** - **Chab Dai** was founded in Cambodia in 2005 by Helen Sworn. In Khmer, Chab Dai means “hand in hand.” Chab Dai is a diverse coalition of activists who are engaged in the fight against all forms of sexual abuse, human trafficking, and sexual exploitation.



**CANADA - Persons Against Non-State Torture**, created in 1993, aims to increase awareness on torture by non-state perpetrators, which is a specific form of violence committed against exploited women and girls, to share their knowledge of trauma experiences as part of a feminist approach of rehabilitation that is based on human rights. This approach also includes the promotion of a legal authority with the UN in order to have national law criminalize the perpetration of torture in the private sphere and to end impunity for these perpetrators.



**COLOMBIA – Iniciativa Pro Equidad de Género** is a coalition which defends prostituted women, sex trade survivors and organizations fighting against sexual exploitation in Colombia, South America. Iniciativa Pro Equidad de Género reinforces the existing work of leaders and survivors, provides information to civil society and to the authorities, and offers contributions that help progress the legislative and socio-cultural context in a post-war environment. Iniciativa Pro Equidad de Género also works towards respect to victims' rights so that the liabilities of the perpetrators are recognized, and unequal societal practices are changed.

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**CYPRUS** – The **Mediterranean Institute of Gender Studies (MIGS)** is a Cypriot NGO that promotes and contributes to gender-related social, political and economic projects in the Mediterranean region. MIGS is committed to eliminating all forms of discrimination, through the use of research, advocacy, and lobbying as well as by providing lectures and trainings. MIGS claims to be the primary contributor to the intellectual, political, and socio-political life in the region when it comes to gender issues. MIGS uses a multidisciplinary approach in collaboration with other institutes.



**GERMANY** – **Solwodi** (Solidarity with Women in Distress) was created in 1985 in Mombasa, Kenya by Sister Lea Ackerman, who was then a teacher. Solwodi is a NGO that has been based in Germany since 1987, and which supports female victims of violence and facing troubles related to criminal activities. Solwodi's objective is that, with aid and advice, these victims will be able to live independently and without violence.

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**INDIA - South Kolkata Hamari Muskan (SKHM)**, founded in 2009, is an organization that fights against trafficking by working with second-generation prostituted women and children (prostituted or not) in two major prostitution areas: Kolkata-Shonagachhi and Bowbazaar. SKHM aims to protect them from different forms of violence and abuse, to build their confidence and resilience so they can choose a life of dignity. SKHM has adopted an abolitionist model.



**ISRAEL - Jerusalem Institute of Justice**, founded in 2004, is a human rights organization that supports vulnerable populations such as Holocaust survivors, victims of the sex trafficking, religious and ethnic minority groups, and marginalized people. Its main goals are education, policy development, national awareness campaigns on social networks, as well as community involvement to change public opinion.





**ITALIA - Iroko onlus**, created in 1998 in Turin, is a multi-cultural NGO that provides services to survivors of human trafficking, sexual exploitation and domestic violence, as well as support to migrants. Iroko onlus works in collaboration with national and international networks to raise awareness, encourage legislative change, and to protect migrants and victims of human trafficking.



**LATVIA - Resource Centre for Women Marta** was founded in Riga in 2000. Its objective is to protect and promote the rights of women victims of prostitution, human trafficking or other forms of violence. Marta also aims to improve the socio-economic situations of these women, and to promote gender equality. Marta supports women in accessing their rights, offers them skills training, legal aid, and social support so that they will be able to live a life free from violence, discrimination and poverty. Marta also campaigns for improving legislation regarding issues on equality, violence against women (including prostitution), and organizes raising awareness campaigns for the general public.

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**LEBANON - KAFA** is a feminist, non-confessional civil society organization seeking to create a society free from all forms of patriarchal oppression against women, social, economic or legal. Since its creation in 2005, KAFA had been aiming to the elimination of all forms of exploitation and violence against women and to achieve real equality between women and men. KAFA implemented a permanent program on prostitution and human trafficking, and published the first research on male sex-buyers in Lebanon. KAFA assists Lebanese and foreign victims of prostitution, including the significant refugee population.



**MALAWI - People Serving Girls at Risk (PSGR)** is an NGO established in 2004 in Malawi, which has implemented programs that fight against prostitution, human trafficking for sexual exploitation purposes and child marriage. PSGR undertook specific projects with the objectives of rescuing victims of trafficking in brothels; raising awareness of human trafficking for sexual exploitation purposes; building community mechanisms to assist and reintegrate victims of trafficking; providing psychological and legal assistance to victims of trafficking. PSGR offers specific exit programs from prostitution, and leads raising awareness campaigns on sex tourism in collaboration with tour operators.



**MOROCCO – Amane** is an under Moroccan law NGO and was created in February 2009 on the initiative of development stakeholders and human rights activists who are aware of the wide scope of the phenomenon of sexual violence against children. Amane (which means “safety” in Arabic) aims to fight against this violence through programs to strengthen the capacities of child protection stakeholders, raise public awareness and advocate for improved child protection mechanisms. Based in Morocco, Amane also supports to child protection activists in Africa and the Middle East; provides them for the implementation of programs aimed at the prevention and the protection of children at-risk and/or victims.



**NIGERIA – Women's Consortium of Nigeria (WOCON)** is an NGO created in 1995 in Lagos, which is committed to the implementation of children's rights and women's rights in order to achieve women's equal status, development and empowerment, as well as social peace. WOCON's activities is focused on issues related to gender-based violence, specifically through public raising awareness campaigns on trafficking in women, youth and children through the publication of books and education programs. WOCON benefits of a special consultative status with ECOSOC.

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**PAKISTAN - Al-Sehar Foundation**, created in 1997, aims at the socio-economic integration and rehabilitation of prostituted persons. Al-Sehar Foundation is committed to combating the exploitation of prostituted persons and the denial of their fundamental rights due to their circumstances. Al-Sehar Foundation also lobbies for the abolition of trafficking in women for sexual exploitation purposes; is committed to developing local and international alliances to raise awareness and advocacy campaigns to address the development issues of prostituted persons' communities in Pakistan.



**SOUTH AFRICA - Embrace Dignity** is a South African grassroots and advocacy organization that was founded in 2011. South Africa is affected by a dramatic level of violence against women (rape, sexual assault, incest and domestic violence) in a context of very high HIV/AIDS prevalence rates, economic inequality and unemployment. Embrace Dignity stands by victims who have entered into prostitution as a result of their economic or social situation, and supports their exit from prostitution through a program that the organization has developed. Embrace Dignity also campaigns for the adoption of a law that targets the prostitution demand and raises public awareness through public interventions and local partnerships.

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**SPAIN – Comisión para la Investigación de los Malos Tratos a Mujeres (CIMTM)** is an organization founded in 1977 whose objective is to end all forms of violence against women in Spain. CIMTM has developed several prevention, training and direct support programs for women and children. From its creation, the elimination of sexual exploitation and human trafficking has been a high priority for CIMTM. In a difficult context of trivialization of prostitution, CIMTM has successfully raised public awareness among the public and political decision-makers about the realities of the system of prostitution.



**SWEDEN - Talita**, founded in 1998, is an NGO that provides support and assistance to women exploited in prostitution, pornography or human trafficking for sexual exploitation purposes. Talita has developed a method that integrates shelter reception, trauma treatment, education, future planning and transition to independent living. Talita's mission is to prevent all forms of sex trafficking by providing people with the opportunity to transform their lives.



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**VIETNAM – THAILAND - Alliance Anti Traffic (AAT)** has been working in South-East Asia since 2001 to protect and assist the most vulnerable women and children who are victims of abuse, sexual exploitation and trafficking in human beings for sexual exploitation purposes. AAT develops educative actions of community prevention and advocates with public authorities.

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## Leaders of Civil Society

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### ALGERIA

#### **Dalila IAMARENE DJERBAL**

Dalila Iamarene Djerbal is a sociologist and a member of the Wassila network, which fights for the eradication of violence and discrimination against women. Since the 1970s, she has participated with Algerian women in the fight for gender equality, and against all forms of violence against women.

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### MEXICO

#### **Amaya RENOBABLES**

Amaya Renobales is a specialist in the women and children's rights. Founder of *Via Humanita* and consultant for *UNICEF*, she advocates for women's rights in North and Latin America. She was invited by the United Nations to speak at a conference on the status of women in 2014 and 2016.

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### UKRAINE

#### **Maria DMYTRIEVA**

Maria Dmytrieva is an expert on women's rights and in the defense of human rights. She also provides trainings as an expert on gender issues. She has been promoting the *Nordic Model* for over 10 years. She also assists NGOs as a Russian and English translator and interpreter.

#### **Olena ZAYTSEVA**

Olena Zaytseva is a lawyer and activist for women's rights. She is involved in many projects at the national level through her work within the Ukrainian government and at UN Women Ukraine. She works for gender equality and for the development of social services for the vulnerable women. She is part of the NGO *Resistanta*, a community of abolitionist women who support the *Nordic Model*.

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## Index of organizations

- Alliance Anti Trafic (AAT)*, 499, 534
- Action Pour Les Enfants (APLE)*, 228, 229
- AFEPEC*, 167
- Agence des Nations Unies pour les Réfugiés (UNHCR)*, 114, 385, 387
- Al-Sehar Foundation*, 533
- All-Ukrainian League « Legalife »*, 485, 490
- Amane*, 532
- Amicale du Nid (ADN)*, 76, 78, 100, 101, 309
- Amnesty International (AI)*, 115, 135, 253, 402, 490
- Anti-Human Trafficking Programs for the Salvation Army*, 241
- Anyay Rahit Zindagi*, 331
- Apne Aap Women Worldwide*, 330, 331
- Asia Catalyst*, 245
- Asociación nacional de empresarios de locales de Alterne (ANELA)*, 280
- Asociación para la Prevención, Reinserción y Atención a la Mujer Prostituida (APRAMP)*, 277
- Association canadienne des femmes autochtones (NWAC)*, 238
- Association des femmes autochtones du Canada (AFAC)*, 239
- Association de Politique Criminelle Appliquée et de Réinsertion Sociale (APCARS)*, 76, 307
- Australian Christian Lobby (ACL)*, 196
- Barraca da Amizadea*, 217
- Beijing Zhongze Women's Legal Counseling and Service Center*, 252
- Brigade de Protection des Mineurs (BPM)*, 303
- Call Off Your Old Tired Ethics (COYOTE)*, 49
- Centre d'Appui Intégré Familial (CIAF)*, 526
- Centre pour mettre fin à l'exploitation sexuelle d'Edmonton (CEASE)*, 238
- Chab Dai*, 526
- Chicago Alliance Against Sexual Exploitation (CAASE)*, 84
- Child Focus*, 204
- Children Change Colombia*, 272
- CIDDEF*, 167
- China Human Rights Lawyers Concern Group*, 252

- Coalition Against Trafficking in Women Australia (CATWA)*, 525
- Collectif d'aide aux femmes exploitées sexuellement (CAFES)*, 233
- Comisión para la Investigación de los Malos Tratos a Mujeres (CIMTM)*, 528
- Comité d'action contre la traite humaine interne et internationale (CATHII)*, 241
- Comité pour l'élimination de la discrimination à l'égard des femmes (CEDAW)*, 193, 196, 199, 394
- Commission nationale d'enquête sur les femmes et les jeunes filles autochtones disparues et assassinées*, 239
- Concertation des Luttes contre l'Exploitation Sexuelle (CLES)*, 84, 234, 237, 239, 240, 241, 242
- Conseil du Statut de la Femme du Québec*, 84, 239
- Conselho Cidadão para a Segurança Pública e Justiça Penal*, 216
- Cour européenne des droits de l'homme (CEDH)*, 258
- Cour nationale du droit d'asile (CNDA)*, 308
- Crimestoppers*, 458
- Cyprus Stop Trafficking*, 259, 260, 262, 263
- Doras Luimní*, 341
- ECPAT International*, 82, 96, 103, 216, 217, 228, 272, 319, 321, 340, 365, 508, 510
- ELEM - Youth in Distress in Israel*, 346, 350
- Embrace Dignity*, 158, 524
- Empower*, 478
- English Collective of Prostitutes*, 54
- Equipes d'Action Contre le Proxénétisme (EACP)*, 76, 77, 78
- Espace P*, 205
- Eurojust*, 261, 310
- Europol*, 65, 71, 102, 114, 127, 174, 261
- Federal Investigation Agency (FIA)*, 438
- Fier, Centrum Kinderhandel Mensenhandel (CKM)*, 446
- Fondation canadienne des femmes*, 236
- Fondation Non Nobis*, 447
- Fondation Samilia*, 203, 525
- Fondation Scelles*, 76, 77, 82, 85
- Fondation Vodafone*, 70
- Free Them*, 233
- Fundación Renacer*, 272

*Future Worlds Center*, 259  
*Gaining Empowerment Rights & Recognition (SWAGGER)*, 196  
*Gender, Orientation, Sexual Health, HIV/AIDS (GOSHH)*, 340  
*Girls Not Brides*, 409  
*Global Health Promise*, 226  
*Groupe d'experts sur la lutte contre la traite des êtres humains (GRETA)*, 64, 65, 133, 208, 210, 379, 381, 382, 383, 450  
*Grow as People*, 367  
*Hagar International*, 502  
*Haut Conseil à l'Égalité entre les femmes et les hommes (HCE)*, 37, 310  
*Hilfe für Jungs*, 175  
*HIV Prevention England (HPE)*, 459  
*Hope for Justice*, 458  
*Human Rights Watch (HRW)*, 115, 399  
*Icelandic Human Rights Centre (ICEHR)*, 136  
*Icelandic Women's Rights Association (IWRA)*, 136  
*ICF-Alliance for Public Health*, 485, 486, 487, 488  
*Immigrant Council of Ireland (ICI)*, 141, 335  
*Iniciativa Pro Equidad de Género*, 528  
*Institut canadien d'information sur la santé (ICIS)*, 239  
*Instituto Colombiano de Bienestar Familiar (ICBF)*, 272  
*International Justice Mission (IJM)*, 327  
*Interpol*, 71, 114, 127, 151, 261, 380, 430  
*Iroko onlus*, 355, 360, 530  
*Jerusalem Institute of Justice*, 529  
*Joint Slavery and Trafficking Analysis Centre*, 458  
*Kafa*, 531  
*Kisa*, 259, 262  
*La Strada-Ukraine*, 486, 491  
*Ligue Algérienne pour la Défense des Droits de l'Homme (LADDH)*, 167  
*Love Giver*, 356  
*Lumens*, 446  
*Maison de la Justice et du Droit*, 77  
*Médecins du Monde-France*, 143, 309

- Mediterranean Institute of Gender Studies (MIGS)*, 257, 262, 527
- Meninadanca*, 219
- Mission Interministérielle pour la Protection des Femmes contre les violences et la lutte contre la traite des êtres humains (MIPROF)*, 79, 81
- Mouvement du Nid (MdN)*, 34, 40, 80
- Multidisciplinary Coordinating Group (MCG)*, 262
- National Agency for Prohibition of Traffic in Persons (NAPTIP)*, 424, 430
- National Crime Agency (NCA)*, 454
- New Zealand Collective of Prostitutes (NZCP)*, 54
- Nordic Model Australia Coalition (NorMAC)*, 196
- Nvader/Lift International*, 476
- Observatorio en Salud Sexual y Reproductiva (OSAR)*, 321
- Office Central pour la Répression de la Traite des Etres Humains (OCRTEH)*, 34, 36, 96, 301, 302, 303
- Office fédéral de police criminelle (Bundeskriminalamt - BKA)*, 173, 174, 175
- Office for Violence Against Women and Trafficking in Persons (FEVIMTRA)*, 419
- Office français de protection des réfugiés et apatrides (OFPRA)*, 79, 308
- Organisation des Nations Unies pour l'alimentation et l'agriculture (FAO)*, 358
- Organisation Internationale du Travail (OIT)*, 232
- Organisation Internationale pour les Migrations (OIM)*, 266, 396, 424, 469, 486, 496
- Organisation Mondiale de la Santé (OMS)*, 245, 251, 401, 480
- Organisation Mondiale du Tourisme (OMT)*, 272
- Organisation pour la Sécurité et la Coopération en Europe (OSCE)*, 261
- Osez Le Féminisme*, 358
- People Serving Girls at Risk (PSGR)*, 393, 402
- Persons Against Non-State Torture*, 241, 527
- Polaris Project*, 288, 369, 418
- Police Office for Combating Trafficking in Human Beings (POCTHB)*, 261
- Precious Women*, 224
- Pro Sentret*, 134
- Public Safety Commission*, 369
- QUID*, 361
- Real Stars*, 83
- Resource Centre for Women MARTA*, 374, 375, 376, 378, 379, 381, 382, 530

*Ruhama*, 141, 335, 336, 337, 339, 341  
*Safe Net*, 380  
*Save The Children*, 303  
*Scarlet Alliance*, 196  
*Secretaría contra la Violencia Sexual, Explotación y Trata de Personas (SVET)*, 318, 319, 321  
*Self Help and Empowerment*, 478  
*Service Workers In Group (SWING)*, 478, 479  
*Sex Industry Network (SIN)*, 196  
*Sex Worker Action Group*, 196  
*Sex Workers Education and Advocacy Taskforce (SWEAT)*, 158, 161  
*Slaves No More*, 430  
*Solwodi*, 524  
*Sommet australien contre l'exploitation sexuelle (ASASE)*, 199  
*SOS Women in Distress*, 167  
*South African National AIDS Council (SANAC)*, 161  
*South Kolkata Hamari Muskan (SKHM)*, 326, 329, 330, 529  
*SPACE International*, 337, 341  
*Start Foundation*, 447  
*Stockholm County Administrative Board*, 469  
*Stockholm Environment Institute (SEI)*, 400  
*Stop Trafficking Cyprus*, 259, 260, 262  
*Swedish Platform Civil Society Against Human Trafficking*, 470  
*SWING*, 478, 479  
*Talita*, 533  
*Tacintha*, 510  
*Terre des Hommes*, 221  
*Terrence Higgins Trust*, 459  
*Thorn*, 293  
*Truckers Against Trafficking*, 292, 299  
*Ukrainian Institute for Social Research Yaremenko*, 485, 486  
*UNICEF*, 102, 120, 216, 228, 272, 273, 303, 319, 327, 397, 402, 423, 437, 478, 508,  
*Union nationale des Etudiants français (UNEF)*, 99  
*United Nations Development Program (UNDP)*, 30  
*United Nations Office on Drugs and Crime (UNODC)*, 441

*United Nations Programme on HIV/AIDS (UNAIDS)*, 429

*Urban Institute*, 291

*Urban Light*, 478

*Vista Analyse*, 134

*Whitehorse Aboriginal Women's Circle*, 239

*Women's Consortium Nigeria (WOCON)*, 424, 532

*Y des Femmes de Montréal (YWCA)*, 241

## Index of names

AGHATISE Esohe, 295, 300  
AL HALABI Nabib, 324  
AL-ASSAD Bachar, 104, 105  
ALDERWEIRELD Dominique, 174, 175  
ALEXANDER Priscilla, 46  
ALLEN Michelle, 201  
ANIVA Eric, 335  
ARCHER David, 437  
ARENDT Hannah, 298  
ATKINS Victoria, 438  
AYAD Sandra, 11  
BACHELOT-NARQUIN Roselyne, 17  
BARRY Kathleen, 86  
BEQUELIN Nicholas, 215  
BERETIN Michaël, 256  
BINDEL Julie, 364  
BINI Caterina, 296  
BOER-BUQUICCHIO Maud de, 305, 306, 307  
BOLHAAR Hermann, 359  
BOLKOVAC Kathryn, 102  
CARDONA GONZALEZ Hernando, 220  
CHAPLYA Mikhail, 425  
CHARPENEL Yves, 21, 240  
CHRISTODOULOU Josie, 228  
CLARK Christy, 126  
CLINTON Hillary, 48  
CONTIN Andrea, 297  
CRAWFORD Christa, 454  
DEHAR Zahia, 94, 239  
DELEZA Aida, 338  
DETTMEIJER Corine, 361, 363

DIALLO Nafissatou, 55  
DINES Gail, 43  
DMYTRIEVA Maria, 487  
DONATI Pierpaolo, 49  
DORCEL Grégory et Marc, 40  
DROGUET Jean-Marc, 237  
DWORKIN Andrea, 82  
EKMAN Kajsa Ekis, 49, 53  
FABRE-MAGNAN Muriel, 54  
FARLEY Melissa, 82, 84, 446  
FASSIN Didier, 335  
FOX Douglas, 48  
FREMAULT Céline, 170, 175  
FRIEDMAN Matt, 214  
FUGUET Auguste, 73  
GALAĬKO Bogdan, 425  
GEERTS Charles, 360  
GERASHCHENKO Anton, 425  
GIRA GRANT Melissa, 50  
GUPTA Ruchira, 273, 274  
GWYNNE Jacqueline, 160  
HALLDÓRSDÓTTIR Kolbrún, 125  
HANCOCK Matt, 487  
HINES Douglas, 41  
HOLLANDERA Xaviera, 364  
HOYN Sandra, 47  
IAMARENE DJERBAL Dalila, 487  
INVIDIATA Shae, 196  
JANSONS Juris, 318  
JENSEN Robert, 86  
JINPING Xi, 213  
KABAMBE Patrick, 333  
KADDAFI Mouammar, 106  
KARA Siddharth, 268



KLITSCHKO Vitali, 425  
KUCHERUK Olena, 426  
LAGERFELD Karl, 93  
LAYDEN Mary Anne, 85  
LEE Laura, 130  
LESHCHENKO Serhiy, 425  
LO GIUDICE Sergio, 295  
LOHRENGEL Hanuka, 321  
LUCIANI Diego, 150  
MAC Juno, 50  
MacKINNON Catharine, 83  
MALTZAHN Kathleen, 165  
MARCOURT Jean-Claude, 175  
MARZANO Michela, 54  
MATSCHKE Ursula, 252  
MAXWELL Larissa, 203, 204  
MAY Theresa, 437  
MAZZIO Mary, 445  
McMULLEN Matt, 40, 41  
MILQUET Joëlle, 172  
MONTENEGRO Myrna, 265  
MORALES Jimmy, 264  
MORAN Rachel, 283  
MTHETHWA Zwelethu, 387  
MÜLLER Hermann, 256  
NEMIROVSKI Andreï, 425  
NETSCHER Amanda, 404  
NGWENYA Wezi, 462  
NIEL Xavier, 40  
NORMA Caroline, 165  
NTABA Zion, 332  
ORWELL George, 47, 48  
POLYKARPOU Doros, 230  
POROSHENKO Petro, 425, 426, 427

PRIEST Paul, 451  
QUESTIAUX Lorraine, 75  
QUINN Kate, 201  
RANTSEVA Oxana, 228, 229  
REID Krista, 202  
RENOBALES Amaya, 487  
RICHARDSON Kathleen, 40, 43  
RICHEY Valiant, 232  
ROUX Malin, 77  
RUDLOFF Jürgen, 256, 257  
SALMONA Muriel, 85  
SANTORO Andrea, 295  
SARAVUTH Tan, 192  
SATYANARAYANA DCP. V., 272  
SAVVIDOU Eliza, 228  
SCELLES Philippe, 19  
SCELLES Yves, 19  
SCHIAPPA Marlène, 244  
SCHON Manuela, 255  
SCHWARZER Alice, 257  
SCHWESIG Manuela, 253  
SHAWA Mary, 336  
SHUKER Gavin, 438  
SIMONIS Isabelle, 170, 171, 173, 175  
SKARHED Anna, 402  
SOSKIN Oleg, 425  
SPANO Francesco, 297  
SPILABOTTE Maria, 295  
SPORENDA Francine, 38, 39  
STRAUSS-KAHN Dominique, 55  
SUIMING Pan, 207, 209, 214  
SULLIVAN Rose, 197  
SUPERMAN Rita, 231  
TAKAGI Shin, 41, 42

TANKARD REIST Melinda, 165  
THI THANH THUY Dang, 456  
TRETYAKOVA Galina, 425  
TROYAN Vadym, 425  
TRUDEAU Justin, 198  
TRUMP Donald, 47, 48  
ULIVIERI Max, 295  
UWANGUE Victory, 299  
VIGNAUD François, 72  
VITI Riccardo, 85, 299  
WALLSTRÖM Margot, 102  
WALTER Emmanuelle, 201  
WEINSTEIN Harvey, 31, 53  
XUAN LAP Nguyen, 454, 457  
YUSHCHENKO Viktor, 425  
ZAMFIR Andrea Cristina, 299  
ZAYTSEVA Olena, 426, 487  
ZHANG Lijia, 214  
ZUMA Jacob, 385  
ZVINGZDINA Zane, 315  
ZWAAN (van der) Maria, 169

THE FONDATION SCELLES PUBLISHES ITS 5<sup>TH</sup> GLOBAL REPORT ON SEXUAL EXPLOITATION. SINCE 2012, YEAR AFTER YEAR, THIS «TRAVEL» AROUND THE WORLD AIMS TO DETECT AND ANTICIPATE NEW TRENDS. WHAT CAN OBSERVE TODAY ?

Worldwide, prostituted persons are stigmatized and marginalized. Worldwide, the primary victims of this sexual exploitation are children, adolescents, and young adults : sugar babies in Canada, street children in Brazil, victims of sex tourism in Thailand... Worldwide, migrant populations, driven out by poverty, political or military conflicts, persecution, natural disasters, are the prey of criminal networks who prostitute them on migration routes, in refugee camps or in our cities.

Never have the factors of vulnerability been so numerous, and never has the sexual exploitation of human beings been so intense, even as gender relations are at the center of many debates. In the context of the migratory crisis and the liberation of speech generated by the #MeToo Movement in different parts of the world, what can we say about sexual exploitation today ? What are the new emerging trends ? What answers have our societies offered ?

**The Fondation Scelles**, officially recognized as working for the public interest since 1994, has been fighting to ensure that every human being can live without having to resort to prostitution. The Global Report is created by its research center: *The Observatoire international de l'exploitation sexuelle (International Observatory on Sexual Exploitation)*. Through its analytical and awareness-raising work among opinion leaders as well as the general public in France and in Europe, the Fondation Scelles, in partnership with numerous organizations, is striving to raise awareness, to understand, and to fight this violence.

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