



EQUALITY NOW

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European Commission
Directorate-General for Home Affairs
Unit D1 – Strategic policy, inter-institutional relations and agencies
Submitted by email: HOME-ANEWAGENDA@ec.europa.eu

20 January 2014

Re: Submission by Equality Now to consultation on the *Debate on the future of Home Affairs policies: An open and safe Europe – what next?*

Dear Colleagues

I am writing to you on behalf of Equality Now, an international women's rights organisation dedicated to ending violence and discrimination against women and girls around the world. We work to end trafficking in women and girls and partner with many grassroots organisations, several of whom are survivor-led, to end the commercial sexual exploitation of women and girls.

Equality Now welcomes your consultation on the *Debate on the future of Home Affairs policies: An open and safe Europe – what next?* and appreciates the opportunity to contribute with the present submission, which focuses on the issue of sexual exploitation and trafficking.

We would like to emphasise that a renewed Home Affairs agenda presents an excellent opportunity to more effectively tackle trafficking for this purpose by ensuring that European Union Member States meet their obligation to address the demand that fuels human trafficking, and furthermore by encouraging the adoption of the so-called Nordic model throughout Europe to ensure that there is a unified, effective policy throughout the EU to tackle trafficking for sexual exploitation.

Please find our detailed submission below.

Thank you for your attention. If we may provide any further information or clarification, please do not hesitate to contact me.

Yours faithfully

[Redacted signature]

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Equality Now's comments on consultation on *Debate on the future of Home Affairs policies: An open and safe Europe – what next?*

Maintain efforts to combat sex trafficking

Equality Now applauds the European Commission's efforts to combat human trafficking and the recognition of the importance of addressing trafficking for sexual exploitation. With daily news reports of trafficking for sexual exploitation occurring in all European Union Member (EU) States, it is clear that this issue deserves continued attention. Victims of sexual exploitation endure severe psychological and physical trauma. All efforts must be made to reduce the number of victims by implementing effective prevention efforts and to ensure that those who do become victims of trafficking receive adequate assistance.

The human and monetary cost to the EU, national governments and to society of not tackling human trafficking and the harm that it causes far out-weighs the cost of taking concerted, adequately-resourced and consistent action to prevent and tackle these issues. Thus, investment in ensuring that any new relevant law is adequately publicised; that law enforcement, including the judiciary, and others are trained to ensure effective implementation; that prevention programmes are implemented (in the case of trafficking for sexual exploitation, aimed both at preventing boys and men from buying sex as well as ensuring women and girls have alternative livelihood options); and that services are put in place to ensure assistance to victims and thus prevent vulnerability to re-trafficking, will serve to decrease both demand and supply. This approach transfers the focus of policy to prevention of harm rather than accepting the harm and then paying for its consequences.

Gender equality perspective

We urge the EC to maintain, as laid out in the EU Directive and has been emphasised by the EU Anti-Trafficking Coordinator and by Commissioner Malmstrom¹, a gender equality perspective to the issue of human trafficking. Combating sexual exploitation is an essential part of achieving gender equality. The commercial sexual exploitation of women and girls constitutes one of the most blatant manifestations of inequality between women and men, and at the same time is one of the key phenomena helping to maintain the subordinate position of women and the superior position of men in society.

Commercial sexual exploitation is primarily about gender inequality: the vast majority of people in prostitution are women and the vast majority of those paying for sex are men. Ethnic, racial, economic, class and other socio-economic inequalities further exacerbate the vulnerability of one, generally disadvantaged, segment of society with fewer life options—against a more powerful and privileged part of society; it is this latter group, the buyers, who truly have a choice when it comes to prostitution. As such, prostitution is not about sexual freedom, or sex in general, it is about power and exploitation.

Maintain focus demand for sexual exploitation

We fully support the European Commission's emphasis on tackling demand as an integral component of addressing human trafficking. We respectfully urge the EC to ensure that all Member States are fulfilling their legal obligation under the 2011 EU Anti-Trafficking Directive to address the demand that fuels trafficking and exploitation.

¹ http://ec.europa.eu/anti-trafficking/EU+Policy/THB_Gender_EU_Perspective

In relation to trafficking for sexual exploitation, we believe that the most effective way to reduce demand for sex trafficking is to criminalise the purchase of sex. This should be done concurrently with decriminalising and providing support – including to exit prostitution – to those selling sex. This approach, often referred to as the ‘Nordic model’, is already in place in Sweden and non-EU countries Norway and Iceland, and is currently under consideration in the parliaments of France, the Republic of Ireland and Northern Ireland, while decision-makers and ministers are calling for its introduction in other EU member states including Finland.

In addition, other EU member states, such as Germany and the Netherlands, are currently discussing enacting variations of the model, namely the criminalisation of paying for sex with a victim of trafficking or coercion in the knowledge that the latter is a victim. This is in line with Article 18(4) of the EU Anti-Trafficking Directive, which asks member states to consider criminalising the knowing use of services of a victim of trafficking/exploitation. The inclusion of Article 18(4) is an important recognition that it is not only traffickers and pimps who are responsible for the exploitation of people in prostitution, but that trafficking for sexual exploitation is driven by the demand created by people who pay for sex. Indeed, as noted by Commissioner Malmstrom², there are inextricable links between prostitution markets, organised crime and trafficking for sexual exploitation. We note however that in countries that already have such partial bans on the purchase of sex, including Northern Ireland³ and Finland⁴, there are efforts to now introduce the full criminalisation of the purchase of sex in line with the Nordic model, showing the limitations of such policies. In light of this, and in an effort to more effectively tackle exploitation, organised crime and gender inequality, the European Commission can encourage Member States to move beyond the minimum suggested by the Directive and to fully criminalise the purchase of sex while decriminalising and providing support for those selling sex, through which the EU as a whole can benefit from the experience of these Member States. Taking this approach would allow the EU to maintain and strengthen its role globally in terms of policies assertively tackling trafficking and sexual exploitation by seeking to address their root causes.

Involvement of survivors of sexual exploitation

The involvement of survivors in developing policies related to sexual exploitation and trafficking is crucial. In relation to trafficking for sexual exploitation, some groups active at European level include: SPACE International: <http://spaceinternational.ie/> and Sex Trafficking Survivors United: <http://www.sextraffickingsurvivorsunited.org/>.

We hope that the European Commission continues its work in assertively combating trafficking for sexual exploitation, while maintaining its gender perspective and strengthening its focus on the demand that fuels sexual exploitation and trafficking.

² http://ec.europa.eu/anti-trafficking/EU+Policy/THB_Gender_EU_Perspective

³ See eg discussions on the current human trafficking private member’s bill currently before the Northern Ireland Assembly: <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/23-September-2013/>.

⁴ See eg: ‘Justice Minister to seek full ban on purchasing sex’, 4 September 2013, http://yle.fi/uutiset/justice_minister_to_seek_full_ban_on_purchasing_sex/6814089, and Niemi, J. and Aaltonen, J. (2013) *Abuse of a victim of prostitution: Evaluation of the effectiveness of the sex purchase ban*. 39/2013. Ministry of Justice of Finland. Available at: http://ec.europa.eu/anti-trafficking/Publications/Abuse_of_a_victim_of_prostitution;jsessionid=3dLLSpdMMcTRJPvBN1P861n1vvH1DbdVVPsj7mM7J3NQQWdpSF3!-286626745.