Regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women’s rights

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The Committee on Women’s Rights and Gender Equality adopted the own-initiative report by Maria NOICHL (S&D, DE) on the regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women’s rights.

The report states that prostitution, its exploitation, and human trafficking for the purpose of sexual exploitation are forms of **gender-based violence**, and thus a violation of women's rights and human dignity, representing a cross-border problem. Therefore, the report called for a **Europe-wide approach** to tackle prostitution by decriminalising people in prostitution and supporting those who want to leave it, while targeting sex buyers and exploitative third parties such as pimping. There is also a for a common approach to and understanding of force, coercion, the exploitation of vulnerability, abuse of power and inequalities in existing prostitution laws and regulations in various EU Member States.

Comparison between Member States

Members underlined the greater the asymmetry between national prostitution legislation within the EU, given that the prostitution markets and its actors operate across borders, the more victims of trafficking for sexual exploitation there are. Moreover, the report underlined that the difference between Member States’ regulations on prostitution create a fertile operating ground for organised crime groups and individuals. Member States are called on to introduce effective measures to reduce the demand for prostitution and therefore trafficking in human beings, sexual exploitation and the operating of organised criminal groups.

Lack of comparable data

Members regretted the lack of reliable, accurate data comparable across countries related to prostitution, sexual exploitation, violence in prostitution and the impact of exit programmes. They highlighted the urgent need to further improve and better coordinate cross-border cooperation in this area.

Different approaches

The report noted that in countries like Austria, Germany and the Netherlands, authorities have come to the conclusion that it would be most beneficial for the rights of people in prostitution to create a legal framework **legalising all facets of prostitution**, while other countries such as Sweden, France, Spain and Ireland have instead decided to protect the rights of women in prostitution by opting to **decriminalise** people in prostitution while criminalising buyers, by applying the ‘**Nordic/Equality model**’ approach.

Impact on women in prostitution

Members condemned the reality of coercion, manipulation, violence and exploitation in prostitution and pointed out that the lack of language skills of women and minors, as well as their vulnerabilities and precarious conditions, are exploited to make them enter and stay in prostitution.

Demand

Prostitution and trafficking for sexual exploitation exist because there is a demand for it. Demand reduction is a key instrument for the prevention and reduction of human trafficking. Therefore, Members believe that this should be developed further in the revision of the EU Anti-Trafficking Directive. Members also stressed the importance of discouraging demand in a way that does not harm or create negative repercussions for those in prostitution. The report noted that the decriminalisation of pimping and of the purchase of sex increases demand, empowers the demand side and normalises sex buying.

Cross-border impact

Members condemned the highly sexist, racist and marginalising nature of the system of prostitution, given that, on average, **70 %** of the individuals in prostitution in the EU are migrant women, reflecting the social and economic differences in the EU and worldwide. Moreover, the majority of sex trafficking flows within the Union involve EU citizens and 53 % of the victims of trafficking for sexual exploitation within the Union have EU citizenship.

Role of the Member States

Member States should ensure that women in prostitution have equal access to justice, healthcare, housing, employment and public services and enjoy equal protection under the law. They should also take action in the areas of prevention, decriminalisation of people and especially women in prostitution, demand reduction, punishment of clients, destigmatisation and the elimination of stereotypes, and to ensure sufficiently financed, easily accessible, **high-quality exit programmes and pathways out**.

Member States are called on to ensure that it is punishable as a criminal offence to:

- solicit, accept or obtain a sexual act from a person in exchange for remuneration, the promise of remuneration, the provision of a benefit in kind or the promise of such a benefit;

- exploit the prostitution of another person even with the consent of that person.