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

2022/2139(INI) - 14/09/2023 - Text adopted by Parliament, single reading

The European Parliament adopted, by 234 votes to 175, with 122 abstentions, a resolution on the regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women's rights.

Comparison between Member States

Parliament noted that approaches to address prostitution **vary across the EU** and different laws have different effects on women in prostitution, their rights, their ability to access healthcare, social services and the justice system, women's rights in general, gender equality, demand, trafficking, societal attitudes and neighbouring Member States.

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.

The resolution highlighted that 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. Member States are called upon to put in place effective measures to reduce the demand for prostitution and, consequently, trafficking in human beings, sexual exploitation and the operations of organised criminal groups. Members stressed the urgent need to improve and better coordinate cross-border cooperation with regard to the collection and **exchange of reliable and accurate data**, comparable between countries, on prostitution, sexual exploitation, violence in prostitution and the results of exit programmes.

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.

Moreover, the deterioration of the social and economic situation as a result of the COVID-19 pandemic has increased all forms of abuse and violence against women, including sexual exploitation, which violates their human rights.

Members warned that this will be further aggravated by the current energy and cost-of-living crisis, with many women in vulnerable situations being driven into poverty and social exclusion. They called for the introduction of efficient policies that **eliminate poverty and improve social protection**, as well as the establishment of inclusive policies that support women's empowerment and economic independence, along with measures that condemn those who exploit them.

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 resolution noted that the decriminalisation of pimping and of the purchase of sex increases demand, empowers the demand side and normalises sex buying.

Member States are called on to take urgent measures to **tackle online advertisement** and contact facilitation that directly or indirectly encourage prostitution or seek to attract buyers in order to prevent the exploitation of the prostitution of others also online, including the prostitution of students, in particular of young women, and the sexual exploitation of minors by wealthier and more influential men, also known as 'sugar daddyism'.

Cross-border impact

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

Members called for measures at EU and Member State level to effectively tackle the cross-border implications of prostitution and for Member States and the Commission to coordinate a pan-European approach by collecting comprehensive data which could form the basis of a study analysing the different measures at Member State level with a focus on banning the purchase of people in prostitution, and for the various measures taken at Member State level to be analysed. For its part, the Commission should draw up European **guidelines** guaranteeing the fundamental rights of prostitutes. While the regulation of prostitution remains the responsibility of the Member States, people in prostitution should be able to benefit from the rights enshrined in the Charter.

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.