

European Centre for Law and Justice



THE LOBBY FOR THE LIBERALIZATION OF PROSTITUTION IN EUROPE



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INTRODUCTORY SUMMARY

The purpose of this study is to expose the existence and workings of an offensive in favor of the liberalization of prostitution in Europe (I). This offensive is being led by a pro-prostitution lobby which is putting forward fallacious arguments (II). Yet this offensive to normalize prostitution is intrinsically contrary to international law (III). Finally, in the light of the figures and an overview of the context in which this offensive is taking place, it should be noted that legalizing prostitution would not improve the situation of prostitutes, contrary to the adoption of abolitionist policies in this field (IV).

An offensive to liberalize prostitution in Europe

This offensive became apparent with the adoption of the **European Parliament Resolution on the regulation of prostitution in the EU** (September 14, 2023), and has been particularly visible in recent months within the Council of Europe. On the one hand, on July 25, 2024, the European Court of Human Rights (ECHR) handed down its judgment in the **case of *M.A and Others v. France*** (no. [63664/19](#)) in which two hundred and sixty-one people in prostitution, supported by numerous non-governmental organizations (NGOs), asked the Court to condemn France for its abolitionist approach implemented through the adoption of a 2016 law penalizing clients who purchase sexual acts. However, this strategic litigation, organized by NGOs and aimed at hastening the legalization of prostitution in France and Europe, ended in failure. The ECHR validated the abolitionist model, but nevertheless called on States to keep their approach to prostitution under constant review, with a view to adapting it where necessary.

On the other hand, on October 3, 2024, the Parliamentary Assembly of the Council of Europe (PACE) came close to adopting a draft **Resolution entitled “Protecting the human rights and improving the lives of sex workers and victims of sexual exploitation”** (Report 16044), promoting the total decriminalization of prostitution. This biased, ideological and out-of-touch text clearly bore the hallmarks of the pro-prostitution lobby. In the face of a strong mobilization that brought to light major differences of opinion within the PACE, the deputies decided to refer the text

back to the Committee for further consideration. The Committee met on December 5, 2024 and finally decided to abandon this work, while considering that the tabling of a new motion for a resolution might enable debates on the subject to be reopened.

This assault on the Council of Europe in favor of the normalization of prostitution and against abolitionism is an exact **reflection of the balance of power visible at the UN Human Rights Council**, where two Special Rapporteurs played an active role. In the case of *M.A. and Others v. France*, the Special Rapporteur on the right to health (Tlaleng Mofokeng) voluntarily intervened in the proceedings before the ECHR to defend the liberalization of “sex work”, while the Special Rapporteur on violence against women and girls (Reem Alsalem), who defends the abolitionist model, is cited in the judgment under the relevant international law and practice. Similarly, in the aforementioned motion for a PACE Resolution, while the former is widely mentioned, the latter is simply ignored; she did, however, express her views in an open letter addressed to PACE members. These two experts are therefore radically opposed on the issue of prostitution, as is clear from their respective reports and work.

The work of a lobby based around the Open Society Foundations

The offensive before the ECHR and the PACE bears the **hallmark of militant work and international advocacy (lobbying)** carried out by NGOs which have in common that they gravitate around the Open Society Foundations (OSF), which has been very active for years in this fight for the liberalization of prostitution and provides them with funding.

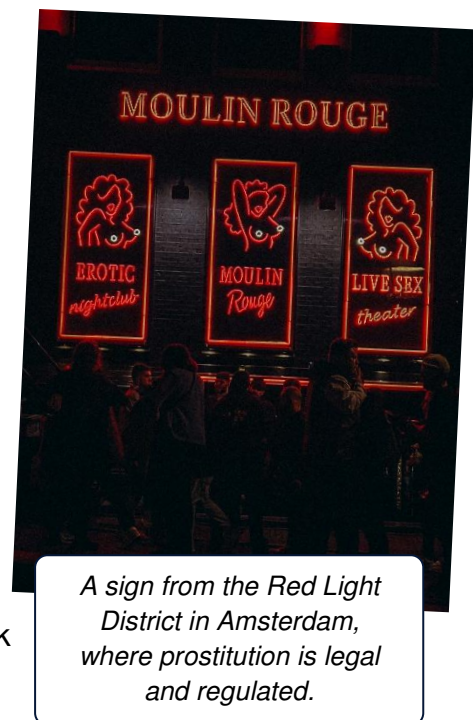
This is the case for the majority of the signatories of a letter addressed to PACE deputies, urging them to vote on October 3, 2024 in favor of the proposed Resolution for the total decriminalization of prostitution: Amnesty International, Human Rights Watch, IPPF European Network, PICUM, EQUINOX, Global Network of Sex Work Projects (NSWP). This is also the case for the Red Umbrella Fund created through Open Society in 2012. We should also mention the European Sex Workers Alliance (ESWA), whose director was heard by PACE during the work on this motion for a resolution, alongside representatives of Amnesty International and the NGO Doctors of the World (Médecins du Monde). The latter was funded by the OSF to “*document the impact of criminalization of sex work and advocate for better access to health and legal services for sex workers in France*”. The UN expert on the right to health, Mrs. Mofokeng, has also received funding from the OSF.

This lobby has developed a **rhetoric supporting the thesis that the total decriminalization of prostitution improves the situation of prostitutes**. The European offensive described above is based on three premises. The first is an economic argument based on an ultra-liberal conception of the human being: following the slogan “sex work is work”, **sex would be a service like any other**. It makes it

possible to distinguish, albeit abusively, between voluntary prostitution, which would be respectable, and forced prostitution, which would be solely reprehensible. Yet to call “sex work” prostitution does not alter its nature, which is intrinsically contrary to the human dignity on which human rights are founded. The second argument, that **people in prostitution are, barring exceptions, consenting**, is philosophical: prostitution would be an expression of the right to control one’s own body, and the financial transaction would be sufficient to establish consent. However, it has been proven that prostitution is largely exploited by traffickers. It is almost systematically coerced by violence, manipulation, poverty or drugs, and mainly concerns poor women of foreign origin, and an increasing number of minors. According to the third argument, a sociological one this time, **it is the criminalization of prostitution that stigmatizes this activity and is criminogenic**, not prostitution per se.

Decriminalizing prostitution is contrary to international law

Prostitution is a **violation of human dignity**, as expressly stated in the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949). What’s more, promoting the total decriminalization of prostitution is **incompatible with international standards on human trafficking**, notably the Palermo Protocol (2000) and the Warsaw Convention on Action against Trafficking in Human Beings (2005): pimping is condemned, and demand must be discouraged, including through the adoption of a legal framework penalizing the clients of prostitution.



Abolitionism, a model with positive consequences

Far from the one-sided vision portrayed in the work of the major NGOs lobbying for the normalization of prostitution, the facts tend to show that the effects of abolitionist policies are in fact largely positive. As the European Parliament pointed out in a resolution of September 14, 2023, **the model of decriminalizing prostitution enables traffickers to take advantage of a favorable legal environment, and human trafficking and violence are multiplied as a result**. Countries that have adopted the abolitionist model are showing **positive results in terms of access to exit and professional reintegration programs**, as well as in terms of **demand reduction**.

The aim of decriminalizing prostitution seems to be to **free up a huge market for profit**. In a context where the link between prostitution, sexual exploitation and human trafficking is well established, where **prostitution is increasingly trivialized** and where **young people are affected by hypersexualization**, including through massive access to pornography, **a liberalization of prostitution would be accompanied by an explosion in supply**. This would mean not just the opening of brothels, but the uberization of prostitution, turning young people, in particular, into veritable sexual prey.



PART I: THE OFFENSIVE FOR THE LIBERALIZATION OF PROSTITUTION

In prostitution policies, a balance of power is visible between two trends: **schematically, the one advocating the abolition of prostitution and the one in favor of its normalization.**¹

The first, also known as the “Nordic model”, is in force in Sweden, France and Ireland. With a view to reducing demand and protecting people in prostitution, it is characterized by a legal framework including the decriminalization of people in prostitution, the provision of support and ways out of prostitution, the criminalization of the purchase of sexual acts as well as all forms of pimping, and the sensitization of purchasers of sexual acts.²

The trend towards the normalization of prostitution can be divided into a regulatory legal framework (e.g. in Germany and Switzerland) and a decriminalization framework (e.g. in Belgium). In the regulatory model, *“the State legalizes, organizes, regulates and profits from the prostitution of others and all commercial sex establishments through administrative or territorial laws”*.³

As for the decriminalization model, it *“decriminalizes and deregulates, at the federal level, third parties, buyers and prostituted persons; however, it leaves in place administrative, police or health controls to the responsibility of local municipalities”*.⁴

Europe is currently facing an offensive against abolitionism and in favor of the normalization of prostitution. It reflects the same balance of power at international level, visible in particular within the United Nations (UN) Human Rights Council.

¹ For a more detailed description of “Legal and policy models for prostitution”, see Reem Alsalem, Prostitution and violence against women and girls, May 7, 2024, A/HRC/56/48, §27 et seq.

² Ibid, §32.

³ Ibid, §29.

⁴ Ibid, §30.

A. An offensive against abolitionism orchestrated within the European institutions

The offensive against the abolition of prostitution can be seen in adoption of the European Parliament's resolution on the regulation of prostitution in the European Union (September 14, 2023) (1), and is particularly visible at the Council of Europe in 2024. In July, the European Court of Human Rights (ECHR) delivered its judgment in the case of *M.A and Others v. France* (2). In addition, the Parliamentary Assembly of the Council of Europe (PACE) worked on a motion for a resolution entitled "Protecting the human rights and improving the lives of sex workers and victims of sexual exploitation" (3), which was finally abandoned in early December following a major mobilization.

1. European Parliament resolution on the regulation of prostitution in the European Union (September 14, 2023)

On September 14, 2023, the European Parliament adopted a non-binding resolution "on the regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women's rights"⁵.

From the very first lines, it is stated that "*sex must be based on consent, which can only be given freely and voluntarily, and cannot be replaced by the exchange of money; whereas prostitution reduces intimate acts to an assigned monetary value; whereas sexual exploitation through the prostitution of others is a gross violation of women's rights and dignity and implies that both a person and their consent to sexual activity can be purchased for a given sum*". In this text, the European Parliament reaffirms its commitment to the repression of human trafficking, and in particular calls for the introduction of a legal framework that penalizes pimps and clients of prostitution.

⁵ European Parliament [resolution](#) of September 14, 2023 on the regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women's rights (2022/2139(INI)), recital C.



In an open letter dated September 5, 2023, thirteen NGOs voiced their hostility to the text, calling on MEPs to reject it and vote against it as *“It is only by adopting a human rights-based approach, decriminalising all aspects of sex work, and meaningfully including sex workers and sex workers’ human rights defenders in decision-making, that people selling sex, including victims of sexual exploitation, can be protected and serious human rights violations against people selling sex experience can be addressed”*.⁶ The appeal seems to have had some resonance, as MEPs were widely divided on the text: it was adopted by a minority with 234 votes in favor, 175 against and 122 abstentions.⁷



2. The application *M.A. and Others v. France* (no. [63664/19](#)) or the failed attempt to legalize prostitution in France

On July 25, 2024, the ECHR handed down its judgment⁸ in this case brought by two hundred and sixty-one people of some twenty different nationalities who found themselves in a situation of prostitution. The applicants were asking the Strasbourg

⁶ Human Rights Watch, [“Open letter of the European Coalition on Sex Workers’ Rights and Inclusion to Members of the European Parliament Re: Prostitution Report”](#), September 12, 2023. This letter is co-signed by Amnesty International, Equinox Initiative for Racial Justice, European AIDS Treatment Group, La Strada International, ENAR, The European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe), Transgender Europe (TGEU), Human Rights Watch, International Planned Parenthood Federation - European Network (IPPF EN), PICUM, Correlation-European Harm Reduction Network (C-EHRN), ESWA, AIDS Action Europe.

⁷ <https://oeil.secure.europarl.europa.eu/oeil/popups/summary.do?id=1757780&t=e&l=fr>

⁸ Available in French only: English quotations are from our own translation.

Court to condemn France on account of the criminalization in French criminal law of the purchase of a sexual act introduced by the law of April 13, 2016 “aimed at strengthening the fight against the prostitudinal system and supporting prostitutes”. In so doing, it was the abolitionist legal framework prevailing in France that was under attack. The applicants invoked the provisions of the European Convention on Human Rights relating to the right to life (article 2), the prohibition of torture (article 3) and the right to respect for private and family life (article 8). They argued that the adoption of such a legal framework had led to a deterioration in their situation, insofar as “*this measure seriously endangers the physical and psychological integrity and the health of persons who, like them, engage in prostitution, and radically infringes their right to respect for their private life, as well as that of their clients, insofar as it includes the right to personal autonomy and sexual freedom*” (§1). **The applicants therefore claimed a right to prostitute themselves.**

“Strategic litigation” mobilizing NGOs

It was a strategic litigation designed to achieve a political result: to hasten the legalization of prostitution. The referral was organized by associations whose aim was for the ECHR to recognize a “freedom” to prostitute and order France to abolish its 2016 law penalizing clients. The judgment shows that 56 associations committed to supporting prostitutes, but also in favor of the liberalization or legalization of prostitution, intervened in the proceedings,⁹ including Amnesty International, Médecins du monde, Planning familial, Inter-LGBT and Fédération “Parapluie rouge”. The United Nations Special Rapporteur on the right to health, Tlaleng Mofokeng, also submitted her arguments to the ECHR in favor of the liberalization of “sex work” worldwide.

The Norwegian and Swedish governments and 13 associations (CAP International - Coalition for the Abolition of Prostitution, Mouvement du nid, Amicale du nid, Fédération nationale des centres d’informations sur les droits des femmes et des familles, Osez le féminisme and eight other organizations) intervened to defend France’s abolitionist model. Mouvement du Nid, a grassroots association working with prostitutes, explained that it is based on the reality that prostitutes are not criminals, but “victims of a system of sexist and sexual violence”. Osez le féminisme has shown that acts of prostitution are “traumatic” and that the prostitudinal system is based on a “rape culture”. Under relevant international law and practice, the Court also relied on the October 27, 2023 statement on French law n°2016-444 by the UN Special Rapporteur on violence against women and girls, Reem Alsalem, in which she “*welcomes the holistic approach taken by France on prostitution,*

⁹ <https://www.medecinsdumonde.org/actualite/victoire-detape-sur-la-loi-prostitution-de-2016-la-cour-europeenne-des-droits-de-lhomme-reconnait-limpact-negatif-de-la-loi-sur-les-travailleuses-du-sexe-2/>



which both protects and provides alternatives for prostituted persons, while combating those who exploit their vulnerabilities: traffickers, pimps and sex-buyers” (§50).

Absence of violation of the Convention and positive objectives of abolitionism

In its judgment, the ECHR ultimately found no violation of the Convention, and thus validated French “abolitionist” approach to prostitution. It refused to consider that prostitution was a right, protected by human rights, which would be binding on France and other European States. On the other hand, the Court recalled that *“it considered prostitution incompatible with human rights and dignity insofar as this activity was coerced”* (§142).¹⁰ On this point, it is interesting to note that, while the Court reiterated its refusal,¹¹ in its own words, to “enter into the debate” on *“whether prostitution can be freely consented to or always stems from coercion”*, it does admit that “socio-economic conditions” can constitute such coercion (§156).

The Court also refused to link the deterioration of the applicants’ situation to the adoption of legislation based on the abolitionist model: noting that *“these phenomena were already present and observed before the adoption of Law no. 2016-444 of April 13, 2016, the same negative effects having in the past been attributed to the introduction of the offence of soliciting into French law”*, on the contrary, it asserts that *“there is no unanimity as to whether the negative effects described by the applicants are directly caused by the measure constituted by the criminalization of the purchase of sexual acts, or their sale, or are inherent and intrinsic to the prostitutional phenomenon as such, or are the result of a whole range of social factors and behavioral practices”* (§155). Refusing to take sides with either model of prostitution policy, the Court went on to rule that *“none of the public policies implemented in the other States is so far free of controversy”* (§158). It recognized that the decriminalization of prostitutes, combined with the criminalization of the purchase of sexual acts, *“contributes [...] to reversing the balance of power with the client for prostitutes, by positioning them as victims and enabling them to denounce the client in case of violence”* (§161).

The Court also points out that the criminalization of the purchase of sexual acts is also intended to better combat the prostitution of minors, which it describes as a *“worrying and growing phenomenon”*: it removes the need to prove that the client was aware of the prostitute’s minority (§163). At most, the Court chose to leave a door open for the future, asking the national authorities *“to keep under constant review the approach they have adopted, in particular where it is based on a general and absolute prohibition of the purchase of sexual acts, so as to be able to nuance it according to*

¹⁰ See ECHR, *V. T. v. France*, no. 37194/02, September 11, 2007, §25.

¹¹ *Ibid.*, §26.

the evolution of European societies and international standards in this field, as well as the consequences produced in a given situation” (§167).

The European judges have thus put a stop to the plan to legalize prostitution in France. The ruling is definitive, since the applicants’ request to be referred to the Grand Chamber of the ECHR was rejected by the Court on December 16, 2024. It is interesting to note, however, that France’s abolitionist framework for prostitution is now also under attack at national level. On October 15, 2024, ten deputies tabled a bill aimed at securing the rights of prostitutes to guarantee safer practice (no. 411).¹² One of the arguments put forward by the lobby for the normalization of prostitution is clearly apparent: the desire to treat prostitution as a job like any other. The text is also explicitly inspired by the Belgian model of decriminalizing prostitution.

Following this failure at the ECHR, the prostitution lobby attempted to impose its views on the Parliamentary Assembly of the Council of Europe by means of a motion for a resolution.

3. PACE resolutions

A pro-abolition resolution in 2014

On April 8, 2014, the Parliamentary Assembly of the Council of Europe (PACE) adopted its Resolution 1983 (2014) entitled “Prostitution, trafficking and modern slavery in Europe”. In it, it recognized the close link between prostitution and human trafficking, estimating that “84% of trafficking victims in Europe are forced into prostitution” and that “victims of trafficking represent a large share of sex workers” (§3).

On the other hand, the Assembly noted that “in 1999, Sweden was the first country to criminalize the purchase of sexual services, with proven positive results in terms of reducing the demand for trafficking”, while “other member States have chosen to legalise both the sale and the purchase of sexual services, with the aim of reducing the attractiveness of this business for criminal organisations and improving the working conditions of sex workers, with limited results” (§5). Indeed, PACE called on States to, among other things, “consider criminalising the purchase of sexual services, based on the Swedish model, as the most effective tool for preventing and combating trafficking in human beings” (12.1.1). It also called on States that have legalized prostitution to provide a framework for it, including raising the minimum legal age to 21 (12.1.6.1.), applying “strict administrative and technical requirements for the practise of sex work” (12.1.6.4), and raising awareness about the purchase of sexual acts and the need to

¹² [Proposition de loi, n° 411 - 17th Legislature - Assemblée nationale](#)



reduce demand (12.1.6.7). Without condemning the decriminalization model, PACE was clearly in favor of the Nordic or abolitionist model, given the results of such a policy.

A draft resolution promoting decriminalization in 2024

Ten years later, in October 2024, PACE came close to adopting a radically opposite vision in a motion for a Resolution entitled “Protecting the human rights and improving the lives of sex workers and victims of sexual exploitation” (Report 16044), in favor of the liberalization of prostitution. This clearly bears the hallmarks of the prostitution lobby, both in its substance and in the drafting process.

Initially entitled “The reintegration of persons trapped in prostitution and human trafficking survivors” (Doc. 15570),¹³ the title and direction of the motion changed radically with the appointment of a new rapporteur, Mr. Fourat Ben Chikha, General Rapporteur on the rights of LGBTI persons. Beyond a change in title, the protection of people in prostitution has been turned upside down: from a “trap”, prostitution has been transformed into “work” that should be normalized in order, supposedly, to improve the lives of its victims.

This motion for a resolution and the accompanying report are partisan, ideological and disconnected from the reality experienced by thousands of women and men in Europe. They present the abolitionist model as detrimental, while promoting the normalization of prostitution as “sex work”. During the preparatory work for the drafting of the report, the bulk of the sometimes outrageous views and opinions came from major NGOs,¹⁴ international committees and officials in favor of the total decriminalization of prostitution. The abolitionist report¹⁵ published in May 2024 by Mrs. Alsalem, UN Special Rapporteur on violence against women and girls, is not even mentioned, unlike that of her colleague Tlaleng Mofokeng, UN Special Rapporteur on the right to health, in favor of the total decriminalization of prostitution (§10).

On the substance, the text strategically contrasts “forced prostitution” and “sex work” in order to gain acceptance for the latter. This misleading distinction is conveyed even to the title of the motion for a resolution. Forced prostitution is not really condemned, as States are only invited to “*ensure preventive action against forced sex work to discourage a condition vulnerable to forms of abuse, violence, exploitation*” (§12.6.3). It is also peremptorily stated that “*sex work should not be conflated with trafficking*” (§6). Once again, the debate is contained in the vocabulary. Admittedly, the draft resolution also contains a number of commendable recommendations, but these serve above all to gain acceptance for the normalization of prostitution as “sex

¹³ <https://pace.coe.int/en/files/30187>

¹⁴ See ECLJ, [How the Open Society Foundations Promotes the Liberalization of Prostitution](#)

¹⁵ Reem Alsalem, Prostitution and violence against women and girls, May 7, 2024, A/HRC/56/48.

work”. **However, as we shall see below, this vision of prostitution as acceptable is purely ideological and inoperative in international law.** It is also a denial of reality, as it implies admitting the existence of legitimate prostitution: that which is fully chosen or freely consented to, which is extremely rare. These texts were thus in total contradiction with international law, which unambiguously affirms the incompatibility of prostitution with human dignity, and condemns human trafficking and pimping.

On the other hand, the decriminalization model is promoted. States are invited to follow Belgium’s “example” (§11) and normalize prostitution by combating “discrimination”, “stigmatization and prejudice” against prostitutes. From the above-mentioned judgment of July 25, 2024 in the case of *M.A. and Others v. France*, in which the ECHR refused to declare the abolitionist model contrary to human rights, the Resolution and Report essentially note that, while finding no violation of the Convention, the Court held that “*although national authorities have a margin of appreciation, they have a duty to keep their regulations on sex work under constant review, especially when they are based on the prohibition of the purchase of sexual acts, so as to be able to amend and adapt them to the evolution of international standards and the impact of their implementation*” (§9). In his concern to criticize the abolitionist model, the rapporteur ignores the other findings of this judgment which do not go in the direction of decriminalization. Behind the laudable objective of defending the rights of people in prostitution, the report and resolution in fact conceal the legalization of their exploitation and the regulation of the violence of prostitution.



Reem Alsalem, Special Rapporteur for the United Nations on violence against women and girls.
Source : <https://www.unognewsroom.org>

Failure after strong mobilization

A strong mobilization took place to denounce the danger of this text and demand its rejection by the PACE. This movement highlighted the strong differences of opinion within the Assembly. At the heart of this mobilization, Reem Alsalem, the United Nations Special Rapporteur on violence against women and girls, published an open letter to PACE parliamentarians in which she asserted that “*this resolution, if adopted, would constitute a dangerous regression for the rights of women and girls in the countries of the Council of Europe.*”¹⁶ **Civil society has also mobilized. ECLJ**

¹⁶ <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/activities/srvawg-open-letter-pace-report-26-09-2024.pdf>

launched a petition signed by over 17,000 European citizens and wrote to PACE members. Fourteen coalitions representing 2,000 feminist and survivor-led NGOs and grassroots organizations also voiced their concern and disapproval.¹⁷ PACE was also addressed by members or former members of the European Parliament involved in the adoption of the September 14, 2023 resolution calling for the introduction of a legal framework penalizing pimps and clients of prostitution in order to prevent human trafficking for sexual exploitation.¹⁸

Thus, on October 3, 2024, instead of the scheduled plenary debate and vote on these texts, the Chairwoman of the Committee on Equality and Non-Discrimination asked the Assembly to vote to refer the text back to the Committee. She justified the need to continue working in committee by the lack of sufficient political support within the Assembly and the extremely divided opinions that had particularly emerged over the preceding days. By referring the text back to committee, PACE has thus made the wise choice to prioritize quality and impartiality over ideology, when the protection of the dignity of those trapped in prostitution is at stake, as well as PACE's credibility.

On December 5, 2024, the Committee on Equality and Non-Discrimination finally decided to put an end to the procedure for drawing up this report and motion for a resolution,¹⁹ while envisaging that the subject would be debated again following the possible tabling of a new motion for a resolution. The assault on the Council of Europe on prostitution is an exact reflection of the balance of power visible at the UN Human Rights Council.

B. A European offensive reflecting the balance of power within the UN Human Rights Council

The Human Rights Council is the UN body responsible for promoting and protecting human rights. It is made up of several bodies, including Special Procedures: these are independent experts and groups of experts with thematic or country-specific mandates. The balance of power that is particularly visible on the issue of prostitution has been exported to the Council of Europe.

As mentioned concerning the case of *M.A. and Others v. France*, the Special Rapporteur on the right to health intervened voluntarily in the proceedings before the ECHR to defend the liberalization of "sex work", while the Special Rapporteur on violence against women and girls is cited in the judgment in defense of the abolitionist model under the relevant international law and practice. Similarly, in the proposed

¹⁷ <https://amicaledunid.org/wp-content/uploads/2024/10/open-letter-pace-fr.pdf>

¹⁸ <https://amicaledunid.org/wp-content/uploads/2024/10/lettre-des-meps-parlement-europeen.pdf>

¹⁹ [AS/Ega \(2024\) CB 08](#), December 6, 2024, Carnet de bord.

PACE Resolution entitled “Protecting the human rights and improving the lives of sex workers and victims of sexual exploitation”, while the former is cited, the latter is blatantly ignored; she did, however, express her views in an open letter to PACE members.

1. The abolitionist position within the Human Rights Council

The abolitionist position within the UN Human Rights Council is held primarily by **Reem Alsalem, Special Rapporteur on violence against women and girls, its causes and consequences**. This is expressed in particular in the report entitled “Prostitution and violence against women and girls” (May 2024).²⁰ In it, she recommends the adoption of an abolitionist legal framework for prostitution and pornography, in order to better assist and protect victims. The Special Rapporteur highlights the fact that prostitution and pornography violate human dignity because of the violence that is consubstantial with them. She states: “*Prostitution results in egregious violations of human rights and multiple forms of violence against women and girls, who are often dehumanized and perceived as persons without human rights. Prostitution violates the right of women and girls to dignity, and often constitutes torture, inhuman and degrading treatment*” (§10). To illustrate this link, she recounts the long list of violence and serious consequences suffered by prostituted persons (§10-13).

Mrs. Alsalem also observes that it is the condition of women as a whole that is affected by the normalization of prostitution and pornography, in that they convey their reification and commodification, and constitute an attack on equality. Indeed, “*The equal participation of women in society is impossible to achieve when prostitution is normalized and fundamentally based on an inequality between women and men. (...) Prostitution (...) bears a deeply archaic and sexist vision of the role of women and of the relations between women and men (...). The existence and normalization of prostitution is also a fundamental obstacle to sexuality based on equality*” (§23).

She concludes that “*Prostitution is a system of exploitation and an aggregated form of male violence against women and girls*” (§52). Denouncing propaganda in favor of prostitution, she states that “*Attempts to ignore the devastating causes and consequences for women and girls and wider society are an extension of the historic normalization of women’s stereotyped role in society and the commodification of female sexual and reproductive capacities*” (§52). Consequently, “*States must avoid becoming “pimp States” by abolishing laws that allow, tolerate or condone the violence and exploitation in the prostitution system and pornography*” (§54). She therefore

²⁰ Reem Alsalem, Prostitution and violence against women and girls, May 7, 2024, A/HRC/56/48.

recommends that they “*Adopt the abolitionist legal framework and its five pillars, including the decriminalization of women in prostitution; providing comprehensive support and exit pathways; criminalizing the purchase of sexual acts; criminalizing all forms of pimping; and implementing sensitization campaigns for sexual act buyers*” (§55e).

2. The ultra-liberal position of the Human Rights Council

The ultra-liberal approach to prostitution is being emulated by the Special Procedures of the Human Rights Council. Its figurehead is **Tlaleng Mofokeng, the Special Rapporteur on the right to health**. She is no stranger to taking the most libertarian stances on various subjects.²¹ In 2021, she explained that one of her priorities in her mandate at the UN would be to “*further explore the concept of morality as linked to sex work*”, a morality she describes as conservative and rooted in colonialism (§77), following the example of the NGO Global Network of Sex Work Projects (NSWP), whose opinion she shares.²² In a report published in 2022, she asserts that the criminalization of sex work is a form of structural violence, i.e. “*a subtle and quite often invisible form of violence normalized through laws, policies and the institutionalization of certain practices¹²⁷ that have their roots in legacies of colonialism, racism, apartheid and structural socioeconomic inequalities.*”²³ In July 2022, she states that she “*supports the removal of all laws and policies criminalizing or otherwise punishing [...] sex work.*”²⁴

She describes herself as a “sex worker”: in a book entitled *A guide to sexual health & pleasure* published in 2019, she declares “*basically, I am a sex worker*”, justifying that the services she offers as a doctor, namely counseling and treatment “for sex” and for which she receives money, are practiced in the same way as prostituted persons who offer services that can range from “*companionship, intimacy, counselling, non-sexual role-play to dancing, escorting and stripping.*”²⁵ In the section entitled “Sex work is work”, she argues that human rights cannot be separated from the safety and physical integrity from “sex work”. She believes that “sex work” is a woman’s right and a right to health, and argues in support of the global demand to decriminalize sex work and fund rights-based programs for sex workers and their clients.²⁶ In her view, as work, “sex work” should be decriminalized worldwide, recognized and protected like any other: “Sex Work Is Real Work”, as she explained

²¹ Louis-Marie Bonneau, « Drogue, avortement, prostitution : Tlaleng Mofokeng, une extrémiste à l’Onu », [Valeurs actuelles](#), July 26, 2024.

²² Tlaleng Mofokeng, Strategic priorities of work, A/HRC/47/28, April 7, 2021, §77.

²³ Tlaleng Mofokeng, Violence and its impact on the right to health, A/HRC/50/28, April 14, 2022, §70.

²⁴ Tlaleng Mofokeng, Racism and the right to health, A/77/197, July 20, 2022, §92.

²⁵ Dr Tlaleng Mofokeng, *A guide to sexual health & pleasure*, 2019, p.242.

²⁶ *Ibid*, p.241.



to the young readers of *Teen Vogue* magazine in an article prior to her taking up her post at the UN.²⁷

The Working Group on Discrimination against Women and Girls is also active in favor of the liberalization of prostitution. In 2016, among its recommendations on combating the “instrumentalization of women’s bodies”, it recommended that States “Decriminalize sexual and reproductive behaviours that are attributed exclusively or mainly to women, including [...] prostitution” (§106.e).²⁸ At the end of September 2023, it issued a press release (no longer online to this day),²⁹ to which was attached a summary document entitled “Eliminating discrimination against sex workers and securing their human rights”.³⁰ These documents were published as a matter of urgency in order to respond to the European Parliament, which had then just adopted a resolution in favor of penalizing clients on September 14, 2023.³¹ Indeed, on December 7, 2023, the Working Group published a similar document, but this time under the official UN seal.³²

It should be noted that it was therefore published before its adoption by the Working Group, which was only due to meet from January 15 to 19, 2024 in Geneva. In support of its thesis, the Working Group mentions the position of various NGOs in favor of the decriminalization of sex work, including Amnesty International, Human Rights Watch and Open Society Foundations. In collaboration with Special Rapporteur on the Right to Health Tlaleng Mofokeng, the Working Group published a “A Guide on the Human Rights of Sex Workers”³³ in March 2024, one of the aims of which was to pre-empt the publication of Mrs. Alsalem’s abolitionist report.

While the normalization of prostitution is not (yet) the officially predominant position in the aforementioned institutions, a tension is nevertheless palpable in this debate. This is hardly surprising, given that the offensive described is the work of a lobby for the extreme liberalization of prostitution, which is hard at work to achieve this agenda.

²⁷ Tlaleng Mofokeng, “Why Sex Work Is Real Work”, *Teen Vogue*, 26 April 2019.

²⁸ <https://documents.un.org/doc/undoc/gen/g16/072/19/pdf/g1607219.pdf>

²⁹ <https://web.archive.org/web/20230929162759/https://www.ohchr.org/en/special-procedures/wg-women-and-girls/eliminating-discrimination-against-sex-workers-and-securing-their-human-rights>

³⁰

<https://web.archive.org/web/20231016211246/https://www.ohchr.org/sites/default/files/documents/issues/women/wg/sex-work-pp-fin-proofread-24-sept.pdf>

³¹ European Parliament resolution, [2022/2139 \(INI\)](#), Regulation of prostitution in the European Union, September 14, 2023.

³² <https://www.ohchr.org/en/documents/tools-and-resources/guidance-document-working-group-discrimination-against-women-and>

³³ <https://www.ohchr.org/sites/default/files/2024-03/a-guide-on-the-human-rights-of-sex-workers-March2024.pdf>



PART II: THE PROSTITUTION LOBBY AND ITS ARGUMENTS

The offensive described in favor of the total decriminalization of prostitution in Europe is the fruit of the action of a lobby, whose players have one thing in common: they gravitate around the Open Society Foundations (OSF). They have developed a fallacious rhetoric in favor of the normalization of prostitution.

This advocacy activity and its workings had already been exposed in a study by researcher Jody Raphael in 2018³⁴. She concludes that “OSF spends only a small amount of money on grass roots “sex worker” groups around the world advocating for full decriminalization, but the foundation awards larger amounts of funds to large human rights groups whose reports and policies have a wider reach.”³⁵ Jody Raphael explains that these actors produce reports that can be quoted by each other and presented to legislators.³⁶ On the substance, she observes that “OSF and its grantees have created a partial view on prostitution that they advocate to the public” in documents that “ignore a large body of reputable research and create an “alternative reality” about the sex trade industry that ignores known facts.”³⁷ This alternative reality is “continuously [hammered] home and is accepted by segments of the media and public not well versed in the facts.”³⁸

A. Players gravitating around the Open Society Foundations

On October 3, 2024, members of the Parliamentary Assembly of the Council of Europe (PACE) were due to vote on a resolution calling for the liberalization of

³⁴ Raphael, Jody (2018) Decriminalization of prostitution: The Soros effect. *Dignity: A Journal of Sexual Exploitation and Violence*. Vol. 3, Issue 1, Article 1.

³⁵ Ibid, p.1.

³⁶ Ibid. p.14 and 24.

³⁷ Ibid, p.1.

³⁸ Ibid, p.8.

prostitution in Europe. According to this resolution, prostitution would be a job like any other, and prostituted persons would do it freely, out of a desire to be “sex workers”. All penal repression should therefore be abolished, including against clients and pimps, who would become employers. In reality, this resolution is the result of militant work and international lobbying. Sixteen NGOs co-signed a letter³⁹ addressed to PACE deputies, urging them to vote in favor of the text. The heads of these NGOs know each other well, as eleven of them are members of the Council of Europe’s Conference of International Non-Governmental Organizations (INGOs).⁴⁰ **The majority of these NGOs have been funded by the Open Society Foundations (OSF), including, in 2023, Amnesty International (USD 3,186,636), Human Rights Watch (USD 125,000), IPPF European Network (USD 400,000), PICUM (USD 500,000), EQUINOX (USD 25,000).**



The OSF has been very active for years in the fight to liberalize prostitution. The organization advocates “*recognition of sex work as work.*”⁴¹ It also believes that anti-client laws would perpetuate “*stigma against sex workers, leading to discrimination in social services, housing, and health care, and does not address the fundamental problem of criminalization, driving sex work underground and pushing sex workers away from safety and services.*”⁴² **Yet the OSF admits that the majority of “sex workers” choose this path as the best option available to them to “struggle with poverty and destitution” and that only a minority would choose this activity to “explore and express their sexuality.”**⁴³

Despite this contradiction, the OSF funds actors who promote “sex work” as legitimate employment, so that they can exert influence by intervening before bodies that can lead to the establishment of new regulatory standards on prostitution (the ECHR and the PACE at the Council of Europe, for example) and by publishing works whose purpose is to help shape a soft law environment favorable to the liberalization of prostitution. Examples include the Red Umbrella Fund, the European Sex Workers Alliance (ESWA) and the Global Network of Sex Work Projects (NSWP).

³⁹ <https://www.amnesty.org/ar/wp-content/uploads/2024/10/EUR0185882024ENGLISH.pdf>

⁴⁰ Amnesty International, Human Rights Watch, IPPF European Network, ILGA EUROPE, Médecins du monde, La Strada, PICUM, Correlation - European Harm Reduction Network, ENAR - European Network Against Racism, ESWA - European Sex Workers’ Rights Alliance, Transgender Europe (TGEU).

⁴¹ Open Society Foundations, “Understanding Sex Work in an Open Society: What is decriminalization of sex work?”, April 2019.

⁴² Open Society Foundations, “Understanding Sex Work in an Open Society: What’s wrong with laws that target only the clients of sex workers?”, April 2019.

⁴³ Open Society Foundations, “Understanding Sex Work in an Open Society: Why do some people do sex work?”, April 2019.

The Red Umbrella Fund

The Red Umbrella Fund was officially established through Open Society in 2012. It defines itself as “the first & only global fund dedicated to supporting the rights of sex workers”. The fund has 30 beneficiaries⁴⁴ in 2022, including the European Sex Workers’ Rights Alliance (ESWA).



In 2022, the Red Umbrella Fund’s budget was 1.3 million euros. Since 2012, its grants have totaled over 7.8 million euros in 68 countries. **The Open Society has financed this fund via Mama Cash to the tune of 800,000 USD⁴⁵ between 2016 and 2021.** As a sign of the porous relationship between OSF and the Red Umbrella Fund, several employees or former employees⁴⁶ of this prostitution lobby have worked or still work for OSF. These include Heather Benjamin,⁴⁷ Sebastian Köhn,⁴⁸ Anne Gathumbi⁴⁹ and Stacey-Leigh Manuel.⁵⁰ Luca Stevenson and Iris⁵¹ are also members of the Red Umbrella Fund. The latter are members of STRASS, a sex workers’ union active in the application *M.A and Others v. France* before the ECHR against the French law on prostitution.⁵² Luca Stevenson is also a former director of ESWA.

European Sex Workers’ Rights Alliance (ESWA)

Until recently, the European Sex Workers’ Rights Alliance (ESWA) was known as the International Committee on the Rights of Sex Workers in Europe (ICRSE).⁵³ In its 2022 report, the organization indicated several sources of funding, including the Red Umbrella Fund, Open Society Foundations and Erasmus +.⁵⁴ Indeed, in 2022, ESWA announced its participation in an e-learning



⁴⁴ Red Umbrella Fund, Map of beneficiaries, year 2022: <https://urls.fr/8FIv7M>

⁴⁵ https://www.opensocietyfoundations.org/grants/past?filter_keyword=Red+Umbrella+fund

⁴⁶ <https://www.redumbrellafund.org/who-we-are/>

⁴⁷ <https://www.linkedin.com/in/heather-r-benjamin-b859246/>

⁴⁸ <https://www.linkedin.com/in/sebastian-kohn/>

⁴⁹ <https://www.linkedin.com/in/anne-gathumbi-73a19595/>

⁵⁰ <https://www.linkedin.com/in/stacey-leigh-manuel-96b05316/>

⁵¹ https://www.redumbrellafund.org/fr/team_members/iris/

⁵² <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-235143%22%5D%7D>

⁵³ <https://www.redumbrellafund.org/fr/grantees/icrse-4/>

⁵⁴ ESWA, Annual report 2022, p.26:

https://assets.nationbuilder.com/eswa/pages/523/attachments/original/1716898058/AnnualReport_2022_ver03.pdf?1716898058



seminar⁵⁵ funded by Erasmus + to the tune of over €77,000.⁵⁶ **This year, ESWA's revenues amounted to over €350,000.**

ESWA bases its convictions on the following argument: the criminalization of prostitution “*undermines the human, health and labour rights of sex workers and creates new risks and vulnerabilities for those that work within the industry.*”⁵⁷ Its objectives are to recognize “sex workers in Europe”, to ensure that they are “*respected in labour and trade union movements*” and that “*Sex work is recognised as a labour rights issue*”; to obtain the support of “*Law and policy makers in Europe*”; and finally to obtain for sex workers “*financial support and social protection without discrimination*”.⁵⁸

As Executive Director of ESWA, Sabrina Sanchez was heard⁵⁹ on March 24, 2023, by the Council of Europe's bodies concerning the draft resolution on the rights of “sex workers” (Report 16044), alongside representatives of Amnesty International and Médecins du Monde. **ESWA also supported the application submitted to the ECHR by 261 people in prostitution (M.A and Others v. France).** ESWA acted on this case alongside Médecins du Monde,⁶⁰ which received a grant of 400,000 USD from the OSF with the aim of “*[documenting] the impact of criminalization of sex work and advocate for better access to health and legal services for sex workers in France*”.⁶¹ The European Sex Workers' Rights Alliance is also one of the NGO signatories of the letter sent to PACE deputies, urging them to vote in favor of the draft resolution calling for the liberalization of prostitution.

Global Network of Sex Work Projects (NSWP)

The Global Network of Sex Work Projects (NSWP) is also one of the signatories of this letter. NSWP defines itself as an organization whose aim is to “*uphold the voice of sex workers globally and connect regional networks advocating for the rights of female, male, and transgender sex workers.*”⁶² **This NGO has received nearly 300,000 USD from the Open Society between 2016 and 2018.**⁶³



⁵⁵ https://www.eswalliance.org/call_for_applications_to_participate_e_mpower_training_programme

⁵⁶ <https://erasmus-plus.ec.europa.eu/projects/search/details/2020-1-DE02-KA226-VET-008320>

⁵⁷ https://www.eswalliance.org/about_eswa

⁵⁸ https://www.eswalliance.org/labor_and_social_protection_area

⁵⁹ <https://rm.coe.int/carnet-de-bord-de-la-reunion-tenu-e-a-paris-le-24-mars-2023/1680aab72a>

⁶⁰

https://www.eswalliance.org/milestone_victory_at_the_european_court_of_human_rights_joint_statement_with_mdm

⁶¹

https://www.opensocietyfoundations.org/grants/past?filter_keyword=sex+workers+in+France&grant_id=OR2017-38216

⁶² <https://www.nswp.org/who-we-are>

⁶³ https://www.opensocietyfoundations.org/grants/past?filter_keyword=NSWP



UN Special Rapporteur on the right to health: Tlaleng Mofokeng

The UN Special Rapporteur on the right to health, Tlaleng Mofokeng, is close to the European Sex Workers' Rights Alliance (ESWA) and thus participated in a conference organized by this organization at the European Parliament on the occasion of "International Sex Workers' Rights Day" on December 12, 2023.⁶⁴ **The Open Society funds Tlaleng Mofokeng, through its OurEquity NPC fund, through which she received 200,000 USD in 2020.**⁶⁵



*Tlaleng Mofokeng, UN Special Rapporteur on the right to health, during a conference for the International Women's Health Coalition on April 19, 2018.
Source : Flickr*

B. Fallacious rhetoric in favor of the normalization of prostitution

This pro-prostitution lobby has developed a rhetoric supporting the thesis that the total decriminalization of prostitution improves the situation of prostituted persons. As researcher Jody Raphael argues, this is to demonstrate "*astounding myopia about the real facts of prostitution, failing to consider the issue of violence and coercion in the sex trade industry.*"⁶⁶ The bias in PACE's motion for a resolution and report "Protecting the human rights and improving the lives of sex workers and victims of sexual exploitation" implements precisely this rhetoric through three premises.

⁶⁴ <https://www.facebook.com/ESWAlliance/videos/dr-tlaleng-mofokeng-on-the-right-to-health-for-sex-workerson-december-7-2023-to-/315425641310022/>

⁶⁵ https://www.opensocietyfoundations.org/grants/past?filter_keyword=OurEquity&grant_id=OR2020-75806

⁶⁶ Raphael, Jody (2018) Decriminalization of prostitution: The Soros effect. *Dignity: A Journal of Sexual Exploitation and Violence*. Vol. 3, Issue 1, Article 1, p.4. See also Open Society Foundations, "10 reasons to decriminalize sex work", March 2015: <https://www.opensocietyfoundations.org/uploads/c24963af-78fd-4497-a79d-f824413182b4/10-reasons-to-decriminalize-sex-work-20150410.pdf>

1. “Sex work is work”



Demonstration in London, on July 4, 2018.
Source : Flickr

According to the rhetoric of this lobby, sex is a service like any other. This idea is based on economic arguments, and assumes that prostitution is a profession that can be exercised with dignity, and is a way out of poverty.

“Sex work is work” is the slogan particularly used by Tlaleng Mofokeng, which was introduced to wrongly distinguish voluntary prostitution, which would be respectable, from forced prostitution, which alone would be condemnable. “Forced prostitution” and “sex work” are distinguished in order to gain acceptance for the latter. However, this discussion is false and disconnected from the reality of prostitution, since cases in which it is fully chosen or freely consented to are extremely rare.

However, this argument is neither new nor specific to prostitution: it is also used to support the legalization of surrogacy, whose promoters also claim to distinguish between ethical surrogacy and forced surrogacy. Behind this rhetoric lies the same reduction of morality to willpower, the same commodification of the human body, the same lobbies, and in both cases, a huge market that the legalization of these practices would make it possible to openly exploit. **According to the International Labour Organization, prostitution generates over \$170 billion in profits every year, and also feeds the pornography industry.**

In the same vein, Mrs. Mofokeng’s “Guide”⁶⁷ uses the terms “industry” and “chain of service” to refer to pimping in a supposedly neutral way. This assertion is based on an ultra-liberal conception of the human being, which transforms people, and in particular women’s sexuality, into a mere commodity that can be rented out.

Renaming the activity of “prostitution” as “sex work” in no way changes its nature: it remains intrinsically contrary to the human dignity on which human rights are founded. In its resolution of September 14, 2023, the European Parliament recalls the need to use neutral terms, and explains its deliberate choice to use the expression “people in prostitution” by the desire not “to idealise the reality of prostitution or mask the violence, abuse and exploitation that the large majority of

⁶⁷ <https://www.ohchr.org/sites/default/files/2024-03/a-guide-on-the-human-rights-of-sex-workers-March2024.pdf>

people, especially women and girls, in prostitution endure.”⁶⁸ As the European Parliament also notes, “Ursula von der Leyen has previously stated that prostitution is not a profession like any other and that exiting it should always be the goal.”⁶⁹

2. “People in prostitution are said to consent, with some exceptions”

This idea refers to the philosophical argument that prostitution is an expression of the prostituted persons’ “free will”, “bodily autonomy” and “self-determination”, i.e. the right to control one’s own body. According to this idea, the financial transaction would suffice to establish the prostitute’s consent, making prostitution a consensual sexual relationship between adults.

Yet studies show that prostitution is almost always forced, coerced by violence, manipulation, poverty or drugs, and that it mainly involves poor women of foreign origin, and an increasing number of minors. It has been established that prostitution is largely exploited by traffickers. In its Resolution of September 14, 2023 on the regulation of prostitution in the European Union, the European Parliament reports eloquent data: “of the around 30,000 people in prostitution in the Netherlands, up to 70% are considered as having been forced into prostitution by violence or lured into it by a ‘loverboy’”⁷⁰; “on average, 70% of the individuals in prostitution in the EU are migrant women”⁷¹; “trafficking in human beings for the purpose of sexual exploitation remains by far the most prevalent form of trafficking in human beings in the EU, given that 51% of victims of human trafficking in the EU are trafficked for sexual exploitation”⁷². On the other hand, “according to the OSCE, trafficking for the purpose of sexual exploitation generates nearly USD 100 billion per year alone, consisting mainly of money paid by men for sex with trafficked women.”⁷³

Thus, justifying prostitution in the name of the “right to control one’s own body” actually justifies the right to dispose of the bodies of prostituted persons. Reducing consent to a financial transaction is tantamount to denying the vulnerability of the victims of prostitution, and the phenomena of submission and dependence. **It is for this reason that international and European law states that the consent of a victim of trafficking is irrelevant and does not have to be taken into account**

⁶⁸ [European Parliament resolution](#), 2022/2139 (INI) 14 September 2023, cons. A.

⁶⁹ Ibid., cons. W.

⁷⁰ Ibid. cons. T.

⁷¹ Ibid, 26.

⁷² Ibid. cons. X.

⁷³ Ibid.

when it is obtained through the offer or acceptance of payments or benefits.⁷⁴

This legal reflection is consistent with philosophy, which differentiates between consent and freedom: as law professor Muriel Fabre-Magnan notes, “*Today, we see consent used above all to make people renounce their fundamental rights and freedoms.*”⁷⁵ Beyond consent, there is the dignity of each person, of each body, which society must protect. Consent is specific to each individual, subjective, whereas dignity is objective, intrinsic, inherent to the human person because he or she is human. To be valid, consent must therefore remain ordered to dignity.

In her report, Special Rapporteur Alsalem consistently refutes the argument put forward by proponents of the liberalization of prostitution and pornography that people become prostitutes or pornographic actors by voluntary choice: “*The payment and/or promise of payment is the most visible sign of a person being purchased rather than freely giving consent.*”⁷⁶ Far from being a choice, it is more a matter of necessity, because if that person were in a different financial, family or social situation, their “choice” would be different too. What’s more, it is not uncommon for this so-called consent to be extorted by various means: “*testimonies of many individuals who report that they had agreed to engage in prostitution on their own reveal patterns of abuse of vulnerability and power, manipulation or coerced prostitution or trafficking while in it, or have been enticed through “lover boy” or other “romantic” relationships.*”⁷⁷ **In its conclusions, the report states that “a financial transaction, designed to materialize so-called “consent” that cannot be expressed freely in the prostitution system. In this context, the very concept of “consent” is weaponized against women in prostitution, as it is extorted through physical or economic coercion, manipulation and violence.”⁷⁸**

3. “It is the criminalization of prostitution that would stigmatize this activity and be criminogenic, not prostitution per se”

This idea goes back to the sociological argument that it is the criminal law that causes crime, since condemnation of prostitution is based on illegitimate moral considerations, discriminates against prostituted persons, makes them vulnerable and

⁷⁴ Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Art. 3.b; Directive 2011/36/EU on preventing and combating trafficking in human beings, and protecting victims, Art. 2.4.

⁷⁵ Paul Sugy, Muriel Fabre-Magnan: « Le consentement, ce n’est pas la liberté ! », FigaroVox, 9.11.2018 (notre traduction).

⁷⁶ Reem Alsalem, Prostitution and violence against women and girls, May 7, 2024, A/HRC/56/48, §50.

⁷⁷ Ibid.

⁷⁸ Ibid, §52.

reduces their financial resources. Even the regulation of prostitution, as practiced in Germany, would be harmful according to the “Guide”,⁷⁹ as it would impose excessively strict conditions on access to this activity. According to this idea, decriminalizing prostitution would suffice to clean up the profession and improve the situation of prostituted people. PACE’s motion for a resolution calls on States to follow Belgium’s “example” and normalize prostitution by combating “discrimination”, “stigmatization and prejudice” against prostitutes.

Yet decriminalizing prostitution runs counter to international law. Moreover, evidence suggests that the situation of prostitutes has not improved in countries which have decriminalized prostitution.

⁷⁹ <https://www.ohchr.org/sites/default/files/2024-03/a-guide-on-the-human-rights-of-sex-workers-March2024.pdf>, p.15.



PART III: A PRO-PROSTITUTION OFFENSIVE CONTRARY TO INTERNATIONAL LAW

The normalization of prostitution by promoting its total decriminalization is contrary to human rights, as shown by various texts of European and international law. Prostitution violates human dignity, and related behaviors are condemned in the context of human trafficking.

A. Prostitution, a violation of human dignity

Whether or not it falls within the scope of human trafficking, prostitution in all its forms inherently violates human dignity. This is expressly stated in the Preamble to the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949): ***“prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community”***. This statement is based on the Universal Declaration of Human Rights (1948), whose Preamble recalls that *“recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”*. The Charter of the United Nations (1946) adds that the peoples of the United Nations are determined to *“reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women.”*

At European Union level, MEPs reiterated the incompatibility of prostitution with human dignity in the Resolution of September 14, 2023⁸⁰ and considered that *“sexual exploitation through the prostitution of others is a gross violation of women’s rights and dignity.”*⁸¹ In a Resolution of February 26, 2014, they also recognized that *“prostitution, forced prostitution and sexual exploitation are [...] violations of human dignity, contrary*

⁸⁰ [European Parliament resolution](#), 2022/2139 (INI) 14 September 2023, recital F.

⁸¹ *Ibid.*, recital C.

to human rights principles [...] and [...] to the principles of the Charter of Fundamental Rights of the European Union.”⁸² The European Parliament also described prostitution as a “*serious form of violence and exploitation*” in a Resolution of July 5, 2022 on poverty among women in Europe.⁸³

From this point of view, prostitution cannot therefore be considered “*an important risk factor for violence against women*”, just as it is absurd to ask legislators to “*ensure that sex workers may carry out their activity in dignified conditions*”, as was the case in the draft PACE Resolution and accompanying report.⁸⁴ Prostitution in itself is a form of violence and is contrary to human dignity. Consequently, no distinction can be made between “forced prostitution” and “consensual prostitution” or “sex work”. As the French government points out in its observations submitted to the ECHR in the case of *M.A. and Others v. France*, “*the sexual motive should not allow us to accept violations of human dignity [...]. Safeguarding the dignity of the human person, which has constitutional value in France, requires respect for the human body, in particular against all forms of enslavement and degradation.*”⁸⁵

B. Condemnation of prostitution in the context of human trafficking

Both international and European law condemn prostitution-related behavior in the context of human trafficking, which consists in recruiting a person, by force or deception, with a view to exploiting them. The usual means of trafficking, aimed at obtaining a person’s “consent”, are the abuse of situations of vulnerability and the offer of payments. Promoting the total decriminalization of prostitution is therefore contrary to international law, which condemns pimping and demands that demand be discouraged, including through the adoption of a legal framework penalizing the clients of prostitution.

As early as December 1949, States adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. It establishes the responsibility of States to protect the victims of this activity and to punish those who exploit it. It prohibits all forms of exploitation of the prostitution of others, thus targeting pimping. Article 1 stipulates that parties to the Convention must “*punish any person who, to gratify the passions of another: 1) Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of*

⁸² European Parliament resolution of February 26, 2014 on sexual exploitation and prostitution and their impact on equality between men and women (2013/2103(INI)), 1.

⁸³ European Parliament resolution of July 5, 2022 on poverty among women in Europe (2021/2170(INI)), 29.

⁸⁴ PACE, Protecting the human rights and improving the lives of sex workers and victims of sexual exploitation, Doc. 16044, September 13, 2024: Report §12 and Resolution §8.

⁸⁵ *M.A and Others v. France*, no. 63664/19, Initial comments by the Government, October 7, 2021, §151 and 153.

that person; 2) Exploits the prostitution of another person, even with the consent of that person.” Article 2 also criminalizes “any person who: 1) Keeps or manages, or knowingly finances or takes part in the financing of a brothel; 2) Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.”

Similarly, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol - 2000) condemns pimping as a form of human trafficking (Art. 3.a.).

The same text explicitly states that a person’s consent to their own exploitation is irrelevant and has no value (Art. 3.b). This is also the case under the aforementioned 1949 Convention (Art. 1), as well as European Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (Art. 2.4). Indeed, the means of trafficking, such as the abuse of a situation of vulnerability or the offer or acceptance of payments or benefits, are aimed precisely at obtaining such consent. Consenting to be the object of trafficking therefore does not eliminate the trafficking itself.

The Palermo Protocol also requires States Parties to discourage the demand that fosters all forms of human exploitation (Art. 9.5). This obligation is reiterated in Resolution 77/194 of the United Nations General Assembly, and explicitly recognized by the Organization for Security and Co-operation in Europe (OSCE).⁸⁶

The Committee on the Elimination of Discrimination against Women (CEDAW) expressly recognizes, in its General Comment No. 38 (2020) at paragraph 8, that international law relating to trafficking in women and the exploitation of prostitution of women has been codified and developed in the aforementioned 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, ratified by more than half the Member States of the Council of Europe. The Convention on the Elimination of All Forms of Discrimination against Women (1979) requires States parties to “*take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women*” (Art. 6).

The Council of Europe Convention on Action against Trafficking in Human Beings (CETS 197 - Warsaw, 2005) stresses the need to discourage demand, which is “one of the root causes of trafficking in human beings” (Art. 6), and condemns the purchase of sexual acts, urging States to criminalize the use of

⁸⁶ *Discouraging the demand that fosters trafficking for the purpose of sexual exploitation*, OSCE Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings, 2021: https://www.osce.org/files/f/documents/7/f/489388_2.pdf

exploitative services “*with the knowledge that the person is a victim of trafficking in human beings*” (Art. 19).

The European Parliament Resolution on the regulation of prostitution in the European Union, adopted on September 14, 2023, reaffirms the same principles, considering prostitution to be incompatible with human dignity, calling for the decriminalization and support of people in prostitution, and affirming the need to tackle the demand for prostitution.



PART IV: THE NEED FOR ABOLITIONIST PROSTITUTION POLICIES

While prostitution is intrinsically incompatible with human rights, the implementation of abolitionist policies is a necessity. This is all the more true given that their effects appear to be positive overall, and that the current context is particularly unfavorable to any liberalization of prostitution.

A. The impact of different models on the fight against human trafficking

The various models implemented in the field of prostitution have concrete effects on the situation of prostituted people. While none of these models is perfect,⁸⁷ the facts tend to show that the effects of abolitionist policies are largely positive.⁸⁸ This contrasts with the one-sided vision portrayed in the work of the major NGOs lobbying for the normalization of prostitution.

Effects on the size of the prostitution market

Abolitionist policies have had a tangible impact on the number of people in prostitution. Street prostitution is said to have halved in countries where this model has been applied.⁸⁹ In France, pimping is punishable under the Penal Code as a “violation of personal dignity”. On the other hand, it is legal in other European countries, such as Germany and the Netherlands.⁹⁰ In 2016, the proportion of the population in a situation of prostitution was 36 times higher in Germany than in

⁸⁷ ECHR, *M.A. and Others v. France*, July 25, 2024, no. 63664/19, §158; see also European Parliament, resolution of September 14, 2023, cited above, AF.

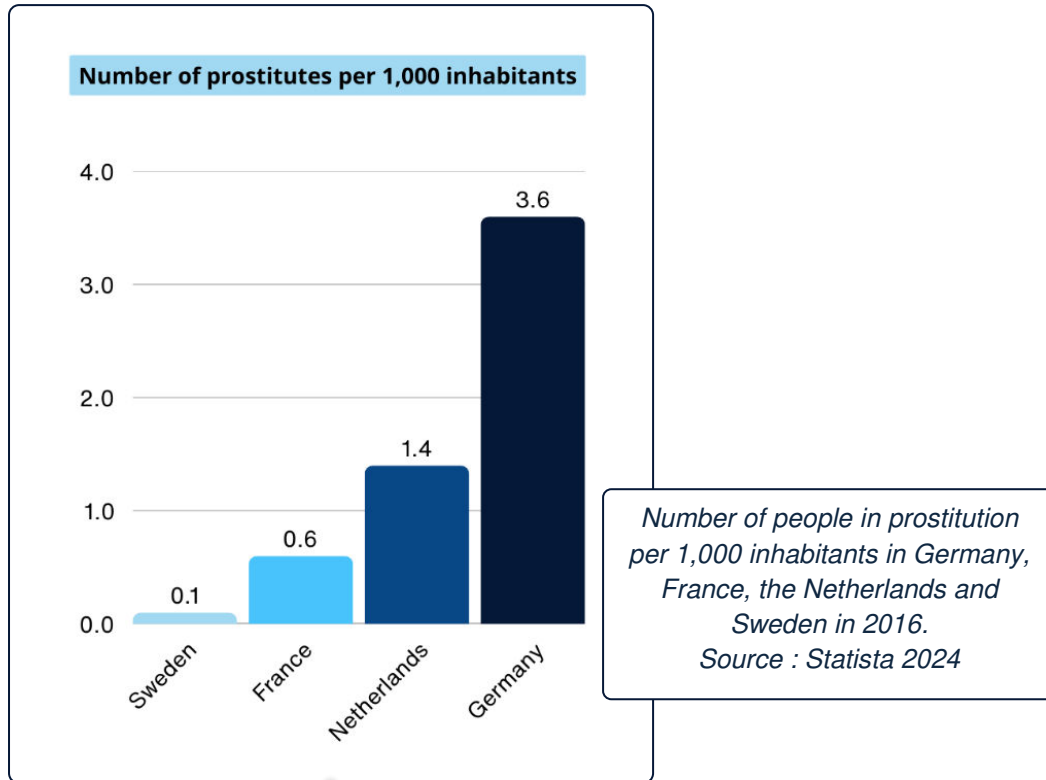
⁸⁸ European Parliament, resolution of September 14, 2023, cited above. See also Reem Alsalem, Prostitution and violence against women and girls, May 7, 2024, A/HRC/56/48, §32.

⁸⁹ Crouch, D., “Swedish Prostitution Law Targets Buyers, but Some Say It Hurts Sellers”, *The New York Times*, March 14, 2015.

⁹⁰ ECLJ, Prostitution et pornographie : des formes de traite d’êtres humains ? <https://eclj.org/geopolitics/un/lutter-contre-le-traffic-du-sexe-en-europe>



Sweden.⁹¹ This figure needs to be qualified, however, because of the counting methods used by each country: for example, the Swedish government only counts the number of street prostitutes, as does France.⁹² Abolitionist policies also appear to be effective in reducing the demand for prostitution. **In Sweden, demand fell from 13.6% to 7.9% between 1995 and 2008.**⁹³



Effects on violence

The abolitionist model seems to be proving its worth in reducing violence, while liberalization seems to have harmful consequences. While New Zealand fully decriminalized prostitution in 2003, a Ministry of Justice report indicates that this did not reduce client violence.⁹⁴ Similarly, the German government revealed in 2007 that the legalization of prostitution in 2002 did not appear to have any effect on violence: *“There are as yet no viable indications that the Prostitution Act has reduced crime. The Prostitution Act has as yet contributed only very little in terms of improving transparency in the world of prostitution.”*⁹⁵ Between 2002 and 2015, at least 55

⁹¹ <https://fr.statista.com/statistiques/1406267/nombre-personnes-prostitution-par-pays/>

⁹² « Combien de travailleurs du sexe sommes-nous ?, par Thierry Schaffauser », *Le Monde*, 02 June 2010.

⁹³ Claude, K., “Targeting the Sex Buyer - The Swedish Example: Stopping Prostitution and Trafficking Where It All Begins”, Swedish Institute, 2010.

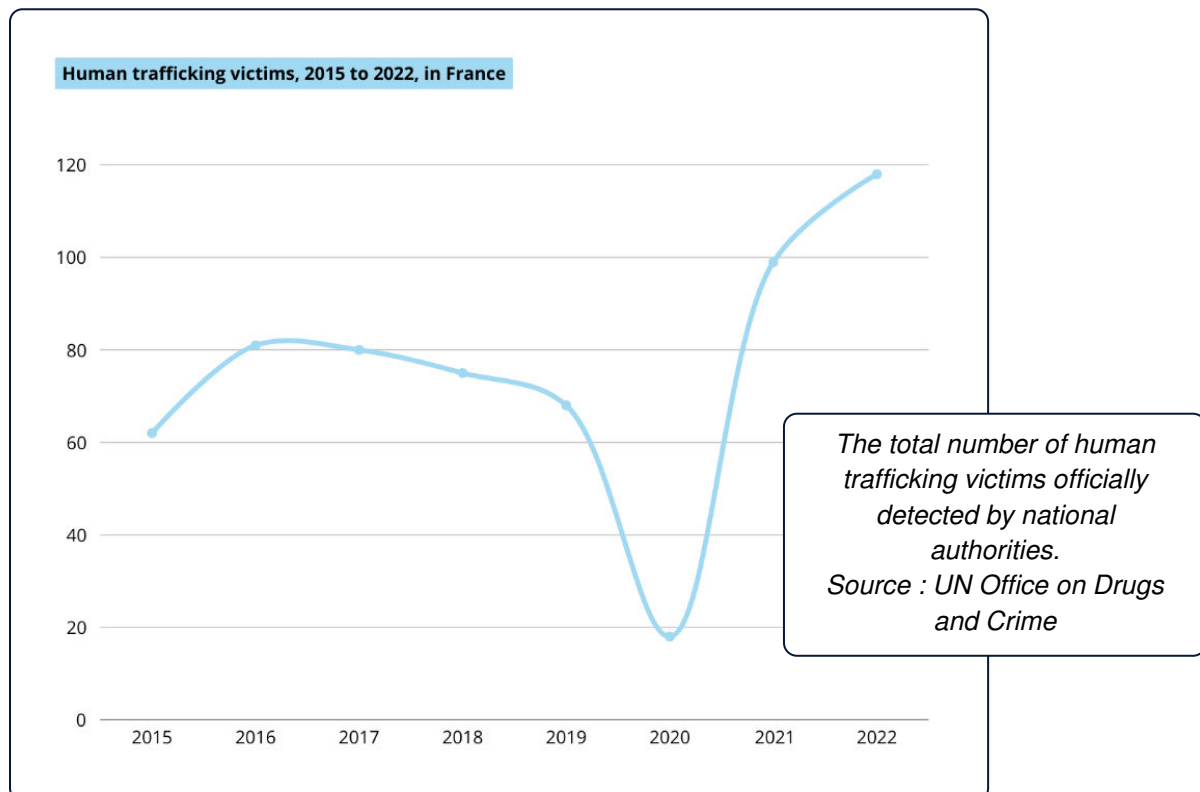
⁹⁴ New Zealand Government, Report of the Prostitution Law Review Committee on the Operation of Prostitution Reform Act 2003, May 2008, p.58.

⁹⁵ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ), Report by the Federal Government on the Impact of the Act Regulating the Legal Situation of Prostitutes (Prostitution Act), July 2007, p.79.

women are reported to have been murdered while prostituting in Germany, while no women prostituting in Sweden were murdered between 1999 and 2017⁹⁶ and the number of prostitute murders has decreased in Canada.⁹⁷ According to Jody Raphael,⁹⁸ in Australia, legalization in the State of Victoria has pushed managers of legal brothels to align themselves with the problematic practices of illegal ones. Finally, the European Parliament reports that child sexual abuse is on the rise due to high demand in countries with a liberal regulatory model.⁹⁹

Effects on human trafficking

Figures¹⁰⁰ show that human trafficking in France decreased from 2016 onwards, the year in which the law penalizing prostitution consumers was passed. Figures then climbed back to significant levels in 2020 at the time of the Covid-19 pandemic, in a way correlated with the explosion in demand for online “sexual services”. However, these figures must be qualified by a possible statistical bias if the 2016 law has pushed traffickers to make their activities more discreet.



⁹⁶ Waltman, M. (2017). Appraising the impact of Toward a Feminist Theory of the State: Consciousness-raising, hierarchy theory, and substantive equality laws. *Law & Inequality: A Journal of Theory and Practice*, Vol. 35: 353-391.

⁹⁷ Reem Alsalem, Prostitution and violence against women and girls, May 7, 2024, A/HRC/56/48, §32.

⁹⁸ Raphael, Jody (2018) Decriminalization of prostitution: The Soros effect. *Dignity: A Journal of Sexual Exploitation and Violence*. Vol. 3, Issue 1, Article 1. p.7.

⁹⁹ European Parliament, resolution of September 14, 2023, cited above, 22.

¹⁰⁰ <https://ourworldindata.org/grapher/human-trafficking-victims?tab=chart&country=~FRA>

In France, the number of criminal investigations into pimping and human trafficking for sexual exploitation rose by 54% between 2015 and 2018.¹⁰¹

In any case, countries which allow prostitution and the purchase of sexual acts have negative results in terms of protecting the victims of prostitution.¹⁰² Thus, *“Europol reports establish that, where prostitution is legal, trafficking in human beings and violence perpetrated against its victims and other people in prostitution increases tenfold, as perpetrators can hide behind legal structures.”*¹⁰³ In the Netherlands, while prostitution was legalized in 2000, the number of victims of sexual exploitation continues to rise: in an attempt to reduce exploitation, the government has thus imposed, in 2019, a legal age of 21 for prostitutes, instead of 18 previously.¹⁰⁴

Mrs. Alsalem notes that *“Countries that have legalized or decriminalized prostitution have recorded higher rates of sex trafficking, violence, abuse and rape and increased prospects for money laundering and drug trafficking.”*¹⁰⁵

She notes that while the number of prostituted persons in Germany was estimated at 250,000 in 2022, only 28,280 were registered with the authorities and 50 had an employment contract.¹⁰⁶ This shows that, even in this context, prostitution seeks to remain in the shadows, a likely sign of the exploitation it continues to engender. This situation is all the more problematic as it *“weakens the tools required for law enforcement to monitor, target and prosecute perpetrators, including traffickers and other third-party exploiters.”*¹⁰⁷

Effects on victim support and professional reintegration

Abolitionist policies favor assistance for victims of prostitution and professional reintegration. Regarding France, the European Parliament notes in 2023 that *“more than 800 people in prostitution in the country have benefited from an exit programme since 2016, with 87,5% of the persons supported by French grassroots organisations finding a stable job by the end of the exit programme.”*¹⁰⁸ As Mrs. Alsalem reports, in

¹⁰¹ Inspection générale des affaires sociales, « Évaluation de la loi du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées », December 2019, p. 6.

¹⁰² See e.g. European Parliament, resolution of September 14, 2023, cited above, 13.

¹⁰³ Ibid., AG.

¹⁰⁴ « Pays-Bas: les prostituées devront avoir au moins 21 ans et une licence légale », [Le Figaro](#), 15 October 2019.

¹⁰⁵ Reem Alsalem, Prostitution and violence against women and girls, May 7, 2024, A/HRC/56/48, §31.

¹⁰⁶ Ibid., §29.

¹⁰⁷ Ibid.

¹⁰⁸ European Parliament, Resolution of September 14, 2023, cited above, AF.

France, “*The legal obligation to treat prostituted women as victims entitled to protection and rights has resulted in the expansion of State-sponsored victim-support services.*”¹⁰⁹

B. An unfavorable context for any liberalization of prostitution

Despite the motive of protecting people in prostitution displayed by the promoters of the legalization of prostitution, the aim appears to be quite different: to free up an ever-expanding economic market for profit. Indeed, liberalizing prostitution is part of the same neoliberal vision of the human being that underpins, for example, the liberalization of surrogacy or the trivialization of pornography. In all cases, the economic potential is immense, and the same arguments are used to commodify the human body, which is given a market value.

As the link between prostitution, sexual exploitation and human trafficking is well-established, as prostitution is increasingly trivialized and as young people are affected by hypersexualization, including through massive access to pornography, a liberalization of prostitution would be accompanied by an explosion in supply.

Legalizing prostitution would change nothing for the few who engage in it voluntarily. On the other hand, given the context in which the offensive described above is taking place, it would have serious repercussions for those exploited and trafficked, as well as for young people and society as a whole.

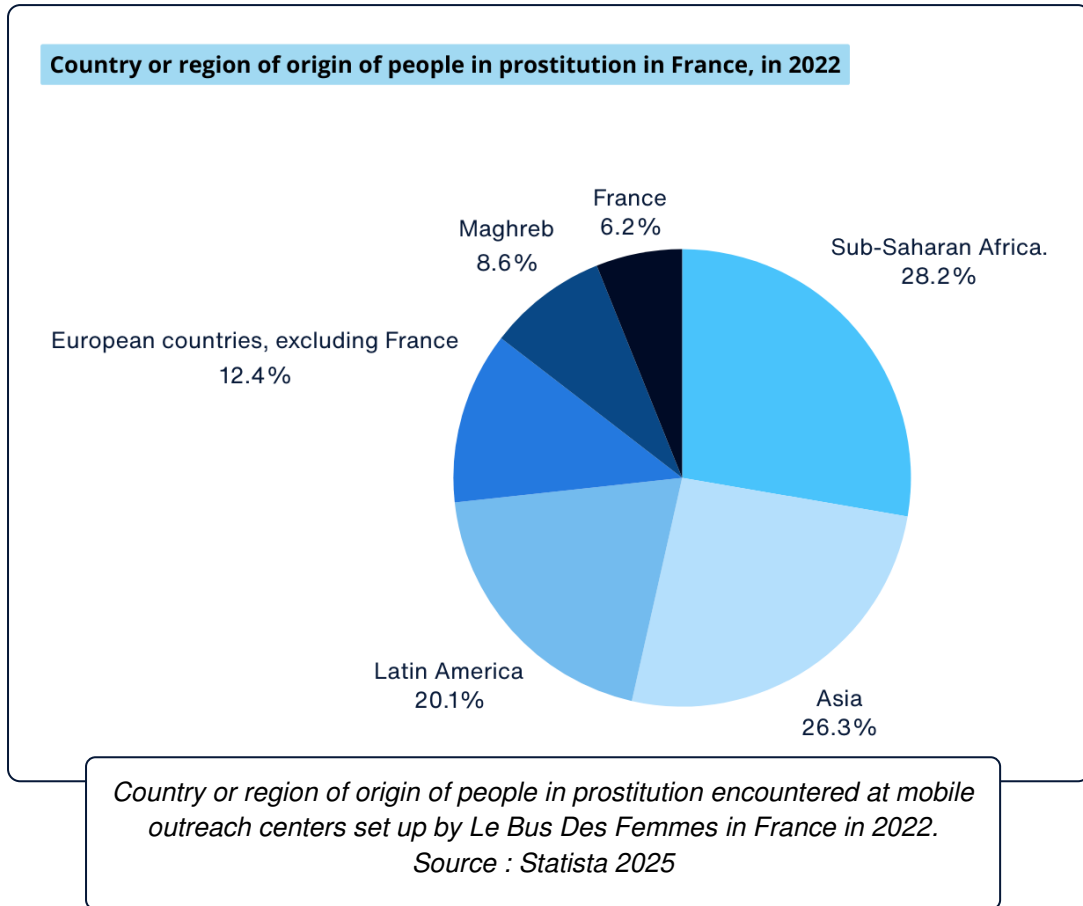
Prostitution and human trafficking

There is a well-established link between prostitution, sexual exploitation and human trafficking. Some countries that have legalized prostitution, such as Germany, claim that there is such a thing as free, consensual prostitution. However, according to an investigation by *Le Point* newspaper,¹¹⁰ of the 400,000 prostitutes in Germany, almost all are women, and 95% come from abroad. This is not the case in any other “profession”. According to the 2015 letter from the French *Observatoire national des violences faites aux femmes* (National Observatory on Violence against Women), there are between 30,000 and 37,000 prostitutes in France, 85% are women, 93% are foreigners, mainly from Eastern Europe (Romania and Bulgaria), West Africa (Nigeria) and China, and “*almost all prostituted persons are forced into prostitution by a pimp or*

¹⁰⁹ Reem Alsalem, Prostitution and violence against women and girls, May 7, 2024, A/HRC/56/48, §32.

¹¹⁰ Pauline Ducouso, « L’Allemagne, plus grand bordel d’Europe », *Le Point*, 2 April 2019.

trafficking network.”¹¹¹ According to a study by the association Le Bus Des Femmes in 2022,¹¹² the trend is continuing, with an increasing presence of Latin American nationals. The over-representation of certain poor regions of Eastern Europe or Africa is a sign of the existence of trafficking networks.



Most persons in prostitution are victims of migrant trafficking (in 2023, 70% of prostitutes in Europe were migrant women),¹¹³ victims of drugs, victims of the virtualization of prostitution (in 2021, 62% of prostitution was done online),¹¹⁴ victims of pornography or child pornography.¹¹⁵

Yet it is the “demand” for prostitution that fuels trafficking. The Olympic Games were a case in point: the arrival of millions of tourists increased the “demand” for

¹¹¹ <https://arretonslesviolences.gouv.fr/sites/default/files/2024-07/Lettre-thematique-observatoire-national-prostitution-octobre-2015.pdf>

¹¹² <https://fr.statista.com/statistiques/1406390/pays-region-provenance-personnes-prostitution-france/>

¹¹³ https://www.lecese.fr/sites/default/files/evenements/fichiers/A5_CR-DDFE.pdf p.15.

¹¹⁴ Fondation Scelles, expert report « Cyberproxénétisme : Internet, cyberproxénétisme : des frontières qui s’effritent » [Cyber-pimping: Internet, cyber-pimping: crumbling borders], 2021.

¹¹⁵ European Parliament resolution of September 14, 2023, cited above, cons. Y.

prostitution, and the authorities noticed that, as a result, sexual exploitation networks were being set up, with half of the victims believed to be minors.¹¹⁶

This demand is partly fuelled by pornography. In her report on prostitution, Reem Alsalem, Special Rapporteur on violence against women and girls, points out that pornography encourages trafficking insofar as it fuels prostitution: “*More frequent users of pornography were also the most frequent users of women in prostitution.*”¹¹⁷

Prostitution: youth in danger

The prostitution phenomenon is changing in society, particularly among young people, who are facing a major moral loss. A growing number of young people are no longer so shocked by prostitution. It is true that they are evolving in a context of hypersexualization, which can be partly explained by massive access to pornography. However, as Mrs. Alsalem notes in her report, pornography, “*understood to be filmed prostitution*” (§3), is a variant of prostitution (§57a). She denounces the hypersexualization and indoctrination of young people, especially girls, in a pornified world whose codes they must adopt: “*Young women are groomed into sexual self-exploitation. “Pornified” visual landscape indoctrinates girls and women into a patriarchal mindset that the only way to be visible – in fact valuable – is to be sexually desired, “hot” and “pornified”*” (§24). “Glamorization”, particularly of the vocabulary used, further accentuates this phenomenon.

However, the massive exposure of children to pornography can also lead to situations of underage prostitution. Mrs. Alsalem points out that increasingly early exposure to pornography has resulted in “*the quadrupling of underaged victims of sexual offences over the past decade*”, as well as “*an increase in the sexual exploitation and prostitution of children*”, in particular girls “*trapped into prostitution younger and younger, including some as young as 8 years of age*” (§21).

Indeed, there has been a sharp increase in prostitution among young people in recent years. **In France, the number of underage victims of pimping rose from 116 recorded to 400 between 2016 and 2020.**¹¹⁸ Researchers and journalists are increasingly reporting on the worsening situation. For example, in 2022, Héléna Frithmann and Nathalie Gavens analyzed the emergence of prostitution practices by teenage girls newly placed in care. “*This systemic analysis shows that the overall environment of minors in care tends to encourage their entry into prostitution.*”¹¹⁹ In a

¹¹⁶ Clément Marna, « JO Paris 2024 : Plus de 60 000 annonces de prostitution en ligne par jour, les autorités vigilantes », Journal Du Dimanche, 28 July 2024.

¹¹⁷ Reem Alsalem, Prostitution and violence against women and girls, May 7, 2024, A/HRC/56/48, §18.

¹¹⁸ <https://fr.statista.com/statistiques/1410240/nombre-mineurs-victimes-proxenetisme-france/>

¹¹⁹ Héléna Frithmann and Nathalie Gavens, « Entrée dans des pratiques prostitutionnelles d’adolescentes nouvellement placées en foyer : analyse des interactions et facteurs favorisants », Sociétés et jeunesse en difficulté [En ligne], 27 | Spring 2022, online September 01, 2022, accessed October 13, 2024 (our translation).

similar vein, the French newspaper *Le Parisien* published an investigation showing that “*thousands of teenage girls placed with the Aide Sociale à l’Enfance (Ase) are regularly approached by pimps. These girls, sometimes very young, are forced into prostitution, often in accommodation rented on the Internet.*”¹²⁰ The situation is similar elsewhere in the world. On October 6, 2023, Marie-Eve Cousineau reported that in Quebec, up to 65% of young girls in rehabilitation centers have been involved in prostitution.¹²¹

Trivialization of “sex work” and student prostitution: coping with precariousness

In March 2024, in a question to the government, a French senator exposed the fact that among persons who prostitute themselves “*the proportion of under-25s [...] has risen from 8% to 24% between 2019 and 2021. Today, 3% to 4% of students say they have been confronted with a situation of student prostitution, and 8% to 12% say they are considering doing so.*”¹²² In July 2021, a Senate information report¹²³ cites “*studies carried out in some universities, estimating that between 2% and 4% of the student population*” is involved in prostitution. Several other studies carried out in various French departments between 2013 and 2019 confirm these figures. For example, the University of Grenoble-Alpes, in conjunction with *Amicale du nid*, established that in 2015, 4% of students surveyed would have had sex in exchange for goods, money or services, and 7% in 2019. By 2022-2023, there were 2.93 million students in France, which would make between 58,000 (2%) and 117,000 (4%) students affected by prostitution. For Claire Quidet, President of the *Mouvement du Nid*, “*one of the causes of student prostitution is the gradual establishment among young people of the idea that 'sex work' is a 'job like any other' [...], such views being [...] unthinkable just twenty years ago*”.

Back in 2012, the *Fondation Scelles* published a study¹²⁴ on the state of student prostitution. At the time, 15% of students at the University of Montpellier III surveyed by *Amicale du Nid* said they were prepared to prostitute themselves if they found themselves in a precarious situation. **According to the *Fondation Scelles*, “*This trend is part of a more global trend towards the trivialization of prostitution.*”**

¹²⁰ <https://podcasts.leparisien.fr/le-parisien-code-source/202409301513-prostitution-le-scandale-des-ados-placees-exploitees-par-des>

¹²¹ Marie-Eve Cousineau, « Jusqu’à 65% des jeunes filles en centre de réadaptation auraient fait de la prostitution », [Le Devoir](#), 6 October 2023.

¹²² Question by Mme Mercier Marie (Saône-et-Loire - Les Républicains) « Augmentation de la prostitution étudiante » published on 07/03/2024, <https://www.senat.fr/questions/base/2024/qSEQ240310515.html> (our translation).

¹²³ « Accompagnement des étudiants : une priorité et un enjeu d’avenir pour l’État et les collectivités », Information Report No. 742 (2020-2021), submitted on July 6, 2021 <https://www.senat.fr/rap/r20-742/r20-74229.html> (our translation)

¹²⁴ *Fondation Scelles*, *Prostitution étudiante, quelles réalités ?*, January 2012, <https://infos.fondationscelles.org/la-une/prostitution-etudiante-queelles-realites-n12>



Fascination with consumerist ideology, as well as the glamorous image of prostitution conveyed by the media, are encouraging a growing number of boys and girls, ever younger, to enter prostitution". It also appears that a lexical smoothing supports the phenomenon. The word "prostitution" is not used, replaced by a more "glamorous" vocabulary, such as "escorting" or "exchange of naughty services". These terms help to euphemize and trivialize prostitution. In July 2021, in an information report published by the French Senate, Catherine Gay, Inspector General of Justice, emphasized the role of semantics in obscuring the "*sordid reality*" of prostitution for young people.¹²⁵ It also appears that services are not always monetary: for example, it is becoming increasingly common to find advertisements offering sexual services in exchange for free accommodation.

¹²⁵ « Accompagnement des étudiants : une priorité et un enjeu d'avenir pour l'État et les collectivités », Information Report No. 742 (2020-2021), submitted on July 6, 2021 <https://www.senat.fr/rap/r20-742/r20-74229.html> (our translation)

