

**Speech by Mr. Mendes Bota, rapporteur on “Prostitution and Trafficking” of the
Parliamentary Assembly of the Council of Europe, at the seminar about “Trafficking”
organized by the Scandinavian Human Rights Lawyers
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Ladies and gentlemen,

First of all let me thank the organisers of this conference for inviting me. It is really a pleasure to remember, one year and a half after, the visit I conducted to Sweden for the preparation of my report on “Prostitution, trafficking and modern slavery in Europe”.

Sweden and my country, Portugal, have something in common, something which is very relevant to the cause that brought us here today.

Back in 1761, Portugal was the first country to abolish slavery. Other European countries followed this example only many years later. In 1999, Sweden was the first country adopting groundbreaking legislation on prostitution, followed by others, such as Norway, Iceland and, most recently, Canada. That was a major step in the fight on today’s slavery - that is trafficking in human beings.

The origin of the report

I do not need to explain to this audience that the Swedish law on prostitution is based on the idea that people in prostitution are victims of a system, not criminals, and that the most effective way to reduce prostitution is to target those who buy sexual services, not those who sell them. In turn, as the vast majority of people in prostitution are victims of trafficking in human beings, reducing prostitution is instrumental to fighting trafficking.

However, I did feel the need to explain this concept to my colleagues at the Parliamentary Assembly and, through them, to the Parliaments and the Governments of all the Council of Europe member states. That means 47 Parliaments. Most of them do not share Sweden’s approach to prostitution. Some of them are discussing reforms of their legislation which may bring them in line with this approach. Some other are perhaps not even familiar with it.

I deemed it necessary to prepare a report for the Parliamentary Assembly of the Council of Europe on the link between prostitution and trafficking in Europe, and to have a resolution discussed by the Parliamentary Assembly, for various reasons:

- because all European countries are affected by the scourge of trafficking in human beings, whether as countries of origin, of transit or of destination – often, these three things combined. It is to a large extent an international challenge, and it requires an international response.
- because Parliamentary Assembly has an added value: it is the pan-European “Parliament of Human rights”, and prostitution and trafficking should be dealt with under the angle of

human rights. Not simply as social or criminal matters. The human rights of people in prostitution, those whom some like to call “sex workers”. And the human rights of victims of trafficking.

And finally,

- Because I was aware of the way Sweden was facing this challenge, and I thought it was worth learning more about it, and possibly share my findings with legislators and policy makers from the rest of Europe.

So I initiated the report following the tabling of a motion on “Criminalising the purchase of sexual services as a way of combating trafficking in human beings”, subscribed by my ex-colleague and friend, Luca Volontè. As you can see, the idea from the beginning was to investigate the Swedish legislation and possibly to recommend it as a model to other Council of Europe member states. Later on, I proposed to change this title into “Prostitution, trafficking and modern slavery in Europe”, as the report had progressively expanded its scope. And also in order to leave it to the audience, like in a crime novel, to find the solution at the end of the story, not in the title.

The preparation of the report

So, I came to Sweden and I met with a variety of stakeholders.

I had of course the pleasure to meet with Ms Wahlberg. But I also had meetings with civil servants of the city of Stockholm, who work with clients of prostitutes and help them give up their habit. With representatives of the civil society, among which Ms Ruth Nordström of the Scandinavian Human Rights Lawyers, whose commitment to the action against trafficking of human beings is remarkable.

I also spoke with representatives of “sex workers”. Both in Sweden and in the other countries I visited, representatives of people in prostitution told me that most of them chose this activity out of free will. I listened to them carefully and respectfully, but I don’t think what they said was correct. They were in fact representatives of the “old guard”.

Maybe – I underline, maybe – in the past the figure of the prostitute who chose to sell her body to make a living was more widespread. I am not sure. But I know for sure that most prostitutes today are victims of trafficking. They are lured to our countries with promises of good jobs and a good life, and then forced into the sex business. They are threatened, beaten, raped. And of course, once they are in this business they cannot leave it, because this would equal a loss of big money for those who exploit them.

After Sweden, I visited Switzerland, Germany and the Netherland. These countries, as you know, chose an entirely different approach to prostitution. They chose the way of legalisation. They did so with understandable intentions: improving the life of people in prostitution, combating the social stigma attached to this activity, countering organised crime.

Sadly, they failed. The world of sex business turned out to be very difficult to keep under control. In Germany, the legislation does not cover all the aspects of the business and it is not enforced rigorously enough. Prostitution was meant to become a job like any other, but this did not happen. On the contrary, it is more than ever the realm of exploitation, violence and deprivation of human dignity.

In Switzerland, although the political will to counter trafficking and to protect people in prostitution is visible, this matter is not smooth either. The federal nature of the country and the fragmentation of the administration make things even more difficult. Regulations vary from canton to canton, data collection is not harmonised, it is difficult to have country-wide estimations, let alone data.

In the Netherlands, I was impressed with the professionalism of people dealing with prostitution in the various branches of the administration, at national and local level. They seem to have a good knowledge of the phenomenon. They had action plans based on a pragmatic approach. They seemed open to cooperation with international partners.

The police, for example, told me that they had exchange with Swedish colleagues, even though legislation and policies in the two countries are completely different. Nevertheless, I had the impression, based on these meetings but also on research, that even in the Netherlands the fight against human trafficking was far from won. That the link between prostitution and trafficking existed there, like everywhere else, and it was not getting any weaker.

Conclusions of the report

After one year of work, involving several hearings at the Parliamentary Assembly, four country visits and quite some research, I found myself back to the starting point. I came to the conclusion that the Swedish legislation, based on criminalising the purchase of sexual services – in other words, on targeting the “client” – was the best option. The report refers to several “lessons learnt” in the other countries I visited”.

But, the main lesson is the one that Sweden taught us in 1999. The Swedish legislators back then were brave enough to introduce a completely new approach. They dared the public opinion, as that kind of regulation was difficult to explain and difficult to understand. But about 15 years later, they have won their dare. We can now claim, on the basis of a series of indications, that the new system proved successful in curbing the demand for sex workers and, in turn, for victims of trafficking.

That is why the draft resolution I prepared, which was then adopted by the Assembly, recommends that all member states “consider”, at least, the adoption of this kind of legislation. I chose this relatively soft wording as I deemed it appropriate from the beginning to avoid an ideological attitude. I also avoided philosophy. I came across philosophical questions: “what is free will?”, for instance, when we discuss whether prostitutes sell their body out of their free will. But I decided not to go deep into these questions. My aim throughout the preparation of the report was to take into account first and foremost the human rights of people involved.

This allowed me to include in the resolution some elements of “harm reduction”. Some of the measures the Assembly indicates are recommended to all countries, irrespective of the legal approach they adopted.

- For instance, advertising sexual services, whether in a clear or a disguised way, should be banned in any case, even in countries where selling or buying such services is legal.
- Pimping should always be criminalised.
- Counselling centres should provide people in prostitution with legal and health assistance.
- “Exit programmes” are crucial. We should not only help people not to end up in the sex business, but also help them leave it if they so wish. This requires rehabilitation, orientation training. It is very important.
- Raising the minimum legal age for prostitution would also be a good idea. Twenty-one is certainly better than eighteen, for instance.

Then, of course, the resolution indicates specific measures on trafficking:

International criminal cooperation against it should be strengthened. We recommended:

- That all European countries sign, ratify and implement the Council of Europe Convention on Action against Trafficking in Human Beings (ETS No. 197);
- That they introduce action plans on human trafficking;
- That they reinforce co-operation with Europol and increase the financial and human resources allocated to this organisation.

Let me add a general remark:

- 1) we need more information. We need figures on prostitution and trafficking. And these figures must be comparable, because they will guide law enforcement and policies at national and international level.
- 2) We need all countries to allocate more resources for anti-trafficking, irrespective of which legal approach they follow as concerns prostitution. Whether its legalising or criminalising any or all aspects of prostitution, they should always make sure that they have enough human and financial resources to counter this scourge. They need to have enough staff and this staff have to be adequately trained.

These are some the main points that I meant to raise, but I would like to add some more considerations.

“Some say that slavery has disappeared from European civilization. That is incorrect. It still exists, but now it weighs only on women, and it is called prostitution!”

“Prostitution”, he said, “is about society buying a slave. From whom? From misery! Again Victor Hugo words: “A soul for a piece of bread. Misery makes the offer; society accepts!”

These words, written a long time ago, are still true. They apply to the vast majority of people in prostitution today.

We also often say that trafficking is a modern form of slavery.

And, if on one hand demand must be discouraged, on the other side of the roots problem, we find extreme poverty, and what I call the **Devil’s Troika**, that joins Migration to Trafficking and Sexual Exploitation.

Not by chance, all available statistics point out the fact that more than 2/3 of the victims of trafficking are bound for sexual exploitation and forced prostitution, and more than 2/3 of these victims are women and girls.

Although distinct phenomena, there is a clear and strong link between prostitution and trafficking.

Legalizing prostitution was not a successful solution, as criminal organizations never were so prosperous and the protection and status of prostitutes did not improve as expected at the time of the laws adoption.

But it must also be said, that criminalizing the sale of sexual services was a regretful exercise of mystification and hypocrisy.

As I said before, we need more figures, more data base collection. But we have some estimations, what I call approaches from reality. For instance, every year, between 70.000 and 140.000 people are trafficked in Europe. 84% of them, are trafficked into forced prostitution.

Last week, in Paris, I heard in a conference about this subject, that 90% of prostitutes are foreigners, coming from Bulgaria, Romania, Nigeria, Cameroun or China. 85% of prostitutes are women, and 90% of the buyers are men.

Back four years ago, inquiries conducted on the context of a UK Campaign against trafficking and forced prostitution, it was learnt that 68% of prostitutes suffer from stress post-traumatic, 95% of them are addicted to drugs, the rate of mortality amongst them is twelve times more than the average rate and that 9 in every ten women would like to quit prostitution.

Some people say prostitution is sex work. I don’t think this designation should be used. Neither is work, see ILO’s definition of work, neither is sex, but violence against the most vulnerable people, exploited by pimps and international *maffiosi* networks. We are talking about migrants, women as majority, frequently minors.

In Germany, the police department responsible for fighting against “crime related to nightlife” have been warning about the development of criminal organizations, growing like mushrooms, on the control of the trafficking/prostitution business, such as:

- “Albanian clans”
- “Balcan syndicates”
- “Ukrainian gangs”
- “Lebanese mafia”
- “Turkish criminal groups”
- “Lithuanian criminal groups”
- “Bulgarian pimp gangs”
- “Male or female Nigerian pimps”
- “Hell Angels, the rocker gangs”

And maybe some more.

I believe that giving men the right to buy a woman, is the same as giving pimps the right to sell them.

A majority of our society, was not be able yet to overpass the “*clichés*” era about prostitution:

- “*Women can control their sexual urges. Men don't!*”. Why?
- “*No prostitution means more rapes*”. What a lie.
- “*Prostitution is a necessary evil*”. Killing is also a necessary evil?
- “*Prostitution is better than other things.*” That does not makes it good.
- “*Prostitution is the oldest profession in the world.*” No, prostitution is the oldest oppression against women in the world!

Given all what I have been describing, can we talk about prostitution as a “*free choice*”? How much more time will society keep its eyes closed to the new form of slavery just next door?

For me, is time to say: no more slavery! No more!