

PROSTITUTION is VIOLENCE

against women and girls

A/HRC/56/48. Prostitution and violence against women and girls (2024)
Summary of the Report of the Special Rapporteur on violence against women and girls,
its causes and consequences, Reem Alsalem

PROSTITUTION is a system of violence

- **Prostitution must be understood as a system of violence:** individuals – usually men and boys – who buy sexual acts; individuals – usually women and girls – who are bought to satisfy these sexual acts; and third parties who organize, or profit or benefit from prostituting the latter group.
- **The perceived right of men to purchase a sex act,** promotes male domination over women and enforces patriarchal gender roles, normalizes the systematic violence inflicted on women through prostitution, including in pornography, as it erases the boundaries between what counts as sex and what counts as sexual violence.
- **It gives the sexual act a transactional value** and places sexuality in the realm of the market reducing women to commodities.
- **All women can therefore be regarded as having a price.** Also, the violence enacted against women in pornography, is often re-enacted against girls and women by those who consume pornography in the physical world.
- **Prostitution thrives on sexualizing** and racializing poverty, targeting women, particularly those from minority and marginalized backgrounds. For example, in rich countries, the prostitution system is supplied by migrant women from impoverished and war-torn countries.
- **The extreme levels of violence** inflicted on women in prostitution –

which would never be accepted in other contexts – are blanketed by a financial transaction, designed to materialize a so-called “consent” that cannot be expressed freely. Equal economic and social power, physical and mental safety, and real alternatives, are missing for true consent to be possible.

- **Coercion is built into the prostitution system,** facilitating entry factors as well as control and exploitation by pimps, traffickers and States.
- **Prostitution bears a deeply archaic and sexist vision** of the role of women and of the relations between women and men, affecting a woman's ability to achieve equality.
- **It is system of exploitation** and an aggregated form of male violence against women and girls that intersects with other forms of structural discrimination. Women and girls are often dehumanized and perceived as persons without human rights.
- **Prostitution violates the right of women and girls to dignity,** right to privacy, freedom of movement and right to family, and often constitutes torture, inhuman and degrading treatment.
- **Prostitution is intrinsically linked** to different forms of violence against women and girls and constitutes a form of violence in and of itself.

RECOMMENDED language

- In recognition of the scale of the harm experienced and the impairment of fundamental rights and the rights to protection, assistance, compensation and reparations, it recommends the use of the terms “victims” and “prostituted women and girls” rather than “sex worker” and “exploitation of prostitution of women and girls” rather than “sex work” because they align with international human rights law.
- Since it is not “sex” that is being bought, it recommends using the term “sexual act buyer” while assigning the stigma and criminal responsibility to the perpetrators of crimes.

ROOT CAUSES

of the prostitution system

- **Patriarchal norms** and the accompanying abuse of power and sexual demand by men, exacerbated in recent decades by globalization, economic inequalities, conflict, destruction of ecosystems, humanitarian emergencies, among others.
- Disability, age, social class, race, ethnicity, migratory and legal status, among other factors, **exacerbate the risk of entry into prostitution.**

PERPETRATORS

of violence

- **Sexual act buyers** are the main perpetrators of violence, including femicide.
- **Not only are they individually responsible** for acts of violence; collectively, they create a demand for an inherently violent system built on the sexual subordination of women and girls.
- **Just like buyers** of prostitution, pornography users suspecting that women or girls have been trafficked will not report their concerns to law enforcement agencies.
- **Predominantly taking** the form of organized criminal networks, pimps or gangs, the act of pimping is committed sometimes by family members, partners, friends or other persons the victim's trust.
- **Figures in positions** of power within law enforcement, the judiciary, religious leaders, media outlets, the hotel business or online and digital platforms may also act as third-party perpetrators of violence.
- **State institutions may also create and foster conditions for increasing the risks of women** and girls being vulnerable to entering prostitution, remaining trapped in it and being unable to exit it, because they benefit financially from the exploitation and abuse of prostituted women and girls. It is relevant to speak of the "pimping State" – a State that leads efforts to sanitize and legitimize prostitution, thereby promoting the industry and render invisible its inherent exploitation.

NEXUS WITH

Violence against women

- **Physical forms of violence** – mainly by sex act buyers – include sexual abuse, rape and gang rape, severe beatings, mutilations, burns, foreign objects inserted into their bodies, acts of gagging, brutal penetration of the vagina by one or many men, physical abuse, sadism and masochism, they are urinated, defecated and ejaculated upon.
- **Psychological violence** includes verbal abuse offline and online, shaming and blackmail, death threats. Victims rights to privacy, family, and a life free from violence are violated. Their freedom of movement is curtailed, they are isolated, constantly surveilled, their documents withdrawn, by pimps. They are subjected to arbitrary detention and deportation.
- **They are denied access to their most basic rights**, such as to food, water, sanitation, clothes, health services and medical care and are often kept in slavery or slavery-like conditions, coerced into abortions or sterilization and may suffer from forced pregnancy. Kidnapping, abduction and enforced disappearance are also common, as well as femicide and serial killings.
- **Economic violence and marginalization** include refusal of sexual act buyers to pay, being exploited for long hours, extortion, robbery by pimps, other third-party exploiters and sexual act buyers, forced payment of "interest" to pimps, fines by the police, lifelong debt bondage and bribes to key players in the prostitution system.

IMPACT OF PROSTITUTION

in the lives of women and girls

- **They suffer from memory loss**, depression, insomnia, eating disorders, substance abuse, dissociation, hypervigilance, anxiety, changed intimacy and sexual pleasure, lack of confidence and suicidality, post-traumatic stress disorder, pelvic floor degradation, urinary tract infection, bladder inflammation, fecal incontinence, infertility, cervical cancer, oral illnesses, sleep disorders, among many others.
- **Many children are conceived as a result of a violent act of prostitution.** They suffer delays in neurodevelopment, unschooling, abuse or neglect, family dysfunction, partial or total absence of a father figure, housing and caregiver instability, and anxious, avoidant or ambivalent attachment. Also, hyperactivity, depressive disorders, suicidal ideation, self-injurious behavior, and irritability.
- **Their children are also often stolen, drugged or sold in trafficking networks regularly**, used for sexual abuse or rape, and often are killed too. Many women lose custody of their children as they are labelled bad mothers.

PORNOGRAPHY

is filmed prostitution

- Pornography contains a high percentage of prostitution and trafficking victims, rape, sexual violence, non-consensual filming and sharing of images, deepfake material, and child sexual abuse material.
- Scenes contain acts of physical assault like gagging, choking or strangulation, defecation; degrading verbal name-calling, women are exposed to rectal and throat gonorrhea, tearing of the throat, vagina and anus and chlamydia of the eye, among others.
- Increased male consumption of pornography is linked to increase in rape, gang rape, attitudes and supporting aggression against women and children, requiring more novel and extreme forms of violent content to achieve the same level of arousal.
- The regular exposure of children to pornography has also been linked to the quadrupling of underaged victims of sexual offenses over the past decade, where the victims are mainly girls.
- Victims of pornography generated by artificial intelligence, adolescents, especially girls, can suffer isolation, school bullying and harassment; many feel conditioned to remodel their bodies surgically to bring them into line with the profit-driven pornography aesthetic.
- Young women are groomed into sexual self-exploitation, however uncomfortable and distressed they feel, indoctrinated to feel the only way to be visible – in fact valuable – is to be sexually desired, “hot” and “pornified”.
- Videos and images are then copied, shared and circulated without possibility of tracking or removing them online, even after the perpetrators are convicted.
- Pornography generated by AI distorts what constitutes normal sexual interaction encouraging viewers to adopt more harmful sexual attitudes, and makes it more difficult to find pleasure in real-life sexual encounters.

LEGAL AND POLICY

Approaches to prostitution

1. The Prohibition approach, also known as Criminalization States sanction all actors involved, often on moralistic, cultural and/or religious grounds. Buyers of prostitution are rarely apprehended, arrested or convicted, and third parties are rarely held to account. Often, State authorities, law enforcement and even religious figures in positions of power are sexual act buyers and/or participate in organizing and profiting from prostitution. The impact of this approach is often discriminatory in that prostituted women and girls suffer most of the consequences; they are most often arrested and prosecuted, socially marginalized, persecuted, incriminated and incarcerated. They face barriers in housing, health and financial services, schooling for their children, and access to justice; are more likely to be exposed to police raids, extortion, deportation and sexual abuse and violence. Exit or support services usually do not exist, except for rehabilitation programs, which are conceived often as form of punishment.

2. The Regulation approach States legalize, organize, regulate and profit from the prostitution of others and all commercial sex establishments through administrative or territorial laws. Laws on rape and sexual assault, or public order, should a prostituted woman file a complaint are the only way sexual act buyers are addressed. Rather than eradicating pimping, it proposes to “create jobs”. Impacts include significant increase in foreign women in prostitution, increase of the demand, as it fosters violence against women and girls and weakens the tools required for law enforcement to monitor, target and prosecute perpetrators, including traffickers and other third-party exploiters. States benefit through personal income tax imposed on prostituted women, corporate taxing and licensing fees required on brothels and/or cyber enabled businesses, in essence becoming a “pimp State”. These States could be regarded as being in violation of article 1 of the

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

3. The Decriminalization approach States decriminalize and deregulate third parties, buyers and prostituted persons; leaving administrative, police or health controls to the responsibility of local municipalities. By removing the illegality of third parties, decriminalization has aided traffickers, boosted sex tourism and expanded the overall size of the prostitution market. It has also placed the burden on prostituted women, especially those subjected to unsafe or slavery-like conditions, to pursue costly and protracted legal action against their employers through labor courts. 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.

4. The Abolition approach, also known as the “Nordic” or “Equality Model” States maintain the international standard on sexual exploitation of the prostitution of others and trafficking in persons by criminalizing third parties and decriminalizing prostituted persons, but add the criminalization of buyers as the main actors who drive the demand and fuel the commercial sex industry. It offers prevention, protection and exiting alternatives to victims. Impacts include improving the situation of persons in or at risk of exploitation; deterring buyers and third parties; reducing murders of prostituted women, women have successfully exited the system with the support of specialized organizations, increase in proceedings against pimps and buyers, among others.

Both the regulation and decriminalization approaches view prostitution as inevitable and the elimination of male demand for sexual acts impossible. **The abolition approach considers prostitution as violence against women.**

The ability of civil society organizations and frontline service providers to have an impact on the design and implementation of policies and to assist victims depends on the approach of the States, and their exposure to harassment and attacks by sex industry advocates and criminal networks as well as access to funding.

CONCLUSIONS and Recommendations

- **International law calls** to punish the exploitation of the prostitution of another person, even with the consent of that person, emphasizing individuals cannot be held accountable for their own situation of exploitation;
- **States have a responsibility to assist and protect** victims of prostitution in a gender-sensitive manner, and to provide reparations;
- **They must also address the underlying causes of violence** against women, such as those perpetuated by the prostitution system, including by eliminating demand for prostitution by addressing socioeconomic inequalities, discrimination and marginalization; promoting human rights and sex and gender-equal education in school, including on mutual respect and healthy sexual relations;
- **States must recognize prostitution and pornography**, as a system of exploitation and violence, in part by considering the full spectrum of international human rights standards that apply in the context of prostitution (e.g., prostitution as a crime of rape, a crime against humanity, torture, slavery or femicide) and investigating and classifying the commission of crimes;
- **States should 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;
- **States must mandate by law the provision** of comprehensive tailored services to victims of prostitution; including single-sex spaces, irrespective of their migration status, as well as on housing, psychosocial support, rehabilitation, trauma healing, child support, support to exit prostitution, education, vocational training, access to a documented status and income generation, clear judicial records of victims of the prostitution system for charges relating to their exploitation in prostitution;
- **Together with international organizations**, use human rights-based terminology and language to describe prostitution, and refrain from using terminology that would mischaracterize it and minimize its serious human rights violations;
- **Analyse aggravating factors and added victimization** of women leading to their exploitation in prostitution in the context of and as a result of armed conflicts, and humanitarian settings;
- **Hold businesses and industries accountable** for their role in the exploitation of prostitution and consider entities that take profits from the prostitution system;
- **United Nations agencies**, the treaty bodies and the special procedures of the Human Rights Council should adopt a rights-centered approach on prostitution. More specifically, the International Labor Organization should prepare a report on **how prostitution fails to uphold the principles of decent work**, and the World Health Organization should carry out a study on the **psychological and physical consequences of prostitution beyond HIV/AIDS prevention.**
- **States should adopt international legislation** to abolish pornography and its consumption.