



Resolution 1579 (2007)¹

Prostitution – which stance to take?

Parliamentary Assembly

1. The Parliamentary Assembly unreservedly condemns forced prostitution and trafficking in human beings as modern-day slavery and one of the most serious violations of human rights in Europe today.
2. The Assembly believes that one of the most efficient tools in the fight against trafficking in human beings – due to its approach based on victim protection – is the Council of Europe Convention on Action to Combat Trafficking in Human Beings (CETS No. 197), which was opened for signature in Warsaw on 16 May 2005. To date, the convention has been signed by 29 Council of Europe member states, and ratified by 7. While the Assembly expects the convention to enter into force soon (it can be expected that the required 10 ratifications will be reached by the end of 2007), it believes that the efficiency of the convention depends to a large extent on continent-wide ratification and application – including by the European Community and all the member states of the European Union – as well as on the means made available for the monitoring mechanism of the convention, the Group of Experts on Action against Trafficking in Human Beings (GRETA).
3. The Assembly also believes that child prostitution can never be voluntary, as children do not have the capacity to “consent” to prostitution. Following the United Nations Convention on the Rights of the Child, the Assembly defines anyone under the age of 18 as a child. It believes that child prostitution needs to be combated as energetically, if not more, than other forms of forced prostitution. It recommends a zero-tolerance approach based on prevention, protection of victims, and prosecution of clients.
4. Regarding voluntary prostitution, defined as prostitution exercised by persons over the age of 18 having chosen prostitution as a means to make a living of their own accord, the Assembly notes that the approaches adopted in the 47 member states of the Council of Europe vary widely. Historically, three different approaches can be defined: prohibitionist, regulationist and abolitionist. Sweden has recently developed a new approach which is generally defined as neo-abolitionist.
5. About a third of Council of Europe member states (17) subscribe to the prohibitionist approach, which prohibits prostitution and penalises prostitutes and pimps alike (although not necessarily clients). A substantial minority of member states (9) subscribe to the regulationist approach, which seeks to regulate rather than prohibit or abolish prostitution. The relative majority of member states can be considered abolitionist (20), which means they seek to abolish prostitution by penalising procurers and pimps rather than prostitutes. Sweden’s neo-abolitionist approach takes the abolitionist logic one step further and penalises the clients.
6. As an organisation based on human rights and respect for human dignity, the Council of Europe should take a stance on prostitution which reflects its core mission. Basing one’s judgment on respect for human dignity does not mean taking a moralistic approach, however. It means respecting people’s decisions and choices as long as they harm no one else.
7. The problem with prostitution is that in many countries (in particular prohibitionist ones, but also in abolitionist and neo-abolitionist ones to a varying extent) prostitution is forced underground. As a consequence, more often than not, organised crime becomes involved, and prostitutes are made more vulnerable (most cannot work independently, and become dependent on pimps and procurers, and are at the

1. Assembly debate on 4 October 2007 (35th Sitting) (see Doc. [Doc. 11352](#), report of the Committee on Equal Opportunities for Women and Men, rapporteur: Mr Platvoet). Text adopted by the Assembly on 4 October 2007 (35th Sitting).



total mercy of their clients, who may demand unsafe sexual practices). This is important from a public health point of view in the era of resurging STDs and an HIV/Aids pandemic. For this reason, international organisations such as the World Health Organization have abandoned moralistic approaches and adopted a pragmatic attitude, instead.

8. The prohibitionist and abolitionist approaches furthermore have the disadvantage of enshrining a certain double standard. In many countries applying these approaches, for example, having paid sex itself is not prohibited, but offering paid sex is. The height of hypocrisy is that even where prostitutes are sanctioned, clients often are not.

9. The regulationist approach has the advantage of regulating prostitution as a profession. In countries which subscribe to this approach, prostitutes are not criminalised and have labour rights (which means they can work more independently, and are less likely to be at the mercy of pimps or procurers), access to medical care, etc. This does not mean, however, that prostitution in regulationist countries is unproblematic. There tends to be a certain gap between theory and practice even in regulationist countries; not all prostitutes avail themselves of the rights bestowed upon them.

10. Personal vulnerabilities (pathological aspects such as mental health problems, low self-esteem and childhood neglect or abuse, as well as drug abuse) and structural problems (poverty, political instability/war, gender inequality, differential opportunity, lack of education and training) can have a very negative impact on prostitutes. It is important that no one should feel “forced”, even by circumstances, to engage in prostitution. This is the advantage of the neo-abolitionist approach: it makes very clear that the demand side, and not the supply side, needs to be tackled.

11. The Assembly thus recommends that:

11.1. concerning forced prostitution and trafficking in human beings, all necessary measures be taken to combat forced prostitution and trafficking in human beings, and in particular, that:

11.1.1. all Council of Europe member states which have not yet done so sign and ratify the Council of Europe Convention on Action to Combat Trafficking in Human Beings as soon as possible and, in the meantime, apply its provisions, in particular those on victim protection, including to victims of trafficking in human beings who have been forced into prostitution;

11.1.2. the European Community become a party to the convention without further delay;

11.1.3. all necessary means be made available for the convention’s monitoring mechanism (GRETA) to be able to work independently, efficiently and comprehensively once the convention enters into force;

11.2. concerning child prostitution, all Council of Europe member states prohibit child prostitution (under the age of 18), since it cannot be considered voluntary (whether a minor has given consent or not is irrelevant):

11.2.1. the approach taken when dealing with prostitution of minors should mirror the Council of Europe’s approach on trafficking in human beings, that is, that minors should be considered as victims and protected as such – they should not be prosecuted;

11.2.2. there should be an active policy to systematically prosecute the clients of minors;

11.3. concerning voluntary adult prostitution, Council of Europe member states should formulate an explicit policy on prostitution; they must avoid double standards and policies which force prostitutes underground or under the influence of pimps, which only make prostitutes more vulnerable; instead they should seek to empower them, in particular by:

11.3.1. refraining from criminalising and penalising prostitutes and developing programmes to assist prostitutes to leave the profession should they wish to do so;

11.3.2. addressing the personal vulnerabilities of prostitutes, such as mental health problems, low self-esteem and childhood neglect or abuse, as well as drug abuse;

11.3.3. addressing structural problems (poverty, political instability/war, gender inequality, differential opportunity, lack of education and training), including in prostitutes’ countries of origin, as the case may be, to prevent people being “forced” into prostitution by circumstances;

11.3.4. ensuring prostitutes have access to safe sexual practices and enough independence to impose these on their clients;

- 11.3.5. respecting the right of prostitutes who freely choose to work as prostitutes to have a say in any policies at national, regional and local level concerning them;
- 11.3.6. ending the abuse of power by the police and other public authorities towards prostitutes by developing special training programmes for them.