



**Submission from CAP International to the consultation on *Statutes Amendment (Repeal of Sex Work Offences) Bill 2020***  
4 May 2021

CAP International is a coalition of 35 grassroots organisations from 27 countries that provide direct support and assistance to 16 000 victims of prostitution and trafficking for the purpose of sexual exploitation. Our members work with or have been founded by survivors of prostitution.

We wish to express our concerns regarding the Bill 2020 seeking to repeal the Sex Work Offences. Indeed, the lesson we draw from our field experience working with prostituted persons and victims of trafficking in 5 continents is first and foremost that prostitution & trafficking are a violence and highly gendered crimes. Most prostituted women and girls have experience violence before prostitution and during it.

Furthermore, women and girls from the most discriminated communities are the prime targets of the prostitution system: those from Indigenous communities such as Maori women in New Zealand or First Nations in Canada, from the lowest castes such as Dalits in India, from ethnic/racial minorities such as Roma in Europe, or migrant, asylum-seeking, displaced women and girls. They are all at the intersection of various patterns of domination whether patriarchy, racism, colonisation and imperialism.

With this regard, while we stand for the full and unconditional decriminalisation of prostituted persons and victims of THBSE, we believe that decriminalising all aspects of the sex trade is detrimental to the rights of prostituted persons and victims of THBSE. Indeed, **such policies fail to apprehend the historical and social patterns of sexual, racial and class oppression leading to the disproportionate impact of the prostitution system on the most marginalised.** In addition to preventing victims from accessing protection and guarantees of dignified living conditions, these laws enable on the other hand the decriminalisation of harm perpetrators: sex buyers, pimps and exploiters.

The examples of Germany & the Netherlands provide some examples of the failure of these policies:

#### **The situation of persons in prostitution has worsened**

The Netherlands has opted for the full decriminalisation model in 2000. Seven years later, a study from the Ministry of Justice<sup>1</sup> unveiled that **“there has been no significant improvement of the situation of persons in prostitution”**. It further issued that **“the prostitutes’ emotional well-being is now lower than in 2001 on all measured aspects”** and that **“the use of sedatives has increased”**. It further issued that options for leaving the industry were in high demand, while only 6% of municipalities offered assistance.

In Germany, which has fully decriminalised prostitution in 2002, a police investigation mentions that **prostituted persons were at the mercy of the brothel owners under this law.** According to Helmut Sporer a former Chief Police Inspector in Augsburg, they **“had to be at the disposal of sex buyers for 13 hours running, they weren’t allowed to leave the brothel earlier, they had to walk around stark naked, they weren’t even allowed to decide on the prices for their services. Prices were unified and set. Some**

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<sup>1</sup> Daalder, A. L. (2007) Prostitution in The Netherlands since the lifting of the brothel ban, The Hague: WODC / Boom Juridische Uitgevers.

*had to offer unprotected sex. And they all had to pay fees to the brothel for the infringement of any of these rules.”*

### 50 to 90% of the women in licensed prostitution are there involuntarily

In both Germany and the Netherlands studies from the national police show that **50 to 90% of the women in licensed prostitution “work involuntarily”**.<sup>2</sup> In the city of Amsterdam, according to the national police, it is estimated that on the 8 000 women in window prostitution, at least 4 000 of them would be exploited and abused every year.<sup>3</sup>

In Germany, according to Helmut Sporer, 90% of the women in street and indoor prostitution in the city of Augsburg would be of foreign origin.<sup>4</sup>

### Organised crime kept the control over the legal sector of the sex industry

A report made jointly by the City of Amsterdam and the Ministry of Justice<sup>5</sup> shows that a great part of the legal sector of the sex industry doesn’t escape exploitation and trafficking in human beings. Half of the permit-required businesses of prostitution and coffee shops (marijuana) have one or more managers with a criminal record.

In Germany, now known as “Europe’s biggest brothel,” due to the high influx of “sex tourists”, the **demand for prostitution has blown up making the country an attractive ground for trafficking rings and exploiters**. EU trafficking expert Manfred Paulus, states that the country is “*offender-friendly. Because we have prepared the ground for perpetrators with the 2002 law. With the freedoms they enjoy in this country, we have practically lured them to Germany. It has got around everywhere how easy it is to operate a business with sold women in Germany.*”<sup>6</sup>

In every country where prostitution has been fully decriminalised and legalised: Germany, the Netherlands and New Zealand, **trafficking for the purpose of sexual exploitation has increased**. In New Zealand for instance, the country has become a trafficking destination for women from China, Hong Kong, Taiwan, South Korea, Thailand and Vietnam and become a source country for child sex trafficking of mostly Indigenous, Maori and Pacific Islander girls.<sup>7</sup>

Thus, we strongly believe that such a policy allowing pimps, sex-buyers and exploiters to operate in total impunity is **inefficient and damaging for the rights of the most vulnerable women and girls**. We urge the Committee to focus on granting protection, rights, and justice to survivors of prostitution and trafficking through their decriminalisation, comprehensive services including exit programmes and through holding pimps and sex buyers, exploiting their vulnerabilities accountable.

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<sup>2</sup> Mouvement du Nid, European Women’s Lobby (2012) Briefing : Assessment of ten years of Swedish and Dutch policies on prostitution

<sup>3</sup> KLPD (Korps Landelijke Politiediensten) – Dienst Nationale Recherche (2008), Schone schijn, de signalering van mensenhandel in de vergunde prostitutiesector, Driebergen

<sup>4</sup> Helmut Sporer, Detective Chief Superintendent of the Crimes Squad, Augsburg in Brussels at the European Women’s Lobby Seminar on the “Reality of Prostitution” in 2013

<sup>5</sup> Gemeente Amsterdam, Ministerie van Veiligheid en Justitie; Projectgroep Emergo (2011), Emergo – De gezamenlijke aanpak van de zware (georganiseerde) misdaad in het hart van Amsterdam, Achtergronden, ontwikkelingen, perspectieven, Amsterdam: Boom Juridische Uitgevers.

<sup>6</sup> Ressources prostitution’s website: « Prostitution and human trafficking cannot be separated”, Interview with Manfred Paulus

<sup>77</sup> US Department on Trafficking, Trafficking in Persons Report 2016

