



Migrant women's rights organisations in Italy call for the protection of trafficking victims

Following the proposal by the European Commission, the European Parliament has recently concluded its revision of the [Directive 2011/36/EU on preventing and combatting trafficking in human beings and protecting its victims](#).

As a group of migrant-women led organisations and organisations working towards the full achievement of migrant women's rights in Italy and Europe, we consider the Anti-Trafficking Directive as one of the key instruments in protecting women and girls against trafficking, a **very specific type of male violence against migrant and refugee women in the European Union**. Migrant and refugee women and girls face a very high and disproportionate risk of becoming victims of human trafficking, particularly **trafficking for the purposes of prostitution and other forms of sexual exploitation**. Migrant and refugee women are also vulnerable to being trafficked for the purposes of forced marriage, labour exploitation in marriage, reproductive exploitation in surrogacy and egg harvesting, trafficking for exploitation in domestic work and other forms of trafficking¹. Prostitution, trafficking for prostitution and other forms of sexual exploitation are intrinsically linked in all contexts and all constitute a violation of women and girls' rights. Statistically, trafficking in human beings for purposes of sexual exploitation remains, by far, the most prevalent form of trafficking in the European Union, with **51% of victims being trafficked for sexual exploitation**². Out of 51% of these victims, **87% are women and girls**.

Prostitution and sex trafficking, being two of the most egregious women and girls' rights violations, cannot be analysed separately. They must be analysed together as consequential: **sex trafficking exists because the purchase of sexual acts, including prostitution exists and is still allowed in many European jurisdictions**.

Alongside the crucial need to provide women-specific psycho-social, legal and economic support and assistance to migrant and refugee women victims of sex trafficking³, **targeting the demand**

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https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13106-Fighting-human-trafficking-review-of-EU-rules/E2671019_en

² https://www.europarl.europa.eu/doceo/document/TA-9-2023-0328_EN.html

³ https://www.migrantwomennetwork.org/wp-content/uploads/Mind-the-Gap-Report_Italy_EN.pdf



and hence the means (trafficking) that foster prostitution and sex trafficking remains the only solution to adequately support and protect victims from a systemic point of view. From a women’s human rights perspective **we support the European Parliament’s step in criminalising all “users” of sex trafficking victims**, since prostitution is one of the root causes of women and girls being trafficked.

Thus, it is with deep regret that we read that ASGI and EcST, the Association for Legal Studies on Migration and the Expert Group against Exploitation and Trafficking respectively, two leading entities in terms of migration in Italy, [condemn and oppose the provision concerning the criminalisation of the buyers of prostitution and other sexual acts](#). **Migrant and refugee women and girls are the primary target of human trafficking for the purpose of sexual exploitation.** The criminalisation of buyers of sexual acts ensures that trafficked women and girls are dully protected, since it analyses the problem at the source: the demand for prostitution and sexual exploitation. **Advocating for victims’ protection while protecting the perpetrators of the exploitation and rights violation of women and girls is contradictory and counterproductive.** They cannot go hand in hand. Our coalition is very sorry to see ASGI and EcST align with pro-prostitution organisations such as the European Sex Workers’ Rights Alliance (ESWA). **The incongruity of protecting pimps and buyers of women and girls in the sex trade, while purporting to protect the women and girls being exploited by them, is self-evident and should have been fully analysed.**

We support the introduction of the Equality Model based on the Nordic Model and we call for it to be harmonised within European Union legislation. In her most recent statement on the French Law on *Strengthening the Fight Against the Prostitution System and Providing Support for Prostituted Persons*, Special Rapporteur on Violence against Women and Girls **Reem Alsalem** warns that **the potential repeal of the criminalisation of the purchase of sexual acts would “further expose the most discriminated women and girls (...) to the control, violence and inhuman and degrading treatment of trafficking networks and sex buyers”⁴.**

In its **resolution of 14 September 2023 on the regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women’s rights** the European Parliament states that, in those EU Member States where prostitution is legal, *“trafficking in*

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<https://www.ohchr.org/sites/default/files/documents/issues/women/sr/activities/2023-10-27-sr-vawg-commentary-france-law-prostitution.pdf>



*human beings and violence perpetrated against its victims (...) increases tenfold, as perpetrators can hide behind legal structures”⁵. Additionally, the resolution acknowledges that demand for prostitution **cannot be met without women and girls that are victims of trafficking**⁶.*

With this in mind, the revision of the Directive gave us hope as organisations of civil society providing services and support to migrant women and girls, that the European Union will finally take the opportunity to do the right thing for women and girls. **Recognising the key role played by ‘sex buyers’ as perpetrators of violence against women and girls is a step in the right direction. No civilised society should tolerate the sale of half of its citizenry. This entails seeing women and girls as full citizens and human beings and acknowledge the violence they face as human rights violations, not ‘stigma’.** As per the European Parliament’s resolution of 2023, demand reduction is a key instrument for both the prevention and reduction of human trafficking, as it tackles financial incentives⁷.

As acknowledged by the decision rendered by the Italian Constitutional Court in March 2019, the choice to ‘sell sex’ is rooted in the vast majority of cases, in factors which condition and limit the freedom of self-determination; **therefore prostitution, even when voluntary, is deemed by the Court as an activity that degrades and demeans the individual, as it reduces the human body to a commodity available for use**⁸. The Court additionally determined that the person who sells sexual services in exchange for money is potentially victim and that **the State must refrain from becoming a participant in the sex industry by criminalising any third-party that promotes, facilitates and exploits the prostitution of others**⁹.

⁵ https://www.europarl.europa.eu/doceo/document/TA-9-2023-0328_EN.html

⁶ https://www.europarl.europa.eu/doceo/document/TA-9-2023-0328_EN.html

⁷ https://www.europarl.europa.eu/doceo/document/TA-9-2023-0328_EN.html

⁸ <https://www.associazioneiroko.org/wp-content/uploads/2023/07/Summary-of-LM-constitutional-court-decision.pdf>

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<https://www.giurisprudenzapenale.com/2019/06/08/depositata-la-sentenza-della-corte-costituzionale-sulla-rilevanza-penale-del-reclutamento-del-favoreggiamento-della-prostituzione-volontariamente-consapevolmente-esercitata/>