

Madrid, May 11, 2023

Honourable Member of Congress,

We are writing to you with the utmost consideration to express our deep concern about **the situation of women in prostitution** in our country. This reality is a crime in plain sight that demands a national legislative response to decisively confront the impunity with which pimping operates in Spain.

As the available data and the survivors' testimonies demonstrate, prostitution is an extreme form of violence that destroys lives and disproportionately affects women and girls who are vulnerable due to poverty, exclusion or psychological damage. It is therefore male violence against women that violates the principle of equality.

Hereby, we would like to present, for your evaluation, **20 solid arguments in favour of the abolition of prostitution and in support of the Organic Bill by which 10/1995 Organic Law, of November 23rd, of the Penal Code, is modified to ban pimping in all its forms**, in the expectation that the Bill can be passed in this parliamentary term. (122/000224). As you know, this Bill was presented by the Socialist Parliamentary Group on the 24th of May of 2022, and is currently being processed in the Justice Committee of the Congress of Deputies ⁽¹⁾. The key points are supported by empirical data from health sciences and social research, as well as by legal grounds.

- 1 | Abolitionism is human rights policy.** Abolition of prostitution means a social consensus that recognises the harm and violence intrinsic to prostitution, both for those directly affected and for society at large. **The foundation of abolitionism is the principle of dignity stated in the Universal Declaration of Human Rights.** ⁽²⁾. All forms of prostitution are sexual exploitation —use for personal gain— and instrumentalization —contrary to the dignity— of another human being. No individual consent can override the fundamental principle of human dignity.
- 2 | Prostitution is contrary to the dignity of the person protected by the Spanish Constitution.** ⁽³⁾. Among the requirements of a social and democratic state governed by the rule of law, in addition to abolishing prostitution, the material conditions for its eradication must be created. ⁽⁴⁾.
- 3 | Abolitionism is the model of equality.** The brutal reality of the prostitution system, in which most of the victims are women and girls and the perpetrators are men, prevents and distances the materialisation of **the right to non-discrimination on grounds of sex, established in the Spanish Constitution.** ⁽⁵⁾. The social acceptance of male demand for prostitution makes full equality between women and men impossible by legitimising the cancellation of the sexual freedom and physical integrity of a contingent of women. Social research shows clear differences between men who resort to prostitution with their sexist attitudes towards all women and those who do not. More than a third of sex buyers think that paying means the woman “has to do what he says”. ⁽⁶⁾.
- 4 | Prostitution violates the framework of labour law.** An activity that is contrary to dignity cannot be considered work, nor can it be regulated as a wage. ⁽⁷⁾. **The International Labour Organisation (ILO) Convention No. 190 on violence and harassment**, ratified by Spain, makes it incompatible for prostitution to exist in the same legal framework as sexual harassment. This standard recognises the right of everyone to a world of work

free from violence and harassment, including violence and harassment on the basis of sex. It includes behaviour that causes, or is likely to cause, physical, psychological, sexual or economic harm. ⁽⁸⁾. The state that regulates prostitution legalises sexual harassment and dynamites all labour rights. ⁽⁹⁾.

5 | The Bill Against Pimping (122/000224) does not penalise the victims: on the contrary, it protects them. The Law specifies that “in no case shall a person who is in a situation of prostitution be penalised”. The Law aims to prohibit pimping in all its forms, as the current wording of the Penal Code has led to the practical impunity of profiting from the prostitution of others. It also punishes a specific form of pimping, that of “third party renting”. The initiative also includes punishment for sex buyers, whose behaviour is what sustains the existence of prostitution. **The Bill gives prostituted people a range of rights and protections.** In this manner, they extend to them the provisions of Law 4/2015, of the 27th of April, on the Statute of the Victims of Crime. ⁽¹⁰⁾; and comprehensive assistance provided for in sexual freedom legislation: mainly, the Organic Law 10/2022, of the 6th of September, of comprehensive guarantee of sexual freedom ⁽¹¹⁾. Therefore, with the approval of the Bill, the Spanish legal system will make progress in **the reparation and effective protection of women against all forms of sexual violence, as required by international commitments.**

6 | Spain has ratified international law instruments for abolitionism. In the framework of human rights, in addition to the aforementioned principle of human dignity, abolitionism invokes Articles 4 and 5 of the Universal Declaration of Human Rights. **Universal Declaration of Human Rights, for the eradication of servitude and degrading treatment** ⁽¹²⁾.

The UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others considers prostitution and its attendant evil, trafficking in persons for the purpose of prostitution, to be incompatible with human dignity. Article 1 states that the Parties undertake to punish any person who arranges or exploits the prostitution of another person, even with that person’s consent. Article 2 punishes the keeping of premises for prostitution ⁽¹³⁾.

The Committee on the Elimination of Discrimination against Women (CEDAW), provides in Article 6 that “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”. ⁽¹⁴⁾.

CEDAW’s General Recommendation No. 38, on Article 6, recommends “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”. ⁽¹⁵⁾.

Sustainable Development Goal 5 of the United Nations 2030 Agenda for Sustainable Development, for gender equality, target 5.2 aims to eliminate all forms of violence against all women and girls in the public and private spheres, “**including trafficking and sexual and other types of exploitation**” ⁽¹⁶⁾.

7 | The Bill is in line with the European Parliament Resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality ⁽¹⁷⁾. The European Parliament recognises that “prostitution, forced prostitution and sexual exploitation are highly gendered issues and constitute violations of human dignity contrary to human rights principles”. The Resolution considers that **one way to combat sex trafficking and improve gender equality is the model applied in Sweden, Iceland, and Norway** (the so-called Nordic or abolitionist model), where the crime is the purchase of sexual services, not the services of the persons being prostituted.

8 | There is a strategy of the promoters of the legalisation of prostitution and pimping against the Proposed Organic Law (122/000224). An example of this is the activity of the platform Afectados Stop Abolición [Affected People Stop Abolition], created to combat it. ⁽¹⁸⁾. **This platform is favourable to the interests of the pimp lobby.** Stop Abolition receives international support, as stated on its website ⁽¹⁹⁾. The journalist Alfredo Urdaci, former director of Informativos TVE, through his agency Ludiana ⁽²⁰⁾, heads the communication actions of the platform to prevent the abolition of prostitution in Spain. According to the information published, they include **meetings with high-ranking officials of political parties** or the Bishops' Conference ⁽²¹⁾.

9 | Large organisations that support the propaganda platform of the prostitution system receive large sums from the richest foundations on the planet that promote regulationism.

One of the major international organisations supporting this platform, Human Rights Watch (HRW), has addressed a **letter to the Congress of Deputies of Spain with the same purpose of making it difficult to pass the abolitionist law.** ⁽²²⁾.

HRW raised 95,5 million USD in the fiscal year to 30th June of 2022 ⁽²³⁾. HRW received 100 million of USD from Open Society Foundations (OSF) in 2010 ⁽²⁴⁾. Among the partners of HRW are Oak Foundation and Ford Foundation. According to research ⁽²⁵⁾, **OSF and its beneficiaries have created a biased view of prostitution and advocate for its integration into the labour market.** Their conclusions are based on the view that prostitution is not inherently violence, with an “astonishing short-sightedness about the real facts of prostitution”. Open Society Foundations, Ford Foundation, Oak Foundation and The Rockefeller Foundation are among the richest philanthropic foundations on the globe ⁽²⁶⁾.

10 | Prostitution is not an individual act without context. When its systemic reality is observed, it is revealed as an institutionalised form of sexual violence. Prostitution involves a mechanism of interactions between several actors: victims, traffickers, pimps, demanders. **This global reality, according to the data collected by the European Parliament** ⁽²⁷⁾:

- It affects around 40-42 million people worldwide. In Europe, 96% of prostituted people are women and girls and almost all sex buyers are men.
- Prostitution operates as a criminal business and creates a market, in which sex buyers play a key role, as they maintain demand.
- There is a systemic interrelationship between sex trafficking and prostitution: prostitution fuels the trafficking of vulnerable women and girls, a high percentage of whom are between 13 and 25 years old. The percentage of victims from non-EU countries has increased in recent years.
- Organised crime, human trafficking, violent crime, and corruption flourish around prostitution.

11 | In Spain, the prostitution system has not been legally confronted, which has allowed it to flourish as a criminal industry. The decriminalisation in 1995 of third party accommodation led to the proliferation of an openly visible sexual exploitation industry in Spain. **Our country has become a major destination and transit point for trafficking for the purpose of sexual exploitation,** with the subsequent violation of the human rights of the victims:

- Studies on the demand for prostitution put the percentage of men in our country who have ever paid for sex at between 20-39%. According to the National Survey of Sexual Health (CIS, 2009), **32.1% of males over 16 years of age** ⁽²⁸⁾.

- Although there is no official data, the number of women in prostitution is estimated at 100,000-120,000 in Spain. A 2006 study of the Ministry of Labour put the number of women in prostitution in clubs, flats and on the streets at 113,400. ⁽²⁹⁾.

12 | Recent international research shows that legalising prostitution normalises sexual violence against women. Prostitution, pornography, and hostile masculinity feed off one another. **Men who report higher rates of demand for prostitution report significantly higher rates of sexual violence, including rape.** Sex buyers very rarely denounce pimps. Legalisation does not make prostitution safer, does not reduce violence against prostituted women, does not reduce sex trafficking and does not reduce organised crime's control over the "sex industry" ⁽³⁰⁾. Legalisation of prostitution is equivalent of capitulation of violence against women and endorses rape myths ⁽³¹⁾.

13 | Violence is part of prostitution and research confirms its multi-traumatic reality. Prostitution is a public health problem ⁽³²⁾.

Violence is part of prostitution. A study commissioned by a German Federal Ministry showed that 87% of women in prostitution are exposed to physical violence, 82% to emotional violence, 92% to sexual harassment, 59% to sexual violence. 73% had experienced physical violence and 43% had experienced sexual violence in childhood ⁽³³⁾. A Canadian commission found that **the mortality rate** of women in prostitution settings was forty times higher than that of the general population ⁽³⁴⁾.

Prostitution has devastating chronic and accumulative psychological consequences:

- A study in nine countries found that: 71% had been physically assaulted while in prostitution; 63% reported rape; 89% wanted to leave prostitution but had no alternative to earn a living or survive; 75% had been homeless at some point in their lives; and **68% met the diagnostic criteria for Post-Traumatic Stress Disorder (PTSD)**. The risk of developing post-traumatic stress disorder in prostitution is higher than in war. The violence and humiliation experienced in prostitution can only be endured through a mechanism of psychological dissociation ⁽³⁵⁾.

- **Pimps use pre-traumatisation for their own purposes.** Several reports found rape before the age of 16 to be a significant predictor of prostitution in women ⁽³⁶⁾. The prevalence of those in prostitution who have been sexually abused as children is estimated to be close to 85% ⁽³⁷⁾. Prostitution is a continuation of violence in the biography of these women.

In addition to mental health, the physical health of women in prostitution is severely damaged. Women age prematurely, which is a symptom of extreme and constant stress. According to specialists, women often suffer from: pain, gastritis, infections, diseases of the teeth, mouth and jaw, eczema of the skin, pain in the hip joints, irreversible weaknesses in the pelvic floor with difficulty in urinating. In addition, **women often use alcohol, drugs and medication to cope with the violence inflicted by sex buyers** ⁽³⁸⁾.

14 | The prostitution system feeds on the feminisation of poverty and racism. The psychosocial profile of girls and women recruited into the prostitution system involves vulnerability factors such as emotional, physical, and sexual violence in childhood; and risk factors: **poverty, uprooting, precarity, marginality or exclusion** ⁽³⁹⁾.

There are links between poverty, homelessness, and prostitution. In a large sample over five continents, a 75% prevalence of homelessness and prostitution has been documented. 90% of those in prostitution said they did so because they had no alternative means of economic survival or because they saw no means of escape ⁽⁴⁰⁾. Recent research also connects it to **resource extraction and climate change**, which cause food shortages in indigenous communities and

disasters, resulting in poverty and channelling women into the sex trade ⁽⁴¹⁾.

15 | Survivors of prostitution have a leading role as agents of social change. Global survivors' movement calls for abolition of prostitution in Spain ⁽⁴²⁾ ⁽⁴³⁾. In recent years, thanks to the contributions of survivors, abolitionism has strengthened its understanding of the reality of prostitution: they have been both victims and witnesses of this violence and are proving to be effective agents of social change.

- **Rosen Hicher, France:** “Prostitution is not a choice but something you fall into.”
- **Ally-Marie Diamond, New Zealand:** “The New Zealand model does not work”.
- **Claudia Quintero, Colombia:** “Do we want a country that protects women or one that destroys life’ projects?”.
- **Amelia Tiganus, born in Romania, living in Spain:** “To talk about women’s agency in prostitution is very perverse. Women in the Global South are left with no choice.”.
- **Vanessa Silva, born in Brasil, living in Spain:** “The pimps promised me that I was going to get out of poverty but then they gave me endless fines that trapped me in hell”.
- **Carol L., Spain:** “Spanish women are also recruited and prostituted. The prostitution system is universal”.
- **Kamila Ferreira, born in Brasil, living in Spain:** “Spain is the European Thailand, pimps brought me to this country as a minor with a false passport”.
- **Lydia Osifo, born in Nigeria, living in Spain:** “I support the law for abolition not only because I am a survivor, but also to be the voice of many African women”.
- **Karola de la Cuesta, Mexico:** “If the law had existed before, my story would have been very different”.
- **Alika Kinan, Argentina:** “We face an industry that devastates women’s and girls’ lives”.
- **Rachel Moran, Ireland:** “The last place where a woman has control over her own body is a brothel”.

More than 200 national and international organizations support the proposals of prostitution survivors for the approval of the abolitionist law in Spain ⁽⁴⁴⁾. On the 7th of October of 2022, associations and prostitution survivors’ associations submitted a document with their proposals on the Proposition of Law (122/000224) to all parliamentary groups. The signatories acknowledge the efforts of women parliamentarians promoting progress towards the abolition of prostitution in Spain by submitting their contributions.

16 | Regulationist models have failed. Regulationist models —including those that call themselves de-criminalising— treat prostitution as inevitable, ignoring the human rights of prostitutes, so they do not challenge the system itself. The research concludes that by legalising pimping, the pimp is no longer seen as a criminal, there is more demand, more brothels, more pimps, more demand for more violent sex, so **more crimes are committed** ⁽⁴⁵⁾.

When prostitution is “a job” women are more unprotected, because the legal system does not provide any aid. Comparative research in 150 countries concluded that a **liberalised prostitution law leads to an increase in human trafficking** ⁽⁴⁶⁾.

The German model is creating a hell on Earth ⁽⁴⁷⁾:

- **Most prostituted women in Germany have ended up unprotected** precisely because of the legalised regime: they are not registered, do not have insurance, do not speak the local language, do not know their rights ⁽⁴⁸⁾. Most of the “sex trade” in Germany today is underground. Women are at the mercy of their exploiters ⁽⁴⁹⁾. The Detective Chief Superintendent of the Crimes Squad, Helmut Sporer, claims that there are at least 100,000 victims of sex trafficking in the country, 500 to 1,000 times more than the police acknowledge ⁽⁵⁰⁾.

- The Detective Chief Superintendent says it is delusional to believe that a “legal sector” keeps human trafficking at bay. To prove it requires a thorough investigation backed up by the statement of a prostituted woman, which rarely happens due to violence, threats, intimidation. Therefore, authorities are often **forced to wait rather than act** despite the obvious reasons for concern ⁽⁵¹⁾. Police sources claim to **have little opportunity to prove sexual exploitation, pimping or prostitution under the legal regime** ⁽⁵²⁾.

- Europol (2016) has identified Germany as **a popular destination for human trafficking due to the high demand for paid sex** ⁽⁵³⁾.

- The legal situation of Germany has stimulated the demand for prostitution and the sex trafficking of women from poorer regions to satisfy that demand ⁽⁵⁴⁾.

- 102 prostituted women have been murdered in Germany in the last 20 years ⁽⁵⁵⁾.

In New Zealand, which introduced regulationist legislation that it describes as “decriminalisation” with the Prostitution Reform Act (PRA) in 2003, the legalisation of prostitution has only benefited pimps, mafias, and sex buyers:

- **The Parliament of New Zealand** referenced the 2008 Committee Report on the PRA, which acknowledged that the long-term impact of the Law should be much clearer, and found that: many “sex workers” remained vulnerable to exploitative conditions; there had been reports of “sex workers” being forced to accept “clients” against their will; the number of women in street prostitution had remained stable; the most common reason for entering the sex industry was economic; “sex workers” continued to experience exploitation and violence; unprotected sex was occurring ⁽⁵⁶⁾.

- **Survivors of prostitution in New Zealand** speak out against the PRA, including Sabrina Valisce, who initially supported the new law, after seeing its consequences. Plaintiffs normalised routine violence, brothel owners implemented the “all-inclusive” and trafficking became harder to track. Chelsea Geddes argues that decriminalised prostitution makes it easier to increasingly recruit girls. Ally-Marie Diamond points out that racism and discrimination are on the rise in prostitution under the New Zealand model ⁽⁵⁷⁾.

In the Netherlands, prostitution is legal since 2000, except on the street. The problems generated by the model are recurrent. The Mayor of Amsterdam, Femke Haselma, who is partly responsible for legalisation, acknowledges that “they are vulnerable and humiliated foreign women” and that “the situation in the Red-Light District is unsustainable”: it is one of the most problematic districts, due to drug trafficking and public disorder. ⁽⁵⁸⁾.

17 | **Abolitionism is not an experiment; it already exists and it’s successful: reduces the demand and the harm.**

In 1999, Sweden was the first country to implement the equality model, the Nordic model or abolitionist model. They called it “peace for women”. The law decriminalises the prostituted person and holds buyers, pimps, and brothels accountable. Statistics show that

demand has decreased thanks to the law ⁽⁵⁹⁾. Between 1999 and 2013, there was a 35% reduction in demand, from 12% to 7.8% ⁽⁶⁰⁾.

Abolitionism ultimately leads to societies that value equality between women and men. Social research in Sweden shows that laws and public policies influence social attitudes. Before the abolitionist law, 45% of women and 20% of men in Sweden were in favour of criminalising the purchase of sex. Nowadays, surveys show that 80% of women and 60% of men are in favour ⁽⁶¹⁾.

The abolitionist model is spreading and has also been implemented in Norway and Iceland (2009), Canada (2014), Northern Ireland (2015), France (2016), Ireland (2017), Israel (since 2020).

The experience of the Nordic model refutes the myth that it drives prostitution underground, as the Swedish police explains: if sex buyers find the women, so can the police ⁽⁶²⁾.

Abolitionism saves lives in France. The 2016 abolitionist law is a comprehensive law, the result of the fight of violence against women. Seven hundred survivors have been able to complete their path to integration, and thousands more are being accompanied by associations working with the French state. ⁽⁶³⁾.

18 | **Nowadays, prostitution is considered unacceptable by the majority of the Spanish population.** In the recent survey by the Centro de Investigaciones Sociológicas (CIS, January 2023), **the majority (64.2%) answered that it is unacceptable** (with or without criminal punishment) to pay a woman for sex. Only 28.1% consider it an “acceptable practice in some circumstances” ⁽⁶⁴⁾.

When people are asked about the freedom of prostituted women, almost seven out of ten (68.7%) **understand that, if they had a choice, women would not choose prostitution**, according to a survey by the Generalitat Valenciana (2021). Furthermore, eight out of ten (82.1%) **assume that victims of prostitution suffer abuse and lack control over the activity they do** ⁽⁶⁵⁾.

Research by the European Women’s Lobby (EWL) on four EU countries shows widespread recognition of the harm that the prostitution system causes to individuals and society, and that **there is little support for legalisation measures** ⁽⁶⁶⁾.

19 | **Abolitionism is opposed to the prohibition of prostitution, with which it doesn’t share either the analysis of causes nor the necessary approach.** Abolitionism never persecutes, criminalises, or punishes people in prostitution; on the contrary, it seeks to provide them with voluntary alternatives. Prohibitionism, typical of totalitarian or religious regimes or conceptions, has historically persecuted prostitutes and is profoundly rejected by feminists and other abolitionists. Abolitionism also opposes the legitimisation of prostitution as work and its regulation as such in the labour market.

The abolitionist model has several axes ⁽⁶⁷⁾:

- 1. Total depenalisation of those who prostitute themselves, the majority of whom are women and girls.
- 2. To provide effective and comprehensive services for the exiting of prostitution, through public policies.
- 3. To sanction the sex buyer.

- 4. To strengthen legislation regarding pimping and sex trafficking.
- 5. To address the factors that lead to prostitution, especially the fight against poverty and inequalities.
- 6. To raise awareness, sensitise and educate society.

20 | **Feminism is abolitionist.** Abolitionism is intrinsic to a feminist understanding of society. Abolitionism of prostitution is born out of feminist theory and the feminist movement, for whom prostitution is a form of male violence and a paradigmatic institution of women’s oppression ⁽⁶⁸⁾.

The abolitionist movement during the Second Republic succeeded in getting Spanish democracy to abolish prostitution on the 28th of June of 1935 ⁽⁶⁹⁾. It was Franco’s regime that returned to the regulated model, so our democracy still has this pending debt with women.

In Spain, feminists have been working for abolitionism since the beginning of the transition. Today it is one of the focal points of the bases of feminism, which has called for **abolitionist mobilisations with massive responses** ⁽⁷⁰⁾. Senior and young feminists analyse prostitution and pornography as the core of “rape culture”. Abolitionism radically proposes the idea that a society can put an end to prostitution if it chooses to do so. ⁽⁷¹⁾.

Signed:
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Asociación La Sur is a non-profit association.

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