

The Coalition Against Trafficking in Women (CATW) is a non- governmental organization (NGO) that promotes women’s human rights. We work internationally to combat sexual exploitation in all its forms, especially prostitution and trafficking in women and children. CATW was the first global network organized on a cross-country level to combat trafficking, prostitution, sex tourism, mail order bride industries and the international sex industry. Having regional networks in Asia, Africa, Australia, Europe, Latin America and North America, CATW is able to bring both international and national attention to all forms of sexual exploitation, including sex trafficking, prostitution, pornography, sex tourism, and marriage marketing.

CATW is pleased that the CEDAW and CRC Committees have undertaken this important task of addressing harmful practices affecting girls under eighteen years old. While the three traditional practices of female genital mutilation, early marriage and forced marriage practices occur in many regions, there are other practices that are pervasive or emerging globally, in every country of the world. In addition to being subjected to early and forced marriage, girls under eighteen years of age are increasingly becoming victims of commercial sexual exploitation in every region of the world. The use of girls in prostitution and pornography is a cultural practice that occurs globally. Further, the sexual objectification of girls and women is a cultural pattern and practice that perpetuates violence against them and promotes negative stereotypes against women and girls, preventing them from achieving gender equality.

Article 5(a) of CEDAW requires States parties to “...take all appropriate measures: to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and

women.” Article 24 of CRC requires that “States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.”

Commercial sexual exploitation, including prostitution, pornography, the Internet bride industry, and sex tourism, is one of the most devastating, and escalating practices of gender-based violence assaulting the human rights and dignity of women and girls. Exploitation in the sex industry is a customary practice based on stereotypical roles for men and women that has harmful effects on the individual women and girls in prostitution and on women and girls in general. This practice involves the role of men as buyers and sellers of women and girls and the role of women and girls as commodified objects whose purpose is to satisfy the sexual desires of men.

The harm to women and girls, both individually and collectively, is nothing short of devastating. The definition of harmful traditional practices, developed in 1995 in a UN Fact Sheet No 23 entitled “Harmful Traditional Practices Affecting the Health of Women and Children,” includes several characteristics. As well as damaging the health of women and girls, they are described as practices that “...reflect values and beliefs held by members of a community for periods often spanning generations,” are “...performed for male benefit,” are “...consequences of the value placed on women and the girl child by society,” and “...persist in an environment where women and the girl child have unequal access to education, wealth, health and employment.” As it meets all these criteria of the UN’s recognized definition, the commercial sex industry can therefore be considered a harmful cultural practice.¹

Trokosi, a practice in some West African communities whereby young girls are given to fetish shrines to serve as domestic and sexual slaves, is considered a harmful traditional and

¹ See Coalition Against Trafficking in Women Australia’s Shadow Report for the CEDAW Committee on Australia, available at <http://mc2.vicnet.net.au/home/catwaust/web/myfiles/shadowrep.htm>.

cultural practice. Similarly, girls are being systematically enslaved by pimps and sold to male buyers for sexual exploitation in communities around the world. It is of critical importance that the sexual exploitation of girls in prostitution be recognized as a harmful cultural practice.

Like other harmful practices that are widely condoned, there is a misguided belief that prostitution is beneficial to prostituted women. This misconception is further perpetuated by legalization of prostitution, which actually increases the demand for prostituted women and girls, thus fueling sex trafficking. Legalization or official tolerance of the commercial sex industry gives men moral and social permission to practice the prostitution of women and girls. Legalization policies fail to recognize either prostituted women's and girls' lack of power over their own bodies or the violence that is inherent in prostitution. The solution of "safer-sex" through condom usage for prostituted women and girls belies the intrinsic power dynamics in commercial sexual exploitation.² Instead, commercial sex should be recognized as a cultural practice that is maintained for the benefit of men and it reflects the belief that women and girls should be valued only as sexual objects to be utilized to satisfy the desires of men.

The sex industry has expanded its reach to make sex clubs into facilities for conducting business meetings, entertaining corporate clients or lobbying government officials. Women are not likely to participate in meetings at which the "entertainment" includes exploitation of other women, and those who do attend are not likely to be accorded appropriate respect by male colleagues who are simultaneously viewing women as objects or commodities. The sex industry has thus created a new culture of men-only bonding through the collective abuse of women.³

² See Melissa Farley, *Bad for the Body, Bad for the Heart: Prostitution Harms Women Even if Legalized or Decriminalized*, 10 *Violence Against Women* 1087-1125 (2004).

³ See Mary Sullivan & Sheila Jeffreys, *Legalising Prostitution is Not the Answer: The Example of Victoria, Australia* (2001).

This trend presents a formidable obstacle to women's equal participation in both the private and public sectors.

Pornography has become ubiquitous in advertising and all forms of media. With the development of new technologies, pornography has infiltrated and now saturates popular culture. The media increasingly sexualizes young women and girls, causing long-term detrimental effects to all women and girls in the societies it influences. The pervasiveness of and easy access to pornography, especially on the Internet, fuels harmful stereotypes that women and girls are sexual objects. Men and boys--as well as women and girls--not only become desensitized to the sexualized violence in pornography and other media, but come to view it as normal. Thus, the sexualized abuse and violence that is normalized in pornography is not only harmful to the women in it, but to all members of society, who learn to accept these degrading images. Use of pornography by men and boys shapes their beliefs about the role of women and girls in society and is therefore a harmful cultural practice. Pornography is also mistakenly viewed as harmless or even empowering to women and girls. However, its detrimental effects on the way women and girls view themselves and the way they are viewed by men and boys are well-documented.

Pervasiveness of the Problem

Commercial sexual exploitation of the child girl is a pervasive human rights abuse in all of the States Parties to CEDAW and CRC. While accurate numbers of girls in the commercial sex industry worldwide are difficult to ascertain, various estimates put this figure in the millions.⁴ There is universal and high demand for the girl child in the global sex industry. As a

⁴ See e.g., United States Department of State, "Trafficking in Persons Report: June 2004", available at <http://www.state.gov/g/tip/rls/tiprpt/2004/>, stating that "The commercial sexual exploitation of children affects millions of children each year, in countries on every continent," and also finding that "80 percent of the victims trafficked across international borders are female and 70 percent of those females are trafficked for sexual exploitation"; UNFPA, *Chapter 7: Gender Based Violence: A Price Too High* in State of the World Population 2005, finding "Some two million children, mostly girls, are believed to be sex slaves in the multibillion-dollar

result, the average age of entry into prostitution in the United States, for instance, is 13 years of age,⁵ while in the Mekong sub-region of Southeast Asia, 30 to 35 per cent of all prostituted persons are between 12 and 17 years of age, in Mexico there are more than 16,000 children engaged in prostitution, and in Lithuania, 20 to 50 percent of prostituted persons are believed to be minors, some as young as 11 years old.⁶

Under conditions such as gender inequality and female poverty, as well as racial and ethnic discrimination, armed conflicts and the presence of the military, the deepening global economic and financial crisis, and the increase of organized criminal networks, the girl child is increasingly vulnerable to the growing reach of the global sex industry. Moreover, these conditions, coupled with the social stigmatization of exploitation in the sex industry, often perpetuate a girl's exploitation into adulthood, when she is even less likely to be recognized as a victim and afforded human rights protections. Thus, the cultural acceptability of male privilege and men buying sex fuels the demand for commercial sexual exploitation of girls. The

commercial sex industry," available at <http://www.unfpa.org/swp/2005/english/ch7/index.html>; UNFPA, *Chapter 3: Ending Violence Against Women and Girls* in State of World Population 2000, indicating that "Two million girls between ages 5 and 15 are introduced into the commercial sex market each year" available at <http://www.unfpa.org/swp/2000/english/ch03.html>.

⁴ Silbert, M.H. and Pines, A.M., "Victimization of Street Prostitutes." *Victimology: An International Journal*, 1982, 7(1) 122 – 133; see also Estes, Richard J. and Weiner, Neil Alan, "The Commercial Sexual Exploitation of Children in the U.S., Canada and Mexico," University of Pennsylvania, 2002, at 112, finding that "Children and youth older than 12 years are prime targets for sexual exploitation by organized crime units." available at http://www.sp2.upenn.edu/restes/CSEC_Files/Complete_CSEC_020220.pdf,

⁴ UNICEF, *Child protection from violence, exploitation and abuse: Child Trafficking*, 23 Sept. 2010, available at http://www.unicef.org/protection/index_exploitation.html.

⁵ See Melissa Farley & Howard Barken, *Prostitution, Violence and Post-Traumatic Stress Disorder*, 27(3) *WOMEN AND HEALTH* 37 (1998); Melissa Farley, Isin Baral, Merab Kiremire and Ufuk Sezgin, *Prostitution in Five Countries: Violence and Post-Traumatic Stress Disorder*, 8(4) *FEMINISM AND PSYCHOLOGY* 405 (1998); Melissa Farley, *Prostitution Harms Women Even if Indoors*, 11 *VIOLENCE AGAINST WOMEN* 950 (2005).

⁶ American Psychological Association ("APA"), *Report of the APA Task Force on Sexualization of Girls, Executive Summary*, 2007, available at <http://www.apa.org/pi/women/programs/girls/report.aspx>. The full report is available at <http://www.apa.org/pi/women/programs/girls/report-full.pdf>.

⁶ Jeremy Laurance, "Pornography linked to huge rise in plastic surgery for women," *The Independent*, 24 August 2011, available at <http://www.independent.co.uk/life-style/health-and-families/health-news/pornography-linked-to-huge-rise-in-plastic-surgery-for-women-2342749.html>.

commercial sex industry benefits from such conditions of inequality, and then, in turn, maintains them and thwarts the achievement of equality for all women and girls.

Harms to Commercially Sexually Exploited Women and Girls

The harms experienced by women and girls who are subjected to sex trafficking are well documented and recognized as a violation of human rights. Both conventions specifically address sexual exploitation in separate articles as well. CEDAW's Article 6 requires that "States parties . . . take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." CRC's Article 34 states: "States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse."

The negative impact of sex trafficking on the health and human rights of girls around the world is enormous. Sexual violence is one of the leading factors of the spread of HIV/AIDS among girls. UNAIDS, UNFPA, and UNIFEM have identified gender inequality as the core cause of the rapid spread of HIV/AIDS among women and girls, citing their inability to exercise control over their bodies and their lives. Demand for prostitution and other forms of commercial sexual exploitation of girls increases with the buyers' belief that younger girls are less likely to be infected with HIV and other sexually transmitted diseases. Victims of prostitution often suffer severe health consequences including physical injuries from beatings, rapes, and unwanted sex; psychological trauma; HIV/AIDS and other sexually transmitted diseases; and alcohol and drug abuse induced by pimps or by victims' attempts to self-medicate. Women and girls suffering from these severe and often long-term health problems are hindered in attaining and advancing their human rights.

Many studies of violence against women reveal that the psychological effects of sexual abuse and exploitation may leave women in a constant state of fear and helplessness and instill in

them a feeling that their lives are worthless and meaningless.⁷ Although extremely harmful at any age, such violence is particularly insidious when experienced at a young age. According to the World Health Organization, women who have experienced physical or sexual abuse in childhood or adulthood suffer more physical and psychological health problems and are more likely to be exposed to further behaviors that endanger their health than women who have not been abused. The impact over time of multiple episodes of abuse appears to be cumulative, increasing the health consequences to the victim. Nowhere is this phenomenon more apparent than in the sex industry as has been widely documented in the testimony of women and girls who have survived prostitution.

Further, girls' education is disrupted when they are trafficked into prostitution or other sexually exploitative situations such as early marriages. Without access to school, girls fail to develop their potential, often perpetuating their sexual exploitation into adulthood. Without the knowledge and training available to other youth, prostituted girls grow up to be women with few opportunities to improve their lives. Moreover, while most governments recognize girls as victims of the sex trade, they often fail to see the harms they face when they continue to be exploited after they reach adulthood.

Harms to All Women and Girls in Society as a Result of these Cultural Norms

Women and girls are sexualized--valued only for their sexuality and sexual appeal and made into a sexual object for another's use--far more frequently than men and boys as a result of pervasive gender stereotyping and inequality. The sexualization of women and girls, which frequently objectifies them in advertising, entertainment and popular media, ultimately culminates in the purchase and sale of their bodies as sexual objects.

⁷ APA, *Report of the APA Task Force on Sexualization of Girls, Executive Summary*, *supra* note 8 (citations omitted).

The pervasiveness of the sexualization of girls has a far reaching impact beyond the victims of commercial sexual exploitation. Girls are negatively affected in their “cognitive functioning, physical and mental health, sexuality and attitudes and beliefs.”⁸ The detrimental impact to sexuality, for instance, includes self-objectification and diminished sexual health, such as decreased condom use. Another troubling indication of the increasing emphasis on women’s and girls’ physical appearance and physical objectification is the correlation of a rise in cosmetic surgeries in various countries throughout the world. The most blatant form of this trend is female genital cosmetic surgery, which “is being driven by pornographic images of women.” and raises concerns as to a new form of female genital mutilation in more affluent societies.⁹

Further, the impact of the sexualization of girls spreads throughout society, including men and boys. With the normalization of objectification, societies are experiencing “increased rates of sexual harassment and sexual violence; and an increased demand for child pornography.”¹⁰ Moreover, the more pervasive the sexualization and objectification of girls in society, the greater the risk that women and girls will not be treated as equals. The study on the sexualization of girls found that “[i]f girls and women are seen exclusively as sexual beings rather than as complicated people with many interests, talents, and identities, boys and men may have difficulty relating to them on any level other than the sexual.”¹¹

States Parties Obligations to Eliminate Sexual Exploitation and Objectification

⁸ American Psychological Association, *Report of the APA Task Force on Sexualization of Girls*, 2007, at 28, available at <http://www.apa.org/pi/women/programs/girls/report-full.pdf>.

In order to fulfill their obligations under CEDAW and CRC, States Parties must undertake measures to eliminate the harmful traditional and cultural practices of sexual exploitation and commodification of women and girls. States must create laws and policies with a view toward transforming systemic social and economic structures such as patriarchy and other harmful social systems that continuously disadvantage women. Governments must create programs to address structural and patriarchal factors that push women and girls into trafficking and commercial sexual exploitation such as poverty, systematic violence against women and girls, gender discrimination, and other forms of discrimination such as racism. States must implement educational curricula that promote gender equality in relationships through raising awareness of the harms of gender stereotypes, sexual exploitation and objectification of women and girls. They must provide adequate funding and support services for survivors of international and domestic trafficking and prostitution, including exit programs with financial assistance, education and job training, employment opportunities, housing, health services, legal advocacy, residency permits, and language training.

As many harmful cultural practices can only begin to be eliminated through criminal justice response, States must adopt and implement effective laws against trafficking, prostitution, and related forms of sexual exploitation, including provisions criminalizing the demand for trafficking and prostitution based on principles of gender equality. Governments must reject policies promoting prostitution, whether through legalization or decriminalization of the sex industry, as these policies only serve to perpetuate the cultural acceptance of these harmful practices. States must reject that use of the misleading term “sex work,” which minimizes the abuses and exploitation of prostitution and attempts to redefine it as an ordinary job, thus continuing to allow its cultural acceptability.

In interpreting the obligations of States Parties to CEDAW and CRC with respect to the elimination of harmful practices affecting girls, there are a number of applicable and established authorities. For instance, General Recommendation 19 on Violence Against Women, in which the CEDAW Committee discusses Article 5, is particularly relevant. Article 5 recognizes that customs and practices and stereotyped concepts of women's and men's roles have a negative impact on women's equality. Further, General Recommendation 19 explicitly mentions that "Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion" and that "[t]hese attitudes also contribute to the propagation of pornography and the depiction and other commercial exploitation of women as sexual objects, rather than as individuals. This in turn contributes to gender-based violence."

Sex trafficking, in all its forms, including prostitution and pornography, is a customary practice that accepts female objectification and exploitation and male demand as part of the equation. It is based on stereotypical gender roles that subordinate women and girls and reduce them to consumable sexual objects, while giving the male buyer control over his purchase. Indeed, the commercial sexual exploitation of women and girls is gender stereotyping in its most extreme form: men view women and girls as products to be bought and sold, the belief that women's role is to be sexually accessible and submissive to men is reinforced, and dominance and power are attributed to men.

Recharacterizing the exploitation of prostitution as "sex work" furthers this gendered stereotype of women's inferiority. Framing the female sexual service of men as a societal necessity and normal job for women perpetuates men's sexual and social dominance. It encourages the view that women's bodies exist for men's sexual use, and that without giving

men the sexual “outlet” of using women in prostitution, men would fall back on purportedly more dangerous acts in society, such as sexually harassing their female co-workers, abusing their wives, or raping “proper” women or girls. The notion that some women and girls can be sacrificed so that the safety of more fortunate women can be preserved is dangerously misguided and inconsistent with achieving full gender equality. Equality cannot be attained when communities support the use of a subclass of women and girls for the purposes of servicing the sexual desires of men. Normalization of prostitution and pornography maintains the stereotype that men are entitled to unfettered sexual access to women because of their supposedly insatiable sexual needs. Moreover, the acceptability of buying women for sex actually increases men’s willingness to engage in sexual harassment, rape, and sexually aggressive behavior toward their female partners.¹²

Prostitution is a harmful cultural practice. The fact that some women support it does not make it different from other harmful traditional practices like FGM and early or forced marriage, which some women also accept. The reason that CEDAW includes the obligation under Articles 2(f), 5, and 10(c) to combat harmful traditional practices and cultural attitudes is to address this very problem. Both women and men have to be educated to stop accepting these practices as inevitable, and measures must be taken to effectuate cultural change.

General Recommendation No. 14 on FGM can easily be applied to all forms of commercial sexual exploitation. It states that the Committee “... recognized that such traditional practices as female circumcision have serious health and other consequences for women and

¹² See [Megan A Schmidt](#), Attitudes toward prostitution and self-reported sexual violence in college men (2003); Jan Macleod, Melissa Farley, Lynn Anderson, & Jacqueline Golding, [Challenging Men's Demand for Prostitution in Scotland: A Research Report Based on Interviews with 110 Men Who Bought Women in Prostitution](#) (2008) available at <http://www.prostitutionresearch.com/pdfs/ChallengingDemandScotland.pdf>.

children,” and noted its “... grave concern that there are continuing cultural, traditional and economic pressures which help to perpetuate harmful practices, such as female circumcision.” Similarly, it has been recognized that prostituted women and children suffer serious health and other consequences and it is the continuing cultural, traditional and economic pressures that help to perpetuate this harmful practice.

General Recommendation No. 3 noted that “... although the reports have come from States with different levels of development, they present features in varying degrees showing the existence of stereotyped conceptions of women, owing to socio-cultural factors, that perpetuate discrimination based on sex and hinder the implementation of article 5 of the Convention.” It urged “... all States parties effectively to adopt education and public information programmes, which will help eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women.” Certainly, a public education campaign aimed at eliminating male demand for commercial sexual exploitation is necessary to eliminate the prejudices and practices that are hindering women’s achievement of social equality.

In addition to educational programs, however, a best practice for changing attitudes about the acceptability of cultural practices is through the criminal justice system. Examples such as the movements against domestic violence and FGM have taught us that both a criminal justice response that holds perpetrators accountable and a public education approach are necessary to begin to change societal views.

The more demand for commercial sex is ignored or normalized, the more men’s harmful beliefs about women and girls will be reinforced. The pervasive nature of such beliefs is inimical to the advancement of women. Demand must be addressed to protect the equality of all women and girls. As the studies of the male buyers have revealed, men’s sexual access to

women and girls in the sex industry has a significant detrimental impact on all women and girls since it makes sexual violence more acceptable and gender inequality is reinforced. Moreover, a new study has found that men who buy commercial sex are more likely to be involved in other criminal acts, such as domestic violence.¹³

Experts have placed increasing emphasis on addressing the demand for prostitution. The Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit, and the Special Rapporteur on trafficking in persons, Sigma Huda, both focused on demand in their 2006 annual reports. Petit noted that “Progress will hardly be achieved in the fight against commercial sexual exploitation of children if more attention is not paid to diminishing the demand among the (mostly) male customers who abuse them.” Moreover, in reference to the Palermo Protocol, Huda indicated that “States parties have an obligation...to discourage the use of prostituted persons generally.”

Therefore, CATW urges the CEDAW and CRC committees to make the sexual commodification and objectification of women and girls a part of its General Recommendation on Harmful Traditional and Cultural Practices and to remind States Parties of their obligation to take all necessary measures to combat these practices.

¹³ Farley, Schuckman, Golding, Houser, Jarrett, Qualliotine, & Decker (2011). Comparing sex buyers with men who do not buy sex: “You can have a good time with the servitude” vs. “you’re supporting a system of degradation.” San Francisco: Prostitution Research & Education.