

# EUROPEAN PARLIAMENT

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*Committee on Women's Rights and Equal Opportunities*

**PROVISIONAL  
2003/2107(INI)**

9 January 2004

## **DRAFT REPORT**

on the consequences of the sex industry in the European Union  
(2003/2107(INI))

Committee on Women's Rights and Equal Opportunities

Rapporteur: Marianne Eriksson

PR\_INI

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## PROCEDURAL PAGE

At the sitting of 3 July 2003 the President of Parliament announced that the Committee on Women's Rights and Equal Opportunities had been authorised to draw up an own-initiative report under Rule 163 on the consequences of the sex industry in the European Union.

The committee appointed Marianne Eriksson rapporteur at its meeting of 26 November 2003.

It considered the draft report at its meeting(s) of ... .

At the latter/last meeting it adopted the motion for a resolution by ... votes to ..., with ... abstention(s)/unanimously.

The following were present for the vote: ... (chairman/acting chair(wo)man), ... (vice-chair(wo)man), ... (vice-chair(wo)man), Marianne Eriksson (rapporteur), ..., ... (for ...), ... (for ... pursuant to Rule 153(2)), ... and ... .

The report was tabled on ... .

## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the consequences of the sex industry in the European Union (2003/2107(INI))

*The European Parliament,*

- having regard to the United Nations Conventions and Declarations, mainly Articles 5 and 6 of the 1979 CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women)<sup>1</sup>,
- having regard to Articles 4 and 5 of the 1948 Universal Declaration of Human Rights<sup>2</sup>,
- having regard to Articles 1 and 2 of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others<sup>3</sup>,
- having regard to Articles 34 and 35 of the 1989 Convention on the Rights of the Child<sup>4</sup>,
- having regard to the 2000 Palermo Protocol to prevent, suppress and punish trafficking in persons, especially women and children<sup>5</sup>,
- having regard to the D.3 strategic goal of the 1995 Platform for Action and the Beijing Declaration<sup>6</sup>,
- having regard to the Council of Europe Recommendations in this field, such as R No 11 of 2000<sup>7</sup>, on trafficking in human beings for the purpose of sexual exploitation, R No 5 of 2002<sup>8</sup> on the protection of women against violence as well as the Recommendation 1545 of 2002<sup>9</sup> on the campaign against trafficking in women,
- having regard to the IOM 2002 Brussels Declaration<sup>10</sup> on preventing and combating trafficking in human beings, specifically points 7 and 8 thereof,
- having regard to the 2000 OSCE Vienna Ministerial Decision No 1<sup>11</sup> enhancing the OSCE efforts to combat trafficking in human beings,
- having regard to the Charter of Fundamental Rights of the European Union<sup>12</sup> and

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<sup>1</sup> <http://www.un.org/Overview/rights.html>.

<sup>2</sup> <http://untreaty.un.org/English/TreatyEvent2001/index.htm>

<sup>3</sup> [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_eng.pdf)

<sup>4</sup> [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_eng.pdf)

<sup>5</sup> <http://www.wclac.org/un/un3.htm>

<sup>6</sup> <http://www.un.org/womenwatch/daw/beijing/platform/declar.htm>

<sup>7</sup> <http://cm.coe.int/ta/rec/2000/2000r11.htm>.

<sup>8</sup> [http://cm.coe.int/stat/E/Public/2002/adopted\\_texts/recommendations/2002r5.htm](http://cm.coe.int/stat/E/Public/2002/adopted_texts/recommendations/2002r5.htm).

<sup>9</sup> <http://assembly.coe.int/Documents/AdoptedText/TA02/EREC1545.htm>.

<sup>10</sup> [http://www.iom.int/en/PDF\\_Files/other/Balkan\\_strategy.pdf](http://www.iom.int/en/PDF_Files/other/Balkan_strategy.pdf).

<sup>11</sup> <http://www.stabilitypact.org/trafficking/default.asp>.

<sup>12</sup> OJ C 364, 18.12.2000, p. 1.

specifically Articles 5, 4, 21 and 23 thereof,

- having regard to the Council Framework Decision of 19 July 2002 on combating trafficking in human beings,<sup>1</sup>
  - having regard to the Council Resolution on initiatives to combat trafficking in human beings, in particular women<sup>2</sup>,
  - having regard to Rule 163 of its Rules of Procedure,
  - having regard to the report of the Committee of Women's Rights and Equal Opportunities (A5-0000/2004),
- A. whereas the sex industry can be defined as an undertaking which legally or illegally puts in the market sexual services and/or products and exploits the human body, mainly of women and children, for profit-making,
- B. aware that this constitutes, as stated in the CEDAW and other International Conventions, a flagrant violation of fundamental human rights,
- C. taking into account the vast extent of this growing industry, in particular due to the globalisation of the economy and the worldwide exchanges of information and services and the fact that it represents approximately 5 to 7 billion US dollars yearly, which is higher than the world military expenditure and implies the trafficking of 4 million people, mostly girls and women for sexual exploitation.
1. Deplores the fact that not all EU Member States have ratified and implemented the international conventions aiming at preventing all sexual exploitation of human beings and safeguarding human dignity and insists on the necessity for all relevant measures to be taken without further delay, both in Member States and at European Union level;
  2. Notes that the EU legislation in the audiovisual field<sup>3</sup> does not take into account the fact that operators use the gaps in national law to broadcast illegal and/or unsolicited programmes and asks the Commission to urgently to consider proposing a revision of the existing Directives and to protect the European citizens by taking steps to have the supply of such programmes based on active request only;
  3. Is deeply preoccupied by the growing extent of unsolicited advertising in electronic networks (spam), which has now become a means of propagating pornography and promoting prostitution and urges the Commission to propose legislation in this field on similar lines to that adopted in the US on pornography;
  4. In view of the active involvement of the sex industry in the European markets and the high turnover generated in some cases, it should be considered prohibited for entities profiting from the sale of human bodies, to be quoted on the stock exchange in any

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<sup>1</sup> OJ L 203, 1.8.2002, p. 1.

<sup>2</sup> OJ C 260, 29.10.2003, p. 4.

<sup>3</sup> OJ C 32, 5.2.2002, p.4

EU Member State. Calls on the Commission to ensure that this prohibition is enforced and actively implemented;

5. Is concerned that the EU budget is allocating funds to NGOs whose policies and sources of revenue are not clear and transparent; it is also frequently the case that members of various expert groups constituted to support the Commission are appointed without the Commission having a clear knowledge of their background and origin. It deems, therefore that the relevant information should be made known to both the Commission and the general public before any action is taken;
6. Underlines the importance for the expert group on trafficking<sup>1</sup> to focus mainly on Articles 7 and 8 of the 2002 IOM Brussels Declaration;
7. Believes that studies should be undertaken to examine the reasons behind the sexual behaviour of men, both at national and EU level and calls on the Member States and the Commission to proceed on this research and allocate the necessary funding from existing programmes such as the Daphne Programme or the STOP II Programme which aims at research on sex offences. The results of these studies can contribute to establishing an appropriate sexual education programme in all Member States;
8. Strongly condemns sexist advertising and asks the Member States to introduce ethical codes to avoid these phenomena and to penalise companies employing such means to promote their products and/or services;
9. Draws attention to the disastrous distorting effects of sex tourism in the countries where it is practised, and asks the Commission and Member States to provide active financial support to NGOs working in the field of combating the child sex industry and sex tourism;
10. Strongly opposes the promotion of pornography and prostitution in hotels and in the tourist industry in general, and urges all the EU institutions to join in an active campaign against these practices also by boycotting such establishments and refusing their patronage. Suggests that their services could establish a list of such hotels in all EU countries;
11. Notes the expansion of the electronic communications sector and the opportunities that this could offer to pornographic advertising and the promotion of prostitution; it is therefore necessary for measures to be taken to avert such use of future technology in the forthcoming revision of the EU legislation in this field;
12. Notes also the expansion of pornography and prostitution advertising as well as other illegal information on the Internet, and asks the Commission and the Member States to research and draw up a list of sites of this nature, with the aim of making organisations and persons operating on the Internet, as well as Internet companies and providers, responsible;
13. Requests that combating the degrading act of the buying and using of female bodies

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<sup>1</sup> [http://europa.eu.int/comm/justice\\_home/fsj/crime/trafficking/fsj\\_crime\\_human\\_trafficking\\_en.htm](http://europa.eu.int/comm/justice_home/fsj/crime/trafficking/fsj_crime_human_trafficking_en.htm)

by men should be the focus of an active and effective campaign, in the framework of existing EU programmes in this field, to be launched by the Commission and the Member States with the full support of the European Parliament as well as all other European institutions in their respective fields of competence;

14. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the UN and the Council of Europe.

## EXPLANATORY STATEMENT

In 600 BC, Solon enacted laws in Athens 'for the protection of state and family'. Free men were given full sexual freedom both before and during marriage while strict chastity was required of Athenian women, with absolute fidelity to their husbands during marriage. A special police force was set up to enforce compliance. Female slaves, prisoners-of-war, or bought women without families and women from other states were used for prostitution. They were divided into different classes, guarded by special overseers and their income taxed. Prostitution was regarded as a profession.

But, prostitution can never be reduced to a choice of profession. It is a question of men's power in society and control over women's sexuality. That power and control has shifted over thousands of years but has essentially never changed. It is against this backdrop that we can follow the current debate in the EU on the sex slave trade and an increasingly aggressive marketing of the female body in pornography and in advertising.

Measures of various kinds have been adopted and begun to be implemented to alert and protect women but forceful measures to combat demand have still hardly seen the light of day. The rapporteur is convinced that positive changes will not be achieved unless this happens and it is her intention with this report to illuminate an active part of the demand side - the sex industry. Another party responsible for the demand is the customer/consumer - men.

**Definition of the sex industry:** activities which legally or illegally market and/or sell sexual services/products in organised form and which make profits from sexual exploitation of people - children, women and men.<sup>1</sup>

This exploitation includes organised prostitution - for example escort services, call girls, operation of brothels, street prostitution, internet prostitution, massage parlours, strip clubs, telephone sex, marriage bureaus, sex tourism, pornography, and sex fairs.

Of the main players on the sex market, the focus is on the seller (a woman) while the buyer (a man) is usually completely anonymous. The sex market also contains profiteers,

- such as those who make available various interfaces where the immediate parties to the sex trade can meet and negotiate,
- make available premises where sexual intercourse can take place between parties,
- make available advertising space to the parties to the sex trade in newspapers, magazines and other printed matter,
- transport the parties to the sex trade,
- illegally sell alcohol and drugs to prostitutes, thereby helping to keep them in prostitution,
- otherwise arrange contacts between parties to the sex trade,
- manufacture, distribute, sell and advertise newspapers, magazines, books, and films in which ideas and images which may promote the sex trade directly abound, such as pimps, sex club owners, hotel and restaurant owners, newspaper publishers, contact club owners, transporters, slave traders, alcohol and drug dealers and the sex industry<sup>2</sup>.

To these may be added gateway owners, owners of sex sites, the pornography industry, escort

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<sup>1</sup> Main source: D Hughes, Rhode Island University.

<sup>2</sup> SA Månsson, Göteborgs universitet.

agencies, internet pimps, goods and service providers, and organisations with financial interests.<sup>1</sup>

**Globalisation** of the economy also means globalisation of the sex slave trade and the sex industry. It is estimated that the illegal sex industry turns over more money per year than the total of all military budgets in the world (\$ 5000 - 7000 billion). The UN estimates that some 4 million individuals, principally girls and women, are transported annually within and between countries for the purpose of sexual exploitation.

In recent years, several of the EU Member States have capitulated and, instead of fighting against such exploitation of human beings, have accepted the prevailing situation and, through legalisation and regulation of prostitution, have helped to make what was previously a criminal activity part of the legal economic sector. **The Member State then becomes part of the sex industry**, yet another profiteer on the market.

Many decision-makers believe that this would reduce the stigmatisation of exploited people, that by taking these measures prostitution and sexual exploitation would decrease, but all the indications are to the contrary. At the same time as some exploitation becomes legal and above board, the phenomenon increases and the illegal activities also increase in scope. The only thing achieved by legalisation and regulation is that, in society at large, acceptance of sexual exploitation has increased.

In 1996, it was noted that some 500 000 people were illegally brought into the EU Member States annually. The majority of these, close on 90%, are brought in for sexual exploitation. The EU is currently working on two framework laws against trafficking in human beings. One which has criminalised the entire chain of trade - with the exception of the client - and one which offers victims of crime the possibility of a temporary residence permit inasmuch as and for the period of time they agree to testify against their abductors.

In an additional protocol to the Convention on International Organised Crime, the UN has provided the opportunity for international cooperation through national legislation.<sup>2</sup>

**Pornography** derives from the Greek 'porno' and 'graphos', 'female prisoner' to 'write about' or 'description of'. In the present day, the term is often used as a description of 'a human being's erotic life' in words and images.<sup>3</sup>

The production of pornography is now a multibillion activity which exists worldwide and in many different forms. It is a well-known fact that this part of the industry has been one of the most powerful forces in the development of the Internet because of the porn-consumer's demands for discretion and security when paying for material. The most frequently used search words are related to sex and pornography.

Pornography is often sexist, with stereotyped gender roles and a conservative, not to mention completely erroneous view of women's and men's sexuality. Ethnic degradation is also common, sometimes the content is outright racist. Linking power and repression with

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<sup>1</sup> Peter Söderlind, RFSU, 2003

<sup>2</sup> [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_eng.pdf).

<sup>3</sup> C Heuman, Lund University, May 1999.

sexuality is an effective way of reminding us of who has the power.

70% of the £252 million that European Internet users spent on the net during 2001 went to various porn sites.<sup>1</sup>

**On the Internet** images and video clips can be found both free of charge and for payment. The porn companies produce everything from ordinary films and magazines to interactive DVDs and CD-Roms.

As a surfer on the Net it is possible to feel completely anonymous and pretend that you are someone else. This is why many users who are interested in paedophilia enter certain chatrooms for children and young people in order to get in touch personally at a subsequent time. This is where 'employment agencies' can also be found.

The Internet is also an excellent outlet for images, the distribution of which is banned in most countries. The accessibility of 'kinky sex' has rocketed. A sharp increase in violent pornography has been noted, such as:

- fist-fucking
- torture scenes (people who are tied up are whipped and tortured in various ways),
- rapes (often claimed to be authentic),
- child pornography (various forms of sexual assaults on children),
- necrophilia and bestiality (images of deceased persons in a sexual context),
- murder and dissection of bodies (placed in a sexual context),
- war-related accidents (presented on sex pages),
- animal pornography (images of sexual acts between humans and animals),
- excrement (images of defecation and urination in a sexual context),
- foetuses (images of damaged and dead foetuses presented in a sexual context)<sup>2</sup>

There are new sites which aim to 'mainstream' pornography, where porn is presented as something smart and amusing, for well-educated, trendy men.

The Municipality of Stockholm<sup>3</sup> and one of the EU's information offices' previous home pages<sup>4</sup> are two examples of domain names taken over by pornographic companies. Instead of finding the information sought, the user is taken into the world of pornography.

'Spam' with advertisements for prostitution and pornography inundate us via email, which - it has proved - entails a considerable loss of production for companies.

Companies active in the porn industry are now also attempting to capture market shares by selling their products via the mobile phone network. 3G is a new technology which makes it possible to send and receive images via mobile telephones. For many mobile telephony operators, however, the 3G networks and licences for them have become a costly business and the majority of European operators are therefore seeking to finance their activities by providing pornographic material by means of agreements with porn producers. One example is Vodaphone UK, the second largest mobile operator in the world, which is introducing

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<sup>1</sup> SA Månsson et al. 2001.

<sup>2</sup> RT Bjornbeck & tA Ejven, Norwegian Police Academy 97/98.

<sup>3</sup> www.stockholm.com.

<sup>4</sup> www.eicwallons.com

pornography from the end of 2003. Others are Hutchinson 3G (better known as 3) Virgin and One World Telecom. The porn producers are Private Media Group, Playboy, Mayfair, Escort, MenOnly, Club International and Mens World.

Corporate Analysts Visiongain estimates a turnover of \$4 billion per year by 2006. The porn distributors calculate that mobility will increase impulse buying.<sup>1</sup>

Private Media Group Inc (Swedish) and Beate Uhse AG (German) are two large porn companies which have established themselves on the Nasdaq and Frankfurt stock exchanges. A large shareholder in Beate Uhse is Consipio Holding, which is also a lender to Private Media. Consipio Holding is owned by Gerard Cok, according to Dutch media one of the richest businessmen in Holland with a background in property and previously a national porn producer.

The Daily Planet, a brothel located in Melbourne, is quoted on the Australian stock exchange and in 1991 received the Victorian Tourism Award.

A Norwegian survey from 2001 shows that between two to three hundred women in Norway are in the telephone sex industry. The person responsible for the porn industry's sales promotion fair, 'Sexhibition', is the head of operations. The telesex market in Norway has a turnover of approximately 200 million Norwegian kroner per year.

It is more the rule than the exception that hotels in the EU's Member States provide pay-TV channels which show pornographic films. Pay channels supplied to homes operate in a similar manner. The subscriber orders a 'family package' which includes porn. In order to protect children - as it is called - there is normally an option of coding the programmes.

TV companies exploit the different national laws which they play off against each other. They usually broadcast porn late in the evening and during the night.

In soft porn it is usually one person who poses in a sensual or erotic way; there are sexual codes and associations. That image is often found in **advertising** and has an accepted status. It embodies the sexualisation of consumption while harder pornography embodies the consumption of sexuality. The media's categorisation of the audience primarily as sexual beings has an increasingly significant bearing on the content and its target audience. Through erotic titillation, images of women sell newspapers as well as goods to other women.<sup>2</sup>

TV companies produce and broadcast programmes which deal superficially with pornography and glamourise prostitution, and are sometimes produced by pornography producers themselves. This obviously enhances the legitimacy of pornography in that it becomes 'entertainment'.

The most common age at which young people begin to explore their own sexuality and that of their immediate environment seems to be 12. It is difficult for young people and their parents to discuss sexual and relationship issues in a natural way and the same applies to sex education in schools, which therefore concentrates on the biological. Young people growing up are abandoned to commercial forces in the search for their sexuality. Just as advertising is

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<sup>1</sup> <http://media.guardian.co.uk/newmedia/story/0,7496,767438,00.html,031112>.

<sup>2</sup> Conference paper 'Sexual power in Scandinavia', Oslo 2003.

intended to influence the environment, so the sex industry's products influence both young people and adults.

The EU has various programmes in which NGOs and other players can apply for funds to promote or combat various phenomena in society. In an investigation into the HIV/AIDS programmes, it emerged that organisations taking part in these programmes and receiving considerable financial amounts often used the funds actively to campaign for the legalisation and regulation of prostitution in and outside the Member States.<sup>1</sup>

In conversations with Commission officials, it emerged that no checks are carried out on the organisations' background and policy by appointing groups of experts and similar. Neither is there any account of which organisations are represented, which is astounding. In view of the way in which organised crime operates, it is therefore possible that the Commission, the initiator of common legislation, is being advised by representatives of criminal organisations!

In Sweden in 1998, when the proportion of women in the legislative assembly had reached 43%, a legislative package entitled 'kvinnofrid' ('leave women alone') was adopted, which criminalises/or deals more severely with acts already classified as offences, such as

- assault on women
- rape
- sexual mutilation
- sexual harassment
- the purchase and attempt to purchase sexual services.

For the first time, this legislation puts prostituted women on the same footing as 'other women'. A tradition dating back thousands of years has - hopefully - been broken.

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<sup>1</sup> Wennberg report, 2002.