SPECIAL PROCEDURES
UNITED NATIONS
HUMAN RIGHTS COUNCIL

Special Rapporteur on violence against women and girls, Reem Alsalem*

Open letter regarding the Committee on the Elimination of Discrimination against Women (CEDAW) concluding observations on the seventh periodic report of the Kingdom of the Netherlands.

I wish to express my serious concern regarding the concluding observations made by the Committee on the Elimination of Discrimination against Women (CEDAW) on the seventh periodic report of the Kingdom of the Netherlands. This statement also addresses the unpublished letter that was sent to me by the CEDAW Chair regarding this subject on Friday the 20th of March 2026 (hereafter CEDAW Chair letter), and which the Committee had also shared with the President of the Human Rights Council and the Coordination Committee of the Special Procedures of the Human Rights Council.

I. The purpose of agreed language

The situation at hand is far more grave than the use of language adopted by a particular State Party. The international community cannot afford to remain indifferent to the use of language and terminology, which is not agreed on language and does not reflect its intended purpose or the objective of a treaty or an international standard. For more than 70 years we have had to create, negotiate and define international law language in the United Nations System in order to promote respect for human rights and fundamental freedoms. General Recommendations are intended to help clarify the scope of articles, definitions and provide guidance under emerging issues. It is the core of human rights treaties and human rights mechanisms, to uphold this legal framework and detect euphemisms, and terms that underplay State Parties obligations or are incompatible with United Nations conventions they have ratified.

Most of my reports on violence against women address this challenge directly, by questioning the terminology that patriarchy, industries and lobbies that normalize the exploitation and abuse of women and girls, to escape responsibility for human rights violations and crimes. I have listened to victims and survivors - mostly women and girls - and advocated against trafficking in persons for the purpose of prostitution, and other forms of sexual exploitation, such as pornography and surrogacy, among other topics, and included chapters on terminology from the very beginning, understanding that they are key to consistent analysis of law and practice. Additionally, I have complemented my analysis on evidence, rather than empty terminology, using scientific bibliography, and statistics in order to provide best practice and recommendations.

It is impossible for CEDAW, in its letter, to sustain the idea that the term “sex work” is “attentive to human rights, safety and dignity” of those engaged, yet simultaneously assert that “the Committee remains unequivocal in its condemnation of trafficking in

persons, sexual exploitation, and all forms of gender-based violence against women and girls". Providing "practical and context-sensitive guidance" is not the purpose of the concluding observations, if it does not question "the broader legal and policy debates surrounding prostitution or to different legal frameworks", and the way pimps and traffickers expect to hide behind euphemisms.

In adopting any language, a State Party includes in their report, while failing to analyze what is behind this use, the CEDAW Committee – in my view - undermines, contravenes and contradicts international law.

II. Sex work is not universally used by the Government of the Netherlands

The Concluding Observations do not specify that the terminology of "sex work" is language adopted by the State Party's national legislation; the CEDAW Committee has claimed as its own the language and the doctrine of decriminalization of the global sex trade.

While I welcome that the Committee deleted the phrase "minor sex workers" that it had in the first reiteration of its report, I remain concerned that the Committee still refers to sex trafficked girls with terminology such as "girls who wish to leave sex work" (Section 29(g)) of the Observations and that it suggests in its Section 28 (g) that minors including girls can be forced into prostitution, particularly "minors exploited for prostitution ". Such wording gives the impression that there are scenarios where children could be voluntarily prostituted and avoiding the international recognition that children cannot consent to sexual exploitation.

Furthermore, it is incorrect and irresponsible to assume that the terminology of "sex work" is universally used by the Government of the Netherlands when that is not the case. In fact, the law that legalised prostitution, lifted the general ban on brothels and the ban on pimping in the Netherlands, is called the 2000 Prostitution Act, not the "Sex Work Act." Government documents that address the system of prostitution in the Netherlands use the terminology of prostitution far more than that of "sex work".

Irrespective of a State Party's national legislation governing prostitution, the terminology of "sex work" is far from grounded in the CEDAW Convention. Quite the opposite. It is a term that was coined in the 1980s by the commercial sex industry and its promoters with the explicit goals of normalising, regulating, and decriminalising the entire system of prostitution. This is not an ideology that should be enshrined in the CEDAW Committee.

Historically, the CEDAW Committee has rarely, if ever, used the terminology of "sex work" as its own adopted phraseology. In fact, a civil society network that promotes prostitution as labour and the decriminalization of the sex trade, the Global Network of Sex Work Projects complained in a 2023 report that "the term 'sex work' is not used by CEDAW, as they use the language of the "exploitation of prostitution" and "trafficking" of women, contained in Article 6 of the CEDAW Convention."

General Recommendation No. 38 (2020) (GR38) on the Trafficking in Women and Girls in the Context of Migration recognizes the links between trafficking for purposes of

sexual exploitation and the exploitation of prostitution. GR38 reaffirms the call on Member States to take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women in accordance with Article 6 of CEDAW. GR38 also acknowledges that the exploitation of prostitution is unequivocally a phenomenon rooted in structural, sex-based discrimination, and constitutes gender-based violence.

In Section 29 of the Concluding Observations, the Committee recalls General Recommendation 38, yet undermines it by, *inter alia*, characterizing in Section 29(e) prostitution as labor through its recommendation that the Netherland "[r]everse repressive local policies, ensure access to safe and legal workplaces" and requesting that the Dutch Government lift the ban on "home-based sex work."

III. Betrayal of victims of trafficking in women and exploitation of prostitution of women

The CEDAW Committee's adoption of the belief system of prostitution as a viable form of labour for the most vulnerable and marginalized women and girls and calling for the expansion of the commercial 'sex industry' in the Netherlands is far from providing "practical and context-sensitive guidance," as the CEDAW Chair letter suggests. It is in direct violation of CEDAW, in particular of Articles 1, 5 and 6, and its General Recommendations Nos.19, 35 and 38.

In 2007, when the Kingdom of the Netherlands praised the benefits of legalizing brothels before the CEDAW Committee, the Committee formally expressed concern about the increasing number of female trafficking victims in the Netherlands, given that the vast majority of women in the Dutch sex trade were migrant women especially vulnerable to exploitation and violence.

In 2016, the CEDAW Committee encouraged the Kingdom of the Netherlands to appoint a neutral and independent body to conduct an impact assessment of the effects of the 2000 Prostitution Act, covering the risks of harm and health hazards related to prostitution. The CEDAW Committee again questioned the Netherlands about the links between sex trafficking and prostitution and what measures the Kingdom was taking to address its highest recorded number of trafficking cases since the enactment of its 2000 Prostitution Act.

It therefore remains alarming that today the CEDAW Committee is failing in its responsibilities to request the Kingdom of the Netherlands to examine the impact of its laws and policies on women in situations of prostitution as its mandate but instead urges the Dutch Government to eliminate all restrictions on brothel owners, commercial sex establishments, pimping, and prostitution in private homes.

I note that I had also drawn attention in my thematic report on prostitution and violence against women and girls (A/HRC/56/48) of 2024 to the way in which the Netherland's policy of legalizing all aspects of prostitution and policy that "sex work is work" contributes to the exploitation of marginalized women and girls and increases sexist social pressures on the most precarious women and girls to accept the provision of sexual acts as a livelihood alternative, regardless of the inherent violence of it. I also stressed the overall harmful

serious consequences of policy models for prostitution that regulate it, as is the case in the Netherlands (para. 29 of my report).

With appreciation for the reminder about mutual respect in engagement procedures within and across Treaty Bodies, I trust that, in accordance with the CEDAW Committee's Rules of Procedures, it will duly make concluding comments "with a view to assisting the State party in implementing its obligations under the Convention".

Based on the information herein, I wish to strongly recommend to the CEDAW Committee that it amends the portions of the Concluding Observations that clearly contravene international human rights principles and jeopardize the lives of women and girls globally.

24 March 2026

***

*** The Special Rapporteur on violence against women and girls, as a Special Procedures mandate of the United Nations Human Rights Council, serves in her individual capacity independent from any government or organization.**