



Committee on the Elimination of Discrimination against Women (CEDAW)  
Human Rights Council and Treaty Mechanisms Division  
Office of the United Nations High Commissioner for Human Rights (OHCHR)  
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To the Chair and Members of the Committee on the Elimination of Discrimination against Women,

**Re: Advance unedited concluding observations on the seventh periodic report of the Kingdom of the Netherlands**

We write on behalf of the Affiliation of Australian Women's Advocacy Alliances (AAWAA), a peak body for feminist organisations working to uphold sex-based protections and rights for women and girls in line with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Our work focusses on matters of governance, policy, and accountability in line with UN treaty bodies and special procedures on questions of sexual exploitation, prostitution, surrogacy, and institutional integrity.

We welcome the CEDAW Committee's continued attention to the situation of women and girls in the Netherlands and its Caribbean territories, and we recognise the significant work involved in reviewing State reports and issuing concluding observations. Our concern in this letter is not with the Committee's diligence, but with a serious change in conceptual framing reflected in the advance unedited version of the concluding observations on the seventh periodic report of the Kingdom of the Netherlands. This shift, in our view, risks undermining CEDAW's protective function and the obligations of States parties under the Convention and related treaties.

**Mandate drift and inconsistency with CEDAW and General Recommendation No. 38**

CEDAW and its General Recommendations recognise that prostitution and trafficking are rooted in sex inequality, male sexual entitlement, and structural discrimination, not in neutral labour relations. General Recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration [emphasises](#) the links between trafficking and the system of prostitution, and treats both as manifestations of male violence and economic exploitation rather than as legitimate forms of work.

In the advance unedited concluding observations on the Netherlands, however, the Committee adopts a markedly different conceptual frame. Under 'Trafficking in women and girls and exploitation of prostitution', the text repeatedly refers to 'sex work' and 'sex workers', and expressly criticises "repressive local policies" that have reduced licensed

workplaces and banned home-based prostitution, noting that such measures have pushed independent women into the illegal sector with reduced access to protection, health care, and social services. The Committee then recommends that the State party “reverse repressive local policies, ensure access to safe and legal workplaces, including home-based sex work, prevent abandonment to unsafe conditions, and amend the draft [Sex Work] Regulation Law in the Netherlands to ensure it does not criminalize sex workers or increases their vulnerability”.

We fully recognise the Committee’s concern with women’s safety; however, the framing adopted here treats the prostitution system in the Netherlands primarily as a labour market to be regulated and expanded, through the creation of “safe and legal workplaces, including home-based sex work”, rather than as a structure of sexual exploitation and discrimination that States parties have obligations to prevent and reduce. This is a significant normative shift: away from recognising prostitution as a manifestation of sex inequality and male violence, and towards endorsing, as a matter of ‘human-rights compliance’, the expansion of legal prostitution infrastructure, including in private homes, and the rolling back of restrictions that limit the visible footprint of the sex trade.

In our view, this shift sits uneasily with article 6 of CEDAW and with General Recommendation No. 38, which do not conceptualise prostitution as an ordinary form of work. It risks encouraging States parties to understand their obligations as optimising the conditions of a commercial sex industry, rather than as reducing male demand, preventing exploitation, and protecting women and girls from being driven into prostitution in the first place. It is also at odds with the approach of other UN mechanisms, including that of the current Special Rapporteur on violence against women and girls, who has described prostitution as a system of violence, exploitation, and abuse and has called for abolitionist legal frameworks that decriminalise women in prostitution, criminalise buyers and profiteers, and provide real exit pathways.

From a governance and accountability perspective, this raises two linked problems. First, it places States parties in tension with the protective purpose of CEDAW and General Recommendation No. 38, by endorsing policy directions that expand and normalise prostitution rather than limiting it as a form of sexual exploitation. Second, it risks generating inconsistent expectations across country reviews, where some States are urged to curb sexual exploitation while others are encouraged to expand “safe and legal” prostitution markets.

We respectfully urge the Committee to correct this drift, and to reaffirm in its future work that prostitution is incompatible with women’s substantive equality and with the elimination of discrimination against women and girls.

### **Language and framing of prostitution, including in relation to children**

Language choices by UN treaty bodies carry significant normative and practical weight. They signal how States parties should understand their obligations and how systems should conceptualise harm. In this regard, we are particularly concerned by the repeated use of the terms ‘sex work’ and ‘sex workers’ in the Netherlands observations, and by references to ‘minor sex workers’ in UN [communications](#) about the review, which have rightly drawn alarm

from survivor-led and abolitionist organisations and from the Special Rapporteur on violence against women and girls.

Neither CEDAW, the Palermo Protocol, the CRC (including its Optional Protocol), nor the 1949 Convention uses or defines the term ‘sex work’. Instead, they refer to “the exploitation of the prostitution of others” and “prostitution” in relation to adults, and to “the exploitative use of children in prostitution” and “sexual exploitation of children in prostitution” in relation to children. CRC and its Optional Protocols require States parties to protect children from all forms of sexual exploitation and explicitly treat persons under 18 involved in prostitution as sexually exploited children, not as workers. The Palermo Protocol defines trafficking in persons for the purpose of the “exploitation of the prostitution of others” and removes any notion of consent where children are concerned. The 1949 Convention requires States to punish those who exploit the prostitution of others and recognises that both trafficking and exploitation of prostitution are incompatible with the dignity and worth of the human person.

Describing prostituted girls as ‘minor sex workers’ is irreconcilable with this framework. It reframes sexual exploitation as labour and risks influencing national data collection, service design and legal responses in ways that treat children as participants in a market rather than as victims of sexual abuse and exploitation. Similarly, institutionalising ‘sex work’ as the Committee’s preferred terminology for prostitution implicitly recasts a system of male sexual exploitation as a form of labour. This framing is inconsistent with the spirit of CEDAW, General Recommendation No. 38, and the protective logic of Palermo, CRC and the 1949 Convention.

We appreciate that the Committee may have intended to reflect the language used by some civil-society actors and by parts of the Dutch legal framework. However, as the authoritative body responsible for interpreting CEDAW, the Committee sets normative baselines for States parties. In our view, these baselines should be anchored in treaty language and in a clear recognition that prostitution is a form of sexual exploitation rooted in sex inequality and male demand; that women in prostitution should not be criminalised or stigmatised, but that this does not require conceptualising prostitution as ‘work’; and that children in prostitution are sexually exploited children and, in trafficking contexts, child trafficking victims – never ‘minor sex workers’.

From an accountability perspective, the Committee’s language choices should strengthen, rather than weaken, the ability of States to meet their obligations to prevent exploitation and protect women and girls.

### **Realigning the Committee’s approach with CEDAW and related instruments**

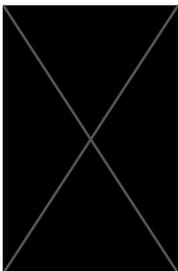
Our aim here is to encourage the Committee in discharging its mandate in a way that is coherent with CEDAW, with its own General Recommendations, and with States’ obligations under related treaties.

In relation to prostitution and trafficking in the Netherlands and elsewhere, we respectfully invite the Committee to:

1. Reaffirm explicitly, in future General Recommendations and concluding observations, that prostitution is a form of sexual exploitation and a manifestation of discrimination against women and girls, in line with General Recommendation No. 38 and with the work of the Special Rapporteur on violence against women and girls.
2. Avoid adopt 'sex work' and 'sex workers' as default terminology, and instead use treaty-grounded language such as 'prostitution', 'women in prostitution', and 'sexual exploitation', while making clear that persons in prostitution should not be criminalised for their own exploitation.
3. State clearly that persons under 18 in prostitution are sexually exploited children and, where relevant, victims of trafficking, and refrain from any terminology that implies a child can be a 'worker' in the prostitution system.
4. Align recommendations to States parties with an abolitionist, end-demand approach that decriminalises women in prostitution, criminalises purchase and third-party profiteering, provides statutory, long-term exit supports (including housing, income, health care and legal assistance), and decouples protection and residence permits from requirements to cooperate with prosecutions, particularly for migrant and trafficked women.
5. Review and correct language used in recent communications on the Netherlands, including any references to "minor sex workers", in order to avoid setting problematic precedents for future country reviews and for State practice.

AAWAA stands ready to support the Committee's work, including by providing further written input on prostitution, trafficking and related issues, and by participating in any future consultations the Committee may hold on the implementation of General Recommendation No. 38. We look forward to your response.

Yours sincerely,



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AAWAA