Prostitution: Choice or Abuse?

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Stop Trafficking!

Anti Human Trafficking Newsletter

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In 2012 Pierrette Pape, a policy officer and project coordinator for the European Women’s Lobby, wrote an opinion titled, “The Thin Line between Prostitution and Slavery”. Changing the way things have always been can seem a daunting task. Often, the status quo seems not only normal, but also inevitable. This is certainly the case when it comes to prostitution, a system which is widely acknowledged to have dark links with human trafficking, violence, drug and alcohol addiction, child abuse and organized crime, yet to which policy makers along with most of their constituents have long tended to turn a blind eye.

In the EU, two countries were exceptions to this rule: Sweden and the Netherlands. The Swedish (1999) and Dutch (2000) governments came to a similar conclusion -- the daily exploitation of increasing numbers of women and girls within the system of prostitution can no longer be ignored, both for reasons of human rights and for reasons of national security.

Indeed, what factual knowledge can be garnered from the shady underworld of global prostitution is alarming. For example in the UK, according to research conducted by the Women’s Resource Center, 75% of women in prostitution were underage when they started; human trafficking for the purpose of sexual exploitation represents 79% of that total with 85% of the victims women and girls.

To tackle this dire situation, the two countries took starkly different approaches. In the Netherlands, a practical approach indicated that controlling the system by decriminalizing, procuring and encouraging the integration of women in prostitution into the regular labor market if certain conditions are met. Activities which are subject to the prostitution laws include: selling and buying sexual services, soliciting in public places, running brothels, deriving financial gain from the prostitution of another, offering premises to be used for prostitution, etc. Often the prostitution laws are subject to interpretation, leading to many legal loopholes. While the policy regarding adult prostitution differs by country, child prostitution is illegal throughout Europe. Similarly, human trafficking, forced prostitution and other abusive activities are also prohibited.

The legal and social treatment of prostitution differs widely by country. Very liberal prostitution policies exist in the Netherlands and Germany, and these countries are major destinations for international sex tourism. Amsterdam’s prostitution windows are famous all over the world. In Sweden, Norway and Iceland it is illegal to pay for sex, but not to be a prostitute (the client commits a crime, but not the prostitute). In Eastern Europe, the anti-prostitution laws target the prostitutes, because in these countries prostitution is condemned from a moral conservative viewpoint. Other countries, which have restrictive prostitution policies and officially affirm an anti-prostitution stance, are the UK, Ireland and France. Among countries where prostitution is not officially and legally regulated and recognized as a job, laissez-faire and tolerant attitudes exist in Spain, Belgium and the Czech Republic. (http://en.wikipedia.org/wiki/Prostitution_in_Europe)
market would allow for the protection of the rights of prostituted persons while clearing the way for a targeted crackdown on organized crime.

In Sweden, the primacy of a human rights and equality analysis brought to the fore an understanding of prostituted persons as victims entitled to specialized support and the political choice to tackle demand (by banning the purchase of sex) so as to render supply redundant. This is known as the ‘Nordic Model’.

Women’s rights associations working with victims of prostitution and trafficking have been monitoring progress since then, along with police, security officials and academics. While the public debate remains fierce, the results have led to a narrowing of opinion among these groups.

In the Netherlands, bringing prostitution into the legal economy and improving the well-being and security of women in prostitution has proven more difficult than expected. In 2008, Dutch police reported between 50-90% of the women in licensed prostitution “work involuntarily.” Official research for the Ministry of Justice found in 2007 that the average emotional well-being of women in prostitution had decreased while the use of sedatives had risen.

In Sweden, on the other hand, the official data is far more encouraging. By 2010, the number of men who had bought sex had dropped by almost half as compared to 1996. Street prostitution halved and there are no signs of increase in more hidden forms of exploitation. Support for the law, at a meager 30% upon its introduction, had risen to 70%.

The experiences of the Netherlands and Sweden showed that there are alternatives to the status quo. These countries, and those that imitated them, should be applauded for opening their eyes to the ugly realities of the system of prostitution for the vast majority of those women and girls (and a smaller number of men and boys as well) trapped in its claws, and taking action. Their experiences have clearly shown what does and does not work. It is time for the Netherlands to change its approach and adopt the Swedish model. It is time for the rest of Europe and the world to wake up to the urgency of action.

In 2012 more than 200 women’s rights and gender equality associations from 29 European countries launched a call for action at the European level. They say that slavery has disappeared from European civilization. That is incorrect. It still exists, but now it weighs only on women, and it’s called prostitution.”

How many more years will it take for this message to be heard?

### 100 Countries: Policies Related to Prostitution

#### Legend:

- **Legal in 50; Limited Legality in 11**
- **Illegal in 39**

The list in the right column details 100 countries’ policies on prostitution, brothel ownership and pimping as of 2010. Details for each country include government documents regarding prostitution such as laws, court decisions, employment information, etc. under the name of the country. These countries were chosen in order to be inclusive of major religions, geographical regions and policies towards prostitution.

(http://prostitution.thin-line-prostitution-slavery-analysis-516603)

| Afghanistan | 1. Afghanistan |
| 2. Albania | 34. Ethiopia |
| 3. Angola | 35. Finland |
| 4. Antigua & Barbuda | 36. France |
| 5. Argentina | 37. Germany |
| 6. Armenia | 38. Greece |
| 7. Australia | 39. Grenada |
| 8. Austria | 40. Guatemala |
| 9. Bahamas | 41. Guyana |
| 10. Bangladesh | 42. Haiti |
| 11. Barbados | 43. Honduras |
| 12. Belgium | 44. Hungary |
| 13. Belize | 45. Iceland |
| 14. Bolivia | 46. India |
| 15. Brazil | 47. Indonesia |
| 16. Bulgaria | 48. Iran |
| 17. Cambodia | 49. Iraq |
| 18. Canada | 50. Ireland |
| 19. Chile | 51. Israel |
| 20. China | 52. Italy |
| (Taiwan) | 53. Jamaica |
| 21. Colombia | 54. Japan |
| 23. Croatia | 56. Kenya |
| 24. Cuba | 57. Korea, North |
| 25. Cyprus | 58. Korea, South |
| 26. Czech Republic | 59. Kyrgyzstan |
| 27. Denmark | 60. Latvia |
| 28. Dominica | 61. Liberia |
| 29. Dominican Republic | 62. Lithuania |
| 30. Ecuador | 63. Luxembourg |
| 31. Egypt | 64. Malaysia |
| 32. El Salvador | 65. Malta |
| 33. Estonia | 66. Mexico |
| 34. Ethiopia | 67. Netherlands |
| 35. Finland | 68. New Zealand |
| 36. France | 69. Nicaragua |
| 37. Germany | 70. Norway |
| 38. Greece | 71. Panama |
| 39. Grenada | 72. Paraguay |
| 40. Guatemala | 73. Peru |
| 41. Guyana | 74. Philippines |
| 42. Haiti | 75. Poland |
| 43. Honduras | 76. Portugal |
| 44. Hungary | 77. Romania |
| 45. Iceland | 78. Rwanda |
| 46. India | 79. Saint Kitts & Nevis |
| 47. Indonesia | 80. Saint Lucia |
| 48. Iran | 81. Saint Vincent & Grenadines |
| 49. Iraq | 82. Saudi Arabia |
| 50. Ireland | 83. Senegal |
| 51. Israel | 84. Singapore |
| 52. Italy | 85. Slovakia |
| 53. Jamaica | 86. Slovenia |
| 54. Japan | 87. South Africa |
| 55. Jordan | 88. Spain |
| 56. Kenya | 89. Suriname |
| 57. Korea, North | 90. Sweden |
| 58. Korea, South | 91. Switzerland |
| 59. Kyrgyzstan | 92. Thailand |
| 60. Latvia | 93. Trinidad & Tobago |
| 61. Liberia | 94. Turkey |
| 62. Lithuania | 95. Uganda |
| 63. Luxembourg | 96. United Arab Emirates |
| 64. Malaysia | 97. United Kingdom (Scotland) |
| 65. Malta | 98. United States |
| 66. Mexico | 99. Uruguay |
| 67. Netherlands | 100. Venezuela |

(100 Countries: Policies Related to Prostitution)
On November 29, 2013, French Members of Parliament voted in support of a version of the Nordic law on prostitution that criminalizes the purchase of sex with a fine of €1500 ($2,040 US). The fine is doubled for a second offense.

The French Parliament also repealed criminalization of people selling sex, and proposed setting aside €20 million ($27,350,000 US) for programs helping women to exit prostitution. The proposed law was voted on by the National Assembly and still has to be put to a vote in the French Senate.

France is paving the way towards a progressive Europe free from prostitution, said the European Women’s Lobby. This vote is part of a global trend that challenges buying sex and understands, as the Nordic law does, that buying sex causes harm and that those in prostitution need social and economic support to escape.

In France, 90% of those in prostitution are very poor, pimped or trafficked. A 2011 study by researchers from Germany’s Goettingen and Heidelberg universities and the London School of Economics, which assessed data from 150 countries, concluded that legalizing prostitution led to increased trafficking.

Since prostitution is an activity that must be advertised, it is not going to be “driven underground,” as critics of the bill allege. Maud Olivier, a feminist lawmaker who supports the bill, blasted the “hypocrisy” of critics, saying, “One prostitute declares herself free and the slavery of others becomes respectable and acceptable?”

On Dec. 20th, the Canadian Supreme Court unanimously declared three key anti-prostitution laws to be unconstitutional. They ruled that laws against keeping, working in, or being found in a common bawdy house (or brothel); laws against living on the avails of prostitution (“pimping”); and laws against public solicitation for prostitution are unconstitutional because they infringe on the rights of prostitutes by depriving them of security of the person. Jim Hillyer, a member of the Canadian Parliament, wrote an opinion, which follows.

At first glance, this looks like a devastating blow against the efforts to reform Canada’s prostitution laws and to make buying sex illegal in Canada. And it will be the devastating blow if we do not seize the opportunity that is presented by this ruling.

While most reporting interprets the ruling as a declaration that prostitution is a constitutional right that cannot be infringed upon, the Supreme Court was careful not to say that. In fact, they went beyond that to specifically call attention to the fact that even before this ruling, Canada’s prostitution laws were inherently problematic. This ruling is a wakeup call that we must fix our prostitution laws; and the call is urgent, for the courts have imposed a one-year deadline.

The ruling calls attention to a glaring shortcoming in the current legislation - that prostitution itself, even before this ruling, was already legal. Because prostitution is legal, the Court said the three prohibitions make it too difficult for prostitutes to safely engage in sex work. Not only do they not say that prostitution should be legal or that it would be unconstitutional to prohibit prostitution itself, they go so far as to call upon Parliament to do just that - find a constitutional
The ruling consistently emphasizes the role of government to protect the life, health and safety of its citizens - and suggests that laws that contradict this role are unconstitutional. In the court's opinion the objective of Canada's current prostitution laws is to “prevent public nuisance.” Not only does this objective take a back seat to the higher objective of protecting the life, health and safety of prostitutes, it reflects a current lack of concern for the people involved in this industry. A change in objective will both address the “nuisance” and acknowledge the worth and value of those who are involved in the industry and do more to protect their health and safety than simply removing the prohibitions in question (which only gives the illusion of protection).

In the ruling the court also suggests that the objective of criminalizing pimping is itself not only constitutionally sound but that we as a society through our laws have a duty to seek to protect people from this exploitation. The prohibition against pimping was struck down, not because exploiting prostitutes itself is a constitutional right, but because the prohibition as written could be used to prevent prostitutes from hiring bodyguards, secretaries and other supportive roles. Again, the court felt its ruling was bound by the fact that prostitution itself is legal.

Fortunately, the federal and provincial lawyers arguing in favour of keeping the three prohibitions in question made a common mistake in regard to our understanding about prostitution - that it is simply a free choice by those involved to get involved and to stay involved. They argued that if prostitutes wanted to avoid the inherent risks of prostitution, they could simply choose not to engage in it (suggesting by extension that they must be able to choose to engage in it). It is fortunate because it drew out an important response from the court.

The court's response to this misplaced argument not only opens the door to make prostitution itself illegal but reveals that it is something that must be done if we are to fulfil the proper role of government. And it contradicts one of the leading justifications for the legality of prostitution - that it is a free exchange between consenting adults, and that therefore the government should not interfere.

The ruling states: “Realistically, while (prostitutes) may retain some minimal power of choice - what the Attorney General of Canada called ‘constrained choice’ - these are not people who can be said to be truly ‘choosing a risky line of business.’ . . . (Many) have no meaningful choice but to do so,” because of financial desperation, drug addictions, pressure from pimps, or other reasons.

Many were surprised that the ruling was unanimous - but I believe these “hints” and suggestions show that the court is not unanimously agreed that prostitution itself is “OK”. In fact their reasons given for the ruling are that prostitution is not OK - it is inherently dangerous, and people who enter it do it under constraint. But since it is legal, the prohibitions in question make it even more dangerous; if we do not have the moral courage to more fully protect prostitutes by properly criminalizing the sale of sex, we do not have the constitutional right to take away what small provisions that allow prostitutes to some extent protect themselves.

The fact that the court made the highly unusual decision to stay their ruling for one year suggests that not only does Parliament have the right to fix our prostitution laws, that the court believes that there is a constitutional way to do it and that they imply it is our duty to do so.

The Nordic or Swedish model would do just that. I believe that with some careful legislating the general model can satisfy the court’s proper concern for the protection of the life, health and safety of prostitutes, and addresses their correct recognition that this is not just another “trade” or “profession” but that it is inherently dangerous and demeaning, and that is not simply a matter of a free exchange among consenting adults.

For a more fulsome discussion about the justification and need for implementing the Swedish Model here in Canada, you can go to www.jimhillyer.com and read my December column in the Lethbridge Herald. You can also participate in my online survey to share your views. (http://lethbridgeherald.com/commentary/opinions/2014/01/court-ruling-presents-an-opportunity/)
10 Myths about Prostitution, Trafficking & the Nordic Model

1. I’m a sex worker. I choose sex work and I love it.

This is one of the most popular retorts and is treated by many as a sort of ‘checkmate’ argument — as though any one person stating that they enjoy sex work makes all of the other evidence (about violence, post-traumatic stress disorder and trafficking in prostitution) magically disappear. But, just because you like something doesn’t mean that it cannot be harmful. All our actions are constrained within certain social conditions and decisions are affected by structural issues like systemic economic inequality, racism and sexism.

2. Only sex workers are qualified to comment on prostitution.

As advocates of the Nordic Model point out, the existence of systems of prostitution is a barrier to gender equality. Women being bought and sold like commodities for sex is thus an issue for all women.

Meagan Tyler, a lecturer in sociology at Victoria University, Australia, researches the social construction of gender and sexuality. She published an article listing responses to the most common myths about prostitution. Excerpts from her article follow.

Falsities and fabrications about the sex industry are familiar to anyone who has publicly criticized the sex industry. The same myths, usually without reference to relevant evidence, are repeated so frequently in certain spheres that they have practically become mantras. If you say it often enough, it becomes true, right?

1. I’m a sex worker. I choose sex work and I love it.

One of the things that critics seem to find so difficult to comprehend about the Nordic Model is that it is actually about restricting buyers, not about restricting those in prostitution. That is why it decriminalizes prostituted persons. The Model doesn’t discount the possibility of prostitution by “choice” but rather establishes that the buying of women in systems of prostitution is something the state should actively discourage.

Basically, the Nordic Model acknowledges that less demand for prostitution and for trafficking causes less prostitution and less trafficking. This reduces the number of women exposed to these particular types of abuse and creates a better chance of achieving gender equality.

3. All sex workers oppose the Nordic Model.

It is important to point out that for every “sex worker rights” organization that opposes the Nordic Model, there is a “survivor organization” that advocates for it.

It is clear there are a number of very vocal opponents of the Nordic Model within the sex industry who have a significant platform. But it can hardly be said these organizations represent all women in prostitution around the world. Nor can the odd blog post (weak on references or evidence) prove that the Nordic Model is a failure.

4. The Nordic Model denies sex workers’ agency

One is no sure if the critics are aware of the Nordic Model or if they are inventing a new mythology. It is the case that the Nordic Model does not trivialize the role of sex workers.

What the Nordic Model does do is recognize there is a connection between the market for prostitution and sex trafficking — specifically that the demand for sexual services fuels sex trafficking.

So, if you want less sex trafficking, then you need to shrink the market for prostitution.

This logic was further supported by a recent study of 150 countries, conducted by economists in the UK and Germany, showing that “the scale effect of legalized prostitution leads to an expansion of the prostitution market, increasing human trafficking.”

6. The Nordic Model doesn’t work. It pushes prostitution “underground.”

Occasionally it is claimed that the Swedish government’s own review of their legislation showed the failure of the Nordic Model. Research commissioned by the Swedish government however showed that street prostitution had halved.

“Ha!” the critics say. “That study employed a flawed methodology and prostitution has just gone underground.” Perhaps. But research indicates the number of people in Sweden buying sex has fallen and police report intercepting communications among traffickers declaring that Sweden is a “bad market.”

7. The Nordic Model deprives women of a living.

This myth is the most intriguing because it is actually an admission that the Nordic Model works, directly contradicting myth six. The Model can only deprive women of a living if it does, in fact, reduce the demand for
prostitution. What’s more, comprehensive exit programs are a critical part of the Model, involving access to a wide variety of services including retraining and employment support.

Take the brown coal or forestry industries in Australia, for example. These are sectors deemed by governments to be harmful in a number of ways and that, as a result – while they are still potentially profitable - they no longer have a social license to continue operating uninhibited.

If sex work is “work”, and prostitution is just another “industry”, then it is open for wider public discussion and policy changes like other industries, including the possibility that governments will no longer want it to function.

8. The Nordic Model has made prostitution unsafe.

First things first, prostitution is unsafe. To suggest that the Nordic Model is what makes it dangerous is disingenuous. Such declarations ignore research showing that traditional forms of legalization and decriminalization do virtually nothing to protect women in prostitution from very high odds of physical and sexual violence, as well as psychological trauma.

Systems of legalization foster greater demand and create an expanding illegal industry surrounding them, so it is a fallacy to pretend that in localities where prostitution is legalized, all women are actually in legal forms of prostitution. In addition, rates of trauma are similar across legalized, decriminalized and criminalized systems of prostitution.

9. The Nordic Model is really a moral crusade in disguise.

If you view the movement for women’s equality as a “moral crusade”, then I suppose it is. If you are determined to dismiss all of the evidence in support of the Nordic Model and instead want to debate this on a “moral” level, then do so. Those who think violence against women is a bad thing are bound to win that argument.

10. Academics who research prostitution make money off the backs of women in prostitution.

Engaging in public debates about the Nordic Model, and citing relevant research, is in no way an attempt to speak for women in prostitution. It is an attempt to bring the findings of that research to a broader audience. If this is perceived as threatening by the sex industry, then surely that suggests the Nordic Model is effective.

(For the complete article, go to: prostitutionresearch.com/wp-content/uploads/2013/12/10-myths-about-prostitution-trafficking-and-the-Nordic-model_-Feminist-Current.pdf)

Hotel Chain Drops Pornography Channels

Pornography is off the pay-per-view menu at all 171 Nordic Choice Hotels, Scandinavia’s largest hotel group. Petter Storalen, owner of Nordic Choice, said the decision was prompted by the company’s charity work with UNICEF to combat child trafficking and sexual exploitation.

‘The Ugly Truth’ Campaign

End Demand Illinois launched a media campaign to raise awareness about the realities of the sex trade to challenge public attitudes about sexual exploitation, prostitution and sex trafficking, believing the statistics below underline that prostitution is not “work” but a form of exploitation.

1. Life Expectancy and Homicide Rates for People in Prostitution

Workplace homicide rates for women in prostitution are 51 times that of the next most dangerous occupation for women (which is working in a liquor store). The average age of death of the women was 34.

2. Age of Entry into the Sex Trade

The average age of entry is 16.

3. History of Childhood Sexual Abuse

Estimates of the prevalence of incest among people in prostitution range from 65-90%: 85% of prostitute/clients reported history of sexual abuse in childhood; 70% reported incest.

4. Pimps Keep the Money Women Earn

Pimps keep prostituted women in virtual captivity by verbal abuse - making a woman feel she is utterly worthless ... and by physical coercion - beatings and the threat of torture. Eighty to 95% of all prostitution is pimp-controlled. Pimps said they earned on average between $150,000 and $500,000 a year. Over half (52%) of pimps left some of their girls and women with no money. In the rest of the cases, the arrangements were variable. Those girls and women working for organized escort services got 60% of the take, but then had to give their pimp at least half of their portion. Some required the girls and women to give them a 30% cut of their earnings, and for others it was 40-60% of the take.

Ugly Truth cont. pg. 8
Paid For: My Journey through Prostitution’

‘Paid For’ is Rachel Moran’s (from pg. 1) story, written over 10 years in her own words and in her own name. In addition to the narrative elements, it contains searing social analysis, which explodes many of the myths about prostitution. The author believes there are no happy hookers. To experience prostitution is to endure a cycle of misery, danger, violence and numbness.

This is a book of startling originality, courage and honesty. It tells a clear and eloquent story of a hidden world, one often trivialized and glamorized. It removes the veil that shrouds prostitution and, from Rachel’s own experience, tells us the truth.

Hotel Chain cont. from pg. 7

Whether because of falling revenues from customers who access entertainment on portable devices or political pressure, other hotel companies also have dropped adult movies. In 2011, Marriott International announced it would phase out mature content at its hotels. In praising Nordic Choice’s decision, Morality in Media, an anti-pornography advocacy group in Washington, D.C., called on Hilton Hotels & Resorts to follow suit. In an e-mail, a Hilton spokesperson responded that its entertainment systems are “designed to allow guests to block adult content using the remote control or request the content be disabled by calling the front desk.”

In addition to the narrative elements, ‘Paid For’ is Rachel Moran’s (from pg. 1) story, written over 10 years in her own words and in her own name. In addition to the narrative elements, it contains searing social analysis, which explodes many of the myths about prostitution. The author believes there are no happy hookers. To experience prostitution is to endure a cycle of misery, danger, violence and numbness.

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5. Homelessness and Prostitution Among Prostituted Youth
   The incidence of “survival sex” among runaway and homeless children to range from 8.5% to 27.5%. Field research among runaway and homeless youth, showed approximately 30% of shelter youth and 70% of street youth engaged in prostitution in order to meet their daily needs for food, shelter or drugs.

6. Prevalence of Prostitution in Chicago
   On any given day in Chicago more than 16,000 women and girls are involved in prostitution-related activities.

7. The Sex Trade Thrives in Indoor Venues and Violence Exists There
   Of women interviewed, more than half were in prostitution in indoor venues and experienced similar rates of violence as those in street prostitution. Half of the women in escort services reported being raped, and they and exotic dancers were subjected to a great deal of other violence as well, including being threatened with a weapon.

8. Johns Abuse People in Prostitution
   Customers were most frequently identified as the perpetrators of violence, across all venues, followed by intimate partners, pimps, police officers and neighborhood residents.

9. High Rates of Sexual Violence Against People in Prostitution
   About 80% of women in prostitution have been the victim of a rape, averaging eight to ten times per year. 85% of people in prostitution are victims of assault with a weapon.

10. Demand Drives the Sex Trade
    Pimps say that they bring women where the demand is highest (from Internet advertisements, referrals from bartenders, hotel bellmen, cab drivers and bachelor parties.

To read more about ‘The Ugly Truth’, go to: http://www.enddemandillinois.org/10-facts-shaped-ugly-truth-campaign

Stop Trafficking! is dedicated exclusively to fostering an exchange of information among religious congregations, their friends and collaborating organizations, working to eliminate all forms of trafficking of human beings.

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