

Prostitution Legislation – A Way to Shift the Culture through a Three Prong Approach

Decriminalize Prostituted Women, Criminalize Sex Purchasers, and Mandate Robust Funding for Services to Women Exiting the Sex Trade while Providing a National Public Awareness Campaign that Prostitution is Men's Violence Against Women (Nordic Model)

The London Abused Women's Centre 2014

London Abused Women's Centre Principles on Prostitution and Trafficking:

- The London Abused Women's Centre is an abolitionist agency that believes most women enslaved in the sex trade (pornography, prostitution, adult entertainment, body rub/massage parlours, "strip" clubs, escort services) are trafficked;
- The London Abused Women's Centre does NOT believe women "choose" to be prostituted/trafficked. The agency believes it is the choice of men to rape, torture, exploit and violate trafficked women;
- The London Abused Women's Centre believes legislation should be changed to decriminalize prostituted/trafficked women, criminalize and punishing sex buyers and traffickers, and mandate robust funding for services to women exiting the sex trade while providing a national public awareness campaign that prostitution is men's violence against women (the Nordic Model);
- The London Abused Women's Centre believes most prostituted/trafficked women are victims of torture, rape, exploitation and other violations and appropriate and fully funded resources must be allocated to provide exited women with women-centred, survivor and trauma-informed services that may include housing, income support, residential rehabilitation services for substance use, long-term counselling, secondary and post-secondary educational opportunities, job training, family reintegration, and access to hidden identity support and relocation.

Definition of Trafficking in Persons:

"Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs... The consent of a victim of trafficking in persons to the intended exploitation set forth [above] shall be irrelevant where any of the means set forth [above] have been used."¹

¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, *opened for signature* Dec. 12, 2000, T.I.A.S. No. 13127, 2237 U.N.T.S. 319 (entered into force Dec. 25, 2003) [Referred to as the Palermo Protocol].

For the most part, prostitution as actually practised in the world usually does satisfy the elements of trafficking. It is rare that one finds a case in which the path to prostitution and/or a person's experiences within prostitution do not involve, at the very least, an abuse of power and/or an abuse of vulnerability. Power and vulnerability in this context must be understood to include power disparities based on gender, race, ethnicity and poverty. Put simply, the road to prostitution and life within "the life" is rarely one marked by empowerment or adequate options.²

Prostitution and Compliant Victimization

Compliant Victimization

- Normalization process that results in compliant victimization
- Being groomed by individual perpetrators and/or a sexually toxic culture may alter girls/women's beliefs, values and identity to the point where girls/women appear to consent to their own exploitation or violation
- When a woman complies, doesn't mean she's not being victimized. It doesn't mean she is choosing to be victimized or is harmed any less.
- We need to recognize it as abuse, assault, rape, torture³

We need to focus on the choice of men to buy women to use, abuse and discard.

The Nordic Model

- In 1990, Catharine MacKinnon argued, "in an unequal world, a law against men purchasing women is called for, together with no law against the people, mainly women, being bought for sexual use."⁴
- MacKinnon said, "ending prostitution by ending the demand for it is what sex equality under law would look like."⁵

Legislation on the Purchase of Sexual Services:

- Prostitution and violence against women were "issues . . . related with each other."⁶

² Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, *Integration of the Human Rights of Women and a Gender Perspective*, ¶ 42, Comm'n on Human Rights, U.N. Doc. E/CN.4/2006/62 (Feb. 20, 2006) (by Sigma Huda).

³ Dines, G. It's easy out here for a pimp: How a porn culture grooms kids for sexual exploitation. Retrieved January 22, 2014 from <http://stoppornculture.org/wp-content/uploads/docs/SPC-EasyOutHere-PPT.ppt>

⁴ Waltman, M. (2011). Sweden's Prohibition of Purchase of Sex: The Law's Reasons, Impact, and Potential, p. 5. Retrieved January 22, 2014 from <http://www.prostitutionresearch.com/Sweden's%20prohibition%20of%20purchase%20of%20sex-%20The%20law's%20reasons,%20impact,%20and%20potential.pdf>

⁵ MacKinnon, C. (2006). On Sex and Violence: Introducing the Antipornography Civil Rights Law in Sweden. In *Are Women Human? And Other International Dialogues*, p. 101. Cambridge, MA: Belknap Press of Harvard Univ. Press.

- Men’s violence against women is not harmonious with the aspirations toward a gender equal society In such a society it is also unworthy and unacceptable that men obtain casual sex with women for remuneration.”⁷

The Legislation Recognized:

- “That prostituted women often had deprived childhoods, were neglected, and early on were deprived of a sense of self-worth, as well as it was emphasized that there was a strong association between child sexual abuse and prostitution.”
- The majority of prostituted persons are sexually abused as children.
- Many run away from home, become homeless, live on the streets.
- A low age of entry is common.
- 47% of 751 prostituted persons in nine countries reported entering prostitution under age eighteen.⁸

Traumatic Experiences

Nine-country study by Melissa Farley and others found that 68% of 840 prostituted persons met the clinical criteria for post-traumatic stress disorder (PTSD) symptoms at levels equal to or higher than the levels of symptoms found in treatment seeking Vietnam veterans, abused women seeking shelter or refugees fleeing from state-organized torture, regardless of whether prostitution was legalized or criminalized, and regardless of whether the prostitution took place indoors, in brothels, on the streets or in developing as opposed to fully industrialized countries.⁹

In 1995, the Swedish government report noted:

- Violence, abuse and coercion were frequent in prostitution
- It is common that women in sex slavery are subjected to various forms of violations such as physical abuse and rape.
- Some purchasers believe since they’re paying, they have a right to treat the woman as they wish and believe it is their right to demand whatever acts they are paying for.¹⁰

⁶ Waltman, M.. (2011). PROHIBITING SEX PURCHASING AND ENDING TRAFFICKING: THE SWEDISH PROSTITUTION LAW, p.6. Quoting Prop. 1997/1998:55 Kvinnofrid [Women’s Sanctuary] [government bill] 22 (Swed.). Retrieved January 22, 2014 from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1966130

⁷ ibid

⁸ Waltman, M. (2011). PROHIBITING SEX PURCHASING AND ENDING TRAFFICKING: THE SWEDISH PROSTITUTION LAW, p.6-7. Retrieved January 22, 2014 from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1966130

⁹ Farley, M., et al, (2003) Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder, p.12. Retrieved January 22, 2014 from <http://www.utexas.edu/law/journals/tlr/sources/Volume%2092/Issue%203/Johnson/Johnson.fn096.Farley.2JTraumaPractice33.pdf>

¹⁰ Waltman, M. (2011). PROHIBITING SEX PURCHASING AND ENDING TRAFFICKING, p. 11.

What is the Nordic Model? ¹¹

Goal of the Nordic Model:

Curb the demand for commercial sex that fuels sex trafficking, and promote equality between men and women.

Buyers are Criminalized:

“A person who obtains a casual sexual relation in return for payment, shall be sentenced for *purchase of sexual service* to a fine or imprisonment for at most one year.”

Trafficked/Prostituted Women are Decriminalized:

Women are offered woman centred, survivor informed exit strategies that include counselling, shelter, substance abuse/rehab programs, job training, advocacy and financial support.

Results and Evaluation

- Deterred buyers and deterred traffickers as the “number of foreign women now being trafficked into Sweden for sex work is almost nil.”¹²
- A significant positive effect on women involved in prostitution as “sixty per cent of the prostitutes in Sweden took advantage of the well-funded programs and succeeded in exiting prostitution”¹³

Legislation acts as a preventative measure for a future generation of marginalized girls who could be vulnerable to entering the industry. NGO’s in Sweden have reported, “that the existence and the enforcement of the law deter young women who are not yet in prostitution but who are runaways or soft drug abusers.”¹⁴

Results by the Numbers

- In Sweden the number of women involved in street prostitution today is no more than 500, (Sweden has a population of 9 million)
- Compared this with the number of women involved in street prostitution in Denmark (where prostitution is legal) which is 5,500 to 7,800 (with a lower population of 4.5 million residents)¹⁵

Government of Sweden Evaluation of the Legislation on the Purchase of Sexual Services

- The report 'Prohibition of the purchase of sexual services. An evaluation 1999-2008' (SOU 2010:49) was presented on 2 July 2010. The purpose of the evaluation was to investigate how the prohibition, which at that time had been in force for over ten years,

¹¹ WHAT IS THE ‘NORDIC MODEL’? Retrieved January 22, 2014 from http://www.equalitynow.org/sites/default/files/Nordic_Model_EN.pdf; Hunt, J., (2012) **Ending Prostitution and Sex Trafficking: The Global Movement Towards Gender Equality** Retrieved January 22, 2014 from http://www.huffingtonpost.co.uk/jacqui-hunt/ending-prostitution-and-sex-trafficking_b_2370516.html

¹² Analyzing the Swedish Model on Prostitution, p. 3. Retrieved January 22, 2014 from https://www.google.ca/search?q=analyzing+the+swedish+model+on+prostitution&oq=analyzing+the+swedish+model+&aqs=chrome.1.69i57j0.12200j0j8&sourceid=chrome&espv=210&es_sm=93&ie=UTF-8

¹³ Analyzing the Swedish Model on Prostitution, p. 11.

¹⁴ Analyzing the Swedish Model on Prostitution, p. 12.

¹⁵ Analyzing the Swedish Model on Prostitution, p. 12.

works in practice and what effects criminalization has had on the incidence of prostitution and human trafficking for sexual purposes in Sweden.

- The evaluation shows that the prohibition of the purchase of sexual services has had the intended effect and is an important instrument in preventing and combating prostitution and human trafficking for sexual purposes.¹⁶

Conclusion

- Prostitution is men's violence against women
- As long as society believes it's okay to buy women, there will be sex trafficking
- Prostitution does NOT promote the status of women
- The Nordic Model is the only model that offers prostituted women hope of a life where they can dream of a future free from violence and abuse

¹⁶ Government Offices of Sweden, (2010). Legislation on the Purchases of Sexual Services. Retrieved January 22, 2014 from <http://www.government.se/sb/d/4096/a/119861>