

Submission on Prostitution to UN Women from Stop Demand Foundation, New Zealand

Drafted by Ms. Denise Ritchie, Stop Demand founder/barrister
October 16, 2016 www.stopdemand.org; action@stopdemand.org

Introduction

Stop Demand Foundation addresses six global issues: prostitution, pornography, sex trafficking, rape, rape and war, and sexual denigration of women.

In particular, Stop Demand works to challenge male demand that fuels the global sex trade. It seeks to shift attitudes and behaviours that underpin all forms of sexual violence, sexual exploitation and sexual denigration of women and children.

Stop Demand is headquartered in Auckland, New Zealand.

Position on Prostitution – General Statement

Stop Demand has a clear position on prostitution, local (New Zealand) and global.

Stop Demand rejects all models of prostitution that validate, entrench or normalise prostitution and its harms. It does *not* support New Zealand's model of decriminalisation.

While recognising it is not a perfect model, Stop Demand supports the Nordic model of prostitution as the model best suited

- to progress gender equality, respect and human dignity
- to reduce harm and violence towards women
- to tackle and reduce sex trafficking
- to improve the welfare and betterment of society.

Questions from UN Women

Due to the restrictions on word limit, Stop Demand has responded only to select questions.

Question 1) The 2030 Agenda commits to universality, human rights and leaving nobody behind. How do you interpret these principles in relation to sex work/trade or prostitution?

Universality, human rights and ‘leaving nobody behind’ must be interpreted against various Conventions and Instruments subscribed to by UN Women that are founded on principles of ‘human dignity’, ‘gender equality’ and ‘the welfare and the development of society’.¹

They must also be interpreted against the fundamental human right of women universally to live free of gendered-based sexual violence, sexual exploitation and sexual denigration.²

Stop Demand submits that the ‘system’³ of prostitution runs counter to the principles of human dignity, gender equality and the welfare and advancement of society. Prostitution runs counter to the universal, human right of women not to be sexually exploited or degraded. Prostitution typically limits and ‘leaves behind’ the most marginalised and vulnerable women and girls.

Question 2) In setting out to achieve gender equality and to empower all women and girls, how do you suggest that policies on sex work/trade/prostitution can promote targets and objectives pertinent to women’s empowerment, such as... b) women’s ownership of land and assets; d) ending the trafficking of women; e) eliminating violence against women?

Prostitution - Gender Equality & Empowerment

Globally, prostitution and other commercial sex activities such as stripping, lap dancing, sex tourism, etc. disproportionately involve men using women for sex or sexual titillation. These activities are not a level playing field. Overwhelmingly, commercial sex activities –

- exist to sexually privilege men
- have their roots in gender inequality
- reinforce attitudes and beliefs around male sexual entitlement and female sexual servitude
- are predicated on unequal power and economic structures, where men want sex or sexual titillation and have the means to pay for it, and women want money or ‘in kind’ payment
- reduce women to their bodies and orifices, available to rent by men
- exploit, degrade and denigrate women, causing harm to many.

Stop Demand submits that the system of prostitution runs counter to gender equality. For the majority of women selling sex, conflating prostitution with ‘empowerment’ is disingenuous.⁴

¹ For example, the Preamble to CEDAW, General Assembly – 34th session, p.194.

² See, for example, the Beijing Declaration, clause 29.

³ The term ‘system’ is used to denote the wider dynamics and structures inherent within the global sex trade, as distinct from individualised, personal stories. While the latter are of course valid, a much wider focus is required.

⁴ The mere addition of cash into situations of violence does not alter the fact of such violence. Those who conflate such experiences with rhetoric around ‘agency’ and ‘empowerment’ engage in cognitive distortion and dissonance.

b) Prostitution Policies that can promote the goal of women's ownership of land and assets

Stop Demand understands that in countries where women do not enjoy full political, social and economic opportunities, a small minority of women in prostitution have been able to purchase land and assets. Pro-prostitution advocates cite such examples, to argue for decriminalisation.

In response, Stop Demand would submit that the interests of a small minority of women within prostitution is no reason to throw the greater majority of exploited women and girls 'under the bus' through well-meaning but dire consequent-ridden policies that would 'normalise' prostitution.

Nor should the interests of a minority of sex sellers 'hold to ransom' other groups affected by prostitution policies: men and boys, women and girls, families, communities and society.

d) Prostitution Policies that can promote the goal of ending the trafficking of women

Prostitution policies that aim to reduce and end the trafficking of women *must* target male demand for sexual services.

"To tackle trafficking for sexual servitude without tackling demand is a losing battle. All the expensive measures in the world will add up to nought unless there is an attitude change on the part of men to buying and selling women."⁵ - Brian Iselin, international human trafficking expert

Most sex buyers seek variety; many have 'same' at home. The offer of 'new girls' and a never-ending 'smorgasbord' of mostly-female bodies of varying ages, ethnicities, and physical characteristics, to meet a wide range of sexual fantasies, sexual titillation and sexual demands, fuels the trafficking, rape and misery of countless women.

The trafficking of women into global sex markets will *not* be solved by targeting traffickers (who, while often brutal, are mere intermediaries, moving 'product') nor by rescuing victims, resolving poverty, or calling on governments, law makers and law enforcers.⁶

The sex trade, like any trade, is predicated on demand and supply dynamics. Demand fuels supply. High demand, high supply. No demand, no supply.⁷ Strategically, sex trafficking will only be solved by tackling male demand for sexual services.

The key to taking buyers out of sex markets is to make casual buyers think before acting, to interrupt the transaction, by (a) increasing the effort needed to buy; (b) increasing the inconvenience; (c) pushing up price; (d) normalising the illegality and (e) providing information.⁸

Policies that promote decriminalisation do not facilitate these strategies. Policies that criminalise the purchase of sex do - by normalising the illegality, challenging ingrained attitudes, educating on the harms of prostitution and providing exit services to women.

Significantly, according to Swedish law enforcement, human traffickers view Sweden, the country which first introduced the Nordic model (then, the Swedish model), as "bad business".

⁵ In <http://www.stopdemand.org/wawcs0154993/prostitution.html>

⁶ For more, see <http://www.stopdemand.org/wawcs0154995/sex-trafficking.html>

⁷ For more on Demand Dynamics, <http://www.stopdemand.org/wawcs0154993/idDetails=168/Male%20demand>

⁸ Ibid, at 5.

“... police know from eavesdropping on human trafficking rings that Sweden is considered bad business because of its tough stance. ‘They are calculating profits, costs and marketing and the risk of getting caught,’ Wahlberg said.”⁹

This excellent outcome, and insight, affirms the effectiveness of a model that ‘criminalises the purchase of sex’, in reducing the trafficking of women.

In **New Zealand**, under decriminalisation, cases where women’s plight would likely have met sex trafficking criteria in other countries have been dismissed by authorities as employment or immigration matters.¹⁰

“Almost as soon as she arrived in [New Zealand] in April, her passport was taken by her ‘new boss’. She described the next two months as ‘like a sex horror movie’. ‘I have to service about 10 to 20 men and sometimes up to 14 hours a day. I cried every day. I have no contact with the outside world except the clients. I asked one of them to help me, but he turned out to be a friend of [my] new boss and I got a bashing. I learned to shut up after that.’”¹¹

- Rosita, 19, a former karaoke hostess from Malaysia

e) Prostitution Policies that can promote the goal of eliminating violence against women

To avoid repetition, this question is addressed in Question 3, Harm and Violence.

Question 3) The sex trade is gendered. How best can we protect women in the trade from harm, violence, stigma, discrimination?

a) Harm and Violence

To best protect women in the sex trade from harm and violence requires a two-pronged approach: (1) an acknowledgement that the highly-gendered system¹² of prostitution, by its inherent dynamics, facilitates and perpetuates harm and violence by men towards women, and (2) the adoption of policies and laws that aim to stop the harm and violence.

Globally, violence against women in prostitution is rife. As well as the physical and sexual violence perpetrated against women by male sex buyers, brothel owners, pimps, gang members, and others linked to the trade, post-traumatic stress disorder and other forms of psychological harm to countless prostituting women cannot be overstated.

“One former sex worker was regretful of her time in the industry, saying it had left her with emotional scars... ‘I wish I had never done it... it f****d me up pretty bad.’”¹³ (Reddit user)

In **New Zealand**, despite decriminalisation, violence against women in prostitution continues to be rife (see Appendix A). A New Zealand government report five years post-decriminalisation revealed

⁹ <http://www.traffickingproject.org/2008/03/swedens-sex-law-get-customer.html>

¹⁰ http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10658178 “NZ sex industry lures Asian women”, Jul 12, 2010; <http://www.radionz.co.nz/news/national/15294/brothel-workers-victims-of-human-trafficking-lawyer> Sep 07, 2009

¹¹ http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10658178 “NZ sex industry lures Asian women”, Jul 12, 2010

¹² Ibid, at 3.

¹³ In http://m.nzherald.co.nz/lifestyle/news/article.cfm?c_id=6&objectid=11722014 Oct 09, 2016

that women across all sectors (street, managed brothels and private brothels) continued to suffer physical assault (street sector 13%; managed brothels 10%), threats of physical violence (street sector 39%; private brothel 16%), being held against their will, and being raped by a client. 36% of women in private brothels received abusive text messages from clients. Women continue to be psychologically harmed.

Decriminalisation has not prevented prostituting women from being viciously murdered.¹⁴
Decriminalisation has not removed pimps and gang involvement from New Zealand's sex trade.¹⁵
Decriminalisation has not turned 'ugly mugs' into 'respectful gentlemen'.

The notion that decriminalisation policies and laws stop violence and harm to women in the sex trade is fallacious.¹⁶ At best, decriminalisation provides mechanisms to *report* the violence. At its core, decriminalisation is 'bad law'.

Women cannot be protected from the violence and harms that are inherent within prostitution. Women can only be protected through the dismantling of the sex trade. The Nordic model propels us towards that goal.

b) Stigma

Efforts by some to destigmatise prostitution should be considered with caution. It would be lamentable for society to view, as acceptable, a trade that treats and markets women as little more than the sum of their genitals, for male sexual use, abuse and sexual titillation.

In **New Zealand**, while stigmatisation against prostitution largely persists, removing the stigma of illegality through decriminalisation has paved the way for desperate women to proceed down a potentially destructive path from which it can be difficult to recover.¹⁷

Decriminalisation has also removed some of the associated stigma amongst our youth, including girls as young as 13, as well as those who rape and sexually exploit them.

"Prostitutes as young as 13 are earning up to \$600 a night in South Auckland, says an MP [member of Parliament] ... there is also a line of cars leading up the lane ... Young girls were learning from older prostitutes, she said. 'They tell me they are doing it because they can. It's legal.'"¹⁸

Stop Demand strongly rejects the proposition that prostitution is 'work like any other'. No industry that is inherently predicated on gendered violence, inequality and degradation should be elevated to the status of 'work'. Neither should it be legitimised by the State.

¹⁴ <http://www.stuff.co.nz/national/crime/80444346/Murder-arrest-bittersweet-for-Renee-Duckmantons-family> May 27, 2016 <http://www.stuff.co.nz/national/crime/9996631/Life-in-jail-for-Mellory-Manning-murder> May 01, 2014; http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10376846 "Sutherland's murderer sentenced" Apr 10, 2006

¹⁵ <http://www.stuff.co.nz/the-press/news/9816614/Legacy-of-fear-in-red-light-district> Mar 12, 2014
<http://www.stuff.co.nz/national/crime/9996631/Life-in-jail-for-Mellory-Manning-murder> May 01, 2014

¹⁶ <http://www.stuff.co.nz/the-press/news/our-communities/2470422/Man-strangles-prostitute> Jun 04, 2009
<http://www.stuff.co.nz/the-press/news/9816614/Legacy-of-fear-in-red-light-district> Mar 12, 2014

¹⁷ <http://www.stuff.co.nz/auckland/local-news/north-shore-times/4206501/Desperate-turn-to-sex-work> Oct 08, 2010 (7 years post-decriminalisation)

¹⁸ http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10873870 "MP finds 13-year-old prostitutes taking \$600 a night," Mar 27, 2013 (10 years post-decriminalisation).

Conclusion

Why the New Zealand model of decriminalisation should be rejected

It is a concern that New Zealand's model of prostitution is lauded by some as a model worth emulating.¹⁹ Such plaudits ignore the realities of persisting violence within prostitution²⁰ and the fact that prostitution sits within the framework of New Zealand's high tolerance to violence against women. (New Zealand has one of the highest reported rates of intimate-partner violence in the developed world.²¹)

New Zealand's Prime Minister does not believe prostitution law reform has worked in New Zealand.²² One of the champions of decriminalisation and former Member of Parliament, with personal experience of prostitution, now claims New Zealand lawmakers were 'naïve' in liberalising prostitution.²³

Geographically, New Zealand is isolated and sea-locked,²⁴ factors that contribute to New Zealand having one of the lowest recorded rates of human trafficking in the world. It would be perilous to project New Zealand's model of prostitution onto countries with porous borders, corrupt officials and a high risk of human trafficking.

Reject and Adopt

Stop Demand urges UN Women to **reject** policies that would normalise prostitution or that would advance moves to decriminalise or legalise the sex trade, to avoid condemning countless marginalised women and girls across many countries to a life of exploitation and harm. We urge UN Women to **reject** any policy that, in its effect, would sanction the sexual entitlement of men to a smorgasbord of women's bodies at whim, directly fuelling sex trafficking and the serial raping of women to meet male demand.

For the past seven years Iceland, which criminalised the purchase of sex in 2009 and banned strip clubs in 2010, has topped the World Economic Forum's Global Gender Gap²⁵, with other Nordic countries close behind.²⁶ While the Nordic model of prostitution is not perfect, the policies and aims of that model are to be applauded – policies that value the physical, emotional, psychological and spiritual welfare of all women; that reject and seek a shift in attitudes and behaviours around male sexual entitlement; that foster respect and gender equality; that curb trafficking; and that seek the betterment and progress of society. Stop Demand urges UN Women to **adopt** prostitution policies that align with the Nordic model.

To conclude, Stop Demand acknowledges that policies behind both decriminalisation and the Nordic model focus, quite rightly, on the health and welfare of those who sell sexual services. However, we would remind UN Women that prostitution policies have a far wider impact: on sex buyers, traffickers, all women and girls (hindering or fostering gender equality), all men and boys (endorsing or renouncing attitudes around male sexual entitlement), communities and society (stagnation or betterment).

We thank UN Women for the opportunity to present our Submission.

¹⁹ For an overview of the wider impact of prostitution in New Zealand post-decriminalisation, see Appendix B.

²⁰ See Appendix A, "Adverse experiences on those engaged in prostitution in New Zealand post-decriminalisation"

²¹ http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11634543 "Family violence: 525,000 New Zealanders harmed every year", May 09, 2016

²² http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=10847329 "Key weighs in on NZ sex hotel", Nov 14, 2012

²³ http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10875922 "Beyer: We were naïve liberalising prostitution", Apr 07, 2013

²⁴ Its nearest neighbours, Australia and Fiji, are some three hours away by plane.

²⁵ See <http://icelandmag.visir.is/article/iceland-closer-closing-gender-gap-any-other-country> Nov 15, 2015

²⁶ In 2015, New Zealand ranked 10th.

APPENDIX A

From <http://www.stopdemand.org/wa.asp?idWebPage=54993&idDetails=266>

Adverse experiences on those engaged in prostitution in New Zealand post-decriminalisation

In New Zealand, in a 12-month period some four to five years **following** decriminalisation of prostitution in 2003, a government published Ministry of Justice Report (2008) found -

Of women engaged in street prostitution

- 39% had been threatened with physical violence
- 31% experienced refusal by client to pay
- 24% had money stolen by a client
- 13% had been physically assaulted by client
- 11% had received abusive text messages from clients
- 10% had been held somewhere against their will

Of women engaged in the managed indoor sector (eg brothel)

- 10% had been physically assaulted by client

Of women engaged in the private indoor sector (eg SOOB, small owner-operated brothel, purportedly the "safest" sector)

- 36% has received abusive text messages from clients
- 16% had been threatened with physical violence
- 12% had experienced refusal by client to pay

(For full statistics, see Table below.)

Table 11: Adverse Experiences while Working in the Last 12 Months by Sector (highlights added)

	Total %	Street Workers %	Managed Indoor %	Private Indoor %
Experienced refusal by client to pay (N=769)	12.6	31.5	7.5	12.6
Reported to police	9.1	11.7	4.9	10.0
Reported to another person besides police	53.8	46.6	63.9	53.3
Had money stolen by a client (N=768)	8.3	24.4	4.2	7.9
Reported to police	15.5	10.6	19.3	18.3
Reported to another person besides police	63.1	64.3	71.7	53.3
Been physically assaulted by client (N=770)	9.8	13.4	10.4	7.3
Reported to police	19.2	19.2	13.5	32.0
Reported to another person besides police	75.9	64.5	86.4	53.9
Threatened by someone with physical violence (N=768)	15.9	39.5	9.3	16.3
Reported to police	20.0	17.8	14.8	27.0
Reported to another person besides police	70.0	72.2	77.3	60.1
Held somewhere against their will (N=766)	4.7	10.2	4.2	3.2
Reported to police	21.1	19.3	30.1	3.5
Reported to another person besides police	59.8	40.5	63.4	79.2
Been raped by a client (N=769)	3.0	5.3	3.3	1.5
Reported to police	32.1	6.0	35.4	62.3
Reported to another person besides police	65.0	53.8	71.0	62.3
Received abusive text messages from clients (N=771)	17.3	11.0	7.4	36.4
Reported to police	6.1	11.2	14.2	2.6
Reported to another person besides police	44.2	42.3	46.4	43.7

- Ministry of Justice. (2008). *Report of the Prostitution Law & Review Committee on the Operation of the Prostitution Reform Act 2003*. Wellington, New Zealand: Ministry of Justice. p.56

"Opinion among CJRC* informants differed on the impact of the PRA on adverse incidents, including violence, being experienced in the sex industry. The majority felt that the PRA could do little about the violence that occurred.

Clients getting stroppy will always happen. This was the case before the Act and after it.
(Brothel operator, CJRC, 2007)

There has been no impact. There will always be ugly mugs.
(NGO – health, CJRC, 2007)"

* CRJC - Crime and Justice Research Centre.

- Ministry of Justice. (2008). *Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003*. Wellington, New Zealand: Ministry of Justice. p.57

Cognitive distortions

In New Zealand, decriminalisation of prostitution did not provide *any* assistance or benefit to any of the four women brutally murdered while "working"²⁷.

So-called "civilised countries" denounce behaviours such as physical or sexual assault, threats of violence, being held unwillingly, rape, and verbal abuse by men who have intimate access to women (termed "adverse experiences" in the Government report above). It is commonly called domestic or partner abuse. Women are commonly urged to leave such harmful situations.

The mere addition of cash in such a situation alters nothing, despite those who seek to accommodate, trivialise and cognitively distort the violence and its ever present threat, and reframe it with rhetoric around "agency" and "empowerment" for women.

No industry that is inherently predicated on gendered violence, inequality and degradation should be elevated to the status of "work". Neither should it be legitimised by the State.

Relationship characteristics	Opponents of prostitution	Supporters of prostitution
Physical and sexual assaults, abuse, and threats of violence by intimate other	Not tolerated Denounced as abuse Recognised as harmful	Not tolerated Denounced as abuse Recognised as harmful
Physical and sexual assaults, abuse, and threats of violence by intimate other/s + cash	Not tolerated Denounced as abuse Recognised as harmful	Tolerated Elevated to "work" status Distorted as "empowering"

²⁷ <http://www.stuff.co.nz/national/crime/80444346/Murder-arrest-bittersweet-for-Renee-Duckmantons-family>

APPENDIX B

From <http://www.stopdemand.org/wa.asp?idWebPage=54993&idDetails=266>

In summary, decriminalisation of prostitution in New Zealand in 2003 has had the following impacts:

- *Young women*
 - Is luring increasing numbers of “desperate” young women into prostitution. [article](#) (see alternative view: [article](#))
 - Is luring increasing numbers of overseas students studying in New Zealand legally, to engage in prostitution illegally. [article](#)
 - Is luring increasing numbers of foreign women (mostly Asian) to New Zealand illegally, to engage in prostitution. [article](#); [article](#)
- *Children and youth*
 - Has led to a rise in child prostitution. [article](#); [article](#)
 - Has reduced the sexual exploitation of children including their rape and gang rape to a mere *social*, rather than *criminal*, issue. [article](#); [article](#)
 - Has not resulted in a law enforcement crackdown on sexual exploiters of the under aged, as promised nine years ago by politicians. [article](#); [article](#); [article](#)
- *Health, safety, violence and gender inequality*
 - Has not prevented murders of women in prostitution. [article](#); [article](#)
 - Has not prevented other forms of violence against women in prostitution. see section below or [here](#)
 - Has not prevented women from being forced to “work” in slave-like conditions. [article](#)
 - Requires women in prostitution who are forced to operate in unsafe or slave-like conditions to seek expensive and drawn-out legal redress against their employer through the Employment Court (personal grievance claim). [article](#)
 - Has led to “bargain-basement” sex-for-sale prices in some brothels. [article](#)
 - Has not deterred unsafe sex practices, with unprotected sex offered for the “right price”. [article](#)
 - Has led to a broadening of genres being sought by sex buyers, and met (eg “heavily pregnant and lactating”). [article](#)
 - Continues to entrench gender inequality, where the “paymaster” is dominant and young women are reduced to sexual subservience. [article](#)
- *Communities*
 - Has impacted negatively on residential communities, where sex traders' rights prevail over residents' rights. [article](#); [article](#); [article](#); [article](#); [article](#)
 - Has impacted negatively on business communities, where sex traders' rights prevail over business owners' rights. [article](#)
 - Has normalised prostitution, despite politicians' promises it would not. [article](#)
- *Local councils*
 - Has caused ongoing bureaucratic problems for local bodies and city councils, wasting a massive amount of (ratepayer funded) resourcing. [article](#); [article](#); [article](#)
- *Legal pimping/profitteering*
 - Has seen a big increase in Asian-run brothels relative to population size (9.2% as of 2010 [source](#)). [article](#)
 - Has turned former pimps and brothel owners into “entrepreneurs”, paving the way for them to significantly expand sex business opportunities including mega-brothels. [article](#); [article](#); [article](#)
 - Has turned some national newspapers into pimps (*pimps: those who, for profit, facilitate the finding of customers for prostitutes*) (eg the New Zealand Herald runs countless daily sexual service advertisements, the vast majority offering sex buyers a smorgasbord of mostly young women of varying ages, ethnicities, characteristics, (in)experience and breast cup size).
 - Has one pornography marketer offering prospective sex buyers cut-out discount coupons [article](#)
- *Illegal profiteers*
 - Has seen a dramatic increase in commercial unlicensed brothels. [article](#)
 - Has seen the springing up of a large illegal sex industry. [article](#)
- *Trafficking for the sex trade*
 - Assists traffickers (actual and prospective) by removing a major obstacle within prostitution, its illegality. [article](#)
 - Makes it harder for trafficking victims to be distinguished from foreign women with false passports who are committing Immigration offences. [article](#); [article](#)
- *Sex tourism*
 - Has seen New Zealand marketed internationally as a sex tourist destination for sex-buying retirees. [article](#)