



Family Policy Institute

Why prostitution must not be decriminalised or legalised in South Africa.

Research Gathered & Compiled by:

- Errol Naidoo
- Achmed Kariem
- Marge Ballin
- Taryn Hodgson
- Sakhile Ndlovu

Family Policy Institute
49 Parliament Street Cape Town 8001
PO Box 4743 Cape Town 8000 - Tel: 021 462 7888 - Fax: 088 021 462 7889
E-mail info@familypolicyinstitute.com Web: www.familypolicyinstitute.com



Dear Concerned Citizen,

The following is a compilation of both local and international research and social studies concerning the subject of prostitution.

The call to decriminalise prostitution in SA is being championed by a small but vocal group. Presumably, the objective is to have enough prostitutes legally available for the hordes of soccer fans expected to descend on our shores for the 2010 World Cup.

The first to make the call for the legitimisation of sex slavery was former national police commissioner, Jackie Selebi. This reprehensible statement was echoed by MP George Lekgetlo who suggested that prostitution be legalised for the duration of the 2010 World Cup, effectively transforming the nation into a huge brothel.

The decriminalisation of prostitution is a gift to pimps, criminal syndicates and sex traffickers and does not improve the health and welfare of women trapped in prostitution.

Studies reveal that the decriminalisation of prostitution in Australia and New Zealand has resulted in an increase in illegal, hidden and street prostitution. Decriminalisation also promotes trafficking in women and children increasing the tendency of child prostitution.

Contrary to claims that legalisation and decriminalisation would regulate the expansion of the sex industry and bring it under control, the sex industry now accounts for 5 percent of the Netherlands economy.

Those advocating for decriminalisation argue it would promote the mental health of prostitutes because they feel isolated and ashamed. However, it is not the legal status of prostitution that causes the harm, it is prostitution itself. Prostitution is not labour, it is a violation of human rights. It is often paid rape.

South Africa should rather emulate a progressive country like Sweden where prostitution is regarded as gender based violence and a tough stand is taken against buyers, pimps and traffickers. This is combined with services to assist women to exit prostitution and educational programmes in schools and public educational campaigns.

Standing

Errol Naidoo

President

Family Policy Institute

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Chapter 1: Does Decriminalisation or Legalisation improve the lives of women & children trapped in prostitution?

"What are the effects of prostitution on the women in prostitution as well as society at large? Prostitution doesn't just have individual impacts on women in prostitution. It impacts all women in that society. If you have a country that thinks it's appropriate and acceptable that women are to be for sale then you normalize the idea that men have the right to buy and sexually exploit not just a particularly marginalized subclass of women, but all of us," Abolishing Prostitution: The Swedish Solution by Gunilla Ekberg.

"Participating women's organisations are deeply concerned about proposals to legalize the prostitution industry in South Africa and other countries, and the effects that such a response is likely to have on women and children as well as society at large. This approach infringes the human rights of women, impairing their dignity and integrity, and is contrary to the spirit of the South African Constitution and other pieces of legislation."

Statement by women's rights organizations from 19 countries across 6 continents who met in South Africa in August 2008.

"U.N. committees charged with offering guidance on the obligations incumbent upon nations that have ratified the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW") and the Convention on the Rights of the Child ("CRC") are, instead, advancing a radical agenda harmful to the best interests of societies and states, under the cover of providing review and recommendations."

In doing so, these U.N. committees are decisively undermining the sovereignty of state parties to the treaties in matters that have always been within the domestic jurisdiction of individual states to decide. These committees have recommended - Legalizing prostitution and elevating it to the status of a profession," Patrick F. Fagan, William L. Saunders, and Michael A. Fragoso: How U.N. conventions on women and children's rights undermine family, religion, and sovereignty.

Victoria (Australia) example: In 1984, the Cain Labour government passed The Planning (Brothels) Act. This was followed by the Prostitution Regulation Act in 1996 and major amendments were made in 1994 with the Prostitution Control Act.

The 1994 Act licensed brothels, making it an offence to work in prostitution except in licensed brothels or small owner-operated brothels (in other words, a home is acceptable). All prostitution service providers have to obtain a license - this is overseen by the Business Licensing Authority.

Prior to the legalisation of brothels in 1994, there were about 50 illegal brothels. Following legalisation, the numbers escalated quickly. By 2001, there were approximately 80-90 legal brothels (some of them quite large and actively promoted), numerous escort agencies and a growing number (estimated 1500) of registered single operators. In 1999 police estimated there were more than 100 illegal brothels. Subsequent recent estimates claim there are up to 400 illegal brothels.

Street prostitution has also escalated sharply. This led to proposals in 2002 from the Victorian government, and the local Port Phillip Council suggesting 'tolerance zones' for street prostitution and even state-run hotels, which would rent rooms by the half-hour! Due to local resident protests, these proposals were dropped.

Trafficking of foreign women to work in illegal brothels has increased and court cases have ensued. A recent call at the 2020 Summit, by a representative of the prostitution industry, was for foreign women to be given visas so they could 'legally' come to Australia to work in brothels!

Initially the 1994 Act set up the Prostitution Control Board and an Advisory Committee, which include prostitutes and government representatives, to regulate the industry. However, the Board did not meet regularly and failed to regulate it. In 2000, a General Business Licensing Authority replaced the Prostitution Control Board with no specialist knowledge.

Prior to legalisation, a group called the Prostitutes Collective acted as a lobby group calling for decriminalisation. After prostitution was legalised, the group became an 'industry group' - it even received government funding to support prostitutes and supervise health checks.

The Victorian Health and Community Services Department provided \$290,000 in 1995. The program was later renamed, "Resourcing Health Education for the Sex Industry." The industry group is currently referred to as, 'The Scarlett Alliance'.

The legalisation of prostitution in Victoria has led to more brothels, more women (and men) working in brothels or as private operators or on the streets, more women trafficked in sex slavery from overseas, and an increase in the degradation of women and men, Prostitution in Victoria - the effects of legalisation, Jenny Stokes, Research Director, Salt Shakers, 2001.

"The Victorian State Government, despite more and more evidence that legalisation has failed to achieve any of its aims, continues in its belief that prostitution can be regulated like any other industry. Victoria's legitimization of prostitution created a prostitution culture throughout the State and made it acceptable for Victorian men to purchase women for sexual gratification.

Legalisation has offered nothing for women caught up in this system of exploitation. Legitimizing prostitution as work has simply worked to normalize the violence and sexual abuse that they experience on a daily basis. Victoria must not be seen as a model for other countries attempting to deal with the escalating trade in women and children for sex. Legalised prostitution is government-sanctioned abuse of women and violates their right to equality and safety." What Happens When Prostitution Becomes Work? (An update on legalisation of prostitution in Australia, Mary Sullivan, Coalition against Trafficking in Women, Australia, 2005).

Netherlands from tolerance to eventual child prostitution: Prostitution was tolerated several years before it was legalised in the Netherlands. Child prostitution in the Netherlands significantly increased from 1991 onwards. The Child Right organisation in Amsterdam estimates that there are now more than 15,000 children (primarily girls), being prostituted - an increase of eleven thousand since 1996. Five thousand of these children are thought to be from other countries, mainly Nigeria. A Critical Examination of Responses to Prostitution in Four Countries: Victoria, Australia, Ireland, the Netherlands, and Sweden by Tiggloven, 2001.

The legalisation of prostitution was promoted with the argument that the legitimisation of prostitution would control and curb the expansion of the sex industry and restrict the number of brothels, sex clubs and entrepreneurs who could operate. But instead of restricting its expansion, legalisation has increased the number of brothels and sex clubs and also increased sex trafficking.

The goal of any industry, legitimate or not, is to expand. Advocates of legalisation invoke a peculiar argument when they rationalize that legalisation will bring the sex industry under control, restricting its reach and abuse. Contrary to claims that legalization and decriminalization would control the expansion of the sex industry, prostitution now accounts for 5% of the Netherlands economy.

Over the last decade, as pimping was legalized, and brothels decriminalized in the year 2000, the sex industry increased by 25% in the Netherlands. Legalized or decriminalized prostitution industries are one of the root causes of sex trafficking. One argument for legalizing prostitution in the Netherlands was that legalization would end the exploitation of desperate immigrant women who had been trafficked there for prostitution.

However, one report found that 80% of women in the brothels of the Netherlands were trafficked from other countries. In 1994, the International Organization of Migration stated that in the Netherlands alone, "nearly 70 % of trafficked women were from Central and Eastern European Countries, The Impact of the Sex Industry in the European Union, Janice G. Raymond, Public Hearing on "The Impact of the Sex Industry in the E.U.," Committee on Women's Rights and Equal Opportunities, European Parliament.19/01/04.

Child Prostitution in the Netherlands: The number of Dutch children working in prostitution has increased dramatically over the past five years: from 4,000 to 15,000 according to figures published by the Amsterdam-based Child Right organization.

Most children that end up in prostitution in the Netherlands are boys or young under aged asylum-seekers – particularly Nigerian girls. Child Right claims this group numbers some 5,000 children. But recent years have seen a significant increase in the number of Dutch girls forced into the sex industry.

Among them are an estimated 5,000 runaway or homeless children, many of whom are mentally retarded. Another large group (also 5,000) are 'ordinary' Dutch schoolgirls, aged 13 or 14 from a "regular home environment" who are lured into prostitution by so-called "lover-boys."

Great caution should be used in distinguishing between so called voluntary and involuntary prostitution. Worldwide the average age of entry into prostitution is 14 (Shared Hope International) and is decreasing. When these girls reach 18 can one really hold that a vocational choice has been made or is it merely the continuation of childhood abuse and exploitation?

Studies show that the majority of those who 'choose' to engage in prostitution have a history of childhood sexual and violent abuse. Entering into prostitution is also generally a survival strategy, as Joseph Parker noted: "The reality is that no woman wants to have sex with 5, 10, 15, 20 or more men a day, every day." Can one really speak of choice at all if there are no viable alternatives to actually choose from?

www.radionetherlands.nl/currentaffairs/region/netherlands/netherlands011218.html

Child Prostitution: Similarly, caution should be used in drawing artificial boundaries between child prostitution and prostitution from the age of 18. In the light of the above it is cruel to hold that at age 17 and 364 days a girl who is being prostituted is an exploited child but the very next day all protection is withdrawn.

Child prostitution exists in every adult prostitution market that exists and has increased where prostitution has been legalised or decriminalised (Bindel: 2004; Sullivan: 2005; New Zealand Herald: 2008)

The report by the United Nations Children Fund (UNICEF) says a growing number of people visit Kenya not for its postcard sunsets and palm-fringed beaches but to exploit children sexually. The practice has come to be known as child sex tourism. According to the report, between 10,000 and 15,000 boys and girls at the Kenyan coast are involved in sex work. Of these, as many as 3,000 are engaged in sex work full time.

<http://www.nation.co.ke/News/-/1056/602184/-/ujof9k/-/>

Chapter 2: Will the Decriminalisation or legalisation of prostitution improve & ensure the human rights of women & children including some males in prostitution?

Prostitution is sexual harassment, rape, battering, verbal abuse, domestic violence, a racist practice, a violation of human rights, childhood sexual abuse, consequence of male domination of women, and a means of maintaining male domination of women.

Arguments for decriminalisation or legalization are usually based on the mistaken assumption that a regulated sex industry will contain and control the growth of the brothel and street trade, and eliminate - or at least greatly reduce - the associated drugs; abuse; violence; organized crime; child prostitution and trafficking.

There is no evidence, however, to support these claims. In countries such as Netherlands, Australia and Germany where these policies were adopted the opposite happened and there has been a dramatic increase in legal and illegal prostitution, child prostitution and trafficking in persons for sexual purposes, Prostitution: Factsheet on Human Rights Violations by Melissa Farley PhD.

“No sex for sale, Court rules”, 10 October 2002: The Constitutional Court ruled that prostitution and running brothels are still illegal. The ruling dashed the hopes of brothel owner Ellen Jordan, who spent millions in her court bids to get the laws thrown out.

When Jordan, one of her employees and a sex worker were arrested for contravening the Sexual Offences Act of 1957 in 1996, Jordan took the case to the High Court. The High Court found firstly that sections of the law that render sex for money a crime were unconstitutional, and secondly that the legislation outlawing the managing of brothels should be upheld.

Jordan took the rulings to the Constitutional Court to have the first one confirmed and the second overturned. However, the Constitutional Court upheld both rulings. The first, outlawing prostitution and the second, outlawing brothel keeping. The Court found that outlawing prostitution did not infringe on the rights to human dignity and economic activity.

http://www.safrika.info/ess_info/sa_glance/constitution/prostitution1.htm

"Madam loses expensive sex battle", 9 October 2002: Ellen Jordan feels so strongly that prostitution should be legalised that she gambled her life earnings. Now she is bankrupt and defeated, after the Constitutional Court upheld the law criminalizing brothels and prostitution.

<http://www.dailynews.co.za/index.php?fSectionId=3532&fArticleId=ct20021009221841844S5252755>

ELLEN JORDAN CASE, CONSTITUTIONAL COURT OF SOUTH AFRICA, 9 October 2002, JUDGMENT BY NGCOBO J:

Introduction

[1] I have had the benefit of reading the joint judgment of O'Regan and Sachs JJ. I agree with the conclusion that the constitutional challenges based on human dignity, freedom of person, privacy and economic activity must fail. However, the reasons that persuade me to conclude that the challenge based on the right to economic activity and the right to privacy must fail differ in both their scope and emphasis from those advanced in the joint judgment. I also agree that the challenge to sections 2, 3(b) and (c) of the Sexual Offences Act (the Act) must fail. However, I do not agree with the conclusion that section 20(1) (a) of the Act discriminates unfairly against women and that it is thus inconsistent with the interim Constitution, as found by my colleagues.

Which Constitution is applicable?

[2] The issue of which constitution applies is governed by item 17 of Schedule 6 of the Constitution, which provides that proceedings that were pending when the Constitution came into force shall be governed by the interim Constitution unless the interests of justice require otherwise. The Constitution expresses the principle that a dispute must ordinarily be decided in accordance with the law in force at the time when the alleged infringement of the Constitution occurred. The Constitution will only apply retroactively if the interests of justice so demand.

[3] In their appeal in the High Court the appellants based their constitutional challenges on the interim Constitution. That is the Constitution that was in force when the events that gave rise to these proceedings occurred. In this Court all the parties accepted that the interim Constitution governs these proceedings. The High Court, however, approached the matter on the footing that the Constitution applies. It is not clear from the judgment of the High Court whether any argument was addressed to it on this question. The parties did not suggest that it was in the interests of justice to apply the Constitution.

[4] The High Court should have applied the interim Constitution as that constitution was in force when the acts that gave rise to these proceedings were committed. Ordinarily we would have to decline to confirm the order of invalidity on this basis alone. There are, however, considerations that militate against such a course being followed. There is no material difference between the provisions of section 8 of the interim Constitution and section 9 of the Constitution, both of which deal with discrimination. It therefore matters not which Constitution was applied by the High Court in reaching its conclusion that section 20(1) (a) was discriminatory and therefore inconsistent with the Constitution. We can therefore apply the interim Constitution. The parties did not contend otherwise.

The Proceedings in the High Court

[5] The constitutional challenge to section 20(1) (a) included challenges based on the violation of “the rights of . . . gender equality” and “to equality before the law . . .” The High Court found that the distinction made by the provision between the merchant and the customer was “obviously unjustified discrimination between not only sexes but also persons.” It also found that the impugned provision was discriminatory by distinguishing between “a prostitute who received money for her favours and her sister who receives, for rendering similar services, a benefit or reward of a different kind such as a paid holiday weekend”

[6] It is unfortunate that the High Court did not specify the provision of the Constitution that it found to have been violated by section 20(1) (a). In particular, it was necessary to indicate whether the finding of discrimination was based on section 9(1) or 9(3) of the Constitution. Nor did the High Court indicate the basis for its conclusion that section 20(1) (a) could not be justified.

[7] When a court concludes that a provision in a statute limits a constitutional right, it is necessary first, to identify the specific provision of the Constitution that is limited by the impugned provision and second, to determine whether the limitation is justifiable in terms of section 36(1) of the Constitution. This Court has on more than one occasion pointed out that the enquiry into the constitutional validity of a provision in a statute requires the court to engage in a two-stage enquiry: first, it must determine whether the impugned provision limits a constitutional right. If it does, the second enquiry arises. That enquiry relates to the question whether the limitation of the right is justifiable in terms of section 36(1).

Does Section 20(1) (a) discriminate unfairly against women?

[8] The central issue that was debated in this Court is whether section 20(1) (aA) discriminates unfairly against women. That debate turned largely upon the proper construction of section 20(1) (a). On behalf of the State it was contended that upon a proper construction the section strikes at both the prostitute and the customer and hence it is not discriminatory. The appellants and the *amici* contended that it strikes only at the prostitute and hence it is discriminatory. In my view, this matter can conveniently be approached on the footing that the section is directed at the prostitute only and not the customer.

[9] Penalising the recipient of the reward only does not constitute unfair discrimination on the grounds of gender. The section penalises “any person” who engages in sex for reward. The section clearly applies to male prostitutes as well as female prostitutes. The section is therefore gender-neutral. Penalising the prostitute only does not therefore amount to direct discrimination.

[10] Nor does it amount to indirect discrimination. The section makes a distinction between the prostitute and the customer. There is a qualitative difference between the prostitute who conducts the business of prostitution and is therefore likely to be a repeat offender, on the one hand, and the customer who seeks the service of a prostitute only on occasion and thus may or may not be a repeat offender. As the joint judgment holds, the purpose of the prohibition is to outlaw commercial sex. The prostitute is engaged in the business of commercial sex. One of the ways of curbing commercial sex is to strike at the merchant by means of criminal sanctions. The differentiation between the dealer and customer is a common distinction that is made in a number of statutes.

[11] The differentiation made by the section must be viewed against the fact that a man or woman who pays for sex is guilty of criminal conduct and liable to the same punishment as the prostitute. At common law the customer is a *socius criminis* and also commits an offence under section 18 of the Riotous Assemblies Act. In terms of the Riotous Assemblies Act, the customer is liable to the same punishment to which the prostitute is liable.

[12] It needs to be stressed here that the purpose of section 20(1) (a) is to prohibit commercial sex, not to protect the person who pays for sexual favours. The comments made by Steyn CJ in *S v Kellner* with regard to a statute that prohibited the receipt of a bribe, seem to me to be apposite here. The purpose of that prohibition was not to protect persons offering a bribe “against their own weaknesses or against any temptation into which the urgency of their own affairs may lead them; and if they should become the victims of circumstance and inclination, that does not place them in the category of complainants who have suffered injury and who should not be [sic] deterred from disclosure by any apprehension of being implicated in an offence.” In the circumstances a provision that made it an offence to receive a bribe, did “not exclude the person performing the supplementary act to the prohibited acceptance of a reward from criminal liability as an accessory”.

[13] The Sexual Offences Act was therefore enacted in the context of a system of law in which all who participate in a prohibited act are guilty of having participated in that act and liable to the same punishment as the principal offender. The Sexual Offences Act forms part of that system of law. So does section 20(1) (a).

[14] Thus, a man who pays for sex and the woman who receives the payment are equally guilty of criminal conduct and liable to the same penalties. Both at common law and in terms of the Riotous Assemblies Act the customer commits an offence, and in terms of the Riotous Assemblies Act the customer is liable to the same punishment to which the prostitute is liable.

[15] And if there is any discrimination, such discrimination can hardly be said to be unfair. The Act pursues an important and legitimate constitutional purpose, namely, to outlaw commercial sex. The only significant difference in the proscribed behaviour is that the prostitute sells sex and the patron buys it. Gender is not a differentiating factor. Indeed one of the effective ways of curbing prostitution is to strike at the supply. Two points to note here are the ones already stressed: first, the prohibition is gender neutral, it punishes both female and male prostitutes; and, second, guilt and punishment are equal for both the prostitute and the customer. In the circumstances any “discrimination” resulting from the prostitute and the customer being dealt with under different provisions of the law cannot be said to be unfair.

[16] If the public sees the recipient of reward as being “more to blame” than the “client”, and a conviction carries a greater stigma on the “prostitute” for that reason that is a social attitude and not the result of the law. The stigma that attaches to prostitutes attaches to them not by virtue of their gender, but by virtue of the conduct they engage in. That stigma attaches to female and male prostitutes alike. In this regard I agree with the joint judgment that by engaging in commercial sex work, prostitutes knowingly accept the risk of lowering their standing in the eyes of the community, thus undermining their status and becoming vulnerable.

[17] It was not suggested that prostitutes have no choice but to engage in prostitution. It was accepted that they have a choice but it was contended that the choice is limited or “constrained”. Once it is accepted that section 20(1) (a) is gender neutral and that by

engaging in commercial sex work prostitutes knowingly attract the stigma associated with prostitution, it can hardly be contended that female prostitutes are discriminated against based on gender. I am not persuaded by the argument that gender discrimination exists simply because there are more female prostitutes than male prostitutes just as I would not be persuaded if the same argument were to be advanced by males accused of certain crimes, the great majority of which are committed by men.

[18] In my view, a gender neutral provision which differentiates between the dealer and the customer, a distinction that is commonly made by statutes, and which is justifiable having regard to the qualitative difference between the conduct of the dealer and that of the customer, and which operates in the legal framework that punishes both the customer and the dealer and makes them liable to the same punishment, cannot be said to be discriminating on the basis of gender, simply because the majority of those who violate such a statute happen to be women.

[19] In contending that section 20(1) (a) discriminates unfairly against women, reliance was also placed upon the practice of the police and the prosecutors. It was contended that in practice only prostitutes are prosecuted and that customers are not. As pointed out earlier, a customer who engages in sex for a reward commits an offence at common law and in terms of the provisions of the Riotous Assemblies Act. What happens in practice may therefore point to a flaw in the application of the law but it does not establish a constitutional defect in it. Even if the practice of the police and the prosecutors is to target the “merchants” and not the “customers” that is not relevant to the issue before us in the present case concerning section 20(1) (a) of the Act, which is whether the order of the High Court declaring the section to be inconsistent with the Constitution should be confirmed.

[20] For all these reasons I conclude that section 20(1) (aA) is not inconsistent with section 8(2) of the interim Constitution. *Other constitutional challenges*

[21] Having found that section 20(1) (a) was inconsistent with the Constitution, the High Court did not consider the other challenges to section 20(1) (a). Where the constitutionality of a provision is challenged on a number of grounds and the court upholds one such ground it is desirable that it should also express its opinion on the other challenges. This is necessary in the event of this Court declining to confirm on the ground upheld by the High Court. In the absence of the judgment of the High Court on the other grounds, the proper course to follow may be to refer the matter back to the trial court so that it can deal with the other challenges to the impugned provision. Thus failure by the High Court to consider other challenges could result in unnecessary delay in the disposal of a case.

[22] In this case, however, there are considerations, which militate against sending the matter back to the High Court. In the appeal relating to the brothel provisions, the appellants raised the same constitutional challenges that they had raised in relation to the other challenges to section 20(1)(a). In the event, we had the benefit of full argument on the other challenges to section 20(1) (a). In these circumstances it is in the interests of justice that this Court considers the other challenges to section 20(1) (a). Accordingly I proceed to consider them.

Challenge based on the right to economic activity

[23] At best for the appellants, section 26(1) and (2) of the interim Constitution must be read together as meaning that all constraints upon economic activity and the earning of a livelihood that fall outside the purview of subsection (2) are in breach of section 26. All that subsection (2) requires is that there should be a rational connection between the legislation and the legislative purpose sanctioned by subsection (2). Once it is established that the purpose of the prohibition is sanctioned by subsection (2), the question whether the purpose is justifiable in an open and democratic society based on freedom and equality is essentially a question of law.

[24] The state contended that the legislation was “designed” to promote the protection or improvement of the quality of life and human development, and as such is sanctioned by section 26. Prostitution is associated with violence, drug abuse and child trafficking. These are the legislative facts.

[25] The legislature has the responsibility to combat social ills and where appropriate to use criminal sanctions. In doing so, it must act consistently with the Constitution. Once the legislature has done so, courts must give effect to that legislative choice and may not enter into the debate as to whether the choice made is better or worse than others not chosen. It was accepted that the options available to the legislature in combating the social ills associated with commercialised sex include criminalisation, regulation and abstention.

[26] The means employed by the state to address these problems are to criminalise commercial sex and brothel keeping. This is *prima facie* sanctioned by subsection (2). Measures intended to eliminate the harmful effects of prostitution and brothel keeping are clearly measures designed to protect and improve the quality of life. It is not for this Court to pass judgment on the effectiveness or otherwise of the choice made by the legislature. Indeed we are not entitled to set aside legislation simply because we may consider it to be ineffective or because there may be other and better ways of dealing with the problem. It follows therefore that prostitution and brothel keeping is not protected by section 26. For these reasons I agree that the challenge based on section 26 must likewise fail. *The Challenge based on privacy*

[27] It was contended that the prohibition on prostitution infringes the right to privacy. I have grave doubts as to whether the prohibition contained in section 20(1) (a) implicates the right to privacy. This case is different from *National Coalition for Gay and Lesbian Equality and Another v Minister of Justice and Others*. There the offence that was the subject of the constitutional challenge infringed the right of gay people not to be discriminated against unfairly, and also their right to dignity. It intruded into “the sphere of private intimacy and autonomy which allows us to establish and nurture human relationships without interference from the outside community” and in doing so affected the sexuality of gay people “at the core of the area of private intimacy.” None of those considerations are present here.

[28] This case is concerned with the commercial exploitation of sex, which as I have found, involves neither an infringement of dignity nor unfair discrimination. I do not accept that a person who commits a crime in private, the nature of which can only be committed in private, can necessarily claim the protection of the privacy clause. What compounds the difficulty is that the prostitute invites the public generally to come and engage in unlawful conduct in private. The law should be as concerned with crimes that are committed in private as it is with crimes that are committed in public.

[29] But even if the right to privacy is implicated, it lies at the periphery and not at its inner core. What lies at the heart of the prostitutes' complaint is that they are prohibited from selling their sexual services. After all, they are in this industry solely for money. The prohibition is directed solely at the sale of sexual activity. Otherwise the prostitutes are entitled to engage in sex, to use their bodies in any manner whatsoever and to engage in any trade as long as this does not involve the sale of sex and breaking a law validly made. What are limited are the commercial interests of the prostitute. But that limitation is not absolute. They may pursue their commercial interests but not in a manner that involves the sale of sex. Having regard to the legitimate state interest in proscribing prostitution and brothel keeping, viewed against the scope of the limitation on the right of the prostitute and brothel keeper to earn a living, I conclude that if there be a limitation of the right to privacy, the limitation is justified. It follows that the challenge based on the right to privacy must also be dismissed. *Conclusion*

[30] Much of the argument in this case, and of the evidence placed before this Court, was directed to the question whether the interests of society would be better served by legalising prostitution than by prohibiting it. In a democracy those are decisions that must be taken by the legislature and the government of the day, and not by courts. Courts are concerned with legality, and in dealing with this matter I have had regard only to the constitutionality of the legislation and not to its desirability. Nothing in this judgment should be understood as expressing any opinion on that issue.

[31] I agree with O'Regan and Sachs JJ that the appeal against the finding made by the High Court concerning brothels should be dismissed. However, I conclude that section 20(1) (a) is not unconstitutional. In view of the fact that I also agree with the conclusion reached by my colleagues, that section 20(1) (a) does not violate the right to privacy, freedom and security, and the right to economic activity, it follows that I not only dismiss the appeal, but also decline to confirm the order of invalidity made concerning section 20(1) (a). *Order*

[32] It now remains to consider what the appropriate order should be. The orders made by the High Court were made conditional upon the confirmation of the order of unconstitutionality made by the High Court. As I hold that the impugned provisions are not unconstitutional and therefore decline to confirm the order of unconstitutionality, it follows that the order made by the High Court upholding the appeal by the third appellant cannot stand. In the High Court, and indeed in the Magistrates' Court, the appellants did not dispute the fact that they had contravened the impugned provisions. They only challenged the constitutionality of these provisions. Nor did the appellants appeal against the sentence. The finding that the impugned provisions are constitutional therefore disposes of the appellants appeal. It follows that the convictions and sentences imposed by the Magistrates' Court must be reinstated.

[33] In the event, the following order is made:

(1) The Court declines to confirm the order of the High Court declaring invalid section 20(1) (a) of the Sexual Offences Act 23 of 1957.

(2) The order made by the High Court is set aside and is replaced by an order dismissing the appeals.

(3) The appeals by the first and second appellants are dismissed.

**Motion adopted at the 1998 General Assembly of the European Women's Lobby
(June 1998)**

TITLE OF THE MOTION: Prostitution and Trafficking

We state that:

1. Prostitution and trafficking in women constitute a fundamental violation of women's human rights.
2. Prostitution and Trafficking in women should not be associated with the terms "forced" or "free".
3. It should be recognised that "free choice" is a relative factor, situated at the intersection of economic, social, cultural and political options of women in a given society. Inequality severely restricts freedom of choice.

We affirm that:

4. Prostitution and trafficking in women are violations of women's human rights. Effective protection of these rights will depend on raising the status of women in all areas of life and that this can be brought about through mindful strategies, which enable women and men to negotiate in the form of a gender contract;
5. Strategies to confront prostitution and trafficking in women must be multi-faceted addressing on the one hand the needs of women whose human rights are violated while at the same time targeting at the client, the procurer and other people benefiting from the sex industry...
6. Studies on prostitution and in particular studies about traffickers and customers must be undertaken.
7. The definition of male violence includes all forms of sexual exploitation.
8. Until these issues are rightfully recognised and adequately addressed in consultation with a broad-based coalition of women's groups, prostitutes and women, victims of trafficking must have access to all protective services.
9. These rights should include access to health care; police protection; opportunities for training and education; legal services and representation including legal residence permits in the cases of women from non-EU countries; support and counseling and all other services offered to all women regardless of their activity.
10. There must be education reflecting the view that buying and selling of bodies represents a violation of human rights and as such - considered illegal.

We call on:

11. Governments and policy-makers at all levels to engage in a broad consultation with all groups concerned with the protection of women's human rights, in particular women's organisations, prior to considering any policy or legislation relative to prostitution. The EWL believes that the issues are global and therefore, require multi-dimensional solutions, which address a number of universal issues, notably: inequality of women, globalisation of the world economy; countries in transition; poverty; immigration policies and above all the issue of incessant violation of women's human rights.

12. Governments and policy-makers to pass legislative measures against trafficking in women, and to ensure full application of these measures

Finaldocs/position papers/violence/prostitution-en

- [Not For Sale - Video on Prostitution & Trafficking](#)

Not for Sale was produced by the Coalition Against Trafficking in Women (CATW) and the European Women's Lobby (EWL) in 2006.

This documentary by filmmaker Marie Vermeiren gives voice to five survivors of prostitution, and also the UN Special Rapporteur on Trafficking, Ministers of the European Parliament and representatives from CATW and EWL. Understanding that prostitution is violence against women, the film articulates the links between prostitution and trafficking. Survivors come out strongly against decriminalization or legalization of prostitution, and point out the necessity for challenging men's demand for prostitution.

This short film (approx 25 minutes) is an excellent introduction to how prostitution works, as well as for those who want a deeper understanding of what prostitution is really like, from the perspective of survivors and advocates for alternatives to prostitution.

http://www.womenlobby.org/site/video_en.asp

Please read the following fact sheet.

<http://www.prostitutionresearch.com/factsheet.html>

RUHAMA'S POSITION ON LEGALISATION

Prostitution and whether or not it should be legalised is often discussed and debated on Irish radio, television and in the newspapers. Legalisation would mean the regulation of prostitution with laws regarding where, when, and how prostitution could take place. In many countries legalisation, and therefore regulation, is seen as the solution to addressing the multitude of problems surrounding prostitution such as the health and safety of women, the rights of women, under-age prostitution, trafficking, violence and public disorder complaints.

While legalisation involves regulation of some kind, decriminalisation does not as it involves the removal of all laws against prostitution. Decriminalisation is, therefore, a more extreme measure than legalisation. For the purpose of this paper the term legalisation, unless otherwise stated, shall be used to refer to any situation where prostitution is made legal and/or where any legal impediments against it are removed, thereby attempting to make prostitution a profession and therefore legitimate.

Giobbe, 1998. "A Comparison of Pimps and Batterers", a condensed version of "An Analysis of Individual, Institutional, and Cultural Pimping" in *Michigan Journal of Gender & Law*, 1993, vol. 1 (1): 33-57.

Ruhama is a Dublin based voluntary organisation that works with and for women involved in prostitution. It recognises the dignity of all women, is non-judgmental, and

aims to provide women with alternatives in their lives so that some day they may leave prostitution. Ruhama's work includes outreach and casework, education and development, and awareness raising. Ruhama also strives to influence the attitudes, prejudices and structures in society, which lead women into, and keep women in, prostitution.

Ruhama is against the legalisation of prostitution, viewing prostitution as exploitative and abusive of women and a violation of the most basic of human rights. The act of prostitution constitutes violence against women and is intrinsically traumatizing. The tactics of power and control that are used in prostitution are the same as those used in domestic violence. A woman seldom finds herself becoming involved in prostitution because of unlimited choices but rather because of very constrained circumstances. Prostitution is rarely chosen as a career but is instead seen as a survival strategy. By legalising prostitution one is failing to acknowledge that prostitution preys particularly on women who are vulnerable and who choose prostitution as a last resort.

Prostitution is violence against women and violates the most basic human rights to sexual autonomy and integrity. The human rights of women everywhere are seriously threatened by the massive and growing exploitation of women.

The UN Declaration of Human Rights 1948 guarantees human dignity and integrity to all. The Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others 1949 declares prostitution and the accompanying evil of trafficking for prostitution, to be incompatible with the dignity and worth of every human being.

- CEDAW– The Convention on the Elimination of All Forms of Discrimination Against Women was adopted in 1979 and ratified by nation states beginning in 1980. Ireland ratified in 1985. The most authoritative U.N. human rights instrument to protect women from abuse and discrimination.
- The Vienna Declaration 1993, in Article 1, defines as violence against women, “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.
- U.N. Declaration on the Elimination of Violence against Women 1993 targets “Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution” (Article 2 b)
- CATW (Coalition Against Trafficking in Women) has proposed a new Convention Against All Forms of Sexual Exploitation to the U.N. as a targeted instrument to address the expanding and globalisation of the sex trade.

From Ruhama's perspective, prostitution constitutes violence against women and is a fundamental violation of women's human rights. Prostitution is inherently harmful and abusive. It violates the human dignity and integrity guaranteed to all in the UN Declaration on Human Rights 1948. Human rights define what kind of life is worthy of a human being, what kind of life is worth living. This broad understanding of human rights is appealed to in all sorts of ways in our society.

Among our basic human rights are: the right to life, to physical and psychological integrity, to respect for privacy, freedom of circulation and the right to dignity as well as the so-called second generation of rights; food, shelter and work.

Clearly, many people consider prostitution, even if at times unconsciously, a reasonable choice for a particular sector or class of women. Prostitution is somehow acceptable for poor women, vulnerable women, indigenous women, women of colour of different race, instead of being seen as sexual exploitation and a human rights violation. We are in reality tolerating the creation of a separate, expendable, throwaway class of women. (Barry, K. (1995) p. 280

Finnish Programmes for the Prevention of Prostitution and Violence Against Women 1998-2000 Bunch, C., (1995) p.12.

Intrinsic to prostitution are numerous violations of human rights: sexual harassment, economic servitude, educational deprivation, job discrimination, partner and family violence, racism, classism, vulnerability to frequent physical and sexual assault, and being subjected to body invasions that are equivalent to torture.

As well as breaching an individual's human rights, the prostitution system and the trade in human beings are a violation of the rights and dignity of humankind as a whole. When the body and sexual capacity of a person is consumed and exploited as a commodity, it is not only a social and health issue but also an ethical and human rights question. It is self evident that as long as it is acceptable to deny any group or class its full human entitlement to dignity, we are all vulnerable to human rights abuse.

The illusion that prostitution is a choice is manipulative and deceptive. It allows the buyers and the pimps to obscure the abuse involved and to confer a form of right on the abuser. The fact that money is exchanged cannot disguise the fact that what occurs in prostitution, the bodily and psychological violations involved are in fact sexual abuse and harassment and would be seen as such in any so-called ordinary workplace or social setting. Bunch, C., and Frost, S., (2000) Bunch, C., and Frost, S., (2000) www.hrw.org/women

For details of agencies see Raymond, J., (1998), also Farley, M., (2004), See also International Committee for Prostitutes Rights, COYOTE and North American Task Force on Prostitution, all at www.bayswan.org and Network of Sex Work Projects, at www.NSWP.org/nswp

The documented reality is that millions of women throughout the world live in conditions of abject deprivation of, and attacks against, their fundamental human rights for no other reason than that they are women. Abuses against women are relentless, systematic, and widely tolerated, if not explicitly condoned, as in the case of the prostitution and sexual exploitation of women. Violence and discrimination against women are global social epidemics.

There is an argument, coming from some human rights activists and some feminists, as well as organisations supported by the sex trade, that prostitution *per se* should be exempted from the category of human rights violations. They propose that, instead of seeing prostitution as a human rights violation, the assumption should be that prostitution is a human right, a right of a woman to do what she wants with her body. Prostitution is constructed as sex work and it is proposed that all aspects of prostitution – soliciting, selling, buying and pimping be decriminalised. (Paper 4 on choice).

From the perspective that prostitution is violence against women and a breach of human rights it becomes irrational and absurd to confer a right to be sexually exploited. Society does not see other issues of harm such as domestic/partner violence, drug misuse and self-harm as rights. There are sanctions and protections enshrined in law to protect vulnerable individuals and society.

At first sight, it appears obvious that as human beings women have human rights. However, while the Universal Declaration of 1948 was and is to be understood to apply to women, the social subordination of women through tradition and prejudice in the world at large is also reflected in the marginalisation of women in the world of human rights.

The process of seeking redress for women for human rights violations has been disproportionately difficult for women and in many cases outright impossible.

The assertion that *women's rights are human rights* has the political impact of bringing to visibility the dismal failure of countries worldwide to accord women the human dignity and respect that they deserve simply as human beings.

International human rights approaches

United Nations Declaration 1948

Article 1 declares that all human beings are born free and equal in dignity and human rights; Article 5 prohibits cruel, inhuman or degrading treatment or punishment. The 1949 United Nations Convention, entitled *The Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others* states in its preamble that: prostitution and the evils which accompany it, i.e. the trade in human beings, are incompatible with human dignity and worth. This instrument recognizes that a woman's rights are violated whether or not there is consent. The convention legislates against pimping, brothel keeping and trafficking.

www.ohchr.org/english/law/traffic/persons.htm

U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979

The most important and authoritative international treaty specifically addressing women's human rights are the U.N. Convention on the Elimination of All Forms of Discrimination Against Women.

In Part I of the text of the convention Article 6 states that:

State parties shall take all appropriate measures including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Initiated during the UN decade for Women, adopted by the General U.N. Assembly in 1979, and ratified by over 177 countries by 2004, Ireland ratified in December 1985. CEDAW is the first international treaty to fully address fundamental human rights for women in politics, health care, education, economics, employment, law, property and marriage and family relations.

State parties to the convention are legally bound to put provisions in place to implement their obligations to protect and uphold women's human rights. The CEDAW committee monitors progress for women in countries that are state parties. Each party must submit reports on at least a four yearly basis giving account of measures taken. The committee can issue recommendations where necessary. The Irish government submitted its combined fourth and fifth report in 2005.

UN World Conference on Human Rights Vienna 1993.

The Vienna Declaration and Programme of Action adopted by the world conference declare, "*The human rights of women and of the girl-child are an inalienable integral and indivisible part of universal human rights*, Article 18 states.

Barry, K. (1995), p.311 and Appendix at 323f, for text of proposed Convention.

"Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support."

U.N. Declaration on Elimination of Violence against Women 1993

In Article 1, this Declaration adopts a broad definition of violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life".

Article 2 (b) targets

„Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

Since 1991 The European Parliament has passed resolutions opposing prostitution, e.g. most recently the *European Parliament resolution on the current situation in combating violence against women and any future action (2004/2220(INI)*. In that resolution, among several recommendations to governments on taking measures to combat gender violence, recommendation. (i) Urges member governments "*to combat the idea that working as a prostitute can be equated with doing a job*".

CATW proposed New Convention Against All Forms of Sexual Exploitation

The Coalition Against Trafficking in Women (CATW), and many other activists, argue that the efforts of the sex industry are having increasing success in excluding prostitution and pornography from the explicit terms of human rights instruments. Since the mid 1990s, CATW has been calling for addition of a new protocol to the 1949 convention, compelling countries that have ratified it, to enforce its provisions. They have drafted and are calling for a new convention to expand and reinforce the 1949 one. The proposed new *Convention Against All Forms of Sexual Exploitation* would make all prostitution and trafficking violations of human rights.

It would, for the first time declare that all sexual exploitation is a violation of a person's human rights. Furthermore, it would decriminalize the women in prostitution and criminalise the pimps, procurers and customers - as the 1999 Swedish law has done. The new convention also covers the support services, educational and economic alternatives needed for women who survive and exit prostitution.

Raymond, J., (1995).

U.N Special Rapporteur on Violence Against Women (1994) Preliminary Report Section G, Note 72.

'In the context of norms recently established by the international community, a State that does not act against crimes of violence against women is as guilty as the perpetrator. States are under a positive duty to prevent, investigate, and punish crimes associated with violence against women''

Sources and further reading:

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Chapter 3: What are the social implications for you, your family, your community & your city should prostitution be decriminalised or legalised?

The Health Implications

South Africa's public health system is already struggling under the demand for free health care, the lack of resources including well-trained nurses and doctors.

Sexually Transmitted Infections

The current STI epidemic is unprecedented. Every year there are more than 4 million new episodes of STIs in South Africa. This means that one in every 10 sexually active persons is infected with a STI every year.

The rates of Chlamydia infection, gonorrhoea, herpes and genital warts have been soaring. At least 25 different STIs are now common, Statistics quoted in Doctors for Life affidavit for the Jordan Case, 2002.

HIV/AIDS

About 6 million South Africans are HIV positive. According to a Government report, one in every nine South Africans is HIV positive. The social and economic implications of the rising infection rate among women in their twenties were matters of concern, the report said. This also significantly impacts on maternal care and child survival.

South Africa already has an incredibly high HIV infection rate. Legalising prostitution offers the tantalizing hope of controlling sexually transmitted diseases. However, South Africa's privacy provisions will make mandatory checks difficult to apply. Even if these can be applied, prostitutes who are already infected (for example, 74 % of the prostitutes servicing truck drivers in Warden are HIV positive) will not easily leave the trade.

In South Africa, prostitution is currently a seller's market. Because the supply is restricted by the fear of prosecution, those who sell themselves are able to command higher prices. Legalising prostitution in a country like South Africa would create a buyer's market, as many impoverished and desperate women flock to the streets encouraged by the impunity and moral endorsement of legality.

Because there would be more competition for customers, prices would drop and more, or unsafe acts, will be required for prostitutes to retain their standard of living. This has been the experience in the relatively wealthy countries of Australia and New Zealand.

The following are extracts from a research document compiled by Doctors for Life on the health implications of decriminalised prostitution:

Prostitution's role in the world-wide AIDS/STD pandemic:

The likelihood of contracting an STD, including HIV/AIDS, is positively associated with the number of sexual partners a person has. That is a proven scientific fact. Prostitution, by its very nature, will increase the number of sexual partners of the prostitutes, and also their clients. Prostitutes and their clients are therefore both high-risk populations for HIV/AIDS.

In a study done in South Africa at a popular truck stop midway between Johannesburg and Durban, 10 of the 12 prostitutes interviewed reported working 7 days a week.

In another study done in Glasgow, prostitutes reported working 5.2 nights per week and servicing 7.1 clients per night. 72% of them were also involved in private non-commercial relationships.

A second Glasgow study among female street worker prostitutes showed that they typically worked 5.5 evenings per week and provided sexual services to 6.4 clients per night. A study done among male prostitutes in the Netherlands showed that street and home prostitutes work an average of 26 and 7 hours per week respectively.

A study among heterosexual commercial sex workers showed the following results: of the 193 women interviewed 136 worked as prostitutes and had on the average 115 customers per month. 99 of the men interviewed had visited on the average 8 prostitutes in the past 4 months. The data revealed that prostitutes had unprotected vaginal intercourse with an estimated average of 160 persons in 4 months.

Risk factors for HIV infection amongst prostitutes:

Johnson and Aschkenasy found that the most frequently reported risk factor was a history of prostitution. Male CSW's (commercial sex workers) were significantly of a higher risk group than female heterosexual CSW's. Other risk factors include intravenous drug use, history of STD's, blood transfusions, a history of multiple sex partners or having a sex partner who used IV drugs.

Also noted as risk factors were the number of years in prostitution, seromarkers for HBV (hepatitis B virus) and syphilis, mean percentage of encounters involving receptive anal intercourse, and the presence of other STD's sexual contact with those at increased risk, seropositivity for HIV and penil/anal intercourse, for HBV (hepatitis B virus). It is obvious that more than one of the above risk factors are often present with prostitutes.

Male and Female prostitutes are therefore internationally considered amongst the main vectors of HIV infection in Africa, Asia, Europe and North America and Central and South America. Men who use prostitutes have a higher risk of acquiring HIV (especially when the female sex worker has ulcerative infections).

One study in Nigeria found that paying for sex with a commercial sex worker was the most significant predictor of having an STD. Thailand is a classic example of this tragedy. In Thailand, prostitution is rampant.

Men from all over the world go to Thailand, because of easy access to prostitution. It is no wonder then, that Thailand also has a higher rate of HIV/AIDS than any other nation in the world. In Thailand, heterosexual contact is the main route of HIV-1 transmission and female CSW's have the highest risk of infection.

An explanation of the higher prevalence of HIV-1 in spite of consistent condom use in the North may be that most HIV-1 infections had already occurred before condom use became widespread. HOWEVER, SEX WORKERS IN THE NORTH, WHO ENTERED THE PROFESSION DURING THE PREVIOUS YEAR, AND WHO REPORTED ALWAYS USING CONDOMS HAD AN HIV-1 PREVALENCE OF 36%. THIS SHOWS THAT THE INCIDENCE OF HIV-1 INFECTION IN RECENT TIMES HAS BEEN HIGH DESPITE HIGH LEVELS OF REPORTEDLY CONSISTENT CONDOM USE.

Another study in Thailand amongst 1 172 male commercial sex workers also showed that male CSW's in northern Thailand are at high risk of HIV despite current prevention efforts.

Other examples of countries where studies considered prostitutes to be a high risk group are: Spain, mainland China, Bombay, India, Zaire, Turkey, Senegal, Abidjan, where the seroprevalence amongst CSW's was 80% amongst 1 209 women tested. Female sex workers (FSW's) were found to have the highest absolute and proportional rate of dual seroreactivity to HIV-1 and HIV-2 yet described in any population.

Another study in Abidjan found that HIV-infected men were significantly more likely than uninfected men to have had sex with FSW's in their lifetime. HIV infection was independently associated with a longer duration of being a sex worker and having a positive *Treponema palladium* agglutination test (Positive test for syphilis).

One study in Kenya used a cohort of 1 000 prostitutes from the lower socio-economic strata who were known to be a reservoir of STD's in 1985. Nigeria, Japan, South Africa. Sub-Saharan Africa in general, West-Africa, Bali Indonesia, and Djibouti are also areas where prostitution is considered a significant risk factor in AIDS transmission.

Men having unprotected sex with FSW's had the greatest risk of acquiring infections and (by inference) of transmitting them to women. 85% of these were seropositive for HIV-1. Another study reported in the *New England Journal of Medicine* reveals 66% of the prostitutes in Central Africa tested positive to AIDS exposure. They were in the lower economic class, did not use intravenous drugs and only practised vaginal sex.

Across the Atlantic, women prostitutes are also considered an important pool of HIV infection. In the USA approximately 33% of women entering treatment for narcotic addiction have at some time engaged in prostitution to earn money to buy drugs. These women have therefore been the cause of spread among heterosexuals in the US context.

Other studies from the Americas are from Argentina and Miami Florida. A study reported by the CDC in 1985 showed that 40% of 25 prostitutes tested in Miami tested positive to the disease. Another study of U.S. servicemen infected with AIDS showed that 6 of 41 contracted the disease from female prostitutes.

A report from Glasgow reveals that financial necessity might bolster the need for prostitutes to engage in their trade even during menstruation. During this period blood potentially tainted with HIV is more likely to affect the male client. A favourite method of preventing the visible presence of bloodstained vaginal secretions from deterring potential clients is to insert absorbent material into the vagina during the menstrual period to mask the secretions.

One such device was a contraceptive sponge, similar to the nonoxynol-9-impregnated "Today" sponge (Wyeth). This latter device has the merit of introducing a potential virucidal agent into the vagina, although its efficacy is doubtful.

In a congressional testimony about AIDS, W.A. Haseltine noted that infection of the prostitute population in Germany was a major problem. A figure of 20% nation-wide was estimated. There was controversy whether the prostitutes were registered or not. Some studies in first world countries have concluded that heterosexual transmission of HIV-1 by prostitutes to clients is limited and inefficient. These studies are, however, few in

number. Also, this view is applicable to Western type HIV-1 disease where the incidence of AIDS is relatively low.

It is not valid in the African context where heterosexual exposure to infected prostitutes with other STD's, and a much higher prevalence of HIV infection, is a different matter. In Africa (as in India) the route of infection has been mainly by heterosexual intercourse with CSW's, and often involved long distance truck drivers. (71).

Some studies have even shown that women who knew their positive HIV-1 state were more likely to report the practice of anal intercourse than those who did not know that they were positive for HIV-1.

The magnitude of HIV/AIDS in women:

Women have been infected with HIV since the beginning of the pandemic. Today, the toll of HIV/AIDS in women is steadily and alarmingly increasing. Young women between the ages of 16 - 24 have a significantly higher rate of HIV infection than men in the same group.

The impact of the epidemic is the greatest in large urban areas of Sub-Saharan Africa, especially East and Central Africa, where in some cities, as many as a quarter to one third of all adults aged 15 to 49 are infected with HIV. In such cities AIDS deaths in young children and those aged 15 to 49 may reduce the expected population growth by over 30% and the adult mortality rate will more than triple.

By the year 2000, the WHO projects that there will be a cumulative total of 30 to 40 million HIV infections of which 15 million will be in women. More than 90% of those infected will be in developing countries. The cumulative effect of AIDS-related deaths is predicted to rise to more than 8 million by the year 2000.

By September 1994, of the reported 35 791 cumulative cases in Zimbabwe, 15 387 (43%) were women.

Biological vulnerability: Women are biologically more vulnerable than men to sexually transmitted diseases including HIV infection. The group of most concern is the adolescent group (15 - 19 years). In a case study in Zimbabwe it was found that girls indulge in sexual activity earlier than boys and usually with older men.

Young girls have lower levels of antibodies than older men and they also have ectropion of the cervix which makes them more susceptible to STD's including AIDS. It is also a well known fact that, in the first few years of menstruation, there is often no ovulation. The result is that the composition of the cervical mucus is such that it is less protective against germs.

Studies in many countries have also found that male-to-female transmission of HIV in general, appears to be 2 to 4 times as efficient as female-to-male transmission. With other STD's male-to-female transmission is at least 15% more efficient than female-to-male transmission.

In the case of prostitutes it is therefore obvious that they themselves are in bigger danger than their clients. On top of that, HIV infected men are significantly more likely than uninfected men to have sex with FSW's.

Prostitutes are therefore considered to be at great risk of acquiring HIV infection even in first world countries like Florida, where the incidence of AIDS was still increasing amongst CSW's in 1995. FSW's were also found to be exceptionally exposed to unconventional sexual services e.g. voyeurism and physical abuse and clients were often violent.

The psychological effects of prostitution:

Street prostitutes are mostly recruited from women who, in various ways, have got off to a bad start in life and who have been deprived of their self-respect at an early age. Recently the connection between prostitution and sexual abuse during childhood has become increasingly obvious. The prostitution début seldom involves a sudden, deep fall into degradation.

The women have often been heading for prostitution for a very long time. Also, mental health problems in young adults have been shown to be associated specifically with AIDS related risk behaviours including prostitution.

The general consensus among those with practical or theoretical knowledge of prostitution is that it is harmful, often profoundly harmful, to the women concerned, in a mental and physical sense. In fact, the detrimental effect of prostitution on the psychology of the prostitute is in itself sufficient reason to make prostitution illegal. Almost without exception prostitutes develop mental disorders.

Many of them abuse alcohol and narcotic drugs. It is unclear whether their abuse is the reason for becoming prostitutes, or whether it is something they resort to in order to make their trade bearable. Research and experience have shown that injuries inflicted on women by previous abuse are aggravated and deepened by prostitution. Prostitutes are often exposed to various crimes such as assault, rape and theft.

On the other hand they commit crimes themselves to a large extent. Sex traders were also found to score significantly higher than non-sex traders on the General Severity Index and on eight of the nine subscales of the Brief Symptom Inventory.

Multivariate analysis indicated that after adjustments were made for age, ethnicity, pregnancy, recent rape, current regular crack and alcohol use, sex traders scored 0,240 units higher on the General Severity Index than non-sex traders. (The General Severity Index and Brief Symptom Inventory are scales to indicate measures of stress that people are exposed to.)

Poor mental health and drug dependence amongst prostitutes may actually undermine the motivation and ability of these sex traders to adopt safer sex behaviour. In Costa Rica it was also found that a national educational campaign, radio and television programs and other preventive actions apparently did not influence the rate of receptive anal intercourse without a condom (about 80%) during nine years of the epidemic. In the case of male prostitutes, it was found that, when psychologically compared with non-patient normal male prostitutes exhibited significantly higher levels of psychopathology.

A study amongst male prostitutes reported specifically that they were involved by choice and primarily to earn money. It also revealed the following significant findings:

- 1) Greater drug abuse among family members of male prostitutes.
- 2) Male prostitutes were also more likely to identify themselves as drug or alcohol addicted and
- 3) A limited amount of evidence indicated that male prostitutes are more anti-social.

A 1994 study published in the American Journal of Public Health examined the association of depressive symptoms with HIV infection and risk behaviours among 127 sex workers. Findings showed a high prevalence of depressive symptoms for all sex workers regardless of HIV infection status.

Results of a legalistic regression analysis indicated that the use of injected drugs and engaging in unprotected intercourse with clients were strongly associated with a high level of depressive symptoms. This study indicates that there are psycho-social problems involved in prostitution and depression amongst these women and the exhibition of other self-hating behaviours (e.g. drugs and unprotected sex) are common. (94a)

Lately strong evidence has appeared to support the presence of post-traumatic stress disorder (PTSD) amongst prostitutes. The prostitutes' lifestyle includes a number of experiences which may be categorised as stressors according to the DSM-IV diagnosis of post traumatic stress disorder, and which may precipitate PTSD.

These stressors may include homelessness, as assault, threats and rape, beatings, physical abuse, uncertainty about the future, feelings of powerlessness and being used as a pawn in a game. One study for instance showed that 41% of prostitutes met the criteria for the diagnosis of PTSD.

DFL therefore looks to the government to discourage this potentially hazardous and self-destructive "profession" in the same way in which it does tobacco consumption. We further argue that legalising or decriminalising prostitution would not discourage the practising of prostitution but most probably encourage it and give it credibility. Neither legalising nor decriminalising prostitution serve any purpose in relieving the prostitute's social plight.

The clients of prostitutes: Men have various reasons for buying sexual services. Some of the buyers appear to have serious problems in their view of and attitude towards sexuality. Some have difficulty in establishing a normal relationship with a woman. Others have had experience of violated sexuality, of being subjected to seduction or abuse earlier in life.

The men's defiant attitude to sexuality and their difficulty in making contact with women can be a consequence of the bewilderment and feelings of inadequacy which are expressed by these clients. Contacts with prostitutes provides sexual release without any relationship, proximity or demands and can provide an escape from facing up to poor self-confidence and inability to give of oneself in general human contacts. By allowing these men to make use of prostitutes, their problems are not being addressed, but on the contrary, are aggravated. Many of the men could probably benefit from treatment.

Prostitution and the family:

A mountain of social science research shows that children do best in intact, two parent traditional families. Family stability is the single greatest factor in predicting the well-being of a community. Crime is lowest where marital vows are honoured, children fare better in all measurable characteristics, and people who remain married tend to have longer life spans.

Research shows that children in broken families are vulnerable to a host of dangers, from drug experimentation, to sex at earlier ages, to STD's, depression, physical abuse, suicide, alcohol, and poor self-esteem.

We have, earlier in the document, also commented on the devastating effect of prostitution on the family of the prostitute and his/her client. Prostitution has long been regarded as a threat to family stability, because it provides a temptation to infidelity. The spouse of the client must now compete sexually with the prostitute.

Prostitution spreads disease, degrades women and provides a haven for criminal activities - even where it is legal, such as Nevada (in the United States) and Holland.

Prostitution and privacy: The argument that prostitution is a private issue involving the prostitute and her client only, has clearly been proved to be incorrect. Studies have shown that male clients of prostitutes play a bridging role in the spread of STD's/AIDS between female sex workers and the general population of women.

A study done by Kinsey in London reported that 50% of prostitutes' clients were either married or cohabiting. Another study amongst male CSW's in northern Thailand found that the majority were heterosexual and concluded that this may be an important epidemiological link between the spread of HIV between male CSW users and heterosexual women in Thailand.

The women's next-of-kin, especially their children, are affected directly and indirectly by the injuries sustained in the course of prostitution.

The families of clients are also exposed to the risk of injury as a result of their actions, not least in the form of Sexually Transmitted Diseases. Prostitution is harmful to the community at large.

In order to clarify the role of the male partner in the development of cervical cancer in woman, the authors of a study published in *Obstetrical and Gynaecological Survey 1996* studied the sexual behaviour and the presence of human papilloma virus (HPV) in the penises of 306 husbands of women with an incident of histologically confirmed invasive squamous carcinoma of the cervix or cervical intraepithelial neoplasia (CIN 3) and 327 husbands of randomly selected women from the same clinic area matched for AIDS.

The results showed that: "the sexual behaviours of husbands that were most highly statistically associated with wife's risks of cervical cancer were sexual encounters with prostitutes more than 10 times during marriage. Another study in Thailand showed that the risk of cervical cancer was strongly related to the women's husbands having visited prostitutes.

Prostitution and condom use: In Australia there is a recorded case in New South Wales where the government had to invoke a turn-of-the-century public health provision to detain a female prostitute who is HIV positive. She admitted on television that she still

had unprotected sex with her clients. Another study in the United States showed that STD's were common amongst a group of heterosexuals, including a group of whom the majority of the women were prostitutes and the majority of men were their clients. This study shows that, despite regularly participating in a HIV study in which consistent condom use was promoted, STD's were common. Also in Thailand and in Northern Ireland the same trend was found.

According to a South African study, done among prostitutes at truck stops, prostitutes who insist on condom use earn substantially less and are more likely to get beaten. The study done at a truck-stop midway between Durban and Johannesburg showed that the prostitutes had on average 23 clients per week with a range from 4 to 40.

Nine out of twelve prostitutes generally asked their clients to use a condom. However, only 4 of them would withdraw their services if the client refused. Condom use was responsible for:

1. Losing clients.
2. More frequent non-payment.
3. Lower fee (that is R5 versus R20).
4. More frequent beatings after sex.

The fear of being beaten if they should insist on condom use was confirmed by 23% of sex workers in Sao Paulo State, Brazil.

A report from the St. Mary's Hospital Praed Street Clinic, London reveals a disturbing feature in that 5 of 50 women prostitutes stated that they would continue working as prostitutes even if their HIV-1 tests were positive. In Edinburgh one in four prostitutes interviewed (102 male 103 female) stated that they would engage in unprotected sex with clients for money, and said that they sometimes did not seek medical advice even if they had genital or anal symptoms.

Another investigation by the Commission on Public Health in Washington D.C. found that 54% of 2010 prostitutes said that they would have intercourse without a condom if the price was right. Also in northern Thailand it was found that CSW's were the principal risk factor for the seroprevalence of HIV, that consistent condom use was rare, and that rates of HIV infection were rising rapidly.

This was also the experience in Northern Ireland. In 1994 a study was done in the Netherlands, where prostitution is legal, and amongst heterosexuals with multiple partners of whom the majority of women were prostitutes and the majority of men were clients of prostitutes. The study concluded that STD's were common amongst this group despite regularly participating in an HIV study in which consistent condom use was promoted.

Another reason for poor condom use amongst prostitutes is drug addiction.

Prostitution and drugs: Prostitution, drug abuse and AIDS frequently coexist. One study found that 40% of prostitutes use intravenous drugs with dirty needles. In some cases prostitution is a way that prostitutes can fund their addiction, e.g. The San Juan metropolitan area.

In other cases drugs are used to relieve their tiredness so that they may have more clients in a night. About half the women prostitutes on the streets in Sweden are abusers of drugs and alcohol. The same results were also found in Atlanta.

Mandatory testing: Most articles on government responses to prostitution and the spread of HIV reject mandatory testing and other compulsory measures directed at controlling prostitutes, and suggest alternative ways of reducing the spread of HIV among prostitutes and their clients.

The Policy of the AIDS and Civil Liberty Project of the American Civil Liberties Union (ACLU) points out that, as a purely practical matter, *"targeting prostitutes for forced testing simply won't work as a prevention strategy", saying that: "If there is any group which will be driven underground by such a policy, it is the prostitutes."*

Laws under which prostitutes may be required to refrain from specific conduct, undergo specified treatment or counsel, submit to supervision, undergo treatment while detained, or, if infected with HIV, be detained during the operation of the order, may be counter-productive: *"Prostitutes will not come forward for public testing for HIV infection. Clients are absolved of any responsibility for using safe sex methods because the effect of the legislation leads them to assume that working prostitutes will be 'clean'.* Laws demanding mandatory testing and mandatory registration create barriers to health care for sex workers.

Prostitutes may argue that singling them out for mandatory testing is discriminatory. The recent draft paper by the South African Law Commission on pre-employment HIV testing states that: "however, strong rationales also exist against pre-employment testing: it is generally argued that testing applicants for employment for HIV infringes upon their right to privacy, and facilitates unfair discrimination.

Even if applicants for employment are not discriminated against on the basis of HIV, their willingness to take an HIV test may be held to intrude upon their privacy." In spite of acknowledging the fact that these constitutional rights to privacies are not absolute, the document states that:

"While the South African courts have yet to pronounce on the extent of the right to privacy in the context of testing for HIV, other jurisdictions - which our courts may consider in their interpretation of the Constitution - have accepted that an individual's right to privacy can prevent a state employer from conditioning an offer of employment on the applicants' willingness to take an HIV test.

This is because deciding to take an HIV test - regardless even of anticipated discrimination - is the kind of personal decision that an individual may be entitled to make autonomously and in private. ... Furthermore, forced discovery of one's own HIV status may further have an extremely grave impact on one's life.

Requiring applicants for employment to undergo an HIV test may thus affect their right to privacy, by imposing upon them, prematurely and inopportunistically, invasive decisions or knowledge regarding their bodily and psychological integrity."

Greece, for instance, had the strictest regulations regarding registered prostitutes with mandatory medical screening twice a week. As a result, most sex workers avoided registration, which made them liable for prosecution. All health care facilities and HIV prevention activities for prostitutes were limited to those who are registered. This is ineffective in public health terms: in Athens approximately 400 women are registered, while an estimated 5 000 more prostitutes are not registered.

Recent suggestions by the local co-ordinators of UROPAC indicated that health services and prevention activities will now also have to be targeted at non-registered prostitutes. In Germany, approximately 50 000 sex workers are registered and are regularly seen by their health services, as required by laws to combat venereal diseases. However, according to recent estimates a further 150 000 people work in prostitution.

Mandatory testing for sexually transmitted diseases produces a two tier system of registered and non-registered prostitutes with the latter having limited access to health care. The net result of legalising prostitution therefore appears to be a futile effort except to give prostitution social recognition.

If prostitution is legalised, enforcing the law will be highly impossible. The reason is that no one knows how many sex workers exist in any particular society. Prostitutes are a vague and ill defined group, often deeply involved with drugs and crime. This amorphous group is difficult to approach and study and probably does not use existing services through which surveys and education regarding the prevention of HIV-1 exposure can be done.

Some women also alternate between different forms of prostitution. To legalise this activity, and to provide the necessary bureaucratic, medical and other services to regulate this activity as a sanctioned industry, will be quite costly.

Added to the above problems is the fact that the window period, wherein a person can be HIV negative and infectious, can extend to six months. During this time routine tests won't show that the person is HIV positive. As far as some sexually transmitted diseases are concerned e.g. gonorrhoea, a person may become infective hours after having been infected.

If a prostitute would for instance have 10 clients a day, working 5 days a week, over the three months while infection is not detected by routine testing he/she will put 650 people directly at risk. As noted earlier clients of prostitutes usually are married or cohabiting. This automatically doubles this figure to 1 300 people being put at risk of HIV before the infection is being detected.

This is despite two weekly health checks. Even if her clients would use condoms, she would still infect a possible 130 people (as shown later in the document studies have indicated a 20% failure rate for condoms to protect against AIDS, and put another 130 at risk.

Because women are driven into prostitution by poverty and poor qualifications, they have nothing to fall back on once they have tested positive for HIV and have been removed from an official register. Just as criminalising prostitution has not stopped them from practising their trade, neither will their HIV positive status and being scrapped from a register stop them.

Conclusion:

We therefore conclude that prostitution or commercial sex work is a hazardous occupation, harmful to the prostitute and her client as well as their families and society as a whole.

We think it is important to make clear that what is really involved is not a simple commercial transaction for the benefit of both the buyer and the seller, but rather a transaction which exploits women for the gratification of the buyer's sexual urges.

The ability of men to purchase sexual access to women in order to gratify their own sexual needs runs contrary to the conviction of universal human equality and to the pursuit of full equality between women and men.

Prostitution transmits an unacceptable view of human beings and stands in the way of individual development. Its negative social effects also include the cost of diseases and injuries which prostitution gives rise to, and the criminal behaviour which is a part or consequence of prostitution.

These diseases and injuries are in the first place to the prostitute, both mentally and physically, but also to their clients and their families, as well as the family of the prostitute. The logic is akin to the prohibition against selling body parts. Once it becomes accepted that one can, say, make a legal and socially sanctioned sale of a kidney or a cornea to relieve one's financial difficulties, then it's a short step to people looking at those in financial straits and asking "well, if they're so poor why don't they just sell their kidneys?"

This many feel, would create the sort of society we don't want. In effect, the logic is already applied to prostitution, and sadly too many young women in various parts of the world are in effect expected (or sold) to become prostitutes serving Western or Japanese businessmen as a means of supporting the folks back home.

We further conclude that prostitution plays a disproportional important role, world-wide as well as in South Africa, in promoting the spread of the HIV pandemic, and that legalising prostitution will not significantly limit the spread of the pandemic, but only complicate matters and send an official message to the citizens of South Africa that prostitution is an acceptable occupation and career option for our children to pursue.

The liberalisation of prostitution in other countries in the 1970's shows that, the more permissive society became, the more men there would be who were ready to purchase sexual services. Thus there is a risk of the sex trade becoming normalised.

In a recent article of the Lancet of October 1996 the authors stated that: "in every situation of which we are aware formal registration of prostitutes or brothels has lead to most prostitutes working in an illegal unregistered capacity with adverse consequences for public health and human rights".

We would further like to mention that all the major religions in South Africa are opposed to prostitution, so that in decriminalising prostitution the government will therefore be clashing with all the major religions in South Africa.

Parallels with other countries:

Trafficking in women

The trafficking of women for sexual exploitation is an international, organized, criminal phenomenon that has grave consequences for the safety, welfare and human rights of its victims.

Trafficking in women is a criminal phenomenon that violates basic human rights, and totally destroying victims' lives. Countries are affected in various ways. Some see their young women lured into prostitution, leaving their home country and ending up in the sex

industry abroad. Other countries act mainly as transit countries, while several others receive foreign women who become victims of sexual exploitation.

Prostitution is a global problem in which INTERPOL actively seeks to increase and improve international law enforcement co-operation in order to help combat this crime.

INTERPOL derives its actions from such conventions as the United Nations Convention against Transnational Organized Crime, and the additional Protocol to Prevent, Suppress and Punish Trafficking in Persons.

They give guidelines for law enforcement action and the following are some examples of those actions:

The protocol urges an increase in the information exchange between states in order to determine: whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons, the type of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons, and the means and methods used by organized criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible means for detecting them.

Gangs & Pimps: Sex business barons buy up large proportions of the brothel industry. They are usually well organized with mafia-type groups in order to bribe police officers and avoid investigations. In the Netherlands, Mayor of Alkmaar Piet Bruinoge announced that the city would not be renewing the license of the JE Nool Company, which operates 95 out of the 125 brothels in Alkmaar's Achterdam Street.

Prostitutes blamed for attacks

A Pretoria motorist has been killed and dozens have been injured in a spate of recent armed robberies carried out by prostitutes in secluded spots around the city.

The majority of the attacks, which have led to police issuing warnings to motorists, have been on rich businessmen from Johannesburg and Rustenburg.

The latest attack occurred when a 75-year-old pensioner was assaulted by a group of men moments after he stopped in an isolated area in the Schurveberg area west of Pretoria with a prostitute.

The man was attacked by six armed men and robbed of his cell phone and wallet. The attack comes less than a week after a motorist was shot when he was attacked near the N14 highway.

It is believed that the man was attacked shortly after he stopped in a secluded area surrounded by trees near the Old Muldersdrift Road and the R511.

All the attacks have occurred in isolated areas between the N14 and Church Street (west) and the R511 in the Erasmia policing precinct.

The police, while declining to reveal the exact number of incidents, on Tuesday said they had noticed a dramatic increase in the number of people who were being attacked. A police officer said the attacks were grave cause for concern. "They are definitely

becoming more and more violent, with these robbers, who are armed with both guns and knives, reacting quickly with violence if they are resisted," he said.

Erasmia police station commissioner, Senior Superintendent Sam Mokgonyana, warned motorists to be careful. "I do not want my members to start picking up bodies. People need to be careful and be aware of the dangers."

Superintendent Faan Steynberg confirmed they were investigating a sharp increase in the number of attacks. Dozens of attacks took place in 2008. "As well as being concerned about the increase, we are also worried about the violence (used) in these attacks."

One of the problems facing police was the number of attacks which were not reported. "Often victims do not report the attacks because they are embarrassed by what has happened to them." "Another problem we are encountering is that a lot of the victims provide us with false information on where the robberies took place, which makes the planning of operations to stop these crimes very difficult as we end up conducting operations in areas where these crimes are not occurring," he said.

Steynberg said they had also discovered that the information that they received from many of the victims about the modus operandi of the attacks was false. "Often the victims report that they were attacked while urinating in a bush or while they were stopped on the side of the road to talk on their cell phone.

"While the victims are embarrassed about the attacks, the providing of false information makes it difficult for us to stop these crimes," he said. Steynberg noted that the modus operandi varied, with the robbers often using teenagers to lure their victims. "One of the methods includes using 'prostitutes' to pose on the side of the road while the robbers hide among bushes before they strike as the man has intercourse with the woman.

"Another method includes the woman breaking open the condom once she has had intercourse with her client and then threatening to report that the victim raped her. "The woman then forces her client to hand over his wallet, laptop and cell phone," he said.

He said the gangs were well organised and chose specific spots for the attacks. "Often they have groups of members positioned in various hideouts with lookouts, who wait to spot both potential victims and police, giving information via cell phones on the type of cars their victims are driving and the direction they are driving.

"With this information the gang knows where and when to strike and whether it is safe or not," Steynberg said.

Adding insult to injury, he added, was that once the attack was over, the robbers usually stole their victims' pants and car keys, forcing them to walk naked to seek help."

http://www.iol.co.za/index.php?set_id=1&click_id=15&art_id=vn20090603060608940C427652

10 000 child prostitutes in Jhb

“There are about 10 000 child prostitutes in Johannesburg alone, a group concerned with child abuse said on Wednesday.

Bloemfontein, meanwhile, is one of the biggest focal points of syndicates as far as trafficking in children for sex and drug trading are concerned.

A founding member of Sapsac, a body investigating child abuse, Retha Meintjes, who is also the deputy director of public prosecution, says even though similar figures are not available for other cities, all the available information indicates that the situation in Cape Town, Durban and Port Elizabeth are “equally grave”.

According to Sapsac, girls in South Africa are sold for between R2 500 and R12 000. Countrywide networks of syndicates who are involved in child abuse include “prominent and wealthy” people, even some from the medical field.

Children as young as 10 “are recruited and sexually abused by adults who pay the syndicates, “Children who work in Port Elizabeth as prostitutes and/or drug dealers, earn between R1 500 and R5 000 per day for the coffers of their “handlers”.

Sapsac said the children who disobeyed the syndicates’ instructions were punished with “extreme physical abuse, or by withholding drugs and food from them or even death”.

The group said it would make an urgent plea to the government to enforce effective measures to protect children, especially with a view to the huge international sporting events, which will soon take place in South Africa.

http://www.news24.com/Content/SouthAfrica/News/1059/7b5b9d79f24c49959eb90d77bd5b3c94/03-06-2009%2010-06/10_000_child_prostitutes_in_Jhb

530 child rapes in SA every day

Meanwhile the CEO of Solidarity’s Helping Hand, Danie Langner, said that thousands of South African children were victims of rape, abuse, countrywide child prostitution networks and even murder.

Every day about 530 children are raped in South Africa, and of these, only about 60 are reported. Children are the victims in 45% of all rape cases in the country.

The report said 1 410 cases of child murder were reported between 2007 and 2008 in the country – 22.4% up from the previous year. “It must become known that of all the cases in which Childline becomes active, 43% involve the sexual abuse of children,” Langer said.

Louise Aucamp, a forensic social worker, said child crime rates in the middle-to-high income groups, where both parents are graduates and respected members of their community, have increased by a disturbing amount over the past two years.

During the course of Helping Hand’s research, many social workers and people who deal with child abuse on a daily basis were interviewed. A serious shortage of experts was identified.

Organisations like Child Care South Africa works with about two million children and their families on an annual basis. This means the average social worker must handle about 200 cases annually, while the accepted norm is 60. “

http://www.news24.com/Content/SouthAfrica/News/1059/7b5b9d79f24c49959eb90d77bd5b3c94/03-06-2009%2010-06/10_000_child_prostitutes_in_Jhb

Strip Clubs as fronts: The Netherlands has found that in order to avoid regulation and taxation etc many brothels have reconstituted themselves as strip clubs, massage parlours etc. Most strip clubs function as brothels and are hubs for crime syndicates, drug dealers and money laundering. Foreign women working at Teazers, interviewed in a recent Noseweek article, have testified how they are kept as under “lock and key”, as slaves, in a suburban home in Rivonia, Johannesburg.

Other Countries:

From low class to high rent brothels in Sydney “It has taken governments years to act, but it took two minutes for The Daily Telegraph to expose Sydney's biggest illegal brothel.

Hidden behind nondescript silver lift doors opposite the Pitt St monorail station, the Zanadu's 21-room "massage spa and sauna centre" stubbornly defies City of Sydney orders to stop providing sex services, operating virtually unhindered 18 years after it first opened.

On the other side of town, but worlds apart, is Sydney's biggest legal brothel, Stiletto. Unlike its tacky rival, Stiletto could be a six-star boutique hotel that would not look out of place in a Bond movie. The top floor Presidential Suite of the Camperdown brothel features mood control that can change to eight different settings at the flick of a switch.

However, Stiletto's managers are more interested in boasting of a \$12,000 weekly cleaning bill than "supermodel" hostesses earning up to \$2800 a night. *"If the clients are not clean they are turned away. They then go to the illegal brothels and that's how all sorts of diseases are spread,"* duty manager Caroline said.

In the foyer of Zanadu, with its black and white tiles, pot plants and huge gold lettering in English and Chinese, the manageress eagerly explains how sex is indeed for sale, quoting \$148 for 45 minutes. "That's for a deluxe massage plus happy ending," she said. "If you want the girl for extra service you can talk to them."

"Extra service", she explained, included oral sex and anything else discussed with the "masseur". There seemed no end to the hospitality, with clients offered the use of the sauna and spa "for as long as you like" and "complimentary orange juice, coffee and tea".

In December 2008, Zanadu was the subject of an official complaint to the Independent Commission Against Corruption by the Adult Business Association of NSW.

ICAC assessment officer Leila Malin wrote back thanking the association for, "bringing the matter to their attention". "Although we are unable to investigate every matter we receive your information is important to us as it can help us improve our understanding of corruption risks and trends in the NSW public sector," Ms Malin replied. "Sydney City Council is best equipped, at this stage, to address the issue you raised."

The council finally acted in February, a spokesperson confirmed this stating: "The city served an order on the premises known as Zanadu to cease operating as a brothel".

However, Zanadu is still up to its old tricks - unlicensed, unregulated and unaccountable, 18 months after councils were given the "power" to close illegal brothels in five days.
<http://www.news.com.au/dailytelegraph/story/0,27574,25509707-5006009,00.html>

Illegal brothels booming across Sydney

ILLEGAL brothels are exploding across Sydney amid accusations all levels of government are doing little to drive them out of business.

It has been claimed "tough" new laws have failed to prevent unprotected sex, slavery and corruption. An investigation by The Daily Telegraph has revealed illegal brothels and escort services outnumber licensed establishments by four to one and the gap is growing.

Big slump: Brothels succumb to financial crisis

The Adult Business Association estimates the number of illegal sex services in the metropolitan area has blown out to exceed 400. "It's out of control," association spokesperson Chris Seage said.

Despite the introduction of legislation 18 months ago to ease the burden of proof for councils wanting to close illegal brothels, the ABA said they continued to thrive.

"These brothels are unlicensed, unregulated, unhealthy and downright dangerous for the workers and clients," Mr. Seage said. "They have become havens for tax and welfare fraudsters, peddlers of unsafe sex practices, sex slaves and illegal immigrants."

The owners of established legitimate brothels share Mr. Seage's concerns.

Lee Cameron, the operator of Le Petite Aroma, at Chatswood, told The Daily Telegraph she was aware of two brothels offering unprotected sex. The Australian Federal Police transnational sex crimes unit is investigating allegations that former workers at a North Shore brothel quit after demands to provide sex without a condom.

Ms Cameron claimed one North Shore brothel "flew workers in" from India and Malaysia specifically for unprotected sex, referred to as "special service". "The clients want it and at this place they pay a premium and they get it from these girls who shouldn't be working on their tourist visas," she said.

Ms Cameron, who owns a second brothel at Chatswood, has been fighting for seven years to have an illegal brothel in the suburb's shopping district closed. "It's leased to the Asian operators by a very well known doctor. He knows exactly what's going on in there but my protests to Willoughby Council just keep falling on deaf ears," she said.

"Helen", the manageress of Liaisons, at Edgecliff, said legal establishments were paying their taxes and working within the laws while the owners of illegal brothels enjoyed "a free-for-all". "They don't have to worry about the rules and they are a danger to public health," Helen said.

<http://www.news.com.au/dailytelegraph/story/0,27574,25498000-5006009,00.html>

Is decriminalised or legalised prostitution a FIFA requirement for the 2010 World Cup? Comparisons with Germany (2006 World Cup) It was officially announced on 18 June 2001 that Germany had won the right to host the 2006 World Cup.

Paper – sex, sun, soccer..."It is humiliating enough for me that football is linked with alcohol and violence. But this is worse. It is slaves that will come and be put into houses. Human beings are being talked about like cattle, and football is linked with that," Raymond Domenech, Coach of France's National Football Team. (Quoted in Germany: Sex Trafficking, Prostitution, and World Cup Games, Compiled by Donna M. Hughes, Professor & Carlson Endowed Chair Women's Studies, University of Rhode Island.

http://www.uri.edu/artsci/wms/hughes/germany_world_cup.doc)

In Germany, lawmakers thought they were going to profit from legalized prostitution from the tax revenue. But recently, the Federal Audit Office estimated that the government has lost over two billion Euros a year in unpaid tax revenue from the sex industry, and lawmakers have started to look for ways to increase collection of taxes from prostitutes. (Ibid).

In Germany: Regional and city officials were involved in planning and providing "sex huts" or "sex garages" for prostitution during the World Cup Games. Officials accommodated the demand for prostitution and provide for their anonymity.

Officials estimated that 3 million fans bought sex while at World Cup Games. 40,000 extra prostitutes were expected to be brought into Germany during this time. Many of the women in prostitution in Germany are trafficked; many of the additional women brought in for the World Cup were trafficked as well. "Mega-brothels," which house up to 100 women and operate 24 hours/day, were built. Officials in 12 cities that will host the World Cup games provided special licenses for prostitutes so they could offer sex on the street. (Ibid)

It is most certainly not a FIFA requirement that brothels be freely available for soccer fans during the World Cup. It can only be assumed therefore, that the drive to bring legal reform on prostitution laws just before the 2010 World Cup in SA can only be guided by extreme ignorance of the negative impact on Germany or an equally misguided notion that the legalisation of prostitution would benefit the South African government's tax coffers and tourism industry.

Chapter 4: Policing & the implementation of the Sexual Offences Act

For any law to be effective – it must be enforced. SWEAT has raised the issue of police harassment as an argument in support of decriminalising prostitution.

This, however, often seems to be a tactic to avoid being arrested. Any genuine case of harassment or corruption in the police need to be dealt with separately but is not an adequate argument for the legalisation of prostitution.

If drug addicts claimed they were being harassed by the police would we legalise drugs to protect them? The argument of "legalising prostitution to prevent prostitutes being harassed" sounds ridiculous when one applies it to other recognised crimes.

Decriminalisation effectively ties the hands of police & distances them from the real issues of violence, exploitation and abuse; sex trafficking; child prostitution; drug dealing and abuse; money laundering; corruption; the degradation of business districts; and the vulnerability of women & children lured into prostitution.

Legalisation expands the sex industry, with implications for state agencies and NGOs in any area. Given that there is always an illegal sector, the demands on police do not lessen, and as the illegal sector grows, this in fact increases, especially where trafficking also expands.

Significant new demands are placed on local government, with respect to licensing and monitoring the legal sector – a task which few countries have undertaken with any degree of coherence and consistency. This is one reason why the illegal sector has been able to grow so significantly. “A Critical Examination of Responses to Prostitution in Four Countries: Victoria, Australia; Ireland; the Netherlands; and Sweden,” Julie Bindel and Liz Kelly, Child and Woman Abuse Studies Unit, London Metropolitan University, 2003, p 19.

An evaluation of the effects of the Netherlands brothel ban, commissioned by Department of Justice, concluded that a rift seems to have been created between local levels of enforcement and regional, national and sometimes international levels at which prostitution is organised.

Other findings included the fact that criminals look for ways to keep prostitutes at work outside of the licensed sector, for greater financial gain, and that this fragmentation of prostitution activities has caused significant problems for both enforcement and interventions such as medical aid and social work. (Goderie, Spierings and ter Woerds, 2002.)

Furthermore, the evaluation found that a half of the registered sex establishments have disappeared, partly because they were not able to recruit women, but at the same time the street walking zones, where there are many illegal women, have flourished (Ibid, p.18).

Did you know that decriminalisation means police: cannot conduct raids, cannot collect stats & intelligence, cannot monitor criminal activity surrounding prostitution, cannot approach prostitutes for questioning (regarded as harassment), the full horror of sex trafficking & child prostitution will be concealed, burden of proof falls on police in cases of child prostitution?

The burden of proof falls on police to provide evidence that the prostitute was NOT working voluntarily. In the past it was possible to fall back on objective indicators such as the determining of prices, working time and place of work.

Five years after prostitution had been legalized in Germany, a Federal Government report stated in its conclusion that, “*There are as yet no viable indications that the Prostitution Act has reduced crime. The Prostitution Act has as yet contributed only very little in terms of improving transparency in the world of prostitution,*” Report of the Act Regulating the Legal Situation of Prostitutes (Prostitution Act), Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 2007, pg 79).

Donna M. Hughes, professor of Women's Studies Programme at the University of Rhode Island, is a leading international researcher on trafficking of women and children. She believes that since the legalization of prostitution in Germany, police have fewer reasons to investigate brothels, and victims have fewer opportunities to receive assistance. German police had two opportunities to identify a victim of trafficking called Masha and failed both times. Irina was trafficked to Germany after prostitution was legalized, and she was placed in a legal brothel in Bremen. Irina said that women in the legal brothel

were trafficked and did not have access to their documents — either the original ones or the fake ones the mafia charged them for.

Following international outrage over city-government involvement in setting up brothels and accommodating the pimps for the World Cup games, the German police claim they are carrying out checks of documents in brothels, but are not finding an increase in trafficking. Yet, at the end of May, police in Latvia arrested a man suspected of selling women to German brothels. Six women were sent to five different brothels.

The trafficker was paying \$130 for each woman delivered to him. He then received \$520 for each woman from the German brothel. They were recruiting women among known prostitutes, which make it harder to prove they are victims of trafficking, because people often claim “they knew what they were getting into.” (“Turn and Look, Shining a spotlight on Germany’s shame,” - Donna M. Hughes. 19 June 2006).

<http://www.declaration.net/news.asp?docID=5394&y=2006>

“Prostitution is legal in Germany, which creates obstacles to uncovering and prosecuting cases of trafficking. Since around 30 percent of trafficked women were aware beforehand that they would end up working in the sex trade, it is difficult to collect evidence proving they were forced into prostitution,” Solidarity with Women in Distress’ lawyer Birgit Thoma said. “Europe Reconsiders Prostitution as Sex Trafficking Booms.” 28.04.2008.

<http://www.dw-world.de/dw/article/0,2144,3283530,00.html>.

Chapter 5: What are the implications of decriminalised or legalised prostitution on the workplace, your business, your community & your city?

The Workplace: Could ‘sexual services’ be considered a work requirement for example, a secretarial job? Could this create a culture in the workplace where it is considered necessary to perform ‘sexual services’ in order to get a promotion? Could the visiting of strip clubs etc be put on the tab for ‘client services’ of firms?

Your Business: If you as a businessman refused to trade (for example, supply food) with a brothel on the grounds of conscientious objection, could you be sued for discrimination?

Your Community: In Christchurch and Manukau, New Zealand, street prostitution has shifted into traditionally residential areas where community residents harassed those in prostitution and people in street-based prostitution “propositioned members of the public, and were aggressive, disruptive, and noisy.”

Complaints from residents included “condoms, excrement, and other bodily waste” left in the street, shops, car parks, and on private property.

As the Ward Councillor for Sea Point in Cape Town, JP Smith commented on the effect of sexually orientated businesses on this community, “I inherited a ward in 2000 that was strewn with sex shops and escort agencies from one end to the other. While I have no moral objections to other people’s right to view pornography and I might even be considered to have quite a liberal attitude with respects to the legalization of prostitution, I quickly learnt that the presence of these types of businesses in a community quickly condemned it to urban decay.

Also, once the sex shops and escort agencies (and massage parlours) have set in, it becomes almost impossible to attract investors and developers back into the area. In

fact, there has been a direct correlation between the urban rejuvenation and revival of Sea Point and our ability to close these types of businesses.

I want to repeat that I have learnt that adult orientated businesses are bad for the economic and social health of a community, but that my perspectives are not informed by a moral or religious base, but very much shaped by simple practical realities.

The truth is that highly visible adult orientated advertising on these premises brings about immediate slum qualities to the area and causes other businesses to haemorrhage and close. Soon the business areas around sex shops and escort agencies are empty and derelict. We have seen this phenomenon repeatedly around my ward, underneath El Rio, at the old Regency Hotel, etc.

Also, we noticed a distinct amount of anti-social and criminal behaviour linked to many of these establishments, of which there is written and legal record. In fact, with one of them (Madonnas) it went so far that the City withdrew their business license, but this has happened only after years and years during which the surrounding area became completely degraded and several buildings started to slum.” (Letter by Councillor JP Smith to Department of Trade and Industry in support of requests by NGOs for Business Act to be amended, 9 April 2009).

If police are already unable or unwilling to control the drug abuse, organised crime, and gangsters associated with prostitution in residential areas, how much more will the legalisation of prostitution turn residential areas into red light districts and havens for gangs and criminals?

Your City: If prostitution is legalised, seeing prostitutes soliciting in front of prestigious public buildings, hospitals and even schools could become commonplace. The German Federal Government reported that many prostitutes ignore the regulations regarding prostitution in prohibited areas. “In practice it is only very seldom possible to prevent prostitution in areas in which it is prohibited on the basis of ordinances on prohibited areas, since many prostitutes ignore these prohibitions and violations are in practice not consistently enforced, but only selectively,” Federal Government Report, 2007.

Berlin’s Tempelhof-Schöneberg district mayor supports a ban on prostitution in front of public buildings like schools and religious facilities, daily Berliner Zeitung reported. “The situation has become worse over the last two years. There are even prostitutes in front of the Elisabeth hospital,” mayor of Tempelhof-Schöneberg Ekkehard Band told the paper, referring to Berlin’s famous shopping mile Kurfürstendamm. (“Berlin district mayor wants prostitution ban near schools”, 12 Jan 2009.

<http://www.thelocal.de/society/20090112-16709.html>

Chapter 6: Should prostitution be legalised?

Cecilia Hoffman, Secretary of the Coalition Against Trafficking in Women - Asia Pacific (CATW-AP), wrote in the Aug. 1997 paper "SEX: From Human Intimacy to 'Sexual Labour' or Is Prostitution a Human Right?" published on the CATW-AP website:

"Prostitution violates the right to physical and moral integrity by the alienation of women's sexuality that is appropriated, debased and reduced to a commodity to be bought and sold.

It violates the prohibition of torture and of cruel, inhuman or degrading treatment or punishment because clients' acts and practices of sexual 'entertainment' and pornography are acts of power and violence over the female body.

It violates the right to liberty and security, and the prohibition of slavery, of forced labour and of trafficking in persons because millions of women and girls all over the world are held in sexual slavery to meet the demand of even more millions of male buyers of sex, and to generate profits for the capitalists of sex.

It violates the right to enjoy the highest standard of physical and mental health because violence, disease, unwanted pregnancies, unsafe abortions, and AIDS stalk, presenting constant and grave risks for women and girls in prostitution, and militating against a healthy sense of and relationship with their own bodies."

John Bambenek, Executive Director of the Tumaini Foundation, Jan. 2, 2007, "One cannot support the reduction of AIDS infections and support legal prostitution at the same time. Prostitution remains one of the leading vectors for AIDS infection. This is true in the case of both legal and illegal prostitution..."

Prostitutes, because of their many partners, have a greatly increased risk of exposure to HIV. They are likewise able to spread HIV to many other partners...

The redefinition of prostitution as 'commercial sex work' is just an attempt to legitimize sex trafficking. It should come as no surprise the ACLU and Planned Parenthood have signed on. While both groups are considered 'pro-woman', it is odd that they support an industry of flagrant abuse of women...

There are a multitude of studies to show the high level of abuse that prostitutes suffer. Women are literally bought and sold as property. The incidence of drug addiction is high among women, partially explaining why they became prostitutes to begin with.

The argument for legalization goes something like this. Prostitution will happen anyway but legalization and regulation will help stem the abuses. The argument has 50,000 foot appeal. Using the same logic, slavery (which still exists in many places) should be legalized so underground slaves can be given some measure of human rights. The fact that the ACLU and the bevy of left-wing international groups don't argue for the legalization of slavery shows the logical inconsistency of their position.

Further, the legalization of abortion has shown that it lead to a radical increase in abortion. The legalization will lead to an untold number of women being forced into sex slavery. Make no mistake; women will be forced into commercial sex work in greater numbers if it were legalized."

Thomas Kleine-Brockhoff, Senior Director at the German Marshall Fund of the United States wrote in his Jan. 29, 2007 article "Legalization Opens Criminal Floodgates" posted on the Post Global website:

"My home country of Germany is one of the few nations to legalize prostitution. Proponents of legalization argue that all attempts to deal with the sex business have failed and the only option left untried is decriminalization..."

Legalized prostitution creates the same problems that legalized marijuana does. While prostitution is legal, forced prostitution is not. The latter occurs, and the new German law unintentionally makes it harder to hunt down human traffickers, especially from Eastern Europe and Africa. Similarly, it is harder to combat under-aged prostitution. With legalized marijuana and prostitution, Amsterdam became a magnet for human traffickers, drug traders and petty criminals. This is not the world legalization's proponents envisioned, but it happened."

The US Department of State wrote in its Nov. 24, 2004 article "The Link between Prostitution and Sex Trafficking" provided on its website:

"The U.S. Government adopted a strong position against legalized prostitution in a December 2002 National Security Presidential Directive based on evidence that prostitution is inherently harmful and dehumanizing, and fuels trafficking in persons, a form of modern-day slavery. Prostitution and related activities—including pimping and patronizing or maintaining brothels—fuel the growth of modern-day slavery by providing a façade behind which traffickers for sexual exploitation operate.

Where prostitution is legalized or tolerated, there is a greater demand for human trafficking victims and nearly always an increase in the number of women and children trafficked into commercial sex slavery...

Few activities are as brutal and damaging to people as prostitution. Field research in nine countries concluded that 60-75 percent of women in prostitution were raped, 70-95 percent was physically assaulted, and 68 percent met the criteria for post traumatic stress disorder in the same range as treatment-seeking combat veterans and victims of state-organized torture. Beyond this shocking abuse, the public health implications of prostitution are devastating and include a myriad of serious and fatal diseases, including HIV/AIDS...

State attempts to regulate prostitution by introducing medical check-ups or licenses don't address the core problem: the routine abuse and violence that form the prostitution experience and brutally victimize those caught in its netherworld. Prostitution leaves women and children physically, mentally, emotionally, and spiritually devastated. Recovery takes years, even decades—often, the damage can never be undone."

Norma Hotaling, Founder and Executive Director of Standing Against Global Exploitation (SAGE) Project and former prostitute, wrote in her prepared testimony for the Apr. 28, 2005 hearing "Combating Trafficking in Persons: Status Report on Domestic and International Developments," before the US House of Representatives Committee on Financial Services Subcommittee on Domestic and International Monetary Policy, Trade, and Technology:

"As long as we point the finger away from ourselves, away from the institutions that blame and criminalize women and children for their own rape, sexual abuse, trafficking and slavery, away from the men who we normalize as 'Johns,' and as long as we disconnect adult prostitution and the exploitation of children and disconnect prostitution and trafficking in human beings for the purposes of rape and sex slavery; then we are to blame and we have assisted in creating well-funded transnational criminal networks – dollar by dollar."

Tony Nassif, Founder and President of the Cedars Cultural and Educational Foundation, wrote in the July 19, 2006 article "Legalize Prostitution?" provided on the Cedars Cultural and Educational Foundation website: *"Whether legal or illegal, prostitution*

doesn't stop the spread of disease and the devastation of the human soul as well as the disintegration of the culture, society, and nation....

Yet some promote the legalization of prostitution. This movement must be resisted for many reasons, most notably that it will perpetuate the demand for trafficked victims and the repercussion that follows.

Then there is God. No matter what our opinion is, it is God's standard that remains. Abide by it and the nation is blessed. Reject it and we come out from under His blessing of health and prosperity. We choose. We cannot reject God's precepts for life and prosperity by legalizing that which He condemns and yet expect His blessings for ourselves and our posterity."

Bonnie Erbe, Contributing Editor at US News & World Report, wrote in the June 15, 2006 Seattle Post-Intelligencer article "Cry Foul on World Cup Prostitution":

"Germany is one of several European nations where prostitution is legal. Germany came late to this game, in 2002. In only four years, it built up a work force some 400,000 strong for its multibillion-dollar annual prostitution business...

My admiration for relaxed European attitudes toward sex comes to an excruciatingly cacophonous halt on the issue of legalized prostitution.

Women's-rights activists believe the German government's sanctioning of sex services for World Cup visitors will drive the illicit international trade in sex trafficking. This, in turn, could force thousands of unwilling women into prostitution.

Whether women enter the sex trade willingly or not, no government should sanction prostitution. By its very nature, prostitution is demeaning to women and encourages anti-social, some would say depraved, behaviour by men.

...German officials... should ban prostitution altogether."

Andrea Dworkin, an author, activist, and former prostitute, stated in her Oct. 31, 1992 speech at the University of Michigan Law School:

"I ask you to think about your own bodies--if you can do so outside the world that the pornographers have created in your minds, the flat, dead, floating mouths and vaginas and anuses of women. I ask you to think concretely about your own bodies used that way. How sexy is it? Is it fun? The people who defend prostitution and pornography want you to feel a kinky little thrill every time you think of something being stuck in a woman. I want you to feel the delicate tissues in her body that are being misused. I want you to feel what it feels like when it happens over and over and over and over and over and over and over again: because that is what prostitution is.

...And so, many of us are saying that prostitution is intrinsically abusive. Let me be clear. I am talking to you about prostitution per se, without more violence, without extra violence, without a woman being hit, without a woman being pushed. Prostitution in and of itself is an abuse of a woman's body. Those of us who say this are accused of being simple-minded. But prostitution is very simple. And if you are not simple-minded, you will never understand it. The more complex you manage to be, the further away from the reality you will be--the safer you will be, the happier you will be, the more fun you will have discussing the issue of prostitution. In prostitution, no woman stays whole."

Anastasia Volkonsky, JD, former Executive Director, Colorado Lawyers for the Arts (CoLA), wrote in the Feb. 27, 1995 Insight on the News article "Legalizing the 'Profession' Would Sanction the Abuse":

"Behind the facade of a regulated industry, brothel prostitutes in Nevada are captive in conditions analogous to slavery. Women often are procured for the brothels from other

areas by pimps who dump them at the house in order to collect the referral fee. Women report working in shifts commonly as long as 12 hours, even when ill, menstruating or pregnant, with no right to refuse a customer who has requested them or to refuse the sexual act for which he has paid.

The dozen or so prostitutes I interviewed said they are expected to pay the brothel room and board and a percentage of their earnings -- sometimes up to 50 percent. They also must pay for mandatory extras such as medical exams, assigned clothing and fines incurred for breaking house rules. And, contrary to the common claim that the brothel will protect women from the dangerous, crazy clients on the streets, rapes and assaults by customers are covered up by the management."

Gunilla Ekberg, Special Adviser to the Swedish Division for Gender Equality in the Ministry of Industry, Employment, and Communications, wrote in the article "The Swedish Law That Prohibits the Purchase of Sexual Services: Best Practices for Prevention of Prostitution and Trafficking in Human Beings" published in the Oct. 2004 issue of Violence Against Women:

"In Sweden, prostitution is officially acknowledged as a form of male sexual violence against women and children. One of the cornerstones of Swedish policies against prostitution and trafficking in human beings is the focus on the root cause, the recognition that without men's demand for and use of women and girls for sexual exploitation, the global prostitution industry would not be able flourish and expand.

Prostitution is a serious problem that is harmful, in particular, not only to the prostituted woman or child but also to society at large. Therefore, prostituted women and children are seen as victims of male violence who do not risk legal penalties. Instead, they have a right to assistance to escape prostitution."

Michael Horowitz, LLB, Senior Fellow at the Hudson Institute, in the article "Right Abolitionism" published in the Dec. 2005 - Jan. 2006 issue of The American Spectator:

"...Historians will also note the attacks on the Bush administration and Miller [Ambassador John R. Miller] from a shrill clique of academic feminists and their radical chic allies -- and by doing so these historians will understand the reasons for the declining state of the 21st-century American left. They will see in the critics' attacks liberal utopianism at its worst -- the belief that until all poverty and all exploitation of the weak has ended, targeted efforts 'merely' to ameliorate such 'symptoms' as the mafia-conducted destruction of millions of girls and women in the sex trade are distractions from the need to eliminate 'root causes.' Historians will see in these attacks rhetoric and ideology unhinged from reality, a worship of materialist goals, contempt for traditional values, and a moral stinginess that denies credit for good work to any but political allies.

...The critics endorse the big lie of Pretty Woman and act as if the Julia Roberts character exists beyond Hollywood. The critics routinely seek 'sex worker unions,' government-trafficker condom distribution partnerships, and government regulation -- as if written contracts or OSHA [US Department of Labour Occupational Safety and Health Administration]-mandated ergonomic mattresses could ever trump the ability of pimps to exploit the abused and psychologically manipulatable runaway girls they prey upon."

Theodore Dalrymple, a writer and retired physician, wrote in the Feb. 3, 2005 City Journal article "Welfare-to-Work's New Thrust":

"A few years ago, prostitutes disappeared from the pages of medical journals; they returned as 'sex workers.' Nor did they work in prostitution any more: they were employees in the 'sex industry.' Presumably, orgasms are now a consumer product just

like any other. As for pimps, the correct term is probably: 'brief sexual liaison coordinators.'

The editors who decided on the new terminology almost certainly felt, and probably still do feel, a warm glow of self-satisfaction (one of the few emotions than never lets you down). How they must have prided themselves on their broadmindedness, as they strove to reduce the small-minded stigma traditionally attached to offering sexual services in return for money! How morally brave and daring they must have felt, to fly so boldly in the face of two millennia of unthinking condemnation!

...The idea of the state coercing its population into prostitution is, of course, repellent. Even the most liberal of liberals would probably agree with that. This means that there is after all a moral difference between prostitution and washing dishes in the local restaurant or stacking supermarket shelves. And that prostitution is both age-old and ineradicable does not make it any less degrading to all concerned."

Charles H. Ramsey, former Police Chief of Washington, DC, stated in the May 11, 1999 interview "Q&A with Charles H. Ramsey" on Levey Live (a weekly live online discussion) on Washington Post with Bob Levey:

"I believe that two crimes make a city look totally out of control. That's open prostitution and open air drug trafficking. I was appalled at the blatant prostitution taking place in the District and I have been determined to put an end to it. You're right that often times a problem is simply displaced when strong enforcement action is taken, that's to be expected, actually. The key is to shift resources to the new location and continue to take strong enforcement action wherever the problem crops up. Eventually, people engaged in this kind of activity either stop or leave the area altogether."

Jeffrey J. Barrows, DO, Health Consultant on Human Trafficking for the Christian Medical Association, wrote in the Sep. 9, 2005 article "HIV and Prostitution: What's the Answer?" published on the Centre for Bioethics Human Dignity website:

"Even if a prostitute is being tested every week for HIV, she will test negative for at least the first 4-6 weeks and possibly the first 12 weeks after being infected. If we assume that he or she takes only 4 weeks to become positive, because there is an additional lag time of 1-2 weeks to get the results back, there will be at best a window period of 6 weeks for a prostitute. The average prostitute services between 10-15 clients per day. This means that while the test is becoming positive and the results are becoming known, that prostitute may expose up to 630 clients to HIV. This is under the best of circumstances with testing every week and a four-week window period. It also assumes that the prostitute will quit working as soon as he or she finds out the test is HIV positive, which is highly unlikely. This is not the best approach for actually reducing harm. Instead, in order to slow the global spread of HIV/AIDS we should focus our efforts on abolishing prostitution."

Lisa Thompson, Liaison for the Abolition of Sexual Trafficking for the United States Salvation Army, stated in her Jan. 26, 2007 phone interview with ProCon.org:

"We need to eliminate the purchase of commercial sex. That is no easy task. People tell me all the time that prostitution has been around forever and you can't stop this. I think that's baloney. There are a lot of things that have been around forever but if we provide the right evidence and provide positive motivation and use our laws effectively people's behaviours can change and we can change people's minds..."

I'm opposed to anything that would legalize the purchasing of sex by buyers. I'm opposed to pimping being legal. I'm opposed to brothel keeping being legal. I think we need to absolutely keep as many barriers up as possible. We want to create a sense that buying sex from a woman is socially unacceptable and legally unacceptable..."

Prostitution is a despairing, horrible condition for any women and girl who should end up there. We need to get more and better information out to the public about the harms of prostitution: mortality, homicide, suicide, sexually transmitted diseases, violence, beatings, shootings, stabbings, rape... It is no life for anyone."

Joseph Parker, Clinical Director of the Lola Greene Baldwin Foundation, wrote in the article "How Prostitution Works" posted on the Lola Greene Baldwin Foundation website (accessed Jan. 19, 2009):

"People, who have had luckier lives, as well as those who profit from the sex industry in some way, frequently refer to prostitution and pornography as 'victim-less crimes'. They point to a tiny fraction of sex workers who actually might be involved by choice. They selectively read history to find some tiny minority, somewhere, at some time, who gained something in the sex business.

The very selectiveness of their attention indicates that, on some level, they know that for almost everyone, involvement in the sex industry is a terrible misfortune.

As many an old cop will say, 'anyone who thinks prostitution is a victimless crime, hasn't seen it up close.'"

S.M. Berg, Co-Founder of the Sexual Health Activist Group (SHAG), wrote in the article "Hey, Progressives! Cathouse Got Your Tongue?" in the July 2006 Portland Alliance:

"Instead of railing against the increasing exploitation of females internationally, mainstream American feminists have mostly chosen to ignore the severe and tragic harms of prostitution. Why the wall of silence regarding men's legitimized sense of entitlement to demand sex anytime, any way they want it, from mostly minority and poverty-stricken women?"

...Rejecting prostitution is consistent with the feminist belief that men do not have a right to control women's sexuality ever, but too many feminist women still can't say so while standing tall and without apologizing for believing it."

Mary Anne Layden, PhD, Co-Director of the Sexual Trauma and Psychopathology Program at the Centre for Cognitive Therapy at the University of Pennsylvania, was quoted as having stated in the Aug. 10, 2005 The Australian article "Porn Fuels Prostitution":

"Internet pornography and the legalisation of prostitution have driven up demand through a set of beliefs that imply that this behaviour is normal, acceptable, common and doesn't hurt anyone so the person has permission to continue to behave in that way..."

There are not enough women in Australia who have been raped as a child, are homeless, or have a drug addiction, to be prostitutes, because in reality these are the women who end up in this situation. In this case, you have to deceive or kidnap women and children from other countries, take their passport, beat them up and put them into sex slavery."

John Paul, II, 264th Pope of the Catholic Apostolic Roman Church, stated in his June 29, 1995 "Letter to Women" provided on www.vatican.va:

"Nor can we fail, in the name of the respect due to the human person, to condemn the widespread hedonistic and commercial culture which encourages the systematic exploitation of sexuality and corrupts even very young girls into letting their bodies be used for profit."

http://www.vatican.va/holy_father/john_paul_ii/letters/documents/hf_jp-ii_let_29061995_women_en.html

In *US v. Bitty* (decided Feb. 24, 1908), the US Supreme Court, in a decision written by then Associate Justice John Marshall Harlan:

"There can be no doubt as to what class was aimed at by the clause forbidding the importation of alien women for purposes of 'prostitution.' It refers to women who, for hire or without hire, offer their bodies to indiscriminate intercourse with men. The lives and example of such persons are in hostility to 'the idea of the family as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization; the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement.'"

Melissa Farley, PhD, Founding Director of the Prostitution Research and Education wrote in the article "Bad for the Body, Bad for the Heart" published in the Oct. 2004 *Violence Against Women*:

"Legal sex businesses provide locations where sexual harassment, sexual exploitation, and violence against women are perpetrated with impunity. State-sponsored prostitution endangers all women and children in that acts of sexual predation are normalized — acts ranging from the seemingly banal (breast massage) to the lethal (snuff prostitution that includes filming of actual murders of real women and children)..."

Johns who buy women, groups promoting legalized prostitution, and governments that support state-sponsored sex industries comprise a tripartite partnership that endangers all women. These groups collude in denying the everyday violence and subsequent health dangers to those in prostitution."

Dave Quist, MPA, Executive Director of the Institute of Marriage and Family Canada (IMFC), was quoted as having stated in the July 13, 2006 *LifeSiteNews.com* article "National Post Advocating Legalization of Prostitution Again":

"The concept that 'mom's job' is having sex with strangers sets the wrong tone for family life. It hurts the woman; it hurts the children; that is an exploitative situation. If prostitution is legal it affords men the 'excuse' to go find sex outside of marriage, when things in the marriage are difficult. That does nothing to enhance the relationship between a man and a woman.

[Prostitution] runs opposite to what relationships are supposed to be. Intimacy and love are not involved; it's just a purely physical act. It lowers both people to the lowest common denominator."

Ronald Reagan, 40th President of the United States and interviewed as former Governor of California (Jan. 1967-Jan. 1975) at the time of the quotation, was quoted as having stated in the July 1975 *Reason Magazine* article "Inside Ronald Reagan":

"Prostitution has been listed as a nonvictim crime. Well, is anyone naive enough to believe that prostitution just depends on willing employees coming in and saying that's the occupation they want to practice? It doesn't.

...Talk to law enforcement people about the seamy side of how the recruiting is done, including what in an earlier day was called the white slave traffic - and you will find that the recruiting for prostitution is not one of just taking an ad in the paper and saying come be a prostitute and letting someone walk in willingly."

Chapter 7: Should prostitution be legal in licensed places like brothels?

Melissa Farley, PhD, Founding Director of the Prostitution Research and Education, wrote in the Oct. 2004 Violence Against Women journal article "'Bad for the Body, Bad for the Heart:' Prostitution Harms Women Even If Legalized or Decriminalized" that:

"The regulation of prostitution by zoning is a physical manifestation of the same social/psychological stigma that decriminalization advocates allegedly want to avoid. Reflecting the social isolation of those in it, prostitution is often removed from the mainstream. Whether in Turkish genelevs (walled-off multiunit brothel complexes) or in Nevada brothels (ringed with barbed wire or electric fencing), women in state-zoned prostitution are physically isolated and socially rejected by the rest of society."

Veronica Monet, prostitute and author, in a Mar. 26, 2006 interview on the Suicide Girls website, said:

"Most of the brothels do not care about the women who work for them. They care about the clients who are paying them. I don't like legalized brothels. I have nothing against the women that are working in this system but the women who work in legal strip clubs and legal brothels do not benefit from any kind of labour rights."

Anastasia Volkonsky, JD, Founder and former Project Director of Prevention, Referral, Outreach, Mentoring, and Intervention to End Sexual Exploitation (PROMISE), in the Feb. 27, 1995 Insight on the News article "Legalization the 'Profession' Would Sanction the Abuse," wrote:

"Behind the facade of a regulated industry, brothel prostitutes in Nevada are captive in conditions analogous to slavery. Women often are procured for the brothels from other areas by pimps who dump them at the house in order to collect the referral fee. Women report working in shifts commonly as long as 12 hours, even when ill, menstruating or pregnant, with no right to refuse a customer who has requested them or to refuse the sexual act for which he has paid. The dozen or so prostitutes I interviewed said they are expected to pay the brothel room and board and a percentage of their earnings -- sometimes up to 50 percent. They also must pay for mandatory extras such as medical exams, assigned clothing and fines incurred for breaking house rules. And, contrary to the common claim that the brothel will protect women from the dangerous, crazy clients on the streets, rapes and assaults by customers are covered up by the management."

Chapter 8: Should the government collect taxes from prostitution?

Janice Raymond, PhD, former Co-Executive Director of the Coalition Against Trafficking in Women (CATW) wrote "State-Sponsored Prostitution" for the Seminar on the Effects of Legalisation of Prostitution Activities, in Stockholm on Nov. 5-6, 2002, stating that:

"We believe that State-sponsored prostitution is one of the significant root causes of sex trafficking. We call legalized or regulated prostitution State-sponsored prostitution because although legalized or regulated systems vary, the common element is that the system of prostitution itself becomes accepted and legitimated by the State. The term State-sponsored prostitution signals that in any of these legalized or regulated systems that recognize the sex industry as a legitimate enterprise, the State effectively becomes another pimp, living off the earnings of women in prostitution."

Diane Post, JD, in the July 1999 Off Our Backs article "Legalizing Prostitution: A Systematic Rebuttal," wrote:

"I personally have been physically threatened and attacked and sued for exposing pornography and prostitution. I don't believe those of us who oppose it are naive. In fact the huge economic profits and entrenchment of such economic activity in national economies by national governments is precisely the point - women are becoming commodities not only for private businesses but for the state as well."

Donna M. Hughes, PhD, Professor and Eleanor M. and Oscar M. Carlson Endowed Chair of the Women's Studies Program at the University of Rhode Island, wrote in the May 11, 2004 National Review article "Don't Legalize" that stated:

"German lawmakers thought they were going to get hundreds of millions of Euros in tax revenue when they legalized prostitution and brothels in 2002. But keeping with criminal nature of prostitution, the newly redefined 'business owners' and 'freelance staff' in brothels will not pay up. Germany is suffering a budget deficit and the Federal Audit Office estimates that the government has lost over two billion Euros a year in unpaid tax revenue from the sex industry. Last week, lawmakers started to look for ways to increase collection of taxes from prostitutes. Disgustingly, they expect to solve their economic problems, at least in part, off the backs of the some of the most abused and exploited women in the world."

Chapter 9: Is legal prostitution a legitimate business?

Virada Somswasdi, JD, President of the Foundation for Women, Law and Rural Development (FORWARD), said in a Mar. 9, 2004 speech at Cornell Law School that:

"One needs to completely rid oneself of the voracity for cash to see that prostitution, although legalized, can never be a legitimate business because it will always be associated with crime, corruption, class, mass sexual exploitation and human trafficking."

Bodil Kornbek, Chairperson of Denmark's Christian Democrats, is quoted in the Feb. 20, 2004, Copenhagen Post as having said:

"It's wrong to promote the fact that one person buying another is legitimate. To us, this is nothing more than human trafficking, and it's completely unacceptable."

Janice G. Raymond, PhD, former Co-Executive Director of the Coalition Against Trafficking in Women (CATW), in the article "Legitimizing Prostitution as Sex Work: UN Labour Organization (ILO) Calls for Recognition of the Sex Industry," posted to the CATW website (accessed Nov. 28, 2007), wrote:

"...[I]t is a travesty that the ILO would now be calling for the economic recognition of prostitution as legitimate work. If women in prostitution are counted as workers, pimps as businessmen, and the buyers as customers, thus legitimating the entire sex industry as an economic sector, then governments can abdicate responsibility for making decent and sustainable employment available to women."

Donna M. Hughes, PhD, Professor and Eleanor M. and Oscar M. Carlson Endowed Chair of the Women's Studies Program at the University of Rhode Island, wrote the Feb. 1999 article "Legalization Will Legitimize the Abuse" posted on her website, that stated:

"Legalization and regulation aim to redefine prostitution as a form of work, indicated by the use of the term 'sex work.' The renaming may clean up the image of prostitution, but it doesn't end the violence and exploitation. It only allows criminals and members of organized crime rings to become legitimate businessmen and work hand-in-hand with the state in marketing women's bodies..."

Prostitution is an extreme form of gender discrimination. Legalization of this violence to women restricts women's freedom and citizenship rights. If women are allowed to become a legitimate commodity, they are consigned to a second-class citizenship. Democracy is subverted."

Chapter 10: Does individual economic opportunity justify legalising prostitution?

"[W]hen the prostitution of women is accepted as a legally and socially accepted activity, it decreases any incentive for the government to develop real employment opportunities and educational and skills development projects for women - 'Oh, well, those poor women can always survive by giving themselves over to being prostituted' – and it begins a circular belief that they actually enjoy being prostituted, which leads to normalizing this human rights abuse...on and on... with very little social analysis that links the prostitution of women with the current economic status of women or the social status within patriarchal cultures.

Thus the government becomes more and more embedded in the status quo inequality of women and the systems that support such inequality." Sr. Clare Nolan, MSW, NGO representative of the Sisters of the Good Shepherd to the United Nation's Economic and Social Council (ECOSOC)

Gunilla S. Ekberg, Special Advisor on issues of prostitution and trafficking in women at the Swedish Division for Gender Equality, at the Nov. 2002 Seminar on the Effects of Legalisation of Prostitution Activities in Stockholm said: "Some prostitution defenders argue that prostitution is an acceptable solution to poverty. They assert that prostitution is a legitimate and rational choice for poor, uneducated and unskilled women for whom other kinds of work alternatives are hard to come by.

What they mean, but do not say, is that prostitution is an acceptable solution for women living in poverty. Seldom do we see proposals that poor men should make their way out of poverty by welcoming the insertion of penises and other objects into them on a regular basis or dance naked on a stage in front of ogling and masturbating males.

The prostitution industry exploits to its advantage the fact that most women and children who are in prostitution come from the most oppressed and vulnerable groups in society."

Wendy Wright, President of Concerned Women for America's (CWA), was quoted in the Mar. 5, 2003 CWA report entitled "Legalizing Prostitution at the U.N." as having said: "Anyone who considers legalizing prostitution as a solution to sexual trafficking or poverty should be required to learn what prostitutes endure. No one wants their daughter to grow up to be sexually abused, so we shouldn't legitimize the abuse of other people's daughters."

Janice Raymond, PhD, former Co-Executive Director of the Coalition Against Trafficking in Women (CATW), wrote in the Oct. 1, 2004 Violence Against Women journal that:

"Rather than economic opportunity for women, state-sponsored prostitution is economic opportunism. The most glaring evidence of women's economic marginalization and social inequality is the rampant commodification of women in prostitution, sex trafficking, sex tourism, and mail-order-bride industries. In a context of severe global economic decline, it seems the height of economic opportunism to argue for the recognition of the sex industry based on transforming women's sexual and economic exploitation into legitimate work. Actual unemployment of women is disguised by the fact that large numbers of women are limited to the 'employment' of prostitution and other 'jobs' in the sex industry."

Chapter 11: Is prostitution a victimless crime?

The National Center for Missing and Exploited Children (NCMEC), in the 1992 Female Juvenile Prostitution: Problem and Response stated:

"MYTH 2 - Prostitution is a victimless crime.

Prostitution creates a setting whereby crimes against men, women, and children become a commercial enterprise.... It is an assault when he/she forces a prostitute to engage in sadomasochistic sex scenes. When a pimp compels a prostitute to submit to sexual demands as a condition of employment, it is exploitation, sexual harassment, or rape -- acts that are based on the prostitute's compliance rather than her consent. The fact that a pimp or customer gives money to a prostitute for submitting to these acts does not alter the fact that child sexual abuse, rape, and/or battery occurs; it merely redefines these crimes as prostitution."

The Pontifical Council for the Pastoral Care of the Migrants and Itinerant People, in the June 20-21, 2006 "First International Meeting of Pastoral Care for the Liberation of Women of the Street," wrote:

"Who is the victim?"

She is a human being, in many cases crying for help because selling her body on the street is not what she would choose to do voluntarily. She is torn apart, she is dead psychologically and spiritually. Each person has a different story, mainly one of violence, abuse, mistrust, low self esteem, fear, lack of opportunities. Each has experienced deep wounds that need to be healed."

Joseph Parker, Clinical Director of the Lola Greene Baldwin Foundation, wrote the Aug. 4, 1998 "How Prostitution Works," which stated:

"People, who have had luckier lives, as well as those who profit from the sex industry in some way, frequently refer to prostitution and pornography as 'victim-less crimes'. They point to a tiny fraction of sex workers who actually might be involved by choice. They selectively read history to find some tiny minority, somewhere, at some time, who gained something in the sex business.

The very selectiveness of their attention indicates that, on some level, they know that for almost everyone, involvement in the sex industry is a terrible misfortune.

As many an old cop will say, 'Anyone who thinks prostitution is a victimless crime, hasn't seen it up close.'"

Andrew Arena, JD, Special Agent in Charge of Federal Bureau of Investigation (FBI) in Detroit, was quoted in the Aug. 16, 2006 FBI press release "Halting Human Trafficking: 31 Arrests in Major Prostitution Ring" as having said:

"Illegal prostitution is not a victimless crime. The FBI is part of the apparatus in place to protect people, sometimes even from their own poor choices."

Chapter 12: Would legal prostitution better protect prostitutes from violence?

"No other workplace has to cover the range of health and safety issues that ensue from this sexual and economic exchange. Together with STIs [Sexually Transmitted Infections], verbal abuse, battering, sexual harassment and violence, rape and unwanted pregnancies are recognised occupational health and safety risks within the prostitution industry. This does not change because prostitution is legalised.

"Legalisation has offered nothing for women caught up in this system of exploitation. Legitimising prostitution as work has simply worked to normalise the violence and sexual abuse that they experience on a daily basis. Victoria must not be seen as a model for other countries attempting to deal with the escalating trade in women and children for sex. Legalised prostitution is government-sanctioned abuse of women and violates their right to equality and safety," Dr. Mary Sullivan's Ph.D. dissertation at the University of Melbourne, entitled 'Making Sex Work: the Experience of Legalised Prostitution in Victoria, Australia' 2005.

Melissa Farley, PhD, Founding Director of the Prostitution Research and Education, in the Oct. 2004 Psychiatric Times article "Prostitution Is Sexual Violence," wrote:
"Regardless of prostitution's status (legal, illegal or decriminalized) or its physical location (strip club, massage parlour, street, escort/home/hotel), prostitution is extremely dangerous for women. Homicide is a frequent cause of death.... It is a cruel lie to suggest that decriminalization or legalization will protect anyone in prostitution. It is not possible to protect someone whose source of income exposes them to the likelihood of being raped on average once a week."

Anastasia Volkonsky, JD, Founder and former Project Director of Prevention, Referral, Outreach, Mentoring, and Intervention to End Sexual Exploitation (PROMISE), in the Feb. 27, 1995 Insight on the News article "Legalization the 'Profession' Would Sanction the Abuse," wrote:

"Behind the facade of a regulated industry, brothel prostitutes in Nevada are captive in conditions analogous to slavery. Women often are procured for the brothels from other areas by pimps who dump them at the house in order to collect the referral fee. Women report working in shifts commonly as long as 12 hours, even when ill, menstruating or pregnant, with no right to refuse a customer who has requested them or to refuse the sexual act for which he has paid.... And, contrary to the common claim that the brothel will protect women from the dangerous, crazy clients on the streets, rapes and assaults by customers are covered up by the management."

Standing Against Global Exploitation (SAGE) posted on its website "Frequently Asked Questions about SAGE and CSE" (accessed Mar. 9, 2007), which stated:
"... [L]egalization actually makes it more difficult to prosecute rapists, perpetrators, and traffickers. Because the sex industries are more legitimized under legalization, there is no basic presumption that buying or selling someone else's body is a crime — and therefore the burden on victims of violence to prove that they are experiencing harm or exploitation is increased. When sexual exploitation is legalized, sexual abusers can use excuses like, 'she's just a ho who wanted more money' to discredit anyone in the sex industries who tries to get legal support."

Chapter 13: Would legal prostitution decrease sexual violence such as rape?

Coalition Against Trafficking in Women (CATW) Australia branch posted on their website "Frequently Asked Questions About Prostitution" (accessed Mar. 8, 2007) that stated: *"...[I]n cases of gang rape by sportsmen in Australia in 2004, it has become clear that the use of prostituted women and strip clubs is integral to the woman hating and male bonding which led to the sexual violence. The argument also suggests that women who are not prostituted are safer because some other women are set aside to be commercially raped on their behalf. Women's equality requires that all women should be free from sexual exploitation. Prostitution cannot eliminate rape when it is itself bought rape. The connection between rape and prostitution is that women are turned into objects for men's sexual use; they can be either bought or stolen. A culture in which women can be bought for use is one in which rape flourishes [.]"*

Safer Society Foundation, Inc. (then known as Prison Research Education Action Project), in the 1976 *Instead of Prisons: A Handbook for Abolitionists* wrote: *"Three cities which allowed open prostitution experienced a decline in rape after prostitution was again prohibited. Rapists include men who do not patronize prostitutes. Rapists include men who have 'girlfriends,' or are married, or living with women. Statistical studies of reported rapes show that the majority of rapists are well below the age of males who most frequently use prostitutes. Finally, in Vietnam, brothels for the American military were officially sanctioned and incorporated into the base-camp recreation areas and yet G.I. rape and sexual abuse of Vietnamese women and girls is one of the most atrocious chapters of violence in U.S. history."*

Melissa Farley, PhD, Founding Director of the Prostitution Research and Education, in the Oct. 2004 journal *Violence Against Women* article "Bad for the Body, Bad for the Heart," wrote:

"Legal sex businesses provide locations where sexual harassment, sexual exploitation, and violence against women are perpetrated with impunity. State-sponsored prostitution endangers all women and children in that acts of sexual predation are normalized..."

Chapter 14: Should police resources be used to monitor prostitution?

William Bratton, Police Chief of Los Angeles, California, and George Kelling, PhD, wrote in their Feb. 28, 2006 *National Review* article "There Are No Cracks in the Broken Windows":

"We've argued for many years that when police pay attention to minor offenses — such as prostitution, graffiti, aggressive panhandling — they can reduce fear, strengthen communities, and prevent serious crime."

The POPPY Project, a London-based research project focused on prostitution and human trafficking in the UK, in its Dec. 2004 report "Paying the Price: Eaves Response to the Home Office Consultation on Prostitution," wrote:

"We support a return to vice squads. Support services for women in prostitution have long stated that vice squads patrolling street prostitution areas are preferable to the alternative, and that some women have the opportunity to develop regular contact with individual police officers, many of whom have built up an expertise regarding the issues and the individuals on their beat. This can make it easier for women to report attacks and robberies."

The police should only arrest those involved in prostitution if they are committing additional offences, and shift the focus to the customers and pimps. Although few selling

sex are likely to support a crackdown on customers because it will mean a drop in their income, evidence from Sweden has shown that for some of the women on the street, removing the buyers created a space for them to consider leaving prostitution. It also meant that, because the women were not being arrested, they could begin to view the police as being there to assist the vulnerable."

Kenneth Cauthen, PhD, John Price Crozer Griffith Professor Emeritus of Theology, at Colgate Rochester Crozer Divinity School, in his essay "Legalizing Prostitution" on his website (accessed Dec. 3, 2007), wrote: *"The money currently used for enforcement of criminal laws against prostitution should be used [to] help those who are tempted by sex work. Police should be used to direct street prostitutes looking for any way to make money to survive to places where they can be helped. They, of course, should also do what they can to protect everyone from violence, exploitation, and coercion. Many of those who find themselves in desperate circumstances...are damaged personalities, lost souls, who need love, compassion, treatment, guidance, and all the care that [can] be given to salvage precious lives.*

Here is where our money and concern should be. A larger societal work of prevention and treatment of the personal and social ills that destroy children in their homes and communities is the great need, not more policemen on the streets to harass the human consequences of our neglect and cruelty."

R.T. Rybak, Mayor of Minneapolis, Minnesota, was quoted in the May 21, 2007 article "Mayor Rybak, Chief Dolan Support Crack Down on Prostitution" published on the City of Minneapolis, Minnesota website, as having said: *"Prostitution is not welcome in our community...We need everyone — residents and police — to work together to rid this problem from our community. This is a perfect example of the need for residents to trust local police..."*

The Ipswich Labour Party, UK, in its Aug. 4, 2006 article "Results of Ipswich Street Prostitution Survey" on its website, wrote:

"The councillors believe that a sustained and properly funded programme combining tough enforcement, physical deterrence measures and help to get out of prostitution would have a significant effect on reducing the problem of street prostitution in Ipswich. The main elements of such a programme should be:

- Increased high visibility patrols by police and community safety officers...*
- More enforcement action to be taken against both prostitutes and kerb crawlers; more and better use of ASBO's [Anti-Social Behaviour Order's]; consideration given to 'naming and shaming' kerb crawlers..."*

Chapter 15: Does legal prostitution lead to human trafficking & slavery?

The U.S. Department of State, in its June 2007 issue of the "Trafficking in Humans Report," stated:

"Sex trafficking would not exist without the demand for commercial sex flourishing around the world. The U.S. Government adopted a strong position against prostitution in a December 2002 policy decision, which states that prostitution is inherently harmful and dehumanizing and fuels trafficking in persons. Trafficking in human beings is large-scale and growing. It is a human rights abuse as well as a crime crossing international, national and regional jurisdictions. Trafficking is used for a wide variety of purposes, such as domestic, agricultural or sweatshop labour, marriage and prostitution. Australia is a destination country for victims of trafficking, and evidence suggests the majority are women trafficked into debt-bonded prostitution.

Lara Fergus, Research Officer with the Australian Centre for the Study of Sexual Assault at the Australian Institute of Family Studies.

“Prostitution and related activities—including pimping and patronizing or maintaining brothels—encourage the growth of modern-day slavery by providing a façade behind which traffickers for sexual exploitation operate. Where prostitution is tolerated, there is a greater demand for human trafficking victims and nearly always an increase in the number of women and children trafficked into commercial sex slavery.

Few women seek out or choose to be in prostitution, and most are desperate to leave it. A 2003 scientific study in the Journal of Trauma Practice found that 89 percent of women in prostitution want to escape prostitution but had no other options for survival.”

Margareta Winberg, Former Deputy Prime Minister of Sweden, said at the Seminar on the Effects of Legalisation of Prostitution Activities in Stockholm on Nov. 5-6, 2002 that: *“I believe that we will never succeed in combating trafficking in women if we do not simultaneously work to abolish prostitution and the sexual exploitation of women and children. Particularly in light of the fact that many women in prostitution in countries that have legalised prostitution are originally victims of trafficking in women.”*

The research below presents evidence of the trafficking of women into and through Ireland for the purpose of sexual exploitation. It reveals a highly lucrative Irish sex industry where large numbers of migrant women are being sexually exploited in indoor prostitution. It demonstrates the severe trauma and harm caused to women by trafficking and commercial sexual exploitation.

The main findings of the research are outlined below.

The trafficking of women into and through Ireland

Over a 21-month period, between January 2007 and September 2008, 102 women were identified by ten services as being trafficked into or through Ireland. The largest number of women identified for this research as trafficked was by an organisation called Ruhama.

The Women’s Health Project (WHP) (HSE), the Immigrant Council of Ireland (ICI) in Dublin and Cork-based STOP Sex Trafficking also identified significant numbers.⁷ Of the 102 women, 26 were aware of a further 64 women who were trafficked into Ireland, bringing the number of women trafficked during that period to a possible 166.

This number of 166 trafficked women is an underestimation; trafficking is covert and illegal, and many women who are trafficked remain invisible. It is mainly women who escape, are rescued or who have paid off their indentured ‘labour’ that come to the attention of services.

This research found that 11 per cent of the 102 women trafficked were children at the time they were trafficked to Ireland. Similar to adults, deception was a key factor in their recruitment and many women experienced prostitution, rape, brutality and imprisonment prior to arriving in Ireland.

The vast majority of women trafficked were from African countries. This may partly be explained by the expansion of the European Union (EU) in 2004 and 2007, which has meant increased freedom of movement for some Eastern Europeans. They are now less likely to come to the attention of immigration officials.

Services that identified women as trafficked for this research use the United Nations (UN) Palermo Protocol 8 on Trafficking.

In addition, Ruhama has specified detailed indicators based on OSCE/ODIHR 9 National Referral Mechanisms Handbook (2004), the International Organization for Migration (IOM) Counter-Trafficking Training Modules Handbook and their direct work with victims of trafficking for almost a decade in Ireland.

Due to the clandestine nature of trafficking, there are not only major information deficits on the extent of trafficking, but also on what happens to women who are trafficked.

Women reported being transported by plane, train, bus, car and boat ferry, and many were transported by several means of transport. Some come through the United Kingdom (UK) via Belfast and are then transported to other parts of Ireland. Nine per cent of the women were trafficked through Italy and some were prostituted in Italy prior to coming to Ireland.

When women who are trafficked reach Ireland, they are sometimes passed over to Irish brothel owners who prostitute them. Other women are held and prostituted by the original traffickers. In either case, papers are usually taken from the woman. In most cases, the woman is then not only illegally in the country but is without any documents. In this situation, the woman lives in clandestine conditions. Her existence is one of isolation and confinement, which makes it difficult for her to escape and seek assistance.

This study found that, alongside poverty, family dislocation, war and violence, and childhood abuse were key vulnerability factors predisposing women to being trafficked. Patterns of recruitment reflect patterns documented in international literature, with the least common form of recruitment being kidnap. Deceptive recruitment – where women were promised an education and work in domestic and other service sectors – was common, while some women were recruited through the pledge of marriage or a long-term relationship. None of the 102 women involved knew that they were specifically being recruited for the sex industry.

The accounts of trafficked women are of captivity, isolation, shame and betrayal combined with the trauma of systematic sexual exploitation and rape. For many, their sense of who they are is destroyed. They need time to re-build their sense of self, to develop a new identity and to recover from the traumatic legacy of repeated sexual abuse. Building relationships in which women feel valued and able to discuss the realities of prostitution is a major challenge for service providers.

In Ireland, statutory systems and services are insufficient to support and protect women, and women who are trafficked can be criminalised and treated as illegal immigrants. Some women end up in prison or are deported. In this context, the State response is complicit with the interests of the trafficker and strengthens the position of the trafficker in relation to the woman who is trafficked. This helps to keep trafficking a hidden and clandestine problem.

The more ironic situation is that a woman, even when she is identified as having been trafficked and held captive in Ireland, deprived of money and sexually abused, may still be denied the right to remain in Ireland. As recent cases reported from the courts illustrate, a woman can be deported even when she has cooperated with the authorities in the investigation or prosecution of the trafficking crime.

It is important that the needs of women take precedence over immigration issues and that a special legal residency route be provided. It is important to note that, at an international level, official statistics diverge significantly from statistics compiled by NGOs. In some countries, police forces do not count victims of trafficking as such unless there is sufficient evidence to prosecute traffickers.

However, in other countries, international practice is being developed where potential victims are identified by a combination of NGOs and the state under an agreed set of indicators and victims are entitled to protection and services."

Research commissioned by the Immigrant Council of Ireland 'Globalisation, Sex Trafficking and Prostitution - the experience of Migrant Women in Ireland.

Chapter 16: Is pornography prostitution?

Almost half of teen pupils watch porn, says Deputy Home Affairs Minister Malusi Gigaba at a parliamentary news briefing, 2008-05-13. Two-thirds of high school pupils in South Africa's major cities have watched at least one porn movie, according to a report released by the government.

Close to half report watching such films regularly. The report is based on the findings of a survey conducted among over 1000 pupils in the 13 to 17-plus age group in randomly selected schools in Cape Town, Durban and Johannesburg.

It is titled "Internet Usage and the Exposure of Pornography to Learners in South African Schools". Among other major findings is that 64 percent of teenagers surveyed had been exposed to pornographic images on the Internet, while 81 percent admitted to seeing such images on friends' cellular phones.

Bruce A. Taylor, JD, Immigration Judge, said in a June 2001 interview with PBS's FRONTLINE that:

"If somebody made a movie, an R-rated love scene, where they were sort of naked and pretending to have sex, that's acting. But in the hardcore film, nobody's acting. It's prostitution."

Sheila Jeffreys, PhD, Associate Professor of Political Science at the University of Melbourne, in a Dec. 4, 2002 speech entitled "The International Political Economy of Pornography" at the 30 year celebration seminar of Finnish Council for Equality, stated:

"Pornography is a form of prostitution i.e. women are paid to have sexual practices carried out on and in their bodies. Even in those countries where brothel prostitution is illegal such as the US, prostitution is legal if it is for pornography."

This legal form of prostitution has created a foundation for demand the decriminalisation of other forms of the prostitution industry. In my state of Victoria the porn industry was an important force in legalisation of brothels in 1984 and now the brothels advertise and sell their women at the Sexpos. It is important to understand that porn is prostitution and brothel prostitution is able to become more respectable as the industry develops its strength, and political influence.

Presently there is an international campaign to decriminalise the prostitution industry. Lobbyists financed by the international sex industry and AIDS money work in South Africa, UK, Eastern Europe to create a profitable and legal brothel prostitution industry. Pornography leads the way, softening up attitudes to the sexual exploitation of women,

and building the profits and political clout of sex industrialists who sought to diversify their interests into all forms of prostitution."

Kathleen Barry, PhD, Professor Emerita of Human Development at Pennsylvania State University, wrote in the 1979 Female Sexual Slavery that:

"Pornography is a form of prostitution. Its producers and distributors can be defined as pimps as they are living off the earnings of prostitutes."

Rebecca Whisnant, PhD, Assistant Professor of Philosophy at the University of Dayton, was quoted in the July-Aug. 2005 Off Our Backs article "A different kind of feminism: Feminists Resisting Pornography and Prostitution" as having said:

"One of the key points we wanted to get across in the book is that pornography is prostitution. This means that women in the pornography industry suffer much of the same damage as women in other forms of prostitution. It also means that pornography consumers (of either sex) are Johns, and are accountable for the harm their behaviour causes and supports."

Chapter 17: Is prostitution psychologically harmful to prostitutes?

Melissa Farley, PhD, Founding Director of the Prostitution Research and Education wrote "Bad for the Body, Bad for the Heart" in the Oct. 2004 Violence Against Women, that stated:

"Laws that justify legalization or decriminalization of prostitution to safeguard women's health fail to address the psychological harm of prostitution...."

PTSD [Post Traumatic Stress Disorder] is characterized by anxiety, depression, insomnia, irritability, flashbacks, emotional numbing, and hyper alertness. Symptoms are more severe and long lasting when the stressor is of human design. PTSD is normative among prostituted women. Farley et al. (2003) found a PTSD prevalence rate of 68% among those in prostitution in nine countries. This rate was comparable to the rates of PTSD among battered women seeking shelter, rape survivors, and survivors of state-sponsored torture....

Dissociation occurs during extreme stress among prisoners of war who are tortured, among children who are sexually assaulted, and among women who are battered, raped, or prostituted. Dissociation, depression, and other mood disorders are common among prostituted women in street, escort, and strip club prostitution. Dissociation in prostitution results from both childhood sexual violence and sexual violence in adult prostitution. At the same time, dissociation is a job requirement for surviving prostitution."

Hilary L. Surratt, PhD, ET. al., in the study titled "The Connections of Mental Health Problems, Violent Life Experiences, and the Social Milieu of the 'Stroll' with the HIV Risk Behaviours of Female Street Sex Workers," in the July 2005 Journal of Psychology & Human Sexuality, wrote that:

"This study... documented elevated prevalence rates of current depression and anxiety among the sample of street-based female sex workers. These data are supported by similar studies reporting high levels of past year depressive symptoms in 64% to 70% of street sex workers, and well exceed the rates of current depression in both incarcerated women (10%) and women in the general population (5% to 9%). Moreover, these levels of depressive symptoms are significantly higher than those of other female drug users who are not necessarily sex workers. For example, in a study of 420 African American female, out-of-treatment drug users in St. Louis, only 11% reported depression during the past month."

Margarita Alegria, PhD, et al., in the Dec. 1994 American Journal of Public Health article "HIV Infection, Risk Behaviours, and Depressive Symptoms among Puerto Rican Sex Workers," wrote:

"Of particular concern is the finding that 70% of the participants [prostitutes] had high levels of depressive symptoms.... These data indicate that the high level of depressive symptoms observed for study participants appears to be a serious problem facing these women."

Chapter 18: Would legal prostitution decrease sexually transmitted diseases?

"From our backgrounds in infectious disease epidemiology and obstetrics and gynaecology respectively, we also believe legalization is a very unwise approach. Another of the frequently heard arguments for legalization is that by facilitating regular screening and treatment of prostitutes for sexually-transmitted infection, prostitution can be rendered safe from a health perspective."

This line of reasoning is obviously flawed when one considers that to make a living for herself, or more usually for her pimp or trafficker, a prostitute has to have sex with several dozen customers a week at least.

There is no way that screening could be carried out frequently enough in that context to avoid passing on a variety of infections from one customer to the next. Furthermore, it would be impractical to test and treat the male customers in order to protect the prostitutes. Gonorrhoea, syphilis, Chlamydia, human papillomavirus, trichomonas, and herpes are commonly encountered among sexually-active populations and would continue to be endemic among prostitutes and their customers despite a screening and treatment protocol." The Medical Arguments Against Legalizing Prostitution by Reginald Finger, MD, MPH and Jeff Barrows, DO, MA (Ethics):

"In 1986, the Victorian Labour government [Victoria, Australia] legalized brothels, claiming crime would be eliminated, prostitutes' lives would be made safer, and there would be fewer health risks. None of this happened.

...Sexually transmitted diseases (STD) and AIDS increased. This was due to the fact that medical authorities examined only one of the partners in the sex act, which was self-defeating. Also, favourable medical results provided a false sense of security to clients, prostitutes and controllers. Medical examinations also provoked hostility and decreased cooperation from prostitutes who moved around too often to be monitored. If one did become infected with a sexually transmitted disease, another prostitute would replace her for the medical check up, using the infected woman's medical card." Realistic, Equal, Active, for Life (REAL) Women of Canada, in its Mar.-Apr. 2005 Reality newsletter article "Prostitution in Canada and Other Countries"

Janice Raymond, PhD, former Co-Executive Director of the Coalition Against Trafficking in Women (CATW), wrote in the 2003 Journal of Trauma Practice article "Ten Reasons for Not Legalizing Prostitution And a Legal Response to the Demand for Prostitution," that:

"A legalized system of prostitution that mandates health checks and certification only for women and not for clients is blatantly discriminatory to women. Women only health checks make no public health sense because monitoring prostituted women does not protect them from HIV/AIDS or STDs, since male clients can and do originally transmit disease to the women.

It is argued that legalized brothels or other controlled prostitution establishments protect women through enforceable condom policies. In one of CATW's studies, U.S. women in prostitution interviewed reported the following: 47% stated that men expected sex without a condom; 73% reported that men offered to pay more for sex without a condom; 45% of women said they were abused if they insisted that men use condoms. Some women said that certain establishments may have rules that men wear condoms but, in reality, men still try to have sex without them. One woman stated: It's regulation to wear a condom at the sauna, but negotiable between parties on the side."

Cheryl Edwardes, LLM, former Attorney General for Western Australia, in the May 6, 2003 Australian Legislative Assembly, said:

"The community may accept that some level of prostitution is inevitable. However, that does not mean supporting anything that might result in more brothels and more prostitutes. It certainly does not mean tacit endorsement of a system that could send a wrong message to young women that prostitution is a desirable career option.... Words alone will not keep out the criminal element. Under this legislation [Prostitution Control Bill 2003], prostitution is to be legalised and more illegal brothels will operate, yet there is no indication in the legislation of how the Labour Government plans to ensure that STDs will not spread throughout the community. Simply talking about the dangers of unprotected sex will not stop it....

Condoms are not used 100 per cent of the time in the sex industry because there is a much lower percentage of use by street workers. Street workers have a greater dependence on drugs.... Unsafe practices continue. [U]p to 50 per cent of brothel workers are undertaking oral sex without using prophylactics. The figure is quite concerning because STDs can be transmitted in that way."

Chapter 19: Should people have a right to become prostitutes?

Virada Somswasdi, JD, President of the Foundation for Women, Law and Rural Development (FORWARD), said in a Mar. 9, 2004 speech at Cornell Law School:

"The implicit assumption of free choice in wording such as 'the private affairs of individuals', 'personal freedom', 'right to privacy' and 'the consent of two adults' are nothing but the formation of an illusion perpetuating lack of social awareness of sexual slavery.

Dominated by the patriarchal social structure, male and female members of society fail to understand that prostitution is about the flesh trade, and involves a high risk of exposure to violence characterized by bodily harm, health hazards and mental trauma. It is about the violation of women's human rights.

Prostitution is not about women enjoying rights over their own bodies; on the contrary, it is an expression of men's control over women's sexuality. It is the hiring out of one's body for the purposes of sexual intercourse, abuse and manifestations of undifferentiated male lust. It is about gendered, ethnic, age, racial and class power relations. By no means is it the 'consent of two adults', when one party is the buyer and the other the seller, especially when the buying party happens to be socially constructed as 'the better sex', 'the better class', 'the more matured', 'the power- that- be', 'the more cultural polished' or 'the fairer skin' etc."

Margareta Winberg, Former Deputy Prime Minister of Sweden, said at the Nov. 5-6, 2002 Seminar on the Effects of Legalisation of Prostitution Activities in Stockholm that: *"I would like to remind us all that efforts to combat prostitution and trafficking in women can only succeed if we refuse to be the stooges of the international prostitution industry. Instead of adopting the superficial and individualised arguments put forward by advocates of legalisation, we must take a stand against a society in which women and children are regarded as commodities for trade; against the purchase of women and children by men, and for a future in which all women and children are given equal opportunities and in which their human rights are respected."*

Esohe Aghatise, PhD, Founder and Executive Director of the Associazione Iroko Onlus, wrote in an Oct. 2004 Violence Against Women article titled "Trafficking for Prostitution in Italy" that: *"The argument that regulation of prostitution better protects women in prostitution is deceptive. Prostitution itself is a form of violence against women and a negation of women's fundamental human rights. Studies have shown that women in prostitution, whether in private apartments, hotel rooms, sex clubs, massage parlours, or in large megacenters of prostitution activities, still experience many forms of violence (Raymond et al., 2002). In a male-dominant culture, prostitution denies equality to women by treating the female body as an instrument of commerce."*

Brenda Zurita, Project Director for Concerned Women for America's (CWA) Crossing the Bridge initiative against sex trafficking and child exploitation, in a Dec. 14, 2005 CWA article, wrote: *"...Abolitionists fighting to end sex trafficking see all prostitution as violent, exploitative and harmful to women, children and men. The distinction between forced and voluntary is a false one; it is all destructive and dehumanizing."*

Chapter 20: Is prostitution a freely chosen profession?

Diane Post, JD, in the July 1999 off our backs article "Legalizing Prostitution: A Systematic Rebuttal," wrote: *"The ILO [International Labour Organization] report admits that most women 'choose' prostitution for economic reasons. Surely no one can argue that this is free choice any more than the cattle in the squeeze chute choose to go to their death."*

Gunilla S. Ekberg, Special Advisor on issues of prostitution and trafficking in women at the Swedish Division for Gender Equality, at the Nov. 5-6 2002 Seminar on the Effects of Legalisation of Prostitution Activities in Stockholm, said: *"A common argument by prostitution advocates is that women and girls make informed and calculated choices about entering into prostitution. They say that the ones who have so chosen should be free to pursue their choice in the name of self-determination and integrity, over their lives and their bodies."*

The prostitution lobby wants us to believe that prostitution is female sexual liberation and a way for women to give full expression to their deepest sexual fantasies. These ideas are based on an uncritical acceptance of the old libertarian concept of individual free choice and completely lack a critique of society and an analysis of male power. What they also care to ignore is that the concept of free will requires the existence of several possible options to choose from and the control of the person in making a choice.

...To talk about choice in this context becomes both cruel and meaningless. When we allow the prostitution defenders to blame the victims of prostitution for their victimization, we collaborate with them. Male violence is thus obscured and focus is off the perpetrators. Instead of talking about prostitution as a choice, we must ask ourselves: If prostitution is a free choice, why is it that it is always the women and girls who have the fewest alternatives who are the ones who end up in prostitution?"

Cecilia Hofmann, Secretary of the Coalition Against Trafficking in Women - Asia Pacific, wrote in the April-June 1999 Solidarity Philippines Australia Network (SPAN) newsletter KASAMA that:

"Prostitution pre-exists as a system and an institution that patriarchy has a stake in and will maintain, with or without women's consent. If women and girls are not persuaded by the big money which is sometimes offered or the survival possibility for women or their families, then they will simply be tricked or trafficked. Either way, the supply of bodies must be ensured. No client asks women whether or not they are there with their full consent - that is immaterial to what prostitution is all about: the exercise of a certain conception of masculinity that identifies with power, sexual privilege and gratification.

The apparent and in some cases, real consent of some women to do prostitution is held up by some as proof that self-determined choice can exist. The angle of women's accommodation to and conditioning by patriarchy is dismissed. The contradiction between individual will and common good is dismissed. Because the fact remains that the institution of prostitution is one of, if not the most blatant form of subordination of women's bodies and personhood to men's interests. The consent of some, condemns all women as a group, to continue to be defined as possible providers of sex or sexual merchandise."

Chapter 21: Is prostitution a threat to marriage?

In *U.S. v. Bitty* (1908), the United States Supreme Court in a 9-0 decision written by Justice John Marshall Harlan, held that:

"There can be no doubt as to what class was aimed at by the clause forbidding the importation of alien women for purposes of 'prostitution.' It refers to women who, for hire or without hire, offer their bodies to indiscriminate intercourse with men. The lives and example of such persons are in hostility to 'the idea of the family as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization; the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement.'"

Dorn Checkley, Director of the Pittsburgh Coalition Against Pornography, wrote "Legalized Prostitution?" on Wholehearted.org last accessed Jan. 22, 2007, which stated:

"Legalized prostitution will proliferate and gain legitimacy, just like pornography has, but legal and social acceptance will never ameliorate the negative consequences to marriage. Libertines can talk a good game, but no one really likes to be cheated on and no one really likes sexual competition. It will always hurt at a deep level. And the consequences of broken marriages have profound ramifications to society. We don't need any more negative pressure on marriage in our culture."

Dave Quist, Executive Director of Focus on the Family's Institute of Marriage and Family Canada, was quoted in LifeSiteNews.com on July 13, 2006 as having said:

"The concept that 'mom's job' is having sex with strangers sets the wrong tone for family life. It hurts the woman, it hurts the children; that is an exploitative situation, if prostitution is legal it affords men the 'excuse' to go find sex outside of marriage, when things in the marriage are difficult. That does nothing to enhance the relationship between a man and a woman.

[Prostitution] runs opposite to what relationships are supposed to be. Intimacy and love are not involved; it's just a purely physical act. It lowers both people to the lowest common denominator."

Chapter 22: Does prostitution demean women?

Bill O'Donnell, former Nevada state senator (R-Las Vegas), was quoted by Alexa Albert in Brothel (2001) as having said:

"It bothers me that we're [Nevada] making money off the backs of women. Condoning prostitution is the most demeaning and degrading thing that the state can do to women. What we do as a state is essentially put a U.S.-grade stamp on the butt of every prostitute. Instead, we should be turning them around by helping them get back into society."

Genevieve Wood, Director of Strategic Operations at The Heritage Foundation, said June 27, 2003 on Cable News Network (CNN) that:

"The fact is why would any government, and certainly why would the government of the United States, legalize something [prostitution] that is demeaning to women, that hurts women? I mean that is appalling. The fact that we would do something that would actually maybe encourage more women to enter into this type of so-called business. I think it's terrible for the people of New Zealand and I certainly hope it stays there and that movement doesn't come here."

Bonnie Erbe, JD, journalist wrote in her June 15, 2006 column "Cry Foul on World Cup Prostitution" for Scripps Howard News Service that:

"Whether women enter the sex trade willingly or not, no government should sanction prostitution. By its very nature, prostitution is demeaning to women and encourages anti-social, some would say depraved, behaviour by men."

The San Francisco Chronicle editorial board wrote "A Foolish Proposal to Legalize Hookers" on Aug. 2, 1996 stating that:

"Legalize prostitution and roll out a red carpet for any footloose hustler or pimp who would like to move to San Francisco, bringing with them all the attendant drugs, disease, crimes and perversions that accompany their demeaning and violent occupation."

The Coalition Against Trafficking in Women (CATW) President Dr. Janice Raymond said in the May 28, 2004 speech "The Consequences of Legal Policy on Prostitution and Trafficking in Women" in Budapest, Hungary that:

"My organization, the international Coalition Against Trafficking in Women (CATW), advocates against state-tolerated prostitution in many parts of the globe. We work with legislators to devise legal and program remedies that do not involve decriminalizing the sex industry and abandoning women in prostitution to what has to be 'the most demeaning job in the world.'"

Chapter 23: Is prostitution immoral?

Dorn Checkley, Director of the Pittsburgh Coalition Against Pornography, wrote "Legalized Prostitution?" on Wholehearted.org (accessed Jan. 22, 2007), which stated:

"Prostitution as an institution is evil. It doesn't matter if it is the 'world's oldest profession', it is still wrong. However, prostitutes themselves are not evil and neither are their johns. They are usually broken and needy individuals seemingly trapped by the circumstances of their lives. Ultimately, to accept and legitimize prostitutes and johns is not compassionate, it is lazy. Not to undertake the difficult task of leading, encouraging and calling them to the higher way is a failure to love as Jesus would have loved them."

Theodore Dalrymple, writer and retired physician, in the Feb. 3, 2005 City Journal article "Welfare-to-Work's New Thrust," wrote:

"A few years ago, prostitutes disappeared from the pages of medical journals; they returned as 'sex workers.' Nor did they work in prostitution any more: they were employees in the 'sex industry.' Presumably, orgasms are now a consumer product just like any other. As for pimps, the correct term is probably: 'brief sexual liaison coordinators.'..."

The idea of the state coercing its population into prostitution is, of course, repellent. Even the most liberal of liberals would probably agree with that. This means that there is after all a moral difference between prostitution and washing dishes in the local restaurant or stacking supermarket shelves. And that prostitution is both age-old and ineradicable does not make it any less degrading to all concerned.

Once again, the attempt to remake our moral universe by a change of terminology stands revealed as shallow moral exhibitionism..."

Tony Nassif, Founder and President of the Cedars Cultural and Educational Foundation, wrote the July 19, 2005 letter posted on its website, which said:

"Who would ever think that the shameful and dark behaviour of prostitution would now be advocated to be 'mainstream' acceptable in the popular culture?"

How is it that it advanced this far? The degeneration of moral absolutes has been eroded by the jackhammer of existentialism and situational ethics. Years ago it was seen not only as shameful but a stigma for a man to solicit a prostitute....

Some say 'well, what they do in the privacy of their own bedroom is no concern of mine. I don't think we should judge. I don't think we should impose our morals on others.' Here's a reality check. Every law on the books is an attempt to legislate morality because morality is a standard of right and wrong. The question is 'which morals will govern?' What people do in the privacy of their own bedroom does affect us all. AIDS is epidemic.

...The march of the perverse will continue unless people of logic, reason and moral common sense don't take a stand and take action to resist the movement to legalize that which destroys the souls of those who practice it and is a vehicle to infect a nation and those who practice it."

Chapter 24: What are the different types of prostitution?

Christine Harcourt, PhD, Research Fellow for the National Centre in HIV Epidemiology & Clinical Research at the University of New South Wales, and Basil Donovan, MD, Professor of Sexual Health at National Centre in HIV Epidemiology and Clinical Research of the University of New South Wales, in their June 2005 Sexually Transmitted Infections article "The Many Faces of Sex Work," wrote:

"At least 25 types of sex work were identified according to worksite, principal mode of soliciting clients, or sexual practices.

These types of work are often grouped under the headings of 'direct' and 'indirect' prostitution, with the latter group less likely to be perceived or to perceive themselves as sex workers..."

Direct Forms of Prostitution		
Number	Type of Prostitution	Geographic Distribution
1.	Street: Clients solicited on the street, park or other public places. Serviced in side streets, vehicles, or short stay premises	Widespread, particularly if alternative work sites are unavailable (United States, Europe, United Kingdom, Australasia) and/or there is socioeconomic breakdown (eastern Europe, parts of Africa, south and South East Asia, and Latin America)
2.	Brothel: Premises explicitly dedicated to providing sex. Better security than street. Often licensed by authorities	Preferred where sex work is decriminalised or brothels are 'tolerated.' (Australia, New Zealand, South East Asia, India, Europe, Latin America)
3.	Escort: Client contacts sex worker by phone or via hotel staff. Most covert form of sex work. Relatively expensive because of low client turnover. Service provided at client's home or hotel room	Ubiquitous. In the United States escorts and private workers contacted by phone and working from a 'call book' are known as 'call girls' or 'call men'
4.	Private: Client contacts sex worker by phone. Similar to escorts except services provided in sex worker's premises. A variant in	United Kingdom, Europe, United States, and Australia. Sometimes doorway (see below) and street sex workers bring clients home

	London and other big cities is 'flat' prostitution—high cost services in rented, serviced, inner city units	
5.	Window or doorway: Brothels with sex workers on public display. Windows preferred in cold climates, doorways in warmer places	Window prostitution almost unique to Amsterdam and Hamburg. Doorway prostitution found in less affluent areas of European cities and in African and other developing countries
6.	Club, pub, bar, karaoke bar, dance hall: Clients solicited in alcohol vending venues and serviced on site or elsewhere	Ubiquitous depending on types of male club available
7.	Other all-male venues: Clients solicited in all-male venues such as barbershops, bathhouses, saunas, and mining camps. Serviced on site or elsewhere	Ubiquitous
8.	Door knock or hotel: Unattached males are approached in their hotel rooms or boarding houses	Hotels worldwide and wherever large numbers of unaccompanied males reside
9.	Transport (ship, truck, train): Sex workers may board vehicles to service the crew or passengers or pick	Ubiquitous

	up clients at stations and terminals	
10.	CB radio: Sex workers drive along highways using CB radio to exchange (jargon) messages with potential truck driver clients. Serviced at truck stops or parking areas	United States
11.	Other methods of solicitation: Through various media including noticeboard and newspaper advertisements, 'sex worker catalogues' with mobile phone numbers, the internet via virtual brothels, etc. Services are delivered mostly in brothels and other indoor venues	Ubiquitous, but internet and mobile phone services are mostly confined to large cities in developed countries—particularly the United Kingdom and Sweden where legislation limits other forms of advertising
Indirect Forms of Prostitution		
12.	Bondage and discipline: sexual fantasy through role play. May involve the inflicting of pain, but genital contact is not routine	Apparently unique to wealthier countries
13.	Lap dancing: A recent development	Predominantly wealthier countries—often takes place in hotels and clubs

	involving erotic dancing at close quarters without sexual contact	
14.	Massage parlour: Premises ostensibly dedicated to providing massage, but a range of sexual services may be provided. In South East Asia similar arrangements may apply in barbershops	Europe, South East Asia, and Australia
15.	Travelling entertainers: Actors, dancers and others involved in entertainment may also provide sexual services	South East Asia
16.	Beer girls: Young women hired by major companies to promote and sell products in bars and clubs. Sexual services sold to supplement income	Cambodia, Uganda, other developing countries
17.	Street vendors and traders: Ostensibly marketing rural produce or other goods but supplementing income with sexual services	Widespread in developing countries

18.	Opportunistic: A person approached in a social venue may occasionally choose to charge for sexual favours if the client appears wealthy enough	Ubiquitous
19.	Femme libre: Women, usually single or divorced, who exchange sexual services for gifts. The gifts are then converted to cash	Central Africa
20.	Individual arrangements: The single mother who may have sex with her landlord in place of rent. Older sex workers who only deal with a small number of regular clients, by appointment. 'Kept' women or men. Concubines. The number of possible arrangements is vast	Ubiquitous
21.	Swingers clubs: Some swingers or couples sex clubs employ (undisclosed) sex workers if there is a shortage of female guests	Predominantly wealthier countries
22.	Geisha: Women	Japanese cities

	engaged primarily to provide social company, but sex may ensue	
23.	'Sex for drugs': Women providing fellatio for crack cocaine in crack houses. Young homosexual men in Western countries may provide opportunistic sexual services paid with drugs	Crack houses are unique to the United States
24.	Beachboys, bumsters, and gigolos: Men and boys engaged by women ostensibly for social purposes but sex is often involved. Some beachboys are under aged and many also service male clients	Resorts, particularly in developing countries
25.	Survival sex: A matter of degree, where starvation or other serious deprivation is imminent, particularly for dependants. Food or security may be the currency, rather than money	Refugee camps anywhere

Chapter 25: What is sex work?

The American Heritage Dictionary of the English Language (2006 fourth edition) defined sex work as: "The performance of sex acts for hire; prostitution."

The 2006 Encyclopaedia of Prostitution and Sex Work provided the following: "Sex work' is a phrase created in the last 30 years to refer to sexual commerce of all kinds. Prostitution has varying definitions in different contexts. Some of these are based on the definition of prostitution in law, or what is illegal. Legal definitions change over time and place, leading to great confusion if one relies on one definition from the criminal code or one from the civil code, as they do not travel well. Despite the difficulty of terminology, prostitution as a sexual exchange for money or other valuables is the general definition of prostitution for this work. In that sense, the term 'sex work' is appropriate in its inclusivity.

'Sex work' was conceived as a nonstigmatizing term, without the taint of the words 'whore' and 'prostitute.' The point of the term was to convey the professionalism of the sex worker rather than her lack of worth as seen by much of society.'

The Network of Sex Work Projects and Jo Bindman, Former Information Officer with End Child Prostitution in Asian Tourism (ECPAT), in the 1997 report "Redefining Prostitution as Sex Work on the International Agenda," provided the following:

"The terms 'sex work' and 'sex worker' have been coined by sex workers themselves to redefine commercial sex, not as the social or psychological characteristic of a class of women, but as an income-generating activity or form of employment for women and men..."

We propose the following definition of sex work:

Negotiation and performance of sexual services for remuneration

- 1. with or without intervention by a third party*
- 2. Where those services are advertised or generally recognised as available from a specific location*
- 3. Where the price of services reflects the pressures of supply and demand.*

In this definition, 'negotiation' implies the rejection of specific clients or acts on an individual basis. Indiscriminate acceptance by the worker of all proposed transactions is not presumed -- such acceptance would indicate the presence of coercion."

The UNAIDS Inter-Agency Task Team on Gender and HIV/AIDS, in its fact sheet "HIV/AIDS, Gender and Sex Work," published in its 2005 Resource Pack on Gender and HIV/AIDS, stated:

"A broad definition of sex work would be: 'the exchange of money or goods for sexual services, either regularly or occasionally, involving female, male, and transgender adults, young people and children where the sex worker may or may not consciously define such activity as income-generating'. There is a widespread view that occasional engagement in transactional sex, or sexual barter, constitutes 'sex work'..."

Sex work may be formal or informal. In some instances, sex work is only a temporary informal activity. Women and men who have occasional commercial sexual transactions or where sex is exchanged for food, shelter or protection (survival sex) would not consider themselves to be linked with formal sex work. Occasional sex work takes place where sex is exchanged for basic, short-term economic needs and this is less likely to be a formal, full-time occupation. Commercial sex work may be conducted in formally organised settings from sites such as brothels, nightclubs, and massage parlours; or more informally by commercial sex workers who are street based or self-employed."

Chapter 26: Do prostitutes want prostitution legalised?

Andrea Dworkin, author and former prostitute, in an Oct. 21, 1992 speech at University of Michigan Law School's symposium "Prostitution: From Academia to Activism," said: *"I ask you to think about your own bodies--if you can do so outside the world that the pornographers have created in your minds, the flat, dead, floating mouths and vaginas and anuses of women. I ask you to think concretely about your own bodies used that way. How sexy is it? Is it fun? The people who defend prostitution and pornography want you to feel a kinky little thrill every time you think of something being stuck in a woman. I want you to feel the delicate tissues in her body that are being misused. I want you to feel what it feels like when it happens over and over and over and over and over and over and over again: because that is what prostitution is."*

Norma Hotaling, Executive Director of the Standing Against Global Exploitation (SAGE) Project and former prostitute, said in her Apr. 28, 2005 testimony to the U.S. House Financial Services Subcommittee on Domestic and International Monetary Policy, Trade and Technology that:

"As long as we point the finger away from ourselves, away from the institutions that blame and criminalize women and children for their own rape, sexual abuse, trafficking and slavery, away from the men who we normalize as 'Johns,' and as long as we disconnect adult prostitution and the exploitation of children and disconnect prostitution and trafficking in human beings for the purposes of rape and sex slavery; then we are to blame and we have assisted in creating well-funded transnational criminal networks – dollar by dollar."

Christine Stark, author and former prostitute, said on "Justice Talking" on National Public Radio (NPR) on Mar. 4, 2002 that:

"[Y]ou don't legalize organized rape. You just don't do that. What we have found is that legalization has caused an increase in the trafficking into the area where the legalization exists. The state then becomes the pimp... Legalizing prostitution creates more demand and mainstreams abuse of women and children..."

Anne Bissell, Founder of Sex Industry Survivors Anonymous and former prostitute, was quoted in the Sep. 23, 2004 story "Sex Industry Comes to Toledo" on WTOL-TV in Toledo, Ohio, as having said:

"... [T]hey don't understand if you legalize prostitution it's actually going to increase trafficking. So there are a lot of things people don't understand because of the glamour around this business."

Chapter 27: Does law enforcement want prostitution legalised?

J. Robert Flores, JD, Administrator of the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice and former Acting Deputy Chief of the Justice Department's Child Exploitation and Obscenity Section, in the July 17, 2000 Insight on the News magazine article "Symposium," wrote:

"While there certainly may be those who work as prostitutes by what they define as their own choice and who claim to find fulfilment, these statistically insignificant cases should not be the basis for international or domestic law or policy. More importantly, if the global community is to take effective action against organized crime, every avenue of their operations effectively must be closed..."

Whether we will stay silent as it opens in the night to release a plague on women and children or whether we will stop it from entering the global gate will say a great deal about us. While it is uncertain that we ever will stop the rich from exploiting the poor, we

can at least make certain that we will not, in this instance, institutionalize such exploitation or give it the stamp of U.S. approval."

Boris Velchev, PhD, Prosecutor General of Bulgaria was quoted in the Oct. 15, 2007 Sofia Echo article "Precious Thoughts on a Sensitive Bulgarian Subject," as having said: *"For me prostitution equals exploitation and I think we could never be sure what is happening behind the doors of these public houses and no one can guarantee me that the women there are not being exploited. For me, if we make prostitution legal by adopting a law this will mean that there will be a legitimate reason for someone to legally exploit someone else."*

Joseph E. Schmitz, JD, former Inspector General of the U.S. Department of Defence, in his speech "Military Chaplains as Moral Leaders: A Central Role in Suppressing 21st Century Human Slavery," delivered at the Feb. 9, 2005 XVI International Military Chaplains Conference in Ljubljana, Slovenia, said: *"Some officials...assert that these women [prostitutes] consent to their employment. According to our Military Police in one country where I inspected, the contracts for these 'entertainers' are sold weekly from one establishment to another. This is human slavery, plain, simple, and morally repugant..."*

For the women forced to live under inhuman conditions until they have earned enough money to 'buy back' their freedom – or die from venereal diseases or physical abuse – prostitution is hardly a victimless crime...

I'm sure you've heard people rationalize that efforts to suppress prostitution will inevitably fail because 'It's the world's oldest profession.' For those who suggest legalization of prostitution as a solution, I would suggest they read the most recent U.S. State Department report on human trafficking...

It validates 'a direct link between prostitution and trafficking.'"

Edmonton Police Services, Canada, in the section entitled "Understanding Prostitution" on its website (accessed Dec. 18, 2007), wrote that:

"If prostitutes are not incarcerated and they continue to ply their trade on the streets, their continued presence will impact the entire community. Whether prostitution attracts other crime or whether other crime attracts prostitution is debated. Regardless of the direction of association, prostitution not only ensures violence towards those involved, it also disintegrates communities and affects the safety of our streets."

Charles H. Ramsey, former Police Chief of Washington, D.C., said in a May 11, 1999 interview on "Levey Live," on washingtonpost.com:

"I believe that two crimes make a city look totally out of control. That's open prostitution and open air drug trafficking. I was appalled at the blatant prostitution taking place in the District and I have been determined to put an end to it. You're right that often times a problem is simply displaced when strong enforcement action is taken, that's to be expected, actually. The key is to shift resources to the new location and continue to take strong enforcement action wherever the problem crops up. Eventually, people engaged in this kind of activity either stop or leave the area altogether."

Chapter 28: Does the medical community want prostitution legalised?

Melissa Farley, PhD, Clinical Psychologist and Founding Director of the Prostitution Research and Education, wrote "Bad for the Body, Bad for the Heart" in the Oct. 2004 Violence Against Women, that stated:

"Legal sex businesses provide locations where sexual harassment, sexual exploitation, and violence against women are perpetrated with impunity. State-sponsored prostitution endangers all women and children in that acts of sexual predation are normalized — acts ranging from the seemingly banal (breast massage) to the lethal (snuff prostitution that includes filming of actual murders of real women and children)...."

Johns who buy women, groups promoting legalized prostitution, and governments that support state-sponsored sex industries comprise a tripartite partnership that endangers all women. These groups collude in denying the everyday violence and subsequent health dangers to those in prostitution."

Jeffrey J. Barrows, DO, Health Consultant on Human Trafficking for the Christian Medical Association, wrote the article "HIV and Prostitution: What's the Answer?" posted Sept. 9, 2005 on The Centre for Bioethics and Human Dignity website that stated:

"Even if a prostitute is being tested every week for HIV, she will test negative for at least the first 4-6 weeks and possibly the first 12 weeks after being infected. If we assume that he or she takes only 4 weeks to become positive, because there is an additional lag time of 1-2 weeks to get the results back, there will be at best a window period of 6 weeks for a prostitute. The average prostitute services between 10-15 clients per day. This means that while the test is becoming positive and the results are becoming known, that prostitute may expose up to 630 clients to HIV. This is under the best of circumstances with testing every week and a four-week window period. It also assumes that the prostitute will quit working as soon as he or she finds out the test is HIV positive, which is highly unlikely. This is not the best approach for actually reducing harm. Instead, in order to slow the global spread of HIV/AIDS we should focus our efforts on abolishing prostitution."

Joseph Parker, RN, Clinical Director of the Lola Greene Baldwin Foundation wrote the Aug. 4, 1998 paper "How Prostitution Works," which stated:

"Prostitution, pornography, and other forms of commercial sex are a multibillion dollar industry. They enrich a small minority of predators, while the larger community is left to pay for the damage.

People used in the sex industry often need medical care as a result of the ever-present violence. They may need treatment for infectious diseases, including AIDS. Survivors frequently need mental health care for post-traumatic stress disorder, psychotic episodes and suicide attempts. About a third end up chronically disabled and on Social Security....

In addition to these costs, the community loses the contributions which might have been made to legitimate community productivity by those used up in the sex industry."

Chapter 29: The status of prostitution in countries where prostitution has been Decriminalised or legalised

Australia Both decriminalization (NSW) and legalisation (Victoria) have been instituted in Australia. The results have been the same: an explosive increase in all facets of the sex industry. Legal brothels, child prostitution and trafficking have all increased and authorities concede that the illegal sex trade is out of control. Illegal sex premises

outnumber legal by 4:1 in Sydney (SMH: 2006) and many operators traffic women from Asia (Daily Telegraph 2006).

Illegal brothels outnumber legal 3:1 in Victoria. Many legal brothels reportedly are involved in the establishing and profiting from illegal brothels. Victoria, the first state to legalise prostitution, has the highest rates of child prostitution (Sullivan: 2005). Street prostitution continues unabated and attempts to institute tolerance zones have come to nothing due to resistance from residents.

Netherlands (Amsterdam) The Mayor of Amsterdam, Job Cohen, has admitted that the policy of legalisation has been a failure and has instituted a reversal. He stated that organized crime dominated the industry in which sex trafficking, exploitation, drug abuse and money laundering was rife. The influence of organized crime on the city centre was a growing one. One third of the brothel windows have been bought out and replaced with fashion boutiques. Permits have been withdrawn from dozens of sex businesses including the well known Yab Yum brothel and Casa Rosso Theatre who reportedly had links to organised crime. Rafts of new restrictions on other aspects of the sex trade are being introduced.

Tolerance zones set up for street prostitution have also proved a failure. In 2003 the Central Amsterdam Tipplezone (pick-up area), established for street prostitutes in 1995 as away to control the problems associated with prostitution such as drug-dealing, trafficking and violence, was closed. The Mayor admitted that it had become a haven for traffickers, drug dealers and unsafe for women. The Tipplezone in Rotterdam was closed for similar reasons.

The National Association of Dutch Sex Companies has reportedly complained by way of a letter to the Minister of Justice that banks no longer want to do business with them as they do not want to be associated with firms that may be involved in money laundering and human trafficking. The letter says the banks intend to close existing accounts and refuse to open new ones

Germany In 2002 prostitution was decriminalised. Promotion of prostitution, pimping and brothels are legal. The overwhelming majority of prostitutes are foreign and Germany is as one of the highest receivers of trafficked women for sexual exploitation. In a report on the Prostitution Act produced by the Federal affairs, Senior Citizens, Women and Youth in 2007, the Federal Government conceded that the policy had failed to achieve the desired goals and had no real impact on the prostitute's social protection.

The "Report on the Prostitution Act" summarised the federal government's conclusions as follows: "The federal government believes that the Prostitution Act has only to a limited degree achieved the goals intended by the legislator.

Although it has been possible to create the legal framework to enable contracts of employment to be concluded that are subject to social insurance, few have as yet made use of this option. The Prostitution Act has thus, up to now, also not been able to make actual, measurable improvements to prostitutes' social protection.

As regards improving prostitutes' work conditions, hardly any measurable, positive impact has been observed. At most there are tentative signs that point in this direction. It is especially in this area that no short-term improvements that could benefit the prostitutes are to be expected.

The Prostitution Act has not recognisably improved the prostitutes' means for leaving prostitution.

There are as yet no viable indications that the Prostitution Act has reduced crime. The Prostitution Act has as yet contributed very little in terms of improving transparency in the world of prostitution.

On the other hand, the fears that were partly linked to the Prostitution Act have not proved true, in particular in the area of fighting crime. The Prostitution Act has not made it more difficult to prosecute trafficking in human beings, forced prostitution and other prostitution-related violence."

New Zealand Prostitution was decriminalised in New Zealand in 2003 through the Prostitution reform Act. Unlicensed brothels containing no more than 4 prostitutes are allowed to operate in suburban areas as well (small owner operated brothels –soobs). Already the main towns and cities, like Christchurch, Hamilton and Manakau, are already struggling to control the proliferation of brothels in suburban areas. The increase in street prostitution and attendant problems has lead the Council in Manakau to try to re-criminalise street solicitation. New Zealand Police have complained that the new policy has tied their hands when it comes to dealing with the proliferation of under-age prostitution.

What really happened in New Zealand after prostitution was decriminalized in 2003?

1Violence in prostitution continued after prostitution was decriminalized in New Zealand, according to the New Zealand Law Review Committee.

<http://www.justice.govt.nz/prostitution-law-review-committee/index.html>

2. Stigma and prejudice against prostitution, and the shame associated with prostitution, continued since decriminalization of prostitution in NZ.
3. Street prostitution in New Zealand's cities increased dramatically after prostitution was decriminalized in 2003.
4. There is inadequate protection for children against prostitution in New Zealand since decriminalization.
5. The US State Department has noted trafficking of women and children since prostitution was decriminalized in New Zealand.

Decriminalization can't stop the violence, abuse, and stigma that are built-in to prostitution. Prostitution has increased dramatically in New Zealand since decriminalization in 2003, with a 200-400% increase in street prostitution in Auckland.

Prostitution of children and youth has increased, with humanitarian agencies declaring that indigenous Maori children are at highest risk for prostitution. When prostitution is decriminalized, neighborhoods mount legal battles over whose back yard the next brothel will be zoned into.

In October 2008, frightened parents discovered that a New Zealand brothel was in the same building as a childcare center. Yet under decriminalized prostitution "We don't believe we have any legal avenues to stop them," said the director of the child care center." ("Brothel Shares Childcare Building" OneNews NZ, Oct 14, 2008, <http://tvnz.co.nz/view/page/411365/2199590>)

“For the most part the women in prostitution who I talk to don't really seem to care about their human rights. The stigma and shame of prostitution is still very strong even after decriminalization. The women I see feel that prejudice intensely. One of the women we work with was raped in prostitution since decriminalization. She told us, however, that she felt that ‘it was part of the job’ of prostitution. Of all the women I’ve worked with, none of them told me that when they were little girls they dreamed of growing up to be prostitutes.” - Director of an Auckland agency providing services to women in prostitution, 2008.

The New Zealand Prostitution Law Review Committee issued a report on the Operation of the Prostitution Reform Act (“PRA”) 2003.

1. Violence in prostitution continued after prostitution was decriminalized in New Zealand, according to the New Zealand Law Review Committee.

“The majority of sex workers felt that the law could do little about violence that occurred.” (Page 14) 35% reported in 2007 that they had been coerced to prostitute with a given john in the past 12 months. (Page 46)

A majority of respondents felt that decriminalization made no difference with respect to the violence of johns in prostitution – they felt that it was inevitably a part of the sex industry. (Page 57)

The Report notes that “few” sex workers, regardless of whether they were prostituting indoors or outdoors, reported any of the incidents of violence or crimes against them to the police. (Page 122)

Many owners of brothels have the same exploitive contract arrangements that existed before prostitution was decriminalized. Often no written contracts or their questionable quality. (Page 157)

2. Stigma and prejudice against prostitution and the shame associated with that, continued after decriminalization of prostitution.

The New Zealand Prostitution Review Committee stated, “Despite decriminalization, the social stigma surrounding involvement in the sex industry continues.” (Page 154)

3. Street prostitution in New Zealand’s cities increased dramatically after prostitution was decriminalized in 2003, according to many news reports, and according to one report from the New Zealand Prostitution Review Committee itself.

In 2006, an Auckland lawyer declared decriminalization a “disaster” which had resulted in an “explosion” of children in prostitution in Auckland and Christchurch, three murders of people in prostitution, and local businesses complaining of prostitution occurring on their premises and used condoms littering streets and doorways. (“Barrister labels prostitution law ‘a disaster’” (<http://www.stuff.co.nz/stuff/0,2106,3640007a11,00.html>) April 17, 2006)

Mama Tere Strickland, a Maori street outreach worker (who came to Berkeley to speak out against Measure Q in 2004) stated that in 2005, the numbers of those prostituting on the street in Auckland have increased by 400% since decriminalization.

The New Zealand Prostitution Review Committee states that street prostitution in Auckland more than doubled in just one year, 2006-7. (Page 118).
“Estimates indicate that the number of street workers in Manukau City may have quadrupled since June 2003...” Manukau City Council, Report of Manukau City Council on Street Prostitution Control available at:
http://www.manukau.govt.nz/uploadedFiles/manukau.govt.nz/Publications/Plans_&_Policies/mcc-report-on-streetprostitution-aug-2005.pdf

The New Zealand Prostitution Review Committee comments on citizens' complaints of increased street prostitution in two large communities in New Zealand: Christchurch and Manukau. (Page16).

In these same two communities, Christchurch and Manukau, street prostitution has shifted into traditionally residential areas where community residents harassed those in prostitution and people in street-based prostitution “propositioned members of the public were aggressive, disruptive, and noisy.”

Complaints from residents included “condoms, excrement, and other bodily waste” left in the street, shops, car parks, and on private property. P (124)

4. There is inadequate protection for children against prostitution in New Zealand since decriminalization.

According to the New Zealand decriminalized prostitution law, the police have no right of entry into brothels, and have no right to ask for age-identification papers of those in prostitution – thus investigation of suspected youth prostitution is extremely difficult, according to police officers, who asked that the law be revised. (Page 109)

5. The US State Department has noted trafficking of women and children since prostitution was decriminalized in New Zealand.

The Trafficking in Persons Report of the US State Dept notes that New Zealand has internal trafficking of women and children for commercial sexual exploitation, and that there are instances of debt bondage and document confiscation, and women from Asia, the Czech Republic, and Brazil “working illegally” as prostitutes. OneNews, (NZ) 2008 NZ a sex trafficking destination. Accessed Jun 5, 2008

<http://tvnz.co.nz/view/page/1316907/1831498>

6. The NZ Prostitution Law Review Committee was biased and blatantly favored the sex industry:

“For people whose employment options may be limited, sex work, and particularly street based sex work, can offer a quick means of achieving financial gains...” (Page 121)

Melissa Farley, Ph.D. Prostitution Research & Education, San Francisco

The link between organised crime and the prostitution industry has not been broken. In New Zealand strip club owners complain of unfair price competition from illegal operators using Asian women. In South Auckland police are battling against the gangs that control underage teenage street prostitution. United Future MP, Gordon Copeland, who was part of a 2006 working group reviewing problems with the new legislation, found that brothels in Waitakere and on the North Shore were run by Chinese 'gangs' who exploited mainly Chinese women.

As no longer illegal, police may no longer conduct raids unless acting on specific information. According to the New Zealand Police they no longer bother to monitor the sex trade at all. Consequently less and less is known about the trade enabling various exploiters to operate more unhindered

The National Council of Women of New Zealand, which originally supported the decriminalisation of prostitution, is now of the view that the only winners from the 2003 Prostitution reform Act are males. A report by the New Zealand Prostitution Law Reform Committee issued on operation of the Prostitution Reform Act could not find that the position of prostitutes had improved since the introduction of the new legislation - see attached summary by Melissa Farley in this regard

Sweden Sweden's Prostitution Solution: Why Hasn't Anyone Tried this Before?

In centuries of clichés despairing that 'prostitution will always be with us' - one country's success stands as a solitary beacon of light. In just five years Sweden has dramatically reduced the number of its women in prostitution. In the capital city of Stockholm the number of women in street prostitution has been reduced by two thirds, and the number of johns has been reduced by 80%. There are other major Swedish cities where street prostitution has all but disappeared. Gone too, for the most part, are the renowned Swedish brothels and massage parlours which proliferated during the last three decades of the twentieth century when prostitution in Sweden was legal.

In addition, the number of foreign women now being trafficked into Sweden for sex is nil. The Swedish government estimates that in the last few years only 200 to 400 women and girls have been annually sex trafficked into Sweden, a figure that's negligible compared to the 15,000 to 17,000 females yearly sex trafficked into neighbouring Finland. No other country, nor any other social experiment, has come anywhere near Sweden's promising results. By what complex formula has Sweden managed this feat? Amazingly, Sweden's strategy isn't complex at all. Its tenets, in fact, seem so simple and so firmly anchored in common sense as to immediately spark the question, "Why hasn't anyone tried this before?"

Sweden's Groundbreaking 1999 Legislation

In 1999, after years of research and study, Sweden passed legislation that a) criminalizes the buying of sex, and b) decriminalizes the selling of sex. The novel rationale behind this legislation is clearly stated in the government's literature on the law: "In Sweden prostitution is regarded as an aspect of male violence against women and children. It is officially acknowledged as a form of exploitation of women and children and constitutes a significant social problem... gender equality will remain unattainable so long as men buy, sell and exploit women and children by prostituting them."

In addition to the two-pronged legal strategy, a third and essential element of Sweden's prostitution legislation provides for ample and comprehensive social service funds aimed at helping any prostitute who wants to get out, and additional funds to educate the public. As such, Sweden's unique strategy treats prostitution as a form of violence against women in which the men who exploit by buying sex are criminalized, the mostly female prostitutes are treated as victims who need help, and the public is educated in order to counteract the historical male bias that has long stultified thinking on prostitution. To securely anchor their view in firm legal ground, Sweden's prostitution legislation was passed as part of the country's 1999 omnibus violence against women legislation.

An Early Obstacle in the Path

Interestingly, despite the country's extensive planning prior to passing the legislation, the first couple of years into this novel project nothing much happened at all. Police made very few arrests of johns and prostitution in Sweden, which had previously been legalized, went on pretty much as it had gone on before. Naysayers the world over responded to the much publicized failure with raucous heckling, "See? Prostitution always has been, and it always will be."

But eminently secure in the thinking behind their plan, the Swedes paid no heed. They quickly identified, then solved the problem. The hang-up, the place where their best efforts had snagged, was that law enforcement was not doing its part. The police themselves, it was determined, needed in-depth training and orientation to what the Swedish public and legislature already understood profoundly. Prostitution is a form of male violence against women. The exploiter/buyers need to be punished, and the victim/prostitutes need to be helped. The Swedish government put up extensive funds and the country's police and prosecutors, from the top ranks down to the officer on the beat, were given intensive training and a clear message that the country was serious. It was then that the country quickly began to see the unequaled results.

Today, not only do the Swedish people continue to overwhelming support their country's approach to prostitution (80% of people in favor according to national opinion polls), but the country's police and prosecutors have also come around to be among the legislation's staunchest supporters. Sweden's law enforcement has found that the prostitution legislation benefits them in dealing with all sex crimes, particularly in enabling them to virtually wipe out the organized crime element that plagues other countries where prostitution has been legalized or regulated.

The Failure of Legalization and/or Regulation Strategies

This Swedish experiment is the single, solitary example in a significant sized population of a prostitution policy that works. In 2003, the Scottish government in looking to revamp its own approach to prostitution enlisted the University of London to do a comprehensive analysis of outcomes of prostitution policies in other countries. In addition to reviewing Sweden's program, the researchers chose Australia, Ireland, and the Netherlands to represent various strategies of legalizing and/or regulating prostitution. The researchers did not review the situation where prostitution is criminalized across the board as it is in the US. The outcome of that approach is already well known. The failures and futility of the revolving door of arresting and re-arresting prostitutes is all too familiar the world over.

However, the outcomes, as revealed in the Univ. of London study, in the states under review that had legalized or regulated prostitution were found to be just as discouraging or even more discouraging than the traditional all round criminalization. In each case, the results were dramatic in the negative.

Legalization and/or regulation of prostitution, according to the study, led to:

- A dramatic increase in all facets of the sex industry,
- A dramatic increase in the involvement of organized crime in the sex industry,
- A dramatic increase in child prostitution,
- An explosion in the number of foreign women and girls trafficked into the region, and indications of an increase in violence against women.

In the state of Victoria, Australia, where a system of legalized, regulated brothels was established, there was such an explosion in the number of brothels that it immediately overwhelmed the system's ability to regulate them, and just as quickly these brothels became a mire of organized crime, corruption, and related crimes. In addition, surveys of the prostitutes working under systems of legalization and regulation find that the prostitutes themselves continue to feel coerced, forced, and unsafe in the business.

A survey of legal prostitutes under the showcase Netherlands legalization policy finds that 79% say they want to get out of the sex business. And though each of the legalization/regulation programs promised help for prostitutes who want to leave prostitution that help never materialized to any meaningful degree. In contrast, in Sweden the government followed through with ample social services funds to help those prostitutes who wanted to get out. 60% of the prostitutes in Sweden took advantage of the well-funded programs and succeeded in exiting prostitution.*

* The full Scottish government report on prostitution policies can be seen at www.scottish.parliament.uk

So Why Hasn't Anyone Tried This Before?

Why, then, with Sweden's success so clearly lighting the way, aren't others quickly adopting the plan? Well, some are. Both Finland and Norway are on the verge of making the move. In addition, if Scotland takes the advice of its own study, it will go in that direction too. However, the answer to the question of why other countries are not jumping to adopt Sweden's plan is probably the same as the answer to the question of why governments have not tried Sweden's solution before.

In order to see prostitutes as victims of male coercion and violence it requires that a government first switch from seeing prostitution from the male point of view to the female point of view. Moreover, most, if not virtually all, countries of the world still see prostitution and every other issue from a predominantly male point of view.

Sweden, in contrast, has led the way in promoting equality for women for a very long time. In 1965, for example, Sweden criminalized rape in marriage. Even by the 1980's there were states in the United States that still had not made that fundamental recognition of women's rights to control her own body. The Swedish government also stands out in having the highest proportion of women at all levels of government. In 1999, when Sweden passed its groundbreaking prostitution legislation, the Swedish Parliament was composed of nearly 50% women.

Sweden's prostitution policy was first designed and lobbied for by Sweden's organization of women's shelters and was then fostered and fought for by a bipartisan effort of Sweden's uniquely powerful and numerous female parliamentarians. Nor has Sweden stopped there. In 2002, Sweden passed additional legislation bolstering the original prostitution legislation. The 2002 Act Prohibiting Human Trafficking for the Purpose of Sexual Exploitation closed some of the loopholes in the earlier legislation and further strengthened the government's ability to go after the network of persons that surround and support prostitution, such as the recruiters, the transporters, and the hosts.

In addition, why can't we copy Sweden's success here?

While it is probably true that we and other countries are still steeped in patriarchal darkness, there is no reason we cannot push now for the policy changes that Sweden has made. The beauty of it is that once the ground has been broken and the proof of success has been established, it should be ever much easier to convince others to go down that path.

Women's Justice Centre, www.justicewomen.com

In 1999 at approximately the same time the Netherlands opted for legalisation, Sweden introduced a policy of abolition with the focus on clamping down on the demand and helping women to exit prostitution. The purchase and attempted purchase of sexual services was criminalised for the first time. Street prostitution was reduced and more importantly a barrier was erected against trafficking. Swedish Police estimate the number of persons trafficked into Sweden were about 400 - 600 a year, a fraction of the estimated number of women trafficked into neighbouring Finland, Denmark and Norway.

Although initially sceptical, Swedish Police now say the act prohibiting the purchase of sexual services has prevented traffickers establishing themselves in Sweden. Telephone intercepts have revealed traffickers and pimps experiencing problems finding purchasers and so shifting to more lucrative markets like Norway and Denmark.

Other countries:

Norway has copied Sweden and has adopted the same legal approach as of 1 Jan 2009. South Korea has been following it for some time and countries such as UK and Italy are also heading in this direction.

Iceland has introduced a Bill to criminalise the purchase of sexual acts and to prohibit strip clubs.

Chapter 30: Prostitution fuels & promotes trafficking in women

The links between organised crime, prostitution and trafficking are well established. The traffickers are often highly organised entrepreneurs that earn huge profits from the exploitation of women and children. But international and local trafficking in women and children cannot flourish without the local prostitution markets. If a local prostitution market decreases substantially, organised crime networks are likely to relocate to a more profitable location (Bindel 2004)

Legalisation/decriminalisation is a gift to pimps, traffickers and the sex industry. People often don't realize that decriminalisation means decriminalisation of the whole sex industry and not only the women. They haven't thought through the consequences of legalizing pimps as legitimate sex entrepreneurs (Raymond 2003)

In South Africa, in addition to local criminal crime groups, foreign organised criminal groups from Russia, Bulgaria, Thailand, China and Nigeria are already established in the local sex industry. Strip clubs in particular have been used as not only fronts for prostitution but also to traffic in women for sexual exploitation on work permits as 'exotic dancers' (Noseweek Dec 2008). Traffickers would similarly be able to bring in foreign women on work permits under the guise that they are 'migrant sex workers'.

As conceded by the South African Law Reform Commission in Chapter 4 of the Discussion Papers re Trafficking released in 2006, curtailment of trafficking in persons for prostitution seems to go hand in hand with strong measure to eliminate the demand for prostituted women and children.

In terms of article 9.5 of the Palermo Protocol (SA are signatories) States Parties must go further than discouraging the demand for trafficked persons per se but must take measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children that leads to trafficking. Decriminalising/legalising prostitution, and thereby creating large sex markets that act as a pull factor for sex traffickers, would not fulfil our obligations in this regard.

Chapter 31: Drugs, crime & violence are intrinsic to the prostitution industry

No country has managed to break the link between prostitution, crime, drugs and violence

J P Smith, Council representative for Sea Point, a well known prostitution 'hot spot', and Chairperson for the Cape Town City Safety and Security Portfolio Committee, has stated that the City has found a definite link between prostitution and general crime

Chapter 32: Legalisation/decriminalisation does not promote women's health

A legalized/decriminalised system of prostitution that mandates health checks and certification only for women and not for clients is blatantly discriminatory to women. "Women only" health checks make no public health sense because monitoring prostituted women does not protect them from HIV/AIDS or STDs, since male "clients" can and do originally transmit disease to the women (Raymond:2003)

Neither do so-called enforceable condom policies. In one of Coalition against Women in Trafficking's (CATW) studies, U.S. women in prostitution interviewed reported the following: 47% stated that men expected sex without a condom; 73% reported that men offered to pay more for sex without a condom; 45% of women said they were abused if they insisted that men use condoms. Some women said that certain establishments might have rules that men wear condoms but, in reality, men still try to have sex without them. One woman stated "It's 'regulation' to wear a condom at the sauna, but negotiable between parties on the side. Most guys expected blow jobs without a condom (Raymond and Hughes: 2001)."

In reality, the enforcement of condom policy was left to the individual women in prostitution, and the offer of extra money was an insistent pressure. One woman stated: "I'd be one of those liars if I said 'Oh I always used a condom.' If there was extra money coming in, then the condom would be out the window. I was looking for the extra money." Many factors militate against condom use: the need of women to make money; older women's decline in attractiveness to men; competition from places that do not require condoms; pimp pressure on women to have sex with no condom for more money; money needed for a drug habit or to pay off the pimp; and the general lack of control that prostituted women have over their bodies in prostitution venues. (Raymond 2003)

So called "safety policies" in brothels did not protect women from harm. Even where brothels supposedly monitored the "customers" and utilised "bouncers," women stated that they were injured by buyers and, at times, by brothel owners and their friends. Even when someone intervened to control buyers' abuse, women lived in a climate of fear.

Although 60 percent of women reported that buyers had sometimes been prevented from abusing them, half of those women answered that, nonetheless, they thought that they might be killed by one of their "customers" (Raymond et al: 2002).

Then there is the harm to the women herself: Like combat veterans, women in prostitution suffer from posttraumatic stress disorder (PTSD), a psychological reaction to extreme physical and emotional trauma. Symptoms are acute anxiety, depression, insomnia, irritability, flashbacks, emotional numbing, and being in a state of emotional and physical hyper alertness. 67% of those in prostitution from five countries (including SA) met criteria for a diagnosis of PTSD, a rate similar to that of battered women, rape victims, and state-sponsored torture survivors. (Melissa Farley, Isin Baral, Merab Kiremire, Ufuk Sezgin, "Prostitution in Five Countries: Violence and Posttraumatic Stress Disorder" (1998) *Feminism & Psychology* 8 (4): 405-426f

Chapter 33: Government

Governments that legalise/decriminalise prostitution as "sex work" will have a huge economic stake in the sex industry. Consequently, this will foster their increased dependence on the sex sector. If women in prostitution are counted as workers, pimps as businessmen, and buyers as consumers of sexual services, thus legitimating the entire sex industry as an economic sector, then governments can abdicate responsibility for making decent and sustainable employment available to women. (Raymond 2003)

Chapter 34: Policy Option

The failure of the decriminalisation/legalisation of prostitution as a social policy is being increasingly acknowledged and abandoned in favour of targeting the demand for prostitution together with offering programmes to help women exit the trade. South Africa has high unemployment, extreme economic disparities, porous borders, pervasive corruption in all sectors of society agencies and extremely high levels of rape, violence and abuse of women and children.

It is therefore unfathomable to suggest that policies of legalisation or decriminalisation that have proved to be complete failures in better resourced countries would work for South Africa

The new amended Sexual Offences Act provides more tools to tackle this harmful and exploitative trade. The buyers of sexual acts have even been criminalised in terms of section 11. What is required, however, apart from more and better exit programmes is the will to help women out of what amounts to a form of gender based violence.

It is a particularly nasty form of sexual exploitation, stripping its victims of their dignity, self worth and true potential.

The only rational and responsible policy for South Africa is to diligently enforce the laws currently on the statute books with particular focus on buyers, pimps, procurers, sex traffickers and crime syndicates and for government in partnership with churches, and responsible NGO's to develop sustainable programmes to end the sexual servitude of women and children.

GLOSSARY

To fully understand the implications of decriminalised or legalised prostitution on society, you first need to understand what these terms mean.

Decriminalisation

Usually this term is used to mean that prostitution and all related activities such as pimping; procurement; brothel keeping and the buying and selling of sexual favours, no longer constitute criminal offences. Prostitution is regarded as work and subject only to the same restrictions as any other business. It includes street and brothel prostitution which can take place anywhere commercial activities may occur.

Those advocating the decriminalisation of prostitution in South Africa use it in this sense. It is the most 'liberal' and 'extreme' approach. Recruitment, advertising and promotional activities may be conducted as for any other business and it is no longer monitored by the Police Service.

Legalization/decriminalization of prostitution is a gift to pimps, traffickers and the sex industry.

What does legalization of prostitution or decriminalization of the sex industry mean? In the Netherlands, legalization amounts to sanctioning all aspects of the sex industry: the women themselves, the so-called clients and the pimps who, under the regime of legalization, are transformed into third party businesspersons and legitimate sexual entrepreneurs.

Legalization/decriminalization of the sex industry also converts brothels, sex clubs, massage parlors and other sites of prostitution activities into legitimate venues where commercial sexual acts are allowed to flourish legally with few restraints.

Janice G. Raymond: Coalition Against Trafficking in Women International (CATW)
March 25, 2003

Legalisation

Prostitution and all related activities are generally illegal except under the conditions and in locations specified by legislation. In effect the State regulates prostitution and becomes the main pimp.

In Australia prostitution has been decriminalised in New South Wales and legalised in Victoria. The practical effects, however, appear to be very similar in both states.

In reality most decriminalised systems contain at least some elements of legalisation.

Why is prostitution referred to as 'sex work'?

In attempting to normalise prostitution as work the term sex work has been introduced by those promoting this option. Although using this term serves to sanitise the pimps and brothel keepers as legitimate businessmen it does nothing to end the violence and exploitation nor has it reduced the stigma associated with prostitution.

"The practice of prostitution (including, but not limited to, sex trafficking) seems far from fulfilling accepted conditions or definitions of "work". We acknowledge the debates surrounding such choice of language, with some theorists arguing that the term "sex worker" is more appropriate as it acknowledges agency and personhood. Many of these theorists also favour the term "migrant sex worker" for trafficked women. We do not deny

the agency of women in prostitution, and indeed of all women, but note that individual agency is limited by structural social, economic and political inequalities, and that agency, above all, does not protect against abuse.

“Therefore, we believe naming the practice of prostitution as “sex work” would have the effect of obscuring the abusive nature of the practice. This would appear to be a more serious linguistic omission than that of obscuring agency, and one with more far reaching consequences, and so is not adopted here.” Lara Fergus, The Australian Centre for the Study of Sexual Assault, is funded by the Office for Women, Australian Government of Family and Community Services, through the Women’s Safety Agenda.

Who is SWEAT?

In their Mission statement, SWEAT (Sex Workers Education and Advocacy Taskforce), claims they target adult prostitutes through: life and work skills training, training service providers, advocacy and lobbying, and ongoing research. They distribute sexual health and safety manuals to prostitutes.

It is strange that SWEAT's views have been so well represented in the media and have been given so much attention by the SA Law Reform Commission as they seem to have adopted for their purposes a very extreme ideological approach which is not shared by the majority of South Africans.

It appears they are a lobby group but they don't assist with drug rehabilitation and job skills exit programmes for prostitutes. One wonders therefore how they have a mandate to act on behalf of prostitutes. Prostitutes who have been interviewed by various researchers seem to have very different views to those articulated on behalf of prostitutes by SWEAT. Does SWEAT have a membership list? Do they represent the brothel owners, pimps or traders?

Who are they funded by? Oxfam NOVIB, the Ford Foundation the Department of Health Western Cape Metropole, the Open Society Foundation for South Africa The Open Society Institute, the Cape Town City Council.

Straatwerkers, Shared Hope, Inter-outreach and Doctors for Life deal with the real problems faced by prostitutes and have direct contact with them in helping them to exit this form of gender-based violence and exploitation. The insights gained by these organisations also need to be represented in the media.

“What do men do to women in prostitution? The pro-prostitution lobby will never answer this question. They talk about how it’s dangerous to be prostituted on street corners because you risk being murdered, and how much better women will fare in legal brothels, but they never talk about the actual prostitution act that the buyers do to the women: the penetration, the touching, the humiliation.

And this is the same wherever women are being prostituted. If they would talk about the prostitution act and understand profoundly the harm of prostitution, their whole analytic context would fall apart. It’s easy to talk about health standards and gynaecological exams, but when we talk about the actual prostitution act, they can’t handle that and have no arguments.” Gunilla Ekberg

Summary

Summary of best practice principles for exiting interventions

Holistic interventions The main principle is that a number of different service providers need to be engaged to address the multiplicity of issues that prostitutes often face when they want to exit the sex industry. The agencies include those who deliver: mental health and healthcare services; welfare benefits advice; housing support and advice; antenatal care; childcare and parenting support; education and training; and employment services.

Dealing with changes of mind

Interventions need to accept that prostitutes trying to exit will go forwards and backwards. It's a patience game.

Facilitating free choice Prostitutes need choices, but have to make their own decisions. This may be especially important for young prostitutes.

Dedicated services and brokerage

Dedicated services are needed, with an agent who will take responsibility for brokering the provision of services. One-to-one support from a 'key worker' seems to work best, especially for young prostitutes.

Building trusting relationships

Relationships of trust can provide the basis for exploring routes out. Outreach is a crucial mechanism. Trusting relationships with brothel owners are also important to gain access to brothel workers. Trusting relationships are especially important for dealing with younger prostitutes who are unlikely to accept advice other than from 'credible' supporters. Ex-sex workers are a good resource.

Adequate resourcing can be difficult, but needs to be there for good service provision. Continuity of resourcing is also important for staff retention.

Public education This is important to counter the idea that those in prostitution do not deserve support, and to raise awareness of the issues associated with prostitution. Projects should make it clear that they aim to develop routes out. They should have good communication 'tools'.

Outreach maximises the chances of engaging with those who might be considering exit and who need extra reinforcement.

Location of services should be close, but perhaps not too close to areas of prostitution. Opening hours and appointment systems should be geared to the needs of prostitution.

Best practice as opposed to 'what works'

Few exiting interventions have tried to assess 'what works' in exiting interventions, as opposed to what is 'best practice'. There are substantial difficulties in doing so. These include: lack of baseline measures; lack of control groups; the difficulty of following up prostitutes; and knowing whether exit was achieved rather than a period of 'time out'.

Three types of exiting provision

Three areas of provision have featured most in the literature on best practice principles. These are (i) drug treatment; (ii) housing; and (iii) training, education and employment.

Drug addiction

Dealing with drug addiction is seen as crucial as a first step towards exiting, especially as it often forces prostitutes back onto the street. The literature suggests a number of best principles:

Fast tracking to addiction services is important. Protocols with drug treatment providers need to be set up to ensure that services can be engaged immediately.

.

Points of crisis can provide a good opportunity to engage prostitutes in drug treatment.

.

Treatment entered voluntarily is much more likely to be successful.

- **Dedicated support** is a key.
- **All client needs** should be dealt with, not just the misuse of the drugs.
- **Pimps / partners** may need counselling and treatment in some cases.

Housing

Adequate provision of settled accommodation is seen as critical to finding routes out, especially for young prostitutes. This can be difficult because of limited provision and the often unstable nature of prostitutes. Nonetheless, the literature suggests best principles are:

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Being able to respond to crises – through specialist high-level accommodation.

Hostels may not always be able to deal adequately with the difficulties involved in exiting prostitutes.

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Being able to help a stabilisation process – through transitional housing for those needing safe and affordable accommodation on a short-term rental.

.

Providing aftercare – through support to prostitutes to sustain their tenancies, develop skills to budget and pay bills, and to claim benefits.

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Advocates of prostitutes need to make sure that others understand the particular difficulties involved in exiting prostitution. It will not help, for instance, if criminal convictions or drug use are held against them.

.

A dedicated housing officer may be in a good position to help most.

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Domestic violence – citing this as a problem for prostitution may encourage housing agencies into offering solutions.

Education, training and employment

Education and training is important in relation to exiting, not only to improve employment opportunities but also in helping to build self-esteem. Employment itself is also seen as important. Some of the best practice principles as regards housing were:

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Fast-tracking - to training and employment services.

Specialist support and assessment - to help prostitutes access and sustain work.

.

Matching skills and interests - to access to employment opportunities.

.

Dealing first with other issues - that might be a barrier to employment – e.g. housing, health and childcare.

Exiting Prostitution: Models of Best Practice
Prepared for the Ministry of Justice by Pat Mayhew and Dr Elaine Mossman
Crime and Justice Research Centre
Victoria University of Wellington
October 2007

Ms. Gunilla Ekberg:

I think when you work to combat prostitution and also trafficking in human beings, you need to be like a juggler. You need to have at least eight balls in the air at the same time. That's not always so easy. You need to do prevention activities. You need to support and protect the victims. You need to, of course, prosecute the perpetrators. We do all of that. Let's look at our prevention programs, of which we have had a number. I have in fact also brought with me material that you are very welcome to look at. Unfortunately, most of them are only in English, but there are a few things in French.

I would like to specifically point to a program that we just recently carried out in the Swedish high schools. We showed the film *Lilja Forever*, which you may have heard of. It's a film about a young woman who is a victim of trafficking from Lithuania to Sweden. Her situation is very well described, but it's also very obvious in that film that she wouldn't be there if there wasn't a demand from those men who sexually exploit her in the film.

We used that film. We made a very nice manual in which we did not discuss just prostitution and trafficking, because in the lives of Swedish youth generally, that is not a big thing. What we did talk about was gender equality, rape, pornography, all kinds of sexual violence, attitudes towards young girls, the exploitation of girls on the Internet, young boys and how their attitude can be changed, and how they are affected by the expanding prostitution and pornography industry on the Internet, for example.

We have shown the film. We had one-day seminars for 33,000 children in Sweden. They have all seen it. We have had really good comments on it because we have tried to put it on their level and tried to talk with kids where they're at, instead of just showing them things. So that's one thing we have done.

Then I coordinated the Nordic-Baltic campaign against trafficking in women, which is the first government campaign that focused on preventive measures to combat the demand, to discourage the demand. Eight countries, the five Nordic countries and the three Baltic countries, were involved in this. We did many different things, including.... Unfortunately the posters got caught in customs, so I couldn't bring them, but I will send them to you. I will send this around. See if you can see it.

We did a poster campaign. I wanted to do a campaign on prostitution that wasn't like the regular poster campaigns that you always see where you have—you know, you've seen them—a woman in high heels, short skirt with a décolletage standing in the twilight at night, leaning over a car. In that car, there's something. We never see the something. We wanted to take the guy out of the car and show, for once, that it is a fact: the root cause of prostitution is that men buy.

These posters were gigantic. We had them all over Sweden, in bus shelters, on subways, on trams, wherever you can think of. This one says "Time to flush the johns out of the Baltic", because this was part of the Nordic-Baltic campaign. We wanted to

stop men from travelling to the Baltic countries, which a lot of men do, even from Canada; I want to point out, which I hear from my colleagues there.

It also says here, "It's a crime to buy sex". The other two posters that are now being circulated show also a number of faces of men. I had a little trouble finding actors to be on that poster, because nobody really wanted to hang around Sweden and be pointed out as a possible buyer. In the end, I managed to get the guys I work with and our political adviser and some state secretaries and such to be on this poster.

Then the third one shows that now men buy women for prostitution purposes over the Internet. It's the young men who are more likely to do that, rather than men who are older, specifically because they have the computer skills to do it.

Those are just one or two examples. We are doing many other things.

I will give another example. We're working right now on a big campaign up in the Barents region, which is North Western Russia—Murmansk and Arkhangelsk—and in northern Finland, Sweden, and Norway. We are focusing completely now on the demand in the Nordic countries with all kinds of measures, and in the Barents region in the Russian parts we're putting into place different measures to make women and girls less vulnerable to the trafficking in women.

Gunilla Ekberg, CANADA Subcommittee on Solicitation Laws of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness
May 4, 2005

Lilja 4-ever is a 2002 drama film. It is Swedish director Lukas Moodysson's third full length film which marks a sharp change of mood from his previous two films, the uplifting love story *Show Me Love* and *Together*, a comedy set in the 1970s. *Lilya 4-Ever* is an unremittingly brutal and realistic story of the downward spiral of Lilya (Oksana Akinshina), a girl in the former Soviet Union, whose mother abandons her to move to the United States. The story is based on the life of Dangoule Rasalaite and examines the issue of trafficking in human beings and sexual slavery
http://en.wikipedia.org/wiki/Lilya_4-ever

Action plan to combat prostitution and trafficking

In July 2008, the Government approved an action plan for combating prostitution and trafficking in human beings for sexual purposes. A total of SEK 213 million will be invested in 36 measures until 2010.

Prostitution and trafficking in human beings for sexual purposes are serious obstacles to the opportunities of those affected to enjoy their human rights, to social equality and gender equality. Women and girls are those who are primarily affected, but men and boys are also exploited. Studies show that it is mainly men who purchase sexual services.

Measures to combat prostitution and trafficking in human beings for sexual purposes must be implemented from a legal, social and gender equality perspective and be based on human rights. Sweden's commitments within the framework of the EU, the Council of Europe and the UN are the cornerstones of the Government's policy in this area.

The action plan has a clear focus on the need of protection and support for the individual affected, and on this permeating the efforts of the agencies concerned. Particular measures are targeted at children and young people.

The action plan includes five areas of measures, each of which is important in itself, but which also supplement and strengthen each other. A comprehensive follow-up of the action plan will be made in 2011 and presented to the Riksdag.

The areas of measures are:

- * Increased protection and support for those affected,
- * Strengthened preventive efforts,
- * Enhanced quality and efficiency in the legal system,
- * Greater national and international cooperation,
- * Increased knowledge.

<http://www.sweden.gov.se/content/1/c6/11/06/29/fcd261a4.pdf>

ACTIVITY BY GLASGOW CITY COUNCIL

A key element of the Routes Out partnership is that public agencies are committed to tackling the issues relating to prostitution and ensuring services respond to women who are so stigmatised and isolated. The Council has established a Policy and Resources Working Group on prostitution and agreed an ambitious action plan, which is monitored and reviewed on a 6 weekly basis.

There's a whole range of activity underway in Glasgow to address the problems of prostitution. Base 75 was established by Social Work in 1989 to support women involved in prostitution, by providing counselling, methadone prescribing, medical screening, health promotion and information. This support and harm reduction provision has been significantly enhanced over the past couple of years and the city centre premises refurbished to provide a high quality environment for service users.

An Intervention Team was established as part of the Routes out of Prostitution Social Inclusion Partnership in October 2000 to assist women to make the difficult break from prostitution by ensuring access to safe housing, child care support and training and employment. To date over 100 women have been in touch with the Intervention Team.

A Co-ordinator has just been appointed to integrate these two services in order to provide an enhanced and comprehensive service to women.

Homelessness or threat of homelessness is a major issue for women and Housing Services are supporting a number of women to re-establish their lives in flats provided in different areas of the city. Housing Services and the Intervention Team are supporting a small group of women to make the transition from benefits in to employment in order to overcome the benefits trap.

A major barrier for women is the requirement to declare previous convictions for soliciting. Women face being stereotyped, stigmatised and rejected for posts because of the perceived nature of offences. The Council's Personnel Services have included guidance to those involved in recruitment within the Council and have raised the issue with employers' forums within the city. A case study with a woman who has a previous

record of soliciting offences is now built in to the Council's compulsory recruitment and selection training.

Social Work Services are actively addressing the provision of alternatives to involvement in the criminal justice system, thereby decreasing the number of women given custodial sentences. A Time Out Centre funded by the Scottish Executive and managed by Glasgow Social Work is scheduled to open by the end of this year. This will provide a further alternative and make available intensive support including residential provision.

The Council is also raising general awareness of employees about the nature of prostitution and promoting the view of it as survival rather than sexual behaviour. A good practice guide adapted from the one published by the Franki Project was adapted for use in Scotland. A leaflet aimed at staff and outlining Council policy and expectations of staff has been disseminated to all 34,000 staff working for the Council.

The Council is committed to changing the public perception of prostitution as acceptable and inevitable and to challenging the view that prostitution is about choice or work. As an Education authority, the Council has committed resources and energy to promoting positive relationships between young people and addressing inequality between girls and boys in the Action against Abuse curricular material and the Zero Tolerance Respect project. This programme now includes material on prostitution and is available to all secondary schools in Glasgow.

Ann Hamilton
June 03

Child Victims of Prostitution in the Western Cape for the Institute for Child and Family Development at UWC in 2000.

But the following are some of my thoughts and comments on the subject:

Exit programmes are quite expensive.

They need to be away from the place where the women are being prostituted and the address of the facility must be secret. One must have a building to house the women and sometimes, boys/men who need rehabilitation.

Variations of the 12 step program seem to work. Drug and alcohol rehabilitation with drug therapy as well as group therapy works fastest but it is expensive. Using women and men who have managed to come out of prostitution as buddies and program coordinators works very well.

As part of the rehabilitation the people must be exposed to a range of work possibilities and possibly do work shadowing and go on access courses which given them an idea about different kinds of work possibilities.

Quite a few of the girls I interviewed during my research were illiterate, and possibly had foetal alcohol syndrome. Some were pregnant and drug addicted.

Contrary to common belief, the vast majority of the prostituted women do not have access to much money. When they leave a pimp they leave with only the clothes they have on them, he keeps everything. A pimp is the same as a battering husband or boy friend he is violent, predatory and parasitic.

Where will the money come from to do this difficult work?

Social services are doing some work with homeless people but it is very little compared to the size of the problem.

They should take on this problem too, but there is still the belief that these women go into prostitution voluntarily and that it is a form of work. Until there is a change in understanding and it is clearly understood that these girls/women and some boys are victims of abuse and manipulation and often entrapped in organised crime syndicates the government will not take the issue seriously.

The pilot research that I was involved in at UWC, where we interviewed girls who were being prostituted in the greater Cape Town area, has not brought about a call for more in-depth research or for refuges for girls entrapped in this kind of abuse. We handed the research to the head of social services in Cape Town, she was shocked by it but nothing has come of it. The law as it stands is supposed to come down hard on sex with children and come down hard on those who even know that children are being sexually exploited. We researchers knew over and over again that we were interviewing children, girls under the age of 16 and 18 who were being commercially sexually exploited and the pimps were always hanging around, but the police see this as a low priority crime and the pimps got away with it and we had nowhere to take the girls and no authority to do so. Technically we should have been prosecuted for not doing anything about what we discovered!

I have been to an international conference in London UK, where I spoke to ex-prostitutes who were involved in rehabilitation work in San Francisco. They worked closely with the police, and in fact part of their budget came from the police as part of a crime fighting initiative.

Most of the exit program information I got from them and during the course of the research we did for UWC we saw how vast the problem is in the Western Cape and how violent the pimps and the johns/so called customers were towards the girls we interviewed.

Anne Mayne: Writer and researcher

We endorse the three priorities highlighted in the consultation paper: prevention, protection and support, and justice. It is clearly vital to combat the processes which draw vulnerable people into prostitution; to offer help and advice to those who seek an 'exit strategy' from it; and to give relief to individuals, families and communities by effective action against users and organisers. However, consideration should be given also to the safety and welfare of those who choose not to leave; the law must be an instrument of protection and justice for those in need and not merely of control and convenience for society at large.

Church of England comments on prostitution a response to a Home Office Consultation on Prostitution <http://www.cofe.anglican.org/news/pr0505.html>

Global

• The majority of women in prostitution want to exit the lifestyle. One research study found that more than two-thirds of women sought to exit in every continent, from 68% in Mexico to 99% in Zambia (Farley et al) Farley, M. (2003). Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder. Journal of Trauma Practice, Vol. 2, No. 3/4, 2003, pp.33-74. Philadelphia: The Haworth Press Inc.

The new Home Office funding will also see the creation of a four-strong, 24/7 outreach team who will identify and approach women involved in the sex industry that may have been trafficked. The team will work in partnership with the police, immigration service and sexual health outreach projects to develop accessible, appropriate and safe exit strategies.

<http://www.womeninlondon.org.uk/notices/eaves0604poppy.htm>

Exit Strategies & Demand Reduction: Balancing prostitution policy in Britain - Eaves - 15th May 2009. Eaves POPPY Project and London South Bank University hosted a national conference on prostitution, which explored the latest developments in prostitution policy.

Exit Strategies & Demand Reduction: Balancing prostitution policy in Britain

The main benefits of attending were to:

- * Gain a better understanding of current debates and recent research
- * Identify major issues associated with on-street and off-street prostitution
- * Consider measures to address demand and develop exiting
- * Analyse policy, research and development options

Speakers included a prostitution survivor (tbc), frontline NGO and statutory service providers, Member of Parliament, international campaigner and policy-maker, legal specialist and senior law enforcement officials.

Prostitutes are to be offered an "exit strategy" which will include drug and alcohol rehabilitation, housing, and basic skills training while the men who pay for their services are heavily fined. But the Home Office team proposing the biggest overhaul of prostitution laws since the 50s has rejected "tolerance" or "managed" zones where sex workers would be allowed to operate, monitored by the police and provided with health facilities.

<http://www.guardian.co.uk/uk/2004/jun/10/ukcrime.prisonsandprobation>

Prostitutes need an "exit strategy," Nanson said, borrowing the phrase coined during George W. Bush's presidency about the importance of having a plan to avoid getting caught in a hopeless, unwinnable, deadly situation. "City council should be looking at an exit strategy, not a deterrent. Give them hope," Nanson said.

<http://www.niagarafallsreview.ca/ArticleDisplay.aspx?e=1589151>

About SAGE Services - Early Intervention Prostitution Program (EIPP)

The EIPP is a diversion program for adults who receive tickets—but are not incarcerated—for involvement in prostitution. EIPP clients are sentenced to complete court-mandated hours at SAGE, rather than going to jail.

EIPP clients who are dealing with trauma or substance abuse may also be screened and admitted to the STAR Centre or referred to SAGE's Mental Health program. In these cases, EIPP clients are eligible and welcome to continue receiving services if they choose, after completing court-mandated hours.

EIPP clients work with individual SAGE case managers to create a treatment plan involving participation in SAGE peer counselling and recovery groups, wellness services, or recreational and therapeutic activities. The EIPP counsellors offer clients care, crucial information on how to navigate the criminal justice system, and discuss opportunities to increase physical safety, tend to healthcare and recovery needs, and explore economic and vocational options.

http://www.sagesf.org/html/about_services_eipp.htm

Detroit Program Helps Women Exit Prostitution

Detroit-based Alternatives for Girls' New Choices Project helps women exit prostitution and other forms of sex work, like exotic dancing. Program administrators say getting out of prostitution can be a challenge for career prostitutes, many of whom have criminal pasts and little professional work history.

In its current form, the project was launched in January 2003. It is funded in part through the Michigan AIDS Fund, the Skillman Foundation, the McGregor Foundation and other foundations. It is modeled after the San Francisco-based project Standing Against Global Exploitation, which has helped 800 women exit sex work.

Celia Williamson, an assistant professor at the University of Toledo's social work department, has researched street prostitution in various cities. The longer women are in prostitution, the harder it is to leave -- especially since many women have cut ties with their families, she said. Because it is fast-paced and pays "every day you are willing to work," the life of a prostitute can be exciting at first, Williamson said. However, this seduction wears thin as women become depressed or are abused.

New Choices provides services such as life skills training, recreational and cultural activities, educational workshops, mentoring and counseling. Many of the women with whom alternatives for girls work are recruited through its street outreach. Volunteers offer condoms, food and support. Deena Policicchio, director of the outreach and education services department, which includes New Choices, said the program has

reached some 1,500 female prostitutes in Detroit, though only a handful come to the three-times-weekly meetings. Most of the women are poor and in their 30s. Many women who commit to the program eventually drop out. Because many of the women lack phones or permanent addresses, staying in touch can be tough.

<http://www.thebody.com/content/whatis/art27960.html>

Many routes to prostitution exist, as do avenues for beginning the recovery process. Not all women wanting assistance will seek help, and not all women seeking help will leave the streets. Recognizing prostitution-involved women as embedded within unique social and ecological contexts is vital for intervention to effectively meet their individual needs. The purpose of this investigation was to examine, in depth, points of divergence and patterns of similarity among women engaged in streetwalking prostitution. The primary goal was to examine streetwalking women as individuals, primarily. Recognizing the unique qualities and characteristics of women engaged in streetwalking will allow a new dialogue to emerge, with subsequent implications for policy, practice, and social awareness. Attention centered on three primary life segments, including (a) childhood and life events prior to prostitution entry, (b) life in the game, and (c) leaving the streets.

Exposing the "Pretty Woman" Myth: A Qualitative Examination of the Lives of Female Streetwalking Prostitutes, *Journal of Sex Research*, Nov, 2000 by Rochelle L. Dalla
http://findarticles.com/p/articles/mi_m2372/is_4_37/ai_72272308/pg_3/?tag=content:col1

In the social science literature, there is a significant amount of research on the sex industry and prostitutes in particular. Most of these studies focus on the legal concerns, stigma or the daily lives of female prostitutes. Surprisingly, there is a paucity of work examining the process and means through which women exit prostitution. One study (Dalla 2000) claims prostitutes exit primarily via intervention programs. This study uses this work as a point of departure to analyze the motivations and pathways through which women leave the trade.

Introduction Prostitution is one of the world's oldest professions and continues to prosper throughout the world. A prostitute is one who exchanges sex or sexual favours for money, drugs or other desirable commodities (Overall 1992). Prostitution transcends time and space and has taken various forms, ranging from courtesans to contemporary street prostitutes (Evans 1979). No one can deny that it is social fact persisting within urban areas across the world. For instance, in 2004 there were 57,618 prostitution and vice arrests in the United States (U.S. Sourcebook of Criminal Statistics). Due to its illicit nature, it is challenging to conduct wide scale empirical studies on prostitution. In spite of this difficulty, a good amount of research has been conducted, primarily focusing on the motivations for sex work (Brock 1998; O'Neill and Barberet 2000), the daily lives of street workers (Pearl 1987) and legal issues concerning sex work.

"Getting Out: An analysis of exiting street prostitution via prostitution helping programs"
by Sharon S. Oselin Abstract

http://www.allacademic.com/meta/p_mla_apa_research_citation/1/8/1/9/1/pages181917/p181917-1.php

Summary

In response to the South African Law Reform Commissions (SALRC) questionnaire on Adult Prostitution, Family Policy Institute has proposed the following policy option:

“The entire sex industry must be criminalised with particular attention being focused on procurers (men who solicit and buy sex), pimps, brothel owners, gangs, crime syndicates & sex traffickers by police and the prosecuting authorities.

However, women & girls trapped in prostitution must not be arrested & prosecuted but rather diverted via the justice system into state supported exit programs in partnership with civil society - to help women & girls escape prostitution”.

Family Policy Institute believes the policy option that best serves South Africa’s current social reality is the total criminalisation of the sex industry. Partial decriminalisation (criminalisation of the demand side of the sex industry but not the prostitutes themselves) will legitimise prostitution as an acceptable form of ‘work’ and draw more women & girls into prostitution”.

1. How must prostitution (currently 'unlawful carnal intercourse') be defined in the new Adult Prostitution Act?

[Prostitution is the unlawful exchange of sexual favours for financial or material gain.]

2. How will this option reduce the demand for prostitution?

Most women and girls do not enter prostitution as a career choice but due to tragic circumstances such as family breakdown, sexual abuse, rape, poverty and general economic survival.

Entering into prostitution is therefore a survival strategy: as Joseph Parker noted (Lola Green Baldwin Foundation): “The reality is that no woman wants to have sex with 5, 10, 15, 20 or more men a day, every day.” Can one really speak of choice at all if there are no viable alternatives to actually choose from?

The main drivers of prostitution are the procurers, men who solicit and buy sex and the human parasites who exploit women and children for financial gain like pimps, brothel and strip club owners, gangs, crime syndicates and sex traffickers.

Total criminalisation of the sex industry that focuses the attention of law enforcement and the prosecuting authorities on the procurers and the criminals that sexually exploit women and children will significantly reduce prostitution because it will reduce the demand for prostitutes and clamp down on those who lure women into prostitution.

Research has shown that the greater availability of prostitutes, the greater the demand for their services. Making it legal will promote this inherently anti-family practise as the vast majority of the clientele of prostitutes are married men.

In addition, clamping down on the demand side coupled with sustainable government funded exit programs in partnership with civil society will significantly reduce prostitution because the overwhelming majority of women who want to escape prostitution will have a real choice.

In 1999 at approximately the same time the Netherlands opted for legalisation, Sweden introduced a policy of abolition with the focus on clamping down on the demand and helping women to exit prostitution. The purchase and attempted purchase of sexual services was criminalised for the first time.

Street prostitution was reduced and more importantly a barrier was erected against trafficking. Swedish Police estimate the number of persons trafficked into Sweden were about 400 - 600 a year, a fraction of the estimated number of women trafficked into neighbouring Finland, Denmark and Norway.

Although initially sceptical, Swedish Police now say the act prohibiting the purchase of sexual services has prevented traffickers establishing themselves in Sweden. Telephone intercepts have revealed traffickers and pimps experiencing problems finding purchasers and so shifting to more lucrative markets like Norway and Denmark.

Norway has copied Sweden and has adopted the same legal approach as of 1 Jan 2009. South Korea has been following it for some time and countries such as UK and Italy are also heading in this direction.

Iceland has introduced a Bill to criminalise the purchase of sexual acts and to prohibit strip clubs.

It is important to note that it is not the legal status that causes the harm but the prostitution itself. Prostitutes are the most vulnerable members of society and are susceptible to abuse as a consequence of the inherently exploitative nature of prostitution.

Prostitution is not labour, it is a violation of human rights and can never be considered work in the conventional sense of the word. In Sweden it's regarded as gender-based violence. It is paid rape and degrades, dehumanises and reduces women to mere commodities for sale.

In attempting to normalise prostitution as work the term "sex work" has been introduced by those promoting this option. Although using this term serves to sanitise the pimps and brothel keepers as legitimate businessmen it does nothing to end the violence and exploitation nor has it reduced the stigma associated with prostitution.

Governments that legalise/decriminalise prostitution as "sex work" will have a huge economic stake in the sex industry. Consequently, this will foster their increased dependence on the sex sector. If women in prostitution are counted as workers, pimps as businessmen, and buyers as consumers of sexual services, thus legitimating the entire sex industry as an economic sector, then governments can abdicate responsibility for making decent and sustainable employment available to women. (Raymond 2003).

The failure of the decriminalisation/legalisation of prostitution as a social policy is being increasingly acknowledged and abandoned in favour of targeting the demand for prostitution together with offering programmes to help women exit the trade

South Africa has high unemployment, extreme economic disparities, porous borders, pervasive corruption in all sectors of society and extremely high levels of rape, violence and abuse of women and children.

It is therefore inconceivable that policies of legalisation or decriminalisation that have proved to be complete failures in better resourced countries would work for SA

Arguments for decriminalisation or legalization are usually based on the mistaken assumption that a regulated sex industry will contain and control the growth of the brothel and street trade, and eliminate - or at least greatly reduce - the associated drugs; abuse; violence; organized crime; child prostitution and trafficking. There is no evidence, however, to support these claims.

In countries such as Netherlands, Australia and Germany where these policies were adopted the opposite happened and there has been a dramatic increase in legal and illegal prostitution, child prostitution and trafficking in persons for sexual purposes This is the current scenario in Australia, New Zealand and the Netherlands.

Decriminalisation or legalisation did nothing to 'regulate the sex industries in these countries but rather spawned much larger illegal sex industries which operate parallel to the legal industry and is dominated by organised crime.

South Africa's unique social challenges which include, high rates of poverty & unemployment, rampant crime & corruption in all sectors of society, spiralling rates of sexual abuse of women & children and the highest infection rate of HIV/AIDS in the world all suggest a decriminalised sex industry will be catastrophic for society.

In addition, a partial decriminalised sex industry will provide space for pimps, gangs, crime syndicates and sex traffickers to exploit the system and further enslave vulnerable women and children.

Victoria, the first Australian state to decriminalise prostitution in 2003 records the largest increase in child prostitution in that country. Child prostitution exists in every adult prostitution market that exists and has increased where prostitution has been legalised or decriminalised (Bindel: 2004; Sullivan: 2005; New Zealand Herald: 2008)

On 18 May 2009 The Telegraph reports that the Australian government has lost control of the illegal sex industry in Sydney which is four times larger than the legal industry. The Mayor of Amsterdam, Job Cohen, has admitted that the policy of legalisation has been a failure and has instituted a reversal.

He stated that organized crime dominated the industry in which sex trafficking, exploitation, drug abuse and money laundering was rife. The influence of organized crime on the city centre was a growing one. One third of the brothel windows have been bought out and replaced with fashion boutiques.

Permits have been withdrawn from dozens of sex businesses including the well known Yab Yum brothel and Casa Rosso Theatre who reportedly had links to organised crime. Rafts of new restrictions on other aspects of the sex trade are being introduced.

Legalisation has not helped police to clamp down on organized crime. Connections between organised crime and the sex industry have not diminished. Country reports from Australia and the Netherlands highlight that legalisation has, in some respects,

strengthened links. In October 2003 Amsterdam City Council took the decision to close down the street tolerance zone; Mayor Job Cohen noted that the situation was "a devil's dilemma" because "it appeared impossible to create a safe and controllable zone for women that was not open to abuse by organised crime" (Editorial, Het Parool, 2003).¹

A report by the Platform Organisations Shelter for Prostitutes (POOP) concludes that three quarters of prostitutes in the Netherlands wish to attend exit programmes to enable them to leave. The report is a response to an evaluation by the Scientific Research and Documentation Centre (WODC) on the lifting of the brothel ban in October 2000, which claims that in the main, there have been few problems since the new laws. However, POOP argues that illegality and coercion still dominate the industry (Reformatorsch Dagblad, 2003).²

Child prostitution in the Netherlands has significantly increased during the last ten years. The Child Right organisation in Amsterdam estimates that there are now more than 15,000 children (primarily girls) are being prostituted, an increase of eleven thousand since 1996. Five thousand of these children are thought to be from other countries, mainly Nigeria (Tiggloven, 2001).³

At the most basic level an expansion of the sex industry in its current forms will be accompanied by increased incidence of violence. Violence against women in prostitution does not seem to have decreased in the Netherlands or Victoria since legalisation, and there are even suggestions that it has increased. (Jeffreys 1997, Daley 2001).⁴

79% of women in prostitution are there due to some degree of force. In one Dutch study, 79 per cent of women in prostitution gave an indication that they were in prostitution due to some degree of force (The Dutch Institute of Social Sexological Research, 2000).⁵

The National Council of Women of New Zealand, which originally supported the decriminalisation of prostitution, is now of the view that the only winners from the 2003 Prostitution reform Act are males.

A report by the New Zealand Prostitution Law Reform Committee issued on operation of the Prostitution Reform Act could not find that the position of prostitutes had improved since the introduction of the new legislation - see attached summary by Melissa Farley in this regard 415-922-4555 mfarley@prostitutionresearch.com

Most of our research show that in nations that have either decriminalised or legalised prostitution, the social stigma associated with prostitution remained. This is mainly due to the fact that the legal status of women in prostitution does not alter or reduce the negative perceptions associated with prostitution.

Stigma and prejudice against prostitution and the shame associated with that, continued after decriminalization of prostitution in New Zealand. The New Zealand Prostitution Review Committee stated, "Despite decriminalization, the social stigma surrounding involvement in the sex industry continues." (Page 154)

¹ "A Critical Examination of Responses to Prostitution in Four Countries: Victoria, Australia; Ireland; the Netherlands; and Sweden," Julie Bindel and Liz Kelly, Child and Woman Abuse Studies Unit, London Metropolitan University, 2003, p 13.

² Ibid, p 15.

³ Ibid, p 15.

⁴ Ibid, p 16.

⁵ Ibid, p 16.

The authors of the Netherlands report (WODC, Research and Documentation Centre of the Dutch Ministry of Justice) point out: “Because of the more stringent police-control the new regulations also resulted in the relocation of activities within the prostitution sector: criminal forms of prostitution moved to places where there are fewer or less stringent checks.” In other words, the criticism often levelled at those advocating removing prostitution from particular localities – that it will be displaced – seem to also apply to legalisation.⁶

Most prostitutes continue to operate illegally in order to retain anonymity. In the Netherlands; prostitutes must register with the police to be legal. There, women in prostitution point out that legalisation does not erase the stigma of prostitution but, instead, makes women more vulnerable to abuse because they must lose anonymity. Thus, the majority of women in prostitution still choose to operate illegally and underground (Daley, 2001).⁷

Clamping down on the demand side of prostitution with particular focus on pimps, gangs, crime syndicates, brothel owners and sex traffickers is the only way to break the long established links between crime and prostitution.

The link between organised crime and the prostitution industry has not been broken. In New Zealand strip club owners complain of unfair price competition from illegal operators using Asian women. In South Auckland police are battling against the gangs that control underage teenage street prostitution. United Future MP, Gordon Copeland, who was part of a 2006

The traffickers are often highly organised entrepreneurs that earn huge profits from the exploitation of women and children. But international and local trafficking in women and children cannot flourish without the local prostitution markets. If a local prostitution market decreases substantially, organised crime networks are likely to relocate to a more profitable location (Bindel 2004)

Legalisation/decriminalisation is a gift to pimps, traffickers and the sex industry. People often don't realize that decriminalisation means decriminalisation of the whole sex industry and not only the women. They haven't thought through the consequences of legalizing pimps as legitimate sex entrepreneurs (Raymond 2003)

In South Africa, in addition to local criminal crime groups, foreign organised criminal groups from Russia, Bulgaria, Thailand, China and Nigeria are already established in the local sex industry. Strip clubs in particular have been used as not only fronts for prostitution but also to traffic in women for sexual exploitation on work permits as 'exotic dancers' (Noseweek Dec 2008). Traffickers would similarly be able to bring in foreign women on work permits under the guise that they are 'migrant sex workers'.

As conceded by the South African Law Reform Commission in Chapter 4 of the Discussion Papers re Trafficking released in 2006, curtailment of trafficking in persons for prostitution seems to go hand in hand with strong measures to eliminate the demand for prostituted women and children.

⁶ Ibid, p. 14

⁷ Ibid, p 14.

The new amended Sexual Offences Act provides more tools to tackle this harmful and exploitative trade. The buyers of sexual acts have even been criminalised in terms of section 11. What is required, however, apart from more and better exit programmes is the will to help women out of what amounts to a form of gender-based violence.

It is a particularly nasty form of sexual exploitation, stripping its victims of their dignity, self worth and true potential.

The only rational and responsible policy for South Africa is to diligently enforce the law as currently on the statute books with a particular focus on buyers, pimps, procurers, and sex traffickers and for government in partnership with churches, and responsible NGO's to develop sustainable programmes to end the sexual servitude of women and children.

The total criminalisation option that clamps down on the demand side including the criminal element that exploit and abuse women and children in prostitution will significantly reduce the demand for prostitutes and break the links with organised crime.

This policy coupled with state supported exit programs in partnership with civil society is the only viable and responsible way to help women escape prostitution. Currently, although prostitution is criminalised there are no viable and sustainable exit programs available to help women escape this inherently harmful and exploitative trade.

As a result, and as many studies have revealed, most prostitutes will leave prostitution if provided with the necessary help and support. However, that help is not currently available or supported by government or civil society.

A zero tolerance approach to men who solicit and buy sex as well as pimps, gangs, brothel owners, crime syndicates and sex traffickers will significantly reduce the demand for prostitutes and will remove the threat of exploitation, abuse and human trafficking for sexual purposes.

Exit programs that offer real and sustainable solutions including counselling, drug and alcohol rehabilitation, job skills training, life skills training and emotional support will provide prostitutes real hope and a second chance at a life of dignity, self-respect and fulfilment.

The only viable way women trapped in prostitution will get a fair chance of starting a new life is if their criminal records are expunged. A clean record must be used as a motivating factor for women to exit prostitution and begin a new life as a dignified member of society.

The unfortunate circumstances that force women into prostitution should not be used to chain them to their past indefinitely. Consequently, all recorded criminal activity associated with a woman's life in prostitution must be rescinded when the woman agrees to the assistance offered by state supported exit programs.