

## Submission on Prostitution and Violence against Women and Girls

To the Special Rapporteur on Violence against Women and Girls

Submitter: Stop Demand Foundation, New Zealand

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### Introduction – Stop Demand Foundation, New Zealand

Stop Demand Foundation (Stop Demand), an NGO based in New Zealand, is making this submission, arising from:

1. Its extensive background addressing issues regarding prostitution both in New Zealand and elsewhere (20 years as an organisation; 30 years' work by its founder/this author);
2. Its particular focus on male demand driving the sex trade both in New Zealand and elsewhere (hence the name, Stop Demand);
3. Its concerns that the New Zealand decriminalised model of prostitution is worryingly touted by some as an ideal model of prostitution that should be followed in other jurisdictions, a position we strongly oppose;
4. Its previous Submission to UN Women in 2016.

Stop Demand is limiting its Submission to addressing Questions 9 and 15.

### **9. How effective have legislative frameworks and policies been in preventing and responding to violence against women and girls in prostitution?**

Despite its well-intended goal of reducing violence against those who sell sex, the legislative framework and policies of decriminalisation in New Zealand have not been effective in preventing violence against women and girls in prostitution.

- Damaging day-to-day violence and threats of violence have remained widespread across managed brothels, SOOBS (small owner operated brothels) and the street sector, a fact acknowledged in a [Government Report](#) five years post-decriminalisation<sup>1</sup>.
- In particular, women reported ongoing physical assault (street sector 13%; managed brothels 10%), threats of physical violence (street sector 39%; private brothel 16%), being held against their will, being raped by a client, while 36% of women in private

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<sup>1</sup> At pages 56-58

brothels (deemed the 'safest' sector) reported receiving abusive text messages from clients (see Appendix A).

- Such behaviours, labelled 'adverse experiences' in the Government Report, would not be tolerated or accommodated in any other situation where men have intimate access to women. It would rightly be called out as partner abuse, and women urged to leave.
- The mere addition of payment (whether cash or 'in kind') to women in prostitution accommodates, trivialises and cognitively distorts the violence and its ever present threat, particularly when reframed with rhetoric around 'choice', 'agency' and 'empowerment'.<sup>2</sup>
- Decriminalisation has lured desperate young women and migrants into the trade, has fuelled child prostitution and trafficking, has facilitated illegal brothels and led to a host of negative impacts, as set out in Stop Demand's 2023 media release entitled "[Prostitution's Collateral Damage, 20 years on](#)" (also at Appendix B, with supporting links). Further, some women in prostitution report that decriminalisation has emboldened sex buyers' sense of entitlement, enabling them to abuse, degrade, belittle, rape and inflict pain.
- At best, decriminalisation has at times provided mechanisms to *report* violence, once the harm has been inflicted. It has not stopped or prevented short-term violence. Nor has it stopped or prevented long-term harm.

It is Stop Demand's submission that legislative frameworks and policies that support the full decriminalisation of prostitution risk strengthening and emboldening misogynistic attitudes and callous and degrading behaviours amongst sex buyers towards women they purchase.

Further, no trade that is inherently predicated on gendered violence, inequality and degradation should be elevated to the status of 'work'. Neither should it be legitimised by the State.

Any contrary suggestion, that decriminalisation has been a panacea, a solution, for New Zealand stopping and/or preventing violence against women and girls in prostitution, is strongly rejected by Stop Demand. It should also be recognised that prostitution sits within the framework of New Zealand's high tolerance to violence against women, with New Zealand having one of the highest reported rates of intimate-partner violence in the developed world.<sup>3</sup>

**Stop Demand recommends** that States Parties do not follow New Zealand's decriminalisation model of prostitution.

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<sup>2</sup> Stop Demand acknowledges that a very small minority of women within prostitution might choose to sell sex in the absence of childhood damage or an economic driver to do so. But it argues this is no reason to throw the vast majority of vulnerable women and girls 'under the bus', through well-meaning but dire consequent-ridden policies that would normalise prostitution. Nor should the interests of a minority of sex sellers 'hold to ransom' other groups affected by prostitution policies: men and boys, women and girls, families, communities and society.

<sup>3</sup> [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11634543](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11634543) "Family violence: 525,000 New Zealanders harmed every year", May 09, 2016

**15. What recommendations do you have to prevent and end violence associated with the prostitution of women and girls?**

Protecting women in prostitution from harm and violence requires a two-pronged approach:

- (1) recognition that the inherent and highly-gendered 'systemic structure'<sup>4</sup> of prostitution itself enables, facilitates and perpetuates violence by men - pimps, brothel owners, traffickers and, most especially, sex buyers – towards women and girls; and
- (2) the adoption of policies and laws that aim to stop the harm and violence.

**Stop Demand recommends** that measures to prevent and end violence associated with the prostitution of women and girls be sex-buyer/demand focused. Tackling sex buyers is key. Further, without the buyers, financially-incentivised intermediaries such as pimps, brothel owners and sex traffickers, would cease to operate.

International human trafficking expert, [Brian Iselin](#), proposes that the key to taking buyers out of sex markets is to make casual buyers think before acting, to interrupt the transaction, by -

1. increasing the effort needed to buy;
2. increasing the inconvenience;
3. pushing up price;
4. normalising the illegality; and
5. providing information.

Policies that promote full decriminalisation of prostitution do not facilitate these goals. Policies that criminalise the *purchase* of sex do, however, propel us towards such goals - by normalising the illegality, challenging ingrained attitudes, educating on the harms of prostitution and providing exit services to women.

While recognising it is not a perfect model, **Stop Demand recommends** States Parties adopt [the Nordic Model](#) of Prostitution (also known as the *Swedish, Abolitionist, Equality Model* or the *Sex Buyer Law*), as the model best suited

- to reduce harm and violence towards women
- to progress gender equality, respect and human dignity
- to tackle and reduce sex trafficking
- to improve the welfare and betterment of society'.<sup>5</sup>

We thank you for the opportunity to present this Submission.

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<sup>4</sup> The term 'systemic structure' is used to denote the broader gendered dynamics and structures inherent within prostitution, as distinct from individualised, personal stories. While the latter are of course valid, a much wider focus is required. Prostitution is, and always will be, a system that exists to sexually privilege men; has its roots in gender inequality; reinforces attitudes and beliefs around male sexual entitlement and female sexual servitude; is predicated on unequal power and economic structures, where men want sex or sexual titillation and have the means to pay for it; and women/girls want money or 'in kind' payment; reduces women/girls to their bodies and orifices, available to rent by men; and exploits, degrades and denigrates women/girls, causing harm to many.

<sup>5</sup> The Preamble to CEDAW, General Assembly – 34<sup>th</sup> session, p.194.

## APPENDIX A

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

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

#### Of women engaged in street prostitution

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

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

- 10% had been physically assaulted by client

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

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

(For full statistics, see Table below.)

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

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

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

26 June 2023

## Prostitution's Collateral Damage, 20 years on

This week's 20-year anniversary of New Zealand decriminalising prostitution offers little to celebrate, say advocates who lobbied against the law change in 2003.

Stop Demand, which works to end sexual violence and exploitation, says the collateral damage from normalising the buying and selling of sex far outweighs any self-congratulatory 'backslaps' that are likely during NZ Prostitutes' Collective planned three days of 'celebration' this week.

Stop Demand's founder, Denise Ritchie, says "*Decriminalisation has [lured desperate young women](#) and [migrants](#) into the trade, has fuelled [child prostitution and trafficking](#), facilitated [illegal brothels](#) and led to a host of negative impacts across [residential](#) and [business](#) communities, on [councils](#) and others.*" Impacts that are detailed in a 2021, 88-page [evidenced-based Report](#).

*"But what is of greatest concern is the toll taken on vulnerable women including young women, and other sex sellers who've been caught up in the trade,"* says Ritchie.

Stop Demand says its stance and those of [other advocates](#) are not 'anti-sex'. It distinguishes platforms like Tinder that facilitate hook ups for parties seeking sex. Prostitution, it says, is a very different beast - a trade where typically only one party wants sex, the buyer. Men, many of whom believe they have bought the right to inflict on their 'purchase', acts and abuse that would never be consented to by their wives, partners or Tinder hook ups.

Decriminalisation has not, as touted in 2003, reduced the violence. At best, it offers avenues for reporting violence, but only after harm has occurred. At its extreme end, the law offered nothing to [Bella Te Pania](#), [Renee Duckmanton](#), [Mellory Manning](#), [Suzie Sutherland](#), [a name suppressed 24-year-old](#), murdered women who were viciously and variously raped, bashed, set on fire, strangled, mutilated, and repeatedly run over and dumped, most by sex buyers.

Damaging day-to-day violence and threats of violence also remain widespread across all sectors – street, managed brothels and SOOBs (small owner operated brothels), a fact acknowledged in a [Ministry of Justice Report](#) five years post-decriminalisation (pages 56-58).

In speaking to students at a London conference, Kiwi woman [Chelsea](#), rated No. 1 for many years by one of Auckland's largest brothels, shares the grim reality after twenty years of selling sex. She slams the New Zealand decriminalisation model and the dangers of it being "*aggressively marketed to young girls as 'sex work', as an equal exchange between consenting adults, as harmless fun for men, and even as empowering for women. It is not.*"

'Survivor Stories' on *Wahine Toa Rising*, a survivor-led support group, are littered with firsthand accounts of the ravages and damage to body, mind, soul and spirit. Accounts of Kiwi sex buyers, enabled by the law to abuse, degrade, belittle, rape and inflict pain in order to 'get off'.

*"Decriminalising prostitution has simply strengthened and emboldened misogynistic attitudes amongst New Zealand sex buyers", writes one [survivor](#). "I believe that for many punters, causing mental discomfort to the girl/woman they buy is necessary for them to truly enjoy the experience ... I thought I had a low self-esteem at 17, but prostitution has absolutely destroyed it."*

Another, [Sara](#), says of her experiences before and after decriminalisation *"Prostitution is not a life and not work. Definitely not work. Paid rape most definitely."* Yet even rape is difficult to prove, as one [first-time sex seller](#) found, after her buyer was [acquitted](#). Despite a law that claims to protect them, many women are forced to 'put up with' serious abuse and degradation.

Stop Demand notes there are some 'winners' from decriminalisation including pimps, brothel owners – and sex buyers. [Countless Auckland men](#) who paid to rape, one thousand times, a pimped 15-year-old girl with impunity. [Four men](#) who received a 'slap' for paying to rape a trafficked 15-year-old girl; with a 66-year old gallingly [receiving empathy from a judge](#).

[Gangs](#), unsurprisingly, are among the law's other 'winners'. Media organisations like NZ Herald/NZME are also 'winners', profiting from advertising women's bodies for sex, even those of [young girls](#), including profiting from [facilitating rapes of a 15-year-old](#).

Broken women, girls and other sellers are collateral damage of the law. Not fitting the 'happy hooker' narrative of NZPC, its supporters and political allies, particularly within Labour and the Green Party, their stories are commonly downplayed. 'Inconvenient truths', says Stop Demand.

NZPC is pushing for prostitution to be 'destigmatised'. Stop Demand argues that stigma is rightly fitting for a trade that, despite being state-sanctioned, irreparably damages lives, far too many.

*"New Zealand has a high tolerance and a very low bar as regards violence towards women, with one of the [highest rates in the OECD](#). Prostitution sits within that milieu of violence"* says Ritchie.

*"New Zealand is a permissive not progressive nation. Progressive countries such as Sweden, Norway, Iceland, Northern Ireland, Canada, France, Ireland and Israel all view prostitution as violence towards women. In tackling male demand and setting a higher bar through the '[Nordic Model](#)' of prostitution, which criminalises only the buying of sex, boys and men are being educated towards a more gender equitable and violence-free society. New Zealand is totally out of step."*

Stop Demand believes the million dollar [tax-payer funded NZPC](#) lobby has beguiled many with sanitising gloss and cognitive dissonance. It enables and emboldens callous and degrading behaviours and attitudes from men. It has thrown damaged colleagues 'under the bus'. The marking of twenty years, says Stop Demand, should be a time of lament, not celebration.

**ENDS**

Media Release [published on Scoop](#)