

5 Reasons to Be Wary of Amnesty's Prostitution Policy

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Move could increase sex trafficking and reduce quality of life for prostitutes

On May 26th, Amnesty International released its final policy of decriminalizing adult prostitution. In its report, Amnesty frames prostitution as sex work, pimps as legitimate sex business operators and johns as customers. This approach to prostitution is irresponsible and has been opposed by more than 600 leading organizations and individuals in the women's rights, human rights and anti-human trafficking fields.

Here are five reasons Amnesty's policy should worry you.

1. It will increase sex trafficking.

Under Amnesty's approach, prostitution would not be legalized (or made legal and then regulated). Instead it would be decriminalized, with limited government regulation or oversight. Prostitution has been decriminalized or legalized in several countries, and the results have been clear: Sex trafficking and criminal activities have increased or, at best, remained constant. Even Amsterdam had to impose greater restrictions on its prostitution industry to deal with rising crime. Denmark, where prostitution was decriminalized in 1999, has four times as many sex-trafficking victims as nearby Sweden, even though Sweden's population is 40 percent larger.

These conclusions are backed up by three recent studies of global databases. All three — a World Development paper, University of Gothenburg study and NYU School of Law report — found that decriminalizing drastically increases the demand for prostitution by reducing the associated stigma and costs. For example, again in Denmark, demand for prostitution rose by 40 percent in a seven-year period after the law was changed. But the numbers of voluntary prostitutes cannot match the rapid growth of consumers. Consequently, pimps resort to sex trafficking to keep their customers supplied with unrestricted sex.

2. It will reduce the quality of life for prostitutes, and hinder efforts to provide protection and improve health care.

Amnesty argues that decriminalizing prostitution will reduce the stigma in the industry, thereby improving access to health care and allowing prostitutes to get employment contracts and form labor unions. But Amnesty's assertions are not supported by the weight of the evidence.

Prostitution's decriminalization typically has a race-to-the-bottom effect where prostitutes are pressured to offer more for less. Prostitutes in Germany, for instance, often

put in 18-hour days and live in the rooms out of which they work — hardly a healthy environment. Prostitutes also end up offering a wider range of risky services, including unprotected sex, anal sex, group sex, BDSM and acting out torture or rape fantasies. In New Zealand, women in brothels have reported that "men now demand more than ever for less than ever. And because the trade is socially sanctioned, there is no incentive for the government to provide exit strategies for those who want to get out of it. These women are trapped." Attempts to form labor unions have failed in the Netherlands, and according to a German government study, very few prostitutes have employment contracts. All of this results in increased exploitation and abuse of prostitutes.

Amnesty also claims that decriminalization improves prostitutes' access to health care. Yet studies by the governments of Germany and New Zealand found no such improvement. In fact, because of the increase in trafficking and worsening "work" conditions, prostitutes' health is likely to be at even greater risk.

3. It ignores complicated issues of consent in prostitution, where most prostitutes are victims of exploitation.

Over the past several years, consent to sex has been a hot topic of debate — but Amnesty largely ignores its complexities. What counts as voluntary prostitution is highly contested. We know that prostitutes are predominantly from disadvantaged and vulnerable communities. We know that entry into prostitution is often preceded by prolonged and repeated trauma, that rape was the first sexual experience of most prostitutes, and that a majority of prostitutes were victims of child sexual abuse. We know that many sex traffickers groom their victims, fostering romantic relationships with them before leveraging those attachments into commercial exploitation. We also know women who enter into prostitution do so at a very young age. While exact numbers are impossible, several controversial studies have put the average age of entry between 12 and 14; others have found that the majority entered prior to 18, and an international study found that 47 percent entered before age 18. Under the U.S. Trafficking Victims Protection Act, any minor — person under 18 — in prostitution is a victim of sex trafficking. Yet in Amnesty's framework, regardless of a prostitute's history of exploitation or age of entry into sex work, prostitution is considered consensual from the day she turns 18.

Amnesty's relies on a troubling report by the United Nations Development Programme Global Commission. The UNDP report is so radical that even the sale of sex to feed a drug habit failed to raise any red flags: "Sex work is not always a desperate or irrational act; it is a realistic choice to sell sex — in order to support a family, an education or maybe a drug habit." Though not all these cases entail sex trafficking, it is irresponsible to not consider regulation in an area so rife with exploitation and abuse. Even consensual prostitution must be viewed within a context of the prostitutes' history of sexual exploitation and of an industry preying upon the insecurities and vulnerabilities of predominantly young girls.

4. It will fuel rape culture.

Amnesty's embrace of commercial sex feeds rape culture by trivializing sex, weakening gender equality and treating sex as something that can be bought and sold. But sex is — and should be — treated differently from other activities. It is a uniquely personal and private act. Rape is categorically worse than other forms of assault precisely because it is a more intimate violation. The human rights push against anti-sodomy laws was also grounded in a belief that sexual activity deserved special protection.

Decriminalization of prostitution will lead to bizarre (and morally troubling) legal problems. If a client and prostitute reach an agreement for services and the client "exceeds" those agreed-upon services, is that theft of services or rape? If police are investigating the incident, should they, at first instance, treat it as a contract dispute or a sexual assault? These problems are created by Amnesty's framework, in which sex is treated as just another commodity.

5. It's promoting a form of economic libertarianism, typically anathema to the human rights left.

In discussions with Amnesty, they frequently criticized restrictions on prostitution as paternalistic, as regulating the private conduct of primarily women. Yet it is Amnesty's proposal that moves sex from the private to the public sphere. It is one thing to interfere in the private, personal actions of a person, and quite another for the government to regulate the public sale of goods and services.

The government prohibits a wide range of economic activity, and groups like Amnesty usually advocate for robust regulation because of concerns about labor-right violations, work conditions and abuse of workers. But in this case, Amnesty proposes a decriminalization of an industry known to be highly dangerous, rife with corruption and violence, frequently if not by definition sexually exploitative and at a high risk of sex trafficking. Instead, Amnesty should have adopted the Swedish or Nordic model, which has had great success in reducing sex trafficking and prostitution, while also expanding the services for victims of sexual exploitation.

Amnesty's proposal perverts human-rights and women's-rights principles. It sacrifices the concerns and welfares of the vast majority of prostitutes, who are caught in an exploitative and brutal industry. As a result, Amnesty has staked out a position that will be a boon to pimps and sex traffickers, and will do great damage to the human rights of the men, women and children caught in the sex industry.

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