

# Denmark Speech

By Debbie Baker

Tena Kotou, Tena Kotou, Tena Kotou Katoa, Kia Ora, I bring you greetings from New Zealand. My name is Deborah Baker I am the manager of Streetreach, New Zealand, a confidential support service for those involved in prostitution.

I am the founder and manager of Streetreach Auckland a division of the LIFE Centre Trust, a faith based charity working with people in the community.

I would like to thank the organisers of this conference for allowing me to come from New Zealand a 36 hour flight to share about the work we are doing in Streetreach.

Streetreach is a confidential support service working with mainly street workers, offering confidential help and support to all our clients as well as addressing the many complex issues of our clients and working with them should they wish to exit out of the sex industry.

Just to give you a bit of background of who I am, I have been working with women involved in prostitution for over 10 years, previous to this I was working in the corporate world as a trainer

Streetreach, works primarily with Street workers, and has in the past worked in brothels, we work with any clients who wish to use our services.

We have run courses for our clients as well as this we run a drop in centre where the women can come and just spend some time and come and get some help and support as they need. Annually we have a Pamper Night where women can come and have a night of Pampering on us, we work with the womens self esteem. (Share Bronwyns Story)

We see the sex industry as exploitive to women and see on a regular basis the harm that happens to Women involved in this industry,

In our many years of working with women in the industry we have seen dramatic changes in the way that the industry has

been operating, we have worked pre and post decriminalisation.

We have seen many forms of exploitation, and continue to see this more since decriminalisation. We continually see the long term effect that this industry has on many of the women working in the industry.

Many times we talk about the sex industry we gloss of the facts of what it really is the women in this industry can subject themselves too. It's a women standing on a street selling herself and a man coming and buying her, or purchasing a service of her, however who knows if that service is going to be the only thing that this women has to do to safely get away from the man. Who knows if she will be raped, or harmed or left for dead somewhere.

We also gloss over the men that use the women. Gloss over the transaction that takes place or the demand side of the industry. We say well it's a women's choice! I ask you is it a women's choice? Most women I have spoken too tell me of being raped as a child, trying to survive, not having any other choices, maybe even being forced into doing it! We in

Streetreach have seen our clients working for a packet of smokes.

**We in Streetreach believe that all forms of prostitution causes harm.**

**I believe prostitution is a form of consensual slavery,**

## **The Prostitution Reform Act and operation in New Zealand.**

The Prostitution Reform Act was passed in June 2003. The purpose of the act was to decriminalise prostitution (while not endorsing or morally sanctioning prostitution or its use). It was to create a frame work to safeguard the human rights of sex workers and protect them from Exploitation, promote the welfare and occupational Health and safety of sex workers, contribute to Public health and prohibit the use of persons under 18 years of Age.

The PRA also established a certification regime for brothel operators.

Prostitution has been decriminalised in New Zealand for over 5 years now in New Zealand.

I believe that although decriminalisation it hasn't really made a difference to the average girl out on the street, except there is more competition and the prices have gone down.

Girls are working longer and harder and taking more risks to get a job, they aren't really checking out their clients.

We in Streetreach have seen an increase of underage children working in prostitution; these are girls under the age of 18. *(I will talk about underage further)*

It concerns me when I hear of other countries looking to New Zealand as a role model for how Decriminalisation of prostitution is working. We are a small country with a small population.

I believe we in NZ, have thrown away research on prostitution and the effects that it has on women and say "We are different", Women get abused and mistreated in the sex industry, it is NOT a normal profession and should not be treated as one. Decriminalisation says "there is nothing wrong with this industry" and that it is okay for women to be brought and sold as a commodity. **Women are not a commodity that should be brought or sold.**

New Zealand only has a population of 4 million people our research is very limited there are countries with much higher populations and more samples that tell us of the harm that this industry causes, we need to look at all the legislation.

We are seeing as a Team:

- More drug deals taking place (explain gang involvement)
- More women working
- More younger people involved in the sex industry (under the age of 18)
- More girls are telling us of abuse that has happened to them this at times seems nightly that this is happening.
- We have more men out there being minders or protectors of the girls

*One of our girls was raped over a six hour period by a client, she knew where he lived and his name she would not report him to the Police, when I asked her about this she stated "its part of the territory of the job"*

*There is a stigma attached to those who are using the sex industry. It brings about a hush factor. I don't know*

*many women who are in the industry that want to be known to be working*

## **Numbers of those involved in the sex industry/Counting those involved in the sex industry.**

Before Decriminalisation we in the Streetreach team would see 15-20 girls. Now 30 girls is a quiet night now for the team. In winter of course numbers fluctuate as it is cold and many girls move indoors to parlours/brothels that we don't have access too.

In the summer months we can see on average between 50-60 women per night this can reach up to 100 women.

We in Streetreach are only out one night in the 7 day week. However we are increasing this due to the demand in our service

Even with decriminalisation women don't want to be known as working in the sex industry, with the PRA there are claims that numbers have decreased

Research was done on numbers of those involved in the sex industry since decriminalisation as part of the PRA Review

Committee. This committee was set up to review the law and how it was working since decriminalisation. As part of this review, estimates of the Sex industry were taken by the Christchurch School of Medicine over a two week period in February and March 2006, for a two week period also the New Zealand Prostitutes Collective (NZPC) were involved in helping collate the data, papers were also audited to try and gain information on how many workers could be working privately, as with all counting we need to look at these figures as estimates as not every prostitute in New Zealand is known to the NZPC or Streetreach for that matter.

One of the comments from the research was the difficulty in counting numbers of sex workers, in an industry that had previously remained hidden.

I believe there is a weakness in the research due to the short period of time that the data was collected. The short period of time that data was collected could have missed out many in the industry and many who are not known to outreach organisations

Caution must be applied when talking about numbers in regards to the sex industry.

I think we need to stop counting numbers and address the issue of why women are involved in the sex industry and the harm that it causes.

**The PRA and Human rights**

It is quoted that Human rights are central to the framework of the PRA.

When talking about the human rights in relation to prostitution, the belief is that all prostitutes should have the right to choose prostitution as a profession – that prostitution is a legitimate profession and it is their body and they have the right to use it in whichever way they choose

There are serious flaws to this reasoning, such as

- The links between human trafficking and prostitution
- The harm associated with prostitution, the risk of harm of violence, rape, STI's
- The alarming statistics that show a strong correlation between those in prostitution and a background of abuse, PTSD, family breakdown

How can women be protected and their human rights protected when the very nature of prostitution is exploitive.

The Dictionary states Exploitation is: an act that exploits or victimizes someone (treats them unfairly);"

**This happens all the time to women caught in prostitution. We have seen women victimised and treated unfairly by employers (brothel owners, Pimps/Minders, Clients)**

Every person has the right to be treated right; decriminalisation doesn't help in any way to elevate this for those involved in prostitution.

The average women that I talk to about decriminalisation and their rights on the streets looks at me as if I have two heads.

Decriminalisation does not deal with the issues of my clients. It doesn't make it safer, doesn't make them feel more empowered, doesn't make them drug or alcohol free

**General Health and Safety of Sex Workers**

It has been my observation that many women involved in the sex industry either get their health checks or don't. I have found that a lot of my girls don't do this.

This occurred pre and post decriminalisation.

Women in parlours have tended to go and get their health checks due to the fact that the manager's can fine them.

Many don't tell their health professional what they are doing for work. A lot of the girls I talk to say "Nah Deb, I wouldn't tell anyone what I am doing".

Occupational Health and safety requirements

The PRA brought the sex industry under the Health and safety in Employment Act 1992 (the HSE Act) in June 2004 the Occupational Safety and Health service of the department of Labour issues *A guide to occupational Health and Safety in the New Zealand Sex Industry* (the OSH Guide)

This sets out the health and safety duties, rights and responsibilities that are relevant for those involved in the sex industry.

It covers Sex Worker health, work place amenities, and psychosocial factors to the Sex industry.

There have been posters that have been made which are to go in rooms used in brothels/parlours. I have seen them in some parlours; however I know parlours that don't have them up. They are hidden so well that many of the girls don't even know where they are.

The manual is hard to read, it is large and many of the girls don't understand it.

I have talked to brothel owners who know nothing about the manual or have a copy of it to make them look like they are complying but they actually don't comply with the regulations in the manual and their contractors don't know about the manual even existing. They aren't checked up on in regards to this.

I think a few in the industry definitely care about their health and wellbeing, however many really just are concerned about getting by and getting a job.

### **Having an OSH manual will not keep a woman safe**

Streetreach hears regularly of clients not paying, clients being raped, this happens both in brothels and on the street, no manual protects them from that.

I have heard of poor brothel/Parlour owners isolating sex workers and not allowing them to talk to organisations like ours and the prostitutes collective who will tell them their rights.

Many new girls into the industry and brothels are told nothing about the rules and OSH requirements of workers, some brothel owners are still sleeping with the girl to prove that she can do the job. Girls are quite often working and know nothing about their rights.

It is good that women can report rapes and report incidents a little more freely to the Police, it is very dependant on the girl whether they will do this or not. I know lots of girls who have been raped as part of the job I don't know of any that have reported it. Our police over here do take it serious when someone who works in prostitution is raped.

Again the stigma of being in the sex industry.

I know many police who take the incidents very seriously.

## **Brothels and Certification**

### **Certification**

Certification was brought in to make sure that people that were running brothels/parlours were suitable for the role, basically to stop gangs owning establishments.

Non certificated brothels are operating as there is no agency in NZ specifically charged with the role of checking certification.

Owners/operators are not told anything about the rights of the girls, what they need to provide for all their contractors/employee's

If anyone is refused they can apply to the court to get their disqualifying offence waived. The registrar will then refer the application to the District Court Judge for determination.

There has been argument in regards to how easy it is for people to get a certificate, also it has been stated that some gangs use a middle man to get the certificate.

We in Streetreach threatened to get a brothel shut down as the owner didn't have a certificate, or even a liquor Licence and was selling liquor freely.

There is no current enforcing or monitoring of certificates once issued that we in Streetreach know of

Police have noted the removal of the powers to enter a brothel to check compliance.

Brothel operator certificates have decreased each year since certification was implemented, unfortunately brothels are still appearing. One brothel owner I know has shut down his brothel and is working private girls from a city apartment. Tells us there are less overheads and less compliance issues for him

## **Brothels**

Girls working in brothels/parlours are treated as individual contractors. They are responsible for paying their own taxes which takes the responsibility of the owner/operator.

I don't know of any girl that I have dealt with that has paid their taxes.

It is stated in the Report of the Prostitution Law Review Committee on the operation of the Prostitution Reform Act 2003, that Brothel owners/operators that treated their staff badly before decriminalisation still continue to do so, and that some brothel owners have had to change their practises. I can verify this from what the girls have told me.

Some owner/operators have stated that the removal of fines has made running their business more difficult.

I have been in a brothel when an owner has told a girl that she had to go with a client. As part of the act this is not a must however who is monitoring the law.

Owners/operators are unable to fine girls for being late or shift fees. Shift fees were where a girl was charged for working a shift in addition to a shift fee girls were charged fees for laundry.

I know of brothels that are still charging these fees but they are called something else to get around the legislation.

Written contracts may be found more in brothels however the brothel owner I talked to stated "I have one, so I can show anyone who asks me if we have one" When I spoke to the girls they didn't know anything about the owner having an employee contract let alone sign it.

### **Underage Children involved in Prostitution**

One of the purposes of the PRA is to prohibit the use of people (lets be honest here) children under the age of 18 years of age in prostitution.

The PRA does not set out to prevent or address the cause of underage prostitution. We have found that the Police are disempowered to deal with the offenders who are picking up these children, and they pretty much have to catch them in the sexual act. Also the maximum penalties are not always enforced, as it is dependent on the judge or the area the offence was committed in.

There is nothing illegal under the PRA about a child going and standing on street corner and offering herself for sex. It is not an offence for the person to provide sexual services. It is an offence however to receive commercial sexual services from a person child under the age of 18.

The PRA it refers to a person under the age of 18 being "Used in prostitution, recognising the exploitive nature and illegality of the use of unde age people in prostitution. Why Is Prostitution exploitive if under 18, and as soon as you turn 18 it is no longer the case. Also it states that there is harm involved, again why does this change. This is an industry that is exploitive regardless of age of the person.

Many women when you talk to them say they first started in prostitution when they were a child or mentioned when they were raped and thought I may as well get paid for it now.

The age of 18 was chosen as it was consistent with the New Zealand crimes act at the time. Also it was consistent with the united nations convention of the rights of the Child and

the ILO convention 182 concerning the Worst Forms of Child labour (Justice and Electoral committee).

### **Number of Underage workers**

There is great difficulty in finding out exactly how many are working as children involved in prostitution, we in Streetreach tend to see about 4-5 per week. Many of the girls we see at times do lie to us and say they are 18 plus. To be honest these days if a girl does wear a bit of make up it is very hard to tell the age. For us as an organisation this is 4-5 too many.

However due to the relationship we have built with many of our clients we have had them trust us and work with us so we can get them some help and off the streets.

Gangs are also working the girls a lot smarter as there is quite often more money to be made from young/fresh meat (so they say)

We in Streetreach have seen an increase in underage girls, there has also been an increase in their minders. We find you have to get to the minder to get to the girl.

Statistics in the past have shown that many young girls do tend to get involved in the sex industry when they are underage. Most of the girls that Streetreach works with have told us they started when they were children.

For many children caught in underage prostitution you need to look at their home life, for many it is survival, I know girls who have prostituted themselves for a packet of smokes, a place to stay or sheer survival.

We need to look at the harm that is done for many of the young children that are working in prostitution. I know children working out there who have been as young as 13

Police officers may request but have no powers to require, age identification documentation from a person they suspect to be underage working in prostitution. The Police have reported this makes it very difficult to protect children working in prostitution.

Police also have no right to enter into a brothel, unless they suspect something is happening involving underage prostitution. They cannot enter without a warrant, and they and usually they have to give notification of this.

Brothel owners are not required to maintain a record of the age identification of sex workers or provide this to the Police

Police have a hard time actually catching clients and girls involved in prostitution unless the act is being committed as both parties may deny intent. There is nothing wrong with an older man talking to a young girl.

Prosecution is reliant on the young person giving evidence in court.

Police can use the Child and Young persons act if they believe that an underage person is involved in prostitution. However CYFS our child welfare service is over loaded and the Police are over loaded and sometimes it is just easier for these organisations to turn a blind eye to the problem.



## Swedish Model

We need to realise that Prostitution is a supply and demand business; if we can reduce the demand then the supply factor will diminish.

I am in favour of having those that use prostitutes accountable for their actions, however in saying this we also need to protect the families of those users. I have heard of John schools and really don't like the aspect of men being taken for a day and told to change their behaviour and what dirty men they are.

I believe we need to look at the root issues of why men use prostitutes and why women are involved in the industry.

In our work in Streetreach it is very frustrating when we have men stop and out rightly ask the girls for business while they are talking to us, there is no shame and no consequence for their actions.

Since decriminalisation we have seen an increase of men looking for sex, they are blatant in their asking, and will do so in front of my team and even have asked me, which is always interesting.

The Swedish model is great in the fact that it targets the buyer and treats the girl as a victim. The targeting of purchasers is fundamentally just it recognises the part they play in creating an environment that encourages men and women to sell themselves for sex However I am not sure calling all women in prostitution victims would have gone down well with them, as many don't see themselves as victims.

I believe that women in the industry should be treated individually and there should be a referral system to

agencies that work within this field to address the push/pull factors of why the women are involved in prostitution.

Clients need to be held accountable for their use of women in the sex industry.

I do have some concerns in regards to the Swiss model in regards to rumours of girls going underground and making unsafe decisions to go with clients without assessing them fully.

However the reduction that has been reported in Sweden is something to be looked at.

I am also concerned for the families of those who are caught using prostitutes; this can be very damaging for the family as quite often the wife doesn't know that her husband is a user of prostitutes. I think we need to make sure there are support mechanisms in place to deal with this.

Explain about that pros group

I have heard in the past about JOHN Schools and the fact that someone stands in front of the JOHN and tells them what a naughty person they are for using a prostitute. This doesn't help them or the prostitute that they used. I think the person should be given counselling and have to report regularly to monitor their behaviour.

## **Exiting the Sex Industry**

Streetreach works with all its clients from a holistic point of view, trying to encourage them out of the sex industry. As

mentioned previously we believe that all forms of prostitution causes harm.

As mentioned we provide support for women in the industry informing them of their rights and also of the harm that the industry causes. We work with them to leave the sex industry and gain other forms of employment.

Streetreach has observed with all its clients that for many of them there is a process to leaving the industry, there are push and pull factors that can determine the progress a client makes.

We understand for many of our clients there is a process.

Support needs to be available for when women want to leave the sex industry that is what Streetreach is about not judging them but being there for them regardless of what they are doing.

A Streetreach volunteer as part of her masters did a research project on Auckland 'Working Girls' leaving the streets problems and solutions in leaving street prostitution.

She discovered only a handful of research studies had been done specifically on leaving the sex industry. In a New Zealand study Saphira and Herbert's (2004) study revealed that 62% of those they interviewed had tried to leave the industry but weren't successful.

The **Crime and Justice Research Centre of Victoria University** of Wellington was commissioned to do a literature review of models of best practice of exiting the sex industry, by the Prostitution Review Committee. The same Committee also commissioned the Christchurch school of medicine in their research to examine the practical reality of exiting the sex industry within New Zealand.

I will be quoting some of the research that was from the CJRC (Crime Justice Research Committee).

Three issues came through strongly in the research these were:

- Exiting the sex industry is difficult, and often includes several attempts

- Not all sex workers want to exit, and some sex workers find it offensive that they should be offered assistance to leave
- There are many reasons for exiting as there are for entering, a one size fits all approach to 'exiting interventions' or 'support and assistance in exiting' will not be appropriate

We in Streetreach have seen this clearly and have had to learn to work with each client differently as each girl is different their reason for entering has been different therefore their reason for exiting is different.

Some of the reason's we have dealt with are:

- A client has raped them, and they have had enough
- Want to come of drugs
- Family pressures, or a family member has found out what they are doing
- They have a boyfriend
- Just had enough
- Sick of the clients and having to perform
- Found out they have a disease

Just to name a few.

## **Trafficking in New Zealand**

I feel that we in New Zealand don't really know much about what is happening in regards to trafficking. One person I have spoken to in regards to trafficking has stated that there is evidence of this happening. I also spoke with the New

Zealand Police and they mentioned that they are looking into this further as they believe some sex trafficking may be taking place.

The PRA Review Committee when they asked the immigration service about this area indicated that there were no incidences of this happening. There was awareness though of some people working in the sex industry in breach of their immigration status.

I myself in Streetreach haven't come across any women/child being trafficked; However I have come across a girl who was moved from another city against her own free choice and made to work in a brothel to pay of a drug debt of her brothel owner there she was locked up and only allowed out to work, sounds to me that she was trafficked but of course our law in NZ does not cover moving between cities as the trafficking definition is between borders not towns Police think it is happening and I know police who have gone into brothels and passports have been in the safe however the girls have all had access to them.

There have been programs on Television showing immigration going into brothels/parlours catching people who are working illegally in New Zealand who have come to New Zealand to work in the sex industry, which according to our law is illegal

## Conclusion

Streetreach has seen and believes that all forms of prostitution causes harm, no amount of decriminalisation will deal with the abuse and harm that is caused to many of the women involved in this industry.

Streetreach does accept that some women do say that they choose to be in the industry and that it causes no harm, however we have under further investigation found these women to suffer Post Traumatic stress disorders (PSTD) and have disassociated with their emotions.

Streetreach sees regularly the effects this industry has on families, Womens self esteem, their health and well being.

We see a strong link between the sex industry and drug use, many girls we have worked with state they can't do the job straight.

We believe that Prostitution is not normal and should not be viewed as a normal profession.

We believe that it is a supply and demand business and the demand side of this industry needs to be addressed.

Decriminalisation will not address the issues of those involved in the sex industry, which is a supply and demand business. We don't believe in criminalising our clients but want to work with our clients to address any issues that they may have.

I believe we need to look at this industry to bring about support to all involved in a holistic way.