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# Turn off the Red Light

Should we advocate it?

TJ

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7 December 2012

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the law has been introduced. The number of women working in the industry has not risen, prostitutes feel more comfortable to report violence, especially prostitutes working on the street, and their dealings with the police has improved in general, with more of them willing to work with the sex industry rather than against it.<sup>18</sup>

Looking at all of these examples, one thing is clear; we need to lift stigmatisation if we are to move forward and part of that is to stand in solidarity with sex workers. Work is always going to be exploitative under capitalism and so sex will always be subject to commodification and exploitation. One Wobbly sex worker put it the best: “Fighting sex work instead of fighting capitalism and patriarchy does not address the exploitation in its entirety.”<sup>19</sup>

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<sup>18</sup> [prostitutescollective.net/2008/06/25/new-zealand-marks-five-years-of-successful-decriminalisation-of-prostitution/](http://prostitutescollective.net/2008/06/25/new-zealand-marks-five-years-of-successful-decriminalisation-of-prostitution/)

<sup>19</sup> [libcom.org/library/sex-work-solidarity-not-salvation](http://libcom.org/library/sex-work-solidarity-not-salvation)

Another major problem is the rise of STI/STDs as sex workers in Norway prefer not to carry condoms or lubricants as this could be found by the police and used as evidence against them for selling sex. Since the new law has been introduced the number of punters has decreased, but punters have more bargaining power demanding services such as unprotected sex.<sup>17</sup>

## Decriminalisation

Decriminalisation is the approach which is advocated by most sex workers and human rights groups. This approach means that prostitution is not included in the criminal code, but would be regulated in other ways either at provincial, state, federal or local level. It would be treated like any other business and subject to employment laws, health and safety and zoning laws. This would mean that brothels would be subject to safety code standards, which would create a safer working environment.

Decriminalisation is the best legal approach to sex work in our current system as it destigmatises it, and removes the threat of arrest and police interference for sex workers and others involved. It also deems it as a legitimate business, which means workers have a legal framework to work with if they are treated unfairly, especially when they experience violence. It is however a reformist measure that does not tackle the problems of undocumented migrants working in the industry, who are still left in the same position. It also still leaves sex work community members subject to drug-related and loitering laws.

New Zealand was the first country to introduce decriminalisation. The law only passed by one vote when it went through parliament. It has decriminalised all forms of prostitution including street prostitution. There have been several improvements since

<sup>17</sup> [feministire.wordpress.com/2012/01/15/norwegian-directorate-of-health-hiv-groups-criticise-sex-purchase-ban/](http://feministire.wordpress.com/2012/01/15/norwegian-directorate-of-health-hiv-groups-criticise-sex-purchase-ban/)

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of 1993 prohibits soliciting, living off the earning of prostitution and keeping a brothel. Advertising brothels and prostitution is prohibited by the Criminal Justice (Public Order) Act of 1994.<sup>11</sup>

If we look at countries that have already introduced this law, it is clear that it doesn't work as intended. The police in Iceland have actually given up on fighting prostitution. They reported that "they neither had the funds nor the manpower to fight prostitution which they conclude is clearly thriving in Iceland in spite of it being illegal."<sup>12</sup> If one looks at the statistics for Norway and Sweden, evidence shows that human trafficking for the sex trade has increased since the law was introduced.<sup>13</sup><sup>14</sup> PION, a Norwegian sex workers organisation, gave a report on their own conclusions about the law and how it affects sex workers. They feel they have less rights and their privacy has been invaded. They give various examples, one of which is that their operations are revealed to landlords and hotels or that a woman's identity is revealed on purpose to the media when they carry out operations. Women are less likely to come forward to the authorities when they experience violence since the law was introduced.<sup>15</sup> These women are also driven away by police when they work on the streets accusing them of "[encouraging] criminal activity."<sup>16</sup> Even if clients see that the women are trafficked, they are unlikely to report this in fear that they will be prosecuted.

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<sup>11</sup> [en.wikipedia.org/wiki/Prostitution\\_in\\_the\\_Republic\\_of\\_Ireland](http://en.wikipedia.org/wiki/Prostitution_in_the_Republic_of_Ireland)

<sup>12</sup> [icelandreview.com/icelandreview/daily\\_news/](http://icelandreview.com/icelandreview/daily_news/)

[Big\\_Sister\\_Watches\\_Buyers\\_of\\_Prostitution\\_in\\_Iceland\\_0\\_383393.news.aspx](http://Big_Sister_Watches_Buyers_of_Prostitution_in_Iceland_0_383393.news.aspx)

<sup>13</sup> [feministire.wordpress.com/2011/10/23/norwegian-sex-workers-views-of-sex-purchase-ban/](http://feministire.wordpress.com/2011/10/23/norwegian-sex-workers-views-of-sex-purchase-ban/)

<sup>14</sup> [feministire.wordpress.com/2011/10/04/swedish-police-stats-show-more-not-less-prostitution-and-trafficking/](http://feministire.wordpress.com/2011/10/04/swedish-police-stats-show-more-not-less-prostitution-and-trafficking/)

<sup>15</sup> [feministire.wordpress.com/2011/10/23/norwegian-sex-workers-views-of-sex-purchase-ban/](http://feministire.wordpress.com/2011/10/23/norwegian-sex-workers-views-of-sex-purchase-ban/)

<sup>16</sup> [feministire.wordpress.com/2011/10/23/norwegian-sex-workers-views-of-sex-purchase-ban/](http://feministire.wordpress.com/2011/10/23/norwegian-sex-workers-views-of-sex-purchase-ban/)

port them back to their own country or prevent them from working. Sex work is realistically one of the few forms of work which may be viable with precarious immigration status.<sup>7</sup>

These abolitionist laws help to build fortress walls around Europe that prevent migrants from coming in, while pretending they are doing it for the women's own good. Police are paid to watch sex workers, to find who their clients are and penalise them, but will also use this as a method to find out the legal status of migrant women. The rescue industry does not offer these women permits or viable alternatives to support themselves, especially considering that asylum seekers in this country are not allowed to work and have to live on €19.10 per week.

In the view of the General Secretary of the Technical, Electrical and Engineering Union (TEEU), "prostitution could not be considered work."<sup>8</sup> If the Irish Congress of Trade Unions (ICTU) follows this line then sex workers would not be entitled, in the eyes of the union movement, to the same rights that other workers enjoy.<sup>9</sup> The International Labour Organisation (ILO) to which ICTU is affiliated however, recognises that sex work is an industry and sex workers should have the same rights as other workers.<sup>10</sup>

## The Swedish Law

The introduction of the Swedish Law would criminalise the purchase of sex but there are already stringent laws in place for prostitutes. Prostitution is legal in Ireland but several of the activities surrounding it are illegal. The Criminal Law (Sexual Offences) Act

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<sup>7</sup> Laura María Agustín, 2007. *Sex at the Margins: Migration, Labour Markets and the Rescue Industry*. Edition. Zed Books.

<sup>8</sup> [sexwork.ie/2012/09/07/torl-example/](http://sexwork.ie/2012/09/07/torl-example/)

<sup>9</sup> [feministire.wordpress.com/2012/09/09/the-irish-trade-union-movement-throws-sex-workers-under-a-bus-2/](http://feministire.wordpress.com/2012/09/09/the-irish-trade-union-movement-throws-sex-workers-under-a-bus-2/)

<sup>10</sup> Editor Lin Lean Lim, 1998. *The Sex Sector : The Economic and Social Bases of Prostitution in Southeast Asia*. 1st Edition Edition. International Labour Org.

"In Turn off the Red Light – Should We Advocate It?", T.J. explores the problems faced by sex workers in gaining recognition by those who normally fight for workers rights and outlines how criminalisation of demand has created new problems in countries where that has been introduced.

The subject of prostitution is becoming part mainstream discourse again as a number of European countries look to legislate to curb demand, whereby the punter rather than the prostitute is criminalised. Ireland has also been looking to write this into law since the high profile campaign Turn off the Red Light (TORL) was launched.

The demand approach which TORL are advocating is an abolitionist approach to sex work. The aim of abolitionism is to end prostitution by criminalising those who profit from sex work, such as brothel owners or those who offer advertising space for prostitution businesses. This includes the method famously known as the Swedish Law or the demand approach, which is banning the purchase of sex, the idea being that the punter is criminalised and not the prostitute. Unfortunately in practice this is often not the case under abolitionist legal systems as prostitutes are regularly targeted.<sup>1</sup>

## History of Abolitionism

Abolitionism has its origins in 19<sup>th</sup> Century Feminism; the term itself was borrowed from the campaign against the slave trade. At the time, abolitionism referred particularly to certain laws that were enacted in England and Wales in the 1860s. These laws were the Contagious Diseases Act. Under these laws any woman could be detained by the police and forced to undergo a

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<sup>1</sup> Melissa Hope Ditmore, 2006. *Encyclopedia of Prostitution and Sex Work [Two Volumes] [2 Volumes]: Encyclopedia of Prostitution and Sex Work (2 Volumes Set)*. Edition. Greenwood. (18) (19)

medical examination for venereal diseases. This was to prevent the spread of venereal diseases at the time, in particular syphilis by registering and examining prostitutes. This approach was known as regulationism.<sup>2</sup>

The abolitionist movement was born out of protest against regulationism. Its leader, Josephine Butler, argued that women could never consent to prostitution and blamed men's unbridled lust. They created a coalition of groups, which included working men's organisations and religious organisations. They were also joined by the growing "social purity" movement, whose ideas of sexual chastity were more restrictive than Butler's.<sup>3</sup>

Once the act was repealed in 1886, this alliance turned their attention to "white slavery." They envisioned laws to target those who earned money from prostitution rather than prostitutes themselves. The abolitionist campaign in the end was overshadowed by the social purity campaign. Many feminists either founded or joined these campaigns but they always became overrun by social purity organisations, whose relationship to prostitutes was questionable. While professing sympathy for their situation of having fallen into the hands of "white slavers", they still condemned these women, whose risqué behavior was to blame for their situation.<sup>4</sup> These campaigns later turned into prohibitionist movements, which would make the act of prostitution illegal.<sup>5</sup>

## Abolitionism Today

Abolitionism is still popular among feminists today. Its advocates argue that all prostitution is violence against women and that no consent is possible. All prostitutes are victims in the eyes of abo-

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<sup>2</sup> *ibid*

<sup>3</sup> *ibid*

<sup>4</sup> *ibid*

<sup>5</sup> *ibid*

litionists. Melissa Farley, one of the most well-known abolitionists, once said that, "If you look at it, [prostitution is] paid rape. You're making them subservient during that time, so you're the dominant person. She has to do what you want." This claim is insulting, as it delegitimises rape survivors' and prostitutes' own experiences.

If one looks at feminist abolitionist material, they only ever speak of female prostitution and seem to ignore the existence of male and transgender variants as they do not fit into their analysis of prostitution being male sexual violence against women. That silence has the effect of marginalising those voices. This approach focuses far too much on the gender divide in sex work and simply reinforces the gendered nature of our society. They enshrine the idea that women who work in prostitution will always be victims, typically stating that they were victims of abuse before going into the industry, suggesting that women enter sex work because they are psychologically damaged.

## Who are Turn Off the Red Light?

One of the main proponents of TORL is an organisation called Ruhama, which was founded by the Good Shepherd Sisters and Our Lady of Charity Sisters, who both ran Magdalene Laundries and whose relationships with prostitutes were never the best. Other supporters include feminist groups such as the Irish Feminist Network and the Open Feminist Forum, along with trade unions and a range of NGOs. We can see history repeat itself again, as religious groups monopolise the movement.<sup>6</sup>

One cannot talk about sex work without talking about migration. Laura Maria Augustin discusses the rescue industry in her book "Sex at the Margins: Migration, Labour Markets and the Rescue Industry." Migrant women who know they will work as sex workers are assigned victim status by the rescue industry, who de-

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<sup>6</sup> [turnofftheredlight.ie/about/whos-involved/](http://turnofftheredlight.ie/about/whos-involved/)