

# Which model would best suit a law on prostitution in the Maltese context?



A4E – Association for Equality  
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# Introduction

**1. In whose interest are we speaking?**

**2. Some key facts**

**3. What models are we talking about?**

**4. Why sex work can never be considered as a normal job**

**5. Why we should not legalise prostitution**

# In whose interest is this being implemented?

At present prostitution is not illegal in Malta.

Pimping and Soliciting is.

Why is prostitution the talk of the town?

Is this the most urgent things on the national agenda related to gender equality when we have pay, power and time deficits ?

In whose interest is this being done?

Why this sudden interest?

Is there a push by people in business to legalise prostitution because it is a multi billion Euro business?

According to Interpol pimps earn circa €110,000 per year per woman (EWL, 2012)

Do we want to turn Malta into a sex tourism destination like the Netherlands or Germany or Thailand?

# In whose interest are we speaking?

Not from a **moralistic paradigm** – definitely against taking the **role of morality police**.

Prostituted persons are often **prisoners of their circumstances** often lumbered with **economic hardships** which are often interlinked with **personal and social problems** and with **substance abuse** and **abusive relationships**

In the name of **girls, women, boys, and men (including trans)** who on a **daily basis are being commodified by criminal networks and pimps**.

Considering that nearly **100 per cent of the buyers are men ...**

In the name of **women who are unaware that their partner visits prostitutes** and then **bear the consequences**.

In the name of **men who care for women** and who would **never buy sex**.

# Some key facts – Exploiting Vulnerability

- For the vast majority of women in prostitution , **the age of entry is below 18 and 75% of those involved are between 13 and 25 years (EU, 2014)**
- **Some girls are groomed from a young age, 12 – 13** and the most vulnerable children coming from the **most dysfunctional families are specifically targeted by pimps** (boyfriends, family members, pseudo work agents, the parents) to prepare them for prostitution. This includes **unaccompanied children** - who are increasingly being trafficked for sexual exploitation and forced criminality (EU, 2016)
- The EU claims that between **43% and 69% have been abused(EU, 2014)** many were **homeless at some point in their lives (Farley et al, 2003)**.
- In the Netherlands it is estimated that **60-70% of the women in prostitution are forced by criminal groups (EU, 2014)**
- One study suggested that up to **89% indicated they wanted to leave but they did not see a way out or another option to survive (Farley et al, 2003)**  
– Some suffer from **Stockholm Syndrome**.

# Some key facts – Exploiting Vulnerability

- In a study over 9 countries , 71% of prostitutes have encountered violence and the mortality rate of prostitutes is **between 10 to 40 times higher than the average population** (Lynne, J., Zumbeck, S., Spiwak, F., Reyes, M.E., Alvarez , D., Sezgin, U. 2003)
- **As more men are watching pornography**, male demands on prostituted persons are becoming more extreme leading to painful and often damaging moves.
- 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 and STDs**.
- Survivors frequently **need mental health care for post-traumatic stress disorder, psychotic episodes and suicide attempts**.
- **Prostitution and the drug trade go hand in hand** and many have addiction problems.

# Some key facts – Normalisation of prostitution

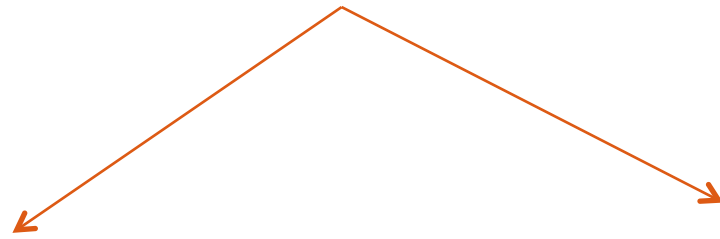
- In countries like the **Netherlands and Germany** where all aspects of prostitution are legal, **prostitution has become normalised** – it has been turned **into a tourist attraction (sex tourism)**
- **University guides for student in the Netherlands** advertise **work in sex lines** for poorer students to pay for tuition fees and **sex workers visits schools to talk of their profession** (EU, 2014)
- **Job offerings** in prostitution are placed next to other job openings and **women can have their unemployment pay rejected because they refuse a job** for which they qualify – prostitution

# Some key facts – An intergenerational pattern with no exit route

- Women used in prostitution usually **have children sooner or later.**
- In a world of sex, violence and sometimes addiction, the **children are often neglected, traumatized, or tend to become merchandise in the sex industry themselves.**
- So unless the pattern is stopped, this may **become an intergenerational pattern with no exit route.**



# What models are we talking about?



- **HARM REDUCTION APPROACH**

- **HARM ELIMINATION APPROACH**

- **(Regulatory Approach)**

- **(Nordic Model / Abolitionist approach)**

# The Harm Reduction/ Regulatory Approach

## Harm Reduction/ Regulatory Approach

- Neo liberal view in a capitalist and Patriarchal Society
- Assuming that men have a right to sex always– an exchange of paid service
- Assuming that the individual has a free choice (sense of agency) and equal power between pimp, john and prostituted person.
- Easy access to condoms, HIV testing to women only
- Legal recognition of prostitution and pimping as normal work
- Attempt to lessen violence
- Human trafficking is seen problematic – but not prostitution (The link between prostitution and trafficking is put aside)
- The Netherlands, Germany, New Zealand and New South Wales in Australia have adopted the Harm reduction model

## Impact of the Harm Reduction Model

- Legalising Prostitution on the German/ Dutch/New Zealand model gives **the signal that a subset of women can be sacrificed and can be bought and sold to satisfy men's so called 'uncontrollable lust'**
- Legalising automatically increases the demand and this **in turn automatically triggers more trafficking and grooming to satisfy the bigger demand.**

# The Nordic/Abolitionist/Feminist Model

## Harm Elimination Approach- Feminist view – Nordic/ Abolitionist Model

- **Selling of sex is made legal** – to make sure those are prostituted cannot be arrested or blackmailed and do not end with a criminal record that hampers their exit.
- **The buying of sex is made illegal** because it is a form of violence against women
- **Exit programmes and job retraining** – plus **education, housing support, etc especially in the case of migrant women.**

## Impact of the Nordic Model

- **Prostitution is considered to be a form of violence against women** and is not tolerated because this is harmful to girls and women, (transgendered women) and to boys and men, and to society in general
- **The customer** who has more power must be prevented from violating women - Power inequality between prostitute and john
- **Sweden, Norway, Iceland, Ireland, France and Canada** have adopted the harm elimination/Abolitionist Nordic Model
- Model endorsed by the **EWL and the European Parliament** (EU, 2014)

# Why sex work can never be considered as a 'normal job:

“There is a “menu” circulating on the Internet , where buyers can choose what they want from a long à la carte list in **German Brothels**. I will just cite a couple of them:

- AFF = Analer Faustfick (die ganze Hand im Hintereingang) – Anal Fist Fucking
  - AO = alles ohne Gummi – Everything without rubber
  - Braun-weiß = Spiele mit Scheiße und Sperma – Play with shit and sperm
  - DP = Doppelpack (Sex mit 2 Frauen) oder (2 Männer in einer Frau) – Sex with 2 women or double penetration (2 men in one woman)
  - FFT = Faustfick total – Fist Fuck totally
  - FT = Französisch total doppeldeutig: Blasen ohne Gummi mit Spermaschlucken und seltener: Blasen ohne Gummi bis zum Finale, aber ohne Schlucken – Blow job without condom and with swallowing the sperm.
  - Kvp = Kaviar Passiv (Frau lässt sich anscheißen) – Man shits on woman
  - SW = Sandwich, eine Frau zwischen zwei Männern – One woman between 2 men
  - tbl, = tabulos, ALLES ist erlaubt – Without taboo, everything permitted.
  - ZA = Zungenanal (am / im Hintereingang lecken) – Licking the anus “
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- **Licking the anus of a stranger is not a job. Being fist fucked totally is not a job. Have two men penetrate one woman is not a job.**
  - **In German brothels you can have day-long sexual services for a lump sum of €100 (EU, 2014) -So please let us stop fooling ourselves and realise there is not such thing as decent and regularised sex work – This is a myth.**
  - Evidence shows that the regulatory approach in the Netherlands and Germany **has NOT improved the working conditions** and the level of violence **and in Germany trafficking convictions decreased by almost 25% between 2002 and 2010.**

# Why sex work can never be considered as a 'normal job':

- HIV + AIDS
- Syphilis
- Chlamydia
- Hepatitis B + C
- Gonorrhoea
- HPV leading to cancer
- Herpes
- Pubic Lice
- Genital Warts



# Why sex work can never be considered as a ‘normal job:

**Samantha , 36 year old, mother of 6, who was pimped by her boyfriend when she became drug dependent at a young age. Her pimp was also her cousin and from whom she had two children claims that :**

- “Kien jaħqarni ħafna. Kien inizzilni fit-tmienja ta’ filgħodu u fil-ħamsa joħodni d-dar kemm nieħu toast u ninħasel, u jerga jnizzilni, anke bil-lejl kien iħallini hemm. Kont ingib ħafna flus....Kien igelni nħalli l-mobile miftuħ biex jisma’ x’inkun qed nagħmel u x’inkun qed ngħid meta nkun mal-klijenti. U jekk indum aktar milli jridni hu kien jiġi hemm u malli jwaqqfuni bil-karozza kien jaqbad isawwatni.
- Minn tiegħu għandi żewġ itfal u anke tqila kien inizzilni, sa’ l-aħħar kien iħallini għax meta nkun tqila l-klijenti kienu jħallsu iktar. U hu kien moħħu fil-flus. Meta kont tqila bit-tifla, kien baqa’ jnizzilni sal-aħħar u kont nibkilu biex itini çans nistrieħ imma qatt ma ried. Meta nfaqali l-ilma kont ma klijent u çempiltlu biex jiġi joħodni l-isptar imma ma ħadnix. Ħallieni hemm u riedni nibqa’. Kien qagħad għassa tiegħi mill-karozza. Imbagħad ħrabtlu u wassalni klijent l-isptar. U hu ġie hemm isibni. Wara li wellidt ried jerga’ joħodni ħa jnizzilni l-Gżira imma l-isptar ma batunix. Imbagħad ħariġni mill-isptar l-għada u reġa beda jnizzilni”

# Results of official German Survey 2007

- 92 % of prostituted persons had **suffered sexual harassment**
- 87% Physical Violence
- 59% **Sexual Violence**
- 41% had experienced **violence in the context of performing sexual services**
  
- Around 50% **showed symptoms of depression**
- 25% had **contemplated suicide**
- 41% **had taken drugs in the last year**
- 43% had been **sexually abused as children**

- EU (2014), p.44.

# Why we should not legalise prostitution

Legalisation/ decriminalisation of pimping and buying of prostitution is a gift to **pimps, traffickers and the sex industry which flourishes.**

Legalisation/decriminalisation of pimping and buying **increases demand** for prostitutes and this in itself **generates more trafficking to satisfy the increased demand.** 67% of people trafficked in Europe were for sexual exploitation

Legalisation of pimping and buying increases **clandestine, illegal and street prostitution** – many do not want to officialise the link to prostitution

Legalisation/ decriminalisation of pimping and buying does not automatically protect the women in prostitution and does not promote public health as the johns are not screened

Legalisation/ decriminalisation of pimping and buying does not enhance **women's choice** and the vast majority of women in system of prostitution do not want the sex industry to be legalised.

Legalisation/ decriminalisation of pimping and buying commodifies women's bodies and makes it more socially acceptable for men to continue demanding and buying sex at the expense of



# We need to decide and take a stand

- Prostitution, is multibillion Euro industry that enriches a small minority of predators, while the larger community is left to pay for the damages incurred on some of the most vulnerable people in society.
- As a country we need to decide. What kind of society do we want?
- Are we after increasing pimping and giving it a respectability veneer to hide its ugly side by legalising it?
- Will we be happy if we legalise pimping and soliciting as long as this means more business , more tourists and more taxes?
- Is this the kind of society of want?

# CONCLUSION

- We should **challenge the myth that prostitution is a victimless crime**. Those who do so probably have not seen it up close and have not seen the ravages it leaves on **girls, women, boys and men and trans persons who are prostituted for the benefit of pimps and johns**.
- **Rape for pay is not sexual liberation** and we should all strive to **liberate sexuality from violence, coercion, and economic constraints**.
- This is about **lifting the weight of patriarchal repression from the shoulder of those who are prostituted** who in their vast majority are **victims of circumstances with little hope for a better future**.