

## **Q & A NOW's Views on Decriminalization**

### **Q. Does NOW believe in women's choice to control their own bodies - including to engage in consensual sex with whomever and however they choose?**

Yes, it is certainly a woman's right to do that – however, consensual sex is rarely involved with prostitution, perhaps for the so-called elite call girls, but that is a fraction of the number of women enticed, induced and coerced into the sex trade. Most persons who end up prostituted are there because of being sexually or physically abused growing up, and experiencing economic hardship, then being enticed induced, or coerced into prostitution.

Prostitution is a systemic pattern of sexual exploitation and violence against vulnerable children, adolescents, women and LGBTQIA+ persons intended to profit financially from the sale of sexual acts by prostituted persons and to keep those persons in a state of economic dependence, fearful of what might happen if they try to leave prostitution and believing that they have no other options.

### **Q Does being against full decriminalizing prostitution mean you are anti-sex?**

NOW opposes full decriminalization – or legalization – of prostitution, but advocates for decriminalization for the prostituted person.

**Prof. Catharine MacKinnon writes:** Let's say that sex as such is chosen and wanted and uncoerced. Presumably this is the reason prostitution's supporters defend prostitution in sexual terms. When you are having sex with someone you want to be having sex with, I would hazard that you aren't generally paying each other. Being one of those things that money cannot buy, the real thing is neither bought nor sold. In this light, if sex is for survival—the term “survival sex” is sometimes used as a synonym for prostitution— *the sex is coerced by the need to survive.*

### **Q Does NOW want prostitution to be legalized?**

No, we are advocating for decriminalizing only persons who sell sexual acts, or prostituted persons, but retaining and, in some cases, enhancing criminal prohibitions and penalties for buyers, pimps, procurers, traffickers, owners/operators of brothels and anyone else profiting from the sale of sexual acts. The end goal is to reduce demand, that is, reduce the number of buyers purchasing sexual acts. Many countries who have adopted the Nordic/Equality Model – especially Sweden where the model originated – have seen number of prostituted persons and number of buyers decline dramatically. Additionally, instances of prostituted persons being raped, beaten or murdered has declined in Sweden. (Sweden's experience with the Nordic Model is better documented than what has taken place in other countries, but we will look for more information on other countries' experiences.)

### **Q What is problematic with the term “sex worker”?**

“Sex worker” is a term invented to try to impart some dignity to persons engaged in selling sexual acts. It does not meet any standard definition of what constitutes “work” in which a person is hired based on education and experience, reports to work on a daily schedule, is paid

regularly, has employee rights as specified by the employer and state and federal laws, is provided certain benefits like insurance, vacation and leave, retirement savings plans and others and can decide to leave that employment. What kind of work is it when a majority of women are subjected to high rates of assault, rape, murder, PTSD, and arrest? Not to mention having sexual relations with hundreds or thousands of men, whether you want to have relations with them or not.

**Q What is the Nordic model - and why does NOW think the U.S. should follow this approach?**

The **Nordic Model/Equality approach to prostitution** (also known as Sex Buyer Law, the Swedish, Neo-Abolitionist, or Equality Model) is a model that decriminalizes people that are prostituted and offers them support for exiting the sex trade while at the same time criminalizing those who buy sexual services. The main objective of the model is to decrease the demand for prostitution by punishing the soliciting of sex workers in order to slowly decrease the volume of the illegal sex industry overall. In 2014 the European Parliament passed a resolution in favor of the Nordic Model urging member states to criminalize the purchase of prostitution and offering support for trafficking victims to exit the sex trade. Countries that have adopted the Nordic/Equality model include Norway, Iceland, France, Israel, Ireland, Northern Ireland, Finland, and Canada.

The European Coalition Against Prostitution International (CAP), [published a booklet](#) on the French law. In the view of Taina Aime of the Coalition Against Trafficking in Women International, it is best model.”

**Q Many progressive organizations are fighting for the rights of “sex workers” - what is NOW’s stance?**

We would answer by saying that some “liberal” – not progressive -- organizations fundamentally misunderstand the essential nature of prostitution, that it is the systematic exercise of sexual exploitation and violence intended to disadvantage and oppress women and other vulnerable persons. It is not an example of women’s equality with men nor, in most cases, a sexual act conducted by two consenting adults. We should note that sex worker’s rights is a nonsense term.

Some of these major organizations which say they support decriminalization reflect the neoliberal male and libertarian view that prostitution is a transaction between *consenting* adults (although consent is not always given). They also receive funding from pro-legalization forces. Several books have been written about this problem and we can explain more later.

**Q What legislation does NOW support/want to see regarding prostitution? Equality Model - aka Nordic Model**

Yes, we would like to see legislation offered in every state along the lines of the Nordic/Equality Model. The most important component of the Equality Model is that vital social services are to be provided to prostituted person who would like to leave the sex trade. Surveys have shown that the vast majority of persons would like to leave that life. Access to housing, counseling, health care, training, and employment would be needed, plus expunging their criminal records. Currently, several chairs of powerful committees in the New York legislature are working with

Taina Bien Aime of the Coalition Against Trafficking in Women International to write legislation for introduction next January. New York is facing a push for full decriminalization.

### **Summary of research and clinical findings regarding violence in all types of prostitution**

- 95% of those in prostitution experienced sexual harassment that would be legally actionable in another job setting.
- 65% to 95% of those in prostitution were sexually assaulted as children.
- 70% to 95% were physically assaulted in prostitution
- 60% to 75% were raped in prostitution
- 75% of those in prostitution have been homeless at some point in their lives.
- 85% to 95% of those in prostitution want to escape it, but have no other options for survival.
- 68% of 854 people in strip club, massage, and street prostitution in 9 countries met criteria for posttraumatic stress disorder or PTSD.
- 80% to 90% of those in prostitution experience verbal abuse and social contempt which adversely affect them.

(Melissa Farley, 2004, Prostitution is sexual violence. *Psychiatric Times*.

<http://www.psychiatristimes.com/sexual-offenses/content/article/10168/48311>).