

Comparative studies on sex workers in Japan, Australia and New Zealand: The way to unionisation of sex workers

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I. Preface

As widely *known*, the term ‘prostitution’ is regarded as a negative taboo word in Japan. Probably because of this, the word ‘*Fuzoku*⁽¹⁾’, which is the euphemism of prostitution, has been recently commonly used to refer to the sex industry itself, brothels and sex workers.

This paper intends to clarify the status quo of sex workers, and eventually reveal the taboo through comparative studies on the cases of Japan, Australia and New Zealand.

Japan is opposed to Australia and New Zealand not only geographically but also in terms of responses for prostitution including the welfare/health policies.

Therefore, this paper mentions firstly the situations and problems sex workers in those three countries are faced with, in the process of which it will be hopefully clear at last why I conclude “The way to unionisation of sex workers” as a solution.

II. Situation in Japan

In Japan, the occupations and places related to prostitution began to be generally called ‘*Fuzoku*’ in the end of twentieth century and, the term has been commonly used since the beginning of twenty-first century. And, the ‘*Fuzoku*’ consists mainly of escort agencies widely known in Western countries and brothels. The escort agencies in Japan have almost the same management system as those in Western countries; women (mostly) registered by the agencies are dispatched to hotels upon request via phone call or the like, while the system of brothels is rather complicated. At present, the facility so-called ‘soap land⁽²⁾’ is most closed to the brothel in Western countries, as was

(1) The Japanese *Fuzoku* is a concept of a wider range of places than the sex industry in Western countries, including cabarets.

(2) The facility is quite similar to the massage parlours in Western countries and equipped with shower stalls and bathtubs, and high-ranking ones have saunas. The soap land used to be called ‘Turkish bath’ or just ‘Turkey’ but ceased to be called this way and began to be called soap land’ about a quarter century ↗

'*yukaku*'⁽³⁾ about fifty years ago, when prostitution was still legal in Japan. Today, however, the forms of soap lands are so various that quasi massage parlors joined into the market as a new entrant. The situation is now more complicated because of the 'information bureaus' functioning as agencies so as to conceal the illegality of the business, where personnel or PCs are placed for mediation.

Summing up, soap lands, which may be a declining industry nowadays, exist at the top within the hierarchy of sex industry, and then massage parlors are operated as dummy health salons or esthetic salons. Herein, facilities called 'love hotels'⁽⁴⁾, which are peculiar to Japan probably originated from '*Yukaku*', should be referred to.

Generally speaking, the facility is a specified hotel to provide a couple of man and woman with a place for lovemaking in a limited amount of time. However, women directly or indirectly belonging to Japanese style agencies often use such hotels (as a matter of course, many love hotels reject them for the fear of being recognised as the site of prostitution).

Incidentally, there has been developing a strange situation in Japan. Above all, the definition of having sex in prostitution is quite different from that of the international standard. First, as long as so-called sexual intercourse (called '*honban*' in Japanese, a slang literally meaning a take; for film-making acting in front of the audience or camera) as defined in English is not done, you are not supposed to be having sex, that is, prostitution is therefore not being committed, and for this reason, the substitutes of intercourse including hand relief, needles to say, as well as for a woman inserting the man's penis between, her thighs are not regarded as sexual acts. Second, to make the matter worse, you are not supposed to be infected with AIDS/HIV if you only gargle your throat after having sex. Taking these into consideration, it could be said that the whole business makes the best use of the Anti-Prostitution Law⁽⁵⁾. Simultaneously, the sophisticated Japanese management system has created a wide range of demand by differentiating the content of service with prices; more than ¥15,000 for complete intercourse (*honban*), ¥3000 for fifteen-minute hand relief, ¥10000 for forty-five-minute oral sex and whatsoever, for example. Thus, customers are able to enjoy a variety of service in accordance with the amount of their income or pocket money.

Next, the history of prostitution in Japan will be summarised as below. Until the middle of Edo era (Tokugawa Japan, 1604–1867), Japan had been a sexually liberal country. In the beginning of Meiji era (1867–1911), however, by the introduction of the European sense of values on the basis

↘ ago, due to the protest by Turkish government for insulting the country.

(3) As mentioned later, the *yukaku* is exactly like the brothel in Western countries originated in the feudal time.

(4) Due to the poor housing in Japan, where people including married couples do not have enough space for lovemaking, the 'love hotel' has developed for such people in a unique way.

(5) The law has still been valid since its enactment in 1956, just a year after the establishment of the LDP (Liberal Democratic Party) regime, by chance.

of Christianity, that is monogamy, practice of having sex was supposed to be related only between man and wife in wedlock.

Despite such a change in sense of sexuality, the history of prostitution ascends to the middle of feudal times under the reign by Hideyoshi Toyotomi (1537–1598), wherein plural *yukaku* were constructed one after another around the city centres as officially recognised whorehouses. Furthermore, in Tokugawa Shogunate (Edo era), such places were fully established and further survived till Meiji era. In both cases, the establishment and legalisation of whorehouses probably meant making a compromise for the prevention of anarchistic spread of quasi *yukakus* in the whole city and keeping people away from prostitution. After the Second World War, along with the rise of the movement for the emancipation of women, the Anti-Prostitution Law was legislated, whereby the prostitution itself was denied—hypocritically in the form of punishment of prostitutes merely under the ground that the purpose of the law is not the prohibition but the prevention of prostitution. As mentioned above, however, the present sex industry in Japan has been developing in a certain strange way. And for this reason, the nationwide equalisation and disorder in the sex industry have been proceeding despite the occasional police traps, and simultaneously the sex workers have been totally deprived of the fundamental rights of their own.

In concluding this section, the author suggests as below how the sex industry in Japan should be improved. The sex industry in Japan belongs to a ‘gray’ market, and more than half of the businesses are underground and undoubtedly a financial resource for gangs. For this reason, we should bring the sex industry to broad daylight, clearly define it and clarify its management thereof, whether we affirm or deny it from a moralistic point of view, and whether it is legal or illegal. Taking the major premise into consideration, the proper laws concerning the sex industry should be enacted in view of public health including the policies for AIDS/HIV in the first place. Secondly, since there exist sex workers (including receptionists and managers) in the sex industry, it is also required to institute the laws to assure and advocate the human rights of all those workers. And finally, for putting the above two suggestions into practice, sex worker supporting organisations should be immediately formed in the first place both by local governments and common citizens in view of the safeguard of health and human rights of sex workers (although there are already some sex worker-supporting organisations in Japan still in an unofficial way).

Concerning all these factors, labour unions for both female and male sex workers should be formed in order to improve their rights, for there is no other way than this to improve the work place circumstances in general and realise the sexual equality in labour in the near future.

III. Situation in Australia

As indicated in Table 1 below, the situation regarding prostitution in Australia is different in

Table 1 Position of prostitution in the federal states and the Territories (As of August, 2008)

State	Corresponding classification	
	Prostitution	Brothels
Australian Capital Territory	Decriminalized	—*
New South Wales	Decriminalized	Allowable under license
Northern Territory	Decriminalized	Escort agencies only allowable under license
Queensland	Legal	Allowable under license
South Australia	Illegal	Illegal
Tasmania	Illegal	Illegal
Victoria	Legal	Allowable under license
Western Australia	Decriminalized	—**

Source: Prostitution Laws in Australia, No. 22, May 1990 (<http://www.aic.gov.au>, <http://www.scarletalliance.org.au>)

*: Brothels certainly exist in Australian Capital Territory, but whether or not they are allowed depends on the data.

** : Brothels certainly exist in Western Australia, but whether or not they are allowable depends on the data.

(Generally speaking, brothels do exist publicly under the name of massage parlour all over the Federation except in Northern Territory and Tasmania. Although underground brothels are supposed to exist in Northern Territory and Tasmania, the truth thereof has not been ascertained yet.)

Table 2 Sex worker-supporting organisations (as of 1995*)

Organisation	Location
WISE	Braddon, Australian Capital Territory
SWOP	Darlinghurst, New South Wales
PANTHER	Darwin, Northern Territory
SQWISI	Brisbane, Queensland
PASA	Adelaide, South Australia
TAS-WISE	Launceston, Tasmania
PCV	Kilda, Victoria
SA SIN	Adelaide, South Australia
SIERA	West Perth, Western Australia

Source: <http://www.scarletalliance.org.au>

*Nowadays there exist only the following worker-supporting organisations in the respective States and the Territories, such as ACT SWOP (Australian Capital Territory), NT SWOP (Northern Territory), RhED (Victoria), SA SIN (South Australia), SWOP (New South Wales) and SWAG (Western Australia). (As of August 2008, there is none in Queensland and only one information-receiving office lodging with the AIDS/HIV Health Centre in Tasmania.)

from state to state. The positions of sex workers are therefore different depending upon the state laws.

However, there have been formed sex worker-supporting organisations in the respective States and Territories to improve the working conditions and advocate the human rights of sex workers, as indicated in Table 2, with Scarlet Alliance in Sydney on the top. And thanks to those organisa-

tions, sex workers today in the twenty-first century are not deprived of the fundamental rights of their own.

Through the literature by the sex worker-supporting organisations, such as Scarlet Alliance, SWOP and RhED, there can be found the common key words: 'health', 'welfare', 'safety in workplaces' and 'human rights⁽⁶⁾'. In the literature, detailed guidelines not only on the health and welfare but also on the safety maintenance in workplaces for sex workers are indicated, as well as the obligation and responsibilities of the management, including brothel operators and managers, for the purpose of realizing the above-mentioned mottos.

In other words, it is nothing but the twenty years of activities by the sex worker-supporting organisations that have improved the position of sex workers to such an extent. But the RhED's usual slogan 'Violence against sex workers is a crime' shows that there still remain the social problems regarding sex work in Australia; existence of sex workers under the age of eighteen, illegal immigrants becoming sex workers and the 'human rights' problems.

Next, here is introduced the summarised history of prostitution in Australia⁽⁷⁾. Generally speaking, it is assumed that no commercial sexual service had been provided in the Aboriginal Australia. But later Aboriginal women got inevitably involved into prostitution in the time of convicts and European settlements. In early nineteenth century, as Australia came to be ruled by whites, the number of whorehouses increased enormously. It was then that a large number of sex workers called '*Karayuki-san* (girls prostituting in Eastern countries)' came into Australia from Japan.

Until the 1970s in twentieth century, the sex industry in Australia had repeatedly gone underground or became open over and over again depending upon the strength degree of police raids. The time was also the turning point for the sexuality and the sex industry in Australia in a different way from the introduction of medical treatment in use of penicillin in the 1940s. Further in 1980s, the sex industry came into the time of publication and legalisation. This was due to the drastic change in the sense of sexuality and the development of gender studies after the Second World War, which greatly revolutionised the concept of prostitution. On the major premise that the human rights of sex workers should be advocated, people claimed the rights to prostitute, thereby later forming sex worker-supporting organisations.

And finally in 1997, Australian Council of Trade Unions (hereinafter referred to as 'ACTU') announced their view that they recognise women engaged prostitution are workers⁽⁸⁾ (as well as United Kingdom Trade Union Councils [hereinafter referred to as 'TCU'] expressed 'Sex workers are workers⁽⁹⁾' in the 2007 meeting). As above-mentioned, it can be said that these all have resulted

(6) Source: Health and Safety Guidelines for Brothels, proVision, RED and etc.

(7) Barbara Sullivan, *The Politics of Sex: Prostitution and Pornography in Australia since 1945*, Cambridge University Press, 1997.

(8) Jemima Walsh, Marie Claire, January 1996, pp 48–51, <http://www.walnet.org/csis.news/>

(9) <http://www.tuc.org.uk/>

in the position of prostitution in the respective States and Territories as indicated in Table 1.

Nevertheless, as far as my examination is concerned, it is a little too early yet to say that proper labour unions for sex workers have been formed or functioning in Australia regarding the principle of formation and movements of labour unions (especially in view of the history thereof, as compared with those of craftsmen unions in the first half of nineteenth century). And, strictly speaking, we could say that such organisations have been active as lobby groups. That is to say, sex workers in Australia are still on the long way to get unionised to join ACTU.

In concluding this section, the present situations of sex work in Australia will be summarised as below.

First, there exists in Australia wage-labour called sex work, which is decriminalised-though not fully but to quite a large degree-safe and health-assured.

Second, the reason why sex work can be regarded as health-assured labour is due to the fact that the public recognition of prostitution has made it possible to take precautionary measures against HIV/AIDS, which is supposed to be an irremediable illness still today, by using condoms, for instance. That is to say, it has resultantly become possible, not only in sex work but also in sex life in general, to prevent injection with venereal diseases (needless to say, precautionary measures against preexisting venereal diseases have been taken as well), that would be spread if prostitution had gone underground.

Third, by officially recognizing prostitution on the understanding that libido is not something concealed but a desire everybody naturally has, health/welfare policies for prostitution has been positively consolidated and reformed, taking the public order and standards of decency into consideration.

Fourth and thereafter, the problems regarding prostitution which should be solved will be mentioned, to begin with, what health/welfare policies should be made, not for prostitution done by adults, but for prostitution done by people under the age of eighteen (but this does not mean that the health/welfare policies in Australia have been wrong).

Fifth, there has been discussed illegal employment of sex workers, especially of women from countries with a low income standard. This will definitely lead to export of prostitution to Australia (as it happened hundred years ago), and further to the collusive links between prostitution and syndicate.

Sixth (lastly), our society today, wherein we are totally dependent on the Internet, reveals its typical self-contradiction; the Internet has made it easy for us to obtain useful information but has simultaneously been driving us to searching harmful pornographic sites.

IV. Situation in New Zealand

Prostitution had already been existent in New Zealand in the middle of nineteenth century prior to its colonisation by Great Britain, corresponding to the trend of the world⁽¹⁰⁾. For instance, some Maori women and those from Oceanic islands are on the record that they bartered themselves in the form of prostitution with seamen from abroad for the goods they brought in.

According to tradition, from the end of nineteenth century to the beginning of twenty-first century, after the colonisation of New Zealand, some Maori women were said to have gone on board ships at anchor in the port towns of Christchurch, Dunedin, Wellington and Auckland, today's major cities, in order to prostitute themselves. And, prostitution in this form has survived till today along with street-based sex work. Simultaneously, there were many whorehouses for fishermen, seamen in port towns as well as for miners and businessmen in nearby towns of the mines at the time of Gold Rush, where many working class women including immigrant women engaged themselves in prostitution.

As times changed, when the ANZUS framework was established after the Second World War, there came to be a large number of whorehouses for U.S. stationary soldiers in the port towns and areas on the periphery of the U.S. bases.

After 1970s, probably corresponding to the world trend, when the change in sexual moral took place, our concept regarding prostitution was changed from negative to positive. Furthermore, those whorehouses, which had gone underground until then due to the police traps that were occasionally augmented, have survived as a part of sex industry in the form of massage parlors, thereby evading the law in use of the double standard (exactly as the situation in Japan today).

In the late 1980, under such circumstances, New Zealand Prostitutes Collective⁽¹¹⁾ (hereinafter referred to as 'NZPC') was instituted from the standpoint of advocating the human rights of sex workers. The organisation, starting in respect to the Ottawa Charter⁽¹²⁾ for Health Promotion 1986, which is recognised as an international declare of health and welfare, developed in the process of making an arrangement for female sex workers employed in massage parlours and street-based workers to discuss their unionisation, of making arguments on various matters, of providing basically the local workers with information on precautionary measures against HIV/AIDS and other health/welfare issues and of facilitating the workers' convenience. And NZPC was finally formed as a group to support and advocate workers in the sex industry. NZPC further made a statement

(10) <http://www.justice.govt.nz/pubs/reports/>

(11) <http://www.nzpc.org.nz/>

(12) Ottawa Charter for Health Promotion, 21 November 1986,
(<http://www.nzpc.org.nz/>)

that they were not prepared to abide by the policies of the Ministry of Health unless liaison conferences were held by ministries and government offices to promote the abolition of the laws against sex work, as a protest against the police, who persistently launched a takeover raid on sex work only to annoy sex industry workers.

From 1998 to 2003, when decriminalisation of prostitution was being heatedly argued in Parliament, NZPC positively kept conducting activities to support sex workers, thereby realizing the enactment of 'Prostitution Reform Act 2003⁽¹³⁾'. Also, NZPC thus made a new start as an established information-providing organisation contracting with Ministry of Health, and in 2004 it was recognised as an organisation to liaise with and bridge government and nongovernment agencies.

It can be consequently said that the situation regarding prostitution in New Zealand today is resulted from the inexhaustible movement by NZPC, and that in this context 'Prostitution Reform Act 2003' accordingly deserves special note as an epoch-making, realistic and concrete policies for prostitution even from the international standard. That is to say, the 'revolution' in prostitution was achieved in the form of the decriminalisation and legalisation thereof.

In the juridical system, the policies and purposes of NZPC (established in the way as mentioned above) are:⁽¹⁴⁾

1. NZPC recognises that sex work is work.
2. NZPC recognises that sex workers should not experience discrimination and stigma due to their work.
3. NZPC recognises the centrality of the principles of the Treaty of Waitangi.
4. NZPC recognises that sex workers are experts in their own lives.
5. NZPC provide sex workers an environment that enables sex workers to remain anonymous when they access services provided by New Zealand Prostitutes' Collective.
6. NZPC is committed to working for the empowerment of all sex workers, and must involve sex workers in all parts of the organisation.

(Source:<http://www.nzpc.org.nz>)

And, the application of the Prostitution Reform Act 2003 has resultantly emphasised the role of sex work and the *raison d'être* of NZPC by revealing how the situation of sex work was when prostitution was illegal and sex workers were therefore policed. The old law prohibits to conduct the following prostitution-related conducts and means you could be fined or imprisoned if you:

- solicited for the purposes of prostitution (up to NZ \$200 fine)

(13) Prostitution Reform Act 2003, 2003 No 28, 27 June 2003.
The Prostitution Reform Act was passed on 25 June 2003.
(<http://www.nzpc.org.nz/>)

(14) <http://www.nzpc.org.nz/>

- kept a brothel (up to 5 years in prison)
- lived on the earnings of prostitution (up to 5 years in prison)
- procured anyone for purposes of prostitution (up to 7 years in prison)

(Source:<http://www.nzpc.org.nz/>)

Herewith, comparison will be made on the brothel locations as of August, 2008 in New Zealand and Australia, where sex work is similarly situated. In the case of New Zealand, even in Christchurch (well-known in New Zealand for the fact that citizens there instituted a suit against the city for the regulation on the location of brothels), there can be found some brothels here and there within the hundred meters' reach of the street where the city hall is located, while most brothels are located in the city centre in other major cities of Auckland and Wellington, and in Dunedin, the country's oldest town.

On the other hand, in Australia, except in Melbourne and Adelaide, brothels are located not in the very centre but inconspicuously in quiet places a little away from the centre (for those who tease infertility in the Japanese economic policies since the end of twentieth century, the economic deregulation and liberalisation in New Zealand seem obviously far more advanced).

In both of the countries, however, the brothels are free from the flashiness and cheapness in appearance unlike *Fuzoku* in Japan, nor can one catch a sight of barkers shouting, 'Step right up!' (this is also illegal in Japan).

Lastly, in concluding the section, some comments will be introduced by the people actually sustaining NZPC, who realised the epoch-making policies for prostitution in New Zealand⁽¹⁵⁾.

Although NZPC mostly supported by voluntary staff, it is at the same time provided with some financial aid by government. NZPC values most of the Prostitution Reform Act 2003 but refers to its negative aspects in that there still remain problems in Section 19. In concrete, they remark that the problematic is shown in the fact that the Act follows the major premise of the Immigration Act 1987 which does not allow immigrants for prostitution. NZPC says that they are prepared for further collaboration and solidarity with other oversea organisations by making an emphasis on supporting sex workers in other Oceanic Islands. Although NZPC has not unionsied itself yet as an affiliated organisation of New Zealand Council of Trade Unions (hereinafter referred to as 'CTU'), they continue as ever their activities similar to unions and simultaneously regards its unionisation as a highly important issue in the future.

(15) The comments are based upon the fact-finding hearings on the spot done by the author in September, 2008.

V. Conclusion

Needless to say, in comparison with the cases of Australia and New Zealand regarding the situation of sex work, the health/welfare policies for prostitution in Japan are extremely poor despite the 'Anti-Prostitution Law', and it should be regrettably concluded that the idea of advocating sex workers' human rights is almost out of the question in Japan, in contrast to those two countries.

As mentioned above, the main theme of this paper consists in proving the importance of unionising sex workers as the most advanced form of advocacy of sex workers' human rights.

It seems that a part of sex workers nowadays in Sydney, Australia are being unionised. In reality, however, the existent organisations for sex workers in the whole Federation still remain in the scope of lobby groups although Scarlet Alliance exercises general control over sex worker-supporting organisation in activities for improving working conditions of sex workers. And, it is still difficult to achieve the full unionisation of sex workers despite the ACTU's recognition, 'Sex work is work'.

In New Zealand, unionisation of sex workers has been in progress but NZPC regards this as a highly important issue in the future.

Nevertheless, emancipation of workers cannot be attained without emancipation of sex workers, as is clear even without quoting 'Working men of all countries, unite!' in 'Manifesto of the Communist Party' by Karl Marx and Friedrich Engels. And, it is therefore inevitable to form the labour unions for sex workers as organisations at a transitional stage for the goal.

Finale

While writing this paper, I caught the sight of an article on a Japanese anthropologist in the newspaper, Asahi Shimbun (November, 2008), and the summary is as following;

So far, many scholars of the Ainu, Japan's aborigines, have approached them and stayed in Ainu villages for conducting their fieldwork. Those scholars, however, left the villages for much more comfortable positions and stopped contacting the villagers as soon as they completed their papers. But he was the only person who remained in the village to stay by the people.

Reading the article, I felt as if I had got a bang on the head by someone with a hammer, and at that very particular moment did I know that I had already reached the age when one has his turning point in life although God knows how many years are still left for me. As an economist, whose main theme is industrial relations, I always do give fact-finding hearings on the spot to workers,

who are the principal focus of my studies and simultaneously my valuable informants. This time as well, I have tried my hardest for the hearings. The impact of the article was so significant that I made up my mind to stay by workers till the end (until then my motto had been “I never betray workers!”). I may sound arrogant, but I can only wish to carry on my studies staying faithful to workers for the rest of my life, to sex workers also, as a matter of course.