

The Links between Prostitution and Sex Trafficking: A Briefing Handbook

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2006

Prepared for the Joint Project Coordinated by the Coalition Against Trafficking in Women (CATW) and the European Women's Lobby (EWL) on Promoting Preventative Measures to Combat Trafficking in Human Beings for Sexual Exploitation: A Swedish and United States Governmental and Non-Governmental Organisation Partnership



"We, the survivors of prostitution and trafficking gathered at this press conference today, declare that prostitution is violence against women. Women in prostitution do not wake up one day and "choose" to be prostitutes. It is chosen for us by poverty, past sexual abuse, the pimps who take advantage of our vulnerabilities, and the men who buy us for the sex of prostitution." (Manifesto, Joint CATW-EWL Press Conference, 2005)

CONTENT

Pages

3	Introduction <ul style="list-style-type: none">• What is this briefing handbook for?• Handbook as resource• Project outline• Context underpinning work to combat trafficking and prostitution
6	SECTION 1 Factors driving women and children into the sex industry.
8	SECTION 2 Different routes into the sex industry and the tactics of pimps and traffickers.
10	SECTION 3 Demand: Men as customers, buyers and sexual exploiters of women and children.
12	SECTION 4 The language of choice, consent and rights in relation to trafficked and prostituted women.
14	SECTION 5 Impacts and consequences for women who are trafficked and prostituted: Prostitution as a form of violence against women.
16	SECTION 6 Responding to legalisation/decriminalisation arguments.
18	SECTION 7 Rejecting false distinctions and moving towards clarity. Naming trafficking and prostitution as violence against women.
22	SECTION 8 Actions and outcomes arising from positions adopted on prostitution and trafficking.
24	SECTION 9 Profits made from trafficking and prostitution.
26	SECTION 10 Social/gender equality consequences of trafficking and prostitution.
28	SECTION 11 Case Studies.
32	SECTION 12 International Human Rights mechanisms for combating trafficking for sexual exploitation and useful European Union reports and political statements.
36	Bibliography.
39	About the authors.

Introduction

The United Nations estimates that some 80% of persons trafficked are trafficked for sexual exploitation. They are mostly women and children. (UN, 2003). An estimated 120,000 women and children are trafficked into Western Europe each year. (European Commission, 2001). The US Department of State considers that globally some 600,000 to 800,000 people are trafficked within and across borders annually, of whom some 80% are women and girls and some 50% are minors. (US Dept of State, 2005)

Some European estimates suggest that, in 1990-1998, more than 253,000 women and girls were trafficked into the sex industry of the then 12 EU countries. The overall number of women in prostitution in these countries has grown to more than half a million. In Vienna, Austria, almost 70% of prostituted women come from Eastern Europe. There are about 15,000 Russian and Eastern European women in Germany's red-light districts. Many are in brothels, sex clubs, massage parlours and saunas under the financial control of criminal groups from the Russian Federation, Turkey and the former Yugoslavia, according to a survey of the International Organization for Migration. (UNESCO, 2004)

In the region of South Eastern Europe, comprising Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, FYR Macedonia, Romania, Serbia and Montenegro, 90% of foreign women in the sex business are alleged victims of trafficking, 10% to 15% of these women and girls are under the age of 18 years. The majority of victims are recruited in Albania, Bulgaria, Moldova and Romania. The women and girls are often initially trafficked on the local market. They are being moved from one place to another and after a while sold abroad. (HWWA, 2004)

What is this briefing handbook for?

This handbook seeks to explore and elucidate the links between prostitution and trafficking, focusing on gender equality and the issue of demand. It was initially developed for the 13 countries participating in the joint Coalition Against Trafficking in Women (CATW) and the European Women's Lobby (EWL) Project on Promoting Preventative Measures to Combat Trafficking in Human Beings for Sexual Exploitation: A Swedish and United States Governmental and Non-Governmental Organisation Partnership.

The women, in the CATW/EWL locally based projects combating prostitution and trafficking, identified a need to gather together in one accessible document, ideas, research and arguments to support their work to prevent prostitution and

trafficking. The CATW/EWL joint initiative decided to compile such a publication, which is this briefing handbook.

This handbook may be used as a resource for any NGO or governmental group or authority that is interested in addressing the gaps in anti-trafficking programmes: the links between prostitution and trafficking, the importance of programmes and policies that are based on gender equality, the legal status of the sex industry, and the male demand for prostitution that promotes sex trafficking.

Handbook as resource

The handbook may be used as a resource for writing, for education, for work with women and men who wish to combat trafficking and to curb the growth of the sex industry, whether locally or globally. It can also be used as an information resource for those dealing with media – many of whom fail to focus on the essential 'demand' factor, preferring instead to keep their gaze on the woman in prostitution or provide a partisan voice for those who promote the alleged "right to prostitute" and romanticize prostitution as "sex work," in essence defending the vested interests of the sex industry.

This handbook contains quotations and references, ideas and research on prostitution and trafficking, while also helping to give a voice to those who have survived sexual abuse and exploitation. It is laid out in sections that include an introduction or statement of position, followed by bullet points that capture succinct evidence or research and comments relevant to that section. Each part of the handbook can therefore be referred to, as specific issues arise for project promoters and those working on the ground or at policy level to combat prostitution and sex trafficking. Full references for all quotations used are to be found in the bibliography.

The handbook also presents a short list and summary of relevant international human rights mechanisms and European reports and political statements that may be useful when seeking to promote the safety of women and combat trafficking and sexual exploitation.

Grainne Healy & Monica O'Connor
2006

Project Co-ordinators

The project, *Promoting Preventative Measures to Combat Trafficking in Human Beings*, is co-ordinated by two NGO partners - the Coalition Against Trafficking in Women (CATW) and the European Women's Lobby (EWL).

Since 1988, the CATW has provided leadership, activism and research against sexual exploitation, establishing coalitions in most major world regions. CATW is well-positioned internationally and has changed the terms of the debate over prostitution and trafficking in many areas of the globe and at the United Nations level. The CATW has influenced anti-sex industry and anti-trafficking legislation in the Philippines, Venezuela, Mexico, Bangladesh, Japan, Sweden and the United States.

The European Women's Lobby is a non-governmental organisation that brings together national co-ordinations of women's NGOs from 25 of the Member States of the European Union and accession countries, as well as from 22 European and International organisations. The EWL's mission is to achieve equality between women and men, to eliminate all forms of discrimination against women, to ensure respect for women's human rights and to eradicate violence against women. Since 1998, when a motion against prostitution and trafficking was passed at its Annual General Assembly, it works to combat prostitution and trafficking and seeks to criminalise the purchase of sexual services EU wide.

General objectives of the initiative

The project, *Promoting Measures to Combat Trafficking in Human Beings* is co-ordinated by the CATW and the EWL, in partnership with the Government of Sweden and the Office to Monitor and Combat Trafficking at the United States Department of State. The project has as its overall objective to create a knowledge and action base for target groups by promoting a sustainable network of non-governmental organisations and others in the EU, additional countries in Eastern Europe and selected CIS countries, to prevent and combat trafficking and prostitution.

The general goal of the project is to prevent trafficking in human beings, especially women and children through the following objectives:

- ▶ Raise awareness about the root causes of prostitution and trafficking in human beings for sexual purposes.
- ▶ Develop and share sustainable 'best practices' and strategies to combat trafficking in human beings among the project partners.

- ▶ Promote preventative and awareness raising measures including legislative, social, criminal justice and educational initiatives to discourage the demand for sexual exploitation that fosters trafficking. Specifically, the project aims to promote the Swedish model to combat prostitution and trafficking in human beings with a focus on the law that prohibits the buying of sexual services.
- ▶ Encourage alternatives to legal and policy measures that attempt to legalise, regulate or decriminalise different prostitution activities.

Context underpinning work to combat trafficking and prostitution

Gender equality

The project promotes awareness raising measures and action points that address the situation of women in supply countries of sex trafficking. It focuses on measures to promote equality between women and men as a fundamental part of democracy. Many of the problems faced by women in the new EU Member States, in South East Europe and neighbouring countries are linked to women's poor economic conditions. Poverty has had a more detrimental effect on women than men and women face a lack of training opportunities and a scaling down of income and social service supports.

Poverty

The focus on poverty alone however, is not sufficient. It is not only women's poverty but poverty itself that is preyed upon by recruiters, pimps and traffickers. Poverty creates and sustains trafficking. It is therefore necessary to raise awareness about the methods of recruiters and traffickers as they lure mainly poor and unsuspecting women into exploitative situations, particularly prostitution.

Demand

The focus on supply requires a comparable focus on demand. It is not sufficient to address only the victims. Awareness raising measures must also focus on the responsibility of those who buy women in prostitution, and their strategic role in the chain of trafficking.

Women's human rights

There is a need for action in the area of women's human rights to combat violence against women. Governments must recognise the links between prostitution and trafficking and that prostitution is violence against women. It is important therefore, to address the political will of governments as they attempt to create measures against trafficking and sexual exploitation. It is critical that States implement effective sanctions against the pimps, the traffickers and the buyers.

Promoting Preventative Measures to Combat Trafficking in Human Beings for Sexual Exploitation:

A Swedish and United States Governmental and Non-Governmental Organisation Partnership

Work of the project

Project partners in each of the partner countries have devised action plans that individuals, organisations and governments can take to make violence against women a priority.

Project target groups include parliamentarians, policy makers, government representatives, representatives of regional and local public authorities, police and officials in the justice system, NGOs, organisations with a particular focus on women, journalists, researchers and other concerned groups and individuals, particularly in the new Member States of the EU. A particular target group is countries in the EU and surrounding countries that are considering measures to legalise or regulate different prostitution activities.

The countries involved in the project are:

- ▶ Balkans – Croatia, Serbia and Montenegro, Albania and Kosovo;
- ▶ South East Europe – Bulgaria, Russia, Moldova;
- ▶ EU Member States of Hungary, the Czech Republic, Poland, Estonia, Latvia and Lithuania.

Project activities include consultations, educational seminars and training and other awareness raising initiatives in each country culminating in a conference in the Balkans to focus on promoting peace.

The joint project will produce a research paper, mapping the current and proposed legislation and policies in participating countries with an emphasis on legal trends and best practices.

What does legalised sexual exploitation look like?

Where prostitution is legalised and the sex industry decriminalized, sexual exploitation is legitimised. This is clearly seen in the use of language and terminology to describe the sex industry and its victims.

Clients

The words consumer and client are used to describe the male abuser, perpetrator, prostitute, sexual exploiter who buy women and girls for sex.

Sex sector or market

The sex industry becomes an element of the market place. It offers all forms of adult and child sexual exploitation to the buyer. It may be a child, of either gender, a young woman, an adult woman, the prostituted woman or child, the trafficked woman or child. The sex industry is not discriminating and does not concern itself with those false distinctions. All victims are located in the same industry almost always in multiple places such as on the streets, in clubs, in indoor/outdoor prostitution areas, in peep shows, on the Internet, and in venues that are both illegal and legal.

Sexual entrepreneurs

Pimps and sexual exploiters become legitimate businessmen. In legalised sex sectors, the pimps are the 'business owners' of the women and the venues and they supply other pimps and club owners. They control the market and deliver what the buyer wants, i.e., all acts of sexual exploitation demanded by customers. They aim to ensure that the needs of the 'consumer' / abuser are always met, and they maximise profit through legal and illegal methods. The levels and forms of violence perpetrated against the victims are not their concern. The health needs of the victims only interest them in protecting supply for the demand.

State sex economy

The State facilitates and regulates on behalf of the client and operates as a facilitator/pimp in ensuring the supply is continued under the guise of protecting the rights and health and safety of the victims. The State profits from the industry. Legal and illegal collusion of State and State officials continues. The State cannot be 'neutral' in this matter. If it legalises and regulates prostitution, it promotes prostitution and protects the consumer not the victims. The State as regulator does not concern itself with the health and safety of the women in prostitution because the reality of women's exploitation has disappeared and is replaced by the concept of "choice" and "sex work".

Choice

Women and girls are seen as actively choosing "sex work" as legitimate work. The reality that the act of being prostituted is sexually exploitative in itself, regardless of the alleged or actual degree of power, control or safety women can exercise in different situations and at different times in their lives, is erased. There are different degrees, levels and extent of coercion, abuse and violence perpetrated against any one woman or child at any particular time, which is critical to the individual person. But all women who are in the sex industry are violated and sexually exploited. The sex industry is an inherently unsafe and dangerous environment.

Suppliers

Traffickers, procurers and pimps target and exploit women and girls for the purpose of sexual exploitation. The tactics of traffickers and pimps may differ according to domestic and international contexts but their intention is the same – to benefit from the sexual exploitation of women. The consequences for women and girls are devastating.

Supply

The bodies of women and girls supply the market. Women and children who are vulnerable to sexual exploitation because of socio-economic /political/cultural/racial factors and internal/personal factors are targeted and coerced into the sex industry.

SECTION 1

POSITION Points to consider

Male demand for a supply of women and children is the root cause of prostitution and trafficking. Gender inequality, globalisation, poverty, racism, migration and the collapse of women's economic stability are global factors, which create the conditions in which women are driven into the sex industry.

The majority of trafficked persons are women and girls, in particular from developing countries and countries with economies in transition. Multiple forms of discrimination and conditions of disadvantage contribute to the vulnerability of women and girls driven into prostitution.

Studies consistently indicate that women and children who are exploited in the local sex industry (i.e. not trafficked) have experienced similar economic deprivation, alongside a history of sexual abuse. Homelessness, institutionalisation and drug addiction are some of the additional factors making them vulnerable to entry into prostitution.

Socio-economic/political factors affecting trafficking and prostitution

UNECSE identify a number of factors that create the conditions in Central Europe for vast numbers of women and girls being propelled into prostitution. Factors that impel women to take the risk of illegal immigration are: increased economic insecurity; higher risks of unemployment and poverty; limited opportunities for legal immigration and resurgence of traditional discriminatory practices against women, in particular:

► **Changes in gender parity**

Less political participation and women's political exclusion – women's interests, demands and specific problems are widely ignored because they are marginalized. Women bear the heaviest burden of cuts in social expenditures, including child and family allowances, welfare reform, health care and pensions. Male-based privatisation – the privatisation of national assets has a strong male bias, with women globally receiving few privatised assets.

► **Loss of job security**

The rise in competition in the labour market, unemployment and the loss of job security have undermined women's incomes and economic position. A widening gender wage gap, an increase in women's part-time and informal sector work, as well as atypical work arrangements have pushed women into poorly-paid jobs and long-term and hidden unemployment.

► **Overt gender-based discrimination and intensive sexual harassment in the workplace.**

Feminisation of poverty

► Poverty among households headed by working mothers. The proportion of women working in the totally unregulated and illegal informal business sector is considerable. Working in the informal economy is an important factor of women's vulnerability to trafficking.

► Changes in gender, political and economic parity inevitably affect social stereotypes, perceptions and attitudes. There is a resurgence of some traditional discriminatory practices.

► Informalising of economic activities, criminalisation and corruption. Internal migration from declining and/or impoverished regions towards metropolitan areas; cross-border migration between neighbouring countries; and emigration – provides criminal groups with an opportunity to generate profits. This is not supported by any kind of humane migrant labour regulation, thus putting migrant workers, including women, at risk of exploitation and abuse.

► Immigration regulations in many economically advanced countries generate restrictive measures encouraging a rapid growth of smuggling and trafficking in persons. Wage differentials between countries on the one hand, and tighter immigration controls on the other, have contributed to creating conditions favourable to smuggling and trafficking in people. (UNESCE, 2004)

Factors driving women and children into the sex industry

Internal/personal factors affecting those trafficked and prostituted

► In different international studies, the majority of women and girls in prostitution report that they have been victims of male sexual violence in their girlhoods. In a study of 130 prostituted persons in San Francisco, the researchers found that 57% had been sexually abused as children and 49% had been physically assaulted. (Farley & Barkan, 1998) Likewise, the Council on Prostitution Alternatives in Portland, Oregon, reported that 85% of the women interviewed for their Victim Survivor Survey were victims of incest as girls and 90% had been physically abused. (Hunter, 1993) Researchers agree that internationally the median age for the entrance of girls into prostitution is 14 years of age. (Ekberg, 2002)

► For young children under the age of 12, it is invariably a family member who prostitutes the child through giving/selling them into situations in which they will be sexually exploited. For many young people who are drawn into prostitution before the age of 18, and especially before the age of 16, abuse within the family and/or community seem to be significant precursors. James and Myerling highlighted this association as early as 1977: 65% of their sample of adolescents who were engaged in prostitution activities had been sexually abused. They note; “early, traumatic sexual objectification may be one factor influencing some women toward entrance into prostitution.” Research in the UK, (Kinnell, 1991) was the first modern study to begin exploring the link between child abuse, institutional care and child prostitution. Based on interviews with 22 young women who had been in institutional care and were subsequently in prostitution, the research discovered that over half had been involved in commercial sexual exploitation before they left care, that is, before they were 16, and four had had experience of prostitution before being taken into care. (Kelly & Regan, 2000)

‘The woman called Lolli is carefully making her neat white bed, arranging frilly silk cushions in an elegant line. ‘No-one would really choose this as a way of life’ she says, ‘no-one... some days you feel very down, ... sometimes’ – she covers her face – ‘it is as if your soul is getting hurt.’ (Daily Mirror, Jan 25th, 2006)



SECTION 2

POSITION

Pimps and traffickers target women and girls for the purposes of sexual exploitation whether for the home sex industry or for the purpose of trafficking. They exploit socio-economic, cultural and personal contexts in order to attract, coerce and dominate their victims.

Women and girls are subjected to multiple forms of intentional violence and abuse. The methods and tactics may vary at different times but the intention is similar to male perpetrators of domestic violence, in that they are designed to maximise control and compliance of the victim.

The methods that enable one human being to enslave another are remarkably similar. The accounts of hostages, political prisoners and survivors of torture and incarceration from every corner of the globe have an uncanny sameness. The methods and techniques of violence are similar to those that are used to subjugate women in prostitution, in pornography and in the home. They include: systematic and repetitive infliction of psychological trauma; organised techniques of disempowerment and disconnection; constant inducement of fear by inconsistent and unpredictable bursts of violence; threats to family and others; convincing the victim that the perpetrator is omnipotent and destroying the victim's sense of autonomy. (Herman, 1992)

Points to consider

► 'Seasoning' is a well-institutionalised mechanism of control, ensuring perfect obedience and enslavement. It subjects women to identification with and subordination to the brothel management or to pimps... The woman begins to live only for the present, realizing that she has no control over her economic, emotional, physical and sexual life. Trafficked women and children are first confronted by the immediate terror of kidnapping, deceit and abuse. They try to make sense of what is happening and figure out a means of escape, but all the external points of reference for maintaining identities are cut off. They find they cannot escape. They are physically confined and concealed, and a strict vigil is maintained over their interactions and movements. (D'Cunha, 2002, from interviews with Indian, Thai, Filipina Women in Prostitution, 1991, 1998, 2001)

► Barnardos, the children's organisation in the U.K identified four phases of entrapment into prostitution for young women:

Ensnaring

- impressing the young woman
- winning her trust and confidence
- making her think he is the only one who truly understands her
- ensuring she falls in love with him, giving her presents, usually including a ring
- claiming the status of her boyfriend

Creating dependence

- becoming more possessive
- convincing her to destroy important objects and/or reject those she is close to
- changing her name
- destroying her connections to her previous life
- isolating her

Taking control

- deciding where she goes, who she sees, what she wears, eats and thinks
- using threats, and if necessary violence
- enforcing petty rules
- being inconsistent and unreliable
- demanding that she prove her love

Total dominance

- creating a willing victim
- ensuring she is compliant to his wishes
- convincing her to have sex with his friend
- convincing her to agree to be locked in the house
- convincing her that he needs her to earn money, and that the best and easiest way is through selling sex (Barnardos, 1998)

► One young woman interviewed in a small study in Ireland describes a process of being groomed and coerced into prostitution:

"I had left care at 16. By the time I was 18, I had been abused and beaten by men in relationships. When I met G he knew this. He showered me with attention and presents. After 3 months living together I found out he ran a brothel. He made me the receptionist but after a visit by the Gardai he closed down

Different routes into the sex industry and the tactics of pimps and traffickers

the brothel. He then said he had no money, that he had spent it all on me. He kept saying, "how were we going to live, to eat, to buy clothes?" He threatened me and forced me onto the streets. I hated it... the first night I shook all over. I brought home £200 to £300 a night but I never saw any of it. Even when I was sick or terrified or had been raped he made me go back. I must have earned thousands over three years and I never saw a penny... sometimes I did not even have enough to eat." Hannah. (O'Connor, Wilson, 2005)

Women trafficked into Ireland describe being bought and sold by traffickers on multiple occasions, passing through many different countries. They talk about being locked in houses and constantly guarded by the traffickers where they are subjected to beatings, starvation and rape. If they are uncooperative their family at home may be threatened or they are told that they will be passed on to even more dangerous owners. (O'Connor, 2004)

'A young woman forced into sex slavery here (in Ireland) has revealed how she was held in a house and made to have sex with hundreds of men. She said she was brought to Ireland to be sold into prostitution.' (Irish Independent, 29th January, 2006)

Pimps and traffickers will exploit cultural and traditional practices to ensure maximum control over their victims. In her study of prostitution in Italy, Esohe Aghatise (2004), identifies different methods used by traffickers according to the area of origin of the women and girls.

► It is a special phenomenon noted by the Italian police that Nigerian girls undergo much less physical control from their exploiters compared with girls of other nationalities who are trafficked into prostitution. They have no need to physically control, because the rites the girls are made to undergo psychologically impose the control on them. The girls are sold to "madams" and made to undergo specific magic "juju" rites. They swear never to reveal the identity of their traffickers and madams to the police and pay their "debts" without creating problems.

► Playing on the relationship of trust and affection, with promises of easy earnings, unscrupulous men in Albania are able to obtain the consent of families to take girls and young women away to what their families see as better opportunities in life. With many Albanian girls/women, it is the family honour which binds them not to dishonour their family name on pain of death. When they end up in prostitution, they find themselves caught between a failed dream of love to a man who had sworn eternal love to them, the destruction of their reputations with a risk of never being able to return home, and the risk of being killed by the male members of their own families for having dishonoured the family name.

► Frequent stories told by Bulgarian and Ukrainian girls reveal that many are stolen either on their way home from school or from work. The girls are trafficked into prostitution, controlled physically and kept in sight, and easily passed or sold off from one gang to the other. Women relate incidents of extreme violence: beatings with belts, being put into a bath filled up with frozen water, and other situations of extreme gravity. (Aghatise, 2004)



SECTION 3

POSITION Points to consider

The root cause of prostitution and trafficking for the purpose of sexual exploitation is the male demand for women and girls who can be bought and sexually exploited. Without the demand, the supply of women and girls would not be necessary and the market would collapse.

Prostitution and the sex industry promote the myth that male sexuality must be satisfied by a supply of women and children who can be bought. This demands the creation of a group of women who are legitimate targets for rape and sexual exploitation.

Male abusers can act with impunity because they know that women in prostitution will not be believed or taken seriously by the criminal justice system. Many abusers deliberately target women's vulnerabilities, such as a drug habit, in order to act as abusively as they wish.

► Men who frequent brothels, strip clubs, massage parlours, escort agencies and street corners want unlimited access to a supply of women and girls from different countries, cultures and backgrounds. This constant demand for 'new merchandise' is what dictates the international trade in women and girls. If men did not take for granted that they have the explicit right to buy and sexually exploit women and girls, the trade in females would not exist. (Ekberg, 2002)

► Many scholars and activists would see the male demand for the sex of prostitution as the most immediate and proximate cause of the expansion of the sex industry, without which it would be unprofitable for pimps, recruiters and traffickers to seek out a supply of women. This may be labelled simplistic, unnuanced, or conceptually impaired; however, a prostitution market without the male consumers would go broke. (Raymond, 2004)

► Male sexual potency consequently demands the existence of a separate category of paid publicly sexualised women to contain what cannot be fulfilled within socially legitimate contexts of sexual expression such as marriage. Women in prostitution thus exist as sexualised, commodified bodies to be appropriated, dissected, fragmented, used and abused in the interests of male biology and its need for variety, sexual fantasy and hegemony. (Herman, 1992)

► Perpetrators of domestic battery demand that their victims prove complete obedience and

loyalty by sacrificing all other relationships. Sex offenders demand that their victims find sexual fulfilment in submission. Total control is the power dynamic at the heart of pornography. The erotic appeal of this fantasy to millions of terrifyingly normal men fosters an immense industry in which women and children are abused, not in fantasy but in reality. (Herman, 1992)

► Whether he is submissive, flattering or abusive, the client's treatment of the prostitute represents a denial of her subjectivity and humanity, and this process of denial both draws upon and reinforces profoundly misogynistic images of women. As well as paying for the sexual pleasure, physical labour and/or the making available of body parts, the john is effectively paying the prostituted woman to be a person who is not a person; the essence of the transaction is that she is an object, not a subject, within it. There is and can be no mutuality of consideration, pleasure or treatment in the prostitution contract, the whole purpose of which is to ensure that one party is the object to the other's subject, that one party does not use their personal desire as a criterion for determining the sexual acts which do and do not take place. (O'Connell Davidson and Sanchez Taylor, 1998)

► Contrary to the position held by the prostitution defenders that prostitution and trafficking should be separated, males who buy women and girls in prostitution do not care about this distinction. They do not ask women and girls whether they are in prostitution voluntarily or if they have been

Demand: Men as customers, buyers and sexual exploiters of women and children

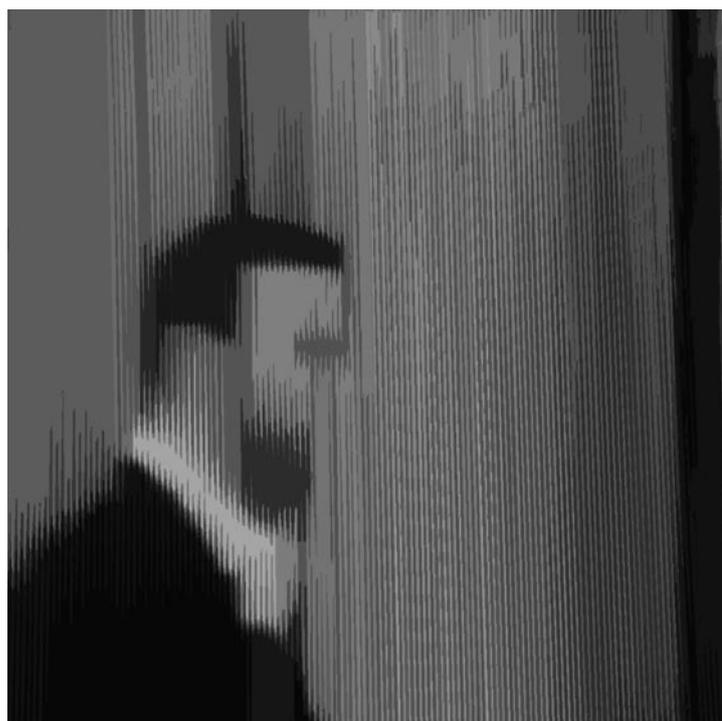
forced, or whether they are local or were trafficked into the country. They do not care if a female is over or under 18, but look for the most vulnerable female. As a matter of fact, many males who use girls also use adult women in prostitution. In prostitution, men use women's and girls' bodies, vaginas, anuses, mouths for their sexual pleasures and as vessels of ejaculation, over and over and over again. Prostitution is not sexual liberation; it is humiliation; it is torture, it is rape; it is sexual exploitation and should be named as such. Consequently males who use women and girls in prostitution are sexual predators and rapists. (Ekberg, 2002)

► In the final analysis, sexuality in prostitution is ultimately the male sexual experience. It is he who enjoys the power of money, conquest, ego and sexual gratification and who acts out his misogyny with impunity. It is he who deludes himself into believing that he is the subjective choice of the woman or several women. Men justify this abuse in many ways including that the sex of prostitution is part of their biological drive, an expression of masculinity, something that takes place between two consenting individuals, is part of the indigenous culture, and a sexual experience that the women ask for and enjoy. Payment for sex is another conscience salver. (D'Cunha, 2002)

► Another common defence of prostitution is that it prevents violence against women, by acting as a form of release or "safety valve". Aside from the essentialist representation of male sexuality implicit in this argument it is only sustainable by ignoring two facts:

that many prostitute users deliberately seek out children/young women to abuse; and the mounting evidence that women and children in the sex industry are both differentially targeted for, and/or vulnerable to, physical and sexual assaults from clients, exploiters, organisers and strangers. (Davies 1994a, 1994b; Hoigard and Finstad, 1992; O'Neill 1995a; Silbert and Pines 1984) This position amounts to an acceptance that prostituted women and children are legitimate targets for men's rage and women hatred and that the violence they experience as a consequence does not really count either as "violence against women" or "child abuse". (Kelly & Regan, 2000)

► Sex tourists are a much more diverse group than many policy documents and media reports recognise, including child abusers who travel to abuse (and frequently make pornography of their abuse), but also groups of men whose interest is in having sex, and who are indiscriminate as to whether this is with adult women or children. It also has a collective character, not only through deliberate organisation and networking, but also the organisation of groups of men to travel together and "enjoy" all that is on offer at their holiday destination, including consuming cheap sex. This group establishes loose temporary networks amongst those who recognise similar interests. (Kelly & Regan, 2000)



SECTION 4

POSITION Points to consider

The concepts of ‘consent’ and ‘choice’ are consistently abused by those promoting the legalisation of prostitution. They are misleading and inaccurate terms when applied to the constrained and limited contexts in which women and girls are lured or forced into sexual exploitation.

The language of human and civil rights is also distorted by the pro-prostitution lobby. They talk about the “right” to work in prostitution; the right to organise and unionise as ‘workers’; the right to health and social welfare; the right to control the environment in which they work; the right to better conditions. The implication is that women cannot access those rights without legalisation of prostitution and consequently those who resist legalisation are denying women rights.

Promoting prostitution as a legitimate career or sexual service denies and obscures the inherent sexual exploitation and violence to which women and girls are subjected.

The pro-prostitution lobby use the language of sexual liberalism to promote the idea of a woman’s freedom to choose what to do with her own body and that those opposing legalisation are denying women the right to sell their own bodies.

One cannot have the right to violation. One only has the right to be free from violation.

Those arguing for legalisation seem to allege that the optimum conditions of “work” are servicing between 5 and 7 male customers a day who penetrate the woman vaginally, anally or orally. That is a minimum of 25 men a week. In any other context we would be calling this a violation of human rights, not acceptable conditions of work.

Consent

► The false analysis of male violence against women which is promoted by the pro-prostitution lobby is especially dangerous because it creates two classes of females. Those women who do not “consent” to rape, sexual exploitation and prostitution, and prostituted women, who, by the fact that they accept money handed to them by the buyers, are assumed to have given their consent to whatever violation the buyers will subject them to. (Ekberg, 2002)

► Consent is not a good divining rod as to the existence of oppression, and consent to violation is a fact of oppression. Oppression cannot effectively be gauged according to the degree of “consent”, since even in slavery there was some consent, if consent is defined as inability to see, or feel entitled to, any alternative. If, for example, consent was the criterion for determining whether or not slavery is a violation of human dignity and rights, slavery would not have been recognised as a violation because an important element of slavery is the acceptance of their condition by many slaves. (Barry, 1995)

► The use of the word *consent* is a violation of economic, civil, political, social, physical and sexual rights based on prevailing sexist values that women who engage in commercial sexual activity have no right to refuse male sexual demands, or set the terms of sexual encounters, thus rendering women in prostitution vulnerable to rape with male impunity. Women who supposedly have

said “yes” to prostitution are denied the right to say “no” to rape and, in fact, are blamed for being raped. (D’Cunha, 2002)

► The adage ‘silence is consent’ is mistakenly applied to women in prostitution. We blame those who keep silent... because they should have protested abuse... the silence of most of those in prostitution is a result of intimidation, terror, dissociation and shame. Their silence, like the silence of battered women, should not be misinterpreted ever as consent. (Farley, 2004)

► One does not have the right to consent to one’s own body being treated in whatever way one chooses, for example, to gross assault. Consent, for example, to gross assault, cannot be given because it conflicts with the fundamental values of our legislation; the human body must be shown respect, respect which would be undermined if gross assault between people were to be tolerated. (Westerstrand, 2002)

► This movement was not taken in by concepts like consent. It knew that when force is a normalized part of sex, when no is taken to mean yes, when fear and despair produce acquiescence and acquiescence is taken to mean consent, consent is not a meaningful concept. (Mac Kinnon, 1990)

Choice

► Kathleen Barry (1995) demonstrates the uselessness of “choice” by pointing out that prostitution is not about or for women, but for men. It does not, therefore, matter whether women

The language of choice, consent and rights in relation to trafficked and prostituted women

claim the right or choice to be prostituted or whether they see themselves as victims of men's abuse. How or why female bodies get into the male consumer market is irrelevant to the market. (Jeffreys, 1998)

► Even within the most coercive of contexts – trafficking – “choice” can still appear at certain levels, for example the “choice” to attempt to repay the debt rather than approach the police; the critical question is the context in which choice is being exercised and what alternatives, if any, exist. And equally even in the most “free” context, where an adult woman works for herself and has considerable control over the contracts she makes, the interaction between prostitute and client remains an exploitative one. (O’Connell Davidson, 1998)

► There is a parallel with the ban on trading in organs and the trading of women’s bodies: Even though people may choose to sell their organs, trade in organs cannot be accepted. The notion that the human body is worthy of protection against exploitation and commercialisation has thus led European countries to introduce a full ban on trade in biological material (except for breast milk, nails and hair) as well as a ban on organ donation between people who are not closely related. They have not extended the same protection to women who have “chosen” to survive by the sexual exploitation of their bodies. (Westerstrand, 2002)

Sexual freedom

► Invoking the freedom to prostitute oneself is a highly effective tactic. It is a curious freedom because those who defend it so vigorously do not in fact want it for themselves, their children, their wives, or their sisters or female friends. The new Spanish Penal Code only penalises coercive procuring. It uses the perverse expression: “the right of free sexual self-determination” ostensibly referring to prostitutes. In reality, however, it can only apply to the “Prostitutor”, i.e. the client, since the only one who is exercising his/her sexual freedom is the person who uses the service, the consumer. (Carracedo, 2002)

► The pro-prostitution lobby distorts the language of women’s right to sexual choice and orientation. They suggest it is implicit in the demand that women have control over their own bodies that they also have the right to sell their own sexual services if they wish to. Prostitution, of course, is not an “orientation”. The right to choose to love someone of the same sex is not an appropriate comparison to the right to choose to be used as the raw material in a massive capitalist sex industry. (Jeffreys, 1998)

“Sex work”

► This mythology, which hides the abusive nature of prostitution, is illustrated by the ideology of the sexual liberals which erroneously claims that prostitution is a career choice; that prostitution epitomizes women’s sexual liberation; that prostitutes set the sexual and economic conditions

of their interactions with customers; that pimp/prostitute relationships are mutually beneficial social or business arrangements that women enter into freely; and that being a prostitute or pimp is an acceptable, traditional occupation in communities of colour. (Giobbe, 1990)

► Within the rhetoric which seeks to establish the sex industry as a legitimate “career”, certain questions are seldom asked: what kind of “profession” can this be, where there is no qualification requirement (apart from preferably being female and young), no mobility structure and where neither those who use prostitutes nor those who are prostituted view it as a desirable aspiration for themselves or their children? (Kelly & Regan, 2000)

► Some argue in all seriousness that there is no real difference between working as a health care worker, and being in prostitution. In fact, in the Netherlands women have been employed by certain city councils as “sexual samaritans”. These women (and a few men) regularly visit men (and a few women) who are physically and/or mentally disabled, or living in senior housing to provide “sexual services”. In 1998, 2200 of these “visits” took place in Holland. (Daley, 2001), (Ekberg, 2002)

SECTION 5

POSITION Points to Consider

Being prostituted in itself means being systematically sexually exploited and inevitably has devastating impacts on the physical and mental well being of women and girls.

Prostitution is violence against women

► To understand how violence is intrinsic to prostitution, it is necessary to understand the sex of prostitution. The sexual service provided in prostitution is most often violent, degrading and abusive sexual acts, including sex between a buyer and several women; slashing the woman with razor blades; tying women to bedposts and lashing them until they bleed; biting women's breasts; burning the women with cigarettes; cutting her arms, legs and genital areas; and urinating and defecating on women. (Raymond et al 2002)

Mortality rates

► Canadian Commission Special Committee on Pornography and Prostitution (1985) found that the death rate of women in prostitution was 40 times higher than the general population. A mortality survey of 1600 women in U.S. prostitution noted that "no population of women studied previously had the percentage of deaths due to murder even approximating those observed in our cohort". (Potterat et al., 2004) In this survey murder accounted for 50% of the deaths of women in prostitution. (Farley, 2004)

► According to Europol, hundreds of corpses of trafficked women who have been beaten to death, shot or strangled are found each year. In 2002, 22 women were left to freeze to death during a blizzard while crossing a mountain range into Greece. (HWWA, 2004)

Physical violence and injury

► Women who have worked in prostitution exhibit the same incidents of traumatic brain injury (TBI) as a result of being beaten, hit, kicked in the head, strangled or having one's head slammed into objects such as dashboards which have been documented in torture survivors (Jacobs & Iacobino, 2001) and battered women (Valera & Berenbaum, 2003), (Farley, 2004)

► In [this] five-country report, rates and frequency of violence and control are extremely high, with physical harm, almost 80%, sexual assault, more than 60%, emotional abuse, more than 80%, verbal threats more than 70%, and control through the use of drugs/alcohol, almost 70%, leading the indicators. (Raymond et al., 2002)

Rape

"If rape is defined as any unwanted sex act, then prostitution has an extremely high rate of rape because many survivors view prostitution as almost always entirely consisting of unwanted sex acts or even in one woman's words, paid rape... prostitution is like rape. It's like when I was 15 years old and I was raped. I used to experience leaving my body. I mean that's what I did when that man raped me. I went to the ceiling and I numbed myself because I did not want to feel what I was feeling. I was very frightened. And while I was in prostitution I used to do that all the time. I would numb my feelings. I wouldn't even feel like I was in my body. I would actually leave my body

Impacts and consequences for women who are trafficked and prostituted: prostitution as a form of violence against women

and go somewhere else with my thoughts and with my feelings until he got off, and it was over with. I don't know how else to explain it except that it felt like rape. It was rape to me. (Giobbe, 1990)

Verbal abuse

► The impacts of constant verbal and sexualised verbal abuse have been documented and accepted as traumatic and long lasting in their impact on battered women. Prostituted women are subjected to constant verbal onslaught of humiliating and degrading sexualised language which is intended to demean her and justify his exploitation. These could be described as “toxic verbal assaults”. (Giobbe, 1990)

“It is internally damaging. You become in your own mind what these people do and say with you. You wonder how could you let yourself do this and why do these people want to do this to you.” (S in Farley, 2004)

Sexual and Reproductive health

► Gynaecological complications have been consistently found to be related to forced sex. These include vaginal bleeding or infection, fibroids, decreased sexual desire, genital irritation, pain during intercourse, chronic pelvic pain and urinary tract infections. (WHO, 2000)

► There is extensive medical documentation that HIV is transmitted from john to prostitute via vaginal and anal intercourse. Rape and being coerced or per-

sueded, by paying her more for sex acts without condoms are a primary source of infection among women and girls. 89% of customers refused condoms in a Canadian study (Cunningham and Christensen, 2001) and in a study of US prostitution 47% of the women stated that men expected sex without a condom, 73% said that men offered to pay more for sex without a condom, and 45% said that men became abusive if women insisted that condoms be used. (Raymond, Hughes et al., 2001)

► Prostitution has a profound impact on intimate sexual relations with partners because of the abuse and disassociation experienced by women in prostitution. Funari describes her feelings after just one year working in a peep show.

“At work what my hands find when they touch my body is “product.” Away from work my body has continuity, integrity. Last night, lying in bed after work I touched my belly, my breasts. They felt like Capri’s (her peep show name) and they refused to switch back. When (her partner) kissed me I inadvertently shrunk from his touch. Shocked, we both jerked away and stared at each other. Somehow the glass had dissolved and he had become one of them.” (Funari in Farley, 2004)

Mental health consequences

► Survivors of torture, hostages and victims of all forms of sexual abuse consistently describe disassociation. Disconnecting from emotional reality, leaving one’s

body so as to disassociate from what is happening. This is recognised as a severe impact of sexual abuse yet it is a necessary part of prostitution, an essential strategy used by women to survive. (Herman, 1992)

► The use of drugs and alcohol to numb the pain and cope with prostitution lead to long term addiction and compound mental health consequences. Women consistently describe being stoned and drunk to get through the night and yet are aware of the dangers and risks of not being alert. (Lawless & Wayne, 2005)

15



SECTION 6

POSITION Points to Consider

Legalisation promotes the sex industry as a legitimate business and an acceptable career for girls and women. Pimps can ensure the supply of women and girls for the purpose of sexual exploitation with the approval of the State.

Legalisation removes every legal impediment to pimping, procuring and brothels. Traffickers can use work permits to bring foreign women into the prostitution industry, masking the fact that women have been trafficked, by coaching them to describe themselves as independent “migrant sex workers.”

Legalisation promotes the expansion of all forms of sexual exploitation of both children and adult women: including tabletop dancing, bondage and discipline centres, peep shows, phone sex, and pornography.

Claims that legalisation is necessary to safeguard the health of women are used to disguise the reality that it is the health and safety of the customer which the industry seeks to protect. There are no “safe zones” for women in the sex industry.

When legal barriers disappear so too do the social and ethical barriers to treating women as sexual merchandise. Legalization of prostitution sends the message to new generations of men and boys that women are sexual commodities and that prostitution is harmless fun.

► We believe that State-sponsored prostitution is one of the significant root causes of sex trafficking. We call legalized or regulated prostitution State-sponsored prostitution because although legalized or regulated systems vary, the common element is that the system of prostitution itself becomes accepted and legitimated by the State. The term State-sponsored prostitution signals that in any of these legalized or regulated systems that recognize the sex industry as a legitimate enterprise, the State effectively becomes another pimp, living off the earnings of women in prostitution. (Raymond, 2002)

► Services in sex bars that are integral to the legal hospitality sector in parts of Southeast Asia include routine heterosexual sex, same-sex prostitution, go-go, or lap dancing where the women dance half or fully naked on a dais, where the dancer sits on a man's lap gyrating, twisting and explicitly stimulating him, high-priced kinky acts and live sex shows. These latter events include specialised and hazardous acts for public entertainment such as the genital insertion and ejection of razor blades, glass bottles, darts, cigarettes, snakes and birds through the control of vaginal and abdominal muscles; public displays of sex with animals; and double act heterosexual and homosexual intercourse. With the growth of the industry, the diversification of sex services and consequently the bizarreness is likely to increase, thus intensifying the violation of women. (D'Cunha, 2002)

► Legal sex businesses provide locations where sexual harassment, sexual exploitation and violence against women are perpetrated with impunity... johns who buy women, groups promoting legalised prostitution and governments that support state-sponsored sex industries comprise a tri-partite partnership that endangers all women. (Farley, 2004)

► The health and safety of women is used consistently as the reason for promoting legalisation. Four of the five reasons given for legalising in New Zealand had to do with the protection and health of “sex workers” and public health and the fifth was to protect children. The NZ Accident Compensation Commission which establishes risk assessments for different occupations categorized prostitution as a safer job than childcare attendant or ambulance staff! Unfortunately, the public health proposals that mandate health checks for the women seek to protect the male buyers and not the women in prostitution, or else proposals would also mandate health checks for the male buyers. (Farley, 2004)

► Ultimately, “safer sex” and condom use programs insure a healthier supply of prostituted women for male buyers. They allow brothel owners to cast out infected women and bring in a fresh stock of female bodies. A more ethical and effective public health response would promote the health and safety of women within the sex industry, at the same time that it works to dismantle the sex industry. (Raymond, 2002)

Responding to legalisation / decriminalisation arguments

► In Spain procurers have formed a national organisation, legally registered with the Ministry of Employment. They refer to themselves as “sex entrepreneurs”. The objectives of the association are that :

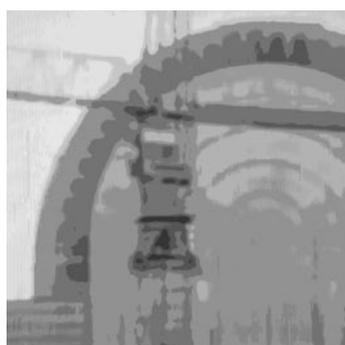
“Prostituted women will be offered for sale like any other consumer product; healthy, clean, and carrying a quality guarantee for the benefit of the “prostitutor” as well as a use-by-date”. (Carracedo, 2002)

Safe zones: safe for whom ?

► The creation of a managed area – even as a short-term arrangement – could give the impression that communities condone, or at least are forced to accept, street prostitution and the exploitation of women. While managed areas may offer some opportunity to improve the physical safety of those involved, there is no amount of protection that can keep women from harm in this inherently dangerous business. (UK, Co-ordinated Prostitution Strategy, Home office, January, 2006)

► Andrea Dworkin describes the situation in one U.S. city. Minneapolis is a city in which the population is 96 percent white and 4 percent people of colour, mostly Black and Native Americans. “How did 100 percent of the pornography land in the coloured neighbourhoods? I mean, if you were dropping it down from the sky you couldn’t do that.” This is what happens. Those parts of cities become economically devastated. Legitimate business moves out. Men from all parts of the city

come in at night to buy pornography and hunt women. Crimes of violence against women and children in those neighbourhoods go up, no one will come into those neighbourhoods from other neighbourhoods unless they want pornography. So we have a new form of segregation in our cities created by the social effects of pornography. We have an increase of violence against the women and children. (Dworkin, 1990)



Julie Bindel – The Guardian Saturday May 15, 2004

I visit Europe’s oldest tolerance zone, often described by UK advocates of legalisation as an example of best practice. Unlike the zones that have been shut due to criminal activity, this one, I’m told, runs like clock-work. At the Marco Polo police station in Utrecht, half an hour’s drive from Amsterdam, I meet Officer Jan Schoenmaker, responsible for policing the zone...

Schoenmaker is proud of his work. He takes us to the enclosure where sex takes place, just behind the Toppelzone. There are 12 parking spaces separated by 6 ft-high wooden partitions, as well as one for cyclists, or those who wish to stand up to have sex. “The council haven’t cleaned up yet,” he explains. “They do it on Sundays.” The floors of the cubicles are littered with tissues, used condoms and cigarette butts. There are empty food cartons, clumps of hair and human excrement, and, incongruously, torn gift-wrapping paper. In one, a pair of men’s underpants lies among the debris. How does having a designated area keep the women safe? “They have to come to the police station to register before starting work, so we can make sure they are not trafficked or underage. Also, we know who to look for if they disappear.”

Schoenmaker translates some graffiti on the wall: “Dear kerb crawlers, we hate you men. We want to get as much money from you as possible.” A response scrawled opposite reads, “Fucking whores, you must be fucked until you drop on the ground. We fuck and suck you until your cunt is very sore. Thank you.”

Do the women ever report violent attacks? “Oh yes, we do get that. I am recommending that the cubicles are painted different colours, so a woman could say, ‘I was raped in the red cubicle’ which would make DNA testing easier. Imagine looking for DNA among all this,” he sighs, pointing to the mountain of semen-soaked articles covering the ground. There is no doubt Schoenmaker cares about the women and the neighbourhood. Maybe that is why the zone has not yet been threatened with closure.

... Rebecca has come in from the cold and is eager to talk. Pale and thin, she tells me she is 19, but looks younger. “I’m only on the streets until I save enough to buy a car.” Her boyfriend put her on the streets when she was 15 and, although she has escaped him, she has found it impossible to get off the streets. “I was unlucky to meet him, and there was no one to help. The tolerance zone is great in some ways, but it can make it easier to carry on doing this. Everyone seems to accept it as a way of life, but I don’t like it.”

... Ali and Moïud are the social workers on duty, coordinating the condom and needle distribution. Ali kisses each condom for luck before handing it over. “So they get customers quickly,” she explains. “There’s a lot of competition out there.” Young men who seem to be “looking out” for the women are riding up and down on their bicycles, and a few men are “window shopping” – driving around gaping at the women with no intention of buying. One is openly masturbating. There is no sign of the police.

SECTION 7

POSITION

The sex industry has the capacity to include all forms of adult and child sexual exploitation in what it offers to the buyer; it does not discriminate against anyone including children of either gender, the young woman, the adult woman, the prostituted woman or child, the trafficked woman or child.

The industry rejects no act of exploitation demanded by customers. It ensures that the needs of the consumers are always met. The sex industry is not concerned about acts of violence perpetrated against the victims, or the health of the victims.

The pro-legalisation lobby bases its arguments on a series of false distinctions that are not reflected in the reality of the lives of women and children in the sex industry.

It promotes the ideas that: prostitution and trafficking are not connected; we must distinguish between forced and free prostitution; women and girls can only be protected by legal indoor prostitution; adult and child prostitution are distinct; those opposing legalisation are denying women agency; there are “soft and harmless” sides to the pornography industry.

Points to consider

Trafficking and prostitution

► Women and girls are controlled by pimps and trafficked for prostitution and forced labour within their own countries. Coercion, abuse and control exist. It is the exploitative purpose of the activity rather than the movement of persons either inside a country or across borders that matters (Jõe-Cannon, 2005)

► Whether it's local or international trafficking, women endure the same kind of violence and harm. In the U.S. study, we found that higher numbers of U.S. women in local prostitution industries reported higher incidence and frequency of violence than did international women who had been trafficked into U.S. sex industries. For example, 86% of the U.S. women in prostitution reported that they had been subjected to physical violence by buyers, in contrast to 28% of international women who had been trafficked from abroad. Although we estimate there was underreporting of violence by the internationally trafficked women due to many reasons, nonetheless both our studies indicate that women in local prostitution industries experience similar kinds of violence as internationally trafficked women. (Raymond et al., 2002)

Free/forced

► The insistence that it is possible to make a clear and stable boundary between “forced” and “free” prostitution, denies contexts in which the idea of “free choice” has minimal relevance, including the reality for many in

the sex industry – that their entry into it was through sexual exploitation as a child or young person. Thus the question must shift – for both adults and children – from focusing only on the routes into the sex industry to placing at the centre of our deliberations the contexts which hold them there, the lack of viable alternative economic and social options, and the role of customers and providers/exploiters in maintaining the demand side of the equation. (Kelly and Regan, 2000)

Legal/illegal

► Women consistently indicate in research that prostitution establishments did little to protect them, regardless of whether the establishments were legal or illegal. In the Netherlands where prostitution is legal 60% of prostituted women suffered physical assaults, 70% experienced verbal threats of physical assaults, 40% experienced sexual violence and 40% had been forced into prostitution or sexual abuse by acquaintances. (Vanwesenbeek, 1994)

► Once in prostitution a woman realises that she has no control over the choice of client, the pace or price of work, or the nature of the sexual activity. She is the shared property of any male who can pay a price for sex and for her body. (D’Cunha, 2002)

► Legalisation has not improved the conditions in which prostituted women are sexually exploited according to Jocelyn Snow of the Prostitutes Collective of Victoria (The Age, 28 Feb, 1999). Her study of the impact of legalisation on the conditions of

Rejecting false distinctions and moving towards clarity. Naming trafficking and prostitution as violence against women

exploitation faced by prostituted women found “The worst thing was the clients. The arrogance, the smelliness, the violence, the demands. One in five clients still request unsafe sex.” (Sullivan and Jeffreys, 2002)

Health control

► Many factors militate against condom use: the need of women to make money; older women’s decline in attractiveness to men; competition from places that do not require condoms; pimp pressure on women to have sex with no condom for more money; money needed for a drug habit or to pay off the pimp; and the general lack of control that prostituted women have over their bodies in prostitution venues. (Raymond, 2004)

► HIV education campaigns and other harm reduction strategies which focus on getting women in prostitution to insist on condom use fail to recognise the reality of victimisation. Battered women, women and girls who are raped and sexually abused in the family, homeless girls, drug addicted girls and women in prostitution are not in a position to enforce the use of condoms to protect themselves. Abusers have the power to target, force, coerce and persuade for their gratification with no concern for the well being of the victim. (Farley, 2004)

Adult-Child debate

► The attempts to disconnect child and adult prostitution, and to create an impermeable boundary between “forced” and “free” prostitution are doomed to failure since both are analytic, policy

led formulations; the distinctions and boundaries collapse when looked at through the realities of the lives of children, young and adult women in European (and other) sex industries. There are no separate “markets” for children or for trafficked women and girls, nor is there a form of prostitution which is not in some fundamental way exploitative of the dignity and integrity of human beings. Entry into prostitution and becoming entrapped within it, comprise complex mixtures of coercion, deception, dependence and choice. (Kelly & Regan, 2000)

► The simple fact is that where sex industries are tolerated, sexual exploitation of children is facilitated. By insisting on an absolute separation of children and adults the argument to extend protection to 18 is undermined, and an implicit – but deeply problematic – logic is re-enforced. How can it be that on one day when the young person is 15 or 17 their involvement in the sex industry is exploitation and illegal, but on the next day – their birthday – when they are 16 or 18, this becomes not just legal but legitimate, a matter of choice, a form of work? What process can occur in 24 hours that transforms something inherently exploitative into an issue of choice and consent? (Kelly & Regan, 2000)

Data on child prostitution in Eastern Europe

- **Romania** – 129 convictions for under 18 prostitution offences (1995)
- **Poland** – estimates of several hundred children in prostitution (1999)
- **Russia** – children make up 25% of Moscow prostitutes (1999)
- **Russia** – of 750 girls in a reception centre, 85% had been sexually abused and compelled into prostitution
- **Lithuania** – 200 child prostitutes in Vilnius
- **Latvia** – 40-50% of prostitutes are minors
- **Estonia** – 20-30% of prostitutes are minors
- **Poland / Germany** – minors involved in roadside prostitution has flourished along the border where under 18s live like prisoners in barracks at the border crossings
- **Russia** – Moscow boasts a “nympho” club where minors do strip tease and are tattooed with their owners mark and when they reach 14 their virginity is sold to the highest bidder

All data taken from Crossing Borders Project, 1998, in Kelly and Regan, 2000

Agency/victimhood

► Victim has a literal meaning in describing the recipient of violence and abuse, but need not signify a permanent state of “victimism”. Women can indeed express agency by making decisions, but it is likely to be an anguished agency much constrained by circumstance and devoid of the exultation of “choosing” between glorious possibilities for the exercise of their talents. (Jeffreys, 1998)

► No woman or child who spends time in the sex industry is a passive victim. Each will endeavour to use whatever limited options and choices that are available to protect their physical and mental health, and they use their agency every day simply to survive. But their agency is severely limited by the conditions and context of their lives, whether this includes being controlled by a pimp, trafficker, violent partner or family member, and/or an addiction to drugs, alcohol or both. In many of the commentaries which seek to emphasise children’s (and women’s) agency, very little discussion takes place about the difference between “free choice/action and coping/survival strategies. Both involve individuals acting in relation to their own needs and circumstances – but the latter are actions taken in the context of already constraining circumstances. (Kelly & Regan, 2000)

Indoor and street prostitution

► Women almost always work in a variety of locations depending on money and demand and police harassment. One study found

that 59% of 119 respondents had been prostituted for the longest period of time in multiple indoor locations such as strip clubs, massage parlours, phone sex, and escort services. 66% had been in street prostitution for the longest time. (Kramer, 2003) 47 interviewees in New Zealand had been in many different kinds of locations: as strip clubs, phone sex, escort, internet, peep shows, bar, street, brothel prostitution and at military bases. 22% had been domestically trafficked and 6% had been trafficked from another country. (Farley, 2004)

► In a study of women in legal indoor prostitution in the Netherlands they found great emotional stress and extreme nervousness among women who were prostituted primarily in clubs, brothels and windows. (Vanwesenbeek, 1994)

► In interviews with women in Ireland (Lawless & Wayne, 2005) women describe that despite their attempts to control their environment, men’s violence was unpredictable:

“You are getting into cars with strangers. Even regulars can change for the worse.”

“I was raped once. No indication. We were just finishing. All of a sudden he pushed me back on the car. Pulled it (the condom) off and forced himself on me. Nothing strange before, no warning.”

► Some studies indicate that women in indoor prostitution are less able to control the conditions and interaction with men. Boyer, Chapman & Marshall (1993) suggested that women in strip clubs

Rejecting false distinctions and moving towards clarity. Naming trafficking and prostitution as violence against women

and brothels had less control of the conditions of their lives and probably faced greater risks of exploitation, enslavement, and physical harm than women on the street. Women talk about being alone in a room with the customer, not being able to reject customers or warn each other, that they are not encouraged to report violence or prosecute violent customers and having to service pimps and guards. (Farley, 2004)

► Women in the Irish study (Lawless & Wayne, 2005) also describe the demand by customers for more time and intimacy:

“It got harder to be with the clients. I hated it. I changed workplaces to an upmarket place. She promised the clients more than I’d do and then clients would stay the full two hours. Before the clients would pay for an hour but only stay 20 mins, but these ones wanted their money’s worth.”

The “softer” side of the Industry

► Some activities in the sex industry are presented as mild, such as lap dancing and peep shows which, it is alleged, do not involve penetration. However, the line between prostitution and lap dancing is so blurred that many forms of lap dancing and stripping now involve touching, grabbing, pinching and stimulating men’s genitals. Holsopple (1998) documented the verbal, physical and sexual abuse experienced by women in strip club prostitution which included being grabbed on the breasts, buttocks and genitals as well as being kicked, bitten, slapped, spit on, and pene-

trated vaginally and anally. Private lap dances are bought where the customer at least expects ejaculation but usually penetration. (Farley, 2004)

Links with pornography:

► The global sex industry, at one level, organizes sexual entertainment in different venues in any part of the globe, with women and children trafficked across borders and clients able to travel to sexual destinations around the world with ease. At another level, with Internet technology, the client may be in one continent while directing and watching a live strip show, or the sexual abuse of a child or woman in another continent. (D’Cunha, 2000)

► As one woman said “Porn was the text book. We learned the tricks of the trade by men exposing us to porn and us trying to mimic what we saw. I could not stress enough what a huge influence we feel this was (Public Hearings before the Minneapolis City Council; Session 11, December 1983)

► In her research with 200 women in prostitution, Mimi Silbert also recognised the role played by pornography in legitimising victimization. Just under two thirds of the women working currently in prostitution were 16 or under. The study documented that the sexual abuse of street prostitutes was seen as part of their job, and that many were abused outside their work environment and in their childhood prior to entering prostitution. Many of the descriptions of these sexual assaults made reference to the role played by pornography. These 200

women recounted 193 instances of rape and 178 experiences of sexual abuse in childhood. In the accounts of rape, almost a quarter (23%) made reference to pornography used by the rapist... Over a quarter of this group of young prostitutes had also been used in child pornography. (Silbert & Pines, 1984)

► Within the predominant sexual system, articulated and reproduced in pornography, women are defined and acted upon as sexual objects; our humanity is denied and our bodies are violated for sexual pleasure; the bodies of our sisters are literally marketed for profit. (Leidholdt, 1990)



SECTION 8

POSITION

It is critical to identify the actions and outcomes arising from the perspective that prostitution and trafficking of women for sexual exploitation must be eliminated. It is also necessary to recognise the inevitable outcomes of a standpoint that promotes prostitution as a legitimate business and career.

The view that prostitution is a form of violence against women has major implications that underpin direct services to women. What we believe, as service providers, influences our interactions with individual women exploited in the sex industry. Practitioners need to know that when they hold the position that prostitution is a form of sexual exploitation, they are protecting women from further harm, and that this position is consistent with a non-judgmental attitude to women which respects their rights.

Points to Consider

Two very different sets of outcomes result from how practitioners view

PROSTITUTION AS A FORM OF VIOLENCE AGAINST WOMEN

Legal/Social/Political Outcomes:

- ▶ Legislation and policy that criminalise the buyers/pimps/sex industry and decriminalises women.
- ▶ Legislation, policies and programs that treat women as victims, not as criminals.
- ▶ Integration of prostitution and trafficking in legislation, policies, and programs.
- ▶ A zero tolerance of prostitution and trafficking.
- ▶ Increased public awareness of the violation experienced by women exploited in prostitution.
- ▶ Growing intolerance for the permission and promotion of men's right to buy and sexually exploit women.
- ▶ Increased awareness of the links between adult and child sexual exploitation.

Service Provision Outcomes:

- ▶ Development of exit programs for women in prostitution.
- ▶ Promotion of alternatives for women.
- ▶ Responses to victims of sexual exploitation clearly recognise that prostitution is a form of violence against women and support women in this recognition.
- ▶ Increased research and information on all forms of male sexual violence.
- ▶ Focus on safety, harm elimination and the prevention of re-victimisation.
- ▶ Recognition that prostitution is always dangerous and damaging for women.
- ▶ Advocacy that promotes the right to get out of prostitution.
- ▶ Men buying women are recognised as abusers and sexual exploiters.
- ▶ Accountability and criminal sanctions are sought for the abusers/johns/pimps.
- ▶ Integrated responses to women, girls and children are developed which do not distinguish between a "free" or "forced" entry route.

Actions and Outcomes Arising from Positions Adopted on Prostitution and Trafficking

prostitution – as a form of violence, or as a choice or form of work.

PROSTITUTION AS A CHOICE OR A FORM OF WORK

Legal/Social/Political Outcomes:

- ▶ Legislation and policy that legalises/regulates/decriminalises the sex industry and makes it acceptable.
- ▶ Glamorisation of prostitution as a career choice for women. Denial of women as victims.
- ▶ Separation of prostitution and trafficking in legislation, policies and programs.
- ▶ Major expansion of the sex industry. Legal, social and ethical legitimisation of the sex industry.
- ▶ Increased social acceptance of men's entitlement to buy girls and women. Denial of the harm of sexual exploitation to women.
- ▶ Male buyers seen as consumers, not as exploiters. Increase in demand and numbers of men who sexually exploit. Women forced to satisfy the increasing, perverse demands by buyers.
- ▶ False distinction between adult and child sexual exploitation. Increase in child prostitution.

Service Provision Outcomes:

- ▶ No exit programs needed if prostitution is seen as a legitimate job.
- ▶ States legalizing or decriminalizing the sex industry have no priority to provide alternatives for women in prostitution.
- ▶ It is difficult for women to name the violence and sexual exploitation inherent in prostitution if it is seen as a part of the job.
- ▶ Action directed to improving the working conditions in the sex industry, not assisting women to get out.
- ▶ Harm reduction model focussing on health consequences, HIV and sexually transmitted disease.
- ▶ Promotion of sex work as a choice and an acceptable job for women.
- ▶ Advocacy that promotes the “right” to prostitution.
- ▶ Denial and minimisation of the violence and damage inherent in prostitution.
- ▶ Facilitating and colluding with johns/pimps/abusers.
- ▶ Identifying prostitution as an unacceptable violation is seen as being judgmental of the women themselves.

SECTION 9

POSITION Points to consider

The global sex industry is a massive profit-making enterprise based on the marketing of women and girls. The sexual exploitation of women and girls in international prostitution and trafficking networks has become one of the major aspects of transnational organised crime. Unlike drugs and guns, women and children can be sold multiple times and in multiple ways for profit, and the criminals receive less punishment and shorter sentences.

In any system of legalised or regulated prostitution the State is benefiting financially from the sexual exploitation of women and girls. The collusion and lack of political will by states to create adequate laws and ensure police enforcement give legal permission to exploit and make the sexual violence against women invisible.

► Globalisation of the economy also means globalisation of the sex slave trade and the sex industry. It is estimated that the illegal sex industry turns 5-7 billion US\$ per year – more money than the annual total of all military budgets in the world. The U.N. estimates that some 4 million individuals, principally girls and women are transported annually within and between countries for the purpose of trafficking. 70% of the £252 million that European Internet users spent on the net in 2001 went on various porn sites. (European Parliament Report on the Consequences of the Sex Industry in the EU, 2003)



► The expansion and consolidation of the sex industry with its trans-national linkages has been aided by its incorporation and contracts with legitimate branches of the corporate sector – the tourist, entertainment and leisure industry, the travel and transport industry, underground narcotics and organized crime. The industry has high levels of organization and profitability. It results in the generation of massive profit margins reportedly equalling those in the arms and narcotics trade. This large-scale accumulation of capital takes place through a progressive appropriation and decimation of women's and children's bodies, sexualities and entire beings. (D'Cunha, 2002)



Profits made from trafficking and prostitution

► Globalisation and the opening of countries in transition to the world economy have created an opportunity for national criminal groups to extend their illicit economic activities by establishing links with foreign and international criminal networks and maximizing their profits by creating economies of scale. One of the most rapidly growing illicit activities over the past two decades has been trafficking women and girls mainly for the sex industry in Western Europe (Netherlands, Italy, Belgium, Germany and United Kingdom) and the United States. According to various estimates up to 80% of the women and girls trafficked from Central, Eastern European and CIS countries to Western Europe are destined for the sex services market. Total annual revenues of traffickers are estimated to range from US\$ 5 billion to US\$ 9 billion. (UNESCE, 2004)



► The sex industry in the EU Member States has become one of the most lucrative businesses. In the Netherlands, where prostitution is legal, the sex industry generates almost US\$ 1 billion a year. This shows how profitable it is for both traffickers and owners of adult entertainment establishments. (UNESCE, 2004)



SECTION 10

POSITION Points to consider

Gender inequality is inherent in the promotion and normalisation of prostitution. Enshrined within state legislation, men's right to buy women is a direct contradiction to a society based on gender equality.

Promoting the idea that some women must be available for sale to satisfy men's sexual needs is to create a group of women who are excluded from the protection afforded under national and international human rights law.

Prostitution and trafficking promotes sexism and racism as men are encouraged to see women from poorer foreign countries as less, as "other" and as legitimate targets for exploitation.

► It is not acceptable for States that call themselves democratic to legalise men's sexual exploitation of women. By legalising brothels and other prostitution related activities, these states are saying that it is right that women, and in some cases children, can and will be put up for sale, bought and consumed like any other commodity. (Winberg, 2002)

► Legitimising prostitution will thwart efforts towards reciprocal, equal, just and empowering relationships between women and men and will retard the development of humane communities. More boys and men will be socialized to maltreat women as normal practice, thus progressively also dehumanising men. More girls and women will be drawn into prostitution, violated, and the individual and collective rights of women will be eroded. (D'Cunha, 2002)



► The Swedish Government has long given priority to combating prostitution and trafficking in human beings for sexual purposes. This objective is an important part of Sweden's goal for equality between women and men, at the national level as well as internationally. Gender equality will remain unattainable as long as men buy sell and exploit women and children by prostituting them. (Ministry of Industry, Employment and Communications, 2005)

► Where feminists seek to transform sexuality in the interests of keeping women and children safe and ending women's inequality, the libertarians seek to promote and legitimise the traditional sexuality of dominance and submission. They eroticise practices that rely on power imbalance, such as sadomasochism, butch and femme, and so-called erotica that display women's humiliation and degradation. They see themselves as being in the so-called pro-sex tradition. Pro-sex turns out to mean pro-sexual dominance and submission. (Jeffreys, 1990)



Social/gender equality consequences of trafficking and prostitution

► Respect for women's bodies, and this respect's significance for our understanding of what it means to be a woman or a man and which rights that ensue, are totally dependent on if women are to be available for purchase. (Westerstrand, 2002)

► We cannot dissociate prostitution from other forms of male violence against women and girls; nor from the systematic subordination by males of females in all countries around the world. In a patriarchy, male violence against women is one of the most powerful tools used to keep women and girls in a state of oppression and slavery. (Ekberg, 2002)

► Sexual exploitation preys on women and children made vulnerable by poverty and economic development policies and practices, refugee and displaced persons and on women in the migrating process. Sexual exploitation eroticises women's inequality and is a vehicle for racism and "first world" domination, disproportionately victimizing minority and "third world" women. (CATW brochure, CATW Position Statement, 1988)



► Currently the Internet is being used by men to promote and engage in the sexual exploitation of women... Men describe, often in graphic detail, their experience of using women and children. The women are completely objectified and evaluated on everything from skin colour to presence of scars and firmness of flesh. The men buying women and posting the information on the internet see and perceive the events only from their self-interested perspective. Their awareness of racism, colonization, global economic inequalities and of course sexism is limited to how those forces affect them. A country's economic or political crisis and the accompanying poverty are advantages, which produce cheap labour for men. Often men describe how desperate the women are and how little men have to pay. (Hughes, 1997)



SECTION 11



28

Sweden

Swedish legislation: a summary

From (Fact Sheet, Ministry of Industry, Employment and Communications, 2005)

In Sweden, prostitution is regarded as an aspect of male violence against women and children. It is officially acknowledged as a form of exploitation of women and children that constitutes a significant social problem, which is harmful not only to the individual prostituted woman or child, but also to society at large.

In the legislation on gross violation of a woman's integrity (Kvinnofridslagstiftningen), the Swedish Government and Riksdag (the Parliament) defined prostitution as a form of male violence against women and children. Since January 1 1999, purchasing – or attempting to purchase – sexual services has constituted a criminal offence punishable by fines or up to six months imprisonment. The women and children who are victims of prostitution and trafficking do not risk any legal repercussions.

Since the Act came into force there has been a dramatic drop in the number of women in street prostitution, according to information provided by the police and social services. The number of men who buy sexual services has decreased, as has the recruitment of women into prostitution.

Public support for the legislation is widespread and growing according to opinion polls conducted by the SIFO, an opinion and social research consultancy firm.

From the 5th NCID Situation Report of the Swedish National Rapporteur on Trafficking, 2003:

...there have been obvious indications that the Act relating to purchase of sexual services has had a positive result as regards trafficking in human beings. Several women have, in interrogations, told that pimps and traffickers in human beings that they have been in contact with, do not consider Sweden a good market for these activities ... Another aspect is that the purchasers of sexual services in Sweden are very afraid of being discovered and they demand that the purchase of sexual services take place with much discretion ... (to pimp) it is (now) necessary to have several apartments or other premises available ... and ... pimping activities in Sweden must be more organised to be profitable.

The governments of South Korea and the Philippines have passed similar legislation against the buyers. Finland will vote on a law against the demand sometime in 2006.

Case Studies

United States of America

The U.S. Government adopted a strong position against legalized prostitution in a December 2002 National Security Directive based on evidence that prostitution is inherently harmful and dehumanizing, and fuels trafficking in persons, a form of modern-day slavery.

Where prostitution is legalized or tolerated, there is a greater demand for human trafficking victims and nearly always an increase in the number of women and children trafficked into commercial sex slavery.

State attempts to regulate prostitution by introducing medical check-ups or licenses don't address the core problem: the routine abuse and violence that form the prostitution experience and brutally victimize those caught in its netherworld. (U.S. Department of State, Bureau of Public Affairs, *The Links Between Prostitution and Trafficking*)

There is no evidence that legalisation in any country has reduced the number of trafficking victims, and NGOs working in the field note that the number of trafficking victims often increase. Legalised prostitution is a trafficker's best shield, allowing him to legitimise his trade in sex slaves and making it more difficult to identify trafficking victims. (U.S. Department of State, *Trafficking in Persons Report*, 2004)

On an international level, the United Nations *Department of Peacekeeping Operations* (UN DPKO) policy on human trafficking recognizes that the use of prostituted women in mission areas is exploitative. The DPKO thus prohibits the purchase of sexual services by UN peacekeeping personnel and also prohibits the patronage of bars, nightclubs, brothels or hotels where sexual exploitation and prostitution are present. This groundbreaking policy does not distinguish its prohibition of the purchase of sexual services between locally prostituted women and those who are trafficked internationally. Even if prostitution is not a crime in the jurisdiction in which the peacekeepers operate, this UN policy still prohibits the purchase of sexual services since it identifies such purchase as an act of sexual exploitation. (Human Trafficking and United Nations Peacekeeping DPKO Policy Paper, 2004)





Australia

Legalising prostitution is not the answer: The example of Victoria, Australia

By Mary Sullivan and Sheila Jeffreys (2004)

The experience of Victoria, Australia provides a good object lesson as to why legalisation is not the answer. Legalisation in Victoria has perpetuated the culture of violence and exploitation that is inherent in prostitution. The new liberalised climate has facilitated the expansion and diversification of the industry.

Though it was hoped that legalisation would control expansion of the industry, in fact it has had the opposite effect. Legalisation leads to massive expansion. It would be surprising if it did not, since this is the very reason that business interests are pushing so hard for legalisation. An investigative report by Victoria's Age newspaper in 1999, found an increase in the number of legal brothels from 40 a decade ago to 94 today, along with 84 escort agencies. Ironically, the real growth area is in the illegal sector. The over 100 unlicensed brothels outnumbered the "legitimate" sex businesses in 1999 and had trebled in 12 months." (*The Age*, 1 March, 1999)

Since the legalisation process began there has been an explosion of forms of sexual exploitation in the industry. Tabletop dancing, bondage and discipline centres, peep shows, phone sex and pornography – all are developing profitably as part of a multi-million dollar industry of sexual exploitation.

"Sex work" empowering for prostituted women?

In Victoria, at a time when other women are seeking to desexualise their workplaces assisted by trade unions, women employed in the sex industry are expected to endure behaviour not tolerated in other work environments. Spokespersons for the Prostitutes Collective of Victoria (PCV) have explained that men are becoming more demanding in the type of services they want. The demand for oral sex, for instance, has been replaced by the demand for anal sex, frequently demonstrated by men simply sticking their fingers into women's anuses during their "bookings." Other normal practices "include women being lined up and looked over like any other commodity," and sex without condoms. These views are supported by a 1998 study conducted by the Mac Farlane Burnett Centre for Medical Research done in conjunction with the Prostitutes' Collective - Victoria. Forty percent of men in the study did not use condoms when exploiting prostituted women.

The tens of thousands of men who use women in the sex industry in the State of Victoria are expected to understand that women in prostitution are suitable objects for their unwanted remarks, hands and penises, whilst their female workmates in factories and offices are not. Of course, many will fail to understand this distinction. If it is acceptable to insult, grab, abuse and harass a woman in one place just because a man has paid for it, why should it shock a woman in another place to have the same treatment?

Case Studies

Rise of the black market

Legislation was intended to eliminate organised crime from the sex industry. In fact the reverse has happened. Legalisation has brought with it an explosion in the trafficking of women into prostitution by organised crime. Recently it has been revealed that Victorian sex “businessmen” are involved in the lucrative international sex trade run by crime syndicates which is worth \$A30 million in Australia. An Australian Institute of Criminology study estimated that Australian brothels earned \$A1 million a week from this illegal trade. Some examples of the trade came to light in 1999. One Melbourne sex trafficker brought 40 Thai women into Victoria as “contract workers,” depriving them of their passports and earnings until their contracts were worked off. This is called debt bondage. The women have to have sex with 500 men before receiving any money and were imprisoned by him (The Age, 9 May 1999) This man has since received an 18-month suspended sentence and a fine, to the outrage of those who want the traffic of women into sex slavery taken seriously.

Effect of legalised prostitution on the status of women

Legalisation allows men to feel more justified and confident in their prostitution behaviour. Meanwhile women’s desire to have egalitarian relationships with men in which they are respected becomes more and more impossible to fulfil. As the industry grows, more and more women are finding that they have the choice to accept the way their male partners treat other women, to avoid recognising what their partners are doing, or to leave.

Prostitution is an industry that arises from women’s low social status and the relegation of women to the role of sex objects. Legalising prostitution maintains that low status and makes it much harder for women to assert that they should be treated with dignity and respect.

Whilst women in the State of Victoria strive to improve their status, the sex industry provides a constantly expanding obstacle. Women have sought to gain equality in employment opportunities in corporations, for instance. This is seriously undermined by corporate use of facilities, such as tabletop clubs, for meetings and entertaining corporate clients. These clubs market themselves as spaces where companies can hire rooms with whiteboards to write on for product launches and meetings. Club owners supply naked women on the table at tea breaks and at lunchtime. Women executives are not likely to attend such meetings. The tabletop venues operate and often describe themselves as “gentlemen’s clubs”. Whereas, once women sought to challenge

the power and privilege men gained from men-only facilities, and gained right of entry to many, the new men’s facilities created through the sex industry create a whole new culture of men-only bonding. In the new “gentlemen’s clubs”, men bond through the collective abuse of women. Advertisements for these clubs, offering women to men as objects for sexual use, span major roads in Melbourne educating new generations of men and boys to treat women as subordinates.

SECTION 12

Introduction

A large collection of international agreements, directives, protocols and political statements and human rights conventions exist which can be invoked as evidence and even used as resources to insist that Governments move to protect their citizens from the ravages of trafficking and sexual exploitation. This section seeks to summarise the key international mechanisms and can be used by projects and NGOs to remind Governments of their commitments to support women's human rights and to create the necessary infrastructure to promote gender equality and ensure that women and children can live free from violence.

Building on the United Nations (UN) Beijing Platform for Action (1995) and the Outcome Document of the 23rd Session of the UN General Assembly (Beijing Plus 5, 2000) wherein Governments expressed commitments to progress and implement actions to promote gender equality and human rights, other texts also offer protection for women – the advancement of the UN Millennium Declaration and the achievement of the Millennium Development Goals underline that a gender perspective should be fully integrated into all follow up processes of the UN Conferences.

The promotion of equality between women and men into all policies and programmes is a main principle for the further development and implementation of all EU treaties since the Treaty of Amsterdam (1998) and the Treaty of Nice (2000).

Certain UN documents are useful to combat trafficking and prostitution and are listed below:

UN Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

The convention is one of the international human rights instruments that addresses 'slavery and slavery like practices.' The preamble sets forth the principle that prostitution and trafficking is 'incompatible with the dignity and worth of the human person'. Women in prostitution are not considered as criminals but as victims to be protected. The convention advocates punishment for those 'who procure, entice or lead' others into prostitution. The convention establishes a link between prostitution and trafficking and states that countries cannot regulate prostitution or subject women in prostitution to registration or other administrative controls.

Article 6 of Convention on the Elimination of All Forms of Discrimination against Women (1979)

Stipulates that 'States parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.' CEDAW builds on the 1949 Convention, by introducing 'all forms of' traffic in women and exploitation of prostitution of women and acknowledges that new forms of trafficking and sexual exploitation exist and must be curbed.



International Human Rights mechanisms for combating trafficking for sexual exploitation and useful European Union reports and political statements

Article 21 of the Convention on the Elimination of All Forms of Discrimination against Women empowers the Committee on the Elimination of Discrimination against Women (CEDAW) to make suggestions and general recommendations based on the examination of reports and information received from States parties. CEDAW clarified that trafficking is a form of gender-based violence when it adopted **General Recommendation No. 19 in 1992**, which highlights the interconnections between trafficking in women, women's lower economic status, armed conflict and violence.

Convention on the Rights of the Child (1989)

Maintains the spirit of the 1949 Convention in its articles 34 and 35 and adds other forms of sexual exploitation such as pornography.

Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the UN Convention Against Transnational Organised Crime (2000) (The Palermo Protocol)

Since the 1949 Convention came into force, perpetrators have organised new and pernicious forms of trafficking such as trafficking in women and children for mail order bride industries and for sex tourism.

The Protocol is a wide-ranging agreement to address the crime of trafficking in persons, especially women and children. It is intended to jumpstart national laws and harmonise regional legislation against trafficking in women and children.

The text follows the 1949 Convention in recognising that trafficking cannot be dissociated from the exploitation of prostitution. It initially targets 'the exploitation of prostitution of others and other forms of sexual exploitation'. The definition of trafficking also states that the consent of the victim to the intended exploitation is **irrelevant**, thus recognising that the victim of trafficking should not bear the burden of proof. The Protocol also provides protection measures for victims.

For the first time in a UN Convention, the issue of the DEMAND that promotes trafficking is addressed. Article 9.5 stipulates that States Parties 'shall take or strengthen legislative or other measures ... to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking'.

UN Commission on the Status of Women (CSW), 2005, Resolution 49/2, Eliminating Demand for Trafficked Women and Girls for All Forms of Exploitation in the Report of the 49th Session (E/2005/27; E/CN.6/2005/11)

33



The 2005 CSW Resolution on Demand reinforces Article 9.5 of the UN Protocol against trafficking by affirming that “eliminating the demand for trafficked women and girls for all forms of exploitation, including for sexual exploitation, is a key element to combating trafficking”. It calls upon Governments to take all appropriate measures to eliminate the demand for trafficked women and girls and emphasizes that commercial sexual exploitation overwhelmingly affects women and girls. It encourages all measures, including legislative ones, “to deter exploiters and eliminate the demand”.

Report of Sigma Huda, the UN Special Rapporteur on Trafficking in Persons, Especially Women and Children. Integration of the Human Rights of Women and a Gender Perspective with a Special Focus on the Demand for Commercial Sexual Exploitation and Trafficking (2006).

This excellent report addresses the interpretation of the definition of trafficking in the UN Protocol, the meaning of demand, criminalizing the use of prostituted persons, reasons against legalizing prostitution and the sex industry, and a human rights approach to trafficking that includes an emphasis on prosecuting perpetrators. Significantly, the report states, that “For the most part, prostitution as actually practised in the world usually does satisfy the elements of trafficking ... States parties with legalized prostitution industries have a heavy responsibility to ensure that ... their legalized prostitution regimes are not simply perpetuating widespread and systematic trafficking. As current conditions throughout the world attest, States Parties that maintain legalized prostitution are far from satisfying this obligation.”

European documents useful to combat trafficking and prostitution :

**Brussels Declaration (2002)
Council Decision Endorsing the Declaration**

This declaration was made in Brussels in 2002 and is on Preventing and Combating Trafficking in Human Beings – the Global Challenge for the 21st Century. The Declaration calls for effective coordinated actions between the origin, transit and destination countries among all national and international players in the relevant fields.

Council of Europe Convention on Action against Trafficking in Human Beings Warsaw, 16/5/2005 Contains an internationally-recognized definition of trafficking, based on UN Protocol 2000 and affirms the necessity to take action against the demand for sexual exploitation (Art. 6).

29/4/2004 **Council Directive 2004/81/EC of 29 April 2004 on the Residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities**

19/07/2002 **Council Framework Decision 2002/629/JHA of 19 July 2002 on Combating trafficking in human beings**



International Human Rights mechanisms for combating trafficking for sexual exploitation and useful European Union reports and political statements

22/03/2001 **Council Framework Decision 2001/220/JHA of 15 March 2001 on the Standing of victims in criminal proceedings (16/02/2004 Report from the Commission on the basis of Article 18 of the council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (COM (2004) 54 final/2).**

20/10/2003 **Council Resolution of 20 October 2003 on Initiatives to combat trafficking in human beings, in particular women.**

18/10/2005. **Communication from the Commission to the European Parliament and the Council - Fighting trafficking in human beings: an integrated approach and proposals for an action plan (52005DC0514. COM(2005) 514 final).**

The Communication aims at further strengthening the commitment of the European Union and the Member States to prevent and fight against trafficking in human beings, committed for the purpose of sexual or labour exploitation as defined in the Framework Decision of 19 July 2002 on combating trafficking in human beings, and to the protection, support and rehabilitation of its victims. This proposed action plan has still to be discussed by the Council and the European Parliament.

It recognised that the persons concerned, their needs and rights shall be at the centre of the EU policy against human trafficking. This means first and foremost a clear commitment of EU institutions and Member States to follow a human rights centred approach and to promote it in their external relations and development policies.

European Parliament Report on strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation (2004/2216(INI), Committee on Women's Rights and Gender Equality, Rapporteur: Christina Prets.

The report makes useful links between trafficking and prostitution in Member States and supports actions which are based on gender equality across the EU.

35



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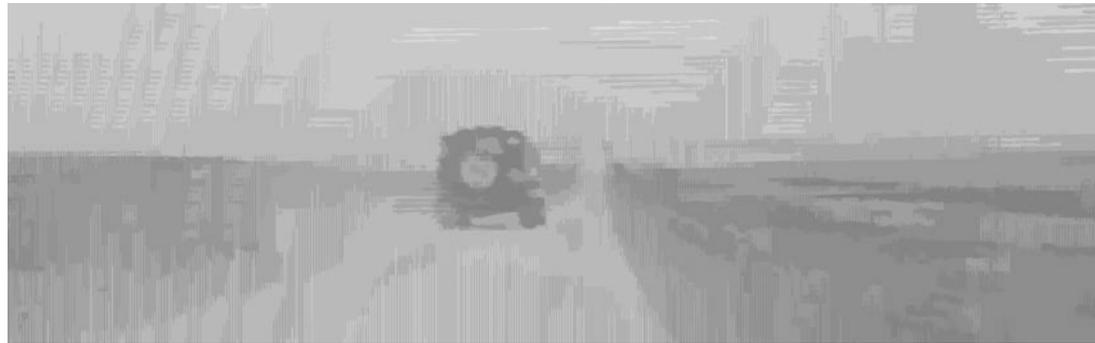
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THE AUTHORS WOULD LIKE TO THANK
COLETTE DE TROY, MARY MCPHAIL,
GEORGIA TSAKLANGANOS AND JANICE RAYMOND
FOR THEIR INVALUABLE SUPPORT AND
INPUT TO THIS HANDBOOK.



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