

Seminar on the Effects of Legalisation of Prostitution Activities, Stockholm 5–6 November, 2002

Gunilla Ekberg Special advisor on issues of prostitution and trafficking in women at the Swedish Division for Gender Equality. Gunilla Ekberg is the coordinator of the Nordic Baltic campaign against trafficking in women, a lawyer and long time feminist activist.

Janice Raymond Professor Emerita of Women's Studies and Medical Ethics at the University of Massachusetts in Amherst, USA. A longtime feminist activist against violence against women and sexual exploitation, as well as against the medical abuse of women. Janice Raymond is also Co-Executive Director of the Coalition Against Trafficking in Women (CATW), an international NGO having Category II Consultative Status with ECOSOC, and with branches in every world region.

Rosario Carracedo Lawyer and expert on prostitution and trafficking for the C.I.M.T.M (Comisión para la Investigación de Malos Tratos a Mujeres), Madrid, Spain

Marianna Solomatova Development Director of the Moscow office of the Angel Coalition (an anti-trafficking organization of 43 NGO in Russia and the Commonwealth of Independent States).

Sheila Jeffreys Associate Professor in Political Science at the University of Melbourne, Australia and a founding member of Coalition Against Trafficking in Women in Australia (CATWA). Sheila Jeffereys is also the author of five books on the history and politics of sexuality including *The Idea of Prostitution*.

Jean D'Cunha Senior Programme Specialist with UNIFEM East and Southeast Asia Regional Office, Bangkok, Thailand. Jean D'Cunha has published widely on a variety of gender concerns, but especially on the issue of sexuality, with special reference to prostitution and prostitution laws.

Jenny Westerstrand PhD student in Public International Law at Uppsala University. Jenny Westerstrand has a special interest in legislation of prostitution in Europe in relation to human rights issues, especially in regards to the right to bodily integrity. Coordinator of the Swedish national prevalence study on male violence against women presented in the report *Captured Queen*.

Esohe Aghatise Specialist in International Economic and Trade Law and in Ethno-Clinical Mediation with foreign immigrants especially victims of trafficking. Esohe Aghatise is an expert on trafficking in persons for prostitution and other purposes.

Speech by Deputy Prime Minister Margareta Winberg

5 November 2002

Ladies and Gentlemen,

It gives me great pleasure to wish you all welcome to our seminar, which is about the effects of the legalisation of prostitution.

I hope that the international experts we have invited will inspire us all in the fight against prostitution and trafficking in women and that the ensuing debate will be extended, both in Sweden and elsewhere. And in the longer term, will bring us positive results.

In recent years, as you know, a number of countries in Europe have legalised brothels and implemented other measures to enable the acceptance of prostitution and its normalisation as a so-called "profession". Certain other countries around the world are also considering whether or not to enact similar legislative amendments, or in some cases, even to decriminalise all those active in national prostitution industries: pimps, brothel owners, etc.

I consider that these countries have capitulated and succumbed to pressure from the profit-seeking prostitution industry. I do not think that it is 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' governments and parliaments 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.

And ultimately, are not also these states acting as pimps in collecting taxes and making money from the sex trade?

What is more, I am convinced that these countries will not be able to work successfully against the global traffick-

ing in women. By accepting various forms of prostitution activities, they have created a large local prostitution market that is attractive for traffickers from all over the world. And here we have the connection – without prostitution, there would be no trafficking in women.

I believe that we will never succeed in combating trafficking in women if we do not simultaneously work to abolish prostitution and the sexual exploitation of women and children. Particularly in light of the fact that many women in prostitution in countries that have legalised prostitution are originally victims of trafficking in women. Here we can also see the connection.

I consider that we are now in a major period of upheaval, internationally speaking. Shall we allow the global prostitution industry, i.e., the individuals, groups and organisations that are behind the organised sale of women and children, and the industries that use pornography and prostitution as sales arguments and that profit from the oppression of women and girls – shall we allow them to continue, without protesting?

Shall we tacitly accept the fact that men buy and sexually exploit generations of girls and women around the world?

Shall we accept the fact that certain women and children, primarily girls, often those who are most economically and ethnically marginalised, are treated as a lower class, whose purpose is to serve men sexually?

No, of course not. I believe that in Sweden we have a particular responsibility. We have long taken a position against prostitution and the oppression of women that this entails. We have made it clear in no uncertain terms that those men who buy and

sexually exploit women and children commit a crime.

We expressly state that prostitution is a form of sexualised violence by men against women. We know that without men's demand for women and children, the prostitution industry would not be able to flourish and that trafficking in women would therefore not be able to continue. This is why it is important, but controversial, to focus on the demand. But we must dare to take this step.

I believe that Sweden has an important role to play in Europe and internationally in efforts to combat prostitution and the growing global trafficking in women and children. We have long given priority to the fight against prostitution and trafficking in women as an important element of Swedish gender equality efforts, both at the national level and internationally.

In July 2002, a new law against trafficking in human beings for sexual purposes entered into force in Sweden. This means that all the links in the prostitution and women-trafficking chain have been made a criminal offence in Sweden: the buyers of women and children in prostitution, pimps and traffickers in women.

We are also investigating ways of protecting and supporting women and children who are the victims of trafficking in women in Sweden.

An acceptance of prostitution, procuring and other forms of activity related to prostitution is a serious threat to our gender equality objective and is not compatible with a society in which we can realise this objective.

It also means a serious violation of the women and children who are bought, sold and exploited by men for sexual purposes.

It was against this background

that in June 2001, at the Women and Democracy conference in Vilnius, I suggested to my colleagues, ministers responsible for gender equality issues in the Nordic and Baltic countries, that we should undertake a joint campaign against trafficking in women in 2002. The ministers of justice subsequently joined in this campaign.

The efforts of non governmental organisations in the fight against prostitution and trafficking in women in our region are also indispensable. They have valuable expertise and experience that we must make use of. Their role is to put pressure on and inspire us; we must therefore be receptive to their ideas and support their work.

The aim of our campaign was to increase knowledge and raise awareness of trafficking in women, both in our region and globally, among the general public, agencies and voluntary organisations. The campaign has now been under way for almost six months. Above all, we have succeeded in initiating discussion and stimulating a debate in our countries. We are beginning to agree that trafficking in women cannot be fought in isolation from prostitution. I am very satisfied with the results achieved so far.

I regard it as one of our most important tasks to present a feminist perspective on the reasons for prostitution and trafficking in women. It is due to the gender power structure existing both in Sweden and the rest of the world. In other words, the superior position of men and the inferior position of women.

I am therefore very pleased that discussions have now been set in motion in our Nordic countries on the Swedish legislation criminalising the purchase of sex and other measures dealing with men who purchase women and children for prostitution purposes. I would like to cite a concrete example of how our efforts have been rewarded: at the 50th Session of the Nordic Council in Helsinki last week, the majority of the members stated that efforts against prostitution and trafficking in women should be targeted at the root cause, namely the demand for women and children. The statement was signed by parlamenta-

rians from all the Nordic countries and the autonomous areas.

I sincerely hope that the Nordic countries will be able to set an example to the rest of the world on this issue!

However, the campaign that was initiated is just a first step in a long-term programme to combat prostitution and trafficking in women in the Nordic and Baltic countries. On 1 January 2003, Sweden will take over the Presidency of the Nordic Council of Ministers. We will be active in ensuring that efforts continue against prostitution and trafficking in human beings, and especially in women and children, that they are undertaken from a holistic perspective and given political priority.

I intend to invite representatives of the Nordic and Baltic governments, politicians, agencies and voluntary organisations from all our countries to a conference in the spring of 2003 in which they will be given the opportunity to discuss and present concrete measures for further long-term work against prostitution and trafficking in women in our region.

In addition, we shall undertake a survey of, and initiate programmes to combat prostitution and trafficking in women in northern Sweden, Norway, Finland and north-western Russia. We have problems, for example, in Norrbotnia.

These initiatives aim at finding alternative solutions, based on sustainable development, for Russian women and young girls who are now, or are in danger of becoming, the victims of prostitution and trafficking in women, such as those who are bought over the weekend by Swedish men near a village in Norrbotnia. In addition we will be drawing up and implementing measures to combat the demand by Swedish, Norwegian and Finnish men for women and children for sexual purposes.

The Swedish Minister for Foreign Affairs has also presented an initiative for establishing, at state secretary level, a Nordic-Baltic action group against human trafficking. A concrete proposal will shortly be submitted.

In my future work as Deputy Prime Minister with responsibility for gen-

der equality I will give priority to, and intensify, efforts to combat prostitution and trafficking in women – both within Sweden's borders and internationally.

In conclusion, I would like to remind us all that efforts to combat prostitution and trafficking in women can only succeed if we refuse to be the stooges of the international prostitution industry. Instead of adopting the superficial and individualised arguments put forward by advocates of legalisation, we must take a stand against a society in which women and children are regarded as commodities for trade; against the purchase of women and children by men, and for a future in which all women and children are given equal opportunities and in which their human rights are respected.

Thank you.

The International Debate about Prostitution and Trafficking in Women: Refuting the Arguments

Gunilla S. Ekberg
Special Advisor
Division for Gender Equality,
Ministry of Industry, Employment
and Communications
Sweden

Today I will talk with you about the basic concepts and terminology used in the international debate about prostitution and trafficking in women and girls. I will go through and counter a number of different arguments used by the pro-prostitution lobby to justify prostitution.

The prostitution lobby are those individuals, groups, organizations and countries that argue that prostitution is work and can be chosen freely, that different prostitution activities such as brothels and pimping should be legalized or decriminalized and that prostituted women should receive social insurance benefits based on that they have been prostituted (and not as a basic right of a citizen). The prostitution defenders also argue that prostitution and trafficking in women should be discussed separately and that trafficking in women is only a serious problem when women have been trafficked by force or coercion.

In the concept, the prostitution industry, I include such activities as brothels, sex-, night- and striptease clubs, street prostitution, escort services, Internet sales of prostituted women and children, mail order bride agencies, phone sex operators, sex tourism agencies, as well as the creators and distributors of pornography. I also include third-part beneficiaries such as travel agencies, hotels, and air companies that benefit from the prostitution of women and children in the tourism industry.

I will be using the words women

and girls, but I do include all victims of prostitution and trafficking in my analysis.

I suggest that it is essential that we know these arguments, because the international debate influences how we discuss and work against prostitution and trafficking, in our countries and internationally.

ARGUMENTS BY PRO-PROSTITUTION GROUPS

I will show you that these arguments are based on false premises and do not take into consideration basic factors such as the gender specificity of prostitution, and power differences between men and women. We know that the majority of the victims of prostitution and trafficking globally are women and girls, and that the majority of the perpetrators, the pimps, traffickers and the buyers, are men.

I would like to ask you to think about the following question while I go through and discuss the different arguments: who benefits from the prostitution of women and children?

PROSTITUTION AS A CHOICE

A common argument by prostitution advocates is that women and girls make informed and calculated choices about entering into prostitution. They say that the ones who have so chosen should be free to pursue their choice in the name of self-determination and integrity, over their lives and their bodies.

The prostitution lobby wants us to believe that prostitution is female sexual liberation and a way for women to give full expression to their deepest sexual fantasies. These ideas are based on an uncritical acceptance of the old libertarian concept of individual free choice and completely lack a cri-

tique of society and an analysis of male power. What they also care to ignore is that the concept of free will requires the existence of several possible options to choose from and the control of the person in making a choice.

The prostitution defenders argue that women have been violated and exploited by men only if they did not consent to the violation. We, who work with women and girls who are victims of male sexual violence, know that women and girls sometimes “consent” to different forms of exploitation because they are afraid of the perpetrators, because they are used to being treated cruelly by males, or they may have previous experiences of male sexual and physical violence and so on.

Their false analysis of male violence against women 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.

This analysis puts the responsibility for prostitution on the prostituted women and girls and does not take into consideration the systemic oppression and subordination of females by males and men’s eroticization of females as objects for their sexual “pleasure”.

In reality, what kind of “choice” do these women and girls have?

We know that a number of oppressive conditions increase the likelihood of women and girls being drawn into prostitution by pimps and traffickers, such as living in poverty, being homeless and being drug dependent, gender inequality, sex and racial discrimination as well as sexual, physical and

psychological violence by male relatives, boyfriends, husbands, pimps and others.

In different studies from around the world, 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.¹ Likewise, Council of 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.²

In a study conducted in Calgary, Canada, in 2001, 82% of the young women had been victims of prior male sexual violence, and 86% of the women were under 18 when they first were prostituted.³ International researchers agree that internationally the median age for the entrance of girls into prostitution is 14 years of age.

In order to facilitate male access to females, men have to break us down, force us into a position of subordination. When a woman has been used as an object for male sexual satisfaction since she was a girl, she will eventually believe what they keep repeating; that the only value she has is sex. Her body no longer belongs to her, and her self-respect and self-confidence has been destroyed by the perpetrators.

To talk about choice in this context becomes both cruel and meaningless. When we allow the prostitution defenders to blame the victims of prostitution for their victimization, we collaborate with them. Male violence is thus obscured and focus is off the perpetrators.

Instead of talking about prostitution as a choice, we must ask ourselves: If prostitution is a free choice, why is it that it is always the women and girls who have the fewest alternatives who are the ones who end up in prostitution?

PROSTITUTION AS WORK

Another common argument used by the prostitution advocates is that prostitution is legitimate work for women, and a valid form for female economic empowerment.⁴ Generally

the rhetoric centers around the idea that prostitution is a job just like any other, using traditionally female, low-paying jobs as comparable illustrations. Prostitution, they say, is a more flexible, remunerative and less time consuming option than many service and factory jobs.⁵

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.⁶

Some proponents maintain that prostitution is a profession; skilled women perform essential social functions by providing sexual services to men, who otherwise may not have access to a sexual “outlet”. By giving men sexual fulfillment, the supporters suggest, male psychological trauma and even the acts of rampant sexual predators against other women may be prevented.

Many people believe that, by referring to women in prostitution as “sex workers”, they are dignifying a marginalized group. I suggest the opposite. By redefining women as “sex workers” we ignore the violence, the poverty and the oppression that make women and girls vulnerable to pimps and traffickers, and that drives them into prostitution, and, importantly, that keep them there. In fact, a recent US survey found that almost 90% of women involved in prostitution would leave if they could.⁷

We also give full legitimacy to the prostitution industry as a viable economic sector, instead of recognizing it as a deeply exploitative system that destroys the lives of millions of women and girls every year.

Instead of comparing prostitution to work, we should be addressing the problem by using a Feminist analysis of male violence against women and girls.⁸ Like in all other forms of male violence against females, prostitution is carried out by men (pimps, traffick-

ers and buyers) who use their inherent power to dominate and control comparatively powerless women and girls.

Traffickers, pimps and buyers use the same manipulative tactics as violent and abusive male partners and male relatives do. Both battered women and prostituted women sometimes enter abusive situations seemingly “voluntarily.” They may stay in or return to violent men, and they may deny the abuse, and defend their abusers. And yet no one will argue that women, who stay in relationships with abusive men for economic or other reasons, for the children etc. are exercising free will or pursuing their liberation.

Yes, it is problematic when women seemingly opt into oppressive patriarchal institutions that have their origin in the subordination of females. But Feminists have been able to disentangle the patriarchal lies about female compliance in other forms of male violence. We are, of course, able to do the same with prostitution and trafficking in women.

PROSTITUTION, POVERTY AND RACISM

Some prostitution defenders argue that prostitution is an acceptable solution to poverty. They assert that prostitution is a legitimate and rational choice for poor, uneducated and unskilled women for whom other kinds of work alternatives are hard to come by.⁹

What they mean, but do not say, is that prostitution is an acceptable solution for women living in poverty. Seldom do we see proposals that poor men should make their way out of poverty by welcoming the insertion of penises and other objects into them on a regular basis or dance naked on a stage in front of ogling and masturbating males.

The prostitution industry exploits to its advantage the fact that most women and children who are in prostitution come from the most oppressed and vulnerable groups in society. It also benefits greatly from the fact that women of colour and indigenous women face additional levels of violence and oppression because of racism. These women and girls clearly do

not have a choice. They are economically and racially marginalized, and are recruited into prostitution because of the absence of real, reasonable alternatives such as food, education, work and housing.

To give you one pertinent example: In Canada, Aboriginal women and girls are over-represented in prostitution. In a study made a few years ago in Vancouver, the researcher found that 80% of the street prostituted women are Aboriginal women.¹⁰ Likewise in Winnipeg, where 70% of the prostituted women were Aboriginal.

In addition, the increasing globalization of the economy, the promotion of an open market as well as liberalized trading and investments has thrown developing countries into a competitive race: who can offer the lowest wages? This has had devastating social, economic and political effects on women and girls in these countries. It has resulted in the commodification of females and the aggravation of prostitution and trafficking, causing tremendous suffering and devastation of women's lives at great social, economic and psychological costs to them as well as to society.

PROSTITUTION IS MALE VIOLENCE

In pornography, women are often portrayed as if they have the power over the males that are using and abusing them. They have, it is claimed, full control over the sexual act and the monetary transaction, and can decide its terms and conditions.

Likewise, the prostitution industry often downplays, minimizes and trivializes the extreme level of violence that males are committing against women and girls in prostitution. In particular, they carefully avoid mentioning the actual prostitution act, which I argue, is an extreme form of male sexual violence; rape.

Pimps, traffickers and buyers subject women in prostitution to brutal rapes and physical abuse to break down their resistance and to "season" them into prostitution. A prostituted woman or a child is in a position of extreme dependency to the man who buys her and then sexually uses and abuses her. She must do anything he expects her to do. She has to endure

all kinds of bodily violations and invasions, and must "service" many buyers – anonymous males – every day while pretending that she enjoys these violations.¹¹

Women and girls who have escaped prostitution after years of abuse consistently describe lives filled with terror and unimaginable and unbearable cruelty in the hands of the buyers and the pimps. They have been subjected to sexual torture in the guise of particular sexual practices such as sadomasochism,¹² and are systematically humiliated, sexually harassed, threatened, raped, beaten, and sometimes kidnapped.

Also, many women and girls have acquired sexually transmitted diseases (STD's), including HIV/AIDS from the buyers and the pimps. The pimps and buyers also often film and photograph the violation, and sell the films as pornography and post the photos on Internet web sites.

The effects on prostituted women's physical, mental and emotional health are, of course, grave and cause serious long-term physical and emotional harm.

International studies show that prostituted women suffer similar serious psychological injuries, as war veterans and survivors of torture, such as flashbacks, anxiety, depressions, sleep disturbances and stress.¹³ Suicide and suicide attempts are also common.

Murder is a fact of life for all prostituted women and girls. In Canada, prostituted women and girls suffer a mortality rate that is 40 times higher than the national average.¹⁴ They are the most routinely searched-out victims of male sexual predators and serial murderers, who take advantage of their vulnerability, knowing that they can commit these rapes and murders relatively undisturbed.

REGULATION, DECRIMINALIZATION AND LEGALIZATION OF PROSTITUTION

Certain governments¹⁵ as well as certain international organizations¹⁶ support the regulation or legalization of prostitution activities and maintain that trafficking and prostitution are two separate phenomena. They argue that women can choose to be prosti-

tuted, that prostitution is "work" that should be respected, and that trafficking in women is only a problem when women are forced or coerced.

The type of trafficking which they perceive as "voluntary", where women are assisted by traffickers to go from one country to another for "work", is re-named "migration for sex work". The problem is not prostitution in itself, they argue, but the "stigma" that is attached to being a so-called "sex worker".

The prostitution apologists want to de-criminalize all the actors of the prostitution industry: including the brothel and escort agency owners, the pimps and the procurers and the buyers. (In the US and Canada, solicitations laws apply to the buyers as well as to the prostituted women i.e. the buyers are criminalized). They argue that government policies should ensure that women in prostitution are entitled to the same labour rights and benefits as other workers. These policies should guarantee that the "employers" – the pimps and the brothel owners – follow employment standards legislation.

By setting up legal brothels with regulated working conditions, prostituted women will, according to this reasoning, be protected from the exploitation by pimps and from violent "customers". They contend that, by allowing women to "work" in a protected environment, women will gain control over their income as well as over their bodies. They refuse to recognize that prostitution itself is sexual violence against women and girls.

The pro-prostitution lobby often argues for "tolerance zones"; separate districts in cities where brothels are licensed by the local governments and where street prostitution is regulated.

In June 2000, the Canadian Liberal MP Mac Harb, introduced a private members Bill to the Canadian Parliament, in which he suggested amendments to the Criminal Code allowing municipalities to create "red-light districts" and license brothels. The Bill was later defeated in the House of Commons.¹⁷ Likewise, Réal Menard, MP for the Bloc Québécois, wants to decriminalize the prostitution industry

and allow tolerance zones where “the profession” can be exercised without interference.¹⁸

The regulation of the prostitution industry assists the state in its ambition to supervise and control the local prostitution markets and the trafficking in women. A logical consequence of the idea that prostitution is “work” is the establishment of unions and organisations, both for “sexworkers”¹⁹ and for the “prostitution customers”²⁰, as well as business associations for the “prostitution entrepreneurs”.²¹

One supporter of the legalization of prostitution summarizes these arguments as follows:

If states really want to get serious about protecting the human rights of the hundred of thousands of women trafficked throughout the world every year, they should: repeal prostitution-specific laws; utilize standard workplace regulations regarding health safety, minimum wages, sick leave, retirement provisions to protect workers in the sex industry; enforce existing laws against sexual assault, false imprisonment, and other abusive practices; develop commission, staffed by sex workers, to develop industry-specific regulations where necessary; and support the establishment of guilds or unions to advocate and ensure the protection of civil and human rights of sex workers.²²

By emphasizing the alleged advantages of legalizing prostitution and perceiving prostitution as work and not male violence against women, the prostitution lobby is attempting to distort the reality of prostitution.

The main beneficiary of the legalization of prostitution is the global prostitution industry, which includes the countries that have regulated or legalized prostitution.

It should also be noted that any country, which legalizes prostitution activities would be in breach of all the major international human rights instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)²³, the Convention on the Rights of the Child (CRC)²⁴ and its Optional Protocol²⁵, the ICESCR²⁶ and ICCPR²⁷, as well as the Universal Declaration on Human Rights²⁸ and

the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Other.²⁹

The legalization of prostitution activities inevitably normalizes an extreme form of sexual subordination and male violence, and reinforces male dominance, not only over women and girls in prostitution, but over all females as a class.

LINKING TRAFFICKING AND PROSTITUTION

In recent years, pro-prostitution groups and countries where prostitution is regulated or legalized have made many attempts to disconnect trafficking in women and children from prostitution and the prostitution industry. Because these groups argue for the right of women to “prostitute themselves”, and because these countries have created a profitable local prostitution market, they want to redefine trafficking and leave out all mention of prostitution.

They suggest that trafficking should be given a broader definition, in which all transport of “people” by force or coercion over national borders should be included. By focusing only on the abusive conditions of trafficking, which they see as human rights violations, rather than on its purpose, they effectively play down the violence of prostitution.

This reasoning is particularly faulty because the purpose of the recruitment, transport, sale or purchase by traffickers, pimps, and members of organized crime groups within countries or across national borders is, in the overwhelming majority of cases, to sell these females into the prostitution industry.

Furthermore, women and girls who are trafficked for other purposes, such as domestic labour or as mail order brides often end up being sexually exploited and, in some cases, put into prostitution. In fact, the actual existence of prostitution renders possible and demands the trafficking and trade in women’s bodies.

This reasoning also takes the seriousness out of trafficking in women and children for purposes other than prostitution. By maintaining that the

link between trafficking and prostitution is at the most tenuous, these groups and countries contribute to a separation between women who “deserve” to be protected from serious human rights violations: the women who have been trafficked across national borders under severely abusive conditions, and women who suffer the same atrocious violations and extreme violence, but who are in local prostitution.

One of the most important prerequisites for the sale of and trafficking in women is the existence of local prostitution markets, where men are willing and able to buy women from their own country. These markets are easily expandable and there is always room for the traffickers, pimps and procurers to create new demands.

The demands of the buyers also constantly shift and change. The men who frequent the brothels, strip clubs, massage parlours, escort agencies and street corners want unlimited access to a varied 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.

I suggest that it is essential to our understanding of prostitution and trafficking as male violence against women and girls, that we re-establish the connections between these two activities, and by doing that, refuse to participate in the marginalization and continuing violations of all prostituted women and girls.

BUYERS, PIMPS AND TRAFFICKERS

When prostitution and trafficking are discussed we often focus, for obvious and good reasons, on the women and girls who are the victims of these harmful practices.

But what about the buyers? What about the men who see it as their undisputed and unconditional right to buy women and girls, treat them as sexual servants and subject them to humiliating and painful sexual acts?

In the trafficking chain, they are the least discussed part. Men buy women and girls for purposes of prostitution, pornography, and as mail order brides and when they go on trips to other countries as sex tourists.

The focus is deflected away from the buyers for many reasons. Some pro-prostitution organizations argue that buyers should not be punished because they assist women to escape prostitution. Others maintain that men who buy women and girls for prostitution purposes are victims as well, because they have difficulties attracting women “the usual way.”

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 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.

Some prostitution defenders argue that prostitution is part of female sexuality. This is a serious reversal of reality. Prostitution has nothing to do with female sexuality. On the contrary, it is an expression of male sexuality; kin to rape and other forms of sexual abuse.

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.

CONCLUSION

Central to a Feminist analysis is listening to, recording, and most importantly, believing, the experiences of real women and girls. Instead of accepting uncritically the arguments of the prostitution industry and its supporters, we must listen to, and believe, the women and girls who have escaped prostitution. They never argue that they chose to become “prostituted”. None of

them see prostitution as work, or a way for them to liberate themselves. They know better. None of these women and children did ever consent to be raped day after day by an unending number of anonymous males.

We cannot dissociate prostitution from other forms of male violence against women and girls; nor from the systemic subordination by males of females in all countries around the world. In a patriarchy, male violence against females is one of the most powerful tools used to keep women and girls in a state of oppression and slavery. This is most obvious for the females that are the direct victims of male violence, but male violence also functions as a method to control all women’s and girls’ lives.

Nor should trafficking be separated from prostitution. Most trafficking is for the purposes of prostitution and sexual exploitation. Trafficking networks recruit, purchase and sell, transport nationally and over national borders, and receive women and girls for the use in local and regional prostitution markets.

Now we are back to my initial question: So who does benefit from the prostitution of women and children?

The prostitution industry globally is well-organized and has an apparent economic interest in sustaining and expanding its field of operation – in this country as well as in the rest of the world. It and its supporters spread their propaganda by glossing over the realities of women’s and girls’ lives in prostitution and by promoting lies to aid the normalization of a culture of sexual exploitation, of rape.

Prostitution is male sexual violence. It is about men paying money to other males for the use and abuse and torture of females. Prostitution is about men’s perceived right of access to female bodies at any time.

Instead of glorifying women’s lives in prostitution, we must critically analyze and resist the arguments of the prostitution defenders. We must also show solidarity with those women who live in and those who have survived this particular form of male oppression.

The solution to the atrocities committed against these women and children is not “more of the same”;

instead we have to fight against the brutal lies that the prostitution industry supporters disseminate. Then they will not succeed...

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FOOTNOTES

- 1 M. Farley and H. Barkan “Prostitution, Violence Against Women, and Posttraumatic Stress Disorder” (1998) 27 *Women and Health* 37.
- 2 Susan Kay Hunter, “Prostitution is Cruelty and Abuse to Women and Children” (1993) 1 *Michigan Journal of Gender and Law* 91 at 94.
- 3 See for example: “Alberta (DIS) Advantage: the Protection of Children Involved in Prostitution Act and the Rights of Young Women” Workshop, at the *Women’s Resistance: from Victimization to Criminalization* conference, October 1–3, 2001, Ottawa, Canada.
- 4 See for example *Whores, Maids and Wives: Making Links – Proceedings of the North American Regional Consultative Forum on Trafficking in Women in 1997*: by the Global Alliance Against Traffic in Women - Canada.
- 5 ILO Press Release, August 19, 1998 (ILO/90/31).
- 6 Ann-Christine Sjölander, “Kommunen betalar Annekes älskare” in *Kommunalarbetaren* (1999) at 14-18. + Personal conversation with Monika Smith, assistant to the Dutch National Rapporteur on Trafficking in Human Beings, A.G. Korvinus, on May 27, 2002.
- 7 Melissa Farley, Isin Baral, Merab Kiremire and Ufuk Sezgin “Prostitution in Five Countries: Violence and Post Traumatic Stress Disorder”: (1998) 8 *F & P* 405–426.
- 8 See for example: the United Nations Declaration on the Elimination of Violence against Women G.A. res. 48/104, 48 U.N. GAOR Supp. (No. 49) at 217, U.N. Doc. A/48/49 (1993) –Recognizing that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against

- women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.
- 9 L. L. Lim, *The Sex Sector: The Economic and Social Bases of Prostitution in Southeast Asia*, (Geneva: International Labour Organization 1998).
 - 10 Jackie Lynne, *Street Prostitution as Sexual Exploitation in First Nation Women's Lives* (Vancouver: University of British Columbia 1998). Aboriginal people comprise about 3% (~800,000 of a total of 28.5 million people) of the total Canadian population according to Statistics Canada 1996 census numbers.
 - 11 See for example Jayme Ryan, "Legalized Prostitution: For Whose Benefit" (1989) July Sojourner: The Women's Forum 22.
 - 12 See for example: Nikki, Hustler: *Min tid som prostitueret* (Copenhagen: Rosinante, 2000).
 - 13 Supra, footnote 7.
 - 14 *Special Committee on Pornography and Prostitution (Fraser Committee): Pornography and Prostitution in Canada* (Ottawa: Department of Justice 1985).
 - 15 In the Netherlands, brothels are legal since October 1, 2000. Local governments provide business licenses and establish terms for the operation of brothels, such as cleanliness, security and health controls of prostituted women. Women must be over 18 to "work" in a brothel, and must have a valid working permit. In Germany, brothels are legal since April 1, 2001. Over half a million persons are in prostitution in Germany. From: "Germany Plans Pensions for Prostitutes" Reuters (7 November 1998). In Australia, Prostitution is legal in Queensland, Victoria and the Australian Capital Territory. New South Wales has de-regulated brothels, which are now under planning laws. Tasmania and West Australia are discussing legalization, West Australia will not and the Northern Territory has not yet legalized prostitution. Thanks to Sheila Jeffreys for this information
 - 16 Such as Global Alliance against Trafficking in Women (GAATW), the International Human Rights Law Group, the STV/Dutch Foundation and La Strada.
 - 17 Tim Naumetz, "MP wants to legalize red-light districts "The Ottawa Citizen (3 June, 2000).
 - 18 Bloc Québécois, *De l'Anathème au Dialogue : Rapport du Comité du Bloc Québécois sur la prostitution de rue* (Montreal, Juin 2001).
 - 19 See for example: Stichting De Rode Draad, a Dutch organization that has as one of their objectives to "aim for recognition of prostitution as a profession and to defend the interests of prostitutes and ex-prostitutes." <http://www.rodedraad.nl/>.
 - 20 See for example: A Dutch pressure group called The Man/Woman and Prostitution Foundation (Stichting Man/Vrouw en Prostitutie), which has as some of its aims to "protect the interests of clients" and to "make prostitution and the use of services of prostitutes more accepted and openly discussible" (from *Trafficking in Women: First Report of the Dutch National Rapporteur* (The Hague: Bureau NRM, 2002) at 116.
 - 21 See for example the Adult Entertainment Association of Canada, a group of club owners and agents striving to "police this industry and uphold the highest standards possible," the Association of Relaxation Businesses (Vereniging Exploitanten Relaxbedrijven) and the Cooperating Consultation of Operators of Window Prostitution (Samenwerkend Overleg Raamexploitanten) of the Netherlands, and the Brothel Owners' Association of Victoria, Australia.
 - 22 Gillian Caldwell, "Decriminalization Would Limit Abuse" (1998) 1 Transitions 1 at 2.
 - 23 See for example: Art. 6: States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.
 - 24 See for example: Art. 34: States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:
 - (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
 - (b) The exploitative use of children in prostitution or other unlawful sexual practices;
 - (c) The exploitative use of children in pornographic performances and materials; and
 Art. 35: States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.
 - 25 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, U.N. Doc. A/54/L.84 at 5 (2000).
 - 26 See for example: the Preamble: The States Parties to the present Covenant, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Recognizing that these rights derive from the inherent dignity of the human person.
 - 27 See for example: Art. 8: 1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. 2. No one shall be held in servitude; and Art. 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
 - 28 See for example: Art. 1: All human beings are born free and equal in dignity and rights; and Art. 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.
 - 29 In which prostitution was viewed as

State-Sponsored Prostitution

**By Janice G. Raymond, Ph.D.
Professor Emerita, University of
Massachusetts, Amherst (USA)
Co-Executive Director, Coalition
Against Trafficking in Women
(CATW)**

Globalization of the economy means globalization of the sex industry, which becomes an industry without borders. Large and small scale trafficking networks operate across borders, actively recruiting girls and women, especially from villages, city streets, and transportation centers. Hotels, airlines, and charter companies, often with direct and indirect government collusion and corruption, are involved in the trafficking of women for, for example, sex tourism. Global advertising, via the Internet, magazines, and tourism brochures are also influential in the rise of trafficking and sexual exploitation worldwide.

Trafficking depends upon globalization of the sex industry. Globalization of the sex industry means that countries are under an illusion if they think they can address trafficking without addressing prostitution. Yet, in many forums, we hear governments repeating the message that we must not talk about prostitution -- only trafficking.

STATE-SPONSORED PROSTITUTION

It is important to address the root causes of trafficking. We hear a lot about women's increasing poverty driving women and children into situations of sexual exploitation; economic policies of international lending organizations that mandate structural adjustments in developing regions of the world forcing countries to cut back on social services and employment; repressive immigration policies that cast traffick-

ers in the role of major international players who facilitate global migration; military presence which generates sex industries in many parts of the world; and racial myths and stereotypes that promote sexual exploitation on the Internet. All of these are structural factors that are responsible for the increase in sex trafficking worldwide. But what the "root cause" advocates don't want to address is the role of State-sponsored prostitution and its consequences, particularly they relate to the increase in sex trafficking worldwide.

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. State-sponsored prostitution is a provocative term, especially in these days when the term is used in the context of state-sponsored terrorism. And it is meant to be provocative. State-sponsored prostitution is a form of state-sponsored sexual terrorism posing as sexual and economic freedom for women.

In the current national and international debates about the legal status of prostitution, the language is very confusing. Instead of using the term legalization of prostitution, some individuals, agencies and governments are stating that they support decriminalization of prostitution. What many mean by this, however, is decriminali-

zation of the whole sex industry -- not only the women but the customers and the pimps. The Coalition Against Trafficking in Women (CATW) supports the decriminalization of women in countries where women have been criminalized for prostitution, because we believe that women should not be punished for their own exploitation. But we do not support the decriminalization of the sex industry.

State-sponsored prostitution proposals vary but in some countries, the state licenses women who have periodic health checks and pay health, social insurance, and taxes. Pimping is actually redefined with pimps becoming respectable business agents, as in Australia. Proponents of legalizing and decriminalizing the sex industry say these regulations would stem the rampant violence and abuse of women in the sex industry, the illicit drugs and money laundering, while keeping prostitution from spreading. In reality, however, under any of these State-sponsored systems, the sex industry grows larger, trafficking increases, child prostitution expands and more men go to the brothels and sex clubs because they no longer fear being caught in the act and stigmatized as sexual exploiters of women.

In the United States, the Clinton administration's approach to the problem of trafficking was to publicly condemn trafficking but, in the international policy debates over the UN anti-trafficking protocol (2000), to side with governments such as the Netherlands in maintaining that prostitution bears no relation to trafficking. The Clinton administration supported and promoted NGOs that worked for the decriminalization of pimping and brothels, and who promoted the policy that prostitution should be regulated by

labor laws as a legitimate form of work.

In several meetings with NGOs, anti-trafficking representatives in the current Bush administration say that they oppose the legalization of prostitution and that they will issue a policy on prostitution. Nothing has yet been forthcoming and, unfortunately, anti-trafficking groups who oppose State-sponsored prostitution have not been funded by the current administration.

How countries address the legal status of prostitution has an enormous impact on the situation of trafficking in these countries. Anti-trafficking advocates and legislators must address prostitution as a root cause of sex trafficking and not be silenced by those who would insist that we must not speak about prostitution in governmental or non-governmental forums on trafficking. Many governments and NGOs have capitulated to the censorship imposed on those participating in international forums where pressure is exerted on them not to mention prostitution, but only to talk about trafficking, as if this were even possible. And make no mistake about this silencing tactic – it is a form of censorship.

CONNECTIONS BETWEEN TRAFFICKING AND PROSTITUTION

Much national legislation that now exists against pimping, procuring and living off the earnings of a prostitute came into existence during the 1950s, a testimony to the importance of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. In the aftermath of the 1949 Convention, prostitution was viewed as more akin to slavery than to labor. But in the last twenty-five years, we seem to be going backwards to a public policy based on a labor model of prostitution and international sex trafficking, where both are being redefined as sex work, or as migration for sex work; where distinctions are created between forced and free prostitution; and where consent rather than exploitation becomes the foundation and focus of legislation on trafficking and prostitution.

As we confront this movement to regulate prostitution and institutionalize it as a legitimate economic

sector, it is important to keep a historical perspective. Some of the same issues that we are now debating in the prostitution context were historically debated in the African slavery context in western countries. For example, rather than abolish the system of slavery, there were those who seriously proposed to regulate slavery as a business and as a state-sanctioned “economic sector.” Some countries wanted to regulate slavery by official inspection of the slave ships; some argued for standards of hygiene on vessels carrying the enslaved from Africa; some even argued a variation on the forced/free distinction stating that only if slaves had been kidnapped, not bought, should they be returned to Africa (Thomas, 1997). Portugal regulated conditions in the slave trade by restricting the provision of food and water to slaves, and the duration of the slave ship voyages. And many argued that slaves in North America “better off as slaves than as freemen” (Thomas, 1997: 518).

Are we going to maintain that trafficking in women is a horrendous violation of women’s human rights when the same violence, exploitation and health consequences happen to women who are in local prostitution, many of whom have been domestically trafficked from neighborhood to neighborhood, city to city, state to state, and province to province? Do we really want to ratify the notion that commercial sexual exploitation is only actionable when it happens to women who have been trafficked into a country and not within a country? Also, many internationally trafficked women have been in local prostitution in their countries of origin before or after they are trafficked to another country.

Whether it’s local or international trafficking, women endure the same kind of violence and harm. Proof of this comes from women themselves. The Coalition Against Trafficking in Women has completed two major studies on sex trafficking in 5 countries: Indonesia, the Philippines, Thailand, Venezuela and the United States.

In the first CATW study, funded by the U.S. Department of Justice, we interviewed 128 individuals who had knowledge of trafficking in the United

State. Out of this total, we interviewed 40 women who had been trafficked from other countries into the U.S. or U.S. women who had been domestically trafficked or in local prostitution.

In this 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 (Raymond, Hughes and Gomez, 2000: 75–77).

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, and are subjected to the same if not higher frequency of violence. And this is the point. We cannot separate the exploitation done to women in local prostitution industries from the exploitation done to women who have been trafficked for prostitution.

The second study, which was a 5-country study, interviewed 145 victims of international trafficking, domestic trafficking, and local systems of prostitution in Indonesia, the Philippines, Thailand, Venezuela and the United States. Here we also found that the data clearly indicates that a significant number of both women who have been internationally trafficked, as well as those who have been domestically trafficked and who are in local prostitution industries, endure similar kinds of violence (e.g., 80% of all women interviewed suffered physical violence from pimps and buyers) and endure similar and multiple health effects from the violence and sexual exploitation Raymond, D’Cunha, Ruhaini Dzuhayatin, Hynes, Ramirez Rodriguez, and Santos, 2002: 60–74).

CONSEQUENCES OF STATE-SPONSORED PROSTITUTION

Those who have a stake in the sex industry will never argue that they

are promoting sexual exploitation. They will use inventive arguments to convince people that they are protecting women from harm, or promoting women's human rights to "choose" what they want to do with their bodies.

I was asked to testify last March as an expert witness at a legal trial in Vancouver, Canada. The defendant was challenging the illegality of brothels in Vancouver by claiming that the "bawdy house" provisions of the Criminal Code were overly broad and therefore unconstitutional. He argued that he was not setting up a brothel but rather a "safe house" for street women in prostitution by helping to get women off the streets into a controlled and "protected" environment where they could conduct their "business" and serve their "clients" without fear of violence and exploitation.

I testified that he was setting up a brothel under a new name; that alleged distinctions between street and brothel prostitution are illusory as indicated by studies demonstrating that women in prostitution suffer similar kinds and rates of violence whether on the street or in a brothel; that prostitution is harmful to women whether it occurs in a private venue, a massage parlor, a sex club, a brothel or on the street; and that the purpose of the anti-brothel legislation is to prevent the exploitation of women. The violence that women are subjected to in prostitution is an intrinsic part of the sexual exploitation, no matter where it occurs.

In the state of Victoria in Australia, those who promoted legalization of prostitution argued that it would solve problems such as criminal involvement in the industry, unregulated expansion and the violence done to women in street prostitution. In fact, legalization has solved none of these problems and has led to many more (Sullivan and Jeffreys, 2000). I am sure that Sheila Jeffreys will address these issues in her talk about the consequences of legalization of prostitution in Australia.

Contrary to claims that legalization and decriminalization would control the expansion of the sex industry and bring it under control, the sex indus-

try now accounts for 5 percent of the Netherlands economy (Daley, 2001: 4). Over the last decade, as pimping became legalized and brothels more tolerated in the Netherlands, the sex industry expanded 25 percent (Daley, 2001: 4). At any hour of the day, women of all ages and races, dressed in hardly anything, are put on display in the notorious windows of Dutch brothels and sex clubs and offered for sale -- for male consumption. Women in prostitution point out that legalization or decriminalization of the sex industry cannot erase the stigma of prostitution but, instead, makes women more vulnerable to abuse because they have to register and lose anonymity. Thus, the majority of women in prostitution still choose to operate illegally and underground, with many seeking the so-called "protection" of pimps (Daley, 2001: 4). Some Members of Parliament who originally supported the legalization of brothels on the grounds that this would liberate women are now seeing that legalization actually reinforces the oppression of women (Daley, 2001: 4).

In countries that have taken a labor approach to prostitution regulating/legalizing it as work, recognition of the sex sector has caused prostitution to flourish more than when it was illegal. There is good evidence that countries such as Holland and Germany, both of which have recognized prostitution as work and as an economic sector, are precisely the countries that have higher rates of women illegally trafficked into the country for prostitution. For example, a report done for the governmental Budapest Group found that 80% of the women in the brothels in the Netherlands are from other countries -- most of them recruited and trafficked to Holland (Budapest Group, 1999: 11). As early as 1994, the International Organization of Migration (IOM) stated that in the Netherlands alone, "nearly 70 percent of trafficked women were from CEEC [Central and Eastern European Countries]" (IOM, 1995: 4).

We have a preliminary study of the consequences of legalization in Australia. We have newspaper accounts of the problems generated by legalization and decriminalization of the sex

industry in the Netherlands and Germany. But we need a systematic study of why certain countries are rushing towards legalization, what the economic benefits are to them, and what the consequences of State-sponsored prostitution are in various areas of the world. I think that this is one of the most important areas of research that needs to be undertaken today -- that the claims of state-sponsored prostitution, especially the claims that it protects women, controls the industry, and decreases trafficking -- must be scrupulously and systematically examined.

EXAMINING THE ARGUMENTS IN FAVOR OF STATE-SPONSORED PROSTITUTION

A much-used argument is that recognizing and regulating the sex industry would reduce HIV/AIDS. Some governments, NGOs and even UN agencies such as the World Health Organization (WHO) in Southeast Asia, are promoting the view that legalization/decriminalization of the sex industry would reduce the harm to women, especially in Asian countries where HIV/AIDS poses a major threat to health and well-being.

Most often, however, the State regulates the sex industry by only regulating the women -- not the men who are the prostitute-users. Legalization/decriminalization is usually accompanied by health checks for women in prostitution. Who do health checks really protect? If the goal is really to protect women in prostitution, it would be a State regulation that all male customers must be checked and certified to enter the brothels.

It is an ineffective way to fight HIV/AIDS by targeting women for health checks in prostitution industries. A more sensible anti-AIDS program must target the group who engages in the most unhealthy and high-risk behaviors -- men who buy sex. Men spread most HIV. The most recent data on the prevalence rates and geographical and gender-specific spread of this modern-day plague reveal that "men drive the AIDS epidemic" by their self-interested sexual promiscuity (Hynes and Raymond, 2002). The epidemic in HIV/AIDS among women

is driven, in particular, by male use of prostitutes and infected men's transmission of the virus to their wives, sexual partners, and sexual prey. Women and girls, consequently, are contracting HIV primarily from men and at a faster rate than men and boys (Foreman, 1998: B1). Yet the fashionable solution to what is really a male problem is simply to give women condoms to give to men!

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.

Many men who act recklessly in their sexual lives and engage in habitual prostitution are not doing so because they lack information about condoms, but rather because they lack intimacy, emotion, and a sexual identity based on gender equality and a sense of justice.

The sex industry is now seeking legitimacy and is using condom promotion as a public relations campaign to polish its reputation. However, often when NGOs are allowed to distribute condoms in brothels or other prostitution venues, it is the brothels – not the women – that receive them directly. NGOs who do distribute condoms to women are also restricted in what they can mention to women in prostitution. For example, HIV educators in Bombay reported that they were only given permission to enter the prostitution areas when they agreed to the brothel keepers' directives that they not discuss "social issues" or alternatives to prostitution, and ignore the rampant child prostitution in the sex districts (Friedman, 1996: 4).

CATW is not against condom distribution, but rather maintains that we need to do far more to prevent prostitution and to truly empower women already in prostitution, by creating viable and financially sustainable alternatives; and by encouraging, enabling and requiring men to change their behavior. 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.

SPECIFIC WORK TO BE DONE

- 1 Put back prostitution on the policy agenda - We are facing a public policy crisis over legalization/regulation of prostitution. Governments which have rejected this false solution of State-sponsored prostitution and have chosen to address prostitution as a violation of women's human rights are in a key position to create forums and model regional legislation in which prostitution is put back on the policy agenda. We particularly need a research initiative that would include a full-scale and systematic study of the claims and consequences of state-sponsored prostitution in various regions of the world with adequate funding to insure that such an investigation be thoroughly managed and properly researched.
- 2 Promote ratification of and a monitoring and enforcement mechanism for the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The provisions of the 1949 Convention remain unknown to the public at large, to governmental representatives and even to States that have ratified this Convention. Many NGOs who work at the grassroots level to assist victims of trafficking and prostitution are also unaware of its provisions. To this day, however, the 1949 Convention remains a powerful tool uncompromisingly condemning the exploitation of prostitution (See Marcovich, 2002).

However, even countries that have ratified the 1949 Convention in some cases are violating what they have ratified. For example, ratifying States Parties that legalize and/or regulate prostitution, or that recognize prostitution as work, or that criminalize persons in prostitution, are in violation of Article 6 of the Convention. Article 6 states that ratifying Parties must "repeal or abolish any existing law, regulation or administrative provision" used to register women in prostitution. Countries therefore cannot, if they have ratified the 1949

Convention, recognize prostitution as work, or as an economic sector, since labor laws entail administrative recognition, control and regulation of prostitution.

The 1949 Convention is one of the few UN Conventions that does not have a monitoring or enforcement mechanism. It needs to be strengthened with a monitoring committee that would aid in its enforcement, e.g., to investigate whether countries that have ratified the Convention are complying with its provisions. And, it needs to be ratified by more countries.

- 3 Use the New UN Protocol and Its Definition of Trafficking for new or enhanced national or regional legislation against trafficking. Insure that the UN Protocol Against Trafficking in Persons is correctly interpreted.

Although we have a new UN anti-trafficking Protocol, we must work to insure that it is interpreted correctly and that it is used as a basis for new European, regional, and multi-regional legislation.

Among its other provisions, the new UN anti-trafficking protocol insures that all victims of trafficking in persons are protected, not just those who can prove force (Art. 3a and b); and that the consent of a victim of trafficking is irrelevant (Art. 3b). The definition provides a comprehensive coverage of criminal means by which trafficking takes place, including not only force, coercion, abduction, deception or abuse of power, but also less explicit means, such as abuse of a victim's vulnerability (Art 3a), thus helping to insure that victims of trafficking will not bear the burden of proof (Art 3b). Although prostitution and trafficking are not equated, the Protocol acknowledges that much trafficking is for the purpose of prostitution and for other forms of sexual exploitation (Art 3a). This Protocol is the first UN instrument to address the demand which results in women and children being trafficked, calling upon countries to take or strengthen legislative or other measures to discourage this

demand that fosters all forms of exploitation of women and children (Art. 9.5)¹⁾ (See Guide to New UN Trafficking Protocol, www.catwinternational.org)

Unfortunately, there are some governments and NGOs who want only to emphasize the provisions of the Protocol that suit them. There are some governments and NGOs who continue to focus only on forced trafficking. They ignore/misrepresent/deny the fact that trafficking can occur with or without the consent of the victim, and that this is now a point of UN policy and legislation on trafficking. They quote only part of the definition of trafficking – that which emphasizes force or coercion – and recommend that only this part be used in drafting national and regional anti-trafficking legislation.

For example, the Global Alliance Against Trafficking in Women (GAATW) in conjunction with the International Human Rights Law Group states on its web page that “If a government insists on using language such as ‘sexual exploitation’, we should encourage them to use the following definition [suggested by the NGO] so that sexual exploitation, like any other form of labor exploitation, requires the use of force or coercion...”²⁾

This message is in direct contradiction to the definition in the Protocol which states that trafficking for the exploitation of prostitution and other forms of sexual exploitation can occur not only under conditions of force or coercion but through abuse of a victim’s vulnerability. Clearly, the pro-sex work lobby is resorting to blatant misinterpretation of the actual trafficking protocol in the aftermath of having lost a key international battle over the definition of trafficking.

- 4 Address the Demand for Prostitution – Sweden’s new Violence Against Women bill provides a model for future policy and legislation on prostitution. As many of you know, Sweden has enacted groundbreaking legislation to prohibit the purchase of so-called

“sexual services.” This new prohibition, part of a larger Violence Against Women bill, declares that prostitution is not a desirable social phenomenon and lifts all penalties against the women in prostitution. It clearly views prostitution and all forms of violence against women as an obstacle to women’s equality. It is one of the first pieces of legislation to address the demand for prostitution by targeting the men who purchase so-called sexual services. The Swedish legislation also includes resources for women in the sex industry so that they have meaningful options and alternatives to prostitution.

This law gives all of us working against the legal acceptance of prostitution great hope. On behalf of the Coalition Against Trafficking International and the International Human Rights Network of NGOs who work against the sexual exploitation of women and children, I would like to take this opportunity to express our appreciation for the way in which the government of Sweden has worked internationally against male violence against women including prostitution and trafficking in women and children. Sweden’s Law that Prohibits the Purchase of Sexual Services, and that penalizes the buyers, is one of the first pieces of legislation to address the demand factor and put the onus where it belongs – on those who promote prostitution and trafficking.

We congratulate, in particular, the courageous work of Minister for Gender Equality, Margareta Winberg, and her staff for the way in which they have helped to change the international discussion of prostitution and trafficking. It is nothing short of remarkable that, whereas 5 years ago, many countries in Europe and elsewhere who were poised to legalize prostitution are now at least questioning the wisdom of this approach.

I would also like to congratulate Gunilla Ekberg who is the coordinator of the Nordic-Baltic Campaign Against Trafficking in Women. This campaign serves as a model for

NGOs and governments who are serious about addressing the problem of trafficking in creative ways that help prosecute traffickers, prevent trafficking and protect the victims, and who refuse to separate the exploitation of prostitution from the exploitation of trafficking.

We have a real chance to launch similar legislation in other countries of the Nordic region. Countries should consider serious collaboration with legislators and law enforcement officials in Sweden to understand and possibly implement such a legal regime in their own countries and avoid knee jerking to state-sponsored prostitution. I would hope that out of this conference, women from other countries would establish task forces to study the Swedish legislation and seriously consider how it can be promoted and implemented in other countries. We need NGOs and governments to work on the dissemination of this viewpoint within women’s groups, the EU, the UN and international organizations. We need a policy of zero tolerance of prostitution.

¹⁾ *There were some provisions exacted from the final compromise over the definition, especially by countries that legalize/regulate prostitution. However, these points were relegated to the “travaux préparatoires” (notes that will be used in interpreting the Protocol), and are not placed in the text of the Protocol itself. These notes include a reference that the phrase “abuse of a position of vulnerability is understood to refer to any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved.” Another note indicates that “The Protocol is without prejudice to how States Parties address prostitution in their respective domestic laws.”*

²⁾ *This information can be found on the web pages of Global Alliance Against Trafficking (GAATW) at www.inet.co.th/org/gaatw or of the International Human Right Law Group at www.hrlawgroup.org*

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The Position of the Spanish Government on Prostitution: the Debate on Prostitution in Spanish Society

Rosario Carracedo Bullido,
Lawyer, Comisión de Investigación de Malos Tratos a Mujeres, España (Commission of Inquiry into the Abuse and Mistreatment of Women, Spain).

The object of my intervention here is to elucidate the position of my country on the question of prostitution in terms of the legislative and legal provisions currently in force, and to outline the main themes of the debate on this issue now unfolding in Spanish society.

Since the beginning of the 20th century, Spain's ideological position externally, i.e. vis à vis the international community, has followed – ostensibly – the abolitionist line. However, this statement is not wholly accurate; it must be further qualified and defined since internal factors, namely our laws and ordinances, are not consistent with abolitionist principles. Clearly, our internal policy guidelines in this area have been erratic and contradictory.

In 1904 Spain ratified the International Agreement for the Suppression of the White Slave Traffic. We would subsequently endorse the International Convention for the Suppression of the Traffic in Women in Paris in 1910, and the 1949 UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others.

We formally declared our adherence to this last agreement on 18 June 1962.

The mechanism for transposing international law into our legal system and legislation requires that the international provision concerned be published in the Official State Gazette. This was duly done on 25 September 1962. Moreover, adherence to the Convention entailed an obligation to

regulate the crimes in question. This in turn called for the introduction of specific rules defining typical conduct, making a special penal provision necessary. This was enacted by Decree on 24 January 1963, and the Penal Code in force at the time was modified accordingly.

Thus in 1963, all forms of procuring, that is the prostitution of others, as defined in the UN Convention of 2 December 1949 were incorporated into our Penal Code and thereby became subject to Spanish criminal law.

In effect it became a punishable offence to organise, promote, encourage, exploit or maintain the prostitution of others, that is to say to derive economic benefit from the prostitution of third parties whether or not this was done with their consent.

Similarly, it was made a criminal offence to knowingly maintain, rent or operate a bar, sauna or hotel or building or any premises or part thereof for the purpose of prostitution.

Thus in the eyes of the international community Spain was a country in favour of abolition.

But as I pointed out at the start of my address, this statement is in need of qualification and more precise definition.

Although procurement was penalised, internal legislation in the form of a special law entitled *Peligrosidad y Rehabilitación Social* (Risk and Social Rehabilitation Act) made prostitution itself a criminal offence. Although apparently an advocate of abolition, Spain, by virtue of this enactment, was in practice a prohibitionist country.

This contradiction between our international commitments and our internal laws continued more or less until the end of dictatorship and the advent

of democracy. With the change of regime and political and social values that followed on the death of Franco at the end of 1975, *Peligrosidad y Rehabilitación Social* ceased to be applied in practice and was subsequently repealed. Thus between the end of the 1970s and 1995, Spanish legislation was in line with our commitments to the international community as established by Spain's ratification of the 1949 Convention.

However, this period was only to last some 15 years: in 1995 the situation changed once again.

In that year, a new Penal Code was drafted by the Spanish Socialist Labour Party Government. The draft was approved by the Penal Code Act of 23 November 1995 (*Ley Orgánica 10/95, de 23 de noviembre del Código penal*).

This enactment, which represented a clean break with Spain's abolitionist tradition and marked the introduction of an essentially new approach to crimes relating to prostitution, once again violated the basic, essential principles underlying the abolitionist position and by extension the Convention of 2 December 1949.

What grounds do I have for this statement?

The new Penal Code only penalises coercive procuring, that is procuring practised without the consent of the prostituted person, in which recourse is had to physical force, psychological pressure, threats, abuse of a dominant position, etc.

This is in contravention of Article 1 of the International Convention, which states that Parties agree to "punish any person who procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person," or

“exploits the prostitution of another person, even with the consent of that person.”

This change in our internal legislation has had far-reaching consequences, ideological as well as practical.

A small number of feminist organisations tried to prevent the introduction of this new penal provision, but were unsuccessful. We met and spoke to Socialist Deputies and attempted to mobilise public opinion, but were not listened to.

This ideological about-turn, this shift in values and options in relation to the phenomenon of prostitution had already been apparent during the parliamentary debates on the issue.

The new provision, and the depenalisation of procurement, were concealing the aspirations – gradually but vigorously gaining ground in my country – to regulate prostitution.

During discussions in the legislature of the new approach to criminal offences relating to prostitution, the Socialist Deputy who spoke for the reform advanced it as an ideological argument designed to justify and legitimise the change of policy – the right of free sexual self-determination. His arguments were accepted.

This perverse expression: “the right of free sexual self-determination” ostensibly refers to prostituted persons. 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.

Advocacy of this ideological rationale, “the right of free sexual self-determination” in relation to prostitution, is nothing more than an attempt to establish, defend and vindicate a new freedom: “the right to prostitute oneself.”

When we embrace or wish to achieve a spurious, false or adulterated objective a proven tactic is to dress up our objective in words like ‘right’ or ‘freedom’.

Invoking the freedom to prostitute oneself is a highly effective tactic. The argument is much in vogue in my country at present. Wherever I go I meet welfare workers who appeal to the right, the freedom, to prostitute oneself.

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.

It is a curious freedom because it is advocated and advanced on behalf of others. I have now stopped being polite about it and when charged with hostility to the idea of freedom I usually ask its supporters whether they are prepared to encourage their children, brothers and sisters, wives, etc. to exercise it. I have found that not only do they not encourage their family members and relatives to do, they are also highly offended at my suggestion.

By de-criminalising procuring, or, to put it another way, by punishing only those procurers who use coercion, the reform of the Penal Code has greatly encouraged the expansion of organised procuring.

Although there was prostitution in my country in the past, the number of sentences passed against those who organised prostitution was consistently high. The sentencing rate has now fallen appreciably.

From a transit country for prostituted women, Spain has now become a country of destination.

The exploitation of prostituted women is now big business. It is not unusual to see sex supermarkets in villages of less than 1,000 inhabitants.

Procurers have formed a national organisation, ANELA, legally registered with the Ministry of Employment. They refer to themselves as “sex entrepreneurs.” Their website is open to all, and their objectives are very explicit. Let me read some of them to you:

Objectives of the association:

- 1) To improve the status – to dignify our activities (they refer to their commercial operations);
- 2) To identify our premises with distinctive logos, devices or emblems which serve as guarantees to the client of quality of service;
- 3) To report and otherwise oppose illegal competition, operations carried on in the streets or on inadequately equipped premises that cannot guarantee professional service, safety, cleanliness or hygiene;

4) Short-term objectives: Every association member must display a sign at the entrance to its premises, identifying the operator and acting as a label of quality vis à vis the client. We want to encourage promotional activities aimed at publicising the benefits to the client of ANELA. A medium-term objective is the establishment of the ANELA Sanitary Card. This will include details of the medical record of each worker, thus ensuring a faultless system for monitoring and controlling every detail of the operation.

Explicit as these objectives are, their significance should be expressly stated. In their own words:

“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.”

This increase in procuring activity would have been impossible without the current Penal Code.

The political parties, whether on the right or on the left, are extremely reluctant to engage in a debate on prostitution. They only want to talk about trafficking.

To talk about trafficking is humane. The methods used by the prostitution mafia are an affront to the community and to our consciences. And to talk about trafficking does not create problems with the electorate, at least not major problems.

But to discuss prostitution and possible solutions to the problem does.

In many of our cities the size and number of areas where prostituted bodies are on public display to prospective clients is growing rapidly. This creates tensions in the respective neighbourhoods as local shops and businesses are frequented less and less and property values decline since no one wants to live in a ‘red-light’ district.

This development in turn creates tensions between citizens and their politicians, who are facing demands to put a stop to the situation. The easiest way to deal with a problem is simply not to see it. What cannot be seen is invisible. What is invisible does not concern us and cannot change us.

An increasingly favoured policy proposal – one which has been gathering influence and adherents – is a return to a system where prostitution is only permitted in licensed brothels. It is this policy that is being implemented through ordinances and by-laws at local, municipal and in some cases regional level.

Effective proselytisation of organised procuring, the arguments deployed by advocates of regulation – the freedom to prostitute oneself and the rights of prostituted persons – readily permeate the social fabric, influence the community and dispose its citizens towards greater regulation.

In my country, abolitionist positions are maintained by a minority and almost exclusively by feminist organisations like mine, although there are also women’s organisations that advocate for a regulatory approach.

A group of organisations, of which mine is a member, has recently launched a campaign entitled Political Manifesto for the Abolition of Prostitution.

We have begun collecting signatures; however we also need to raise

ptas 17,500 to cover the expenses of publishing our political manifesto in the media.

The purpose of this initiative is to stimulate debate with members of the public, in which we can explain, without ambiguity or equivocation, our commitment to the abolitionist cause, including the basic feminist, ethical and political principles underlying the abolitionist position.

We also want to bring to the attention of the politicians concerned our aversion to their regulatory policies and warn them that we intend to denounce any political party that includes in its election manifesto proposals to regulate prostitution. These are practices that reaffirm and reinforce our social inequality and legitimise the consumption of women’s bodies.

I spent this last weekend at a National Congress of Women Lawyers where our abolitionist theses were approved. I would like to share some of these with you:

The term ‘client’ or ‘user of the services of prostituted person’ should be replaced by the term ‘prostitutor’ as a more accurate designation of the

responsibility associated with that person’s conduct and comportment.

The articles in the 1995 Penal Code dealing with offences relating to prostitution is illegal insofar as it contravenes commitments to the international community entered into by our country in virtue of our ratification of the terms of the Convention of 2 December 1949.

Spanish penal law should condemn the behaviour of prostitutes and the purchase of sexual services should be made a punishable offence.

Debates on Prostitution Legalization in the Russian Federation

By Marianna Solomatova, Development Director for the Angel Coalition, an anti-trafficking coalition of 43 NGO's in Russia and the Commonwealth of Independent States.

INTRODUCTION

I am going to tell you what is going on in Russia today around the problem of prostitution; in politics, in civil society among the NGO community and common people. Prostitution was legal in Russia in the beginning of the XX century before the Socialist Revolution. After the revolution the Bolshevik government decided that this should be banned and today prostitution is illegal (an administrative offence subject to fines). But as in all countries nowadays the sex industry has been growing very fast in the last several years.

The Ministry of Interior Affairs states a sharp rise in crimes connected with prostitution and pimping. According to the Chief office of MVD of the Russian Federation (RF), 30 000 persons have been penalized (subject to fines) for prostitution, 145 persons were subject to criminal proceedings for brothel organization and running. Around 20 organized criminal groups were discovered operating on the territory of the RF whose activity was connected with prostitution, where rapes, murders, facts of drug distribution are very frequent.¹ A growing involvement of minors into prostitution alarms and causes concern of all progressive society, especially after adoption of a new legislation that brought the age of minority down to 14 years old from the previous 18.² Of course these consequences of prostitution are also a fertile ground for pro-legalization arguments.

1. DEBATES ON THE POLITICAL LEVEL

- The Union of Rightists Forces proposes to legalize prostitution. Is it a serious legislative initiative for prostitution problem resolution or a PR-action?

The question of prostitution legalization has been raised in the Russian Legislative Assambly (the State Duma) before every coming election. Today this idea belongs to the party called Rightists Forces Union (SPS)³ and two of its representatives, deputies Andrey Vulf and Alexander Barannikov. These two deputies are young men, with a background in show business and probably know well how to make a show out of such a hot topic as prostitution to promote their names. Not all the party's representatives support this idea and the party's leadership is wisely silent about it. Although the information about legalization was available on their official web-site.⁴ SPS party has an image of a youth party with progressive views and the topic perfectly suits their political platform. Now it is still hard to say if this is just PR methods or a serious platform.

- The hearings on legalization are planned for this year's autumn session.

The hearings on prostitution legalization was set up to the Autumn Duma session. The positive moment for Russia is that in the same session a new legislation against trafficking will be discussed. Now it is under development. The bad side of it is that prostitution may be legalized under the excuse of trafficking elimination, being assessed as a reason of trafficking existence. But I think legalization will not only increase the sex industry sector, but also increase trafficking both from Russia, within its borders and into Russia.

The situation with human trafficking in Russia is very complicated: Russia is a sending, receiving and transit country for human trafficking. Sending for most of the countries of Western and Southern Europe, USA, Australia and others, transit and receiving country for the former socialist republics, such as Ukraine, Moldova, Byelorussia, Georgia, Azerbaijan, Kazakhstan and others. Unsatisfactory economical conditions after the collapse of the Soviet Union make people from these republics search for a better life in Russia. A lot of women from other republics and Russia come to large cities like Moscow, try to settle down and often are drawn into prostitution if they fail to. Today there are up to 15 000 prostitutes in Moscow, most of them are not Moscow citizens. An estimated daily turnover of all the Moscow sex industry is more then half a million US dollars and more then \$182 millions annually.⁵ Of course the government is interested in adding parts of those profits to the state budget and this is one of the major arguments for those who want to legalize prostitution.

Legalization has a lot of supporters on the governmental level and in the circles of highly respected people. The Chief venereologist of the Russian Federation, Anna Kubanova, supports legalization saying it would reduce STD levels. She claimed that every third prostitute in Russia is infected with syphilis. Will there be medical check for legal prostitutes and their clients? Who and how will conduct those checks? And how is the disease level supposed to be reduced if world experience shows that with legalization the illegal sector boosts immediately? These questions have no answer yet.

Moscow Region Police, Some Mayors and local governments also support legal prostitution claiming that governmental control over brothels will regulate crime rate, internal and foreign migration of prostitutes (or “sex-workers” as they call them using the international pro-prostitution lobby language). And finally, they say, prostitutes will receive social protection from the government. How is this social protection going to be provided to prostitutes if there is not enough social protection for teachers and doctors in our country?

2. WAYS OF PROMOTING PRO-LEGALIZATION VIEWS IN RUSSIA, CONTRADICTIONS WITHIN THE CIVIL SOCIETY.

- The General population of Russia is not educated enough on the issue (the majority of youth does not see any harm in legalizing sex services).

A lot of support for legalization is found on the community level. For years the problem of prostitution was too shameful to be openly discussed. Today with more freedom prostitution is tolerated by most people and viewed as an unavoidable evil, though women in prostitution are condemned by the society. According to an internet poll⁶ carried out in August 2002, 88% of Russian Internet users support prostitution legalization, 7% is against and 4% is hesitating. That is quite graphic and actually shows the young audience views, as most of internet users in Russia are young. Another poll about prostitution carried out in Kazakhstan⁷ (bordering on Russia in the South) displays the opposite. To the question “Can official brothels fully eliminate street prostitution?” 74.3% of the poll participants said “NO”, 21% said “YES” and 4,7% were hesitating.

Kazakhstan is, of course, a more patriarchal country than Russia, but nobody ever studied public opinion of Russian citizens. Probably the whole picture would be different from that of an internet poll and much more like the results from Kazakhstan, taking into consideration the elder and more conservative layers of society. Nevertheless, there is a long-standing “tradition” within the Russian Government

not to listen to public opinion, taking their own decisions and therefore there is a danger that prostitution can be legalized in the Russian Federation in spite of the wish of the whole nation or due to the lack of political involvement of the community.

- Civil society is split into two opposing factions. Governments of the countries with legal sex industries tend to fund anti-trafficking efforts of pro-prostitution NGO's in Russia, thus influencing our country's politics.

The only politically active force in Russian civil society are NGO's funded by different foreign funds (state-owned and private). Unfortunately here we have a picture of an obvious influence of funders on the NGO behavior. This mechanism and its reasons are described in the Paper “Corruption of the Civil Society” by Donna Hughes, (Professor of the University of Rhode Island, USA).⁸ There is an organization called Crisis Centers Union, funded by the Dutch Government and Global Alliance Against Trafficking of Women (GAATW). As we know prostitution is legalized in Holland and GAATW is well known for its pro-prostitution advocacy around the world. Of course the above mentioned Crisis Centers Union has to adopt their policy. It does not tell openly that they want to legalize prostitution in Russia, but still advocates for the rights of sex-workers and sex-migrant workers, which sounds quite nice for the people and NGO's that don't possess the whole picture (all people's rights should be protected).

In Summer 2002, the Trafficking in Persons (TIP) Office of the US State Department issued their Report on the trafficking situation in the world, and Russia was listed in the so-called “Tier 3.” That is the third level, the worst level of the countries. In this Tier, countries were mentioned where the trafficking problem is huge and governments did not take any steps to improve the situation. After this TIP report the US State department allocated some money for the development of anti-trafficking legislation for Russia. The Angel Coalition took active

steps to draw the attention of the Governmental Bodies to this report. We issued a press-release and sent it to all the federal committees and a lot of news agencies. We passed our information packet to Vice Prime Minister Valentina Matvienko and President Putin.

After the US TIP report, and thanks to the efforts of NGO's, the anti-trafficking legislation development started in the State Duma.

The expanded session of the working group of the Russian Federation State Duma's Legislative Committee was held on January 29–30, 2003 under the direction of the Duma member, Elena Mizulina. The main issue was the development of the law against human trafficking. Members of the Angel Coalition Ludmila Erohina (Vladivostok), Marianna Solomatova, (Moscow) and Victoria Shakina (Irkutsk) took part in that session. It was the last session of the working group before parliamentary hearings, which will take place in the State Duma on February 17, 2003.

The law submitted at this session makes amendments to the Criminal Code, in particular, it will include an article 127 “Trade in Human Beings”, which reflects various aspects of trafficking and provides the appropriate punishment to traffickers, intermediaries and accomplices of this crime. The law contains the decision about creation of the State Interdepartmental Commission on prevention of human trafficking, obliges the state to assist the trafficking victims, who have come back home, by opening state-owned shelters and assistance centers.

The law reflects all international norms, in particular, definitions used correspond to definitions of the United Nations 2000 Convention on Transnational Organized Crime and The 2000 Protocol on Prevention and Suppression of Human Trafficking.

The Angel Coalition has been advocating for the use of UN language and definitions in the Russian draft law, but for a long time was neglected by the lawmakers. Thanks to the presence of the UN expert Christopher Ram at the last session, our point was heard by the working group leaders. It naturally turned out that because we had been

supporting UN, the UN supported us. The terms "sex work" and "sex service" was withdrawn from the draft text and changed to "sexual exploitation." The concept of consent already existing in Russian Criminal Code was also included. Hopefully, the draft will not undertake any serious changes while passing through the Duma

Duma experts inform us that about a year should pass before the bill becomes a law. As early as half-a-year after its signing, it comes into force. But development of such a law is an important historical event in the life of the Russian NGO community working on prevention of human trafficking to, from, within Russian Federation and assisting its victims.

3. EFFORTS OF THE ANGEL COALITION AGAINST PROSTITUTION LEGALIZATION.

- The Angel Coalition started a campaign in 7 cities of Russia that is addressed to local State Duma representatives to persuade them to vote against legalization

The Angel Coalition took active measures and started an action against prostitution in the same cities where we held the information Campaign in the year 2000 (Moscow, St-Petersburg, Petrozavodsk, Yaroslavl, Chelyabinsk, Nizhny Novgorod and Veliky Novgorod). The action includes writing letters to local representatives of the federal Duma and making phone calls to their offices. We wrote a letter to every Duma Deputy with a demand not to vote for prostitution legalization. Some Deputies support us, but they still have little knowledge about prostitution legalization effects.

We hope to give our legislators another point of view on the problems of trafficking and prostitution. I don't think legalization of prostitution will do any good to Russian society and we don't have to legalize it only because it's inevitable. I'd like to quote one of the Angel Coalition partners, Larisa Boichenko from Karelian Center of Gender Studies. During the Angel Coalition action against prostitution legalization she said to the press: "If there are cases of can-

nibalism in the world, and eating other people brings somebody pleasure, it doesn't mean we have to legalize it."

¹ Statistics of Russian Federation Ministry of Foreign Affairs Chief Office.

² Criminal Code of Russian Federation, Chapter "Crimes against sexual freedom and personal immunnity", Article 134.

³ A.Barannikov and I. Khakamada interview, "Eho Moskvyy" radiostation 11.07.2002.

⁴ SPS party web-site <http://www.sps.ru> August 2002.

⁵ Data from Moscow NGO's working with prostitutes (AIDS Foundation East-West).

⁶ Russian Information Agency "Ros-BusinessConsulting" August 13 -14, 2000.

⁷ The telephone poll among 300 Alma-Ata citizens at the age of 16+ was carried out by the Research company "Komkon-2 Eurasia".

⁸ <http://www.uri.edu/artsci/wms/hughes/>

Prostitution Culture: Legalised Brothel Prostitution in Victoria, Australia

Sheila Jeffreys, Associate Professor in Political Science, Department of Political Science, University of Melbourne, Australia.

A CULTURE OF PROSTITUTION

When prostitution is legalised or decriminalised, a culture of prostitution is created which has harmful effects upon the lives not just of the prostituted women but of all women who live within that culture. This damaging culture of prostitution exists in Victoria, Australia. As the practices of prostitution have been normalised they have come to seem ordinary. There are brothels on many streets. Children walk past brothels on their way to school and buy their summer swimsuits in a shop opposite a brothel. Brothel owners are in the Rotary Club and are profiled as role models in respectable newspapers. Brothels are listed on the Stock Exchange. 60,000 men buy women in prostitution every week.

In many countries the legalisation or decriminalisation of brothel prostitution is being considered at present, as a way to deal with the many problems associated with men's abuse of women in prostitution. Campaigners hold up the system of legalised brothel prostitution in Victoria as a positive example, the *crème de la crème* of prostitution internationally. For that reason it is important to examine carefully what legalisation has meant for women in Victoria. It has created a prostitution culture.

LEGALISATION

Brothel prostitution was legalised in Victoria in 1984. It was decriminalised in New South Wales NSW in 1995. There is now also legal brothel prostitution in the Australian Capital Territory in which the capital Can-

berra is situated, and in Queensland. The proposal to legalise has been defeated, for now, in South Australia, but is being promoted in West Australia and Tasmania. It is being debated presently in New Zealand too.

The arguments put forward for legalisation in Victoria were:

- 1 It would control the illegal massage parlor industry;
- 2 It would prevent the industry from expanding;
- 3 It would end street prostitution, the idea being that street prostituted women would prefer to work in the legal brothels; and
- 4 It would be safer for prostituted women who would all be in legal brothels and less likely to be murdered or raped. This perspective was accepted by all feminist organisations at that time it seems.

Those who wanted to run legal brothels, previously called pimps and now respectable business people, needed to apply for a license. A Prostitution Control Board was set up to issue licenses and regulate the industry. Regulation included monthly medical inspections for the prostituted women.

THE ILLEGAL INDUSTRY

In Victoria today police sources estimate that there are 400 illegal brothels to 100 legal ones (Murphy, Padraic. Licensed brothels call for blitz on illegal sex shops. The Age 3/6/02). The illegal brothels move around and are difficult to detect, supposing there was the will to detect them. There is no official role for police in monitoring legal or illegal brothels once legalisation or decriminalisation takes place. They are under the control of local government. In NSW it was apparently the corruption of the police

that dictated the introduction of the decriminalisation of brothels there so that the police would have no role. Local councils have to monitor brothels themselves and have neither the personnel nor the financial resources. Similarly to detect illegal brothels in Victoria local councils have to finance private detectives to go into brothels and pay for sex. An investigation into illegal brothels in Yarra in Melbourne cost ratepayers \$42,000 in recent months (Melbourne Yarra Leader 30/9/02). Investigators operating in unlicensed brothels sign affidavits outlining the sexual services offered to them. They are then presented to a magistrate who can ban entry to the property. This penalises the landlords but not the brothel operators who simply move premises.

There is little doubt that the illegal industry is out of control. Legalisation or decriminalisation does not and cannot prevent illegal brothels. In Melbourne police suspect one Hong Kong national who operates 6 unlicensed brothels in outer-eastern Melbourne of making up to \$8 million over the past three years.

The effects of decriminalisation of brothel prostitution in New South Wales in 1995 have been similar. Brothels have reportedly increased four hundred fold and the vast majority have not applied, as they are supposed to do, to the local councils for licenses. Councils cannot afford to employ special staff to enter the illegal brothels and prove that they are in breach of planning regulations.

STREET PROSTITUTION

It was thought at the time of legalisation that street prostituted women, at greatest risk of death and serious injury, would be able to move into

the legal brothels and be safer. This would also cause the nuisance of men's street prostitution behaviour to be alleviated. In fact street prostitution is a massive social problem in Melbourne. A government inquiry was set up into the problems caused by men's behaviour in St Kilda in 2001 (Attorney-General's Street Prostitution Advisory Group. Interim Report September 2001). The number of women in street prostitution had been rising rapidly in this one area to an estimated 350. The male abusers are sexually using women in front yards and on residents' doorsteps. There are problems with used condoms, faeces and needles. The recommendation of the Report was the setting up of tolerance zones in which men could solicit women and 'safe houses' in which they could use them. The safe houses would have been, effectively, state brothels even though the council hoped that charities like the Salvation Army would run them. The recommendation was shelved because it was so unpopular with residents and an election was pending.

In Sydney in New South Wales tolerance zones have been set up in which prostituted women are supposed to meet with their abusers, and 'safe houses' in which they can rent rooms. This policy has been manifestly unsuccessful. The prostituted women do not stick to the zones but use surrounding residential areas (Australian Broadcasting. Street Prostitution. The Law Report. Radio National 30/4/2002).

TRAFFICKING

Legalisation and decriminalisation lead to the growth of the industry of prostitution. The traffic in women to supply the legal and illegal brothels is an inevitable result. Sex entrepreneurs find it hard to source women locally to supply an expanding industry and trafficked women are more vulnerable and more profitable. Trafficked women are placed in both illegal and legal brothels in Victoria. They can work legally in legal brothels with work permits if the traffickers apply on their behalf for refugee status. The traffickers sell the women to legal and illegal brothels, in Victoria for \$15,000 each

(Sullivan, Mary and Jeffreys, Sheila 2002: The Failure of Legalised Brothel Prostitution in Victoria, Australia Coalition Against Trafficking in Women). The women are debt-bonded so the profits of their enslavement do not go to them. There are ongoing investigations of several inner-suburban brothels suspected of using women brought from South-East Asia on tourist visas. Police suspect they are forced to have sex with 800 men to pay off debts to the traffickers before they receive any money (Murphy 2002 as above). They appear, a police spokesman said, 'to be flown here to order.' It is estimated that \$1 million is earned from trafficked women weekly.

WOMEN SAFER IN LEGALISED BROTHELS?

Street prostitution is extremely dangerous (Farley, Melissa et al. 1998. "Prostitution in Five Countries: Violence and Post-Traumatic Stress Disorder", *Feminism and Psychology*, Vol 8, No 4 pps 405-426). Women are at risk of rape and murder, beatings, knifings. Prostituted women receive the hatred from men of women and of the sexuality that they are seen as representing. This results in the violence they suffer. In brothel prostitution these extraordinary problems, after all what other form of work includes murder as an ordinary hazard, are supposed to be reduced. Let us consider the legal brothels of Melbourne, supposedly the *crème de la crème* of prostitution. One of my students did research in a legal brothel by interviewing women both before and after 'bookings' about the boundaries they tried to create to control what men were able to do to them and to what extent they were successful (Barclay, Ingrid, *Interactive Processes in Brothel Prostitution*. Honours Thesis. Political Science, University of Melbourne 2001).

The brothel she studied contained a lounge in which the introductions took place. All the women waited in the lounge. Men came in one at a time to make their selection and the women had to compete to be chosen. They would come up and touch the men sexually and vie with each other in offering what they would do. Some might offer sex without condoms if they

particularly needed the money. Then they went up to the room. Women would often apply lubricant in a bathroom on the way up because the men would be most unhappy if they got the impression the women were not sexually aroused and some would refuse to pay. Then the women had to try to control the encounter. Men would sometimes want an 'all around the world' i.e. access to any orifice in any way and the right to touch any part of the woman's body. The woman must then struggle to restrict him whilst not losing the booking. Men might twist nipples and shove fingers up the woman's anus. One woman said that for anal she would charge \$500 but this would be according to how large it was i.e. a larger penis means more pain. Another woman said a man had started to put lubricant on his fist and when she asked what it was for he said he intended to fistfuck her. The demand for fistfucking suggests that the increasingly violent and degrading practices carried out upon women in pornography are educating men in what they wish to do to women, first in prostitution and then in their relationships. This applies also to anal sex.

One woman, on coming down from a booking, would shower for 10 minutes in very hot water to get the dirt off her body. Before a booking one woman would come out in goose bumps. Her skin was crawling at the thought of what she would have to endure. Sexual harassment is what the man pays for. The women dissociate to survive the ordeal using psychological techniques or drugs and alcohol.

Women in prostitution are not a different kind of women who can endure the unwanted hands and penises of men in and on their bodies more easily than others. It is true that many are seasoned by previous sexual violence in childhood or adulthood so that the violence of prostitution can seem less severe than other forms of violence they have suffered (Hoigard, Cecilie and Finstad, Liv. 1992. *Backstreets: Prostitution, Money and Love*. Cambridge: Polity). But prostituted women hate the everyday violence of prostitution just as any other women would. Those who accept prostitution as a legitimate occupation are accepting

that certain women can reasonably be set aside as appropriate objects of exactly the harassment that other non-prostituted women seek to get out of their workplaces and lives.

This is the story of the most respectable form of prostitution in the world. Here in Australia there are codes for the implementation of Occupational Health and Safety (OHS) in brothels drawn up by state authorities, but only for the tiny number of brothels that are legal. It is hard to work out OHS codes for work in which women are regularly at risk of violence and of diseases which are life-threatening, where they may be required to handle faeces and urine as well as semen, where they have to suffer the psychological damage of dissociation and/or sexual harassment and abuse. Codes for other workplaces require the isolation of dangerous substances, wearing gloves etc., whereas in prostitution a potentially lethal substance, semen, is injected straight into the body of the 'worker'. Prostituted women are in no position to wear gloves and isolate semen in special safe receptacles. They are likely to have to accept it on their faces and in any orifices.

SADOMASOCHISM BROTHELS

Sadomasochism (SM) brothels are a burgeoning area of the prostitution industry presently for two reasons. One is that SM has become a hugely profitable market sector with clubs, equipment, porn and brothels all its own. Another is that SM offers in Australia a way of setting up illegal brothels. SM brothels frequently do not apply for brothel licenses on the grounds that 'sex' does not take place. They represent themselves as therapy, and as offering fantasies. In fact my local council is currently seeking to prove that 'sex' is taking place in the SM brothels but having great difficulty in doing so. Forms of very serious violence against women take place in the SM brothels. They do not just contain dominatrixes who act out violence towards men. Women are provided as sexual slaves and can suffer severe beatings, according to counselors at rape crisis centers in Australia who seek to support them (personal communication).

TRAINING MEN IN SEXUAL VIOLENCE

Prostitution and rape go together. Quite reasonably many prostitution survivors call prostitution commercial sexual violence or bought rape (Giobbe, Evelina. 1991. "Prostitution: Buying the Right to Rape". In Ann Wolpert Burgess (ed.) Rape and Sexual Assault III: A Research Handbook). In prostitution men pay to watch (as in pornography) or carry out upon women's bodies a range of practices that, in their non-commercial form, are precisely the practices of male sexual violence that women are concerned to get out of their bedrooms, their streets, their childhoods, their workplaces. I do not suggest that prostitution is the only reason that sexual violence exists because it exists in many cultures which do not have prostitution and needs to be understood in terms of male dominance. However the sex industry trains men in these practices. The main practice is unwanted sexual intercourse in which prostituted women dissociate to survive whilst the man penetrates her with no concern for her personhood. In sex phone lines women have to dissociate to survive men's abuse that they have paid to speak. In obscene phone calls men, sometimes the same ones, intrude upon and threaten women in their homes. In prostitution men speak foul and degrading words to women and sexually harass them, touching parts of their bodies they want to protect and demanding practices women do not want to allow. In streets and workplaces men do exactly the same except that they do not pay. The pleasure can be more acute when women's consent is clearly absent. In prostitution women are whipped, or have to dress up as babies or young girls. All of this trains and encourages men in brutality and child sex abuse.

NORMALISATION OF PROSTITUTION

The policy of legalising brothel prostitution in Victoria has failed dramatically in all its aims. When this policy was undertaken there was no consideration of the way in which it might effect the status, lives and relationships of all women in the state. In fact the culture of prostitution spills

out into the business community, the billboards on the streets, the local media, and affects the relationships women have with their male partners and the men they work with. Legalisation has normalised men's prostitution behaviour. As a result of this accepting climate tabletop strip clubs moved into Victoria in 1993 and now thrive under the euphemism 'Gentlemen's Clubs'. A state government inquiry was soon instituted as a result of rumours that prostitution took place in these clubs. But this is hard to prove.

In other contexts where there is not such an acceptance of prostitution there has been community resistance to table top dancing and the clubs have been rejected, in Glasgow for instance. There is now a campaign against them in Dublin Ireland. In Australia the idea of such a campaign is not really thinkable because men's sexual exploitation of women has become so normalized as a result of years of legalized brothel prostitution.

As the industry grows new constituencies of young men are introduced to prostitution behaviour. In 1998 it was estimated that 60,000 men in Victoria abused women in prostitution every week and the figure is likely to be larger now. Generations of men and boys are trained in prostitution behaviour. These men will be the sex tourists and travelling businessmen who abuse women in prostitution in other countries many of whom will be trafficked to those destinations.

THE LANDSCAPE OF A PROSTITUTION CULTURE

There are certain restrictions on where licensed brothels can be placed. They are not supposed to be near churches or schools. Illegal brothels do not suffer these restrictions. Licensed brothels are, however, on main shopping streets and on residential streets. They are simply part of the ordinary life of the city. Men emerge from the brothels smirking with satisfaction as passers-by lug shopping and children. Advertisements for the brothels and the tabletop clubs appear on massive billboards across major arterial roads, offering women as objects for men's use. In the State Exhibition Centre each year the sex industry exhibition,

SEXPO, takes place. The brothels and strip clubs display the women they have to offer, pornography, strip and lapdances take place before thousands of citizens with the sponsorship of the state. Local freesheet newspapers carry advertisements for local brothels called Oriental Plums or Romantics (The Melbourne Times, December 11 2002).

PROFITABLE MARKET SECTOR

The financial pages as well as the news pages of newspapers that find the industry of sexual exploitation titillating, cover the profits to be made from investing in prostitution. The Age newspaper devoted the front page of its business section to SEXPO in 1998 alongside a profile of Australia's sex industry, said to have an estimated annual turnover of \$A1.2 billion. The Daily Planet brothel is to be launched on the Australian Stock Exchange in 2003.

NORMALISATION OF PIMPING AS RESPECTABLE BUSINESS

One example of how respectable pimping has become is the featuring of a brothel owner in the My Diary section of the Sunday Age newspaper on October 13 this year (The Sunday Age Agenda 13/10/02:2). This regular feature covers the working life of prominent Melbourne citizens, usually women. On one occasion it was the Headmistress of a famous private girls' school and last week it was a milliner who made hats for women to go to the horse racing. The brothel owner, a Thai woman named Chailai Richardson, was described as 'the owner and manager of Top of the Town brothel in Flinders St'. The diary gives an introduction to the featured woman and then details what she does on each day of the week.

Richardson, we are told, met her husband when he was 'building up' the brothel, 11 years ago. She is vice-president of the Thai Association. The vast majority of trafficked women who are sold into debt slavery in both legal and illegal brothels in Melbourne are Thai. 100 women work in her large brothel. She says: 'There is a lot of pressure on the ladies. They find it hard to cope with their work sometimes...Saturday was smooth. A lot

of young boys come in on Friday and Saturday'. She promotes her business when there is going to be a convention in town, such as at the World Trade Centre recently with 3,000 men from Thailand. She checks the women to make sure they are wearing suspender belts. The women do not like them because they are itchy but 'they look good' when the women take off their clothes. They have a strip show on Thursdays 'some of those people might stay and have a lady after'. She concludes 'I believe we're here to test ourselves and do our best and achieve as much as we can'.

In Melbourne such an article about pimping in the main Sunday newspaper elicits no adverse comment or enraged readers' letters. Brothel-keeping is an ordinary occupation like being a headmistress. Most women who own or run brothels have been prostituted themselves. There is no promotion in the industry and no way to get out except by doing this.

RELATIONSHIPS BETWEEN MEN AND WOMEN

A culture of prostitution damages the possibility of creating relationships of equality, respect and honesty between women and men in the home, in the workplace and in all areas of life. As new generations of men are trained in prostitution behaviour this will inevitably affect the way they are able to relate to women in their lives, family, partners, workmates, friends. Equal relationships between men and women are still difficult for many women to achieve. The existence of strip clubs, brothels, pornography and the advertising of these forms of sexual exploitation make it much harder. The prostitution industry creates the ideas that boys and men have about women i.e. that they are objects for sexual use rather than equal human beings.

The sex industry creates the men's culture which controls the business and political world and excludes women. In what are called 'Gentlemen's Clubs' women are paid to place their naked and shaved vagina and anus in front of men who may stare into them. Once upon a time gentlemen's clubs were for rich upper class

men who would use them to network and make political deals and business deals. The new gentlemen's clubs which are a form of brothel in which naked women are offered to men to bathe with them, to dance on their laps and, of course, offer other 'sexual services', are much more democratic. Any man with the entry fee can go in. But the deals are still made there. The men bond and network with other men, clinch business deals, hold meetings of corporations. Major companies hire the meeting rooms at the venues and get whiteboards plus naked women on the tables at tea break and lunch. What does this do for the chances of equality for women in these companies? Women executives can attend meetings and suffer the pain and embarrassment of watching other women treated in this way or they can refuse to go and lose the chance of advancement. Women executives cannot be equal in a prostitution culture where their male colleagues can cement deals by providing prostituted women to clients, or join their clients in visiting brothels.

Women workers in the legal profession are particularly affected. In Melbourne the tabletop clubs are in the legal district. Women lawyers see the male partners go to the clubs at lunchtimes to bond and wonder why it is so hard to become partners themselves. The secretarial staff have to lie to wives who ring up about where their husbands are. Many groups of women are affected by such men's prostitution behaviour. The existence of the sex industry and the way it is currently entwined into the way in which Australian men do business make the idea of women's equality in the business world a mockery.

In a prostitution culture boys and girls grow up in a world in which women are sold to men, naked or half naked, pouting, spreading their legs on billboards, on the porn racks in the corner store, in the video store, in music videos. Girls learn that they are meat for men to buy, exchange and consume. Boys are taught that it is reasonable to do this to girls because they like that, and they are for that. Girls and boys grow up in an environment in which one half of the human

race is delegated to the sexual service of the other half.

The sex industry is a secret men's business in which men bond through the sexual exploitation of some women whilst their mothers, wives, girlfriends and daughters are unaware. Group visits to sex exploitation venues is becoming an ordinary way for men to socialise. On "bucks' nights" (before weddings) they will sexually exploit women. At parties they will watch porn together and bond through the practice of watching women being abused.

DESTRUCTION OF HETEROSEXUAL RELATIONSHIPS

Men can not be equal to women in sexual relationships if they are involved in the sexual exploitation of other women. The 60,000 men who use women in prostitution in Victoria each week are likely to have female partners. As the industry grows more and more men are involved and more and more women are directly affected. When male partners abuse women in prostitution what are the women to do? Either it will be a secret and the wife will not know what her husband is doing, which means that the basis of trust and honesty that should underlie any equal relationship is destroyed. Or the wife will find out about her husband's behaviour and have to work out how to relate to this man. She is likely to leave him. His daughters will have to think about what it means that he stares into the shaved genitals of women their age in the local strip club, who are all some other men's daughters, or penetrates them as they dissociate to survive.

The more men become involved in prostitution behaviour, the more impossible the ideal of egalitarian relationships between men and women inevitably becomes. The expansion of the sex industry and the creation of more male consumers is in direct collision course with the possibility of equal relationships between women and men.

SEX IN A PROSTITUTION CULTURE

In a culture of prostitution boys and men are taught that penetrating a woman who is dissociating to survive is 'sex'. This has a great impact, not

just on the prostituted women in pornography and prostitution but on all women involved in sexual relationships with men. The aim of feminism has been a 'self-defined' sexuality for women i.e. pleasurable and respectful. Women's ideas of pleasure might include whole body sensuality, they might include affection, even love, as the basis of a sexual relationship, they might not include sexual intercourse, or any form of direct servicing of men that women felt disinclined to engage in. Who knows, but anal sex might not be in the list created by women's imaginations. Certainly a self-defined sexuality for women would be likely to be based upon a woman only engaging in that which gave her pleasure and not having to perform for men. It would be likely to be a sexuality of equality based upon respect, and not just equality in degradation or violence, but a sexuality in which equality and mutuality were themselves exciting. A self-defined sexuality for women would be unlikely to include women feeling that they had to allow men to penetrate them or they would not be allowed to go to sleep, or the man would have a bad mood, or they would not get the housekeeping money, or they would have no money to feed the children. A woman might be sexual when the whim took her or not at all, though she might always want lots of warm love that was not conditional upon sex.

Now all this might sound a little quaint. That is largely because, in the last twenty years, the sex industry has constructed an understanding of what sex is that is in complete opposition to what so many women have said that they wanted. Through pornography and other forms of prostitution the sex industrialists have created a form of sexuality in which men pay to gain access to a woman who desperately wants to be anywhere else but there, and is dissociating to survive. The man is able to penetrate her mouth, anus or vagina with his penis, fingers or tongue and grab at other parts of her body that are not on the menu. He has no regard for her personhood or pleasure. This is the sex of pornography and other forms of prostitution.

This is also the 'sex' that women

in relationships with men find most difficult. Yet the sex industry with its influence on politicians, media, is able to sell this commercial sexual exploitation as what sex really and truly is. The sex industry is the most powerful sex educator in western societies. No other source of sexual information can compete with the scope and power of pimps as sex educators. Generations of men and boys are being trained to this view of what sex is by the powerful inducement of orgasm. This is in opposition to the great efforts of women to get men to value them for more than sex, to value affection that is not sex related, to value sex that is not just about being a hole for men to enter whilst women think of tomorrow's work problems. The sex industry has called men's use of a woman as an object with holes to stick a penis and fingers in whilst she dissociates to survive emotionally, sex. What could be more confusing than that? For whom is this 'sex'? And what are its implications?

One implication is that the boys and men require girls and women to act out the scenarios they have learnt from prostitution to be exciting to them. The women have to take up positions, wear particular fetishes, and engage in practices that they may hate in order to gain male approval. As a result there are newspaper reports that teenage girls at parties have to suck off groups of male teenagers as routine. More and more, my young women students tell me, anal sex is becoming an expected part of sexual interaction. The practices of pornography and prostitution educate men and very swiftly become expected of girls and women.

Women do not have resources or an industry to portray what they might want from sex outside the hubbub created by the sex industry. We do not have a voice, unless we are coopted to speak within the voice of the industry and say how much we love precisely the sex that it sells. A sexuality beyond prostitution would be something very different, something which becomes harder and harder to imagine as the sex industry takes up all available space for 'sex' and portrays itself as a 'sex educator'. A sexuality beyond prostitution would be a sexuality of equality in which women and men,

women and women, men and men, find pleasure in each other as equal partners and companions.

CREATING A CULTURE OUTSIDE PROSTITUTION

As the legalised prostitution industry expands and influences more and more areas of life it becomes harder to imagine what a culture friendly to women's equality would look like. In such a culture women would be sexu-

ally intimate with men for their pleasure, not for the price of a bed for the night or drugs. In such a culture men and boys would learn that they can be women's equals and have work, family and friendship relationships with women on the basis of dignity and respect. In those societies where a prostitution culture has not yet been created by the legalisation and decriminalisation of brothel prostitution it is important to reject the values

that prostitution gives to women. In such societies it is more possible to dream and imagine the world of women's freedom and work at creating it.

Legalizing Prostitution: In Search of Alternative from a Gender & Rights Perspective

Jean D’Cunha, Senior programme Specialist with UNIFEM East and Southeast Asia Regional Office Bangkok, Thailand.

ABSTRACT

This paper critiques legalization of prostitution. Its arguments are located within an understanding of the institution of prostitution – its structural basis, the deconstruction of sex and sexuality in prostitution and the specific alienation experienced by women and girls in prostitution. Further it draws on the experience of countries that have legalized prostitution to assess legalization’s claims to benefit women.

This paper however recognizes a central dilemma – the critique of legalized prostitution on one hand and the need to address the concerns of women and children in prostitution, in the context of a burgeoning sex industry in the recent phase of globalization, and large numbers of women and children being pulled into its vortex as a survival strategy. This paper draws on good practice interventions that attempt to address this dilemma while not legalizing prostitution, arguing for intensive research and data gathering on such initiatives. A host of other multi-pronged initiatives from a gender & rights perspective are also discussed as part of the search for alternatives to legalized prostitution.

The paper is informed by the lived experience of women and girls in prostitution, more specifically those at the lower end of the sex sector – street and brothel prostitution in parts of South Asia, and the legal hospitality sector in parts of southeast Asia.

PORTRAIT OF NU

“I am waiting to give birth to my baby. I

hope it is not a girl. She must not suffer like me,” says 28 year-old Nu, seven months pregnant and living temporarily at an NGO shelter in Bangkok. In a cathartic outpouring of all that lay buried in the deep recesses of her being, she recounts her story thus...

“I was abandoned by my parents and left to be brought up by distant relatives. I studied up to the primary level and did all the housework. When I reached puberty the son of the family I lived with began making advances towards me. He raped me several times, and began sending me out occasionally with clients for short periods, warning me never to tell his parents. I was already ‘spoilt’ and decided to run away and entertain clients on my own, instead of living under his control. I came to Bangkok at the age of 15, rented a room and began seeing clients independently. But getting enough and good clients was difficult, and operating independently without any protection was risky.

A hairdresser friend suggested that I find a well-paying job outside the country that also took care of my food and accommodation. She said that there were plenty of Thai women who worked in Japan and returned rich. She assured me that if I had no contacts or didn’t know how to go about things, she would introduce me to an agent who would help me secure work in Japan. I was willing and an appointment was fixed.

The agent interviewed me on my background. I told him that I had no relatives, that operating independently in Bangkok hardly got me good clients and money, and that I was worried that I wasn’t smart and good looking enough to go to Japan. He assured me that this was no problem at all, but that he would have to physically examine

me before a final decision was made. He asked me to undress behind a makeshift screen, examined my body for ‘damage,’ and internally probed me with his bare hands to detect ‘disease.’ When he was satisfied that I was okay, he said I would be sent to Japan.

I was told that I would be working as a waitress in a bar earning approximately US\$200 per month, and that I was not bound to go out with clients, but could if I chose to earn more. Payment for the agents’ fees, my travel and other expenses were to be made only after I received my first wage.

From the time the agent began working on my travel documents to the time of my departure – which was a little over two weeks – I was kept in a small hotel room and provided with food. The agent said this was necessary in preparation for my departure. I learnt later that I travelled to Japan on a tourist visa and someone else’s passport affixed with my photograph.

The day before my departure, I was told that I would be escorted from Bangkok airport by a Thai family – a man, his wife, their son and daughter. I was to pretend that they were my parents and siblings, and I was instructed by the agent to address them as mom and dad, and not to talk too much to them. I was specifically instructed not to talk to the Thai and Japanese immigration officials or to any authorities. My ‘father’ would take care of everything. I had to demonstrate to the agent how I would behave with my family, to assure him I had understood his instructions.

I was introduced to my ‘family’ at the airport. I don’t know if they were really a family, but they were all fair and well dressed, and seemed to know what to do. My ‘father’ kept my passport with him. The agent gave me 30,000 yen

for my expenses before we left. At Narita airport in Japan, my 'father' took care of the immigration procedures. After we collected our baggage, the woman went her own way with the boy and girl, and my 'father' led me away in the opposite direction, where we were met by a Japanese man with three young Thai women in his charge. My 'father' took the 30,000 yen from me, left me with the Japanese and disappeared.

We were brought by taxi to a karaoke bar in Shinjuku. The owner was a Japanese, married to a Thai mamasan. The bar owner said that he did not accept girls with big tattoos and body marks and asked us to go one at a time into a cubicle at the back of the bar. I was asked to undress and the owner began pressing and massaging various parts of my body. He examined me vaginally. This was a repeat of the same procedure as in Thailand, but here the owner even slept with me before hiring me. I really felt horrible – 'like a piece of flesh,' being inspected, bought and sold. I had to take a blood test for HIV/AIDS. I was the only one of the four women bought by the bar. The other girls were taken elsewhere. I later learnt that if women tested HIV positive or were found physically unpleasing, they were bought only by lower grade bars where earnings are less and conditions much worse.

As soon as the others left, the mamasan told me that I had to pay off a debt of over one million yen. My food, rent and other expenses would be added to this amount. We did not receive commissions on drinks, although we had to persuade clients to buy drinks. Clients paid the mamasan directly for taking the women out during the debt repayment period. The mamasan warned me not to try to run away as she would be very tough, and that all girls who tried escaping were brought back by the Yakuza and severely beaten or sold to other bars, accumulating double the debt. I was shocked and realized that the only way for me to pay off my debt was to go out with as many clients as possible. Tips from clients were the only liquid cash we earned. Sometimes a generous client helped women pay off their debts.

Our living quarters housed thirty

girls between the ages 14-30. Most were already in prostitution in Thailand before they came to Japan, but like me did not know they would have to go out with clients, pay off a huge debt, and live in total confinement. A few however had no idea at all they were being sold into prostitution and had a much harder time. We were packed into a small room with a bath-cum toilet above the mamasan's house, far off from the bar. There was no radio or television and we were instructed to always talk softly or sleep when not at work. We were warned not to peep out of the window, as we would be arrested by the police who came on their daily rounds. It was very cold, but there was no heater or warm water. I was provided with a sheet, a blanket, a pillow, a pair of socks and had to sleep on the ground. We used to hold each other tight and sleep to keep warm. We generally worked through the night, slept in the morning and woke up in the early evening. We showered in batches to save time and water. We cooked and ate a routine meal of rice with raw, boiled, fried eggs or omelettes mixed with fish sauce and chillies and sometimes fried vegetables. I hated this food, but this was what we were given. It was also cheaper and that meant we could work our debts off faster. Other meals at the bar were ordered through the mamasan from an adjoining Thai restaurant, and added to our debts. We were never allowed direct communication with the restaurant workers or anyone else. Even our letters were censored.

By 6:30 p.m. we were ready to be escorted to the bar. Most of us consumed drugs or gulped down alcohol before leaving for work. Our regular supply came from the mamasan and was added to our debts. I used a drug called domikum which made me feel happy, funny and carefree. It helped me lose all inhibitions and I never felt intense pain when on it. Most of us didn't know Japanese and were forced to engage in body communication with clients. We had to sit very close to clients, touch and be touched by them, wear short dresses with spaghetti straps without any underwear, or walk around the bar stark naked to attract customers. I could only do this

when high.

We could never refuse a client who wanted to go out with us, even if he was dirty, smelly or absolutely drunk. If a girl resisted prostitution or accepting a specific client, she was badly beaten. Girls have been raped publicly in front of all of us by the Yakuza especially called in to season them. This terrorizes other girls. Some girls were burnt with cigarette butts, and their nails hammered with bottles. If a girl was really unmanageable, she was sold by the owner to the Yakuza and we never saw or heard of her again, or she was sold to another bar with double the debt to repay. Also our mamasan would send us out with known sadistic clients, when we disobeyed her, and girls came back very traumatized. Some behaved as if they were raving mad. In the one year that I stayed in the bar I never saw a girl being murdered, but heard of incidents from friends. I decided it was better to obey the mamasan, and pay off my debt as fast as I could, than suffer this fate.

On an average, I entertained about three or four clients a night depending on the number of clients in the bar. Our clients were all Japanese between the ages 20-70, but the majority were over forty. They liked young girls. Often the younger men swore love to us, but we knew it was not true. They would soon drop us. Most of my young clients were very insensitive and rough. The older men tended to be gentler. Most of our clients thought that we had come to Japan because Thai women love sex. There were two girls out of the thirty in our bar who said they didn't mind sex, provided it was not violent, but the rest of us drugged ourselves or drank to go through with it. We often got sadistic and kinky clients who were unknown to the bar owner – much more than I got in Bangkok. They would beat us before intercourse with sticks, belts or chains, till we bled. One of my clients wanted me to scream loud while beating me before sex, but he didn't draw blood. Some impotent men used fake penises. There were some clients who inserted coke bottles into the girls' vaginas; lit candles and dropped hot wax over our bodies and into the wom-

en's vaginas; stared into the women's vaginas and poured boiling water into it; gave the nipples electric shocks for a few seconds, or demanded oral or anal sex. If girls came back traumatized after going out with a sadistic client, and reacted hysterically or had nightmares, they would be beaten by the mamasan and told that they must have provoked the client to be violent. The mamasan never brought sadistic clients to book. If we cried on the job or resisted a client we were beaten even more. That is why we routinely used drugs before sex, because then we didn't feel the pain that much.

We had to work even when we were ill or menstruating. We used to insert sponges during menstruation, to prevent clients from knowing that we were menstruating. The mamasan instructed us to tell our clients to use condoms. Some men would, but most not. As I could not speak Japanese I could not ask them to use condoms, so I would excite them and slip it on without them knowing. If clients refused to use condoms, we had to give in. The mamasan never insisted or took it up with them..

We used to have a pill-a-day supplied by the mamasan to avoid pregnancy. Of the thirty girls in the bar, while I was there, two got pregnant. They consumed some medicine and one of them aborted. The other got the girls to stamp her stomach till she aborted. Generally abortions were self-induced and facilitated by the girls in the bar. Letting the mamasan know that we were pregnant would get her angry, and seeking her help or going to a doctor would add to our debts. The abortifacient –Satreepenpark (liquid medicine used to regularize menstruation or to abort and commonly available in Thailand) - was secretly supplied by Thai restaurant workers, and the women were reported to consume 5–6 bottles before they aborted. The women complained of fatigue, abdominal pain and bleeding afterwards.

We didn't know much about STDS/ AIDS, except the names of these ailments. Those of us who visited STD clinics had seen pictures of STD affected body parts. We were only taken to the doctor when we were unable to stand. The owner was afraid

that his illegal operations and our illegal status would come to light if we were exposed to outsiders. Those who were taken to doctors had stiff fees added to their debts.

Many of the girls complained either of a burning sensation or pain while urinating. We were told by the Thai restaurant owners that this was syphilis and were supplied with orange tablets at a price. We did not know what the drug was, but it made us feel better. Other health problems were stomach aches, fevers, injuries, nervousness, hysteria, emotional disturbance, mental breakdowns, including suicides. Some girls got drunk and urinated and vomited all over, and the mamasan increased their debts as a penalty. Others who took drugs got aggressive. We were under constant pressure and we often fought, screamed and fisted one another. There was also a lot of peer bonding as we had only one another to depend on.

One of the girls who was depressed and drunk once slashed her wrists with a broken bottle, but fortunately did not cut herself deeply. She was going crazy in controlled conditions, got few clients, and felt she would have to work in the bar forever to pay off her debts. She would often get hysterical. We would try and calm her with medication, get her food and use the little Japanese we knew to get her clients. A girl in the next building jumped out of the window and died instantly. The mamasan and the girls left the premises and we don't know what happened after that.

Sometimes the police would come in to check if there were overstayers of visas. The owner was mostly warned in advance by informants. Overstayers would be concealed, or heaped into a bus and hidden in a hotel close by till the police left. At other times the bar would be closed for a day or two. There was also a time when only those with valid visas were produced before the police, and the police bribed.

Of the thirty women in the bar, four tried to escape, two successfully with the help of clients. The other two were caught and returned to the bar by the police only to be mercilessly beaten up by the owner. The mamasan told us that the girls who escaped would

be tracked down and killed. Every single one of us dreamed about escaping. Several of us made plans but were too afraid to act on them.

When debts were paid off, the mamasan returned our passports, and we were free to either leave or stay for a month or two and earn something. Most women in our bar wanted to return to Thailand immediately, but had to stay and earn some money to buy their return tickets and save a little before returning. Thai dealers in restaurants fixed our papers and return tickets for a fee. We were too afraid to go to the Thai embassy because we were told that the embassy officials would cut our hair and throw us into jail as we were illegal residents. Many girls who dared to leave the bar to work independently after repaying their debts, were arrested by the police, fined, imprisoned, forced to provide sexual favours to the police and deported. It's funny because we are punished for no fault of our own, but the bar owners, the corrupt police and even clients who abuse us badly are never punished.

I finished repaying my debt in ten months. I had some money from tips, but not at all enough to buy my return ticket. I worked for two months more in the bar. With the Japanese I picked up in a year, I then began to solicit clients in front of one of the motels close by. I had a boy friend whom I lived with. I realized he was not serious about me and was not going to marry me. I had no education, no job, no accommodation, was an illegal resident, and could not return to Thailand immediately without earning something reasonable. So I stayed on with my boy friend and went out with clients to save some money.

One day I happened to walk into a Thai restaurant and found a pamphlet that said, 'If you need a Thai friend to talk to, contact this number'...I rang the number and found myself talking to a Japanese nun. I told her my story and requested her to help me get back to Thailand. She made the necessary arrangements and sent me to an NGO in Thailand. I returned with a saving of 30,000 baht after five years of struggle."

I asked Nu how she assessed her

experience in prostitution in terms of what she got out of it and what she hated most. This was her response.

“Considering I had no formal education, I was able to earn some money and survive, and even buy myself some clothes. No one in the world can get over sleeping with one man after another who does not love you. These men want to come to us but don’t love us or don’t want to marry us. They only use us. The bar owners, recruiters or clients are never blamed for what they do to us. I don’t trust the police or the embassy. In Japan I hated to be so controlled. I feel ashamed about being in prostitution, but I can’t change my past. I haven’t told my present boyfriend about Japan. I feel embarrassed when people look at me. I think they do so because they know I was a prostitute. I talk loud and rudely. I must take drugs even now, after being so long in prostitution. It makes me feel strong.”

Nu went briefly back into prostitution sometime after her return from Japan, even though she had begun vending noodles at a street corner. I asked her why.

“I had to earn more when sales were poor. It is very difficult to get off night life, when you have been in it for long. We get used to a non-domestic routine. Society does not accept us. Only women in prostitution won’t look down on me, and can understand me.”

I asked Nu what she would ask of society for women.

“Education and decently paying jobs for women so they won’t get into prostitution, and the same for women in prostitution so that they can get out; drop in centres like the one I’m in now; penalizing the recruiters and mamasans not us. In Japan they tell us that if we go to the Thai embassy we will be put in jail. So we go neither to the embassy nor to the police for help. Women should know where to go and find help.”¹

DISSECTING TRAFFICKING, PROSTITUTION, CONSENT

Nu’s is the prototypical experience of millions of women for whom prostitution and trafficking is a violation of their very being and personhood. Nu does not fit the stereotype of the “naïve and innocent, virgin girl” kidnapped

for prostitution. Rather, a cumulative experience of structural deprivation, a culture of violence and a battle for survival, that began in babyhood and persisted through her life, rendered her vulnerable to prostitution. It induced her to migrate, caused her to be manipulated, deceived and abused prior to prostitution, in the course of movement to Japan, and finally in prostitution. Her decisions at all points were products and manifestations of a structurally-mediated force of circumstances, common to although differing in degree for masses of women in prostitution.

These interacting socio-economic, political structures, processes and relationships underscored by class, gender, ethnicity, that structure Nu’s and other trafficked women’s experiences are as follows. On the **supply side** these are:

- Gendered development processes that interact with patriarchal settings, thus marginalizing women from education and the job market and exacerbating gender inequities and feminising poverty. This is exacerbated under globalization and its unregulated market model of development. A huge pool of socio-economically and emotionally vulnerable women and children are thrown into the circuit of facilitated job placement, migration and prostitution for their own and family survival.
- Acute economic, political and/or social disruption - economic crisis; the collapse of the Soviet Union and East European societies; conditions of political instability, conflict, and human rights violations in which masses of women flee communities and countries.
- Social exclusion and hence heightened vulnerability of certain groups, such as ethnic minorities, tribal communities, undocumented migrant workers, stateless people and those in refugee camps.
- Dysfunctional families - death of parents and guardians, child abuse, marital discord and disintegration, families that trade their children as sexuality acquires a market value.
- Sexual abuse, often predisposing women and children to prostitu-

tion. In gendered social contexts where bodily purity and sexual integrity are key markers of ideal womanhood, rape and other forms of sexual abuse result in stigmatisation and often a complete loss of self-worth. Women who internalise these values often believe that prostitution is the only way to survive.

- A culture of consumerism and perversion of family values that manipulates family needs and desires. Often women and girls are also manipulated to fulfil family obligations, family needs, and family consumption, by showing gratitude to families, even if it means being sold or entering prostitution.
- Opening of borders due to globalization, resulting in remote areas being exposed to rapid social change, trafficking and prostitution.

The following structural factors raise the **demand** for prostitution:

- The development of prostitution into a global sex industry with a more female-specific demand, circumscribed by gendered constructions of femininity.
- Impoverished and impoverishing political processes viz. poor leadership and governance; economic and political tradeoffs between traffickers and public officials; the lack of political will to impose sanctions against traffickers and unscrupulous public officials.
- Male-centered ideological assumptions of prostitution that assert that sex is a male right and that sex and women’s bodies are commodities functional to male biology, male sexual fantasy and hegemony.
- An impoverishment of culture and spirit manifested in an increasing alienation and commodification of life, human beings, and human relations. Alienated human beings, with fractured emotionalities and psyches, produce alienated sexualities. This raises the demand for alienated forms of sex, with the need for stimulation from newer and different sexual partners – black, brown, women from particular ethnic groups, children – all imaged as exotic with the promise of boundless sexual excitement.

Nu's decisions, and those of other women circumscribed by these structural factors are final straw survival strategies – not real choices – taken in the face of severe constraints and a lack or absence of alternatives. This reality must be characterized as such, and not as choice which suggests selection from a range of possible options.

NEW MARKERS OF PROSTITUTION AND TRAFFICKING, INCLUDING FOR PROSTITUTION

Prostitution and trafficking, including for prostitution, have reached an alarming scale and magnitude in Asia. There has also been a growth and diversification in the purposes and institutions into which persons are trafficked and the forms and mechanisms of trafficking.

Further the industrialization of sex “services” in Thailand with global linkages is marked by increasing diversification, sophistication and specialization of its “product,” - sex “services” and sex establishments, markets and marketing strategies. The industry caters to a wide spectrum of client demand in specialized locales and has enticingly designed marketing strategies to attract prospective buyers.

Institutional arrangements for prostitution include street operations, brothel prostitution, massage parlours, go-go bars, beer bars, karaoke bars, pornography shops, strip theatres, sex telephone clubs, escort services, live sex show bars, and internet services. 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, or 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 specialized 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 inter-

course. 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.

A much more advanced technology that is being used to sell live sex shows over the internet is live video conferencing, in which live audios and videos are transmitted from video recorder to computer. Real time communication is possible, so the individual can personally watch or direct live sex shows, while viewing it on the computer. There have been several documented cases in which children have been sexually abused through live videoconferencing (Hughes, 1999).²

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 (D'Cunha, 1998a). 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.

The demand for clean and safe sex, the belief that sexual intercourse with a virgin girl enhances potency and slows down the aging process, the stimulation and gratification caused by innocence, small bodies, and small tight vaginas, have resulted in younger children being drawn into the industry (UNICEF, EAPRO, 1995). With an emphasis on “differentness, exotica and mystery,” women of diverse ethnic groups and nationalities, as well as young children, are being incorporated into the sex industry (D'Cunha, 1998a).

Apart from glossy brochures, leaflets, explicit and implicit advertisements in tourist guide books, the Internet has become the latest and the most highly used site for the promotion of such exploitation. Agents offer catalogues of mail order brides with girls as young as 13, and advertise commercial sex tours. Men exchange information on where and how to find women and children in prostitution, hotel prices, telephone numbers, taxi

fares, cost of alcohol, the sex acts that can be bought and the price of each act, descriptions of the women's appearances, performance, ratings of their compliance to men's wishes and pornographic details of the sexual encounter. The women are completely objectified and evaluated on everything from skin colour to presence of scars and firmness of their flesh. Such a rapid electronic medium enables men, in a short time and inexpensively, to have enough information to locate and abuse the woman who is described (Hughes, 1999).

The oldest forum on the Internet for promoting the sexual exploitation of women is the newsgroup, alt.sex.services, renamed alt.sex.prostitution. Aimed at “creating market transparency for sex related services” (Atta and M.World Sex Guide, July 1996), postings from this news group are archived into a World Wide Web site called the World Sex Guide, which “provides comprehensive, sex-related information about every country in the world.” The most voluminous coverage is on Bangkok, Thailand. The men provide information on everything from currency exchange rates to how to run a bar tab, to names, addresses and phone numbers of hotels where men will feel comfortable (baguio@netcom.com, March, 1995). All the city sections and their specialities are listed and described – massage parlours, discos, escort services, lady houses, Japanese clubs, blow job bars.

Web pages with colour photographs promote special shows in Bangkok where men can pay to see women smoking with their vaginas, or razor blade shows in which a woman dances and pulls out two dozen razor blades connected by a string from her vagina. At another Web site, a man describes a show in Bangkok in which a woman dances with two pythons and inserts the head of one into her vagina (Anonymous, 15 Jan.1995). Some men posting information on the alt.sex.prostitution newsgroup are quite blatant about their misogyny and sadism. Others describe “bad experiences” in which they didn't get their money's worth, or the woman didn't keep up the act of enjoying the ses-

sion. Her pain, disgust, disorientation and disassociation showed.

The men exchange information on child prostitution. One man says, "In Bangkok there is child prostitution. I have been offered 9-year olds, and 14 year-olds are not uncommon." His solution: "If child prostitution turns you off, be careful when you select your girl" (Anonymous Bangkok, date unknown). On this newsgroup, the men tell each other that they can exploit women and girls for sadistic practices.

"The hotel girls are usually younger than most other 'available' girls in Bangkok, 14–15 year-olds being rather common. They are in fact 'owned' by the hotel, which means that you can treat them more or less any way you want – and many men do. Hotels like this should be like paradise for those of us who are into S & M (Sadomasochism), (Anonymous, Bangkok, Date Unknown)."

Finally the industry has high levels of organization and profitability. As in the case of every multinational enterprise, the sex industry with its global connections is well organized and connected. It has backward and forward, vertical and horizontal linkages among segments of the trafficking-prostitution chain, that include local and international crime syndicates. It has contacts with other local or international crime groups, connections with centres of political power and legal enforcement that openly or tacitly comply with the operations of the industry. It is also linked with the legitimate corporate sector.

Sex trafficking is closely linked to crime networks involving drug and gun running, car thefts, burglaries, illegal hiring of illegal migrants, corruption, immigration criminality, visa and passport counterfeiting and money laundering (International Center for Migration Development Policy; 1999).

The expansion and consolidation of the sex industry with its transnational linkages has been aided by its incorporation and contacts with legitimate branches of the corporate sector -- the tourist, entertainment and leisure industry, the travel and transport industry, underground narcotics and organized crime. For example, organized sexual entertainment has

been an integral part of tourism that developed as an industry in parts of Southeast Asia since the 1970s and was one of the largest sources of foreign exchange in these countries in the 1980s. Promotion strategies sold the promise of escape not just to breathtaking landscapes, but also emphasized the feminine mystique, -- the exotic and sexual lure of women as a significant comparative advantage of the country's tourist industry (UNICEF, EAPRO, 1995). Corporate rest- and recreation-trips to these countries were offered as performance incentives and rewards to rejuvenate corporate warriors. A German survey published by the German Health Ministry in 1995 revealed that in 1990 about 30 per cent or 50,000 of the German tourists who came to Thailand came only for sexual entertainment (German Health Ministry, 1995).

As in other countries, the sex industry shows a tendency to grow rather than contract. The internal, regional and trans-regional movement of labour and capital that is relatively unhindered by both overt and covert institutional structures sustains the industry. 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.

THE TRAFFICKING-PROSTITUTION EXPERIENCE: CUMULATIVE HARM AND VIOLENCE

From the instant women and children are procured for prostitution, especially in more controlled institutions, they are seasoned. Seasoning includes practices like changing the individual's name, denial of money for travel, taking away travel documents, threats by brothel/bar owners to report the illegal status of recalcitrant women to the police, turning women over to gangsters, or selling them again at double the debt. These practices are coupled with harsher methods – verbal abuse, isolation, starvation, drugging, beatings, burns with cigarette butts, knife wounds, putting the woman out in the snow, and gang rape. These methods

of seasoning break a woman's will, distance her from her previous life and impose a new ethos on her. Seasoning is a well-institutionalized mechanism of control, ensuring perfect obedience and enslavement. It subjects women to forced identification with and subordination to the brothel management or to pimps, and it is one of the worst forms of dehumanization, as it means a complete loss of freedom. The woman begins to live only for the present realizing that she has no control over her economic, emotional, physical and sexual life (D'Cunha, 1991; Interviews with Indian, Thai, Filipina Women in Prostitution, 1991, 1998, 2001).

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. The use of barbed wires and electrified fences around brothels, or chaining to bedposts³ to prevent escape is not unknown. In the case of transnational trafficking, the appropriation of travel documents by traffickers, as well as the women's illegal status, make escape difficult as they fear arrest, imprisonment and torture. The management threatens women with physical and mental torture or even death if they try to escape

Confinement is a regular practice especially for minors and new recruits. Owners of sex establishments only allow the women to go out unescorted when they are seasoned, are much older and when their earning potential has decreased, or when the purchase amount together with substantive profits have been recovered. Women in Japan and Singapore report being freed after repayment of debts and when clients buy them out (D'Cunha, 1991; Interviews with Thai Women Trafficked to Japan and Singapore, 1991, 2001).

Once in prostitution a woman realizes 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. The client either states his preference for a particular woman in the bar or is directed by the owner/manager to women who are unengaged. Thiem, trafficked from a Pattaya bar into prostitution in Singapore, reported: "Our owner in Singapore would receive orders over the phone. He would take two or three girls that fitted the clients' demand, by car to the hotel. We would be scrutinized by the client who would make his choice" (Interview with Thiem, 2001). The women have to entertain clients who are physically unattractive, dirty, drunk, diseased or violent. Failure to do so incurs verbal or physical abuse from the brothel keeper (Interviews with Indian, Thai, Filipina women in prostitution, 1991, 1997 2001)

Women seldom have control over the number of clients they are made to entertain. In a 1998 case of trafficking of Thai women into Melbourne, Australia, the brothel – a legal one – was a sex factory with women forced to take a minimum of 500 clients without payment, to repay a debt of A\$ 40,000 that could be unilaterally increased. After repayment, women would be paid A\$ 40–50 per client (The Age 11/5/1999; Maltzahn, 2001). Living in conditions of complete bondage, these women were made to work 12 hours a day, 7 days a week to meet the target so that they could start earning money (The Age 21/8/1999). Police admitted at least three Melbourne brothels used contract girls who had to sleep with 700 clients each, without payment, to meet their contract terms. Industry figures name more than a dozen Sydney brothels participating in this trade (The Age; 6/6/2001). Women are driven to entertain as many clients as possible to repay debts faster. In Thai brothels the average is 7 clients a day on weekdays, and nearly twice as many on weekends (UNICEF, EAPRO, 1995), while in brothels in Kamatiupura, a well-known red light district in Mumbai, India, women entertain 5–7 clients a day on average. Some women are taken out for the night by a client and sometimes, without prior agreement,

he is joined by several of his friends. Even in Thai bars in the entertainment sector that are supposedly less restrictive than Thai brothels, several subtle and overt pressures operate to compel women to take clients out. Choy, who works in an a go-go bar in Pattaya, reported: "I must take a minimum of 6 clients out per month, failing which my wages are cut. Also tour guides and agencies bring clients to the bars, and the rule is to go out with the client to ensure better business and keep the tour agencies happy. We risk being fired if we don't" (Interviews with women in 1991, 1998, 2001). The condition of contract women in Australia, and the high debts paid by the women under long term arrangements, bind them into dependency and enhance their vulnerability to prostitution racketeers.

Further, the physical or mental state of the women is of no consequence to the owners. They are forced to take clients even when ill, depressed, menstruating or pregnant. Choy states:

"I was once badly injured by a client who inserted an iron rod into my vagina, causing severe vaginal bleeding, inflammation and pain for over 10 days. The doctor asked me to take a week's rest. I could not afford to lose so much money, as our wages are cut if we stay at home when ill. I had to work despite the pain, soreness and bleeding, knowing too that this increased chances of infection. Further, the client insisted it was menstrual blood and complained against me to the owner. The owner believed me but did nothing to the man" (2001).

Another woman, Tik, who was employed in a sex show establishment in Pattaya, reported: "I once cut myself while drawing razors out from my vagina. I was bleeding and in pain. Apart from making me pay the medical bill, my owner said he would cut my wages if I didn't report to work the next day. I reported ill" (Interview in 2001). Patricia Green, Director of the Rahab Ministries in Bangkok states: "I've interviewed girls who were knocked unconscious for refusing to work while menstruating." Failure to conform to the imperatives of the establishment meets with violence.

Further the sexual "service" provided in prostitution is not just routine sex, but perverted, violent sex that men are unable, or choose not, to engage in with a wife or girlfriend. These "services" include sex between a single client and several women, slashing the woman with razor blades, strapping women to bedposts and lashing them till they have welts on their bodies, biting breasts violently, making the woman whip the client till he bleeds, making her urinate or defecate on him, inserting hazardous objects into the woman's vagina, ducking the woman's head into a bucket of water and being gratified when she choked and sputtered (D'Cunha, 1991; Interviews with Thai and Filipina women in 1991, 2001 respectively).

Women in prostitution are often raped "on the job", or are forced to go beyond the terms of the agreement with the client. This includes agreements to engage with a single client, but being gang-raped instead by several of his friends, non-payment or being paid less than the agreed-upon amount, demands for oral or other forms of sex when the negotiations had been for straight sex. Most women do not seek any kind of help, nor do they report the rapes to the police, knowing that they would be told they asked for it.

Common responses of the women to clients are disgust, fear, resentment, indifference, feigning cheerfulness and enjoyment of sex, play-acting and pandering to clients, jeering at clients who fall prey to their pretences, and perceptions of the client as a source of income. Some women are also attracted to and fall in love with clients. "The girls in prostitution I've talked with, have distorted notions of sex," states Patricia Green. "They see intercourse as disgusting, and associated with deception, pain and violence. Few equate sexual activity with loving and caring and view it simply as a means of economic exchange." Women experience humiliation in being treated like pieces of flesh. They feel dominated and powerless. "Even when you knowingly enter prostitution, or don't have violent clients regularly, it is very difficult to get used to your body being touched and prodded by

a series of strange men each day. Also constantly having penetrative sex can be uncomfortable and painful. So we have to devise our own ways to cope with it," states Thiem (2001).

Dissociation from the client and the sexual act is a very common survival technique used by women in prostitution. "Before each sexual encounter, I am seized with the fear of client violence or of contracting disease. I block these thoughts out and think of the hardship of my family, especially my mother who is a nervous wreck, and the income needed to sustain them," says Choy, "or the day I meet my savings target and return home," says Mon (2001, 1998). Other methods of survival are use of alcohol and drugs, avoidance of deep kissing, and trying to avoid penetrative and oral sex. Sr. Supaporn of the Fountain of Life Center, Pattaya, adds that "Some of the girls insist on condom use, or develop ways of slipping on the condom without the client's knowledge, not just as a disease or pregnancy prevention mechanism, but to avoid skin contact. They thus ensure physical and emotional detachment and a preservation of their integrity" (Interview, 2001). Dah confirms that "When a condom breaks, I rush to clean myself, not only to protect myself against disease and pregnancy, but because I feel I have become dirty physically and morally."

Sr. Supaporn states:

"Other coping mechanisms are dressing well to feel good and more presentable than more simply dressed women, bragging about the number of clients and the compliments received, dreaming about what they will do with the money earned, trying to forget about the pain. The hardened woman who tries to prove that she enjoys prostitution, and is the toughest in the street is no less a victim. Her reactions are a defence and survival mechanism, a crutch to her ego and self worth" (2001).

"Girls often become desensitised," reports Patricia Green. "They say things like 'I no longer care what happens to me, or nothing worse can happen to me now.' They talk only about what happens to others. Many girls who are out of prostitution are often unable to recall their life in prostitution, or particular events at that time" (2001).

CONSEQUENCES TO WOMEN'S HEALTH AND WELL-BEING

The long hours of work, lack of rest, inadequate food, poor sanitation, and the sadism and violence in the life of women and children in prostitution predispose them to numerous health and well-being problems. They suffer from pulmonary tuberculosis, anaemia, hepatitis-B, and sexually transmitted diseases (STDs) such as chronic syphilis, gonorrhoea, and general herpes; gynaecological ailments like pelvic inflammatory disease, inflammation of the uterus, leucorrhoea, vaginal inflammation and irritation, vaginal bleeding caused by soreness and multiple sex partners, and cervical cancer; physical injuries such as cuts, bruises, orthopaedic injuries and in more extreme cases severance of body parts and murder (D'Cunha, 1991; Interviews with women in prostitution, 1991, 2001; and with Sr. Supaporn, Fountain of Life Center and Khun Anong, Pattaya Rak Medical Center; 2001).

In the case of prostituted children, rectal fissures, lesions, poor sphincter control, lacerated and ruptured vaginas and uteruses, perforated anal and vaginal walls, peritonitis, venereal disease, lacerated and mutilated bodies, chronic choking from gonorrhoeal tonsillitis, and death are problems largely related to adult sexual contacts with children. Little girls who become pregnant are often unable to sustain a pregnancy or childbirth. They struggle in labour for several days and die (D'Cunha 1991). Young girls may also be particularly at risk for HIV infection. They are unable to negotiate the terms of sex. Preliminary medical research also suggests that the younger the girl, the thinner the mucous membrane of the genital tract compared to adult women. The membrane is thus a less efficient barrier to viruses, and less efficient in producing mucous which has an immune function (UNDP, undated).

Women's access to health services is poor because of their illegal status and that of the establishment employing them, the expense, pressures of engaging in constant sexual activity, disparaging attitudes of medical personnel, and the women's lack of health

consciousness. They treat themselves or go to "quacks." Those who enjoy greater freedom go to cheaper medical centres, private practitioners, or government hospitals. Women routinely take pills provided by the establishment, or bought over the counter, to suppress menstruation and avoid pregnancy, so that they can toil continuously, repay debts faster, save, and avoid the owners' wrath. They often undergo unsafe and self-induced abortions, by using abortifacients or by stamping on and punching their stomachs (Interviews with Thai Women Trafficked to Japan, 1991, 1998, 2001). Thiem reports: "I consumed some medicine which took 14 hours to cause an incomplete abortion. I finally went to a clinic, where the doctor used the suction. I began working three days after the abortion and was hospitalised within a fortnight with severe abdominal pain. The doctor said my uterus was inflamed" (2001). Sr. Supaporn reports: "Several of the women suffer acute haemorrhaging after abortions, and I know of one woman who died after trying to abort in the fifth month of pregnancy" (2001).

The level of awareness of STDs and AIDS is superficial. Women know they can die of AIDS and that one way to protect themselves is to insist on condom use by clients, or to use female condoms. Most men, barring some farangs, do not use condoms, as they insist it diminishes sexual pleasure. The women, even those in the hospitality sector, say they have little bargaining power to ensure condom use, and the establishment owners do not make it mandatory for clients. There is a high level of breakage due to poor quality and improper use. Female condoms are seldom used as they are uncomfortable, inconvenient and expensive (Interviews with Women in Prostitution 1991, 1998, 2001).

Despite violations rendering women vulnerable to HIV infection, they also suffer other abuses related to their actual or perceived HIV status. Some of these are:

- Stigmatization of women and children with HIV infection or full blown AIDS.
- Mandatory HIV testing and lack of informed consent, which is both intrusive and an ineffective means

- of reducing the spread of infection.
- Mandatory health testing that is *de facto* discrimination against women and children in prostitution. The official policy for mandatory testing is to sanitize women for clients, and to ensure public health. Yet the customers, owners, and controllers of the sex establishments are not subjected to mandatory screening, although male-to-female transmission is much higher than female-to-male transmission (Human Rights Watch, Global Report on Women's Human Rights, 1995).
- Reluctance to provide test results to patients even when the latter have requested this information.
- Inadequate, or absence of, pre/post test counselling.
- Different medical confidentiality standards for men and women. The absence of confidentiality, and easy access of public officials to the women's records, have resulted in brothel keepers' knowledge of test results. They then exploit this knowledge, expelling those found infected, and maximizing profit by bringing in "clean girls" and charging higher prices for them. The ordeal of Burmese women and girls expelled from Thai brothels when they tested HIV positive, continues upon their arrival on the Burmese side of the border. They are punished by the Burmese government for unauthorized emigration and involvement in prostitution, and for contracting HIV/AIDS (Human Rights Watch, 1993).

Women and children in prostitution also suffer severe psychological trauma manifested in stress, depression, excessive emotional attachment, attention-seeking behaviours and disorientation. Impaired learning ability, short attention and memory spans, forgetfulness and lack of concentration while performing even simple tasks, the tendency to escape into sleep or fantasy, lack of motivation to consider alternatives, make decisions, or make efforts to plan a future even though they wanted to study and work, are some manifestations of this disorientation. There appears to be a strong present-time orientation and

little sense of past or future, which could be a form of escapism and a result of severe trauma (Interview with Patricia Green, 2001).

Psychological disturbance also assume the form of dreams, hysteria and nightmares about being resold, attacked and chased, insomnia, lack of sanity, fear and revulsion of men and the sex act, fear of violence, fear of returning home without money and being beaten and resold, fear of new caregivers and authority figures, distrust and suspicion of people, difficulties in confiding, aggression, feelings of anger towards those who tricked, abused and sold them and a strong desire to punish them, destructiveness and even suicide. The obsession with physical appearance, beauty aids, clothes and other accessories; the constant pandering to men and the yearning for male reassurance, love and stable marriages; the routine shifting of identities from being "straight respectable mothers" by day to clandestine prostituted women in sex establishments by night, are constant pressures that negatively impact the health and well-being of many women in prostitution (Interviews with women in Prostitution; 1991, 1998, 2001; Sr. Supaporn, Fountain of Life Center; Sr. Meg Gallagher, Catholic Commission for Migration; Patricia Greene and staff, Rahab Ministries, 2001).

Patricia Green reports that for children, "Values and family relationships are confused, and most children have strong feelings of denial and inner conflict about their families. They cannot reconcile parental love with being sold by parents into hell." A frequent refrain is: "If my parents loved me how could they have sold me into this life. These girls have lost their childhood, have been forced into an adult life, have lost their innocence, their body, their sense of self – lost everything and have no future." As Ah Sor says, "I feel jai haay – that my heart has gone from me."

THE SEX AND SEXUALITY OF PROSTITUTION

To fully grasp the health and well being consequences of prostitution and sex trafficking, and how integral violence is to the sex industry, it is necessary to understand the sex and sexuality of

prostitution and its determinants. Traditional social constructions of sexuality have by and large distinguished male and female sexuality, projecting the distinctions as biologically determined and hence natural and inevitable. In these constructions, the male body and sexuality is invested with potency, purity and creativity, the female body and sexuality is deemed inert, receptive, polluting and functional.

Prostitution is ideologically predicated on the patriarchal assumption of the universality, inevitability and social necessity of male sexuality. Traditional rationalizations of the existence of prostitution, argue that irrepressible male sexuality that is inhibited from being expressed can result in the rape of innocent women and erode the family structure. 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. The construction of prostitution and women in it endorses endemic institutional violence against women – the means necessary to satisfy this inevitable notion of male sexuality. (D'Cunha, 1998b).

Women in prostitution report that even the standard act of prostitution – coitus, with a range of strangers – is violating. They therefore have to dissociate emotionally and to engage in complex diversionary tactics to cope and survive. This kind of sexual experience, which involves the separating of the most intimate parts of one's physical and psychic being from one's emotions and total person, is indicative of the objectification and depersonalization of women in prostitution. A woman in prostitution becomes alienated from sexual intimacy, sexual pleasure and control over her body and sexuality. At the same time, from the perspective of the woman, dissociation may be an assertion against male arrogance and domination, as

well as a defence against fusing their emotional lives with prostitution.

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, 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 (Interviews with Male Buyers in a Patpong and Pattaya Bar, 1991).

The social construction of male socialization and sexuality often interacts with their alienating living and working conditions to produce atomized, fragmented individuals with fractured psyches and emotionalities. This gives rise to alienated sexualities and newer kinds of sexual demands: newer sexual partners, newer forms of sex, including twisted and violent sex inflicted not just on women, but that the client may order to be inflicted on him (D'Cunha, 1997).

Certain types of sexual activity demanded by men, such as the demand to be dominated, may indicate the desire to withdraw from the pressures of conforming to socially prescribed aggressive male stereotypes. Even in sadomasochistic acts, in which women in prostitution are made to enact sadistic acts against men, a client may experience himself as all-powerful because in the pain and suffering that he commands, he demonstrates a martyrdom that he has chosen (Barry 1979). Any guilt that he may have had is wiped away by the price paid, indicating the emotional and sexual poverty in men. Women report their own shift in response from initial resistance and revulsion to brutalizing the client, to enjoying the act. A Filipina woman in prostitution reports: "They deserve a good whipping and my bodily integrity is maintained" (D'Cunha, 1998b). In addition to the alienation and impover-

ishment of the sexuality of prostitution that women already experience, this enjoyment of inflicting violence on the client can mark a further and different kind of erosion of the woman's spirit and psyche.

Another dimension to the violence of prostitution can be seen in the vilification of women in prostitution. Supposedly, women's sexuality is functional to providing male sexual pleasure and, outside of prostitution, to procreation. At the same time, however, the significance of women's sexuality is denied through its disparagement. Women in prostitution are constructed as social and sexual necessities for men, yet they are demonised as undesirable necessities, social evils and a blight on the social body. Thus it is women in prostitution who are made to bear the brunt of social disapproval and who are framed as repositories of vice and promiscuity, a threat to established conjugal and familial norms, deviants from prescribed social and sexual codes for women, corrupters of public moral sensibilities, and conduits for filth, pollution, contagion and disease.

The woman in prostitution is the 'dangerous, polluting and menacing evil' whose body and sexuality must be controlled and regulated in the interests of the wider community and society. While her functionality is emphasized and her existence in a sense both encouraged and tolerated, her inconvenience is handled by situating her at the margins of social existence, driving her into back alleys and behind close doors away from public gaze, controlling, regulating and invisibilizing her (D'Cunha, 1998b).

Women are thus cast into two distinct categories in binary opposition to each other -- the homebound wife responsible for social and biological reproduction and the publicly sexualised woman who is both sexual temptress and provider of sexual pleasure. These rigid constructions permeate the individual and collective consciousness of both men and women, creating a restricted and distorted human understanding of what is pure and impure, moral and immoral, natural and offensive about sex and

the body.

State structures, laws and public policy underscore the expression of these social constructions of women and the female body, as exemplified in prostitution legislation where only women in prostitution are criminalized as sexual reprobates, offending social prescriptions of ideal womanhood (D'Cunha, 1987, 1991, 1992). The specific construction of women in prostitution, their invisibility, their social, moral and legal castigation and isolation, combine to conceal and intensify their oppression, including sexual oppression. This increases their vulnerability to and dependence on the organizers and controllers of the sex industry.

The consequences of this personal, social and sexual denigration for women are many:

- A negative identity and consciousness of women in prostitution who are socialized into a culture of submission, thus finding it difficult to perceive themselves as worthwhile human beings and as surviving subjects (D'Cunha, 1998b).
- 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, 1998b).
- Women in prostitution historically targeted as sources and transmitters of STDs and now AIDS, with the attendant fear that women's diseased bodies will render males dysfunctional, thus eroding productivity and the social fabric. Governments have consequently over the years justified the social and legal control of women in prostitution as a public health measure, while showing blithe unconcern for the other health problems of women in prostitution (D'Cunha, 1998b).
- Contains women's efforts to organize for their rights.

ADVERSE IMPACTS OF NORMALIZED PROSTITUTION ON HUMAN COMMUNITIES: LEARNING FROM THE EXPERIENCE OF OTHER COUNTRIES

Legalization and Decriminalization of Prostitution: similarities and differences

Governments the world over have historically invoked multi-pronged strategies to address trafficking and prostitution, the most common being legal strategies. The normalization of prostitution by law, either through legalized prostitution or more recently the liberal demand to decriminalise prostitution, are contentious issues. Legalised prostitution institutionalizes prostitution as a legitimate sector of society, although it is subject to state regulation and control. Under this system, women in prostitution must register with designated authorities as prostitutes to obtain a licence to practice prostitution. They must undergo regular and mandatory medical examinations for sexually transmitted diseases, and adhere to a host of other local rules and controls, such as operating in designated areas. Violations of state rules and controls incur penalties. Brothels are also issued licences, contingent on certain conditions.

Historically, legalized prostitution has been justified as a public health measure to curb the spread of STDs, with women being scapegoated as responsible for the spread, and hence controlled as a means of containment. Further, legalized prostitution is premised on the patriarchal assumptions that prostitution is a necessary, universal, inevitable social evil, functional to male biology and hence imperative for the preservation of the sexual integrity of innocent women, for the preservation of the family structure, and the control of STDs and AIDS. Legalisation has also been justified as a convenient way of segregating prostitution – an eyesore on the street -- by ghettoising women into legal brothels. Other claims of legalisation are that it controls the expansion of the industry, erodes the stigma against prostitution and women in prostitution, and eliminates organized crime from the industry (D’Cunha, 1991; 1992).

Decriminalised prostitution is a

more recent position that has partially emerged in response to the limitations of legalized prostitution, arguing for elimination of state controls that legalization imposes. It is rooted in liberal feminism that views prostitution as a conscious, rational, choice of women in a patriarchal and discriminatorily-structured job market, equating prostitution with other woman-specific “jobs” to which women in particular are relegated. Decriminalization of prostitution argues that prostitution be recognised as a valid form of work, an expression of women’s autonomy, self determination and human rights; that prostitution businesses and third party managements be removed from the purview of criminal law and state regulation, and instead be subject to labour law like any other business; and that state controls on the women be likewise eliminated. It distinguishes between free and forced prostitution, adult and child prostitution, and prostitution and trafficking, and argues for the introduction of trafficking laws to penalize traffickers, asserting that these laws should be separate from labour laws governing prostitution in general.

The following issues raised by the legalization and decriminalization perspectives on prostitution warrant careful consideration.

- The normalization of prostitution in both the legalisation and decriminalisation approach sanctions an exploitative and oppressive institution that has emerged from the historical vulnerability and subordination of women, and the historical right of men to trade them as objects for sexual use (D’Cunha, 1991, 1992; Sullivan and Jeffreys, 2000).
- The normalization of prostitution as an industry will result in greater product, service and market expansion and diversification and newer, more bizarre and brutal forms of exploitation. The legalized sex industry in Australia, for example, was quick to recognize that along with a woman’s vagina and anus, all of her reproductive capacities are sellable products. The magazine of the Prostitutes’ Collective Australia, in a 1999 piece entitled “The Working Mother to Be,” highlighted the benefits to

women in prostitution while pregnant. “Pregnant women may find themselves with a whole new group of clients who find pregnancy a turn on. In addition, if offered the service, a surprising number of men find drinking breast milk either arousing or soothing” (Sullivan and Jeffreys, 2000).

- Once normalized, the industry cannot easily be controlled. Nor can women in prostitution be rendered “respectable professionals,” or the harm to them minimized. Normalization simply endorses an institution that is premised on the availability of non-domestic women for sexual use and abuse by men, and on the increase of capital accumulation from the exploitation of sex and women’s bodies. Further, the more bizarre and brutal the acts, the higher will be the price and the profit to the industry, and the greater resistance there will be to measures like harm minimization and penalties that erode profits. Abusers will be redefined as respectable, powerful entrepreneurs and as these structures of normalization get entrenched, it will be virtually impossible to do away with legalized or decriminalized prostitution (Sullivan and Jeffreys, 2000).
- Decriminalization does not adequately address the structural forces conditioning a woman’s entry into prostitution and keeping her there, and ends up enforcing deceptive categories of free/forced prostitution. Distinctions between free and forced prostitution, child and adult prostitution, and trafficking and prostitution are artificial. What becomes blurred are the links between the decision to prostitute and the circumstances mediating such a “choice” (D’Cunha, 1997).
- At whatever age, prostitution violates human rights, gender equality, and causes harm to the individual. There would however be some variations in the degree and intensity of harm between individuals, and between children and women. Age-sensitive interventions would therefore need to be designed. However a rigid adult-child distinction reinforces the erroneous view

that child prostitution is forced and harmful, but that adult prostitution is consensual and not harmful. It is entirely possible to protect the rights of adult women who “decide” to remain in prostitution, without making the adult-child distinction (D’Cunha, 1997).

- Trafficking and prostitution are intimately linked, trafficking being the main means of supplying women and children into prostitution. The experience of legalised prostitution in 19th century Europe shows that trafficking increases with the normalization of prostitution. This renders the separation of trafficking laws and prostitution laws under decriminalized prostitution ludicrous (D’Cunha, 1997).
- Legitimising prostitution will thwart efforts towards reciprocal, equal, just and empowering relationships between men and women 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.

What will be the meaning, value and outcome of struggles against sexual harassment and violence in the home, the workplace or the street, if men can buy the right to perpetrate these very acts against women in prostitution? What is defined as violence in one context, without monetary exchange, would ironically be normalized as work, pleasure, an expression of autonomy and self-determination in another context just because a monetary transaction takes place.

- The experience of countries or states that have legalized prostitution reveals their failure to achieve the stated objectives of normalisation. Instead, women have been placed under greater control and brothel managements have gained. The Mustang Ranch of Nevada, located in a county of this state where prostitution is legal, and which is the largest brothel in the United States, is prison-like in appearance.

Women are still pimped into this brothel, “work” 12-14 hours a day, have no right to choose clients, and are subject to violence and abuse. Likewise, legalization in Germany has increased the vulnerability of registered women in legal prostitution, causing them to be harassed by the police. Women are arrested outside designated activity spaces even if they are not soliciting. Trafficking, pimping and prostitution of women and children continues (D’Cunha, 1991, 1992).

- Legalized prostitution in Australia has resulted in the expansion of the industry, and more so the illegal sector. 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. Child prostitution, abuse of prostituted women by big business, trafficking of women, especially from poorer countries into Australia by organized crime are on the rise. Convicted criminals fronted by supposedly more reputable people remain in the business (Sullivan and Jeffreys, 2000).

ADDRESSING DILEMMAS IN PRACTICE

While we critique trafficking and the institution of prostitution, distinguish between the individual and the institution, and recognize the need to address the concerns of women in prostitution, we find ourselves on the horns of a dilemma. At the core of this dilemma are tensions and complexities that arise from criminalizing the industry – one practical manifestation of the critique – and ways and means to concretely assist and protect the rights of women who remain within it. More specifically at the ground level, the problems are as follows:

- Problems in reaching women in illegal institutions held in conditions of confinement and bondage, and catalysing their collective organization for their rights.

- The dilemma of penalizing exploitative third-party managements, and shutting down establishments on one hand, and the lack of resources to provide immediate and meaningful socio-economic alternatives to large numbers of women opting out of prostitution, on the other hand.
- The dilemma of penalizing exploitative third-party managements, and shutting down establishments on one hand, and addressing the concerns of women who for a host of reasons wish to continue in prostitution, though not under the control of a third party.
- Difficulties in addressing a growing sex industry, the proliferating institutional manifestations of prostitution and sexual exploitation, most especially those related to new information and communication technologies.

There are no easy solutions and overarching blueprints. But in our search for answers, we draw on the insights and creative practice of organizations of women in prostitution and NGOs working with women in prostitution in different countries, as described and analysed below (Discussions with Prerana, Saanlap and the Joint Women’s Programme, India, 2001).

CRITIQUING THE INSTITUTION OF PROSTITUTION, WHILE ORGANIZING WOMEN IN CONTROLLED BROTHELS FOR THEIR RIGHTS

Prerana, Saanlap and the Joint Women’s Programme (JWP) are three NGOs working with women in prostitution in the brothel areas of Kamathipura (Mumbai), Sonagachi and Kalighat (Calcutta), and G.B. Road (Delhi) in India, respectively. Prerana has successfully catalysed an organization of women in prostitution, with about 20-30 core members, that expands to about 200 when larger scale direct action is undertaken. All three organizations oppose legalisation and decriminalisation of prostitution, and work with women (and the children of women in prostitution) in conditions of bondage in hoodlum-controlled brothel areas. All three NGOs have a history of about 15 years of work in their respective

areas. Their entry point into this work was addressing the concerns of the children of women in prostitution, for the following reasons:

- The children are very vulnerable.
- In tightly controlled brothel prostitution, it was only possible to work with the children – not with the women. Fifteen years ago, organizing women in brothel prostitution was unthinkable.
- Working with children is non-threatening to brothel managements.
- Working with children is a way of preventing second generation prostitution.
- Reaching the women, if at all, was only possible through the children.

Work with the children included enrolling them in the local school, running day care centres for them, and placing children in hostels if necessary. Brothel owners were persuaded to encourage the women to send their children to school. Women were reached on an individual basis, through the children, resulting in a gradual building of rapport with the women. The women gradually began talking about their needs, problems, and aspirations. Their greatest concern is the welfare of their children.⁴ In addition JWP also works on health issues with the women, more specifically STD/AIDS prevention through promotion of safe sex practices, in which the co-operation of the brothel managements was sought. An unintended but positive outcome of all these interventions is that the brothel managements now recognize and respect the work of these NGOs, and also realize that they are publicly well-known and well-connected.

Although work with the children continues, the organization of women in prostitution that has now coalesced has taken up several rights issues both against the brothel management, and the bureaucracy.

- Acquiring ration cards that enable access to low priced government rice, sugar, fuel. The women further demanded that the cards be issued solely in their names, compelling the authorities to delete the names of the male pimps and land-

lords (Prerna and JWP).

- Protests against police violence against women that take the form of bribes, fines, beatings, sexual favours, and verbal abuse. Protests took the form of direct confrontation with abusers, group demonstrations at the police station, and filing First Information Reports (the first written complaint made to the police), against the abuser. Outcomes of the protests include a new caution among the police, public apology to the victim and reimbursement of medical bills for treatment of injuries as well as getting new policemen on the beat (Saanlap and Prerana).
- Retrieval of women's belongings and money from brothel keepers. Actions initially took the form of persuading the owner in the interests of fair play and justice to return the belongings and Rs 8000 of a woman leaving the brothel. When this went unheeded, group demonstrations were organized. This resulted in a group of brothel owners coming to meet NGO office bearers to protest the women's actions. The office bearers reasoned that no one should hold what was earned by and belonged to another, and that the NGO fully supported the women. All the belongings and Rs 6000 were returned. The remaining money was returned a little later (Prerana).
- Protests and complaints filed with the police against individual brothel keepers for specific acts of violence against women in brothels, and against child prostitution.
- The women in prostitution in Kamathipura receive information or direct complaints about specific acts of violence perpetrated by the brothel management or about induction of children into brothels. They filed police complaints against individual brothel keepers on these counts. Saanlap works with youth groups from non-prostitute families in the area raising awareness among them about trafficking and prostitution. These groups function also as alert committees, informing the police of cases of violence against the women, induction of

children into the brothels, and about women and girls who want to leave (Saanlap and Prerana).

- Joining the women's movement demonstrations against price hikes for essential commodities. About 200 women in prostitution from Kamathipura joined a demonstration against rising prices – a landmark show of solidarity between women conventionally polarized. Women's groups in Mumbai have likewise been supporting women in prostitution in their protests against police brutality.
- Legal training for some of the women in prostitution (Prerana). There are women who have left prostitution and are working as staff in other Prerna projects in Mumbai.

There has been a mixed response from brothel keepers. Some just allow the women to attend meetings. Others have abused the women or protested the women's new assertiveness to office bearers of the NGOs. Their response still seems contained at this point. Possible reasons are that once brothel keepers have recovered the initial sum paid for a woman or girl, plus a substantial amount above that, the control relaxes. Moreover, in the Indian context that places a high premium on virginity and strongly stigmatises women in prostitution, women who have been in prostitution for a few years cannot easily opt out. Brothel keepers know that the women will not easily leave. There have so far been no demands to shut down brothels or any single brothel, which would be a real challenge to the brothel establishment. Other brothel keepers are more pragmatic at the present time, and accede to women's demands like going to meetings and picnics. The situation is however dynamic, and there is no knowing when there will be a violent backlash.

Factors that facilitate the success of NGOs who advocate for the rights of women in the brothel areas are as follows:

- Long years of work in the area with palpable results.
- Credibility with the women and other stakeholders, including non-prostitute households in the area.

- Strategic entry point through the children.
- Organizational leadership and membership is vested in ordinary women in prostitution, and not with the brothel management.

The work of these NGOs is based on strategic thinking and political expediency that is grounded in a substantive understanding of the complex realities of prostitution. The organizations distinguish between short and long terms strategies and have a process view of structures, relationships and change. Some of these strategies – such as seeking cooperation from brothel managements in sending the children to school or taking care of the health concerns of the women, and seeking active participation of the management on certain issues such as price rise protests – began by attacking the softer interests of the management and individual brothel keepers. These short-term strategies, as well as not calling for brothel closures at any particular site (except at a general macro level in law), may appear to be compromises. But these are necessary at the initial stages of organizing and are necessary for more long-term strategies that must be built on stronger Government-NGO capability and better Government-NGO prevention, protection and reintegration plans for women vulnerable to and in prostitution.

ADDRESSING THE CONCERNS OF WOMEN WHO CONTINUE IN PROSTITUTION AFTER BROTHEL CLOSURES

There are some examples in India of women in prostitution living and operating in small communities without third-party control and management, after brothels in which they originally were, were shut down. How this works in practice begs further exploration. Formation of associations of these women to ensure better control and determination over their lives and well-beings is one mechanism to address their concerns. This ought not to deter the continuing struggle against the institution of prostitution and the myriad and complex forces that create and reproduce it.

DIFFICULTIES IN CONFRONTING AN EVER-GROWING AND ENTRENCHED SEX INDUSTRY, INCLUDING SEXUAL EXPLOITATION ON THE INTERNET

Citizens' committees need to put pressure on national and local governments to take tough action against the industry and design and implement effective prevention, protection, assistance and reintegration measures for women and children vulnerable to and in prostitution. It is also important to address the demand factor in prostitution. Creative practice in this area includes awareness raising and education for buyers, such as the "First Offender Program" run by SAGE, an organization by and for women in prostitution in San Francisco, California. The Hotline Foundation in Bangkok, Thailand, runs a hotline that can be phoned by males who have been perpetrators of violence, including sexual violence. The Foundation provides in-house counselling and referral services, and runs a television programme every week viewed by 1.5 million people. Violence against women – its causes, the myths perpetuating violence, impacts, grievance redress mechanisms, and the need for more humane gender relations – is a dominant theme of these programmes.

Technological solutions to the control and regulation of Internet sexual exploitation exists in the form of software that can be used to block pornographic sites. A more sustainable solution, however, is non-gendered education for children and the youth -- values education, gender sensitivity consciousness, sex and sexuality education that emphasizes concern, sensitivity, mutual respect and human dignity – provided in the home, through educational institutions and various media forms.

These are experimental initiatives that address complexities of prostitution without normalizing it.

OTHER MULTI-PRONGED INTERVENTIONS THAT NEED STRENGTHENING AND CONSOLIDATION

Prostitution and trafficking has a complex socio-economic and political basis linked to larger regional

and global development processes. They cannot be treated solely as 'social' problems, or by 'band aid' and ad hoc micro initiatives, as these do not address poverty or related causes of vulnerability to prostitution and trafficking in strategic or sustainable ways. On the contrary, they create and reinforce vulnerability to prostitution and trafficking.

Responses should:

- Treat prostitution and trafficking as development concerns and place them on national, regional, international agendas;
- Ensure a balance between interventions providing immediate post-prostitution and trafficking assistance and more long-term preventive intervention;
- Integrate a gender and rights perspective into all development and related interventions on prostitution and trafficking;
- Mainstream interventions on prostitution and trafficking into national and local policies, plans and programmes in an integrated multi-sectoral manner. This encompasses all government ministries and departments, including national women's machineries which can play a lead role;
- Develop mechanisms to enforce and monitor policy and programme implementation;
- Undertake co-ordinated actions at regional and international levels, involving a range of stakeholders in source, transit and destination countries.

SPECIFIC INTERVENTIONS

Anti-trafficking interventions must address prevention, protection and assistance, including return and resettlement. The following preventive strategies have been identified as strategic:

Prevention: Economic empowerment for women and girls

Interventions for women's economic empowerment must address unequal gender relations that marginalize women economically. They must enhance women's access to productive resources and to markets

and ensure secure and sustainable upward economic mobility. Economic empowerment of women and girls must ensure gender equality in the family, community and society at large. Specific interventions include:

- recognizing and valuing women's paid and unpaid work equally with men's at all levels of society;
- analysis of the gender impacts of macro economic processes and policies on women's employment and businesses;
- explicitly integrating into policies, legislation and programmes the specific concerns of the particular target groups of women that arise from their gender roles and the impact of gender stereotypes;
- expansion and provision of better, paid employment and business opportunities for women consistent with market trends, and in non-conventional sectors;
- reforming rules, procedures, norms and practice of institutional service providers to enhance women's access to, ownership and control over economic resources, like land, credit etc.
- forging collaboration between the private sector, government, NGOs and other institutional service providers on the basis of comparative advantage. Governments and NGOs though motivated to serve target groups of women, lack a market orientation;
- building the capacity of women producers and entrepreneurs in product development, production process, business and financial management, access to information, marketing, including the ability to effectively respond to market change;
- empowering women stakeholders to recognize and claim their economic rights, including the right to a sustainable livelihoods through employment, access to skills, information and markets in accordance with international codes of practice, the relevant ILO conventions and other human rights instruments;
- developing and ensuring enforcement of guidelines for corporate social responsibility and good labour practice according to human rights principles and standards.

- gender and rights awareness raising for families and communities to transform attitudes to gender roles and women's rights; to recognize and support women's paid and unpaid economic contribution, and reduce women's unpaid work burden by sharing domestic work;
- macro policies that provide for basic infrastructural facilities like safe, clean and adequate water, social services like free or subsidized child care, health services etc, and those that promote the use of appropriate and affordable labour saving technologies, all aimed at reducing women's domestic work burdens.

Political

- mainstreaming women into formal/informal decision-making bodies and fora at various levels; and building the capacity of women for political decision-making roles;
- building the capacity of leaders and the bureaucracy on transformative leadership and governance;
- developing and building the capacity of constituencies to support such a leadership and hold leaders and implementing authorities to account.

Providing education for sustainable livelihoods and resilience

- expand opportunities and improve access to formal education for women, girls and boys at all levels and in non-conventional streams;
- ensure a match between better education and available job opportunities;
- incorporate gender and human rights concerns (including themes like trafficking) into school and university curricula;
- ensure life-skills and resilience training, that raises awareness on the ploys of traffickers, and harms of prostitution and trafficking, and provides assertiveness and self defence training.

Social security and protection of women and children in difficult circumstances.

- introduce employment guarantee schemes;
- provide subsidized or free child

care, health care and education;

- protective measures, such as counselling, education, alternative institutional or foster care, community support, for children at risk.

Legal strategies

Legislation must protect, promote, give practical effect to the rights of persons in prostitution and those trafficked, especially women and children and thus contribute to establishing a gender and rights-based culture. Effective prosecutions of prostitution racketeers and traffickers will act as a deterrent and promote and protect the rights of those trafficked.

It is necessary to:

- amend and/or adopt national legislation on prostitution and on trafficking in consonance with international standards, a case in point being the UN Trafficking Protocol;
- develop guidelines for the rapid identification of trafficked persons;
- decriminalize individuals in prostitution;
- decriminalize trafficked persons, for illegality of their coerced entry, residence or activities resulting from being trafficked. They should be able to use their trafficked status as a defence in status-related offences;
- strengthen provisions for access to legal remedies, and socio-economic assistance for physical and psychological recovery;
- provide adequate witness protection when charges are pressed against violators;
- explore options of residency in countries of destination or third country resettlement, to prevent reprisals, or when re-trafficking is likely;
- provide special measures for children in accordance with the Convention on the Rights of the Child and the UN Trafficking Protocol;
- criminalize prostitution racketeers and traffickers and penalize public officials involved in prostitution, trafficking and related activities;
- make legislative provision for confiscation of assets of prostitution racketeers and traffickers;

- build into legislation, measures to enhance the efficacy of legal enforcement such as:
 - (a) promoting legal literacy, especially among vulnerable communities, and improving access to affordable legal assistance;
 - (b) establishing hotlines and effective information networking systems, national and transnational co-ordination and co-operation to facilitate access to assistance and to prosecute prostitution racketeers and traffickers (including safe witness protection programs and innovative incentives for witnesses to provide evidence);
 - (c) conducting in a sustainable manner legal refresher courses for enforcement agencies, gender and rights training to identify trafficked victims and treat them in accordance with human rights principles and standards;
 - (d) civil society participation (including those trafficked) in formulating, enforcing, monitoring legislation and the provision of related services in a manner that centers the needs of trafficked persons;
 - (e) establishing institutional mechanisms to ensure accountability, that include civil society participation.
- building women's capacity to deal with potential exploitation through pre-departure gender and rights-based orientation and training, that provides information on rights, available services, where and how to access these when needed;
- regulating recruitment and travel agencies, and developing mechanisms for accountability, including those that ensure safe living and working conditions compatible with human respect and dignity;
- ensuring that people, including trafficked persons have the right to seek and enjoy asylum from persecution in accordance with international refugee law, in particular through effective application of the principle of non-refoulement;
- reviewing and harmonizing immigration laws and policies in accordance with international human standards, and an assessment of demand for migrant women's labour in various sectors;
- promoting bilateral and multi-lateral agreements that provide for the protection of migrant workers, especially women;
- enforcing minimum national employment labour standards for the protection of national and foreign women migrant workers;
- ensuring appropriate legal documentation for birth, citizenship and marriage.

Safe migration and citizenship rights for women and adolescent girls

There are two dimensions to this, the first is related to national development strategies that provide decent and sustainable livelihood and living opportunities, that expand choices for the community, especially women and children. This might contain migration and reduce vulnerability to prostitution and to trafficking; The second deals with a set of gender and rights based interventions that make migration safe, thus putting a brake on trafficking. These are:

- generation of data bases on migration, disaggregated on the basis of sex, age, ethnicity etc, that provide information on sectors of job demand, supply, remittances.
- awareness-raising on the costs and benefits of migration from a gender-rights perspective in source sites, in the interests of informed decision-making;

Transforming male-centered perceptions, attitudes and practice related to men and women, their bodies and sexuality

Prostitution and trafficking are demand and supply driven realities. Reducing demand for prostitution and trafficking persons must focus on the institutions into which they are trafficked. Efforts to reduce demand, have principally been deterrent measures via the criminal justice system, more stringently directed at trafficking in children for sexual exploitation, and paedophilia. There have by and large been a lack of interventions to transform male-defined ideas, attitudes and practice on gender stereotypes, male and female sexuality, that create and reinforce the demand for women in the sex industry and other institu-

tions.

Demand in these sectors may be addressed by more gender responsive and rights oriented information, analysis, socialization, awareness-raising, counselling and therapy for diverse sectors and population groups, challenging:

- dominant notions of womanhood in terms of domesticity and dependence, and manhood in terms of active public sphere roles;
- prevailing ideas on male sexuality as potent and irrepressible, with women as fitting objects for male sexual expression;
- pervasive constructions of women's sexuality as inert and existing either for procreation in marriage or the provision of sexual pleasure in prostitution;
- the alienation and impoverishment of the human spirit expressed in the commodification of human beings and human relations, and growing human rights violations. This must be replaced with respect for human dignity, human rights, mutuality, and sensitivity in all human relations.

Protection and Assistance for Those in Prostitution⁵

- Bilateral agreements between governments to protect the rights of victims of trafficking. Thailand and Cambodia have concluded a Memorandum of Understanding that requires both governments to protect/promote the rights of and safely repatriate women migrant workers. If signed, the agreement would establish a legal framework between the two countries for prosecution of traffickers and a joint task force on bilateral co-operation (ECPAT Newsletter, 2001);
- Treat trafficked women as victims and survivors of human rights violations, rather than as "illegal" migrants. In Thailand in June 1999, a Memorandum of Understanding (Mou) on Common Guidelines of Practice for Agencies Concerned with Trafficked Women and Children was signed between the Office of the Prime Minister of Thailand, the Department of Social Welfare, the National Police For-

es and NGOs. The guidelines for practice define the trafficked person as a victim. They protect, promote the rights of such persons, and treat them accordingly. The MOU also accords foreign women and children the same rights as Thai nationals. Training courses on the provisions of the MOU and how to use them, are being conducted in border provinces for police and hospital staff, social workers from public welfare offices and attorney generals (ECPAT Newsletter, 2001);

- Establish a focal point within embassies abroad to address trafficking and prostitution cases;
- Initiate alternate livelihood programs so that women have real options to leave prostitution;
- Provide education and skills consistent with market demand;
- Provide creche, educational, health, legal and counselling services for children of women in prostitution, and children in prostitution. The Centre for the Protection of Children's Rights Foundation (CPCR) in Bangkok has established three multi-disciplinary professional teams – doctors, lawyers, psychiatrists, counsellors and lawyers – to deal with cases of child abuse. They meet regularly to discuss cases, share information and expertise. Following CPCR training in South Thailand, local child care workers are also becoming more co-operative in their case work. It is hoped that from these experiences, multi-disciplinary collaboration will be institutionalised in state-run programmes nation-wide;
- Provide health education and general health services for women in prostitution;
- Encourage safe sex practices for women in prostitution;
- Ban mandatory testing for HIV/AIDS;
- Maintain confidentiality of an individual's health status. Provide results of health status testing only to the woman who is tested;
- Provide voluntary pre and post test counselling;
- Provide AIDS care centres for women;
- Establish drop-in centres to which

women can come to share their information, problems and aspirations and receive concrete assistance;

- Organize reflections/group discussions with women at these centres concerning the sex industry and brothel structures, and their experiences in them, their activities, attitudes to life, bodies/sexuality, savings, budgeting, investment of savings;
- Develop sensitivity to gender issues;
- Provide voluntary counselling to women that helps them re-define their experience as one of exploitation and survival, rather than being morally condemnatory;
- Provide legal assistance and information to women in prostitution in a language comprehensible to the individual; protect the privacy and identity of victims of trafficking and provide them with information on relevant court and administrative proceedings; and enable women in prostitution to present their testimony during the criminal proceedings;
- Permit NGOs to testify on behalf of women in prostitution;
- Ensure the physical safety of the individual in countries to which women have been trafficked;
- Provide compensation for damage suffered from the seized assets of traffickers and other perpetrators.

Repatriation and Return⁶

- Repatriation should be voluntary;
- Responsibility for repatriation should be borne by the country in which the individual is a national, or has the right of permanent residence, at the time of being trafficked. Countries should provide funds for repatriation in a safe and speedy manner;
- Countries responsible for repatriation should enable timely provision of travel documents to those without proper documentation;
- At the time of repatriation, countries should give due consideration to the status of any legal proceedings arising from the person's trafficked status;
- Countries to which women have been trafficked should provide emergency shelters and means of subsistence for victims of traffick-

ing while they await repatriation/return;

- Countries responsible for repatriation should ensure that repatriated women are not illegally detained or forcibly tested for STDs or HIV/AIDS, or penalized in any other way.

Recovery and Reintegration

- Governments and NGOs should provide livelihood programmes, credit schemes, health services, counselling, and legal services to aid in the recovery and reintegration of women and children rescued/seeking help out of and after leaving prostitution;
- Governments and NGOs should work with the families/local communities from which trafficked women originate to facilitate the process of reintegration. Social workers from The Centre for the Protection of Children's Rights Foundation, Bangkok, visit families of children rescued from prostitution, or other oppressive circumstances to prepare families to understand and accept their children and facilitate their reintegration. Families are also provided with welfare assistance. In those cases where it is impossible for children to return home, arrangements are made through NGOs and government networks for foster care, institutional placement and for their formal/informal education and training in vocational skills.

Research and Advocacy

- Governments should provide financial support for research and advocacy that are the underpinning of anti-trafficking policy and programme design;
- Governments and NGOs should conduct periodic project implementation evaluations to help enhance the efficacy of policies and programmes.

NOTES

1. Translated notes of testimony by Thai woman trafficked into Melbourne in 1998 and recorded during hearing by staff of Project Respect.

2. The reference to live video conferencing of sexual abuse of children does not explicitly name Thailand in the reference cited.
3. In 1984, four young girls were trafficked into a brothel in Phuket, in South Thailand and chained to their beds to prevent them from escaping. In a fire accident that gutted the building, all the four were charred to death in chains. Personal Discussions with Thai women activists during the ISIS International Cross Cultural Exchange Programme on Poverty and Prostitution, 1991.
4. A very important aspiration and demand of Indian women in prostitution is to ensure that their children are provided opportunities for a different life than they have had. In view of the high premium on virginity and the acute stigmatisation of women in prostitution in India, common in most of South Asia, women see no hope for themselves and resign themselves to their own fate.
5. Among these are: The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949; the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956; the International Covenant on Civil and Political Rights, 1966; and the Convention on the Elimination of All Forms of Discrimination Against Women, 1979.
6. The UN Trafficking Protocol contains many of these provisions. See Article 8, UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000.

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Prostitution and the Cunning Patriarchy – Towards a New Understanding

Jenny Westerstrand, PhD student in Public International law at Uppsala University, Sweden

PROSTITUTION, AN URGENT PROBLEM

Each year, hundreds of thousands of women are exploited in the sex trade in Europe. The sex industry is a rapidly growing market which combines new technology and criminality in mobile and highly lucrative constellations. In recent years, increased poverty in Eastern Europe, not least among women, has contributed to a widespread slave trade in women spreading over borders and into the European Union (EU). As a result, governments across Europe have had to recognise the sex market for what it is: an urgent social, economic and political problem. Legislators throughout Europe therefore need to define where they stand in relation to this market in which women's bodies are for sale as commodities, a market which – in most countries – has hitherto been unregulated, that is, not criminalised per se, but not fully legal either.

As the sex trade expands, so do the demands for its legalisation. The current development of a growing sex industry linked to serious criminality appears to have given new vigour to arguments in favour of making prostitution “accepted”, where the recommended solution to the social problems associated with the sex trade is to legalise prostitution but to criminalise trafficking. A parallel aspect of this development seems to be a decline in interest in gender equality within the EU. A worrying example is that gender equality was “forgotten” in the draft for a new EU constitution, drawn up by the EU Convention on the Future of

Europe. A similar attitude to prostitution has been voiced among a strong sexually liberal, queer political current that advocates a free market for prostitution, with arguments borrowed from feminist theory about sexuality and gender. There is, in other words, a heavy artillery against those who are fighting for a world without sexual exploitation of women and children.

In the light of these developments, the Riksdag (The Swedish Parliament) and the Swedish Government were exceptionally clear-sighted and uniquely daring in their decision to pass an act of law prohibiting the purchase of sexual services. In so doing, they chose a path that refuses to accept women being reduced to commercial commodities and, instead of capitulating to what may seem to be compelling economic necessity, that is making the growing sex trade accepted, they defined the issue of prostitution as a political problem. The Swedish Act challenges the sense of resignation that characterises much European legislation on prostitution.

The Act also challenges deep-rooted cultural notions about gender, according to which women are expected to be available to fulfil men's sexual needs and desires, notions that in effect are obscured by the fact that prostitution is so one-sidedly discussed in terms of economic conditions. In this, the Swedish Government and Parliament have shown further proof of their courage and clear-sightedness.

But although I have great respect for the Swedish position on this issue, I want to begin my speech by discussing another aspect, that is, by highlighting what I consider to be the weaknesses in the discussions surrounding the Act. These weaknesses are related to

the internal feminist debate that has existed since the introduction of the Swedish Act – a debate in which it is important to take part, especially in view of the fact that it is with the support of feminists in the women's movement that a legalisation of prostitution has taken place around Europe. Germany and the Netherlands are examples. In Sweden too, there is feminist ambivalence towards the existence of the legislation, even if it also enjoys strong support. I think it is important to take this ambivalence seriously since Sweden is alone in the world in its prohibition on the purchase of sexual services. I will also discuss aspects of the criticism that has been levelled at the legislation, criticism that I will try to address. My contribution will end with a proposal for new approaches to the debate on prostitution – a new basis for understanding.

LEGISLATION ON SHAKY BUT WELL-INTENTIONED GROUND?

The Swedish position is that prostitution is a form of violence against women and that the purchase by men of women thwarts efforts to achieve a gender-equal society. It is on this basis – in general terms – that the purchase of sex is prohibited. A large proportion of the Swedish population accepts this analysis, as do many of the country's identified feminists. This view differs from the view on prostitution, for example, in the Netherlands and Germany, where it is regarded as an occupation by the Government and the women's movement alike.

But the question is, on what terms we in Sweden accept the analysis of prostitution as violence against women? This may seem a superfluous question, but unless the position in favour of criminalisation is based

on knowledge and a broadly supported analysis, it will be easy for criticism against the existing legislation and arguments for legalisation to gain ground, as has been the case in other European countries. I would therefore like to say, somewhat provocatively, that the position in favour of the Swedish Act is from many quarters based more on – what are undeniably highly benevolent – political expressions of solidarity with women, rather than a fully considered understanding of the patriarchy we live in. Below, I will outline some of the areas in which the pro-legalisation arguments seem especially seductive and where the pro-legislation position may be on particularly shaky ground.

VIOLENCE AGAINST WOMEN – A FRAGMENTED UNDERSTANDING

First I would like to say a few words about violence against women, because if we, as the Swedish legislation does, depart from the premise that prostitution is a form of violence against women our understanding of violence is of central importance. Given the understanding of violence that exists in Sweden, both in mainstream research and policies and according to the feminist mainstream understanding – because such an understanding has now, in fact, developed – I do not believe that it can be used as a basis for criminalisation of the purchase of sex.

In brief, the established mainstream understanding of violence can be said to rest on what the sociologist Nea Mellberg calls the discourse of distinction. The discourse of distinction distinguishes between different forms of violence. Physical violence is distinguished from threats, physical violence is distinguished from sexual violence, etc. It also distinguishes strictly between different forms of gender-related violence: between violence in relationships, rape by an unknown assailant, violence against children, violence against immigrant women, paedophilia, prostitution, etc. In other words, the discourse of distinction is based on a fragmented view of violence.

This view also regards men who commit acts of violence as devi-

ant in some respect, for example, because they are unemployed, alcoholics, mentally ill, undergoing crisis or immigrants from patriarchal societies. Women victims of violence can also be understood to be “special” in some way, for example, that they have a high alcohol consumption or a history as “victims of assault”.

Hence, the discourse of distinction creates a picture of violence against women as a phenomenon that takes place in the cultural margins of society, something that affects a particular type of woman and is committed by a particular type of man. Distinction also serves to obstruct women’s opportunities to identify themselves as victims of violence, since the picture of both perpetrator and victim is of a deviant person of some kind.

A consequence of distinguishing between different forms of violence is also that they may end up being contrasted, being constantly compared with “the worst”: “It was just a little threat...”. In this way, women minimise and make light of their experiences of violence: a little threat or slap across the face isn’t all that bad when there are women who are raped, or even forced into prostitution, or taken captive and sold overseas; even children are victims of sexual assault, forced into prostitution and some are even murdered, etc.

Through distinguishing between, fragmenting and contrasting violence, it is easy for the act of violence to disappear, both in a societal context and in women’s own lives. Instead of seeing women’s different experiences of violence as being related and inter-related, distinction creates rather fixed delimitations between different forms and levels of violence.

... CHARACTERISES THE DEBATE ON PROSTITUTION

An examination of the arguments in favour of legalising prostitution makes it clear that the discourse of distinction not only influences the understanding of violence within academic disciplines such as medicine, law and psychology, but also permeates the public debate on violence. The view is that men buy sex, not women, they want to normalise prostitution but dis-

associate themselves from trafficking, do not like street prostitution but support brothels, reject child prostitution but not the sex trade in adult women, they distinguish prostitution “per se” from violence and assaults that take place as part of the sex trade etc. The same attitude permeates a letter I recently received from a man who calls himself “dentist and paedophile, 38 years old”. He writes that “a distinction should therefore be made between the true paedophile feeling and trafficking (traffickers) in human beings and brothels. The same goes for those who carry out assaults. A true paedophile has no sympathy for either of these groups”.

With the discourse of distinction, a broader perspective where we can speak of prostitution as an arena for the creation and reflection of unequal gender relations disappears from view. One gets – so to speak – stuck in the fragments without opportunities for a greater understanding. And what is particularly important is that those doing the purchasing – the men – disappear from the analysis. I will return to this distinction later on in my speech.

The fact that those who defend prostitution depart from a fragmented understanding that follows from the discourse of distinction is, perhaps, not particularly surprising. But could it also be the case that those who defend the criminalisation of the purchase of sex have a similar basis for their analysis? I will develop this question by examining the prevalence study *Captured Queen: Men’s Violence Against Women* in “Equal” Sweden, and by relating first a distinguishing, and then a coherent, understanding of violence to the view of women in the sex trade.

A COHERENT UNDERSTANDING OF VIOLENCE

In 1999/2000, a prevalence study of men’s violence against women in Sweden was conducted. The Government had assigned the task of conducting the study to the Crime Victim Compensation and Support Authority, which in turn commissioned Professor Eva Lundgren and Associate Professor Gun Heimer at Uppsala University to carry out the study. I was the coordi-

nator of the project, and the report *Captured Queen* (Lundgren et al.) was published in 2001. The survey, which was distributed to 10,000 women in Sweden and had a response rate of 70 per cent, has resulted in a new, coherent, understanding of violence.

According to the results of *Captured Queen*, violence is widespread in Sweden, and among young women in particular. More than one in five young women between the ages of 18–24 have been subjected to violence in the last year, and almost 50 per cent of all women have been subjected to violence by a man since their fifteenth birthday. More than one-third of all the women who answered had experienced violence before their fifteenth birthday (but this also includes violence perpetrated by women). One may reasonably ask why one's fifteenth birthday would constitute a dividing line between a peaceful life and one marked by violence.

Women's experiences of violence also proved not to be isolated incidences. Of the women who had been subjected to violence by an earlier husband or cohabitant partner, two thirds reported repeated incidences of violence. The results also showed clear links between different forms of violence: between threats, physical violence and sexual violence.

Despite the extent to which Swedish women report violence committed by men, or maybe because of this, the report was received with scepticism, and even silence. The critics dismissed the results as uninteresting since we, they claimed, had included everything; our definition of violence was too broad. What appears to have stirred bad blood was mainly that we included threats in our definition of violence. This is also the verdict that the report seems to have elicited in media circles: too broad a definition of violence, and consequently uninteresting.

Let me just briefly say that our definition of violence, in which we tried to include different forms of criminal deeds, encompassed rather limited and specific descriptions of physical violence, threats and sexual violence. It is certainly within the framework of the definitions used by the Unit-

ed Nations (UN) regarding violence against women. Our definition is also narrower than that found in a brochure recently published by the National Council for the Protection of Women Against Violence in collaboration with the Counselling Services for Men, *Man slår! Vad gör man?* (A guidebook for perpetrators and victims of physical abuse) (p.26), and if we compare our definition with other prevalence studies that are being planned in various European countries, we can see that it is very narrow. For example, a planned German national prevalence study about men's violence against women includes numerous actions that we either do not mention, or that we have referred to as "controlling behaviour".

In the end it probably wasn't our definition of violence that was disturbing, but the results in combination with our analysis. We developed a coherent perspective of violence, and this is where it all got too hot to handle.

We found so much violence! I mentioned that 46 per cent of all women reported experiences of violence. And in contrast with what many journalists claimed, these weren't isolated experiences. In concluded relationships, for example – in which more than one in three women had been subjected to violence – just one in five women said that this violence was an isolated incidence. This tallies with the women's answers about recent occurrences of violence; almost one in four young women has been subjected to violence in the past year.

Violence does not only take place, as we previously believed, within sexual relationships but to a considerable extent outside sexual relationships. According to *Captured Queen*, 25 per cent of all women in Sweden have experienced sexual violence outside a sexual relationship and more than half of this violence is what can be defined as gross: rape, attempted rape, the use of sexual force or attempts at this, sexual exploitation, etc.

When we compiled and interpreted the results of the prevalence study, it became clear that such amounts of frequent violence cannot be perpetrated by a few socially excluded men

in the margins of society. The women's answers also revealed that the violence exists in a diversity of social and cultural contexts.

And even the women who have not personally been the victims of violence are affected by living in a society where violent acts against women are so prevalent. Swedish women live in a context of, and with, violence or in the proximity of violence. The findings of *Captured Queen* also show that women are afraid of being subjected to violence – 85 per cent of women between the ages of 18–24 are afraid of being raped and/or afraid of being out after dark. In the same group almost one in four women has experienced violence in the past year.

KNOWLEDGE AND ITS CONSEQUENCES

The results of *Captured Queen* indicate the need for a new understanding of violence. Instead of seeing men's violence against women as something marginal, a regrettable remnant of times past, we need to adopt a perspective that highlights the ubiquitous presence of violence in Swedish society, and thus in the lives of Swedish women. Violence represents a life context for both women and men in Sweden; it is there when women and men examine their lives.

With the knowledge gained from *Captured Queen*, it has been possible to supplement previous qualitative research about violence against women with quantitative results. The picture we have gleaned of the Swedish gender-cultural arena shows men's superior position and privileges of interpretation in relation to women, manifested in the exercise of violence (as well as pay differences, promotion opportunities, etc.). Let me therefore mention the sociologist, Stina Jeffner's, dissertation about views on rape, *Liksom våldtäkt – typ* (Like, you know – rape). Jeffner's research illustrates how young Swedish people perceive rape as something detestable and despicable when they talk about it, but that almost nothing actually qualifies as rape when it happens in practice. Then the men are excused, while women are held responsible for what has happened. In *Flickan och skulden*

(The girl and the blame) the journalist Katarina Wennstam writes how courts always consider women's dress and sexual history – on the basis of deeply sexist notions – when rape cases are heard. I can also mention Lena Berg's dissertation *Äkta kärlek* (True love). Berg illustrates how young women in Sweden balance between the epithets "prude" and "slut" and a single incident can earn them a reputation as a whore which is impossible to get rid of, while a reputation as a prude serves to exclude girls from the in-crowd and heterosexual relationships. Berg speaks of the girl who is "just right", the category of femininity that girls are forced into in order to strike the right balance, and which becomes the positive femininity they are then expected to display. In this balancing act, girls are exposed to others' interpretations of their behaviour – they have to adapt their actions to what boys and their friends can be expected to think of them.

Berg's research paper reveals that men exercise a right of definition and demands for control over women; to put it briefly, a culture in which gender is created in terms of men's rights of interpretation over women and women's availability to men, and where violence is a common feature of this unequal relationship.

The question is what consequences this knowledge about the extent of this violence has when we analyse prostitution? I would like, for a moment, to focus on the frequently voiced idea that women engaged in prostitution have themselves been the victims of abuse in childhood, an argument that is often raised by those who are critical of prostitution. I would like to assert that this type of emphasis in the debate is based on an old view of violence; that violence is seen as a marginal phenomenon and where women who are subjected to violence, as well as the perpetrator, are viewed as deviant in some way, or believed to have social problems of some kind, and where different forms of violence are distinguished from each other.

If 30 per cent of all women in Sweden have experienced violence before their fifteenth birthday and more than one in ten women in Sweden have

experienced gross sexual violence, experiences of violence cannot predestine women to prostitution. This does not sufficiently explain the situation, and quite rightly, there are a great many women who experience abuse in childhood but have not ended up in the sex trade.

If, instead of placing the focus on women's childhood experiences – abuse or not (i.e., on what easily ends up being a question of whether the woman is a victim of prostitution or is there of her own free will) – we turn our attention to the gender culture in which prostitution exists, and in which all women live their lives, it becomes clear that there are many cultural imperatives that dictate men's higher worth than women. For example, being a man involves having urges and the right to act on these urges, while being a woman means being available to fulfil these urges (I have mentioned research in this area, but if we were to look at advertising, the list would be endless). This cultural context, with the violence that is perpetrated there against women, is part of a common arena of life for women in this country.

The fact – also – that many women involved in the sex trade do have difficult and different experiences of violence, is naturally important, especially since it tells us something about the indifference with which men treat women when they satisfy their own needs through the purchase of sex. But to claim that the backgrounds and experiences of individual prostitutes are, in general, worse and more difficult than other women's, and to use this as a basis to condemn the sex trade is, I believe, incorrect. This opens the way for the very thing that has happened in Europe, where prostitution with an "ordinary Swedish woman with an intellectual middle-class background who votes left" has a stamp of approval and suddenly makes the industry legitimate.

This way of thinking also creates a distance between the violence of prostitution, on the one hand, and "normal" supposedly non-violent life outside, on the other. But, as we have seen, a division of this kind is a chimera. Women's experiences of violence

extend beyond such limits, into their lives in all arenas of society. While we can acknowledge that women in the sex trade are subjected to frequent, gross violence by pimps and men who purchase sexual services, we also know that men's use of violence and demands for control over women are present everywhere.

PROSTITUTION "PER SE"

Unfortunately the debate on prostitution has a tendency to end up at the individual level, where the proponents of legalisation put it, and where a fragmented understanding of violence willingly allows it to remain. Women's individual experiences are used as arguments both for and against prostitution, and the proponents of a free sex trade make full use of the discourse of distinction.

If we examine the arguments of those who advocate the legalisation of prostitution in Sweden, the wish to separate prostitution and prostituted women from women's experiences of violence, stigmatisation and drugs in the sex trade, in other words the wish to separate prostitution "per se" from circumstances "surrounding" it becomes very clear. It would appear that this separation is a prerequisite for arguments that the sex trade should be legalised; it's the conditions surrounding it – the drugs, the stigma and the violence for example – that are harmful and that a regulation of the market would help, not prostitution "per se".

In a series of articles in the Swedish newspaper, *Expressen*, the other year – a newspaper that has incidentally campaigned hard for the legalisation of prostitution, Rosinha Sambo, who is active in the Sex Workers' Rights movement writes that "it is not job in itself, having sex with someone, that is dangerous. What makes sex work risky are the working conditions." In an article in the same newspaper, and in a similar vein, Alexander Bard writes that "a female junkie who walks the streets is not primarily a prostitute, but a drug addict who wants to get money for drugs in the quickest possible way. She needs help with her addiction, not with the fact that she is prostituting herself", and Henrik Hirsland writes in a debate

that has taken place in the newspaper *Arbetaren* that “working with sex in a heterosexist, homophobic and patriarchal society entails a number of risks”. Is sex work to be understood as being separable from these risks?

The separation of prostitution “per se” and the conditions surrounding it means that we avoid any focus on the men’s role in the sex trade. What remains are apparently sexless problem complexes such as “dangerous clients” or “drug addiction” but nowhere is there any mention of the buyers, the men, who are there all the time purchasing women, regardless of how these women feel, whether they have problems with addiction or experience of abuse.

If, instead, the men were to be made visible, it would become clear how women are used for men’s satisfaction in prostitution. Once the stubborn focus on women is dropped and prostitution is not separated from the circumstances surrounding the purchase, prostitution emerges as a behaviour in the cultural centre-field, a central arena for gender creation, where the female sex has become a commercial commodity available – in return for payment – for men’s use. This availability, both the requisitioning and the latent possibility of requisitioning, affects our perceptions of what being a man or a woman involves and should involve, i.e., the creation and the upholding of our views of the sexes.

SEX WORKERS – THE POWER OF THE (SPOKEN) WORD

For a long time the “happy whore” was a central issue in legitimising prostitution – the companion of self-indulgent men who was different, sinful and incapable of leading any other kind of life. As feminist research has come to terms with the image of the pathological woman another image has developed – the woman that legitimises the existence of the sex trade: the working girl, the sex worker.

Sex worker as a term has been used internationally for quite some time and was launched in Sweden by the advocates of the legalisation of prostitution. A number of years ago, the use of this term would have been unimaginable in the Swedish debate on prostitu-

tion; today it is well established. And indeed, the debate has also gradually left behind the questions concerning the consequences of prostitution from the gender-cultural perspective and now focuses on trade unions for women prostitutes, i.e., on a model for an otherwise accepted trade. The distinction here is that we should not talk about prostitution when the conditions of prostitution are being discussed. Henrik Hirseland argues that the issue of trade unions for women prostitutes has nothing to do with a stance on prostitution.

And words so seeds. The acceptance the term “sex worker” is gaining is by no means an insignificant conquest. But how could a word which only a few years ago was seen as being a contradiction in itself so quickly gain ground in the Swedish debate?

One reason, I believe, may lie in Swedish sexual liberalism. The term “sex worker” encompasses concepts of Swedish sexual liberalism of sex as something “natural”, something positive rather than questionable. In Sweden, sexphobic is the worst thing a person can be called and virtually every debate on tougher sentences for sex offences, every criticism of pornography or sexist advertisement contains this type of accusation. In the 1960s and 1970s there were open tendencies in Sweden that promoted a view of incest, or “cross-generation sex” as it was called, in which the great danger for the child was the taboo – not the sexual acts. Sex and nudity ARE not an issue with Swedes; for example, Christina Aguilera’s nude and sexually explicit video *Dirty* earned the comment in *Expressen’s* leader “... happy sweaty bodies throw themselves around her backwards and forwards and look like they have no intention of stopping. It resembles a carnival.” Great fun in other words!

This attitude towards sex as something natural and fun, where the core of the problem is the view that regards sexual contact as taboo, is part of our Swedish cultural context. In the complex of images that the term “sex worker” evokes, this tradition of sexual liberalism is coupled with references to landmarks of feminist importance such as the modern go-ahead work-

ing woman. Unlike the “pathological happy whore”, the sex worker is not who she is as a result of her (unbalanced) female nature but makes an active career choice, just like the modern working woman, based on what she wants or what the circumstances require, but she knows she can cash in on her assets. She is an actor, not a victim. She is with the times.

In the Swedish tradition of sexual liberalism and “natural” sexuality, a feminist-inspired rhetoric thus emerges linking prostitution with the image of the working woman – she too a cherished Swedish construct. In addition, this occurs in a social democratic tradition of ideas that for almost a hundred years has linked measures for promoting gender equality with the arena of working life, and strongly emphasised gender inequalities from the perspective of working life while gender cultural viewpoints have attracted less interest.

In this context, the “sex work” combination may come to be interpreted as a bold way of strengthening women’s positions, especially when confronted with the post-modern climate in which the “victim” is conceptually loathed. Suddenly sex work becomes a subversive category, a designation that exposes “women in the margins” and that makes them an actor. Humiliation becomes a miracle. Convenient.

The belief in the happy whore is still alive but as a basic myth and justification for the sex trade she is being replaced by the sex worker. From a Freudian image of a woman of the night whose nature has turned her into a prostitute and an undemanding companion for men, we now have a more (post) modern myth that better reflects today’s cultural climate, but the purpose is the same – to identify women as the sex trade’s prime actors and primus motor, to divert the discussion away from men and about prostitution as one of several arenas where gender inequalities are created.

WHO HAS THE RIGHT TO SPEAK?

The sex worker has thus become a figure that is difficult feministically to resist, a figure that – if one is to believe some debaters – has legitimate demands for much greater scope with

which to define the world. Or in the words of Petra Östergren: “Let the sex workers themselves decide (...). If sex workers in Sweden want their profession to be decriminalised and legitimised so (...) be it. And if women sex workers feel that they must have the right to decide about their own bodies just like other women, then they must be allowed to do so.”

The arguments may appear seductive; many take advantage of feminist spinal reflexes about the importance of making women’s voices heard, and women’s right to decide about their own bodies. The pro-prostitution voices choose to present the gender-cultural aspects of the sex trade from the perspective that women’s subordination is expressed when they are ignored and denied the right to physical self-determination. I shall discuss these two ideas briefly.

Much of the knowledge we have today concerning violence against women comes from qualitative research in which women’s voices in fact constitute the empirical material used as the basis for the researcher’s theories. In this context, an important question that needs to be posed – and that is linked to the responsibility the researcher has when meeting women’s “voices” – is how the researcher is to understand women’s interpretation of their experiences. Are we to consider, as Jacobsson, Östergren and others have done, women’s answers to be “true” – the “truth” that gives us the best picture of women’s experiences and life situations? Or are we able to – and perhaps even obliged to – with the help of the tools devised by feminist theory for interpreting and analysing attempt to understand women’s answers in light of the fact that women are included in studies interpreting their own lives, lives that are led in cultural and social contexts that colour understandings of one’s own experiences and that are influenced by society’s views on gender, sexuality and violence.

Sociologist Eva Lundgren writes about this responsibility in the following way:

”I do not believe that everything that is of interest is told and understood if researchers confine themselves to

reproducing (or building exclusively on) the actors’ interpretations. If that were the case, the researcher would be reduced to being a journalist without the authority to comment.”

Nea Mellberg, whom I mentioned earlier, has written a thesis entitled *When the unreal becomes reality: the situation of mothers when their child becomes a victim of sexual abuse by its father*. Mellberg shows how women’s interpretation of the abuse that they and their children have suffered depends on whether they are – as Mellberg puts it – “in” or “out of” the relationship. Only when the woman is “out of” the relationship can she see the abuse the man has inflicted on the child; at that point it also often emerged that the woman had also been a victim of the man’s abuse. Earlier research on violence against women has also drawn attention to these reinterpretations, findings which are also supported by *Captured Queen*.

Women’s reports on the violence they have experienced differ significantly depending on whether or not they are still having a relationship with the man who committed the abuse. *Captured Queen* showed major discrepancies between how women interpret their current relationships and their concluded relationships. The women reported three times as many cases of violence in concluded relationships. The amount of violence against children also varied depending on whether or not the relationship was over; children had been subjected to twice as much violence in concluded relationships than in ongoing relationships. On the whole the study shows that women paint a much brighter picture of ongoing relationships than of concluded relationships; ninety per cent of women who currently have a spouse/partner describe their relationship as very good or good. Does this mean that in Sweden today many fantastic women’s lives are being led in heterosexual relationships while yesterday’s twosomes were violent and oppressive for women? Or does it reflect the “in” and “out of” the relationship difference that earlier feminist research showed women tend towards?

If we take Lundgren’s position as the starting point for our responsibility in our meeting with “women’s voices”, we need to ask ourselves how we are to react to research that shows that women interpret their experiences differently depending on whether they are “in” or “out of” a violent relationship when this relates to prostitution. Can researchers, politicians, debaters – or anyone for that matter – in view of this knowledge simply rely on something called “women’s voices”? Whose interests will benefit from women prostitutes’ interpretation of the sex trade? Moreover, isn’t the question of the sex trade’s existence a question that concerns the whole of society?

THE RIGHT TO ONE’S OWN BODY?

In addition to giving women prostitutes the sole right to define the sex trade, those who advocate the legalisation of prostitution make – from a feminist perspective – what are a number of problematic assumptions concerning the right to decide about one’s own body. In an article published in *bang*, twelve debaters wrote: “If we want to change the socially constructed sexuality of women we must be committed to legislation and societal measures that give women greater freedom to decide about their own sexuality, their bodies and means of support, not less as is the case now as a result of the Act Prohibiting the Purchase of Sexual Services.”

The assumption, hence, is that women’s increased rights to decide about their own bodies will lead to changes in the “the socially constructed sexuality of women”, changes that are expected to improve the situation of women; that women, given greater power of disposition over their own bodies will go from being subordinate to men to being free. This, too, is a seductive argument – tell me which feminist would not wish to improve the lot of women the world over? And show me a feminist who does not agree that women’s bodies are subject to patriarchal control?

As part of my doctoral work in law, I have taken a closer look at the ideological foundations of the legislation prohibiting the purchase of sexual services. I have carried out a theoretical legal study on the right of disposi-

tion of one's own body from a feminist perspective and based on legislation pertaining to prostitution. I shall not go into detail about that study but I would like to say a few words about the argument that women must have the right to decide about their own bodies, and that not allowing women prostitutes this right is to oppress them. There are many seemingly close parallels with the abortion debate's demands for a woman's right to decide about her own body and it is easy to accept this argument without a more careful consideration of its implications.

I have taken a closer look at other areas that regulate the right to decide about one's own body and the interests that are weighed up when establishing the limits of this right. Because even if the right to physical integrity is laid down in the constitution and in various international conventions, one cannot simply assert that an individual legally owns his or her own body. One cannot own one's own body in the same way as one owns an object; neither does legislation place a body on a level with an object. A person who kidnaps or takes possession of another person's body is not guilty, for example, of a crime against property, theft or the like but of abduction, unlawful detention, retention or other crimes against the abducted person's freedom. Neither can a dead body be owned (except in some cases by museums).

Further, 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. It is not the same as ownership rights to an object, when an owner has the full right to decide about the object (destroy it, sell it or in any other way relinquish it). 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.

Thus one cannot consent to being subjected to gross assault or to being killed because legislators consider that the values that are at stake lie outside the individual's legal sphere. The legislator argues that respect for

the human body would be jeopardised if society tolerated gross assault and since this respect is regarded as such an important value, the individual is not given the right to consent to challenge the value in question.

In my search for other areas in which the individual's right to decide about his or her own body is taken into account, in Swedish and international law, I felt it was logical to take a closer look at health and medical care, more specifically rules regarding organ donation. I looked at how countries in Europe, Sweden included, have regulated organ trade and organ donation. This area, after all, also concerns the individual's right to utilise his or her body as a resource.

I found that there is very widespread agreement that trade in organs cannot be accepted. No Council of Europe country allows it. Nor is donation allowed, i.e., giving away for free, unless the organ is to go to a close relative. This demonstrates how afraid we are that trade in organs will take root.

In the preliminary work leading to the Swedish law, which is in line with the views of the WHO and the Council of Europe, we can read that "a ban on organ trade is an important demonstration that neither a living person's physical integrity nor the respect that a dead person deserves to be shown is to become the subject of bargaining."

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.

As far as I know, no lobbyist voices have been raised demanding the right to donate organs. No one has claimed the right of a poor woman in Turkey to give one of her kidneys to a rich man in Norway, so she may subvert and – in a "post-modern" spirit of rebellion and cross-border commitment – destabilise the borders between north and south, man and woman, rich and poor. No one has claimed that it is a violation of rights not to be able to sell your corneas to give your children a better life. Support for the

value of protecting the individual's physical integrity is strong.

When it comes to prostitution, however, the situation is the opposite. What becomes important here, suddenly, is the right to the commercialisation of women's bodies.

Sweden is the only country in the world which, on the same grounds as it has criminalised trade in organs, has criminalised the purchase of sexual services. Access to women's bodies must not be commercialised; the value of a woman's body must be protected by society. Nobody has the right to purchase access to another person's body to satisfy their own pleasure. But in Europe it is not possible to reach agreement on this issue. Instead the argument that keeps being put forward is that it is a "right" that women should have to sell access to their bodies, often with reference to the fact that throughout history women have been denied the right to decide about their own bodies.

What I mean is that the comparison of legislation on prostitution and the international ban on trade in organs shows that the opposition that exists here and in the rest of Europe to criminalising the purchase of sexual services needs to be problematised from a perspective that takes into account the complexity of the concept of freedom, and sets this against sexual norms and how women and men live their lives – in practice.

What we have on the one hand, in international contexts, is the view that protecting the human body from commercialisation is an important right while on the other hand it is an important right to commercialise women's bodies through prostitution. Herewith lies an inconsistency. This inconsistency becomes clear only when it is examined in the light of the gender norms that permeate our culture – norms that stipulate that womanliness equals accessibility and that men have the right to this accessibility, in this case to women's bodies. A crucial difference between the trade in organs and the sex trade is, after all, that trade in organs is not directed specifically at a person of a certain gender. These provisions prevail in a market where both men and women

could be sellers. In the sex trade, however, there is no doubt that the body that is for sale is a woman's. It is the woman's physical integrity that is the subject of bargaining.

Rather than getting caught up in the pro-prostitution rhetoric about women being controlled by legislators who deny them their rights, it is important to focus on when freedom is emphasised (cf. European legislation on prostitution) and when protection issues are emphasised (cf. European legislation in organ donation). And instead of being lured by talk of a woman's right to freedom and self-determination, we should critically ask ourselves what gender relations look like in those areas in which freedom is to be exercised.

Perhaps it is the case that norms can prescribe freedom of choice and self-determination for women, but when these norms are examined in the light of gender relations in practice, they are seen to hide the personal responsibility of women to manage the societal inequalities between the sexes. In Europe today, poverty among women is increasing, particularly in the east. And at the same time, the proportion of women in prostitution is rising. So whose freedom to use bodies are we really talking about?

THE EU – WHOSE INTERNAL MARKET?

An indication of some of the consequences of legalisation can be seen in the judgment of the Court of Justice of the European Communities last year concerning a number of Polish and Czech women who wanted to set themselves up as prostitutes in The Netherlands. In its judgment, the Court needed to decide whether prostitution could be regarded as falling within the concept of gainful employment. The EU is an internal market whose rules aim to regulate the trade in goods and services as well as the movement of labour.

Law is an interconnected system whose different sub-areas are united by basic underlying principles regarding values and practices that the provisions of these sub-areas aim to protect. Certain values carry greater weight than others, which has implications when interests are evaluated; this is evident, for example, in various presumptions

and evidence rules. For instance, if it is a question of freedom of establishment, other interpretations of the concept of freedom of action will come to the fore than if we are talking about the protection of human rights and civil liberties under penal or international law. When prostitution activities fall under labour law, as is the case in The Netherlands following legislation, many issues that previously related to rules of constitutional and international law on human rights and civil liberties now relate to the field of labour law. This shift will have major implications as fundamental questions regarding the right to physical integrity become questions about employment conditions.

In the judgment, the Dutch court asks the Court of Justice if prostitution should be exempted from the Union's labour market rules since prostitution poses some difficult problems given the prostitutes' freedom of action and independence (paradoxically enough asked by the Dutch government, which legalised prostitution). The Dutch government argued that it is neither possible to know whether the women travelled to the host country voluntarily nor whether they practise their activities independently in this country.

This question might seem to be related to the coercion and violence that we know exists in the sex trade. The Court of Justice, however, did not refer to the issue of violence and coercion in the sex trade. In the Court's view, since Holland has legalised prostitution, the activities were to be regarded as accepted. The legal complex of rules that was relevant, therefore, was labour law.

We know that coercion to engage in prostitution is a reality for many women, coercion which can have been absolute, i.e., occurred under threat of physical abuse or even death. We also know that many men who buy sex do so despite being aware of these women's vulnerable situation. But in this case it was not a question of human rights – it was about labour law and competition law rules in an economic community that aims to “promote expanded trade and harmonious economic relations between the parties.” Consequently, the judgment says “it would be wrong in

principle to treat the interdependency of certain people who engage in prostitution activities and their agents as an employment relationship, not because that relationship is based on the exploitation of women's bodies often under ruthless conditions but “because it leads to an economic activity being exempted completely from the system of freedom of establishment which was created through the Association Agreement (with Poland and the Czech Republic).

The shift in focus is obvious. Economic interests become guidelines in an area that concerns commercialised access to women's bodies, an area where violence, threats and coercion are commonplace. The judgment shows that via the Dutch legalisation of prostitution, a very widespread and culturally integrated and accepted phenomenon – prostitution – has been invited to take its place in the legal system shifting women's human rights to the economy's playing ground. In Europe, the cynical response of the political powers to women living in conditions of major economic injustices is: You are sitting on a gold mine; go ahead and make something of yourselves on our internal market! And all the while, the new “constitution” of the EU is being drawn up, a treaty in which the references to equality between men and women as an overriding goal for the Union have now been completely removed, as the proposal looks at the moment.

A NEW UNDERSTANDING

The debate on prostitution is perhaps one of the most important debates in Europe today. In light of the above, I would like to emphasise the importance of a clear analysis of prostitution as the basis for one's standpoints. Strong forces are working for the normalisation of the sex trade, and at the same time we can see a declining interest in gender issues and equality between men and women.

As I see it, parts of the feminist debate today, despite the positive view of the Act against the purchase of sexual services, are stuck in the starting points that critics of the Act have chosen: a fragmented individu-

ally-oriented view that obscures the complexity of the issues and the gender political dimensions. We therefore need to deepen our knowledge about prostitution and our gender culture. The fragmented discourse of distinction – in which violence is viewed separately from women’s and men’s life situations and prostitution can be regarded as not being dangerous “in itself” – must be abandoned. Furthermore, we must challenge the belief held by the Sex Workers’ Rights movement that the sex trade only concerns women prostitutes. Respect for women’s bodies, and this respect’s significance for our understanding of what it means to be a man or a woman and which rights that ensue, are totally dependent on if women are to be available for purchase. Thus, the existence of and society’s reactions to prostitution is not only an issue that we all have a right to an opinion on – we almost have an obligation.

To summarise, I would like to advocate a new view on prostitution, which instead of a) seeing violence against women as a marginal remnant, sees violence against women as a life context for women and men, and b) instead of isolating prostitution “in itself” and seeing it as a demarcated arena, sees prostitution as a gender cultural arena. The distinction between prostitution and trafficking thus becomes impossible, a thought process with a dead end. In addition, I advocate c) a view that does not focus on the prostitutes as the legitimate interpreters of the sex trade, but where everyone is responsible for taking a stance on the existence of the sex trade, and in particular the responsibility that politicians have to take steps to strengthen women’s rights and to increase their knowledge of the sex trade (from many different aspects that also include women’s experiences of prostitution). Finally, I hope that d) the discussion about prostitution will go from focusing on the issue of the right to one’s body and freedom of choice for women to highlighting aspects of protection in the legislation and thus also the relation between women’s personal responsibility for managing difficult life conditions and the structural inequities between men

and women. I therefore recommend a new basis for understanding for our discussions on prostitution.

Instead of understanding: I advocate an understanding that emphasises

- violence against women as a life context marginal remnant for women and men
- Prostitution “per se” prostitution as a gender-cultural arena
- women’s voices the responsibility of the public, politicians, researchers
- prostitution as a view of prostitution as an issue about question about the right to one’s protection against commercialisation/ body/freedom of choice highlight women’s personal responsibility for gender inequalities

BASIS FOR UNDERSTANDING

Basis for understanding fragmented coherent individually centred the individual-structure interplay rights thinking effect of gender norms

Patriarchy is cunning, dynamic and constantly changing. The forces that are working for the normalisation of the sex industry are strong and have connections across traditional political boundaries. For this reason, we cannot be satisfied with our analyses simply because they were good at one stage. Our society is constantly changing and the oppressors of women are using feminist rhetoric when they need to defend the upholding of an inequitable gender culture. We must therefore develop tools and understandings to capture these changes.

I would like to refer to the words of the great football player and skillful sports commentator Glenn Strömberg, who is often one step ahead in his analysis: Vigilance. Don’t forget vigilance! We need to develop a coherent, contextualised analysis of the sex trade that includes a sophisticated understanding of violence against women and in which we are watchful of the concept of freedom of choice and examine gender relations and their influence on society. Then we will be able to see how the law’s valuation of interests and division of responsibilities can change and work for women and men in a society characterised by gender inequality. In this area, the

Swedish Parliament and Government have taken important steps.

With an understanding of this kind we can focus on which rights women actually have, should have and are still to gain. I do not believe that the right to prostitute oneself will be considered important in this discussion.

Trafficking for Prostitution in Italy: Possible Effects of Government Proposals for Legalization of Brothels in Italy

**Ms. Esohe Aghatise,
President, Associazione Iroko Onlus,
ITALY**

This paper intends to give a general overview of the problem of trafficking for prostitution in Italy and the dynamics of the different types of trafficking according to the country of origin of the trafficked girls. It shall briefly explain some of the social, economic and cultural dynamics of trafficking and the various effects on the girls from a psychological, medical and social point of view. It shall also examine the changes there have been in the phenomenon and then explain the various social activities being carried out by the Italian governmental and non-governmental agencies to assist victims of trafficking. It shall also look at the legal framework being used in Italy to combat trafficking and the recent government proposal to legalize brothels. This shall be critically reviewed and in conclusion shall give suggestions for strategies and programmes to combat trafficking. In a global patriarchal society, which legitimates male use of female bodies as disposable commodities, to express outrage and call for an end to trafficking of young women and children is contradictory and incoherent where we do not first put a stop to the commercialisation of women's bodies.

The main emphasis shall be on the problem of trafficked Nigerian girls to Italy.

PREMISE

The international trafficking of persons, especially of women and children for prostitution and other purposes, is one of the most insidious and difficult problems to resolve in the world today. The use of women, young

girls and children in prostitution, has become the greatest embodiment of this problem. The commercialisation of women's bodies is tolerated and indeed encouraged as a resolution to problems of sexuality, sexual identity and relational problems of men. Prostitution, often defined as the oldest "profession" in the world, is and has continued to be tolerated as an integral part of social exchange between men and women, while the inherent violence and oppression contained in such exchange is often denied and is left to perpetuate itself. The destructive and unhealthy component of social exchange which prostitution constitutes has never been addressed at the legislative level. Instead, it is proposed as a sane part of social order, which should be regulated to ensure its survival and continued use in the oppression of women and children who are its greatest victims. In many countries of the world, led by the most politically and economically advanced, prostitution has been and is being increasingly proposed as an alternative employment outlet for women. Its organized regulation and proposal of benefits on a social and economic level are being proposed in many countries.

This paper proposes a meditation on the insidious aspects of prostitution and sustains that in a global patriarchal society, which legitimates male use of female bodies as disposable commodities, it is not possible to successfully combat trafficking. To express outrage and call for an end to trafficking of young women and children is contradictory and incoherent where we do not first put a stop to the commercialisation of women's bodies. As long as prostitution is tolerated and governments permit it to be practiced

as a "legal and valid" employment alternative, violence against women shall continue to be perpetrated and it shall not be possible to eliminate trafficking.

TRAFFICKING IN ITALY AS

A CASE STUDY:

Trafficking of persons in Italy involves minors, workers, young women and girls. The minors are exploited in various illegal activities, which include begging, stealing, illegal international adoptions and there are fears that they may also be involved in pornographic activities and in the trade in organs, etc. The workers are exploited in jobs where they are forced to work in sub-human conditions and are employed in criminal activities. They are sent out at large without any hope of regularising their legal status and in most cases, they are easily inserted in criminal circles. The women and young girls are exploited in prostitution. The phenomenon of foreign girls and women in Italy, that have been sold into prostitution, has since become a notorious fact, especially as regards the prostitution of young girls from Africa and from Eastern Europe in Italian cities. There are various shades of this trafficking for prostitution situation, which depends on their country of origin. You have those from areas, such as Africa and from Islamic zones, where prostitution is completely forbidden and as such could not be carried on, except in very rare occasions and in hiding. The women who are already prostitutes from there are brought to Italy to carry on their activities, which they would otherwise be unable to carry on openly in their countries. They are of course promised greater earnings for their prostitution. You have the other cases,

for example from Eastern Europe or from Asia, countries like Thailand, the Indian area, where prostitution is carried out in a more open manner, those who were already prostitutes in their countries, but where not earning enough, may thus accept to come here on the offer of higher earnings. They may think of coming to work in the nightclubs, where they are called “dancers” or “entertainers”.

The main countries of origin of the girls being sold into prostitution are Nigeria (although we have had sporadic cases of girls from Kenya, Ghana and the Ivory Coast. But these were very few and are rare cases). The influx of girls from Nigeria into prostitution in Italy is the highest numerically and continues to grow. Other countries of origin are, in order of highest numbers, Romania, Moldova, Albania (the number of girls arriving from Albania is in diminution for reasons that shall be explained later), Russia and Bulgaria.

There are various differences in the modalities of trafficking between girls and women trafficked from Africa and those trafficked from Eastern Europe.

TRAFFICKING FOR PROSTITUTION FROM NIGERIA

The trafficking of Nigerian women and young girls into Italy for prostitution started around the second half of the 1980s following the increasing economic difficulties caused by the Structural Adjustment Programmes imposed by the then Nigerian Government on orders of the International Monetary Fund. They started leaving the country on promises of fantastic well-paying jobs in Europe, in factories, offices and farms. They arrived in Italy only to find themselves sold into sexual slavery and forced to prostitute themselves to pay the so-called debts, which they are told they incurred in being “helped” to come to Europe. A number of those who came in the earlier period, finished up as the “madams” who were later to perpetuate the trade and to become the exploiters of their fellow country girls.

It is however necessary to remember that, in the last few years, from around 1995/96, most of the girls who accept to come to Italy, though often

aware that they are likely to fall into the prostitution market and not really to do a regular job, have no idea what this means and do not know what prostitution entails. Most of them are illiterate and have never had any experience of urban life before they find themselves in the enormous urban centres of Turin, Milan and Rome and haven’t the least idea of what prostitution here is really all about, because the greater majority of them have never been prostitutes. They, therefore, find themselves having to cope with a new reality, a new country, a new social context without any friendly or family support network, a lot of violence and exploitation and most important of all, a new kind of reality, such that they never imagined even in their wildest dreams.

The Nigerian girls are made to believe that they are being sponsored to come to Italy to work, telling them that the “madam” who paid for the trip is in Nigeria while the person they are to stay with here is just the support person of the “madam” and is giving her hospitality. The reality is that they are accomplices, both the “madam” in Nigeria and the “hostess” in Italy. Thus, they believe that they have been helped and that their exploiters are persons holding out a helping hand to take them out of the misery and deprivation they have been living in. This is so until they discover the violence they are subjected to, the situation they are forced to live with: nudeness, the blows and the cold they have to suffer and the money they prostitute for, but do not see, they do not realise what they have been put into and they realize that the so-called deprivation they had lived in was much better than the violence, humiliation and misery they are being subjected to on a daily basis.

The traffickers, usually men who bring in the girls on “commission” by the “madams”, or just bring in girls they contacted themselves, to be sold to the highest bidder. 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 to pay their “debts” without creating problems. These are rites, which have great significance

for them, in which they strongly believe and which have a notable efficacy in assuring the payment of the “debt”. It is a special phenomenon noted to the Italian police that Nigerian girls undergo much less physical control/check-up from their exploiters compared with other foreign girls trafficked into prostitution. They have no need of physical control, because the rites they are made to undergo psychologically impose the control on them.

The debts, imposed on the girls by their traffickers, on their arrival in Italy, are large amounts which range from sixty million Italian Liras (ITL) (about USD\$30,000 by current exchange rates) in less “heavy” cases, to a hundred and twenty million ITL (about USD\$ 60,000) in several other cases. The “debts” have to be paid in a matter of a few months, at the risk of violence being used on them and/or on their families in Nigeria by their madams. It should be noted that the girls charge an average of twenty thousand/thirty thousand ITL (USD\$ 10/15) per client and at times, as little as ten thousand ITL (USD\$5). Moreover, they are also requested to make an advance payment per month of a minimum of one million ITL (USD\$500) to “rent” the roadside spot where they work. Other payments they have to make include: a weekly sum of seventy thousand ITL (USD\$35) as contribution for their feeding, buying of expensive, provocative clothing for working (usually sold to them by the madams themselves or by her friends) and the making of various regular and expensive gifts to their madams each month.

The last few years have seen an increasing number of very young girls, in most cases minors, being trafficked to satisfy the ever more exigent requests of the clients. These are often ingenious, semi-illiterate girls who have not even, in most cases, had the possibility of a period of urbanization before they found themselves in huge urban centres such as Turin, Milan or Rome.

It is also necessary to take into consideration the psychological and psychiatric aspects of trafficking for these girls who are forced to make a “choice” of this kind. It is no wonder that we are being inundated with

cases of girls, victims of trafficking for prostitution, who have serious psychological and in certain cases, psychiatric problems because of these rites and the mental and physical violence they are subjected to. They are made to believe that they are being “helped” by those who traffic them into prostitution in Europe and to discover that there is very little help being given to them and that all their so-called helpers wanted and are doing to them is to exploit them in the most vicious ways possible is often cause of great psychological suffering. The violence involved: burning them with hot irons if they refuse to prostitute, making them continue on the road even when they are ill, menstruating or pregnant, forcing them to undergo abortions without anaesthetics, forcing them to risk their lives by having unprotected intercourse, taking their children from them as a lever to make them submissive to their exploiters, attacking their families in their country as a way of pressurizing them to continue prostituting, the list of humiliations and violence is endless, all create psychological problems for the victims. The lies they are told: they are related untrue stories of how the Italian Police shoots at girls without residence permit and other hair-raising stories to instil fear in them and make them submissive to their exploiters.

It should be clearly stated however, that these girls do not all part from Nigeria only because of economic difficulties. From the study carried out, it has become quite clear that their poverty may not necessarily be the major reason why most of them part. There is quite a greater number of young girls who are very poor and desperate, but do not accept to go abroad. The issue thus goes beyond a mere case of poverty and the need for money to feed and pay for basic necessities. Our study has confirmed the hypothesis that sending female children abroad has, in most cases, become a sort of status symbol for some families. This is as a result of the breakdown of social and cultural values, the disintegration of traditional family structures and the lack of valid, efficient social reference models in substitution. Most families interview-

ed tacitly accepted the idea of prostitution as a solution where extreme poverty has made life difficult. They were however less ready to accept this when the violence and humiliation involved in it was made clear to them. Thus feminisation of poverty comes to have its greatest expression in the sale of female children into trafficking for prostitution.

CULTURAL ASPECTS

It should be noted that one of the most curious aspects of the international trafficking of Nigerian girls is the fact that the greater majority of them come from the mid-south region and belong to the Edo (Benin) ethnic group. This is curious because traditionally, this ethnic group does not socially accept prostitution. What was considered promiscuous behaviour was traditionally sufficient to ostracise any young girl or woman, both by her family and by the society. The social stigma was such that she could never more aspire to marry within her social group and remained an outcast if she didn't leave the town.

As regards a married woman, it was a taboo for her to so much as let another man who was not her husband touch her even in the most innocent of ways. Where a married woman was inadvertently touched by another man outside of her home, she was obliged to report the incident to her husband on reaching home. She was obliged to carry out special purification rites to cleanse her from the “cursed” action of the strange man.

It therefore becomes quite curious to note that the greater majority of those trafficked come from this traditional social set up. It is in this context that one needs to analyse the issue of their moving from their home to prostitute abroad, far away from the “influence” and reach of traditional values, rules and regulations.

Another cultural aspect of the trafficking in Nigerian girls for prostitution is the fact of their being made to undergo black magic “juju” rites to ensure their payment of the debt imposed on them. This is perhaps the most relevant aspect because of the subsequent effect, which it leads to. The strong belief, which they have in, these rites, coupled with an exaggera-

ted sense of duty owed to their “benefactors” later develop into strong fear. This fear is up to the extent that even when they do succeed in paying all the “debt” to their exploiters, they still continue to live in the fear of some unmentionable misfortune happening to them or to members of their family. Each and every misfortune they may suffer, is attributed to the rite they were made to undergo. This, understandably, may in the worst of cases develop into a real situation of strong psychological difficulty or even more serious, result in unbalancing the already weak psychological stability of the girl and lead to psychiatric disorder.

SOCIAL ASPECTS

Nigeria is one of the larger examples of a developing country which started off on the path of development, but crashed down halfway without attaining any significant level in terms of infrastructure, services and resource base which may have helped to cushion the failure of its development plans and projects, if not helped to stop it altogether. This is not the forum to talk about the reasons for the failure of Nigeria's economic dreams and aspirations. Suffice it to say that bad management, lack of foresight, chronic corruption, nepotism and tribal divisions and the inability to create a sense of national identity (notwithstanding a four-year civil war with its hundreds of thousands of dead and mutilated), the disaster of military dictatorships, coupled with the even more disastrous first civilian government after the civil war, all led to the downfall of the Nigerian dream. The arrival of the first civilian government saw an enormous increase in loans and the huge change in Nigeria's debt/credit balance from a relatively under-borrowed one to a major debtor.

The years of economic boom, from Nigeria's petrol dollars, did however leave behind an uncomfortable legacy. The legacy of a country, of a people which had acquired a taste for a high standard of living, a consumer society which no longer had the means to satisfy its high taste but was not ready to admit or accept it. A country which has not been able to lay the foundation for a sustainable adequate standard of

living for its citizens, despite its immense human and mineral resources. The failure of the Nigerian development aspirations, coupled with the real economic difficulties brought on by the fall of petrol prices, the heavy debt burden left behind by years of mismanagement and corruption, the subsequently imposed IMF conditionalities for the restructuring of Nigeria's debts, has brought the people to the point of despair and resignation. The galloping rate of inflation and weak strength of the Naira makes life very difficult to live indeed.

The economic difficulties and turbulent political life also lead to a breakdown of family and social structures generally. The financial difficulties, which have significantly impacted social services, like health care, education, and other public services. Children are regularly pulled out of school by parents, who cannot afford to pay their fees. Crime rates continue to increase and the general informal social interdependence and informal welfare system of self-help has collapsed. The family has lost its role as a point of reference and a culture of money as the ruling value, has replaced traditional values. Role models for youth are superficial money serving icons, which give the idea that money is to be had at any cost. In such setting, it is not surprising that social cohesion has been impossible to retain. Corrupt individuals in the police are often the instruments used by the exploiters to obtain submission from the victims by their attacks and arrests of members of the victims' families.

In the specific social set-up of the Edo ethnic group where polygamy is common, most men who cannot face up to the task of caring for their families abandon the task to their women. Even if they do have a job, what they earn is not enough to cater for the needs of the whole family. This has led to a situation in which each woman has to cater for her children, while the head of the family abdicates his role of the breadwinner to his wives. In a polygamous family setting, the patriarchal structure generates continuous conflict and competition. The wives are in continuous struggle between themselves for recognition and for a share of the family resources for themselves and their children. This

conflict is usually shared by the children who are necessarily forced into a continuous struggle for a role within the family and to obtain their share of the family resources. The females are of course at the tail end of this power struggle, being the weaker link in the family hierarchy. The women discovered that selling their bodies is a fast and fruitful way to earn a living for themselves and for their families. Their men are equally prepared to close an eye to traditional values, rules and regulations as long as they benefit from the earnings of their wives.

Women traditionally play an adhesive role in the social context of the Edo ethnic group. The success or failure of a family in its individual and collective projects is usually attributed to the woman in the house. Thus the greater responsibility is implicitly that of the woman.

The step up has however been that while at the beginning of the prostitution trips to Italy, the Nigerian women who were trafficked were for most part married and/or separated women on the lookout for a way to cater for their families, those who were later trafficked are mainly much younger girls who decide to set out on a "job" search to help their families. Their project on setting out, is therefore that of going abroad to "suffer" for a few months, earn huge sums of money and return home extravagantly successful to pull their families out of the squalor and poverty in which they left them. The reality is of course much different from this scenario of success. It must be noted here, that one of the main factors which triggers off grave psychological suffering for these women, is when they are freed from their exploiters but end up moving from one community house to another without any possibility of an immediate means to obtain money to send to their families. The failure of the project, which made them leave the shores of Nigeria, usually throws them into serious psychological crisis. At times, it is not unusual to find some of them who do decide to return to their "madams" as a way of realizing their original project.

PSYCHOLOGICAL ASPECTS

The physical, mental and psychological stress which these women and

girls suffer at the hands of their traffickers has often led to their ending up in psychotherapy, if not, in the worst of cases, in a mental health ward. The violence involved in their trip from Nigeria – on foot, by road, by ship and then by air – to reach Europe. Verbal and physical abuse, rape, forced abortions without anaesthetics, forced prostitution induced by the threat of magic rites and potions – some are forced to drink the water used to wash a dead person's body as part of the magic rites, swearing to pay the debt imposed on them – are all part of the scenario of the violence suffered by these young women.

The additional cultural shock, the difficulty and in many cases, inability of many of them to adapt to the socio-cultural context in which they are forcefully introduced, the memories of personal trauma dating back to their infancy, all only add to aggravate what is already an unsustainable situation.

The very fact of having accepted to come to Europe to "work" without asking too many questions about the "job" that is being offered, often has its roots in an unconscious will to escape psychological difficulties which they are not even aware of, much less ready to admit. Herein lies also part of reasons for which they continue to arrive and the situation does not seem ready to change.

It is evident from the situation above that we face an extremely complex situation where at times one may risk falling into the trap of being taken for an enemy by the victim and not as a friend. For most of them, their "madams" are seen as "benefactors" who "helped" them to escape from the extreme poverty and deprivation in which they were living. In other cases, telling them not to pay their "debt" could amount to their being asked to run the risk of dying horribly as a result of the effect of the magic rites, which they have undergone. One has to be very careful therefore to address the issue with extreme delicacy.

TRAFFICKING FOR PROSTITUTION FROM EASTERN EUROPE

The situation of the trafficking of girls from Eastern Europe is in many aspects similar, especially as regards

the effects of the physical and psychological violence they are subjected to. The dynamics of the trafficking is however quite different.

The Albanian girls for instance have the peculiarity of the traffickers being micro cells of criminals who traffic them and it is difficult to find the same industrial line type of trafficking of the Nigerians in their case. The girls started arriving following the end of the East-West divide and the opening of the former East European countries to the West. Many of the trafficked girls from Albania left on the promise of marriage from unscrupulous men who promise to bring them to a rich fulfilling life in Western Europe. Many of them are from very traditional patriarchal societies, where family honour and purity of the girl at marriage is still a very strong value. Playing on the relationship of trust and affection, with promises of easy earnings, these unscrupulous men are able to obtain the consent of their families to take them away to what their families see as better opportunities of a life for their children. Once here, you find that it is the same men who get engaged to them in Albania and make them believe that they are going to marry them in Italy, are the same men who then turn them on the road and prostitute them. Once here, they make them believe that there are sudden economic difficulties and that the only way to get money is to prostitute. For love of their "men", the girls finish up on the road. More often than not, the same man has three or four other girls in other apartments, who are already on the road, who fell for the same story. The emotional relationship, which ties the girl to this man, becomes the instrument by which she is exploited by him. It is often difficult to convince the girl to report him to the police because of her misplaced sense of loyalty and love for him.

Then there is the other situation of the girls from Eastern Europe. It is a sort of hybrid, because in the majority of the cases, they are recruited from some bar, some topless bar, where they were already carrying activities of semi-prostitution, with the difference that they were getting very little money for it. These "talent scouts" who bring

them to Italy then pick them up, with promises of their earning much more in less time, they are trafficked to Italy. Here at times their rebellion trips off because, while having believed that they were going to earn at least half a million a day, they find they are hardly able to put together a lira because, between paying hotel bills and paying one thing or the other, there is hardly anything left to save.

The other situation of girls trafficked from Eastern Europe is that we still have frequent stories of Bulgarian and Ukrainian girls who are stolen either on their way home from school or from work. In the major part of these cases, the organizations which bring in these girls from Eastern Europe are much more violent and aggressive than those which traffic in Nigerian girls. The girls are controlled physically and kept in sight and are easily passed or sold off from one gang to the other with the conspiracy of their unidentified girlfriends who may either be prostitutes themselves or were once prostitutes. Their role is that of checking up on the other girls working on the road or on new girls who have just been bought and brought into prostitution. There are stories of extreme violence, girls beaten up with belts, girls put into a bath filled up with frozen water, that is, situations of extreme gravity.

This is again different from the situation of girls coming from Romania. A different type of nuance is that represented by some organizations, which traffic girls prevalently from Romania. They are mainly Romanian men and at times some Italian men also appear on the scene. In these situations, we have seen that these men arrive up to the point of making an agreement with the girls relating to the amount of money to be paid by them. In such a way, the girls are also able to keep part of the money for themselves. Thus, we have a less violent organization which leaves a margin of freedom to the girls they put on the road. In contrast however with the case of Nigerians, in all the other nationalities, there is no situation of indicating a fixed amount of money to be paid and so there is no time factor involved either. It is probably the case that in these persons' mind, as long as

the girls are able to take home money and they are sweet and obedient they would continue to work for them.

CULTURAL ASPECTS

The most important cultural aspect for many of the East European girls, especially the Albanian girls, which cannot however be generalized, is the family honour which binds them not to dishonour their family name at pain of death. Many of them cannot call their families to tell them where they have been and what they have done. Their agreement to leave home is often behind promises of marriage by the same men who traffic them and sell them into sexual slavery. These same men go back to report to their families that they have run away and are involved in dubious activities. When the girls finally pick up courage to call home, many times, they discover that the men have gone back to spoil their names, and their families, for fear of a scandal, repudiate them and tell them not to come back home. They thus find themselves caught between a failed dream of love and marriage to a man who had sworn eternal love to them, the destruction of their reputations in their social environment with a risk of never being able to return home because they may, in the extreme cases, face the risk of being killed by the male members of their own families for having dishonoured the family name.

PSYCHOLOGICAL ASPECTS

The psychological effects of the trauma they undergo are not much different from that suffered by Nigerian girls. The difference is more on a personal level, where each girl, according to her personal capacity to react to trauma and to overcome its effects. The fact of not being able to speak to their family members, and in some cases where they are not allowed to have contacts with the children they left behind, in the case of those with children, is often source of great psychological suffering for them.

STRATEGIES AND PROGRAMMES INTRODUCED IN ITALY TO ASSIST VICTIMS OF TRAFFICKING

Up till 1998, there was no specific legal framework within which assis-

tance or protection could be given to victims of trafficking. Previous to the present Article 18 provisions for the social protection of victims of trafficking, Article 5 of *Law Decree 477/96* made provision for the issue of a special residence permit of one year duration, to a non European citizen exposed to serious peril, due to the person's collaboration or declarations, issued by the same person, during the course of preliminary investigations or trial in a penal proceeding. Thus, it was often the case that victims were then often given temporary residence permits for judicial reasons, as it was then stated, to permit them to collaborate in the investigations and the penal proceedings of indicted traffickers. This residence permit did not permit the present social protection and general assistance to victims, which exist presently under Article 18 of the law on immigration.

Previous to that, there had been various religious and secular organizations, which have worked to assist the victims of trafficking down the years. The various organizations have been working for more than ten years, using available resources where possible to make life easier for the victims who managed to escape from their exploiters. Thus *ad hoc* decisions, often on an individual basis, of Heads of Departments, especially in the medical field, were utilized to obtain a minimum of medical assistance for those victims who managed to escape from their exploiters. The religious organizations, such as Caritas and non-religious organizations such as Gruppo Abele, which already had community housing facilities for other situations of social disadvantage, put those facilities to use in assisting victims. These were facilities that were used in the past to assist homeless Italian women who found themselves alone on the streets or single mothers who had nowhere to go with their children. With time, various other organizations were set up to address the issue. A European Union project TAMPEP was also carried out to give information of prevention of sexually transmitted diseases and the prevention of unwanted pregnancies to prostitutes. The motivating philosophy behind this

project was the protection of general public health. The Turin Municipal Council set up a specific office on the problem of general immigration, to give assistance to immigrants without legal status in Italy. This also of course included victims of trafficking. This office came to be at the forefront of programmes for the assistance of victims.

With the passing of the *Law on Immigration* in 1998, a legal framework was created for the assistance of victims of trafficking under Article 18 of the law. The Office for Foreigners is the initiator and promoter, as a Municipal Council office in charge of problems relating to immigration and especially to trafficked persons, for a Ministerial Project called "Freedom" which is in its third year of operation. While the Turin Municipal Council is the promoter, the fulfilment of the activities under the project are carried out by the various communities, religious and laic associations and volunteer groups who have presented projects of adhesion to the Freedom project. It is a project, which addresses the issues relating to victims of trafficking. It is the most comprehensive and global project that has ever been had on trafficking. There are currently 150 girls being handled under the Freedom programme for their social rehabilitation and reinsertion. The Municipal Office coordinates all the organizations, associations, religious and private volunteer services, which offer accommodation and accompaniment to the different services to the victims of trafficking. The greater majority of cases on trafficking being handled in the Turin Municipality pass through this office and all interventions are of course in collaboration with the network of organizations. It may be that some territorial service or office, like the social welfare services, may follow up the case of a victim, but this is quite rare. It is rare also because right from the moment the girls are picked up, they do not have documents, neither do they have official residence and so, they lack the characteristics necessary for them to become users of a public service.

The Freedom Project was instituted after more than six years of regu-

lar work with victims of trafficking. It is a project, which addresses the issues relating to victims of trafficking. This rehabilitation and reinsertion involves entrance in Community housing from the first period of emergency, and then, subsequently, insertion in the temporary employment scholarship programme and when they finally get a regular job, provision of guided independent single housing before they are able to obtain their own housing facilities.

This office coordinates all the different religious and private volunteer services, which offer accommodation and accompaniment to different services to the victims of trafficking. This rehabilitation and reinsertion involves entrance in Community housing for the first period of emergency, and subsequently, insertion in the temporary employment scholarship programme and when they finally get a regular job, provision of guided independent single housing before they are able to obtain their own housing facilities. There is also provision of Italian language courses, technical training programmes in accordance with the needs of each girl. These activities are carried in collaboration with those groups and associations, which make available these services.

Within the programme, they are accompanied to the Police Headquarters for them to make a report on their exploitation and thereafter, they are entitled to obtain a temporary residence.

Thus, from a legal point of view, Article 18 instruments have helped to increase the number of those who denounce their exploiters. This has helped the reintegration of the girls, which is the most important thing, because, in the past, once there was the denouncement and the girl obtained a residence permit, she was practically left on her own without any assistance and found herself at the starting point. With Article 18 programmes, the global assistance to the victim is addressed and she is accompanied up to the point of obtaining full independence and autonomy.

There are a series of organizations registered in the National Registry of Organizations working to combat traf-

ficking and assist victims and they are the ones who have been authorized to work on these issues. At Turin, you have the Municipal Council, under the Office of the Councillor for Social Assistance, in the Office for Foreigners and Nomads as the principal actor in this sense, in collaboration with organizations, associations and voluntary groups, which work with them.

There is a very close collaboration between the Police and these agencies because they are the ones who have direct control of and offer assistance to these girls in their integration process. They offer both assistance and checkups on the girls because when residence permit is issued, it is necessary to present a programme of integration agreed between the girl and the association or group to obtain the residence permit. This is then communicated to the Police. Then at the first semester, there must be a review of the programme. If at that point the girl is already independent and no longer has need of a support from the organization and is thus no longer under the control of the organization, the organization has to write a letter to inform the Police of the end of their programme with the girl. It is only at this point that the Police transforms the residence permit they have and issue a normal residence permit for subordinate employment and the girl is considered independent at all effects and no longer under the control of anybody and can do whatever she wants with herself and her life in full respect of the law. The Police carry out check ups and controls on the girl. If the organizations handling her case refers some problematic case to them, they call the girl and try to find out why the programme is not proceeding in a satisfactory manner. After due consideration, they may advise her that if her behaviour is considered not compatible with the provisions of the law for insertion into the Art 18 provisions, this may prejudice her right to remain in the programme and may lead to the loss of her residence permit.

Another aspect of this police involvement is the present governments wish to repress what they see as the "moral degradation" of social life, which is blamed on the presence of foreign prostitution on the streets.

There is also increased repression by the Police, in the sense that, the girls who do not collaborate, that is, those who refuse to denounce their exploiters or who do not give comprehensive information on their exploiters and are still on the road, are picked up and sent back home. In Police opinion, this may seem an apparent cruelty, because it seems to penalize the victims more, but they regard it as having the sense of removing the "workmen" of the criminal organizations. The Police think that, even though the girls may come back within a short period, as in the case of the Albanians, in a matter of a few days, it is however a loss for the exploiters, because it means at least one week less of the money the girls would have brought in and more expenses to bring them back in and this for them means a good setback. The Police also make a distinction between those who are really victims and those who exploit others and pass themselves off as victims. The Police think that there has been very good publicity for these articles of law and that those who remain and do not want to denounce their exploiters do so because it is convenient for them and not because they are really victims. The main problem of this idea of the Police however, is that it may not always be possible for the victims to correctly identify their exploiters. This repression has unfortunate aspects, which are not being considered by the Police. Unfortunately, the victims are not given any chance to explain their situation, in obvious violation of Article 18 of the Immigration Law, they are not given information on the possibilities they have of obtaining assistance under the programme, where they report their exploiters and they are repatriated with only the clothes they have on, without any possibility of even taking the few things they have. The tragedy is that these girls are going to be trafficked again by their exploiters who then try to get money twice from them for the two times they were trafficked. That means their having to pay double what the original debt was!

There have however been recent attempts to collaborate between the Italian Police and their Nigerian counterparts in combating trafficking. Both

partners have met both in Nigeria and in Italy to consider ways of combating trafficking.

As regards prosecution, the problem of light sentences and quick exit of condemned traffickers from these sentences by way of negotiation of the terms of the sentences, etc., is a problem of the Italian Judicial System and Penal Procedures. This would be difficult to resolve because in Italy, there are certain institutions, which, put together ensure that people come easily out of prison. This is because, once they obtain the double benefits or the conditional suspension of the sentence, which is the same thing as the double benefits, they may also negotiate the sentence, which always results in less than two year sentences and thus permits the conditional suspension of the sentence. Once a person has a suspended sentence, logic has it that the accumulation of the suspension means that he has to serve the first sentence that was suspended, if he commits another crime. Once he is on suspended sentence, even though he commits another crime, and it is one, which carries less than a two-year sentence, he is still regarded as being under the former suspended sentence. Thus he gets a double conditional suspended sentence for two different crimes. These are the things that most people know and which permits these people to stay around without getting punished. Then, even where they have been imprisoned, one can present a request for release from prison. The order for release is given to the person, and in doing so, the person is asked to make an application to be entrusted to the Social Welfare Services, on trial basis. If he behaves well, which most of them are smart to do, he remains outside and does not have to serve the jail term. Thus, getting them imprisoned, even with the greatest commitment and goodwill is something very difficult to obtain. This is the transversal problem of the whole Penal Procedure system that makes things difficult for the judicial enforcement system and this is certainly not going to be easy to modify.

There is also the possibility of a victim choosing an assisted re-entry

into her country with the International Organization for Migrations (IOM) programmes. In such cases, an economic activity is set up in the country of origin and the victim is paid her trip back home and assisted for a year, with the necessary funds to create and carry out this economic activity. Understandably, very few victims have chosen this line. This is because, it is often too dangerous for them to go back home or their families may refuse to have them back or they may not be able to face the admission of failure which many feel going back without fulfilling the project that made them depart entails. There are many complex reasons for which they refuse to accept the IOM offer and return home, even with an economic assistance project.

The social assistance programme in Italy however constitutes best practices, which could be replicable in other countries.

THE LEGAL FRAMEWORK FOR COMBATING TRAFFICKING IN ITALY

Prostitution in itself is not a crime in Italy. It is the exploitation of prostitution that constitutes a crime. Under Articles 535, 536 and 537 of the *Penal Code*, which provides for the punishment of the crime of trafficking of women and minors (Art. 535), the trafficking of women and minors by use of violence, threats and deceit (Art. 536) and the trafficking of women and minors committed abroad (Art. 537). Articles 600–604 also punish the reduction of persons to conditions of slavery. In 1958, brothels were abolished in Italy by *Law 75/1958: Abolizione della Regolamentazione della Prostituzione e Lotta Contro lo Sfruttamento della prostituzione Altrui*, popularly known as *Legge Merlin* after the parliamentarian who proposed the law. The same law also decriminalized prostitution, legalizing the possibility of every adult woman to “choose” to become a prostitute. The philosophy which informed the decriminalisation of prostitution in Italy was based on the so-called constitutional and human rights of women to “become a prostitute or to self-determination with respect to the exercise of her

sexuality, as long as it does not involve the exploitation of other persons to this end”. The brothels in Italy had proved to be places of oppression for the women in prostitution. Many abuses were carried out and instead of reducing the incidences of sexually transmitted diseases as they were supposed to do, it was discovered that brothels were the very dens where sexually transmitted diseases were most likely to be contracted. The brothels were difficult to control and the medical and social regulations that were supposed to make them easier to manage were impossible to enforce.

It was thus, rightly the belief that brothels were abusive of the dignity of persons, especially of women. It was believed at the time that by decriminalising prostitution and closing down brothels, the interests of women in prostitution would be safeguarded and they would be protected from police harassment and exploitation by third parties. It was thought that this would take the initiative and control of prostitution and therefore of the women’s bodies from pimps and the women could then become the major determinants of their own fate in prostitution and have full control over their bodies. It was also the belief that this would give greater autonomy to the women. The self-determination principle and possibility of choice of whether to be a prostitute or not, is very strong in Italy, notwithstanding evidence which nullifies this belief.

This was of course, a myth. In practice, this so-called right to self determination and control over their bodies was hardly possible to exercise because, if a woman is caught in the street prostituting, she could be and was indeed charged with obscene acts in public places or acts against public morality. If she was caught prostituting in her apartments, she could also be charged with infringement of the law against the operation of brothels, though many of them had no choice but to prostitute in their apartments. Thus, it was hardly practicable for Italian women to, in point of fact, “choose” to exercise their right to self-determination of their sexuality. After the promulgation of that law, prostitution by Italian women was extremely

difficult to carry out in the streets. State repression consisted in booking the women, expulsion orders, confinement, forced residence, special surveillance, revocation of driving licences and other forms of police harassment and humiliation. Before the massive arrival of foreign women who are being made to prostitute on the streets, most of the prostitution that was going on was by Italian women.

The end of the 80s and the early 90s, which brought the arrival of foreign women in prostitution on the streets, changed the scenario of prostitution in Italy. Italian women had already retreated into prostitution in apartments, in so-called massage parlours and nightclubs, after the massive government repression. Those who still remain on the streets are usually drug addicts who prostitute to feed their habit. The rest are entirely made up of foreign women from Africa and Eastern Europe. Foreign persons and women in prostitution started in the early 80s with the arrival of transvestites and girls from Latin America and from South East Asia. . This group gave way, from the late 80s to the early 90s, to a massive influx of women from Eastern Europe, especially Albania and Romania and from Africa, especially Nigeria and Ghana. From around 1992 to 1994, there was a massive influx of Nigerian and Albanian women. From then onwards, the panorama changed until we now have much more Nigerian women present in prostitution of foreign women, less Albanian women, the arrival of even younger females, most times minors, and the arrival of other nationalities from Eastern Europe. More than 95% of present street prostitution is by foreign women. This has made prostitution much more visible, for obvious reasons, because the highest number of women and girls in street prostitution are from Africa, especially Nigeria. The changes in the panorama of prostitution and the high visibility of these foreign women, has reopened the call for the legalization of brothels and for the control and regularization of street prostitution. The tendency has been to equate immigration with trafficking and with all forms of crimi-

nality and thus, to blame the foreign women for the “moral degradation” in Italian cities, which is seen as being embodied by open street prostitution. This led to open calls for the reintroduction of brothels as an answer to street prostitution, followed by protest marches towards the early to middle 90s when women, in many northern Italian cities started open public protests against foreign prostitutes. The reopening of brothels as a solution to trafficking and street prostitution was one of the platforms used by the current Right wing government currently in power to obtain consensus in the elections.

The arguments being used to promote the reopening of brothels is to the effect that:

- a. It would better safeguard the interests of prostitutes;
- b. It would ensure that prostitutes are given proper medical assistance;
- c. Prostitutes would be exposed to less violence;
- d. They can organize themselves into a syndicate to protect their “employment” interests; and;
- e. This would eliminate pimping and the exploitation of the women because they would be the ones to organize themselves into cooperatives to sell their services.

Studies from a country like Australia where some states have legalized brothels has shown that these ideas in promotion of the legalisation of brothels are a myth. The introduction of brothels increase the exploitation of women and children and lead to higher incidence of trafficking for prostitution, as well as creating a whole range of other problems for women and children and the society in general.

This proposal must also be analysed within the context of the international trafficking of women and girls for prostitution in Italy and the Italian government commitments on an international level against trafficking and prostitution.

The 1949 Convention *for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others* expressly states, in its Preamble, that “prostitution and the accompanying evil of trafficking for the purposes of prosti-

tution are incompatible with the dignity and worth of the human person”. In its Article 6, it expressly prohibits measures to subject persons engaged in prostitution or suspected to be engaged in prostitution to any exceptional requirements for supervision or notification.

In 1980, the Italian Government, with unjustifiable lateness, ratified the 1949 Convention. The ratification of the Convention made it come into force in Italy, meaning that a reciprocal conditioning now exists between national and international penal laws. The legalization of prostitution in Italy could thus be considered incompatible with Italy’s international commitments, in view of the wording of Article 6 of the Convention. This is even more so as regards the proposed reopening of brothels. The brothels are intended to regulate, supervise and introduce notification requirements for persons in prostitution or who are suspected to be in prostitution. Article 6 is explicit about the prohibition of such supervision or notification. Its introduction would thus be in direct contradiction of the international commitments undertaken by Italy and would be in contradiction also of its internal penal provisions. Italy also ratified the 1956 *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*.

On a practical level, to allow for the creation of brothels would mean that traffickers would have the possibility of legally importing what in Italian is called “manodopera” to fill in their brothels. Girls can thus be brought in with regular employment contracts, closed into brothels where they can be sure to “work” until death or disease releases them. It is to be remembered that they are subjected to all kinds of manipulations and to both physical and psychological violence to subjugate them and break their will. The fear that is instilled into them by the voodoo rites and the physical violence to which they are subjected. It is not difficult to imagine how this would be used to further strengthen trafficking of women and minors into prostitution. It is also easy to imagine how the work of the exploiters will become better organized and less difficult for them,

with the blessing and support of the government.

The new proposals by the Right wing government to legalize brothels would also have the effect of further driving underground the victims who would not even have any other possibilities of coming in contact with the general public. Right now, people they meet on the road assist most of those who have the courage to come forward and denounce their exploiters. The fact of their being exposed to contact with other people has helped in ensuring that they come into contact with information on how they can obtain assistance whenever they succeed in running away. This is one of the factors that has made it possible for the great success of the Article 18 Social protection programmes. With brothels legalized and people allowed to organize women into “cooperatives”, this would mean that these girls can be brought in, regularly registered as members of a cooperative and would then be put away to work in the brothels without fear of disturbance by the police forces. It is to be remembered that these are girls whose documents are seized as soon as they arrive and they do not speak Italian language and do not know anybody in Italy.

THE WAY FORWARD: STRATEGIES FOR COMBATING AND PREVENTING TRAFFICKING

Strategies for its prevention: a more global collaboration in combating trafficking is obviously the best way to go forward. I believe the programmes and strategies already being used in Italy constitute a very good best practice that can be introduced in other countries. There is of course much room for improvement in the Italian system, but it is already good as a start. The collaboration that exists between government agencies, NGOs, religious institutions and the Police headquarters, the networking between them, are I think, good examples of working together on trafficking.

As regards investigation and prosecution, the terms of imprisonment are too lenient and in a certain sense, a slap on our collective faces, seeing the gravity of the offences committed by traffickers. The girls have to face a

lot of sacrifice and fear to report these people, only to find that in a matter of a few months, these people can get out after having succeeded in negotiating the terms of their sentencing. This is something, which should be changed. It is hoped that with time, it may be possible for the Municipal Council or the NGOs which handle the cases of the girls to be able to sue for damages and obtain redress on behalf of the girls, also because the work they carry out with them has quite a heavy cost. The property of the exploiters should be seized to assist in paying for legal services for the girls and this would be a significant gain. As regards assistance, the magistrates sometimes take too much time to issue decrees allowing the issuance of residence permit to the girls. It is also hoped that it would be possible to get them to fasten up the process. It is a serious oversight to leave those tried and sentenced, after being found guilty, to continue to live on Italian territory, while girls who are victims are expelled. There is a strange phenomenon of women who were managing the trafficking of girls, who succeeded in obtaining residence permits during one of the various regularization exercises. They continue to remain regularly in Italy, while the victims who did not succeed in obtaining it are expelled. This is an injustice.

As regards prevention, a lot is already being done. Maybe the modality and type of language being used is not so efficient and this may explain why situations are still like this. The best ways to face getting the message across to convince people not to accept to be trafficked are still under examination. The language used and modality of its use is open for improvement.

Then there is the issue of corruption in countries like Nigeria, which also fuels trafficking. If it was possible to have collaboration between the various governments in which those sentenced here are also penalized in Nigeria that would give boost to the fight against trafficking. It is necessary also to address the issue of poverty of these girls and the situations of their families in their countries.

I believe that the huge work we are doing in Italy with the girls cannot

have much efficacy if a corresponding level of activity is not being carried out in their countries of origin. Also as regards the prevention of prostitution, it is important for them to address it in these countries and also the problem of unemployment of women in the countries of origin, which forces them too come here. Some work needs to be done to address the poverty that makes them run away from their countries. The hardening of the immigration laws, which is being carried out, will certainly worsen matters for victims, but will not solve the problem. It may be worth looking into regularized legal migration as a way of reducing the impossibility of entrance in the West to work legally, which also helps to fuel trafficking. It is also necessary to carry out more projects in the countries of origin to help people remain at home instead of leaving their countries. This is because, given the level of poverty in those countries, much as their conditions are precarious and dangerous here, it would always seem better to stay here than to go back to the poverty they left behind.

As regards assistance, there should be more community housing facilities, better funding of the agencies working with victims and maybe with the school system, because it is necessary to do a serious programme involving both employment and study because the most important thing in integrating a person is to have him or her write and speak the language of the country in which she finds herself.

It is also necessary to carry out more information campaigns through films and information jingles to warn people of the dangers they face in accepting to be carried abroad to "work".

The Swedish example of outlawing prostitution is already yielding good fruit against trafficking. It has become unprofitable for traffickers to take their "ware" to Sweden and they are directing them more and more to other countries where they have less difficulty of setting up brothels to sell their victims. It is to be hoped that other countries would take a cue from this good example.

The following issues should be critically examined as a first step to the proposal of strategies and program-

mes to combat trafficking:

1. The abuse of women which prostitution constitutes and the need to outlaw it and find alternative solutions to men's problems of social identity, their difficulties of relationship, sexuality and sexual identity;
2. The recognition on a global unanimous basis that prostitution is a violation of women's human rights and that it is inherently a humiliation of their dignity as persons, as women and as mothers;
3. That the legitimisation of prostitution and its promotion as an employment alternative is a direct cause of the international trafficking of women and children for prostitution and of paedophilia;
4. That prostitution is essentially violence and abuse of persons and should never be tolerated as a valid and healthy social exchange between men and women;
5. That poverty and the feminisation of poverty is one of the root causes of trafficking in women and children for prostitution;
6. The need to create legal possibilities of immigration for people from poor countries, taking the economic interests of both immigrants and the receiving country into consideration;
7. The need to put at the forefront the interests of women and children and not the interest of states to combat illegal immigration and organized crime;
8. The need to consider that there can never be "consent" in prostitution because no woman has ever "chosen" to be a prostitute where she has had valid alternatives to prostitution. There are various studies, which show this often unmentioned fact;
9. The need for a revival of solid cultural and social values which the so-called modernity and urban civilization has eroded in many countries, both developed and developing.

These are some of the issues, which should first be addressed before one can objectively make proposals for strategies and programmes to combat trafficking.