

Need For Developing A Sound Prostitution Policy: Recommendations For Future Action

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Abstract

Analyses of prostitution policies of the different countries of the world indicate an urgent need for a coherent and more definitive prostitution policy. This paper discusses the essentials of a sound prostitution policy, based on the current social and economic foundations of prostitution. The paper is generic and does not apply to any country in specific. The economic and social foundations of prostitution are examined as against moralistic opinions and patriarchal viewpoints. The paper also sets out some recommendations, which can be useful to policymakers and legislators for developing an effective prostitution policy.

Introduction

Prostitution is a universal phenomenon and prostitution policies largely depend on the socioeconomic, political, religious and cultural considerations of the country and region under study. This paper attempts to make suggestions and recommendations for a sex-worker friendly, rights-based prostitution policy. It discusses the economic and social foundations of prostitution as opposed to moralistic and patriarchal beliefs and provides recommendations for a coherent and a more definitive prostitution policy.

It is important for policymakers and legislators to adopt a clear position on prostitution especially in the current scenario of increasing threat of HIV/AIDS and victimization of children and women. Effective government policies and programs targeting prostitution are lacking in many countries and the reason for this can be attributed to ambivalent, inconsistent and contradictory approaches and perceptions towards prostitution.

Background

Prostitution is the exchange of sexual services for reimbursement or material gain. Over the last three to four decades, sex work has undergone dramatic changes in many countries of the world especially in some South Asian countries. According to Lim (1998), the scale of sex work has grown to such an extent that it can even be called "commercial sex sector." This sector has directly or indirectly contributed to employment, national income and economic growth of many countries. In an International Labor Office (ILO) report on the sex sector in South Asia, Lim reports that, "the growing scale, economic significance and increasing international dimension of sex work have heightened concerns related to public morality and social welfare, violation of human rights of sex workers, sex workers' working conditions, the commercial sexual exploitation of the child victims of sex work, and public health related threats" (p.1).

Even though the sex sector or the sex industry tends to be widespread with economic exploitation and corruption, and is often connected to organized crime and drug abuse, governments have found it difficult to tackle these problems because of the sensitivity and complexity of the issues involved of those working in it (Lim, 1998). Sex work is mainly an economic activity and has foundations in deeply ingrained patriarchal values and beliefs of the society. However, the measures targeting sex work disregard these economic and social foundations and focus mainly on moral and religious issues.

Feminist writers, sex workers' rights movement activists, social workers and members of sex work organizations across the globe have written extensively on the need for change in the

prostitution policy (e.g. Kinnell, 2005; Network of Sex Workers Project, 2003; Solon & Wahab, 2000). Organizations such as COYOTE (Call Off Your Old Tired Ethics), California Prostitutes' Education Network (Cal-Pep), Black Stockings, Hooking is Real Employment (HIRE) and, Prostitutes of New York (PONY) have given recommendations on legalization, decriminalization and right to self-determination of individual sex workers and have led debates and discussions on their stand on prostitution. However most of these recommendations remain limited to the cultural context in which they are written. This paper provides global guidelines and considerations for a sound prostitution policy which can be relevant not only to policy makers and legislators but can also inform public opinion on the contemporary economic and social dimensions of prostitution.

The Economic foundations of Prostitution

The sex industry is highly organized. It is also sophisticated and diverse and has close links with the domestic national and international economies (Lim, 1998). It is believed that commercial sex work provides substantial income and employment to those directly and indirectly involved in it. From sex workers, brothel-owners, shopkeepers, restaurants owners, hotels/ bar owners to pimps, clients and the police, sex work is an income generating option. Sex work is also instrumental in redistributing income, particularly through transfer of funds from urban to rural areas and from sex workers who work overseas (ILO, 1998). In India for instance, sex work is a survival mechanism for coping with poverty and unemployment. It may be a method which people use to compensate for poor implementation or lack of availability of social welfare policies and income maintenance programs (Fredrick, 2000, Lim, 1998).

According to Lim (1998), a substantial amount of money is exchanged through the direct and indirect activities of the sex industry, and these activities play a crucial role especially in local economies. According to ILO, the financial turnover from the sex industry in Indonesia was estimated to be between \$1.2 and \$3.3 billion per year, which constituted between 0.8 and 2.4 percent of the country's Gross Domestic Product (GDP). In Thailand, close to \$300 million was transferred annually from urban to rural areas from the income of sex workers (Lim, 1998).

Although sex work has indirectly or directly contributed to growth of the Gross National Product (GNP) of countries such as Thailand and India, it is still termed "illegal" and is not included as an official contributor to the economic sector. Apart from that, the contribution of sex work is not mentioned in official government statistics, development plans and budgets (Lim, 1998). According to the ILO (1998), the economic foundations of sex work are important because it is not just the individual sex worker and their families who rely on the earnings from sex work but also numerous commercial businesses that are directly or indirectly involved with the sex industry. Activities related to the sex industry such as licenses issued to entertainment establishments, restaurants, bars, assessments levied on brothels, apartments and buildings, liquor and cigarette taxes and the earnings of all those involved in this multi-tiered business are significant economic activities.

Studies done in South Asian countries on the nature of sex work indicate that the sex industry flourishes because it is protected and supported by corrupt politicians, police, armed forces and the civil servants, who receive bribes, demand sexual favors and are themselves customers of the sex establishments (Asia Watch and Women's Right Project, 1993). Policy makers of many countries discount these economic deliberations on sex work. Sex work gets categorized as a moral and social evil as opposed to being an economic activity. The ban and abolition of sex work disproportionately targets individual sex workers. The other stakeholders funding the business are rarely talked about (Fredrick, 2000, Lim, 1998).

Social foundations of Prostitution

The most common sociological reasoning for existence of sex work is considered to be patriarchy. Sex work is believed to be a problem of women. There are more women in sex work

as compared to men and transgendered populations (Joardar, 1984). Social foundations of sex work explained through the standpoint of patriarchy state that the roots of sex work are found in “socio-cultural institutions and traditions that dictate gender relations and relations between parents and children” (Lim, 1998, p.12).

Sex work is seen as an inevitable social evil, necessary to satisfy an uncontrollable male sexuality. It is considered to be “society’s safety valve against rape” and is expected to continue as long as the social structures surrounding and contributing to it prevail. According to Lim (1998), “in many South Asian countries, children, especially girls, are brought up to feel a sense of duty and moral obligation to earn money through sex work to repay the care and protection given to them by their parents” (p.12). Birth of a girl child is not welcome in some cultures and a woman is considered an economic liability. Women are forced to enter sex work and make regular payments to their families (Joardar, 1984). Even though there are risks of disease and physical abuse, girls sold into sex work continue with sex work. According to a research by End Child Prostitution in Asian Tourism (ECPAT), 1995, there is an increasing demand for child sex workers in some countries because of the preference for female virgins. Sex with virgins or pre-pubescent children is seen as a proof or enhancement of virility in some countries and in others, sex with virgins is believed to cure HIV and sexually transmitted diseases.

Patriarchy, male-domination, oppression of women and gender bias across societies explains the perpetuation and growth of sex work. However, the same society that forces women into sex work views them as “immoral” once they start sex work. When societal dynamics change, victims of trafficking and male coercion soon become vectors of disease and infectors of societal values and morals. These societal double standards are discriminatory and oppress sex workers even more. The social foundations of sex work thus make a distinction between the process of entry into sex work and living as sex workers. Individual sex workers’ cultural and social structures determine the reasons for entry into sex work. However, policies on sex work do not recognize this distinction (Fredrick, 2000).

Policies on sex work often get confused with the policies on trafficking. “Sex work” and “trafficking” are two distinct yet semantically interconnected concepts that are often simplistically understood. The former has connections with humans living in the profession of sex work, some of whom will not be able to survive without it and are doing the best they can to make ends meet. The later is connected with forms of physical, social and structural coercion existing in a particular society leading to marginalization, child abuse, poverty, gender-inequality, male lust and power struggle (Fredrick, 2000).

Policy makers often face this dilemma over the difference in approach on sex work and trafficking. While both adults and children are involved in sex work, legislation and policies cannot be the same for adults and children involved in sex work (Lim, 1998). In the case of adults, sex work can be viewed as a matter of personal choice and a form of work in which case policies should address issues concerning protection under labor law, social security and health regulations. In the case of children, commercial sexual exploitation clearly constitutes a form of coercion and violence against children and amounts to forced labor and a contemporary form of slavery. Policy makers need to be cognizant of this distinction and one blanket policy cannot apply to both situations (Fredrick, 2000).

The reasons for entering the sex industry differ greatly among individual sex workers. Some adults make a relatively free personal choice or choose to work as sex workers as their right to sexual liberation; others “choose” sex work because of economic pressures or because there are no better-paying alternatives; and yet others are overtly pressured by third parties in the form of deception, violence and/or debt bondage (Fredrick, 2000). Working conditions of sex workers also vary greatly. Some get better remuneration and have better working conditions than what they may have gotten in other occupations. For others, however, working conditions are clearly exploitative, unhealthy and unsafe. Women and children involved in sex work may be

subjected to various forms of abuse. According to Lim, 1998, the legislation, policies and programs for sex workers would need to address each of these groups differently.

The following are some recommendations or considerations for a women-friendly, rights-based prostitution policy. These guidelines can be useful to policymakers and legislators and can particularly inform public opinion on prostitution.

Considerations for formulating a sound Prostitution Policy

1. First and foremost there should be different measures and policies for child prostitution and adult prostitution. Although both are a part of commercial sex industry, child prostitution is unacceptable and exploitative and is a form of forced labor. Child prostitution should be regarded as a severe offence. Children are clearly more vulnerable and helpless due to age and immaturity (not just physiological but also social, psychological and cognitive). Commercial sexual exploitation of children has serious lifelong and life-threatening consequences. Terms such as abolition, criminalization and intolerance are operative in the context of child prostitution and not in the context of adult prostitution. A policy statement on prostitution should make a clear distinction between the two (Fredrick, 2000; Lim, 1998).
2. For adults, who freely choose prostitution, the policy concerns should focus on improving working conditions and social protection, and on ensuring that sex workers are entitled to same labor rights and benefits as workers from other professions. Terms such as acknowledgement, acceptance, self-determination, legalization and decriminalization are operative in the context of adult prostitution. For adults who are forced into the profession the priority should be to rehabilitate and reintegrate them into the society. Those who wish to continue working as sex workers should have access to basic healthcare, safety and protection and those wanting to leave the profession should have access to social supports and rehabilitation facilities and also skills and means to take up alternative employment opportunities (Fredrick, 2000; Lim, 1998).
3. It can be derived from the above recommendations that prostitution needs to be examined from a non-moralistic viewpoint. The individual sex worker should not be treated as a criminal, nor punished for making a living out of soliciting sex. However, criminal elements within prostitution such as trafficking of women into sex work, exploitation and abuse of individual sex workers should be addressed and should be made punishable under the law.
4. There is a lot of stigma attached to prostitution and many workers face regular discrimination in hospitals, police stations, schools and courts. Discrimination affects access to sexual health services, increases risks for HIV infection and prevents sex workers from seeking justice. Illegal status of sex workers has direct influence on the extent to which they suffer from stigma and discrimination. Sex workers rights movement activists recommend legalization and/or decriminalization of prostitution as a measure to prevent stigma and discrimination (Kinnell, 2002). A policy that provides legal and occupational rights to sex workers needs to be instituted. Guidelines to prevent discrimination in public and private organizations and service providing agencies can also be incorporated in the policy statement.
5. When we consider the systems theory, the individual sex worker is at the center of the concentric circles and is surrounded by various systems, which influence and impact her life. The prostitution policy should recognize the micro, meso and macro systems, which surround the individual sex worker and look at sex work with a holistic perspective. The micro systems such as community, neighborhood determines the day to day functioning of the sex worker. The meso-systems would comprise of local hospital and clinics, law

enforcing bodies, non-governmental organizations, schools which act as mediators between the macro and micro systems. The meso systems are also the implementing bodies of the government policies. Corruption and ineffectiveness of these systems had a direct impact on the sex worker. The macro systems such as the economic, political, social and legal systems also have direct and indirect impact on the sex workers. Though policy formulation is the function of the government and the legislatures, the programs that evolve from the policy directly affect the individual sex worker. The inter-linkages of the various systems need to be studied and monitored carefully. Sex work should be seen as a larger social problem and not just a problem of immoral and uncultured women.

6. It is also important that the policy makers recognize and address the conflicting macro economic policies of different countries and the national prostitution policies. As discussed earlier in the paper, promotion of tourism and export of female laborers for overseas employment can be directly linked with increase in prostitution. In countries such as Thailand, Malaysia, India and, Philippines where the above policies are implemented for economic progress prostitution is still regarded illegal. Such disparities should be addressed in the process of policy formulation (Lim, 1998).
7. HIV/AIDS is a growing issue closely linked with sex work. Even though there has been extensive research on HIV/AIDS among sex workers (Dalla & Kennedy, 2003; Marten, 2005; Pauw & Brener 2003; Wechsberg, Luseno, & Lam, 2005; Wojcicki & Malala, 2001), the scope of such research has been limited in bringing in policy level changes. Health policies are largely influenced by the moralistic standpoint. Many countries prefer the 'abstinence first' model to prevent HIV rather than condom usage. Such measures disproportionately target individual sex workers and sex workers are often blamed to be vectors of HIV infection (Wojcicki & Malala, 2001). As opposed to such a moralistic standpoint, the policy should incorporate measures for HIV prevention and safe sex that are accessible to all. Measures for HIV awareness should also be directed towards the clients so that practicing safe sex and HIV prevention does not become solely the sex workers responsibility and sex workers do not have to struggle with convincing and/or negotiating with the clients to use condoms (Monto, 2004; Pauw & Brener, 2003).
8. Law enforcement in the context of sex work cannot be a mere responsibility of the police force. Law enforcement in the context of child prostitution is a social responsibility, which requires the civil society to play a "watchdog" role. Programs to train village and community leaders, teachers, doctors, nurses and religious leaders to set up community watch-groups, to carry out surveillance, to report crimes against children and to seek assistance for children whom they consider to be at high risk of being drawn into prostitution would prove to be effective (Lim, 1998). In the context of adult prostitution, there should be a consistency in the government policy and stand on the action taken by the police. Police, in many situations act like 'moral police' and dictate their own rule on individual sex workers. Sex workers for example, are not allowed to solicit in places where it may actually be legal to solicit. Police verbally abuse individual sex workers and often label them as 'immoral' or 'bad' women. With the fear of being arrested many sex workers offer personal sexual favors and bribes to the police (Dalla & Kennedy, 2003; Pauw & Brener 2003; Raphael & Shapiro, 2004; Wojcicki & Malala, 2001). Law enforcement in a red-light areas is poor and a sound policy on prostitution should aim at safeguarding rights of individual sex workers by protecting them from harm and crime and ensuring safe and secure environments to solicit sex.

Conclusion

Advocacy is the key to policy change. Social workers, sex workers rights' activists, feminists and sex workers themselves should come together in order to advocate for a policy that

eliminates victimization and exploitation and at the same time supports the individual's right to autonomy and self-determination. Despite the divergent theoretical frameworks and ideologies of the players in this debate, there needs to be some consensus in order to develop a policy statement. Policy change and effective social programs would indeed help in minimizing crime and maximizing safety in the sex sector. The considerations listed above are only a few suggestions, which can be useful to the policy makers. In my opinion, the issue of prostitution needs urgent attention and there can be no further delay in this regard. Sex workers are humans and they deserve an equal status in the society.

References

- Asia Watch and Women's Rights Project. (1993). *A modern form of slavery: Trafficking of Burmese women and girls into brothels in Thailand*. New York: Human Rights Watch.
- Dalla, R., & Kennedy, H. (2003). "You just give them what they want and pray they Don't kill you" street-level sex workers' reports of victimization, personal resources, and coping strategies, *Violence Against Women*, 9(11), 1367-1394
- End Child Prostitution in Asian Tourism (ECPAT). (2005). *The issue of child sexual exploitation*. Retrieved December 10, 2005 from http://www.ecpat.net/eng/Ecpat_inter/projects/sex_tourism/sex_tourism.asp
- Frederick, J. (Ed.). (2000). *Fallen angels: The sex workers of South Asia*. New Delhi: Luster press.
- Joardar, B. (1984). *Prostitution in historical and modern perspectives*. New Delhi: Inter-India Publications.
- Kinnell, H. (2005). *Why feminists should rethink on sex workers' rights*. Retrieved November 21, 2005 from <http://www.infoshop.org/inews/article.php?story=03/05/20/6503511>
- Lim, L. (Ed.). (1998). *The sex sector: The economic and social bases of prostitution in Southeast Asia*. Geneva: International Labor Organization.
- Marten, L. (2005). *Commercial sex workers: Victims, vectors or fighters of the HIV epidemic in Cambodia? Asia Pacific Viewpoint*, 46(1), 21-34.
- Monto, M. A. (2004). *Female prostitution, customers, and violence*. *Violence Against Women*, 10(2), 160-188.
- Network of Sex Work Projects. (2003). *Making Sex Work safe*. Retrieved October 9th, 2005 from <http://www.nswp.org/>
- Pauw, I., & Brener. (2003). 'You are just whores-you can be raped': Barriers to safer sex practices among women street sex workers in Cape Town. *Culture, Health & Sexuality*, 5(6), 465-481.
- Raphael, J., & Shapiro, D. L. (2004). *Violence in indoor and outdoor prostitution venues*. *Violence Against Women*, 10(2), 126-139.
- Sloan, L., & Wahab, S. (2000). *Feminist voices on sex work: Implications for social work*. *Affilia: Journal of Women & Social Work*, 15(4), 457-479.
- Wechsberg, W. M., Luseno, W. K., & Lam, W. K. (2005). *Violence against substance-abusing*

South African sex workers: Intersection with culture and HIV risk. AIDS Care, 17(s1), 55-64.

Wojcicki, J.M., & Malala, J. (2001). *Condom use, power and HIV/AIDS risk: Sex-workers bargain for survival in Hillbrow / Joubert Park/Berea, Johannesburg. Social Science & Medicine, 53(1), 99-121.*