The Links between Prostitution and Sex Trafficking: A Briefing Handbook

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

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

The United Nations estimates that some 80% of persons trafficked are trafficked for sexual exploitation. They are mostly women and children. (UN, 2003). An estimated 120,000 women and children are trafficked into Western Europe each year. (European Commission, 2001). The US Department of State considers svr globally some 800,000 to 800,000 people are trafficked within and across borders annually, of whom some 80% are women and girls and some 20% are minors. (US Dept of State, 2005)

Some European estimates suggest that, in 1990-1998, more than 250,000 women and girls were trafficked into the sex industry of the then 12 EU countries. The overall number of women in prostitution in those countries has grown to more than half a million. In Vienna, Austria, almost 70% of prostituted women come from Eastern Europe. There are about 15,000 Russian and Eastern European women in Germany’s red-light districts. Many are in brothels, sex clubs, massage parlours and sources under the financial control of criminal groups from the Russian Federation. Turkey and the former Yugoslavia, according to a survey of the International Organization for Migration. (UNESCO, 2004)

In the region of South Eastern Europe, comprising Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, FYR Macedonia, Romania, Serbia and Montenegro, 50% of foreign women in the sex business are alleged victims of trafficking. 10% to 15% of these women and girls are under the age of 18 years. The majority of victims are recruited from a Albanian, Bulgarian, Moldova and Romania. The women and girls are often initially trafficked on the local market. They are being moved from one place to another and after a while sold abroad. (HWVA, 2004)

What is this briefing handbook for?

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

The women, in the CATW/ EWL, locally based projects combating prostitution and trafficking, identified a need to gather together in one accessible document, ideas, research and arguments to support their work to prevent prostitution and trafficking. The CATW/ EWL joint initiative decided to compile such a publication, which is this briefing handbook. This handbook may be used as a resource for any NGO or governmental group or authority that is interested in addressing the gaps in anti-trafficking programmes: the links between prostitution and trafficking, the importance of programmes and policies that are based on gender equality, the legal status of the sex industry, and the male demand for prostitution that promotes sex trafficking.

Handbook as resource

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

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

Grainne Healy & Monica O’Connor 2006
The concepts of ‘consent’ and ‘choice’ are consistently abused by those promoting the legalisation of prostitution. They are misleading and inaccurate terms when applied to the constrained and limited contexts in which women and girls are lured or forced into sexual exploitation.

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

Promoting prostitution as a legitimate, even a legal, and nowhere are those inherent sexual exploitation and violence to which women and girls are subjected.

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

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

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

Points to consider

Consent

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

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

- The use of the word consent is a violation of economic, social, political, and sexual rights based on prevailing sexist value 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 defined not to say “no” to rape and, in fact, are blamed for being raped. (O’Conna, 2002)

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

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

- This movement was not taken in by concepts like consent. It knew that when force is a normalized part of sex, when no is taken to mean yes, when fear and despair produce acquiescence and acquiescence is taken to mean consent, consent is not a meaningful concept. (Max Krimin, 1994)

Choice

- Kathleen Barry (1995) demonstrates the uselessness of choice—by pointing out that prostitution is not about or for women, but for men. It does not, therefore, matter whether women
The language of choice, consent and rights in relation to trafficked and prostituted women

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

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

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

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

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

"Sex work"
- This mythology, which hides the abusive nature of prostitution, is illustrated by the ideology of the sexual liberation which emphasizes claims that prostitution is a career choice: that prostitution epitomizes women's sexual liberation; that prostitutes set the sexual and economic conditions of their interactions with customers; that pimps/prostitute relationships are mutually beneficial social or business arrangements that women enter into freely; and that being a prostitute or pimp is an acceptable, traditional occu-pation in communities of colour. (Sobotka, 1999)

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

- Some argue in all seriousness that there is no real difference be-tween 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 samari-tans . These women (and a few men) regularly visit men (and a few women) who are physically and/or mentally disabled, or liv-ing in senior housing to provide "sexual services". In 1996, 2200 of these "visits" took place in Holland. (Daley, 2001; Ekbarg, 2002)