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The phenomenal worldwide spurt in prostitution, sex trafficking and sex tourism particularly in the third world countries in the wake of globalisation and economic liberalisation has generated increasing interest and international debate on the question in the past two decades or so. While some organisations activists and feminist groups are demanding the abolition of prostitution and sex trade, some others are aggressively campaigning for the legalisation and recognition of prostitution as a profession. The advocates for legalisation demand that it be given the status of an industry and the sex must be considered similar to the any type of work and prostitutes be considered as sex workers.

The issue has assumed importance in the context with even the ILO calling for economic recognition of prostitution as legitimate work.

In India too, several NGOs had taken up the issue; some have held a conference of sex workers as in Kolkata in 1997, '98 and again 2001 and put forth arguments demanding legalisation. A few have opposed the demand for legalisation as they felt it would only legitimise the violence on women and the sale of human bodies.

What should be the standpoint of the proletariat with regard to the question of legalisation of prostitution? Would legalisation of the profession improve the position of the prostitutes? What are the root causes behind the phenomena of prostitution? And why has it taken a phenomenal leap in recent years? What is the correct solution to the problem? Let us deal these questions:

A brief historical background

Historically, the origins of prostitution can be traced to the emergence of the class society and the so-called civilisation when, for the first time, woman become subordinated to man. Lack of property rights, segregation from social production and division of labour along gender lines have made the woman powerless and totally dependent on men from childhood to old age. In a class-divided soci-

ety, economic and social power was naturally in the hands of the class that owned the chief means of production.

The vast majority of the non-propertied classes had to live by selling their labour. Their body has been the only asset these non-owning classes possessed and it is only by pressing their body into service in exchange for a wage or remuneration in kind that their very physical survival could be ensured. Prostitution too arises from the compulsions in a class divided society to sell one's body for the sake of one's subsistence. Unlike men of the labouring classes women do not have the opportunities to take part in similar productive activities due to relations of patriarchy enforced by society. Thus, since each class is internally divided along gender lines, and the power accrues to the man of each class due to relations of patriarchy, women are rendered powerless and socially and economically vulnerable.

Thus even when women enjoy the benefits and privileges, of the class they belong to, they do not have an independent status of their own. Their class status is accrued only by virtue of their attachments to the men of that class, either as daughters, wives, sisters or mothers. Once the support of the men of her family is withdrawn, she becomes propertyless even if she belongs to the middle class, thereby leading to a life of insecurity and even poverty. This social and economic vulnerability of women arising out of gender inequalities in class societies plays a significant role in sustaining prostitution.

Women with no assets and few options have to rely on the sale of their bodies to maintain themselves and their dependents. Those who have been forced into prostitution are generally the destitute, the deprived sections of the society, belonging to the lower castes, and the tribals. The simple fact that hardly 1% of the property in the world is owned by women today shows the acute vulnerability and powerlessness of women.

Prostitution is created and sustained by the male dominated society where male sexuality and masculinity are socially constructed by patriarchy and female sexuality is controlled and denigrated. Masculinity is proved by man's ability to access several women. Within feudal society, prostitution was restricted, to be found for ex-

ample around temples, institutionalised in the form of the devadasi system. The development of market forces transformed prostitution into a trade. Prostitution centres grew in port cities; around the colonies of migrant male workers; and around cantonment and military barracks.

Natural calamities such as famines, floods, earthquakes and epidemics or social and political upheavals such as wars led to large-scale displacement of populations and to a phenomenal increase in the number of prostitutes as more and more uprooted, hapless women were left with no other options of livelihood.

Thus the colonial era gave an impetus to the sex trade by pushing millions of women to sell their bodies in the areas where migrant male work force or military troops were located. But it is the development strategies pursued by the various governments of the Third World countries in the neo-colonial phase that has seen it grow by heaps and bounds. Big dams and mining and industrial projects, break up of subsistence economies by modern technology leading to pauperisation of entire communities, cyclones, floods and families resulting from indiscriminate deforestation and so on, has uprooted millions of people from their homes and a large number of women have been forced to seek a refuge in prostitution to eke out a living.

For instance, there are 2-3 million prostitutes in 400 red light areas in India (Indian Express 6/10/2000). 30% of prostitutes in the country are children whose numbers are increasing by 8 to 10% annually. Almost 80% of the prostitutes belong to the lower castes and tribals who are forced into the profession for sheer survival. Among others a considerable section of women are forced into prostitution due to patriarchal oppression in the family and society victims of rape by the male chauvinists, deception by lovers, victims of rape in communal riots and atrocities by the police and the state's armed forces and so on. It is estimated that every year the sex traffickers in connivance with the police bring around 100,000 poverty stricken Nepalese women and children to Indian brothels from Nepalese villages.

Globalisation and Sex Tourism

The single most important factor, however, is the promotion of the sex-tourism in Third World countries. Tourism in Third World countries, particularly in Asia, became a growth industry in the 1970s and was vigorously promoted as a development strategy by international aid agencies like the World Bank, IMF and USAID. Between 1960 and 1979, tourist arrivals in South East Asia increased 25-fold. The revenues accrued to these countries on account of tourism were \$4 billion in 1979. Thailand, Malaysia, the Philippines, Singapore of South East Asia and Kenya, Tunisia, Mexico, Sri Lanka, Peru, countries of the Caribbean etc., have made tourism one of their main areas of production. Asian, African and Latin American women are the main export product who attract male tourists from Japan, the US and Europe. For instance, as many as 50,000 women and children from Asia, Latin America and Eastern Europe are brought to the US under false pretexts and are forced to work as prostitutes or abused labourers or servants, according to a CIA report.

According to a report about 2 to 3 lakh women are working in the sex trade in Bangkok, camouflaged as massage parlours and hotels. Another estimate puts the figure even higher – about 10% of Bangkok's women are believed to be engaged in sex trade despite the official ban on prostitution. In Manila, the capital city of the Philippines, the number of prostitutes is estimated to be around 1,00,000.

Burgeoning flesh trade leading to a veritable explosion in numbers worldwide in the past two decades is the fall out of the policies of globalisation and economic liberalisation adopted by most countries of the world. The development strategies pursued by the South East Asian countries during the 1970s have been repeated in India during the 1990s. Three major reasons can be cited for the quantitative and qualitative jump in the sex trade.

Firstly, the sex trade is now organised on a global basis just as any other multinational enterprise. It has become a transnational industry. It is one of the most developed and specialised industries that offers a wide range of services to the customers, and has most innovative market strategies to attract clients all over the world. The principal players and beneficiaries of the sex industry are cohesive and organised. The intricate web of actors involved in the sex trade today includes not just

the prostitutes and the client, but an entire syndicate consisting of the pimps, the brothel owners, the police, the politicians and the local doctors. The principal actors connected to the sex trade are not confined by narrow national or territorial boundaries in the context of a globalised world. They operate both legally as well as clandestinely and it is believed that the profits according to the organisations of sex-industry currently equal those flowing out of the global illegal trade in arms and narcotics. Moreover like any other multinational enterprises, such as the tourism industry, entertainment industry, travel and transportation industry, international media industry, underground narcotics and crime industry and so on.

Thus the magnitude, expanse, organisation, role of capital accumulation and range of market strategies employed to sell sexual services make the contemporary global sex industry qualitatively different from the old practice of prostitution and sex trade.

The second factor, which makes sex trade qualitatively different today, is that it has become a chosen development strategy by several Third World countries. The World Bank, the IMF, the Asian Development Bank and several other imperialist aid agencies have encouraged the development of tourism and entertainment industry in Third World countries with the aim of meeting their balance of payments and debit deficits. As a result, sex tourism and sex entertainment have developed at an amazing speed and have acquired national and international legitimacy under globalisation as never before.

The third factor that has led to the burgeoning of the flesh trade is the neo-colonial exploitation of the cheap raw materials and resources of Third World by imperialist capital. The countries, which have undergone structural adjustments under the dictates of World Bank and the IMF, are forced to export their raw materials and cheap resources. Women and children constitute an important component of the resources of Third World countries and hence are considered a prime export item for the "development" of these countries. Women and children, whose labour is exploited beyond acceptable human rights standards, have become one of the prime tools for capitalist accumulation. The migration and traffic in women from areas of low concentration of capital to high concentration areas i.e., from rural to urban and from the less developed areas of

Asia, Africa and Latin America (and now Eastern Europe in) to the industrial countries.

This has become possible due to massive population and development of large sections of the population in the Third World countries who are left with no other options than to sell their bodies and labour in order to eke out a living. And it is the women and children who form the principal composite of these newly deprived and dispossessed sections due to globalisation. International capital through the vast media network at its disposal – the print and electronic media, the internet etc – is able to mould the minds of the people living in an already patriarchal, male-dominated world in favour of commodification of the female body from the crudest to the most sophisticated of ways. Capitalism had transformed relations between human beings into callous cash relationships; it had commodified every aspect of human life including human body parts, female reproductive work and virtually every thing on the earth. Capitalism has no ethics other than amassing profits. It had converted woman into a sex object and placed her in the market for sale. Under globalisation, this had reached levels unknown in human history due to the sheer magnitude and power of the principal players and wrought havoc on the lives of the vast majority of the wretched of the earth.

We thus find from the foregoing that today prostitution has been transformed into global flesh trade – a multinational or transnational enterprise that fetches enormous profits to the governments of several countries, to the multinational syndicate of capitalists, pimps, mafia gangsters, politicians and the police while the women are helpless victims in this bizarre drama. The annual turnover of prostitution business worldwide runs to billions of dollars. No wonder, the imperialist agencies, the NGOs funded by these agencies, the governments of some of the countries, and the media controlled by the imperialist sharks, have begun canvassing for legalisation of prostitution. Of course, all in the name of the welfare of the prostitutes. Quite a few progressive and liberal democratic organisations and individuals also sincerely endorse the stand for legalisation from a humanitarian standpoint. Seeing the way the existing laws in India, the Immoral Traffic Prevention Act, 1956 and provisions of the IPC (1860) are framed and utilised they

argue that the oppression of prostitutes can be done away with. They think that by legalising prostitution, women professing the trade will have all the legal rights like any other industrial workers and will be free from the harassment of the pimps, police and the clients.

Let us now analyse the arguments put forth for the legalisation of prostitution and whose interests these actually serve.

Arguments in favour of legalisation

Vesya Anyay Mukti Parishad (Kolkata) which is an association of prostitutes that had come into existence during the latter half of the 90s, is among the most vocal proponents of legalisation. The following are a few of its arguments. “Prostitution is a way of life like any other. It is not created for the benefit of the men rather it is primarily for the women who live off it. Women in prostitution make money out of the sex and are the breadwinners of their families.

“We believe that we are more empowered than most women within male-dominated patriarchal structure. The relationships we share with the men from our families are more honest and equal because the purdah of double standards is not necessary.

“Economic independence from men is a reality that we enjoy with pride and dignity. Brothel owners, goons, the police and the self-appointed crusaders of morality in society harass us, try to curb our independence and are forever trying to douse our spirit.

“We demand the eradication of all laws concerning prostitution which are oppressive and help in further criminalizing the trade.

“We believe that we challenge and undermine structures of power by using a part of our womanhood – our sexuality as a source of our power and income.

It wants to distinguish between “trafficking, which is criminal issue and adult prostitution.”

“We believe that making money from sex is not selling a part of our body which is in no way different from selling our brains or physical labour.

“We protest against a society that deems our work contribution as less prestigious than other traditional forms of work.

“We believe that despite living within a capitalist patriarchal society and having the experienced the freedom of living outside the patriarchal system, it is almost impossible for us to contemplate enterin

such a system with its inherent double standard, lopsided value system and inequalities.”

One would be surprised to see the above statements coming from an organisation of the prostitutes themselves. It appears as if the prostitutes have chosen to be what they are by free choice, that choosing is a form of rebellion against the patriarchal system and oppression in the family and society at large. Through these arguments not only are they juxtaposing the individual right with the structural circumstances but they are also reducing human rights to the rights of the individual. The arguments not only justify the profession but also try to lure more and more women into the flesh trade in the name of women’s liberation. These so-called associations of sex-workers are obviously organised by NGOs or individuals with imperative trends and seek to give the sex trade a further boost in the name of voluntary choice.

The stark reality is that the overwhelming majority of the prostitutes are there not by choice but due to destitution, deprivation, displacement ostracisation and deception; that many have been victims of sexual assault either at home or work place or in the street; that quite a few of them have been bought from starving parents by unscrupulous pimps even before they reach their puberty, administered steroids like Benetradin to make malnourished children artificially plumpy just as they fatten cattle and chicken to yield more meat; that some of them are made into ‘servants of god’ (devadasi) against the law and the will of the young girls and packed off to brothels to serve as slaves to sex-starved, sadistic clients; that given an alternative option for decent livelihood there would be hardly any one left in the profession. The question for free choice does not arise. Here it is to be noted that the emphasis is being given to free choice because they want to make a distinction between becoming a prostitute willingly and trafficking. The main campaign against trafficking is being led by the needs of the imperialist western countries where there is a shortage of white prostitutes. In the US for example too, over 70 % of the prostitutes are non-white.

In fact this argument is being promoted to make it easy to legalise the import of prostitutes to the imperialist countries and other centres of tourism.

Sangram (Sangli-Maharashtra), a voluntary organisation working among prostitutes, is even more aggressive in championing the cause of the profession.

“In the work place, she is more than equal to the male client and very often controls the conditions of the transaction. Women ‘keep’ many malaks and refuse to be treated as the exclusive property of the man. Here, women in prostitution are shown to “liberated” and as working independently on her own terms. It is shown as an alternative for women to free themselves from patriarchal stranglehold.

Citing the powerlessness of women to even retain their names after marriage, Sangram glorifies the ‘Freedom’ that is supposed to be inherent in prostitution.

“In class based and male dominated society, women are forced to occupy a secondary status that is totally male-centred, even the power to name herself is denied to her as, in several parts of the country, she is even given a new first name of her marriage, forcing her to discard her old identity and adopt a new one.

“Women in prostitution are in different position. Even if a woman in prostitution opts to stay with one man and conduct her ‘dhandha’ (profession) she does not change her name. She continues to occupy her own residence and in fact, it is the man who comes to stay with her. In this case, the tables are reversed: it is done on her terms. “Women in prostitution pose tremendous challenge to the family structure, system and its values. They actually challenge patriarchal ‘values’ that govern sexuality

The perverted logic of these opologists for sex trade sees the prostitute as a free and independent agent who controls her body and sexuality and challenges the family and patriarchal values. Contrary to their argument the institution of prostitution is as much a creation of patriarchy as the present-day family and co-exists with it. It is based on the freedom socially available to men but denied to women.

As Engels succinctly put it, it is “the absolute domination of the male over the female sex as the fundamental law of society”. She is a victim of patriarchal oppression within the profession. Once a woman enters the trade, there is no way out. She is completely at the mercy of the sex-starved customer, the pimp and the police. Physi-

cal assaults and rapes are a daily occurrence. More than half of the prostituted women in the Third World countries had contracted HIV/AIDS. A 1985 Canadian report on the sex industry reported that the women in prostitution in that country suffer mortality rate 40 times the national average. It could be even worse in countries like India. All this proves that the argument that once prostitution is legalized it can be more effectively regulated making it safe for all those involved, that the spread of HIV can be slowed, that sex workers can have access to health and so on, are sheer fraud. The fact is that all forms of sexual commodification, whether legalised or not, lead to an increase in the level of abusive and exploitative activity.

The interest of the State in permitting legalisation is not the prostitute and her rights but to check the spread of sexually transmitted diseases. It involves heavy regulation of prostitution through a whole host of zoning and licensing laws. Zoning segregates the prostitutes into a separate locality and their civil liberties are restricted outside the specified zone. Licensing means issue of licenses, registration and the disbursement of health cards to the women. Legalisation makes it mandatory for the women to undergo medical check-ups regularly or face imprisonment.

Legalising prostitution is legalising violence: To describe prostitution as sex work and a prostitute as a sex worker means to give legitimacy to sexual exploitation of helpless women and children. It means ignoring the basic factors, which push women and children into prostitution such as poverty, violence and inequalities. It tries to make the profession look dignified and as a 'job like any other job'.

It is the organised commercial sex industry that is the staunchest advocate for legalisation of prostitution on the plea that 'sex work' is viable work – a job like any other job. Creating the notion that sexual exploitation and abuse are 'work' creates a shield to the industry from the critics and will multiply their profits by boosting the sex trade through legalisation.

By considering women in prostitution as workers, pimps as businessmen, and the buyers as customers and thereby giving the entire sex industry recognition as an economic sector, the governments are planning to abdicate all responsibilities for providing decent employ-

ment to women. They are thus pushing more and more women into sex trade by creating the notion that sex work is like any other work.

Legalisation of prostitution is not a solution because legalisation implies men's self evident right to be customers. Accepting services offered through a normal job is neither violent nor abusive. Legalising it as a normal occupation would be an acceptance of the division of labour, which men have created. A division, where women's real occupational choices are far narrower than men's. Legalisation will not remove the harmful effects suffered by the women. Women will still be forced to protect themselves against a massive invasion of strange men, as well as the physical violence.

Legalisation means position of regulation by the State to ensure the continuation and perpetuation of prostitution. It implies that they have to pay taxes, i.e., the prostitute needs to serve more customers to get the money needed. Legalisation means that more men will become customers, and more women are needed as prostitutes, and more women, especially women in poverty, will be forced into prostitution. Legalising prostitution will only increase the chances of exploitation. The experiences of the countries where prostitution was legalised also show how this had given big boost to the trade and had increased sexual abuse. For instance, in Australia and in some states in the US where legalisation was implemented, it was found that there was an alarming increase in the number of illegal brothels too along with an increase in the legal trade.

Commercial sexual exploitation devalues the lives of all women and girls by promoting misogynistic beliefs and attitudes among the males. It teaches the males that female bodies are sexual merchandise to be traded, used and discarded, and consequently, it aggravates gender inequality in all areas of society. It leads to a spurt in acts of sexual violence and harassment against women in the work place and in the domestic life. It violates human rights of all women and children whose bodies are reduced to sexual commodities to be bought and sold in the market.

The so-called safe sex that is said to emanate from legalisation and guaranteeing the rights of the prostitutes is a myth. It ignores the

inherent power dynamics of sexual exploitation and that the sexually exploited woman or child has no other option than to acquiesce to the customer's demands since she is not in a position to demand the usage of condoms by the customer. Any resistance means more violence.

Trying to make a distinction between prostitutions by choice or consent and forced prostitution or trafficking which all the champions of prostitutes' cause have been trying to do, is an exercise in futility since in practice it is extremely difficult to prove cases of forced prostitution. The traffickers and pimps can easily conceal evidence of coercion and manufacture evidence of consent from the prostitutes themselves. There are two important international human rights conventions that address the question of prostitutes and trafficking in women: the convention on the Traffic in persons and the exploitation of the prostitution and of others, and the Convention for the Elimination of all Forms of Discrimination Against Women, 1949. But these conventions, despite the stringent clauses against pimps, procurers and traffickers, have no enforcement mechanisms and have not been ratified by many countries. And as we have seen, it is almost impossible to get evidence from the sexually abused women and children given the power of the sex industry managers.

And now, burying these conventions, the ILO has called for the economic recognition of prostitutes as legitimate work in its controversial report of 1998.

We must reject all arguments for legalisation of prostitution and the notion that engaging in sex trade and selling one's body for the sexual gratification of others in exchange for money is work.

Legalisation of the sex trade is vigorously advocated by the imperialists, by imperialist sponsored NGOs and individuals and by the Third World governments, only in order to preserve the institutions of prostitution and thereby serve the imperialist interests in commodification of women.

Prostitution is violence against women. It is an insult to the self-respect of women, violation of their basic human rights. It is criminal to call violence and sexual abuse against women as work. It is criminal to call the sale of one's body for the sexual gratification of others as work. It is criminal and callous on the part of governments to

abdicate responsibility of providing decent employment to women and children and pushing them into the sex trade in the name of legalisation of prostitution.

Our demands should be to abolish prostitution and trafficking in women and children, provide gainful employment to all those engaged in the sex trade and punish those responsible for encouraging the sex trade and indulging in any form of discrimination against women.

We must mobilise the women who are engaged in Prostitution against the State demanding employment while fighting against all forms of oppression and harassment by pimps, traffickers and the police.

We must educate the women caught in the vicious web of Prostitution that it is only by dismantling this exploitative system based on class and gender inequalities and the worst form of patriarchal control that they can be free, independent and in a position to determine their destiny.

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