

Prostitution as violence against women: NGO stonewalling in Beijing and elsewhere

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SYNOPSIS: International policies and legislation increasingly omit prostitution per se from the category of violence against women. Various governmental and non-governmental groups make efforts to distinguish and thus to legitimize certain practices of sexual exploitation, drawing distinctions, for example, between "forced" and "free" prostitution. These efforts culminated in lobbying for what would be finally included in the Beijing Declaration and Platform for Action that emerged from the Fourth World Women's Conference in Beijing. This article addresses these efforts; the NGOs who advocate such distinctions; and the consequences of revising the harm done to women in prostitution into a consenting act. c 1998 Janice G. Raymond. Published by Elsevier Science Ltd.

The Beijing Declaration and Platform for Action that emerged from the Fourth World Women's Conference in Beijing is clear in its condemnation of violence against women. It denounces the systematic rape of women in wartime and advocates prosecuting perpetrators as war criminals. It acknowledges that domestic violence is a worldwide problem and urges governmental intervention. And it condemns genital mutilation of girls and sexual harassment as human rights violations (United Nations,

1995a, pp. 51-65). What the Platform excludes as violence against women, however, is a tale of governmental stonewalling and NGO (non-governmental organization) complicity that began before Beijing

There has long been an effort on the part of many NGOs to exempt prostitution per se from the category of human rights violations. This effort culminated especially in lobbying for what would be finally included in the Platform for Action in Beijing (Center for Women's Global leadership, 1995, p. 16) (1). Many NGOs -- instead of viewing prostitution itself as violence against women, and thus a human rights violation -- acted on the assumption that prostitution is a human right, a right of woman to do what she wants with her body. In this article, I want to address the role of NGOs and their position on prostitution and sex trafficking. The philosophy that prostitution is a human right has been advanced, in international forums such as Beijing, by drawing distinctions between forced and free, adult and child, third world and first world prostitution, and between prostitution and trafficking (2). These distinctions are then used to make some forms of prostitution acceptable and legitimate, revising the harm that is done to women in prostitution into a consenting act and excluding prostitution from the category of violence against women. The sex industry thrives on this language and these distinctions.

When distinctions are made between forced and free prostitution, for example, it becomes almost insurmountable for many, if not most, women in prostitution to prove that they have been forced. When distinctions are made between child and adult prostitution, the age of consent in some countries is simply reduced. (3) In practice, the age of children in prostitution is becoming lower and lower; Human Rights /Asia, in their report on the trafficking of Nepali girls and women into India (1995, p. 15), states that the average age of the thousands of Nepali girls recruited every year

for prostitution in Indian brothels, has dropped from 14-16 years of age during the 1980s, to 10-14 years of age during the 1990s.(4)

NGOs that work to abolish institutionalized trafficking and prostitution per se receive funding only if they adhere to these distinctions; only if they call prostitutes commercial sex workers; only if they refer to prostitution as "forced prostitution;" only if they separate trafficking from prostitution and focus on closed brothels where women are kept in obvious indentured conditions; and only if they work with other groups who accept these conditions and distinctions.(5) Some governments who have vocally opposed making prostitution a violation of human rights are also funding NGOs, such as the Dutch Foundation Against Trafficking in Women (STV) and its international offshoot, the Global Alliance Against Traffic in Women (GAATW), which take similar positions.(6) Thus governments and funding agencies are able to exert enormous influence over the agenda of what gets counted as violence against women. Increasingly, prostitution per se is declared a violence-free zone.

A lot of NGOs have the right words to say against violence against women. For example, the recent report of Human Rights Watch/Asia, referred to previously and which is entitled Rape for Profit, is a carefully researched and sensitively written report on the trafficking of Nepali Girls and Women into India's Brothels. Yet after documenting the extreme youth, the poverty, the horrendous abuse, the coercion, and outright abduction of young 10-14 year old girls into prostitution in India, the Report goes on to refer to them as "sex workers" (Human Rights Watch/Asia, 1995, e.g., pp. 13, 49, 65). In a footnote designed to show that the researchers are familiar with the controversy over this term, the report says: "...many activists in India who work with trafficking victims object to its use (i.e., the term sex worker or commercial sex worker)..." (Human Rights Watch/Asia, 1995, note 15 at p. 13). However, the Human Rights Watch reporters have obviously

sided with those who favor the term sex worker, and that is the term that is used throughout the Report.

What are we to make of this? If reality hangs on the thin thread of language, this debate is no mere semantic quarrel. Many claim they use the term, sex work, to dignify and professionalize the women in prostitution. "The more 'professional' the sex worker, the more care she takes of herself. The more 'legal' or 'legitimate' she feels, ... the more she will ... be able to develop a degree of professionalism in her work. Is this not an argument in favour of recognition of prostitution as a form of legitimate work?" (Foundation Against Trafficking in Women, 1995, p. 3). But the term, "sex work," doesn't dignify the worker; all it dignifies is the sex industry -- the pimps, procurers and traffickers. And coming from human rights activists and feminists, it gives the sex industry more dignity than it has ever had, or could get anyplace else. The term "sex work" doesn't convey the exploitation of trafficking and prostitution. It ratifies prostitution as simply another form of work, something that has become a way of making a living. But for most of the women and children in prostitution, it's not living; it's barely surviving.

WHISPER, a Minneapolis-based organization of women who have both survived and who are coming out of prostitution, and who are committed to ending prostitution as a form of violence against women, found it difficult to identify job skills gained in prostitution which would advance anyone's career (Gamache, 1991, p.4). They found that the "skills" of prostitution are: performing sex acts, feigning sexual enjoyment, enduring all kinds of bodily violation, and allowing your body to be used in any imaginable way by another person (Giobbe, 1990, p.4). What young girl would we encourage to develop these "skills?" Yet there are now "courses" to teach would-be "sex workers," as they are called, the sexual techniques of prostitution and everything they need to know to become "skilled" in the trade (7).

What prostituted women must endure in their "employment" is, what in other contexts, would be the accepted definition of sexual harassment and sexual abuse in the workplace -- "employer" behavior that is unwanted and insulting, and unwelcome sexual attention, violence, and conduct that is offensive and threatening. What then happens to women in prostitution whose very "job" -- if we term it "commercial sex work" -- constitutes, what in any other "workplace," would be defined as sexual harassment and abuse (8)? It is the exchange of money in prostitution that serves to transform what is actually sexual harassment, sexual abuse, and sexual violence into a "job" known as "commercial sex work," a "job" performed primarily by racially and economically disadvantaged women in the so-called first and third worlds (9), and by overwhelming numbers of women and children who have been the victims of childhood sexual abuse (10).

Another term that misrepresents the exploitation of prostitution, and the harm that it does to women, is the term "forced prostitution." (11) What does this term mean? It means we are encouraged to distinguish forced prostitution from free prostitution? The Human Rights Watch Report not only consistently uses "forced prostitution" throughout, but also the term "forced trafficking" (Human Rights Watch/Asia, 1995, p.7). Are we to assume, then, that there is "free trafficking?" Building on the shaky foundation of consensual prostitution, do we now have "consensual trafficking" where some women and children freely choose to be trafficked from one place to another? Few human rights activists and people of conscience would use the term "forced slavery" or "forced apartheid" but so glibly slip into the language of forced prostitution and, now, forced trafficking.

The sex industry makes no distinctions between forced and free prostitution while encouraging others to do so. The industry is linked financially and politically with groups like COYOTE in the

United States to promote prostitution as a woman's personal choice, proclaiming that the worst thing about prostitution is that the women are stigmatized. But the worst thing about prostitution is its violation of and violence against women and children. Although claiming to be a prostitutes rights organization, COYOTE works more for the rights of the customers and the industry, rather than for the rights of women to leave prostitution. The former director of COYOTE, Margo St. James, served as a witness for the defense at the pimping trial of well-known U.S. pornographers, and works to abolish U.S. laws against pimping and soliciting women for the purpose of prostitution (12).

It is doubtful that COYOTE's membership even includes many women in prostitution. For example, Priscilla Alexander, one of COYOTE's founders, equates prostitution with her own promiscuous dating experiences at Bennington College in Vermont. Referring to this time, Alexander writes: "I never have literally worked as a prostitute...although I was stigmatized as a whore at one time" (Alexander, 1987, pp.14-18). Yet Alexander worked in the leadership of COYOTE for years building a career for herself as a prostitutes rights spokeswoman, even to the extent of being employed by the WHO (World Health Organization) as a consultant on AIDS/HIV) and prostitution. To all appearances, she has been accepted as speaking on behalf of women in prostitution because she has been there -- but she was never in prostitution. The same is true for Margo St. James, another founder of COYOTE who recently ran for an elected seat on the San Francisco City Council. Furthermore, COYOTE does not reveal its membership or the percentage of its members who are prostitutes, thus making it seem as if COYOTE is an organization of women in prostitution. Even researchers who write in praise of COYOTE and agree with its positions have alluded to the "institutionalizing [of] an organizational myth" upon which COYOTE is built. For example, author Valerie Jenness states that "Contrary to COYOTE's public image, only a small percentage of its members have worked as

prostitutes, and an even smaller percentage are active prostitutes who are also active in the organization. On occasion, St. James has admitted that COYOTE is not an organization of and for prostitutes" (Jenness, 1993, p.114) (13). COYOTE capitalizes on this lie with its spokeswomen promoting the image of COYOTE as an organization by and for prostitutes (Jenness, 1993, p. 116).

Meanwhile, groups who truly represent prostituted women -- groups such as WHISPER and the Council for Prostitution Alternatives in the United States -- are composed of many women who are survivors of prostitution, or women currently in prostitution trying to leave. Whenever I speak in the United States on the topic of prostitution, the question inevitably arises who represents the concerns of women in prostitution. Most of the audience has heard of COYOTE and immediately assumes that COYOTE speaks for all women in prostitution. Very few know about the work of WHISPER in Minneapolis; the Council for Prostitution Alternatives in Portland; PROMISE in San Francisco; Genesis House in Chicago; RESPECT in Madison; and SAGE in San Francisco. These are several of the groups advocating for women in prostitution -- who are composed of many survivors of prostitution, who oppose prostitution per se as a human rights violation, who are not linked with the sex industry, and who work primarily to help women out of prostitution and create sustainable alternatives to prostitution in women's lives. Because such groups are not supported financially and politically by the sex industry, and thus do not have the resources to publicize their policies and positions, they do not receive the same public attention and prominence as the pro-prostitution industry groups.

A lot of NGOs are now working for women's rights to better their conditions in prostitution instead of helping them out of prostitution. Annabel Fan, a US lawyer, spoke of her impressions after completing a research trip to Thailand. "A lot of the NGOs whom I met with talked about ending the exploitation of women.

Nowhere did I get the impression that prostitution itself is being targeted, to stop the practice. Definitely, what NGOs are concerned about is women's rights to determine how they work as prostitutes...Also, my sense is that there is not a lot of alternatives being offered by NGOs, but rather that the work done tends to maintain the system. The empowerment of women seems to be in the context of prostitution...It is empowerment in prostitution and not separate from prostitution...a lot of organizations I talked to do not want the criminalization of anybody, not clients, not pimps, no one, because they say, if you penalize the clients and pimps, then you disadvantage the women in the way they operate...Brothels are everywhere in Thailand...There are more brothels than schools" (Fan, 1995, p.3). Such NGO groups talk about women's empowerment in prostitution (14) and primarily teach women how to perform better as prostitutes, how to negotiate with customers, and how to get men to use condoms and make it part of the sex (15), but they don't offer women a way out. Why? Because it's easier to believe that prostitution is a choice for these women. And talking about women's empowerment in prostitution means you don't have to confront the controversial issue of the customer.

In fact, the silent participant who is actually a silent perpetrator of prostitution, is the customer. He is often depicted, like the woman in prostitution, as a victim too (16), but this sentimentalizes his reality as opposed to hers. Surely, the question is not why do women choose to enter prostitution, but why do so many men choose to buy women and children in prostitution? If the issue of choice must be raised, let it be raised in the context of the men who buy the sex of prostitution. Why do men choose to buy the bodies of millions of women and children, call it sex, and seemingly get tremendous pleasure literally over their bought bodies?

Confronting the issue of the male customer also means, for many non-governmental organizations, confronting the fact that many of their own members are part of the clientele that buy women for the

sex of prostitution (17). I was in Sweden in May, 1995, shortly after the Social Summit had taken place in Copenhagen. I spoke with an advocate who works with Danish women in prostitution, and she told me that many human rights activists attending the Social Summit, as well as United Nations staff and personnel, had avidly visited the brothels of Copenhagen. She related that this NGO and governmental stampede for commercial sex made the pages of several Danish newspapers who noted the irony of a Summit focused on economic development providing Denmark's sex industry with the greatest economic development it had experienced in a long time.

Opponents of making prostitution a human rights violation argue that past attempts to abolish prostitution have been repressive and worked against women. This is true, but only because such legislation has punished the women in prostitution and not the pimps, procurers and customers. To argue that prostitution and trafficking are violations of a person's human rights means that we cannot regulate prostitution into categories of good and bad prostitution. We cannot create a zone of brothels or "eros centres," the usual approach to regulating prostitution, within which anything goes. Germany, for example, restricts prostitution activity to specific "eros centres," or large prostitution buildings -- a type of barracks mentality -- which are the designated sex zones in cities with populations over 20,000, the cities in Germany where prostitution is legal. "Red-light" districts, or zoned areas in which brothels, as well as other forms of sex "entertainment," may function are found in many countries as diverse as Turkey, Tunisia, Holland, Belgium, and South Korea. The U.S. version of zoned prostitution is Nevada where regulated prostitution functions throughout the state except in Reno and Las Vegas. Brothels, such as the infamous Mustang Ranch on the outskirts of Reno, were located outside the city limits, so as not to violate the law.

The regulationist system has been a failure because:

- 1) It doesn't work. Most women do not want to be registered officially as "sex workers," thus creating a permanent record of their prostitution.
- 2) It increases the extent of illegal prostitution. Particularly, it promotes the illegal trafficking of women into regulationist countries from poorer countries in the third world for the purpose of cheaper sex. "The normalization of prostitution in European regulationist countries has actually promoted trafficking in women to the Netherlands. Neo-regulation relaxes the policing of prostitution, making it easier for traffickers to move in and out of the country. Trafficking from the Philippines, Latin America, and Eastern Europe has expanded in the Netherlands as it did a few decades earlier when Germany legalized prostitution" (Barry, 1995, pp.234-35). In fact, the case can be made that when a country regulates prostitution, the number of unregistered and unregulated women in prostitution increases simply because women are pressured into identifying as prostitutes, paying taxes on paltry earnings, and undergoing non-elective and often demeaning health screening and testing. "The regulations governing prostitution (medical, check-ups, card and brothels) were historically one of the main causes of the prostitution of women, and still are, because they do not allow them to abandon this activity and return to their social group. Because of the regulations, they come to form a separate category of women living on the fringes of society, who are vulnerable and 'marked for life' " (UNESCO, 1986, p. 7).

The reality is that during the 1980s as the sex industry in several European countries underwent notable development, commercialization, and legitimation through regulationist legislation, it also became an international business. "In certain parts of the world...prostitution is...a 'planned' and

'institutionalized' part of it [the national income]...in South-East Asia and Europe, the existence of mass prostitution and the structure of the market, which makes use of the media, airlines, hotel chains, international communication and the banks, mean that it could neither exist nor develop without the tacit or implicit agreement of the institutions" (UNESCO, 1986, p. 7). This kind of trafficking in women for prostitution is linked with economic development policies of so-called "promotional states" which directly or indirectly foster sex tourism for the remission of foreign currency. Additionally, Asian women bear the brunt of migration policies which channel them into gendered jobs, such as domestic labor and "entertainment" that often become sexually exploitative. The internationalization of the labor markets, and free trade, has also meant the internationalization of women's bodies for sex (de Dios, 1993, pp.3-11). Migration, turned into migrant trafficking, has also become a bonanza for organized crime. Large numbers of women from developing countries and, with the end of the cold war, from Russia and eastern Europe are illegally brought into western European countries for sex. Major John Alleart of the Belgian national police states that these international crime syndicates are "...very sophisticated, far-flung networks with access to high-tech communications equipment and the best legal advice money can buy" (Hood, 1995, p 1). Women became goods and services in an industry without national borders. The sex industry treats women as moveable property, passing them from one club to another, from one district to another, and from one country to another.

The presence of legalized or regulated brothels, eros zones, sex clubs, and recruitment agencies made all this possible -- ready made and legitimate locations for the flesh handlers and trade. It was regulation that, in large part, made possible increased trafficking in women from developing countries into Europe. Sex businesses had to cut costs to compete in the sexual marketplace for cheaper and more exotic male tastes and demands so they

imported women from developing countries to meet the demand (De Stoop, 1992). It has been estimated that there are between 200,000 and 400,000 prostitutes in Germany, 60 per cent of whom are foreigners, and most who work illegally within the regulated eros zones (De Stoop, 1992, p. 119). The Netherlands, which has a specific policy against trafficking in women but at the same time regulates prostitution, has an active and thriving sex industry that promotes demand for cheaper and more exotic women from developing countries. "The Netherlands differentiated between Dutch women...and Third World women...Making the distinction between 'free' and 'forced' prostitution, their economic interests are apparent. Third World and Eastern European immigrant women in the Netherlands, Germany, and other regulationist countries lower the prostitution market value of local Dutch and German women. The price of immigrant prostitution is so low that local women's prices go down, reducing the pimps' and brothels' cuts. The result: a movement against 'trafficking in women' that promotes local prostitution on the basis of an erroneous distinction between 'free' and 'forced' prostitution to protect market prices" (Barry, 1995, pp. 233-34). A large number of Dutch towns and villages have their sex clubs or their sex farms offering women deemed to be "exotic" and mostly from developing countries (De Stoop, 1992, p. 121). Rife with contradictions, the anti-trafficking policy of the Netherlands makes it easier for traffickers to move in and out of the country because of the ready-made set up for prostitution and the relaxing of policing.

What kind of public policy and legislation do we need? For one thing, we need to encourage more countries to ratify the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and to add a new protocol to the Convention whereby countries that have ratified it are made accountable for enforcing its provisions.

Most importantly, we need to reinforce and expand the 1949

Convention with a new Convention Against All Forms of Sexual Exploitation that, among other things, makes all prostitution and trafficking violations of a person's human rights; that decriminalizes the women in prostitution; and that punishes pimps, procurers and customers. This new Convention also addresses the social services, educational opportunities and economic alternatives necessary for survivors of sexual exploitation (18).

Any feminist or human rights activist knows that legislation alone is not the answer. But legislation that punishes the perpetrators and not the victims of the crime of prostitution is necessary; together with political activism, education, economic alternatives and social services aimed at helping women in prostitution.

A new Convention Against All Forms of Sexual Exploitation speaks to the seriousness of the violation of merchandising women and children sexually. It proclaims that the international community will not tolerate this abuse, regardless of the victim's age, consent, race or geography. It declares for the first time that all sexual exploitation is a violation of a person's human rights. It promotes social and economic remedies for women in prostitution, without minimizing the enforcement measures that are necessary to thwart and punish the perpetrators and customers. And it provides mechanisms for international supervision.

This new Convention Against All Forms of Sexual Exploitation recognizes that there can be no supply of women and children without the male demand for the sex of prostitution; without the sex industry's commodification of women and children; without the direct and/or tacit approval of governments in fostering sex tourism, for example, or zoned areas of prostitution; and without the exporting of a western sexual liberalism that depicts prostitution as sexual pleasure and liberation, calls it work, and tells us that prostitution is about a woman's right to control her own body!

The new Convention Against All Forms of Sexual Exploitation recognizes that women's human rights are seriously threatened by the massive and growing sexual exploitation of women, and that international policy and legislation must be made more effective in the struggle against sexual exploitation. Finally, it affirms that all women have the right to sexual autonomy and integrity.