

Legitimizing Prostitution as Sex Work : UN International Labour Organization Calls for Recognition of the Sex Industry

par Janice G. Raymond*

Introduction

In a controversial 1998 report, the International Labor Organization (ILO), the official labor agency of the United Nations, calls for economic recognition of the sex industry. Citing the expanding reach of the industry and its unrecognized contribution to the gross domestic product (GDP) of four countries in Southeast Asia, the ILO urges official recognition of what it terms "the sex sector." Recognition includes extending "labor rights and benefits to sex workers," improving "working conditions" (Lim, p. 212, hereafter referred to simply by page) in the industry, and "extending the taxation net to cover many of the lucrative activities connected with it" (p. 213). Although the ILO report claims to stop short of advocating legalization of prostitution, the economic recognition of the sex sector that it promotes could not occur without legal acceptance of the industry.

For many years, the sex industry has lobbied for economic recognition of prostitution and related forms of sexual entertainment as sex work. Now the ILO has become the latest and most questionable group urging acceptance of the sex industry. Effectively the ILO is calling for governments to cash in on the booming profits of the industry by taxing and regulating it as a legitimate job. Entitled *The Sex Sector : the Economic and Social Bases of Prostitution in Southeast Asia*, the ILO report echoes the economic determinism of the February 14, 1998 cover story of *The Economist* aptly termed "Giving the Customer What He Wants." The report professes to be a survey of the "sex sector" in four countries authored by country-specific writers in Malaysia, Indonesia, Thailand and the Philippines. But the framework, summaries, and conclusions of the report were edited by economist Lin Lean Lim, longtime advocate for governmental acceptance of the "sex sector."

Southeast Asia is facing its most serious economic crisis in decades. Together with the political uncertainty and instability in many parts of Asia, the economic crisis has exacerbated the recruitment of women into the sex industry. Governments which follow the ILO recommendations to recognize prostitution as legitimate women's work will thus have a huge economic stake in the sex industry. Consequently, this will foster their increased dependence on the sex sector. The ILO report will be used as a justification for increasing the entry of women into "sex work" to lower the unemployment rate and then for taxing women's earnings to raise desperately needed capital. As in Latin America, the impact of macro-economic policies in certain countries of Asia will provide these governments with the rationale to expand the sex industry. The government of Belize, for example, has "Recognized prostitution...[as] a gender-specific form of migrant labor that serves the same economic functions for women as agricultural work offers to men, and often for better pay." (WEDO, 1998, p. 32)

Rather than economic opportunity, the most glaring evidence of women's economic marginalization and social inequality in almost all Asian countries is the rampant commodification of women in prostitution, sex trafficking, sex tourism and mail order bride industries. In this context of severe economic decline, it seems the height of economic opportunism to argue for the recognition of the sex industry based on transforming women's sexual and economic exploitation into legitimate work.

The ILO report reads as an economic anointment of the sex industry. In this year of the 50th Anniversary of the International Declaration of Human Rights, the ILO report seems to regard human rights concerns about prostitution as an impediment to recognition of the sex industry. As part of its policy recommendations, it concludes that "A stance focusing on individual prostitutes tends to emphasize moralistic and human rights concerns, which are undoubtedly important, but which will not have a major impact on changing or reducing the [sex] sector" (p. 213). The ILO grossly underestimates the violation and violence that prostituted women endure, dismissing the harm done to women in prostitution by stating that only 20% are badly exploited or kept in some form of bondage (Reuters, 1998).

Contrary to the benign picture of prostitution painted by the ILO report, the violence that prostituted women endure is more acute and much more frequent than that experienced by other women. In a study of Nepali women and girls trafficked for prostitution into India's brothels, Human Rights Watch/Asia documents that "Most girls and women start out in these cheap brothels where they are 'broken in' through a process of rapes and beatings"(Human Rights Watch/Asia, 1995, p.34). In another report on Burmese women trafficked for prostitution into Thailand's brothels, Human Rights/Asia states that "the brothel owners are profiting off the repeated rape and sexual assault of the Burmese women and girls sometimes over long periods of time..."(Asia Watch, 1993, pp.62-63). The report makes clear that rape and sexual assault were not restricted to under age girls or to the girls' or women's initial seasoning into the brothels. "The combination of debt bondage, illegal confinement and the threat or use of physical abuse force the women and girls into sexual slavery...for the duration of their time in the brothel." (Ibid., p. 65)

This picture of extreme violence is not restricted to developing countries. In a study of English street prostitutes, 87% of the women had been victims of violence in the past 12 months. The abuse ranged from verbal assault by clients to stabbings, beatings, and rapes. 27% had been raped ; and 43% suffered severe physical abuse. Nearly all (73%) of the 87% were multiple victims of abuse (Benson and Matthews, 1995, p. 402). In another U.S. study of 55 survivors of prostitution, 78% were victims of rape by pimps and buyers an average of 49 times a year ; 84% were the victims of aggravated assault and were thus horribly beaten, often requiring emergency room attention and hospitalization ; 49% were victims of kidnapping and transported across state lines ; 53% were victims of sexual abuse and torture ; and 27% were mutilated (Susan Kay Hunter, 1993, p. 16).

In its minimization of the harm of prostitution and in its push to redefine prostitution as sex work by recommending that governments recognize the sex industry as an economic sector, the ILO seems oblivious to recent legislation demonstrating that countries are able to reduce organized sexual exploitation instead of capitulating to it. Two countries which have specifically refused to recognize prostitution as work are Sweden and Venezuela. In May, 1998, Sweden became one the of the first countries to prohibit the purchase of sexual services with punishments of fines or imprisonment (Swedish Government Offices, 1998). In so doing, Sweden has declared that prostitution is not a desirable economic and labor sector.

Also in May, 1998, the government of Venezuela passed legislation rejecting the request of powerful pro-sex industry groups to register a legal union of so-called sex workers. The Ministry of Labor's decision was based on the fact that since the majority of "sex work" is prostitution, rather than being sexual work, it is sexual exploitation. Venezuela ruled that "prostitution cannot be considered work because it lacks the basic elements of dignity and social justice." It also ruled that since one of the main purposes of forming a labor union is "to promote the collective development of its members and of their profession," a decision in favor of unionizing so-called sex workers would in fact promote the development and expansion of prostitution (Republica De Venezuela, 1998).

For over a decade, women's groups worldwide have sought better measurement of women's contribution to national economies calling for the inclusion of work such as child or family care, housekeeping, cooking and shopping -- most of which women have traditionally done -- in labor force statistics. Since governments use these statistics to assess economic development and to prepare and implement social policies, failure to properly recognize and measure women's role in production distorts and minimizes women's economic contribution to society and impedes their access to economic resources.

Given the lack of recognition and the devaluing of women's work in the systems of national accounts, it is a travesty that the ILO would now be calling for the economic recognition of prostitution as legitimate work. If women in prostitution are counted as workers, pimps as businessmen, and the buyers as customers, thus legitimating the entire sex industry as an economic sector, then governments can abdicate responsibility for making decent and sustainable employment available to women.

Why specifically is the ILO urging recognition of the sex industry ? The report lists a number of reasons which, it says, are based on interviews, conducted mostly by academics and university students, and done

with small samples of women in the sex industry in each of these four countries. It is highly questionable whether this small sample of women, interviewed by academics and university students, could get at the truth of prostituted women's lives. For this and other reasons, we think it is important to address these arguments and to offer detailed responses.

ARGUMENTS AND ANSWERS

1. Prostitution is "mainly economic in nature (p.2)...The stark reality is that the sex sector is a 'big business' that is well entrenched in national economies and the international economy...Especially in view of its size and significance, the official stance cannot be one of neglect or non-recognition"(p. 213).

As an economic activity, prostitution institutionalizes the buying and selling of women as commodities in the marketplace. It further removes women from the economic mainstream by segregating them as a class set apart for sexual servitude. It reinforces the definition of women as providers of sexual services, thereby perpetuating gender inequality. And it legitimizes and strengthens men's ability to put the bodies of women at their disposal.

Because the sex industry is integrated into the economic, social and political life of many countries doesn't mean we should passively accept this state of affairs as a kind of economic law. The ILO's dispassionate recommendation to recognize the sex industry as an economic sector capitulates to a conservative laissez-faire market ideology prevalent in many countries. That the sex industry contributes significantly to the economy and GDP of many countries should be taken as a cause for alarm and action against the industry rather than an excuse for acquiescence to it.

2. "The sex business has assumed the dimensions of an industry and has directly or indirectly contributed in no small measure to employment, national income and economic growth..." (p.1). In Southeast Asia, the sex industry prostitutes "between 0.25 and 1.5 per cent of the total female population in Indonesia, Malaysia, the Philippines and Thailand" and "accounts for between 2 per cent and 14 per cent of the gross domestic product (GDP)"(p.7). In Thailand, "prostitution was the largest of the underground businesses winning out over drug trafficking, arms trading, contraband in diesel oil, trafficking in human labour and gambling (p. 10)...These economic bases underscore the importance of the commercial sex sector in the economies of Southeast Asian countries, and help to explain why the policy issue cannot be seen only from the perspective of the welfare of individual prostitutes (p.11)...It is worth considering...the possibility that official recognition of the sector would be extremely useful...for extending the taxation net to cover many of the lucrative activities connected with it" (p.213).

The international narcotics industry contributes significantly to the economy and GDP of several Latin American and Asian countries. Millions of farmers and families in countries such as Columbia and Burma depend on the income generated by the drug sector. Foreign currency generated by drug trafficking is said to contribute to economic stability. The drug sector involves diverse but highly interrelated establishments such as farming, transportation, bars, gambling, prostitution, tourism, and hotels. The revenues generated by the drug sector, if calculated, would rival the revenues generated by the sex sector. Should we, by the same token, recognize the "drug sector," redefining harmful drugs as legal marketable commodities and drug traffickers as legitimate businessmen ?

The ILO report makes little mention of the harm that accrues to women in prostitution. As the report states, "the welfare of individual prostitutes" cannot be allowed to dictate the policy issue. It is this harm, made visible in the violence and health consequences suffered by women in prostitution, that most strongly refutes the ILO arguments that prostitution should be accepted as work by recognizing the sex industry as an economic sector. Study after study has shown that the lives women in prostitution lead are hazardous and bordering on brutality.

The harm of prostitution is graphically evident in its health consequences. Women in prostitution suffer the same injuries that women subjected to other forms of violence against women endure, including bruises, broken bones, black eyes, concussions, and loss of consciousness. The reproductive health effects include a high incidence of unwanted pregnancies, miscarriage, multiple abortions and infertility. In

addition to HIV/AIDS, chronic pelvic pain and pelvic inflammatory disease (PID) from sexually transmitted diseases (STDs) are alarmingly high among women in prostitution. In the study done by Human Rights Watch/Asia of Burmese women prostituted in Thailand, fourteen of the thirty girls interviewed were HIV positive, infected by the men who bought them (Asia Watch, 1993, p.70). The report on Nepali women and girls cites the Indian Health Organization's estimate that "80 percent of sex workers are infected with a sexually transmitted disease...Activists there have also encountered cases of forced sterilization of brothel inmates, hysterectomies during abortion being the most typical" (Human Rights Watch/Asia, pp.65-67)

Recognition of the sex sector will not change this reality.

3. The ILO report argues that "All the country studies confirm that earnings from prostitution are often more than from alternative employment opportunities open to women with no or low levels of education" (p. 207).

Rather than accept the unexamined premise that some women earn more in prostitution than anywhere else, the ILO should question why prostitution is the only place where mostly women can turn when all else fails. The ILO report acknowledges that "A striking finding from the survey is that although many women indicated that they would like to move to other jobs, they were conscious of the income loss they would face" (p. 207). It is a gendered reality that prostitution may be the best of the worst economic options that many women have, and it is understandable that women turn to prostitution in these circumstances. However, the fact that there are often no better job options for women shouldn't be manipulated to turn many women's desperate economic plight against them by institutionalizing their exploiters as entrepreneurs. This is to surrender the political battle for women's right to decent and sustainable work, and to tolerate that women's bodies are increasingly bought for sex and used as merchandise in the marketplace.

The ILO report conveys the impression that prostitution is a viable and even lucrative economic activity for all, including the women most involved. In a response to the ILO report published in *Businessworld* (Philippines), the author notes that "the majority of the sex workers [in the Philippines] receive only an average of 10% of the total revenue (P54,000 per year or P4,500 per month) that they make for the capitalists, brokers or employers" (The View from Taft, Sept. 10, 1998). Of this total they must spend between P5,000 to P6,000 per month for their clothes, transportation and cosmetics. Another large portion which is not calculated goes to support their families. "At the end of the day (or night), therefore, most of these sex workers...usually find themselves helplessly and, worse, perpetually trapped in a debt maze" (Idem.) They thus end up more unable to cope with economic disadvantage or further impoverished.

These figures mirror the situation of women in the sex industry in other countries who ultimately see very little of the money they earn. In industrialized countries, women in prostitution and related sex industries such as stripping, spend a large portion of their small income to buy drugs which help anesthetize the violence, violation and indignities of the acts that are perpetrated against them. Furthermore, as Dorchen Leidholdt has pointed out, women in prostitution stop being marketable as sexual commodities in their early 30s, since the male demand is for younger women. The fact is that this so-called sex work is temporary, and women end up with no job skills, often so debilitated that they are unable to work, and more destitute than when they began.

4. "On the demand side, recent economic development has created increasing...capacity and, very likely, the motivation of men to buy sexual services in a much wider and more sophisticated range of settings...This has resulted in the widening of the diversity of settings in which sexual services are offered, and in the establishment of new and more luxurious types of sex establishments" (pp. 207-08).

The most invisible part of the sex industry is the buyer and his role and responsibility in creating the demand for prostitution. The ILO report offers no criticism of the male entitlement to buy women for the sex of prostitution. Citing the expanding reality of male demand for prostitution, and even acknowledging that "poverty has never stopped men from paying for sexual services" (p. 210), the ILO's recommendations implicitly support the view that men need sex and are entitled to have it even if they

have to purchase a woman's body. The body of the prostituted woman is the vehicle with which the male buyer acts out his gender-based dominance. The ILO seems to assume that male biology dictates male sexual behavior, and that thus prostitution is inevitable.

If not biologically inevitable, the ILO report does assume that prostitution is economically inevitable. "Given that the economic and social foundations are not easy to change, the sex sector is not going to disappear in the foreseeable future. Especially in view of its size and significance, the official stance cannot be one of neglect or non-recognition" (p. 213). The explicit recommendations of the report urge governments to recognize the right of men to buy women in the market sector because male purchasing power is increasing. This is no less than an economic rationalization of male sexual privilege and economic power.

Instead of transforming the male buyer into a legitimate customer who buys women's bodies with impunity, the ILO should seriously study various innovative programs which make the buyer accountable for his sexual exploitation, thereby regulating his actions instead of recognizing them as legitimate. For example, the SAGE Program in San Francisco has designed a program to educate those men arrested for soliciting women in prostitution about the risks and impacts of their behavior. Buyers have to listen for eight hours to those most traumatized by male sexual exploitation, especially the prostitution survivors, who tell these men that they wreak havoc on women's lives leaving behind them a wake of danger, degradation, disease and often death (Ybarra, 1996, p. 18). Winner of the prestigious 1998 Ford Foundation/JFK School of Government "Innovations in Government Award," the SAGE Program addresses the reorientation of male clients and is premised on the assumption that men can change, rather than prostitution being inevitable.

5. When the sex sector is recognized as an economic sector, governments may be better able to regulate and monitor the expanding criminal elements of the industry such as organized crime, drug abuse, and especially child prostitution. "Yet governments have found it exceedingly difficult to tackle the problems...because...The sex sector is not recognized..." (p.1).

Even if it were possible to remove the criminal element that controls the sex industry, or to limit prohibition only to child prostitution, these "solutions" can be compared to attempts to regulate slavery as a business -- a serious proposal at the height of the slave trade. Those who advocated abolition of the slave trade knew that it was/is not possible to legislate against slavery by simply removing abusive slave owners, or by tolerating the slavery of adults but not of children, because slavery itself is the abuse. They knew that these "economic sector solutions" were tantamount to reinforcing slavery as an oppressive institution.

As with slavery, prostitution per se is abuse, exploitation and an oppressive institution. Sexual exploitation violates the human rights of anyone subjected to it, whether adult or child. The criminal aspects of prostitution which the ILO report is critical of cannot be remedied without addressing the entire system of prostitution. Transforming the crime of prostitution into an official acceptance of it will only lead to entrenching organized crime.

The legacy of slavery in the United States has been a legacy of the racial subordination and oppression of all African Americans. Slavery set the standard for the way the way African Americans, as a race, have been treated in the United States, although all African Americans were not enslaved. For all African Americans, slavery generated a history of physical violence and racial hatred, a society based on segregation, and unequal access to all the basic rights of citizenship.

Similarly, prostitution expresses the worth of all women. Prostitution has an enormous impact on the way men value and treat women in general and any woman in particular. The pervasive sexualization of women, the fact that women's bodies are made increasingly accessible and available to men, and the ways in which all of this is made into "sex" in prostitution define what a woman is in this society and what she is made for. Because any woman's body can be commodified and sold as sex in the marketplace, all women can be reduced to sexual objects and instruments. The degraded role into which prostituted women

are cast sanctions the sexual exploitation of all women, eroticizes women's inequality, and thus bolsters women's personal and social subordination.

6. "For those adult individuals who freely choose sex work, the policy concerns should focus on improving their working conditions and social protection, and on ensuring that they are entitled to the same labour rights and benefits as other workers" (p. 212).

In countries that have taken a labor approach to prostitution regulating/legalizing it as work, recognition of the sex sector has caused prostitution to flourish more than when it was illegal. There is good evidence that countries such as Holland and Germany, both of which have recognized prostitution as work and as an economic sector, are precisely the countries which have higher rates of women illegally trafficked into the country for prostitution (de Stoop, 1994 ; Barry, 1995 ; Benson and Matthews, 1995). For example, in Amsterdam, Rotterdam and Utrecht, women from Latin America, the Philippines and Eastern Europe are reported to comprise 40%, 65% and 50% respectively of the prostituted population in these cities (Golding, 1994). Earlier evidence from Germany indicates that only 12% of prostituted women work in the state-regulated eros zones because the majority "would rather live in illegality than accept the state's working conditions, wages and control" (Jaget, 1980).

Furthermore, the permissiveness of the legal climate encourages the illegal sector to grow. In Germany, the eros zones have acted as a magnet for a range of illegal activities which then spill over into surrounding areas (Golding, 1994). Men who formerly would not risk buying women for sex now see prostitution as acceptable. The tolerant legal climate makes it easier for pimps, traffickers and brothel owners to attract women to the "work."

The ILO argues that recognition of the sex sector would help keep the sex industry above ground and make it controllable. But consider the example of the legal arms sector which is supposedly monitored and regulated by governments, the very position in which the ILO would place the sex sector. A significant percentage of the arms trade is clandestine and underground, although the arms sector is subject to disclosure and to governmental oversight. In addition, hundreds of NGOs keep close watch on the arms sector. That there is a trade in legal arms has only served to enhance the viability and expansionism of the illegal arms industry. Rather than reducing the illegal trafficking in arms, the legal flow of arms serves to expand it by creating the infrastructure on which illegal arms trading depends. Why should the sex sector be any different ?

Recognition of prostitution as work can only increase the current expansionism of the sex industry giving it the stable marketing environment for which it has lobbied and locking women even further into the industry by legitimating the sex trade. Instead of recommending that governments cash in on the economic benefits of the sex industry, the ILO should recommend that states invest in the futures of prostituted women by providing economic resources from the seizure of sex industry assets to enable women to leave prostitution. In this context, the ILO should pay attention to that part of its own report which found that "...prostitution is one of the most alienated forms of labour ; the surveys show that women worked 'with a heavy heart', 'felt forced' or were 'conscience-stricken' and had negative self-identities. A significant proportion claimed they wanted to leave sex work if they could" (p. 213).

7. The ILO report does not call for the legalization of prostitution. Lin Lean Lim, the editor of the report has stated that "Recognizing prostitution as an 'economic sector' does not, at all, mean that the ILO is calling for the legalization of prostitution."

Although the ILO report does not explicitly recommend legalization, it implicitly advocates legalization by calling on governments to recognize prostitution as an economic sector and "a legal occupation with protection under labour law and social security and health regulations" (p. 2). One might ask how an illegal activity could be taxed. How can prostitution be recognized as a "legal occupation" without legal recognition, thus legalizing it in some way ? How can prostitution be regulated as legitimate work, subject to occupational health and welfare standards, without some form of legalization ? As the Singaporean Straits Times editorialized, the ILO position is at the very least "fishing for legalisation...Not calling this legalisation is a bit like smoking marijuana and claiming non-inhalation (Ghosh, 1998, p. 35)."

Other ILO spokesmen are more forthright. Jean-Claude Parrot, Canada's representative to the ILO, has said that "Any government that wants to implement that report in order to really address the economic issue and the taxation system has to look first at legalizing the issue" (Gollom, 1998, p. A1).

8. "A major difficulty [to economic recognition of prostitution as work] is that measures targeting the sex sector have to consider moral, religious, health, human rights and criminal issues in addressing a phenomenon that is mainly economic in nature (p. 2)...A stance focusing on individual prostitutes tends to emphasize moralistic and human rights concerns, which are undoubtedly important, but which will not have a major impact on changing the sector" (p.213).

"Moral, religious, health, human rights and criminal issues" have served as the only brake on the expansion and exploitation of the sex industry. Prostitution is sexual exploitation and violates the human rights of anyone subjected to it. Particularly, it victimizes the women in prostitution but also all women, justifying the sale of women, and reducing all women to sex

In the year when Amartya Sen was awarded the Nobel Prize because his economic theory was credited with restoring an ethical dimension to economics, we think it particularly important to counter the economic determinism of the sex industry and the ILO report by pointing out the relevance of ethical and human rights values to any policy on prostitution. Sen's guiding principle is that the well-being of any group or country cannot be evaluated only by per capita income or size of the GDP (gross domestic product). As measured by the Human Development Index which Sen helped create, countries must quantify the quality of life of their citizens looking at other indicators such as health, education, longevity and "opportunities" rather than just economic growth.

In his famous work on famines, economist Sen reminds us that famines are not caused by food shortages but by the failure of governments to make social choices to eradicate famine and intervene on behalf of those most affected by lack of food. The fact that prostitution is a flourishing industry indicates the failure of governments to make the necessary social choices to eliminate it. Any economic theory that chronicles the way in which prostitution is entrenched in the economies of many countries could encourage governments to make the social choice to eradicate prostitution and provide economic alternatives to assist women out of prostitution, thereby restoring an ethical dimension to the discussion of vital economic and social problems.

9. Many current studies which highlight "the pathetic stories of individual prostitutes" and focus on coercion and deceit tend "to sensationalize the issues and to evoke moralistic, rather than practical responses (p. 3)." Elsewhere, the ILO maintained that only a relatively small number of women in prostitution -- about 20% -- are badly exploited or kept in some form of bondage (Reuters, 1998).

The ILO report exhibits a callous indifference to the injury and suffering of women in prostitution. It has been the courageous witness of many survivors of prostitution that has documented the harm that prostitution does to real women in a real world. The stories of prostituted women have enabled them to get back some of the dignity and hope that the sex industry has taken away and to expose the industry for what it is -- not a benign economic sector but an exploitative industry that preys on women. It is this courageous testimony of survivors of prostitution that makes the harm of prostitution visible.

In its conclusions, the ILO report features only the International Committee for Prostitutes' Rights as representing the voices of women in prostitution. This group has called for "decriminalizing all aspects of adult prostitution resulting from individual decision" (p. 14). Groups working on the front lines of direct services for women in prostitution and staffed by survivors of prostitution are not underscored in the ILO's pages as working for the rights of women in prostitution. For example, although the Philippines report mentions the BUKLOD Centre, TW-MAE, and WEDPRO -- all groups working for the empowerment of women who have been subject to systems of prostitution -- the editor did not choose to distinguish these groups as "prostitutes rights" groups. Only those groups promoting women's rights in prostitution are represented as prostitutes rights groups, not those groups promoting women's rights not to be in prostitution.

10. "Some freely choose sex work as an expression of sexual liberation, or as an economically rational decision based on income potentials, costs involved and available alternatives. Others are pressured by poverty and dire economic circumstances. Still others are subject to overt coercion from third parties" (p. 212).

The ILO report confuses compliance with consent. It defines force very narrowly and flies in the face of other studies which indicate that very few women really choose prostitution as a career. From oral history testimony collected from women in prostitution, we know that some women enter prostitution because they have been overtly forced, coerced or deceived. Others enter because of economic poverty and disadvantage, manipulation, peer or family pressure, marginalization, loss of self often resulting from earlier sexual abuse, predatory recruiters, trickery and initial consent. A number of women enter the sex industry knowing that they will have to prostitute but having no idea of what this really means and what they ultimately will have to endure.

The ILO report puts the burden of proof on the women in prostitution to demonstrate that they were coerced. How will marginalized women in prostitution ever be able to prove force? At a time when governments internationally are being asked to legislate against trafficking for purposes of prostitution, limiting the actionable prostitution to that which is "forced" practically guarantees that the number of indictments will be minimal. If victims must prove that force was used in recruiting them into prostitution, very few women will have legal recourse and very few offenders will be prosecuted.

Women in systems of prostitution must continually lie about their lives, their bodies, and their sexual responses. The very edifice of prostitution is built on the lie that "women like it." The ILO report reinforces this regressive sexual stereotype that some prostituted women "like it," else they wouldn't choose to stay, by validating a specious distinction between forced and voluntary prostitution. Some prostitution survivors have stated that it took them years after leaving prostitution to acknowledge that prostitution wasn't a free choice because to deny their own capacity to choose was to deny themselves.

When a woman remains in an abusive relationship with a partner who batters her, or even when she defends his actions, concerned people don't say she is there voluntarily. They recognize the complexity of her compliance. Like battered women, women in prostitution often deny their abuse if provided with no meaningful alternatives. But because of the sex industry's public relations campaign to legitimate prostitution with proffered labor rights and benefits, it has succeeded in casting the condition of women in prostitution as chosen work. Thus many who would recognize battering as violence against women see only voluntary work when they look at the almost identical abuse of women in systems of prostitution.

Finally, it is important to note that the ILO report omitted a crucial section in the Philippines country report which addressed the forced/free distinction. In a letter responding to the conclusions of the ILO report, one of the Filipino authors, Rene Ofreneo, writes to ILO Manila :

The research team [for the Philippines country report] advocates the decriminalization of the prostituted while prosecuting and apprehending those who benefit from the prostitution of others. This policy position on prostitution is not an isolated one. In fact, it is the position not only of most NGOs involved in the sector but also of government as indicated both in the Philippine Development Plan for Women 1987-1992 and in the Philippine Plan for Gender-Responsive Development 1995-2025 (National Commission on the Role of Filipino Women, 1995, Chapter 18)...This policy stance stems from a perspective which does not distinguish between 'free' and 'forced' prostitution but sees all prostitution as essentially a human rights violation... The Universal Declaration of Human Rights affirms that no one should be subjected to cruel, inhuman, and degrading treatment. Therefore, it is the right of all persons not to be prostituted ; not to be harmed physically, emotionally and psychologically ; not to lose their personal integrity, dignity, and self-respect ; not to be subjected to sexual exploitation by others (Ofreneo, 1998).

This is a crucial omission from the Philippines country report -- one which brings the conclusions of at least one of the four countries into conflict with the main premise upon which the ILO's recommendations are based -- the forced/free distinction. The fact that the ILO omitted this section from its Philippines

country report calls into question the accuracy of the other country reports, as published, and the conclusions of the report which are evidently not based on the unanimity of the country reports.

11. "Child prostitution should be treated as a much more serious problem than adult prostitution" (p. 212). Legislation should make a clear distinction between child and adult prostitution. In the case of children, "all prostitution must by definition be deemed involuntary and the aim is its total elimination" but "in the case of adults, we can concede that it may be possible to make a distinction between prostitution as a freely chosen form of work and prostitution through coercion" (p. v).

Many individuals and groups are concerned about the sexual exploitation of children and rightly so. Child prostitution is a horrendous violation of a child's person and her/his human rights. But when "choice" is used as a wedge to drive distinctions between child and adult prostitution in order to legitimize the so-called right of adult women to choose prostitution, then the harm to women becomes invisible.

The distinction between child and adult prostitution also serves to perpetuate the exploitation of children because countries then rush to redefine children as adults, either legally by lowering the age of consent to sexual intercourse, or socially by redefining the image of children as adults in pornography, advertising and film. As more and more children are sexualized and made to look like adult women in prostitution, men can claim they were ignorant of engaging in sex with a minor.

When distinctions are made between child and adult prostitution for purposes of making only child prostitution actionable, the child sex abuser becomes known as a pedophile, a category that gives the impression that men who buy sex with children are abnormal personalities who are fixated on children, bio-psychologically driven to abuse children sexually, and not in control of their actions. There is no pathological type of men who use children for sex. Rather, men who sexually exploit children come from all walks of life. In a paper on "The Sex Exploiter" prepared for the World Congress Against Commercial Sexual Exploitation of Children held in Stockholm in 1996, the ECPAT Working Group found that "...the majority of the several million men who annually exploit prostitutes under 18 years of age are first and foremost prostitute users who become child sexual abusers through their prostitute use, rather than the other way about (ECPAT, 1996, p. 2)." These men come from a variety of nationalities, socio-economic, cultural and religious backgrounds and do not abuse children in prostitution because they have a focused sexual interest in children but because "they are morally and sexually indiscriminate."

In the United States, child prostitution and pornography scandals usually focus on very young children, mostly under age 12, because Lolita-like depictions of 13 and 14 year olds in the media and on the streets condition people to see them as adult-like adolescents who are capable of choice. Will the next distinction drawn be between child and adolescent prostitution, and the arbitrary age line set at 12 or 13 ? Furthermore, if countries limit the harm of prostitution to only "forced prostitution," as the ILO report suggests, it becomes easier to defend men who engage in prostitution with adolescents between the ages of 12-18, because this will become an ambiguous age cohort as more and more choice is attributed to older children.

Consider also that the average age of entrance into prostitution worldwide is 14. As one survivor who was recruited into prostitution at age 13 remarked, "I must tell you that the day I turned 18, the sexual abuse I was subject to did not turn into a self-determined choice." By creating a distinction between child and adult prostitution, we are conveying the message that there is an appropriate age at which a male may use his social and economic power to buy access to a female body. Do we really want the message to be "Not now but later ?"

Legal brothels in countries which have recognized prostitution, such as in Bangladesh, are filled with children. The children carry identity papers on them falsifying their ages. The police see the papers and do nothing to enforce the age limit because they accept the false certificates and are often in collusion with the pimps and brothel owners. Recognition and outright legalization of prostitution in such countries has done nothing to reduce police corruption, child prostitution, or the prostitution of women.

Recognition of the sex industry as an economic sector will only enhance the already high demand for child prostitution. Even the ILO report acknowledges that "The AIDS epidemic appears to have indirectly resulted in a rising demand for ever-younger children because of the belief among clients that they are not likely to be infected with the disease" (p. 19). Even before the AIDS pandemic, men always sought sex with children and adolescents in the belief that child sex is more fresh and real than sex with hardened adult woman. However, men not only seek the vulnerability of children but also the pliability of children who can be molded more easily into the sexual objects and instruments of male desire. Men delude themselves into believing that they are introducing children into sexuality and derive a false power from "breaking in" girls they imagine are young virgins.

The ILO report recognizes that "Commercial sexual exploitation is such a serious form of violence against children that there are lifelong and life-threatening consequences. There are also chain effects, with sexual abuse leading to other forms of abuse, such as drug abuse, and cumulative negative consequences" (p. 212). Oral testimony from women in prostitution reveals the same effects on adult women -- that it is such a serious form of violence that it affects their lives forever. Adult women in prostitution are at special risk for self-mutilation, suicide and homicide. In one study, 46% of the women in prostitution had attempted suicide and 19% had tried to harm themselves in other ways (Parriott, 1994). Almost all the women in this study categorized themselves as chemically-addicted. Crack cocaine and alcohol were used most frequently.

Connecting the sexual exploitation of children and women does not mean that we treat women as children. Nor does it mean that the physical and psychological effects of sexual exploitation on the young may well be more severe than the effects of sexually exploitative practices on adult women. It does mean that when an adult takes his sexual gratification over the bought bodies of women and children that this is a violation of a human being, that he is using a human being as an instrument for his own pleasure, and that whatever the age, culture, race or condition of the victim, sexual exploitation is a violation of that person's humanity, dignity and integrity and should be made actionable.

Conclusions

Official recognition of the sex sector is not likely to improve things for women. Those who argue that recognizing prostitution as work will protect women from abuse fail to acknowledge that violence is often done to women in prostitution not just because laws do not protect women or the "work," but because men's use of women in prostitution and the acts women must engage in are sexually and physically degrading, exploitative, and most often violent.

How would recognition of the sex sector function? The ILO acknowledges that women in prostitution are against compulsory legal registration but, on the other hand, seems to accept that some kind of mandatory registration would have to happen. Will an official license confer rights on women in prostitution or confine them to a registered ghetto of legally stigmatized women who enjoy the right to be branded by the state as prostitutes and be medically accessible for examination? The law in Bangladesh requires a woman to simply file an application before a first class magistrate to obtain a license for prostitution. Yet few women file such papers.

In some countries, a whole new criminal network will emerge to control legal licenses. New laws recognizing the sex sector will have to be regulated and enforced and that implies more bureaucracy and red tape, not more protection. When a woman wants to take legal action against a perpetrator, she will bear an enormous burden of proof of violation because she will have to prove force. Consider this example which captures the meaninglessness of the forced/free distinction in the actual "workplace."

If a woman in prostitution is paid to "enact" a rape, how can the purchased performance of "enacting" a rape, to which she allegedly consents, be separated from the actual brutality of the rape which the buyer may force on her. Would any court of law recognize a distinction between a forced and free enactment of rape in this situation? Or would it assume that an occupational hazard of prostitution is that the buyer, with impunity, can get rougher than the prostituted woman bargained for? How will the woman be able to demonstrate that the violations from acts that she is expected to perform in prostitution -- e.g., a "regular"

rape -- are indeed separate from those acts she shouldn't be expected to endure in prostitution -- i.e., a brutal rape ? How would a woman who wanted to prove force in this context be able to demonstrate that the violation and violence to which she was subjected in this rape "enactment" was not a free choice if she is presumed to consent to the general act of prostitution and the specific act of "enacting" a rape with a buyer ? As the Coalition Against Trafficking in Women-Asia has stated, "Sex mediated by money means the power to dictate what kind of sex will happen" (Coalition Against Trafficking in Women-Asia, 1997).

The ILO report claims that recognizing prostitution as an economic sector will improve the health conditions for women in the industry. Just how this will happen is not clear from the report. In one section, the ILO acknowledges that health measures, presumably health checks and monitoring, would have to be directed to the "clients" which is not now a reality. For it is the buyers who are the major link in the chain of transmission of HIV/AIDS and STDs, since they carry the diseases not only to the women in prostitution but to their spouses or other sexual contacts. Perhaps because the ILO tacitly recognizes that the sex sector's viability depends on giving the customer what he wants -- which is certainly not mandatory health checks -- it offers no recommendations for how health monitoring of buyers would be achieved.

A reason why men go to women in prostitution is that they get the sex that they demand. If they don't want to use condoms, they won't. Male buyers don't want to be checked at the door for HIV/AIDS or STDs. They want anonymous sex on demand. Even in military situations where health check-ups could easily be mandated, as at the social hygiene clinics set up to monitor women in prostitution and previously run by the U.S. military in connection with local governments near the former U.S. military bases in the Philippines, the military men were never required to undergo medical check-ups.

Women are not well-served by the ILO's particular brand of economic determinism that calls for recognition of the sex sector, particularly in Southeast Asia where the brutal effects of globalization have hit hardest. As with other forms of violence against women, prostitution is a serious violation of women's human rights. Instead of capitulating to the laws of the market, governments need to reaffirm a human rights commitment to abolish all forms of sexual violence and exploitation, including prostitution, by de-criminalizing the women in prostitution and penalizing the pimps, procurers, and buyers.

The four countries surveyed in the ILO report have been and will be hurt most by its recommendations.

The Geneva-based body is the oldest United Nations subsidiary and has been involved with the world of work for decades...In many developing countries, the ILO is looked upon with reverence by trade union leaders who believe that the people running the organisation have workers' interests at heart. However...the ILO has...grossly underestimated not just the integrity of governments in this region but also the intelligence of the South-East Asian people...Prostitution and the sex industry are social ills, not legitimate occupations that the ILO claims will bring in better incomes than unskilled labor. For years the governments in this region have been fighting a war against the flesh trade. Their status as newly-impooverished countries should not give the ILO or anybody else the impression that Malaysia, Indonesia, the Philippines or Thailand are desperate and would do anything for economic growth (Business Times, Malaysia, 1998).

Recognizing the legitimacy of the sex sector will reinforce women's subordination and lead to the greater sexual objectification and economic inequality of women. In countries that have recognized prostitution as work, "there are more brothels than schools." Do we really want brothels everywhere ? Is prostitution a career to which we want young girls to aspire ?

Women in prostitution need social services, educational opportunities and economic alternatives -- real economic recognition that doesn't freeze them in a life of prostitution but provides a different future. Women in prostitution need income-generating projects that will provide them with decent livelihoods -- the kind of jobs that do not lock them into lives of sexual and economic exploitation. Women in prostitution need to be brought into the economic mainstream, not to have prostitution mainstreamed as legitimate work.

REFERENCES

- Asia Watch and the 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).
- Barry, Kathleen. 1995. *The Prostitution of Sexuality* (New York : New York University Press).
- Benson, Catherine and Roger Matthews. 1995. "Street Prostitution : Ten facts in Search of a Policy." *International Journal of the Sociology of Law*, 23 : 395-415.
- Business Times (Malaysia). 1998. "ILO eyeing the flesh trade now ?" *New Straits Times Press* (Malaysia) Berhad, August 20, p. 4.
- Coalition Against Trafficking in Women - Asia. 1997. "Sex : From experience of intimacy to 'sexual labor' or Is it a human right to prostitute ?" Policy Statement Available at Coalition Against Trafficking in Women website : www.uri.edu/artsci/wms/hughes/catw.
- De Stoop, Chris. 1992. Trans. from the French by Francois & Louise Hubert-Baterna, 1994. *They Are so Sweet, Sir : the Cruel World of Traffickers in Filipinas and Other Women* (Limitless Asia).
- ECPAT. 1996. "The Sex Exploiter." Paper submitted by ECPAT and written by Julia O'Connell Davidson for the World Congress against the Commercial Sexual Exploitation of Children, Stockholm, Sweden, August 27-31.
- Ghosh, Nirmal. 1998. "Why sex should not become a taxable 'service'," *The Straits Times* (Singapore), September 13, p. 35.
- Golding, R. 1994. "Prostitution in Holland," *Police Review Publication*, 10, Spring : 48-57.
- Gollum, Mark. 1998. "Tax prostitution, UN group urges : Recognizing sex industry would allow effective control of it, report says," *Ottawa Citizen* (News), August 23, p. A1.
- Human Rights Watch/Asia. 1995. *Rape for Profit : Trafficking of Nepali Girls and Women to India's Brothels* (New York : Human Rights Watch).
- Hunter, Susan Kay. 1993. "Prostitution is Cruelty and Abuse to Women and Children," *Feminist Broadcast Quarterly*, Spring, p. 16. Data also available from Council for Prostitution Alternatives, 1811 N.E. 39th Avenue, Portland, Oregon 97212.
- Jaget, C. 1980. *Prostitutes, Our Life*. (Bristol : Falling Wall Press).
- Lim, Lin Lean (ed.). 1998. *The Sex Sector : the Economic and Social Bases of Prostitution in Southeast Asia* (Geneva : International Labour Organization).
- Ofreneo, Rene E. 1998. Unpublished letter to Dr. Roger Bohning, Officer-in-Charge, ILO Manila September 7.
- Parriott, Ruth. 1994. "Health Experiences of Twin Cities Women Used in Prostitution : Survey Findings and Recommendations," Unpublished paper, May. Available from Breaking Free, 1821 University Ave., Suite 312, South, St. Paul, Minnesota 55104.
- Republica De Venezuela Ministerio Del Trabajo. 1998. *Direccion De Inspectoria Nacional y Asuntos Colectivos Del Trabajo*. No. 135. Caracas. 25 Marzo.
- Reuters. 1998. "Indonesia social minister disagrees on sex workers," August 20.

Swedish Government Offices. 1998. Fact Sheet, Violence Against Women Government Bill 1997/98 :55.
www.kvinnofrid.gov.se

"View from Taft - A Bitchy Issue." 1998. Businessworld (Philippines), September 10.

WEDO, 1998. Mapping Progress : Assessing Implementation of the Beijing Platform. (New York :
Women's Environment and Development Organization).

Ybarra, Michael J. "Patrons Given a Graphic View of Prostitution." New York Times, May 12, 1996, p.
18.

http://sisyphe.org/article.php3?id_article=689

Sisyphe: <http://sisyphe.org>

Dr. Janice G. Raymond
Co-Executive Director, Coalition Against Trafficking in Women (CATW)
Professor Emerita, University of Massachusetts, Amherst
P.O. Box 9338
N. Amherst, MA 01059

October 2003