

Prostitution and its threat to Women's Equality and Human Rights

Aleena McLean

300189163

Crim 335 ON1

July 20,2022

Human trafficking is one of the top three criminal industries in the world alongside the drug trade and arms dealing. It happens everywhere in all corners of the globe and is modern-day slavery. A large portion of human trafficking is the result of the sexual exploitation of women and young girls with a large amount being underage. While some advocate for the legalization and decriminalization of prostitution promoting equality and liberation it ultimately undermines the equality of women and human rights. In this paper, we will discuss how it undermines equality instead of empowering women's rights and possible solutions.

Prostitution is the exchange of sexual activity in exchange for payment. While prostitution has been around for thousands of years it still undermines our society today. Prostitution is based on supply and demand and contributes to women being viewed as commodities for the sex industries. Trafficking is any process involved in moving people across or within borders for the purpose of sexual exploitation (Hughes, 2000). People are trafficked for a variety of reasons such as manipulation, deception, abuse of authority, economic deprivation, and other conditions of inequality among women and children. Trafficking is a billion-dollar industry in the shadow market in which the underpinnings erode the goals of society and ultimately the human rights of all and equality of women. According to the United Nations, about one-quarter of four million people trafficked are exploited into the sex industries (Huges, 2000, Pati, 2002). Economically depressed countries provide traffickers the opportunities they need to find women. Asia, Latin America, and former Soviet republics have been the top areas where trafficking of vulnerable populations occurs (Holman, 2008). After the fall of the Soviet Union, many countries were left in disarray and economies collapsed. Hughes (2000) describes that eastern European countries are major markets for trafficking, Ukraine and Russia women were the most popular and valuable. After economies fell many struggled to find work and took to overseas work. Most trafficked women from eastern Europe were taken advantage of by transnational crime networks of migrants seeking work and women are exploited due to this (Holman, 2008). Women are

held in debt bondage and forced to work to repay travel expenses or to buy back their passports which were taken. (Hughes, 2000, Hepburn, 2012, Pati, 2012). Economically depressed countries provide traffickers the opportunities they need to find women.

Prostitution is based on the idea that one group of women should be available for men's sexual access. The sex trade places women as a commodity something that can be bought and sold. Placing one's value on monetary profits erodes the integrity and morals of a society. The fact that men are creating demand and that women can be purchased and sold creates a structural inequality based on gender (Hughes, 2000). The consumers are men who use women for sexual gratification, entertainment, and acts of violence further highlighting the inequality demonstrated by these men (Sullivan, 2002). Post (2011) describes prostitution as individual discrimination in which men exploit women for their use further highlighting the inequality between a man and women. Prostitution creates a class of devalued women in society and legalization gives the approval of a class of women. Ultimately legalization gives the approval to the violence, control, and devaluation of half the world's population (Post, 2011). Furthermore, Post (2011) states that as long prostitution is tempered by the allowance of inequality and violence against women rather than eliminating these harmful acts on human rights it will continue to grow.

Poverty and economic hardship are the leading factors in those who are trafficked or end up in prostitution. The prostitution industry is one of the worst displayed systems of discrimination with an over-representation of its people being poor females. Women and girls are often promised a good wage pay for jobs overseas or across borders such as nannies, modelling, and house maids only to find that when they arrive they are exploited and forced into the sex trade (Post, 2011, Holeman, 2008). Some women already in economic hardship do not see a choice and go along thinking if they work to pay off so-called debts they will make money and return home. For genuine consent of voluntarism to exist available options must be present and informed consent must be disclosed in reality these factors do not happen. This desperation caused by economic hardship and poverty is exploited and taken advantage

of. Once in prostitution victims' status falls even lower due to societal norms. Asia has always been a hub for the sex trade, particularly child exploitation and is tied to its economic hardships and class of poverty (Hepburn, 2010). Women who end up in the sex trade are those who are faced with extreme poverty and a lack of other opportunities to generate income. Post's (2011) work indicates that 41% of women in Cambodia who were prostitutes were divorcees with children. Being divorced in a poor country highlights the inequality and lack of opportunities compounded by those women who end up in prostitution. Many women do not go into the sex trade by choice but by the lack of choices and skills that life has not presented to them. This highlights the impact of gender inequality forced on women.

Sex workers experience some of the most egregious acts of violence inflicted upon them and these acts are akin to torture described by victims. In a healthy democracy and just society, we do not condone torture in fact as set out by international law, torture is conduct against the law that erodes the fabric of peace and good governance. Violence in prostitution is said to be endemic with over 80 % involving physical harm (Post, 2011). Farley (2004) reported that more than 75 % of women in prostitution had been raped at someone point. Violence is also associated with poverty with those who are forced into prostitution longer are more likely to experience greater violence over time (Farley, 2004). The other harmful side of the sex trade is psychological trauma. Survivors have reported the psychological degradation of the industry has forced those to go into a disassociative state, placing their bodies and minds in two different places. Many mask the pain through chemical dependency further causing depression, mood disorders and suicidal thoughts (Post, 2011) Among the many factors that can destroy one's sense of self is post-traumatic stress disorder which happens as a result of an experienced traumatic event. Post (2011) reports that PTSD is reported more in women of prostitution than those that are refugees from war-torn countries. Prostitution is also the leading cause of HIV/AIDS and death among prostituted women. Homicide is also a leading cause of death in prostitution with those who enter have a life expectancy of four years (Farley, 2004). Prostitution further goes against international law such as the Convention on the Elimination of all Forms of Discrimination against

Women.

In an effort to minimize harm in prostitution, control expansion, and reduce criminal activity governments thought legalization would correct these issues. After 20 years of data, unfortunately, it can be seen that legalization has not achieved any of these goals and in fact lead to the normalization and growth in the industry, along with the trafficking of vulnerable to meet demands. Legalization, decriminalization, and making legal sex work has not been a solution to keep vulnerable woman and underage females safe from violence and exploitation but has had the opposite effect. Demand has encouraged markets contributing to the abuse to grow. A thriving sex industry increases child prostitution, and other sex crimes and justifies violence against women (Post, 2011, Sullivan, 2002) Countries with large sex industries create the demand and most women who are trafficked are sent to areas and countries where there is a large sex industry center or where prostitution is legalized such as the Netherlands, Australia, Germany or where widely tolerated (Hughes, 2000, Farley, 2004). The legalization of prostitution, brothels, and the sex industry creates a demand, and the demand far outweighs the supply which is why women are trafficked to meet that demand. Legalized prostitution also makes it difficult for traffickers to be held accountable as it is difficult to prove between forced and voluntary prostitution. This is difficult because women are likely already in a vulnerable and disadvantaged state and initially consent. Legalization perpetuates and keeps contributing to the problem. In all countries where it is legal prostitution has grown noticeably. In the Netherlands, the sex industry increased by twenty-five percent after legalization (Post, 2011). In Victoria, Australia, the number of legal brothels doubled, and illegal brothels increased by 300%(Sullivan, 2012). A 200% to 400% increase in street prostitution has been reported in Auckland, New Zealand since prostitution was decriminalized (Raymond, 2004). Brothels in Australia are a large importer of vulnerable trafficked women abroad (Post, 2011, Sullivan, 2002). As Post (2011) stated changing the law does not change the route of the problem which really is the general attitude towards women. Legalization has allowed more women to be drawn into the sex trade and trafficked countries in the European Union such as

Germany, Netherlands, Denmark, and Italy have seen the number of prostitutes double from 1994 to 2002 (Sullivan, 2002). Furthermore, the Netherlands has noted it has the largest number of sex tourists this illustrates the fact that legalization normalizes the act of buying sex (Post, 2011, Sullivan, 2002). Normalizing prostitution has an impact on violence against women and men buying sex are more likely to have misogynistic attitudes and commit sexually coercive acts and other acts of violence against women. Legalization does not stop violence it is reported that in the Netherlands where it is legalized 60% of women suffer from physical assault, 70% from verbal threats, and 40% from sexual violence. (Batsyukova, 2007, Farley, 2004) Women who are in countries with the legalization of sex work do not register because they do not want the label to follow them for the rest of their lives(Sullivan, 2002). It is also noted that sometimes more violence happens in brothels and other “ safe “ facilities indoors because the owners decide the rules whereas on the streets women make their own judgments and can decline a john. Post (2011) states that countries that have legalized prostitution in an effort to reduce harm still have high rates of assault and rape against those in prostitution. In the states, Nevada is the only state in which prostitution is legal, and compared to the others it has the most rates of sex crimes (Farley, 2004). In Post (2011) research it was discovered that of women who were in the sex industry 96% of Filipino women, 50% of Venezuelans and 56% of Eastern Europeans, and 85% of US women said that prostitution should not be legalized because prostitution itself embodies violence against women. Furthermore, they stated that prostitution itself embodies physical and sexual assault and that almost 2000 members of a Thai prostitute collective claim that none of them see it as a real profession.

Abolition is the approach to end prostitution in which it is seen as a form of violence against women and ultimately an obstacle to equality with men. Abolition laws seek to decriminalize women in prostitution and criminalize the prostitution industry and its buyers. This is seen with Sweden leading the way in this approach. Passed in 1998 referred to as the Nordic Model makes it an illegal and criminal offense to obtain sexual services in any form. Since Sweden's implementation trafficking has decreased significantly, since Norway adopted the model it has seen a 20% decrease in its street

prostitution (Holman, 2008). Targeting the demand has proven to be successful in decreasing prostitution and sex trafficking and ultimately human trafficking. (Hughes, 2000). Intervening the demand for women used in prostitution Sweden created a law on violence against women in which prostitution is included as a violation of a woman's integrity. Sweden took the stance that this offense is of gross violation of women's integrity and the prohibition of the purchase of sexual acts is aimed to eliminate acts of violence that stand in the way of equality for women (Hughes, 2000). This approach recognizes the harm done to women through sexual exploitation and starts with the view that women have the right to dignity, integrity and equality (Hughes, 2000). Sweden's laws are aimed to protect women from violence by holding men and the demand suppliers contributing to the trafficking for the purpose of prostitution accountable. The aggressive targeting of sex trafficking with harsh laws directed at johns and criminals has significantly reduced the demand and made the sex market in Sweden unattractive for international traffickers (Batsyukova, 2007). It is the country with the least serious problem of sex trafficking compared to the other countries in the European Union (Holman, 2008).

Through the research, it was discovered that legalization does not protect women or eliminate violence and promote gender equality. As post (2011) stated changing the law does not change the route of the problem which really is the general attitude towards women. Prostitution is regarded by the majority as a morally corrupt part of the social fabric of society. Those trafficked are likely being forced into the sex industry as modern-day slaves. The demand for women used for the purpose of sexual activities threatens the status of all women around the world. Equality and true democracy cannot exist in any country where those view half of the population as commodities that can be bought or sold and ultimately enslaved. Where legalization has been sought to help the problem in actuality it has resulted in an increase in trafficking to meet the demand for women used for legal sex industries. Furthermore, legalization does not change the fact that sexual violence and psychically assault still happen and are associated with prostitution and therefore cannot be changed if it is legal or illegal.

References

- Batsyukova, S. (2007). Prostitution and human trafficking for sexual exploitation. *Gender Issues*, 24(2), 46–50.
<https://doi-org.proxy.ufv.ca:2443/10.1007/s12147-007-9001-0>
- Farley, M. (2004). Bad for the body, bad for the heart: Prostitution harms women even if legalized or decriminalized. *Violence Against Women*, 10(10), 1087–1125.
<https://doi-org.proxy.ufv.ca:2443/10.1177/1077801204268607>
- Hepburn, S., & Simon, R. (2010). Hidden in plain sight: Human trafficking in the United States. *Gender Issues*, 27(1/2), 1–26.
<https://doi-org.proxy.ufv.ca:2443/10.1007/s12147-010-9087-7>
- Holman, M. (2008). The modern-day slave trade: how the United States should alter the victims of trafficking and violence protection act in order to combat international sex trafficking more effectively. *Texas International Law Journal*, 44(1/2), 99–121.
- Hughes, D. M. (2000). The 'Natasha' trade: the transnational shadow market of trafficking in women. *Journal of International Affairs*, 53(2), 625.
- Pati, R. (2012). Trading in Humans : A new haven perspective. *Asia Pacific Law Review*, 20(2), 135–166. <https://doi-org.proxy.ufv.ca:2443/10.1080/10192557.2012.11788258>
- Post, D. (2011). Legalization of prostitution is a violation of human rights. *National Lawyers Guild Review*, 68(2), 65–108.
- Raymond, J. G. (2004). Prostitution on demand. *Violence Against Women*, 10(10), 1156–1186.
<https://doi-org.proxy.ufv.ca:2443/10.1177/1077801204268609>
- Sullivan, M. L., & Jeffreys, S. (2002). Legalization: the Australian experience. *Violence Against Women*, 8(9), 1140.
<https://doi-org.proxy.ufv.ca:2443/10.1177/107780102401101773>