

COALITION

Against Trafficking

in Women

*Category II consultative status with the United Nations
Economic and Social Council*

COMMENTS ADDED BY
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CONFERENCE IN
BEIJING

**Report to the Special Rapporteur
on Violence Against Women
The United Nations, Geneva, Switzerland**

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Report to the Special Rapporteur, May, 1995

We take this opportunity to congratulate you on the issuing of the first Preliminary Report of the Special Rapporteur on Violence Against Women (1995). We are encouraged by the comprehensive nature of such an undertaking and especially by the section on pornography. We have specific comments directed to the section on "Prostitution and Trafficking," which we hope will be useful in preparing your next report and which will make this part more consistent with the section on "Pornography" and with sections on other forms of violence against women.

NOTE from Norma Jean Almodovar:

In 1995, I attended the UN World Conference on Women. (See above) With three of my other sex worker activist colleagues, we challenged the lies told by the abolitionist attendees including Melissa Farley and Donna Hughes.

We were successful in changing the text of the two paragraphs in the Platform For Action, which originally read "Paragraph #225

Here's the way the original text read:

225.[Violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms. There has been a long-standing failure to protect and promote these rights and freedoms in relation to violence against women. Gender-based violence **and all forms of sexual harassment, prostitution, pornography,** sexual slavery and exploitation, including those violations resulting from cultural prejudice, racism and racial discrimination, xenophobia, ethnic cleansing, religious and anti-religious extremism and international trafficking in women and children, **are incompatible with the dignity and worth of the human and must be eliminated.**

The new paragraph, which was ratified by the member countries, says "**ALL FORCED...prostitution and pornography.**" However, the following document shows that the abolitionists believe that all pornography and prostitution are "forced" and "Sex trafficking" which essentially nullified the work we did in China.

Introduction

The Coalition Against Trafficking in Women has spearheaded the position that all forms of sexual exploitation are a violation of a person's human rights. In conjunction with a network of other Non-governmental organizations¹ and with the strong support of UNESCO, we have launched a new Convention Against All Forms of Sexual Exploitation which is working its way through both NGO and GO circles. We are at a point where the Convention has gone through multiple drafts over a period of four years; where it has been debated and revised by hundreds of NGOs and individuals, many of whom are survivors of sexual exploitation, such as women in prostitution, rape and incest survivors, and women who are survivors of domestic violence.

The Convention has been distributed and discussed at NGO meetings in the United States, Vietnam, Belgium, France, Germany, Sweden, Australia, Ireland, Finland, the Philippines, Venezuela, and other countries. Additionally, the Convention has been launched at various preparatory meetings, leading up to the 1993 World Conference on Human Rights held in Vienna (Costa Rica, the Philippines, New York) where the network of organizations in support of a new Convention presented a daylong workshop on the subject of sexual exploitation as a human rights violation and the new Convention. We have done the same thing during preparatory meetings for Beijing where the network will again present a daylong public meeting, co-sponsored by UNESCO, at the 4th World Conference on Women.

We take this opportunity to address some of the arguments that are now being made to omit prostitution from the category of violence against women and also to address some of the distinctions being applied to various forms of sexual exploitation. It is our hope that these reflections will explain why these are confusing and misleading distinctions. Since these distinctions are meant to legitimate certain practices of sexual exploitation and to frame policy and legislation on prostitution, in particular, we focus on them in our report

¹ See list of the Network of Organizations in Support of a New Convention Against All Forms of Sexual Exploitation (inside back cover).

to you. We note with concern that some of these distinctions are employed in the Special Rapporteur's Report and, therefore, encourage you to reassess this usage.

False and Misleading Distinctions

Recently, and unfortunately, some non-governmental and women's rights groups have attempted to draw distinctions between trafficking and prostitution, between "forced" and "free" prostitution, between child and adult prostitution, and between so-called third world and first world prostitution. In general, these distinctions are used to create permissible forms of sexual exploitation, with proponents arguing that not all prostitution constitutes sexual exploitation and is therefore acceptable. For example, some proponents argue that only "forced" or child prostitution is a violation of human rights, and thus objectionable.

We are concerned that these distinctions will create remedies only for "deserving victims" — for children, or for women who can prove that they were overtly coerced — if they survive and have the means to demonstrate coercion. We are also concerned that these distinctions will legitimize practices of sexual exploitation not involving overt and demonstrable coercion. Most important, as numerous women who have survived prostitution know and remind us, women's very lives depend on a wider human rights recognition of the harm of prostitution.

Prostitution vs. Trafficking

We cannot and should not discuss trafficking in women and children separately from prostitution. We understand sex trafficking as a form of prostitution. As the Coalition Against Trafficking in Women, we have opposed trafficking in women as a major part of prostitution. The trafficking in women and children also operates in conjunction with sex tourism and mail order bride industries, both of which are forms of the prostitution of women and children. Moreover, separating prostitution from trafficking suggests that prostitution is only unacceptable and actionable when women are taken across national borders.

Prostitution, of course, is the goal of sex trafficking and builds the base for the trafficking in women and children. When prostitution is accepted by a society, sex trafficking and sex tourism inevitably follow. Countries that regulate and therefore help sustain prostitution bolster sex trafficking and sex tourism.

The debate over whether to distinguish between prostitution and trafficking dates back to the early part of the 20th century when the League of Nations specifically excluded sex trafficking within national borders from its work on international treaty-making. However, those appointed found this separation to be untenable because the linkages between national and international aspects of the trafficking in women could not be ignored. They, in fact, found that sex trafficking within national borders is prostitution. Those advisors appointed by the League in 1927 and again in 1932 to investigate sexual trafficking in the Americas, Europe, and the Middle East noted in their report that they found it impossible to isolate the international problem of trafficking from the various forms of commercialized sex which were confined within nation-states. They came to the conclusion that the principal factor fostering international traffic in women from the east, for example, was the existence of licensed houses of prostitution — brothels — already operating on a national level in the west.²

Defenders of the distinction between prostitution and trafficking want to lay the groundwork for excluding prostitution from the category of violence against women. Their aim is to redefine prostitution as “work” done by women and to regulate prostitution as a labor issue. This “regulationist” approach makes prostitution a necessary social service performed by a separate class of women and integrates that “work” into the social structure through taxation, health checks and other administrative measures. And it minimizes the actual violence that most women and children experience in prostitution.

² See Report of the *Special Body of Experts on Traffic in Women and Children*, League of Nations Docs. C.52.M52.1927.IV (1927) and C.52.(2)M.52(1)1927.IV (1927); and *Report to the Council of the Commission of Inquiry into Traffic in Women and Children in the East*, League of Nations Doc. C.849.M.393.1932.IV (1932).

SERIOUSLY? 55 VICTIMS OUT OF THE ALLEGED HUNDREDS OF THOUSANDS OF VICTIMS IN THE US?

For example, in a survey of 55 victims/survivors of prostitution who used the services of the Council for Prostitution Alternatives in Portland, Oregon, 78% were victims of rape by pimps and johns 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 many were filmed in pornography enduring the torture; and 27% were mutilated.³ Jane Anthony, survivor of prostitution and author of the well-known article published in *Ms. Magazine* entitled "Prostitution as Choice," points out that because "women in prostitution are so used to exploitation and violence, if anything they probably underreport violence and underestimate it. And sometimes when women in prostitution do focus on rapes and beatings, it's because we don't have a name for that other, less visible and longer lasting violence — that day-to-day accumulative numbness and sense of endless sameness."⁴

The regulationist approach is itself part of the problem. In most societies and in most public policy, the sexual exploitation of prostitution is by and large considered an inevitable fact of life, sometimes regulated and contained, but not a serious problem of violence against women. It is nowhere treated as a grave violation of human rights and a condition of discrimination requiring international attention, legislation and services for women. When action is forthcoming, it is only in particularly atrocious situations, and even then very rarely.

The distinction between trafficking and prostitution reinforces the view that action is only called for in the most extreme cases, and that little action will be taken to address the larger picture of all forms of sexual exploitation as a human rights violation.

³ Documentation available from the Council for Prostitution Alternatives, 710 South East Grand, Suite 8, Portland, Oregon 97214.

⁴ With thanks to Jane Anthony for her comments on the original version of this report. See Jane Anthony, "Prostitution as 'Choice,'" *Ms. Magazine*, January/February, 1992.

Third World vs. First World Prostitution

The sex industry makes no distinction between women it recruits into prostitution from the North or South. Prostitution demands that the individual who is bought and sold in a commercialized sexual transaction submit to the sexual demands of any man who has the economic power to purchase her acquiescence, be she woman or child, from the North or South, and regardless of the degree of coercion facilitating her entrance into prostitution.

There are certain myths about women in prostitution in industrialized countries. One is that women earn a lot of money in prostitution and have created unions which regulate their working conditions favorably. We note with concern that the Report of the Special Rapporteur accepts that prostitutes in industrialized countries "may belong to fairly sophisticated unions (albeit largely unrecognized)." We know of no industrialized countries where unions of prostituted women are prevalent or sophisticated, be they legal or illegal.

Furthermore, as Dorchen Leidholdt points out, the problem with unions is that the only future they offer prostituted women is work as brothel managers, madams, or *mamma-sans*. These older women then become quasi-pimps whose livelihood depends on maintaining younger women in conditions of prostitution. In effect, they become the gatekeepers for the sex industry.⁵

When one looks at the women in prostitution in so-called first world countries, they are disproportionately representative of economically and racially marginalized women — women who live in conditions that compare with those in developing countries. In the United States, for example, there are a disproportionate number of African American and other minority women used in prostitution. One of the largest sectors of prostitution in the United States today is street prostitution in which drug-addicted and diseased women

⁵ With thanks to Coalition Co-Director, Dorchen Leidholdt, for her several readings and commentaries on earlier versions of this report.

— a frequent target of serial killers — serve customers, often in “crack houses,” for \$US10 a “trick.” In any urban area in the United States, pornography, sex clubs and brothels are legally and illegally zoned into communities of color and poor neighborhoods.

This distinction between third and first world prostitution blurs rather than clarifies the violence of racism and prostitution. It creates a false hierarchy of harm that is equivalent to distinguishing between the harm of apartheid in South Africa and segregation in the United States, and then using that distinction to address only that deemed most harmful.

At the same time, however, women and children in developing countries are singularly targeted for sex tourism, sex trafficking, mail order bride marketing and migration for labor, which often results in their sexual exploitation. It is not only economic deprivation that promotes the migration of third world women's seeking work that often ends up as prostitution, but the presence of recruiters who facilitate the trade in women from these “sending” countries. This is not an argument for separating sexual exploitation in the North and South, but for recognizing that the two are very connected. Making connections between first and third world sexual exploitation also means that first world countries must take responsibility for the ways in which their countrymen have originated and exacerbated the creation of sex industries and the sexual merchandising of women and children in the South.

“Forced” vs. “Free” Prostitution

The distinction between “forced” and “free” prostitution is precisely what the sex industry wants, because it will give the industry more security and legal stability than it has ever had. It will be virtually impossible for women, especially women from developing countries, to prove that they were coerced into prostitution or sexually exploited against their will, if the definition of coercion is narrowed and we begin only to speak about “forced prostitution.”

We note with concern that the Special Rapporteur's Report seems to imply that a significant number of women in prostitution

So marriage will make it virtually impossible to prove they are victims of domestic violence because marriage is not against the law?

"become prostitutes through the exercise of 'rational choice.'" From oral history testimony collected from women in prostitution, very few women really choose to enter prostitution.⁶

Much prostitution is maintained through overt force and physical abuse but, often, it is the result of earlier sexual and emotional abuse, economic disadvantage and privation, marginalization, loss of self, predatory recruiters, trickery, manipulation and deception. Lack of programs to aid women in leaving prostitution and the difficulties women face in getting out means that only the most determined and fortunate can exit. Even those few women in prostitution who are not pimp-controlled are unfree in the sense that they must submit to the demands of the men who buy them for sex.

Most women in prostitution do not make a "rational choice" to enter or remain in prostitution. We must differentiate between *compliance* and *consent*. The prostituted woman complies with the customer's demands. Her compliance is required by the very fact of having to adapt to conditions of inequality that are set by the customer who pays her to do what he wants her to do. The fact that a customer pays *money* to a woman or child merely *redefines as prostitution, the rape, sexual abuse and battery that he commits*.

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. It is his "rational choice," his right to do what he wants with another's body — not her choice or rights — that are promoted in prostitution. Beware of men's rights disguised as women's rights. We recommend that the Special Rapporteur's Report focus more on the role and responsibility of the customer in creating the demand for prostitution. If the issue of choice must be

⁶ See oral testimony quoted in "Prostitution is Cruelty and Abuse to Women and Children," *Feminist Broadcast Quarterly*, Spring, 1993 by Susan Kay Hunter. Hunter is the Operations Coordinator for the Council for Prostitution Alternatives. Also see oral history testimony collected from women in prostitution from WHISPER, 3060 Bloomington Ave., So., Minneapolis, MN 55407 USA. Excerpts quoted in Evalina Jobbe, "Prostitution: Buying the Right to Rape," in Ann Wolbert Burgess, (New York: Garland Publishing, Inc.), 1991.

Some women choose jobs in law enforcement and the military- which apparently are acceptable risks for danger...

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 and call it sex?

There may be a small number of women that "choose" to enter prostitution. We do not doubt that some women *say* that they have chosen it, especially in public contexts orchestrated by the sex industry. In the same way, some people choose to take dangerous drugs such as heroin, under conditions they did not choose originally and might not choose now, if offered something different.

However, even when some people choose to take dangerous drugs, we still recognize that drug use is harmful. In this situation, it is *harm* to the person, *not* the *consent* of the person, that is the governing standard. We cannot allow the sex industry, or even non-governmental organizations, to rationalize the existence of prostitution based on this opportunistic use of consent and deny the harm to women and girls.

In applying the words "forced" and "free" to prostitution, proponents create categories without context and distinctions without meaning. The sex industry makes no distinctions between "forced" and "free" while encouraging others to do so. These categories promote the view of prostitution as the individual act of an individual woman and conceal the role of an enormous global industry that propels women and children into prostitution. Such distinctions shift the responsibility for the sexual commodification of women and children from the men who buy them, the industry that recruits them and the society that tolerates such sexual exploitation.

These labels treat prostitution as a personal choice, ignoring the sexual exploitation of prostitution while at the same time announcing that the worst thing about prostitution is its stigmatization. But the worst thing about prostitution is its violation of and violence against women and children.

While emphasizing the harm that is done to actual women and children in prostitution, we must also note that the sexual exploitation of prostitution is harmful to all women. The sexual violation of

Because women are not individuals with the ability to make their own choices? Only these abolitionists can do that!

But we did change it- and it was ratified by the UN Convention delegates!

any woman is the sexual degradation of all women, deprives women of freedom of movement, and threatens women's safety and security. On a larger level, prostitution defines what it means to be a woman and what women must resort to when all else fails. It narrows the possibilities for all women. Prostitution sends the message that women and girls are merely sexual commodities, that women's bodies are for sale, that sexual harassment is an acceptable and natural way to treat women and girls on a daily basis, especially when men pay for it.

There are no United Nations Conventions that employ the language of "forced prostitution." Article 8 of CEDAW, for example, refers to "all forms of traffic in women and exploitation of prostitution of women" — not "forced prostitution." Would we speak about "forced slavery," "forced genocide," "forced rape," "forced torture," "forced apartheid?" We would not, simply because inherent in the words themselves is the signifier of force. Likewise, it would work against the spirit of the Universal Declaration of Human Rights, centuries of human rights activism, and the intent of many United Nations Conventions and conferences to restrict the violation of prostitution to "forced prostitution."

Child vs. Adult Prostitution

We are opposed to making distinctions between child and adult prostitution, when that distinction is used in the service of tolerating adult prostitution and only making child prostitution unacceptable. As Marlene Sandoval of Chile, a human rights worker who directs CERSO, a centre for street children in Concepcion, has said: "What are we doing rescuing children from prostitution only to say it's O.K. when they become 14, 16, 18, 20? Do we really want the message to be 'Not now but later?'"

Evalina Giobbe, founder of the U.S. based WHISPER — an NGO founded to support women and girls attempting to escape prostitution and to provide public education about prostitution as a violation of women's human rights — has testified before the Working Group on Contemporary Forms of Slavery in Geneva: "Like the vast majority of survivors of prostitution in the United States, I was co-

To these infantilizing abolitionists women who 'choose' sex work are nothing but children who cannot make decisions for themselves.

erced into prostitution as a teenager...at age 13... 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."⁷ Giobbe points out that 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 woman's body.

Moreover, many children in prostitution are second and third generation prostitutes. That is, they are the children of women in prostitution. We cannot pretend to care about these children if we do not care about their mothers. We cannot remedy the child prostitution situation unless we address the total environment in which many children enter prostitution, and unless we ensure that they will not repeat the limited options available to their foremothers.

The continuing distinctions made between child and adult prostitution, with the primary international emphasis on addressing mainly child prostitution, hampers the development of comprehensive programs, policy and legislation that address the larger issue of sexual exploitation of all human beings. If we define the problem to be only the prostitution of children, we fail to address prostitution *per se* and the international scope and expansion of the sex industry. The rapid increase and growing internationalization of the prostitution of children and adult women requires a systemwide campaign of global action that addresses all facets of the problem.

Prostitution is Not "Commercial Sex Work"

We note with great concern that the Preliminary Report of the Special Rapporteur seems to accept the terminology of "commercial sex worker" (CSW) to refer to women in prostitution. With many other NGOs, we are very troubled that this terminology sets the stage for dismantling many of the gains that women have won in the

⁷ "Statement of Evalina Giobbe, Program Director, WHISPER." 16th Session of the United Nations Working Group on Contemporary Forms of Slavery, 1992. WHISPER, Vol. VI, No. 1-2: Winter/Spring, 1992, p.5.

campaign against sexual exploitation and exempts prostitution from the category of violence against women by renaming it.

Those who want prostitution recognized as "commercial sex work" argue that when prostitution is de-stigmatized and regulated, the more "professional" the prostitute will become and the more "dignity" will be given to her and her "work." Professionalizing prostitution neither dignifies nor upgrades the women in prostitution. It merely dignifies and professionalizes the sex industry and the men who buy the bodies of women and children in prostitution. It gives them more dignity and professional credibility than they have ever had, or could get anywhere else and, this time, in the name of women's rights!

What we should strive to dignify is the will of women in prostitution to survive, and to choose life over despair, and their courageous efforts to create dignified and sustaining lives and work outside of prostitution. What we never want to dignify is an industry that demands that women and children sell their bodies in order to survive and then calls it "commercial sex work."

Prostitution is a practice that violates the human dignity and integrity guaranteed to all persons in the Universal Declaration of Human Rights. This Declaration proclaims that all human beings are born free and equal in dignity and rights. Any form of sexual exploitation, including prostitution, abrogates this human dignity.

WHISPER, the organization of women who have survived prostitution and who are committed to ending this form of violence against women, found it difficult to identify job skills gained in prostitution which would advance anyone's career. They found that the "skills" of prostitution are: performing sex acts, feigning sexual enjoyment, enduring all manner of bodily violation, and allowing your body to be used in any imaginable way by another person. What young girl would we encourage to develop these "skills?"

Moreover, some of the "skills" that prostituted women must "cultivate" — performing hurtful and harmful sex acts, enduring all kinds of bodily violation, and allowing one's body to be used on demand

Apparently being raped by cops and being incarcerated is acceptable degradation for women who don't subscribe to this BS 11

of the customer — are defined elsewhere in the Special Rapporteur's Report as sexual harassment and sexual abuse in the workplace. What prostitutes must routinely endure in their "workplaces" is "employer" behavior that is "unwanted and insulting, unwelcome sexual attention, indecency, violence and conduct that is offensive and threatening." As the Special Rapporteur's Report recounts, courts have concluded that "sexual harassment is sex discrimination and that proven harassment may render an employer liable in damages." What then happens to prostituted women whose very "job" — if we term it "commercial sex work" — constitutes, what in any other "workplace," would be defined as sexual harassment and abuse? Conversely, what are the consequences for working women as a whole in the ordinary workplace if the prostitution of any woman is not recognized as sexual harassment and abuse?

On an international economic level, naming and accepting prostitution as "commercial sex work" furthers the goals of some governments, international banks, monetary agencies, and labor organizations whose development plans incorporate prostitution and trafficking in women into the global economies. If the income earned by women in prostitution can be included in national accounting systems (as some countries and organizations are proposing), then governments are relieved of the responsibility to expand female economic opportunities called for by past and present United Nations conferences. If women in prostitution can be counted as workers in these same national accounting systems, then governments are much less accountable for making dignified and sustaining employment available to women.

Accepting prostitution as sex work, and factoring it into the global economies, is not what the Nairobi Forward-Looking Strategies for the Advancement of Women resolution meant when it called for the total integration of women in development. Acknowledging prostitution as sex work mocks those international goals that establish specific targets to increase the participation of women in professional and economic positions in their countries. Adopting prostitution as sex work, and integrating it into the global economies, is a travesty of all United Nations directives calling for the advancement of women.

Some will say that a great deal of labor is alienating, and that prostitution is simply another form of alienated labor. Prostitution is not so much alienated labor as it is alienated intimacy in which women must sever themselves from their own minds and bodies to perform the sex of prostitution. Accepting prostitution as sex work ignores the violence and degradation experienced by most women and children in prostitution. This is exactly what the sex industry wants. It protects its own right to employ women in hazardous, violent and degrading "work."

Many women in prostitution, as well as many women who are survivors of prostitution, reject the label of "commercial sex work" and do not view themselves as "commercial sex workers." It is an understatement to say that this language of "sex work" misrepresents their experience of being bought and sold in prostitution.

A more honest term that spotlights the sexual exploitation of prostitution, and the fact that most women in prostitution do not choose to be there, is "women in prostitution" or "prostituted women." We cannot allow the exchange of money in prostitution to transform what is actually sexual harassment, sexual abuse, and sexual violence into a "job" known as "commercial sex work" which will be performed primarily by racially and economically disadvantaged women in the so-called first and third worlds, and women and children who are victims of childhood sexual abuse.

Who Represents Prostituted Women?

Various groups claim to represent prostituted women. There are organizations that claim they are composed of prostitutes and ex-prostitutes that in fact are not what they seem to be. We note with concern that the only organization of women in prostitution cited in the Special Rapporteur's Report is the First and Second World Whores Conference. This Conference, however, was largely supported and directed by the individuals involved in or affiliated with the sex industry. Among the groups who were instrumentally involved in organizing these Conferences was COYOTE.

Oh, my! Can you imagine? A sex worker rights conference supported by SEX WORKERS? AND our sex worker rights organizations????

Why would we "claim to be prostitutes" and risk being arrested if we were not actually prostitutes????

COYOTE, the most prominent and publicized pro-prostitution group in the United States, is actually a mouthpiece for the sex industry. Margot St. James, former director of COYOTE, has served as a witness for the defense at the pimping trial of well-known pornographers, and works with admitted customers of prostitutes to abolish laws against soliciting prostitutes. COYOTE also actively lobbies for the repeal of laws against pimping and pandering as well as laws against customers. Although claiming to be a prostitutes rights organization, COYOTE works more for the rights of the the customers, and to keep women indentured to the sex industry, rather than for the rights of women to leave prostitution.

Moreover, COYOTE is represented by several women who claim to be prostitutes but who were never in prostitution or who equate being in prostitution with multiple casual sexual encounters, some of which may have included receiving monetary favors. This equation trivializes the experiences of millions of women who have actually lived in systems of prostitution.

Meanwhile, groups that truly represent prostituted women — groups such as WHISPER and the Council for Prostitution Alternatives — are composed of many women who are survivors of prostitution, or women currently in prostitution trying to leave. Because such groups are not supported financially 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 groups.

Some groups who claim to represent prostitutes, joined by NGOs who have reported to you, have said that feminists cannot speak for prostitutes. This charge comes from the same groups that misrepresent or deliberately distort their membership of women in prostitution.. But many feminist groups speak against prostitution because, among other reasons, there are survivors of prostitution who are in the forefront of these organizations. They know that prostitution is a violation of a woman's human rights, because they know the harm of prostitution from firsthand experience.

The Coalition Against Trafficking in Women, for example, has

Exactly, you condescending beeches... it is NOT your experience and you have NO right to tell us what OUR experience is!!!!

survivors of prostitution and of other forms of sexual exploitation on our Board of Directors and on our Advisory Board. So what happens when the feminists *are* the survivors of sexual exploitation and the survivors of sexual exploitation *are* the feminists? When they are one and the same, survivors and feminists are speaking for themselves.

It has *not* been our experience that, as the Special Rapporteur's Report seems to accept, the agendas of prostitutes and survivors of prostitution "often conflict with those of feminist organizations working ostensibly on their behalf." The real conflict is between those groups who define prostitution as a human rights violation and those who do not.

Advocates of regulating prostitution argue that viewing all prostitution as a violation of women's human rights negates women's individual rights and choices, and stereotypes all women in prostitution as victims. On the surface, this is a nice platitude to confuse persons in and out of prostitution. Simply stating that women are not victims won't make the victimization of women in prostitution disappear. The statement, however, is meant to make the *harm* of prostitution invisible. And understanding the harm is the first step toward ending any form of sexual exploitation.

Statements like "prostitutes are not victims" are manipulations of fact. While women in prostitution, and all women for that matter, have never simply been victims, women are in fact victimized. Women's history is inseparable from victimization, but it cannot be reduced to it.

Prostitution and Pornography

We note with special congratulations the section on pornography in the Report of the Special Rapporteur. We agree that pornography is violence against women, a mainstay of male power and female subjugation, and a practice of sex discrimination. It eroticizes the domination of men and the subordination of women. Recognizing pornography as violence against women is an important landmark in the struggle for women's equality and for the elimination of all forms of violence against women.

Yes, they are after porn too...

It is important to make the connections, additionally, between pornography and prostitution. Pornography is actually a practice of prostitution. It is the sex of prostitution made public. Pornography can only be manufactured through the prostitution of women and children, i.e., through the buying and selling of the women and children who perform the sex of prostitution before cameras. The sex of pornography is the real sex of prostitution, only it is bought for public display and distribution.

Women and children in enacting the sex of pornography must actually submit to the sex acts done in prostitution. And often, the sex that women submit to in prostitution is filmed without their knowledge. What pornography *depicts*, such as women and children being penetrated by objects and animals, women and children are forced to *do* in order to manufacture the pornography.

Pornography is the public relations arm of the sex industry. It teaches men and boys to view and treat women and girls as prostitutes, and as sex merchandise available for a price. It teaches that the sex of prostitution is merely sex; that prostitution is what sex is.

Many women and children work interchangeably in pornography and prostitution. As it is "necessary to find new ways of legislating which address the issue of pornography in terms of the concerns relating to the violent subordination of women," so too is it necessary to find new ways of legislating that make all forms of sexual exploitation, including prostitution, a violation of human rights.

Measures to Make Prostitution and Trafficking a Violation of Human Rights

Opponents of prostitution as 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.

If we take seriously the reality that prostitution and trafficking are violations of a person's human rights, then we cannot regulate

We agree that "most women do not want to be officially registered" because it isn't any of the government's business what we so. A registration can be black mail by government agents who want to earn some extra money if we decide to do other work.

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. 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 (such as Germany and Holland) from poorer countries in the third world for the purpose of cheaper sex. 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 reality is that during the 1980s as the sex industry in several European countries underwent significant development, commercialization, *and* legitimization through regulationist legislation, it also became an international business. Women became goods and services in an industry without national borders. Mobility became limitless; women were passed from one club to another, from one district to another, and from one country to another.

Free trade in women and children was initiated within the about-to-be unified European community. 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. "Legitimate" sex businesses had to cut costs to compete in the sexual marketplace for cheaper and more exotic male tastes and demands. There are no precise statistics, but 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. The Nether-

And these abolitionists have been quite successful in convincing governments to do exactly this. The so called "Nordic Model."

lands, which has a specific policy against trafficking in women, also has an active, thriving and regulated sex industry that promotes demand for cheaper and more exotic women from developing countries. A large number of Dutch towns and villages have their sex clubs or their sex farms offering "exotic women."⁸

Those who oppose making all prostitution a violation of a person's human rights often cite the inadequacy of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. What we need, however, is not to abolish the 1949 Convention but to encourage more countries to ratify it 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 de-criminalizes the women in prostitution; and that criminalizes pimps, procurers and customers*. This new Convention also addresses the social services, educational opportunities and economic alternatives necessary for survivors of sexual exploitation.

Some non-governmental groups recommend against criminalizing pimps, procurers and customers, arguing quite facilely that criminalizing anything only leads to more crime. We think this is an argument that would never be used in the context of torture, rape, or other crimes that violate a person's human rights. Why, when these crimes are performed as prostitution, do we eschew criminalization?

Any human rights activist knows that legislation alone is not the answer. But legislation is necessary that punishes the perpetrators

⁸ Chris De Stoop, trans. from the French version by Francois & Louise Hubert-Baterna, *They are So Sweet, Sir: the Cruel World of Traffickers in Filipinas and Other Women* (Limitless Asia), 1992.

and not the victims of the crime of prostitution; 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.

A 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!

A 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.

When oh when will these busy body bitches leave consenting adults alone- understanding that sex workers want to stop sex trafficking as much as anyone else.

If sex work causes sex trafficking, then marriage causes domestic violence. If cops cannot tell the difference between the two, why on earth would you want them to have laws which give them the power to rape, extort, pimp and kill sex workers?

COALITION AGAINST TRAFFICKING IN WOMEN

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**The Network of Organizations in Support
of a New Convention Against All Forms of
Sexual Exploitation Include:**

Coalition Against Trafficking in Women, Asia-Pacific
The Latin American and Caribbean Network of the Coalition
Against Trafficking in Women
International Federation of Human Rights
International Abolitionist Federation
International Women's Rights Watch, Asia-Pacific
Third World Movement Against the Exploitation of Women
Ligue des Droits de l'Homme, Belgium
National Women's Network for International Solidarity, U.K.
Association pour le Progrès et la Défense des Droits des Femmes
Maliennes, Mali
Association Tunisienne des Femmes Démocrates, Tunisia
Alliance des Femmes Haitiennes, Haiti
Democratic Socialist Women of the Philippines
Comisión para la Investigación de Malos Tratos a Mujer, Madrid
Instituto de la Mujer, Chile
Empowering Women of Burma
Alliance of Prostitutes and Healthcare Workers, San Francisco, CA
Center for Speech, Equality and Harm, Minneapolis, MN
The Women's Office, Chicago, IL
PROMISE Program for Women and Girls, San Francisco, CA
Institute on Women and Technology, Amherst, MA
WHISPER (Women Hurt in Systems of Prostitution Engaged in
Revolt), Minneapolis, MN
S.O.S. Femmes, Mauritius
Council for Prostitution Alternatives, Portland, Oregon
Women Against Pornography, New York
AVFT (Association Européenne contre les Violences Faites aux
Femmes au Travail), France

This Network has been formed with the support of UNESCO.

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