

Keynote Address

Trafficking in Women versus Prostitution: A false distinction.

By Sheila Jeffreys

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Keynote speech

Trafficking in Women versus Prostitution: A false distinction.

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I am going to talk about the traffic in women and how to end it. Particularly I will talk about a tendency in recent years in international human rights and UN circles to separate trafficking in women from prostitution. This separation is made on the grounds that prostitution needs to be seen as ordinary work, and trafficking is only a problem if the women are obviously and severely forced into this ordinary work. I shall argue that the distinction between the traffic in women and prostitution is a false distinction. It is a matter of concern that so many good women and true, so many non-government organisations such as Anti-Slavery International (ASI), UN agencies such as the International Labour Organisation, are apparently much exercised on the issue of 'trafficking' but want to see prostitution as a matter of women's choice and no concern of theirs. I shall look today at what lies behind this distinction.

What is the traffic in women?

In the last decade concern about the international trade in women for prostitution has greatly increased. This has resulted in the special protocol of the UN Transnational Crime Convention in 2000 which is devoted to ending the traffic in persons. 700,000 to 2 million women are transported around the world yearly for prostitution according to the International Organisation for Migration.

The trade has grown for many reasons which include:

The deregulation and normalisation of prostitution carried out in many countries since the sexual revolution of the 1970s and the decensorship of the pornography industry. The speed and ease of transport offered by international air travel.

Wars, particularly civil wars, which create people movements, displaced persons and refugees whose vulnerability is exploited by traffickers.

The breakdown of communism in Eastern Europe and Russia which have reduced women and girls to such desperate poverty and lack of hope that they have become easy prey to traffickers.

The workings of global capitalism which have destroyed people's subsistence internationally and made them dependent on the sale of their daughters.

The Russian mafia is involved in trafficking women and girls from Nigeria to Italy. Women are trafficked from Burma into Thailand and from Nepal into India. Eastern European women from places such as Moldova are trafficked by the Albanian mafia into Italy and the rest of Western Europe. The Albanian mafia developed their expertise through the trafficking of Albanian girls out of refugee camps. A US State Department study showed 50,000 women and girls being brought in each year by mafias of many nationalities, Russian, Chinese, Japanese (Amy O'Neill Richards 1999). Wherever women and girls are impoverished or displaced they are at risk of traffickers.

Eastern European women are trafficked into London and Amsterdam and the majority of prostituted women in brothels in these cities are trafficked. Thai women are trafficked into the eastern states of Australia. Increasingly, as the industry expands and it is difficult to find enough women from more prosperous western countries who are vulnerable or desperate enough to be tricked or enticed into prostitution, the brothels of the major cities of rich Western nations are being staffed by women recruited or transported by deception or force from the poorest countries or groups in the world.

Background to trafficking:

The trafficking in women for prostitution is not a new phenomenon. It began with the development of the steamship. In the late 19th and early 20th century Jewish women fleeing pogroms in Eastern Europe were transported through London and to prostitution in Buenos Aires. In the 1920s Russian women were being trafficked into China as a result of the poverty and famine of the immediate post-revolutionary period. Russian women are again being trafficked into China as a result of the destruction of communism (See Sheila Jeffreys, *The Idea of Prostitution*, Spinifex:Melbourne 1997).

A strong feminist movement was created to fight trafficking from the late 19th century. A special committee of the League of Nations was devoted to ending the traffic and this led to the 1949 UN Convention against Trafficking in Persons. The Convention required the outlawing of brothels on the grounds that they formed an entrepot (warehouse) for the trade. In the 1950s brothels were closed down in many countries as a result. The convention recognized that prostitution was not just the destination of trafficked women but the reason the traffic occurred, so feminist energies were dedicated to ending men's abuse of women in prostitution.

In the international community there was a general understanding that prostitution was, as the 1949 UN convention put it, against the dignity of women and must be ended if trafficking was to be ended. This certainty in the international human rights community continued right up until the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979 which uses the language of the 1949 Convention against sexual exploitation.

In the 1980s there was an assault on this certainty from the sex industry, fronted by some prostituted women who claimed that prostitution was their 'choice' or even empowering. This led in the 1990s to a situation in which the very important ngo Anti-Slavery International, which had always taken a very strong position on trafficking and prostitution, came out in favour of seeing prostitution as legitimate work which simply needed better working conditions for the women. Presently the London office of ASI is the mail address for the UK spokespersons of the *Network of Sex Work Projects* which works internationally, financed by AIDS money, to gain decriminalisation of prostitution and acceptance that prostitution is legitimate work. This is a dramatic change indeed.

Significance:

The significance of this shift is that NGOs such as ASI no longer fight something called 'trafficking in women' but only something called 'forced' trafficking. 'Forced' trafficking is distinguished from 'free' trafficking which is more generally called these days, 'migration for labour'. In Australia, for instance, there is a growing assumption that there is only what is called 'voluntary trafficking' i.e. trafficking in which the women know that they will be used in prostitution on arrival. The Eros Foundation, the lobby group of the sex industry, wants women from Asia to be given free rein to work in brothels in Australia. They will still arrive and live under the control of traffickers but the process will have been legalised and turned into migration for sex labour. The creation of such a category as voluntary trafficking is very recent and a direct result of the normalisation and legitimisation of prostitution.

Why did it take place and what are the implications for fighting trafficking?

In the 1990s certain interest groups came together to campaign on the international stage for the recognition of prostitution as legitimate work. This idea that prostitution should be seen as work, choice, women's sexual liberation, came from US, Dutch and Australian prostitutes' collectives in the 1980s. These groups received a great impetus from the AIDS epidemic. Cheryl Overs, an Australian prostituted woman who is now a spokeswoman for *Network of Sex Work Projects* in London, says that as a result of the AIDS epidemic she got a new family in gay men who had a very different view of prostitution from feminists. She credits the rise of Madonna with having helped create the new pro-prostitution family (see interview in Kempadoo and Doezema, *Global Sex Workers*, 1998). Arguments were made that prostitution needed to be legalised or at least recognised so that harm minimisation could be delivered in the form of needles and condoms. AIDS money flowed into the coffers of national and international pro-prostitution organizations.

At the same time the international sex industry was developing muscle and financial resources as a result of the booming pornography industry i.e. in the UK the Daily Express was sold last year with the agreement of the Labour Government to Jesmond, publisher of *Asian Babes* and many other porn titles and the biggest pornographer in the UK. This is the extent of the respectability of the sex industry presently. The sex industry too puts money behind the promotion of prostitution as legitimate. The lobby is fronted by women from prostitution who say it is fine. I see them as the Marlboro women of the porn industry. The Marlboro men who were paid to promote the tobacco industry mainly got lung cancer and some have since spoken out against the industry they were once paid to promote.

Meanwhile there are survivors' groups with a very different message. In the US there is SAGE, Standing Against Global Exploitation. This was set up by prostitution survivor Norma Hotaling and seeks to get women out, through prison visiting, long drug rehabilitation programmes, vocational training etc. There are a number of other such programmes in the US. In Australia the only refuge in existence is Linda's House of Hope in Perth. This was set up by Linda Watson, prostitution survivor and ex-madam who has endured several attempts upon her life by those who run the prostitution industry in West Australia. Prostituted and ex-prostituted women give very different messages about prostitution depending on whether there is support for

them in speaking out and whether their current employment, as performance artists, employees of AIDS NGOs or harm minimisation services, depends upon the industry.

Is prostitution ordinary work?

The idea that prostitution should be seen as ‘work’ is one of the arguments that was made in favour of the legalising or decriminalising of brothel prostitution that has taken place in several states of Australia. In fact there is always an illegal industry vastly larger than that which is licensed or has planning permission. In Victoria, according to the owners of the legal brothel industry, there are 400 illegal brothels to 91 legal ones. So the industry is mostly illegal and run by criminals. Street prostitution, in which women dependent on drugs and girls too young to work in brothels are exposed to the most extreme forms of sexual exploitation and violence, is increasing in Victoria. None of the problems that legalising brothels was said to solve, such as an out of control illegal industry and street prostitution, has been alleviated.

What is the work?

It is well known that street prostitution is extremely dangerous. Women are at risk of rape and murder, beatings, knifings. Prostituted women receive the hatred from men of women and of the sexuality that they are seen as representing. This results in the violence they suffer.

The violence is carried out against so-called ‘high class’ prostituted women as well. A booklet for ‘call girls’ in London recommends having mirrored walls so women can see whether the man has a knife behind his back. I was invited to speak on Women’s Hour on BBC radio in London with a ‘call girl’. She had a severe eating disorder as prostituted women regularly have, because eating disorders are amongst the sequelae of child and other forms of sexual violation. She said on the programme that prostitution was fine but she was very afraid, since her alsation died 8 weeks before, that the next man might kill her. But somehow this rather convincing evidence that prostitution is not just an ordinary job gets ignored by those who want to see themselves as socially progressive. A determined avoidance of the facts of prostitution is part of the present determination by many social liberals to see prostitution as a fine job for a woman, but one which they would never, ever, wish to do themselves.

In brothel prostitution these extraordinary problems (after all what other form of work includes murder as an ordinary hazard?) are supposed to be reduced. Let us consider the legal brothels of Melbourne, supposedly the crème de la crème of prostitution. One of my students did research in a legal brothel by interviewing women both before and after ‘bookings’ about the boundaries they tried to create to control what men were able to do to them and to what extent they were successful.

The brothel she studied contained a lounge in which the introductions took place. All the women waited in the lounge. Men came in one at a time to make their selection and the women had to compete to be chosen. They would come up and touch the men sexually and vie with each other in offering what they would do. Some might offer sex without condoms if they particularly needed the money. Then they went up to the room. Women would often apply lubricant in a bathroom on the way up because the

men would be most unhappy if they got the impression the women were not sexually aroused and some would refuse to pay. Then the women had to try to control the encounter. Men would sometimes want an 'all around the world' i.e. access to any orifice in any way and the right to touch any part of the woman's body. The woman must then struggle to restrict him whilst not losing the booking. One woman said that for anal she would charge \$500 but this would be according to how large it was i.e. a larger penis means more pain. Another woman said a man had started to put lubricant on his fist and when she asked what it was for he said he intended to fistfuck her. The demand for fistfucking suggests that the increasingly violent and degrading practices carried out upon women in pornography are educating men in what they wish to do to women, first in prostitution and then in their relationships. This applies also to anal sex. When women came down from bookings one would shower for 10 minutes in very hot water to get the dirt off her body. Before a booking one woman would come out in goose bumps. Her skin was crawling at the thought of what she would have to endure. Sexual harassment is what the man pays for. The women dissociate to survive the ordeal using psychological techniques or drugs and alcohol.

Women in prostitution are not a different kind of women who can endure the unwanted hands and penises of men in and on their bodies more easily than others. It is true that many are seasoned by previous sexual violence in childhood or adulthood. To such women the violence of prostitution can seem less severe. But they hate it just as much. Any acceptance of prostitution is an acceptance that certain women can reasonably be set aside as appropriate objects of exactly the harassment that other non-prostituted women seek to get out of their workplaces and lives.

This is the story of the most respectable form of prostitution in the world. Here in Australia there are codes for the implementation of occupational health and safety (OHS) in brothels drawn up by state authorities, but only for the tiny number of brothels that are legal. It is hard to work out occupational health and safety codes for work in which women are regularly at risk of violence and harassment such as men twisting nipples and shoving fingers up women's anuses. Codes have to deal with diseases which are life-threatening, where women may be required to handle faeces and urine as well as semen, where they have to suffer the psychological damage of dissociation. Codes for other workplaces require the isolation of dangerous substances, wearing gloves etc. Prostituted women are in no position to do these things.

Trafficking and prostitution:

The argument of the pro-sex work lobbyists, which seems to have been accepted by the Special Rapporteur on violence at the UN, Radhika Coomaraswamy, is that ordinary prostitution should be seen as work and 'unforced' trafficking as migration for labour. What is 'unforced' trafficking? This is the practice that supposedly takes place to Australia. The commonest form of trafficking to Australia is of Thai women who are already engaged in prostitution in Thailand. The women are approached by agents of the Australian traffickers who arrange for their travel and meet them on arrival. They understand that their destination is prostitution. In the case of some 30-40 Thai women in Melbourne, they had to surrender their passports, were in debt bondage, had to service 500 men for no money until they had paid of the 'debt' of their travel and expenses, were kept behind bars in a hotel, were sold to legal and

illegal brothels for 15,000 dollars Australian per woman. Still only one woman was prepared to complain. Most of the women are so anxious to make some money to take home that they will not complain however harsh the conditions. Nonetheless this is likely to be called 'voluntary trafficking' by the pro-sex work lobby because the women knew that their destination was prostitution. These women in Australia are called 'Thai sex workers' by the pro-prostitution lobby. Debt bondage is understood to be a form of slavery in UN terms, and in the terms of the 1999 Australian Sex Slavery legislation, under which there have been no prosecutions. But for prosecutions to take place women would have to be prepared to come forward (for more details on the Australian situation see my piece in *Arena magazine*, April/May 2002).

The requirement of force to separate true 'trafficking' from voluntary trafficking would make it very difficult to prosecute traffickers. 'Trafficking', particularly in trafficking from one part of a country to another such as within Thailand, is likely to be based upon the willingness of the victim girls to support their families and maintain cultural traditions of the dutifulness of daughters and the gaining of honour in this way. Is this forced?

The Trafficking Protocol:

The definition of trafficking in the Protocol of the UN Convention against Transnational Organized Crime of 2000 was heatedly debated between states parties of the first world, such as Australia who wanted a 'forced/free' distinction and those from the third world who did not. In the end, through the efforts of CATW and other NGOs who consider the forced/free distinction to be unacceptable, the definition arrived at is one which the pro-sex work lobby finds enraging i.e. it includes both overt force and exploitation of vulnerability. Thus lack of consent is not required. A woman may consent but it may be very clear that her vulnerability made that consent irrelevant.

Trafficking in women for prostitution cannot be challenged effectively if international systems of prostitution are allowed to grow

The traffic in women for prostitution internationally is now an extremely profitable trade, only second to drugs and arms. It is the basis of a burgeoning international sex industry. It fuels the porn industry i.e. on one bestiality pornography website Russian and East European women appear in bestiality porn videos available from Virginia in US where the only words of English they know are 'daddy' and they have to say this to gorillas and a chimpanzee. It supplies the growth of the sex industry in western countries in which it is hard for the pimps to find enough women who are sufficiently vulnerable to staff the brothels and seek women from elsewhere. Thus in Amsterdam and London, trafficked women are now said to form 70% or more of the prostituted women in this abusive industry. The Eros Foundation, lobby group of the Australian sex industry, has called for 'brothel exchanges' with Asia. Would this count as trafficking?

The cause of the traffic in women into prostitution is the demand by the pimps and users for more, and particularly vulnerable women who do not speak the language, who will be prepared to allow penetration without condoms because they have no

choice, who will not answer back and who will work, under debt bondage, for no reward. It makes little sense to promote prostitution as just a job like any other, to celebrate and develop international systems of prostitution through the growth of the porn industry, legalisation of strip joints and brothels, tolerance zones in which men can legally abuse street prostituted women (suggested for St Kilda in Melbourne), peep shows, escort agencies, stag nights, whilst seeking to combat 'forced' prostitution. The development of the sex industry creates the demand for trafficking and it will grow commensurately. This was recognised by the feminists who worked through the League of Nations and created the Convention against the Trafficking in Persons and Exploitation of the Prostitution of Others 1949. The Convention penalised brothelkeepers and procurers. Trafficked women are most usually trafficked to countries with established off street prostitution industries and stored in the brothels. Concern only with 'forced' trafficking makes even less sense in the context of a pro-sex work lobby which seeks constantly to expand the boundaries of what is consensual and legitimate prostitution. Where are the boundaries to be drawn?

Those who genuinely seek to end trafficking in women for prostitution need to work out how to decrease and eventually bring to an end men's abuse of women in prostitution. Men's prostitution abuse needs to be understood as a form of violence against women and penalised, as is now the case in Sweden where the buying of sexual services is illegal. This means that men will have to give up their 'rights' to be sexually serviced by women who dissociate to survive. Societies will need to envision what life could be like for women and girls, and how relations between men and women might be in a world beyond prostitution.