

Primer on the Male Demand for Prostitution

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COALITION AGAINST TRAFFICKING IN WOMEN

Foreword

This Primer was originally developed to assist European anti-trafficking projects in the Baltic States in challenging the legalization and decriminalization of prostitution industries and in focusing on the demand. In this version, it has been adapted for use in a more general context by Janice Raymond and Barbara Kryszko of the Coalition Against Trafficking in Women (CATW).

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What is trafficking in persons?

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime, also known as the Palermo Protocol, defines trafficking as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (Art. 3(a)). A very important part of the definition is that the consent of a victim of trafficking to the intended exploitation is irrelevant (Art. 3(b)).

When was the Palermo Protocol signed?

It was signed by a majority of the 148 countries which gathered in Palermo, Italy, in December 2000.

Which countries have ratified or acceded to the Palermo Protocol?

As of December 2005, there are 95 parties to the Protocol, including: Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, France, Gambia, Grenada, Guatemala, Guinea, Guyana, Jamaica, Kenya, Kiribati, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Niger, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda,

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Saint Kitts and Nevis, Senegal, Serbia and Montenegro, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Tajikistan, Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Turkmenistan, Ukraine, United States of America, Uruguay, Venezuela, and Zambia.

Why is there a need for such a Protocol?

It is estimated that trafficking in persons is a ten billion USD operation annually, involving the exploitation of approximately four million persons across borders and domestically within countries. Many traffickers are part of organized crime groups.

Are only large syndicates transnational traffickers?

No. The Convention Against Transnational Organized Crime states that a “structured group of three or more persons” constitutes an organized criminal group. Additionally, research has shown that husbands and boyfriends traffic their female partners into prostitution and often they may recruit a small group of people to assist in the crime.

What if one agrees to be trafficked?

The Protocol makes consent irrelevant. (Art. 3 (b))

How are trafficked persons treated under the Palermo Protocol?

By the terms of the Protocol, trafficked persons, especially women in prostitution, are no longer viewed as criminals, but as victims of crime.

What can be done for the victims of trafficking?

The Protocol recognizes the need for assistance to victims and encourages effective prevention, prosecution and judicial cooperation.

What is the main reason for trafficking of persons?

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The greatest number of victims of trafficking are women and children who are trafficked into prostitution.

Why not keep trafficking as a separate issue from prostitution? Exploitation of prostitution and trafficking cannot be separated. The Protocol acknowledges that most trafficking is for prostitution and other forms of sexual exploitation. The UN Protocol follows previous international UN human rights instruments that do not separate trafficking and prostitution, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the abolitionist 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

Can trafficking take place within a country?

Yes. Women and children who are trafficked for prostitution and forced labor within their own countries are also protected under these provisions. The key element is the exploitative purpose of the activity rather than the movement of persons either inside a country or across its borders.

Considering other UN instruments that address trafficking, what is so different about this Protocol?

It is the first UN instrument to address the role of men's demand in promoting women and children to be trafficked. And it calls upon countries to take measures, including legislative ones, to discourage this demand. (Art. 9 (5))

What actions should countries take as parties to the Protocol?

The largest number of victims are trafficked for sexual exploitation – mainly prostitution. Each country should recognize the links between trafficking and prostitution. As ratifiers of the Protocol, the countries have accepted the articles therein and they need to adopt laws that implement them.

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But prostitution has always existed and wouldn't legalization be the best way to address the problem?

No. Experience has shown that by legalizing prostitution the problem actually becomes bigger. Legalization, decriminalization or regulation of prostitution by the State would amount to the sanctioning of all aspects of the sex industry. Not only would the women's activities be legal, but also that of the buyers. Pimps would be transformed into businessmen and legitimate sexual entrepreneurs. Brothels, sex clubs, massage parlors and other sites of prostitution activities would become legitimate establishments for commercial sexual acts with few restraints. In effect, through legalization and decriminalization of the sex industry, dirty money becomes clean. Criminal acts become legal.

In fact, in countries that have legalized or decriminalized the sex industry such as parts of Australia, the rates of illegal prostitution have skyrocketed because the buyers still want to purchase children, "exotic" women from abroad, and sex acts that may be off limits in the legal venues. Furthermore, many women choose to remain illegal as they do not want to register and create a permanent record of their prostitution activities.

Doesn't legalization bring the sex industry under control?

Contrary to the claims made, legalization expands the sex industry. After pimping was legalized and brothels decriminalized in the Netherlands in 2000, the sex industry increased by 25%. Sex industry associations promote the industry and collaborate with the government to further their interests.

Likewise, in the State of Victoria, Australia, a massive expansion of the sex industry occurred after legalization. In addition to prostitution, other forms of sexual exploitation, such as tabletop dancing, bondage and sadomasochist centers, peep shows, phone sex, and pornography have developed and have generated

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enormous profits for the sex industry and the State.

Wouldn't legalization dignify the women in prostitution and their profession?

No, it wouldn't. Dignifying prostitution as work does not dignify the women, but rather the sex industry. Often people don't realize that decriminalization means the decriminalization of the whole sex industry and not just the women in it. Legalization does not erase the stigma of prostitution for the women. By having to register, women in prostitution lose their anonymity and become more vulnerable to being stigmatized as "whores." Legalization of prostitution means that the State imposes regulations with which it can control one class of women and legally classify them as sexual commodities.

Wouldn't women in prostitution be better protected if prostitution were legalized?

Studies of victims of commercial sexual exploitation show that prostitution establishments – legal and illegal – did little to protect them. A study that interviewed victims of trafficking in five countries showed that 80% of them had suffered physical violence from pimps and buyers, whether the sex industry was legal or illegal. Usually the buyer's interests take precedence over the woman in prostitution. Also, "safety policies" in brothels do not protect women from harm. The sexual exploitation and violence in prostitution is viewed as sex and often tolerated as part of the so-called job.

Under legalized conditions, the male buyers "shop" in the sex market where women must compete by engaging in sexual acts that can harm them. Even women's reproductive capacities become sellable products. Some buyers find pregnancy titillating and demand breast milk in sexual encounters.

Won't prostituted women be protected against infectious

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diseases in a legalized system?

A legalized system of prostitution often mandates health checks and certification for the women in prostitution, but not for the male buyers. Male buyers can and do transmit disease to the women they buy. Unfortunately, the public health proposals that mandate health checks for the women seek to protect the male buyers and not the women in prostitution, or else proposals would also mandate health checks for the male buyers. Moreover, condom policies alone are ineffective. A study of US prostitution showed that 47% of the women stated that men expected sex without a condom, 73% said that men offered to pay more for sex without a condom, and 45% said that men became abusive when they insisted that condoms be used.

Doesn't legalization help to end the exploitation of women who have been trafficked?

On the contrary, it promotes sex trafficking. In the Netherlands, where prostitution is legal, one study showed that 80% of the women in prostitution were most likely trafficked from other countries. And in Germany, after steps toward legalization of prostitution started in the 1980s, within about 10 years 75% of the women in sex industry were from other countries. After the fall of the Berlin Wall, 80% of the estimated 10,000 women trafficked into Germany were from the former Soviet bloc countries.

What about clandestine, illegal and street prostitution? Wouldn't legalization put an end to that?

There are many reasons why legalization would not end these practices. Many women are in street prostitution because they want to avoid being controlled and exploited by pimps. Others don't want to register or submit themselves to health checks. Some feel that they have greater control by not being confined to closed spaces. Moreover, the argument that legalization would prevent criminal elements from operating in the sex industry

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does not hold water. The real growth in prostitution since legalization in Australia has been in the illegal sector with the number of unlicensed brothels in Victoria tripling in number. Illegal brothels and sex clubs there continue to operate with impunity. Also in Sydney, the vast majority of brothels have no license.

What about child prostitution?

Legalization of prostitution was promoted in the Netherlands as a way to help end child prostitution. However, it is estimated that between 1996 to 2001, the number of children in prostitution increased by over 300%, going from 4,000 to 15,000; and that 5,000 of these children were trafficked from other countries. In Victoria, Australia, child prostitution has increased dramatically in comparison to other Australian provinces where prostitution has not been legalized.

Shouldn't an adult woman be free to make her own choice, and if the choice is to be in prostitution, shouldn't it be available to her?

Studies show that most women in prostitution did not choose prostitution among a range of options, such as medicine, law, teaching, nursing, or politics. Their "options" were more in the realm of survival for themselves and their children. It would be more accurate to say that a prostituted woman complies with the extremely limited options available to her. Her compliance is required by the 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.

A U.S. study that included a group of law enforcement officials showed that 67% of them were of the opinion that women did not enter prostitution voluntarily. Also, 72% of social welfare providers did not think that women voluntarily choose to enter the sex industry.

It is true that a small number of women say that they choose to be

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in prostitution. But some people choose to take highly addictive and dangerous drugs and we still recognize that is harmful to them. Most of us would not seek to legalize the hazardous drugs some people take. It is therefore the harm to the person, and not the consent of the person, that is the governing standard.

Is it true that women who are in prostitution enjoy sex?

This is one of the myths about women in prostitution. The very edifice of prostitution is built on the lie that "women like it." When the customer asks, "did you enjoy it?", women in prostitution must continually lie to please the men. Furthermore, given that women in prostitution must appear to please their customers and that most prostituted women are under the control of pimps, traffickers and brothel owners, this lie is enforced by economic need, threats and actual violence against women.

What do prostituted women themselves think about legalization?

Studies and interviews with women in prostitution show that they oppose legalization. Moreover, they do not want family members and friends to end up in prostitution. It is true that groups claiming to represent women in the sex industry support normalizing prostitution as work. However, in investigating many of these groups alleging to represent women in prostitution, such as the well-known U.S. organization, COYOTE, investigators found that COYOTE provides no services for women in prostitution, has been financed by the sex industry in California, and is often a public relations front for the sex industry.

But the government could collect revenues if prostitution were legalized and isn't that good?

The consequences would be harmful, because the government would become increasingly dependent on the sex sector. Further, if women in prostitution are counted as workers, the result would be lack of governmental responsibility for making

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decent and sustainable employment available to women in these countries.

If legalization and prohibition are not effective means to control prostitution, what can be done?

An alternative legal route would be criminalizing and penalizing the demand. Men who use women and girls in prostitution have long been invisible – they have escaped examination, analysis, responsibility and penalty for their actions.

What does “demand” mean?

The dictionary definitions include “To claim as just or due” and “The desire to possess something with the ability to purchase it.” Sweden has adopted a law that recognizes that without male demand there would be no female supply. Sweden has acknowledged that prostitution is a form of male violence against women and children, and the purchase of sexual services is criminalized.

How can the problem of demand be addressed?

The Palermo Protocol is the first UN instrument to address demand in the context of trafficking. Because the majority of those who buy women or children in prostitution are men, the Swedish law states that prostitution is men’s violence against women and as such, the purchase of sexual services is prohibited. However, the law is gender neutral in that it applies to any buyers (although to date no women have been arrested or charged) and any victim of commercial sexual exploitation. Moreover, research has shown that men and boys in prostitution are treated like women, in the sense that they are objectified, humiliated and dominated like women.

On what basis has the Swedish Law alleged that prostitution is a form of male violence against women?

Studies that investigate the sex of prostitution show that the

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sexual acts that prostituted women endure are most often violent, degrading and abusive. Women in prostitution do not control the transaction. The prostituted woman must do what the buyer wants her to do. Research shows that many women in prostitution report being subjected to acts that include burns with cigarettes, slashes with razor blades, being tied to bedposts, bodily mutilation, and gang rape.

The sex of prostitution, and the violence that is endemic to it, has short and long term consequences for the health of the women. When prostitution is accepted or tolerated, men are presumed to have access to the bodies of women in prostitution who are set aside to service men sexually. This vision of unilateral male sexuality is a repressive vision of sexuality that is contradictory to women’s struggle for sexual equality.

What does criminalizing the purchase of sexual services mean?

It means that the purchase of sexual services is prohibited and punishable by law.

By focusing on demand are you not ignoring the complexity of commercial sexual exploitation?

Indeed the problem is complex, but its complex nature should not be allowed to serve as an excuse for inaction. It is true that male demand is not the only promoter of prostitution. National and international policies, globalization, the organized sex industry, countries in financial and political crisis, women in poverty preyed on by recruiters, racial myths and stereotypes, and women’s inequality contribute to the rise in global sexual exploitation. However, the male demand for the sex of prostitution is the most immediate cause of the expansion of the sex industry without which it would be highly unprofitable for pimps and traffickers to seek out a supply of women. It is indisputable that a prostitution market without male consumers

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would go broke.

Why have the men who buy sex - the demand - been invisible?

Myths that surround the perpetrators of prostitution rationalize or excuse male behavior. We've all heard such remarks as "They are basically decent men looking for a bit of harmless fun;" "It's the inevitable result of natural male instincts;" "Prostitution protects 'good' women against rape;" "Men need to release tension;" "Male biology is different from female biology and requires multiple women for sexual satisfaction;" "It's a way of initiating boys and men into sexual activity;" and "Men are giving these women the means to make a living." These are fictions, not facts. The sex industry promotes these myths to justify its existence and to promote its "products." Unfortunately, many men who use and abuse women in prostitution rationalize their behavior on the basis of such myths.

Who are the invisible men who constitute the demand?

Studies show that men who buy women in prostitution come from all nationalities, races, and walks of life. Most of them are married. They also come from all age groups.

What kind of statistics exist on the percentages of buyers?

In Europe, for instance, Sweden's Ministry of Industry 2003 data shows that one out of eight men uses women and children in prostitution. In Italy, a recent international conference disclosed that one out of six Italian men uses women in prostitution. According to a German criminal psychologist, 18% of German men regularly pay for sex and a German doctoral thesis finds that one million prostitute users buy women daily in Germany for sexual activities. A 1997 study in the United Kingdom estimated that 10% of London's male population buys women for the sex of prostitution. In Sweden, a study showed that men who have had

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many sexual partners are the most common buyers of prostituted women, effectively dispelling the myth that the buyer is a lonely, sexually unattractive man with no other option for his sexual outlet than to buy prostituted women.

And what do the buyers demand?

In Thailand, a report indicated that a prostituted woman has no control over the nature of her sexual activity. In a US study, the women were expected to comply with all requests of the buyers. The activities could include anything from verbal abuse to bodily mutilation or other forms of violence.

What about trafficking in the Swedish Law?

Prostitution and trafficking are seen as harmful practices that cannot and should not be separated. The law is gender neutral and is a fundamental part of the comprehensive Swedish strategy to combat prostitution and trafficking in human beings.

How has the Swedish public received this Law?

The law went into effect on January 1, 1999, and it has received strong support. Polls show that approximately 80% of the Swedish population supports the law.

Do the women in prostitution support the Law?

Swedish NGOs that work with women in prostitution maintain that, since the Law's passage, increased numbers of women in prostitution contact them for assistance.

Has the Law had other beneficial effects?

Yes, its very existence has served as an aid to young women who are vulnerable to pimps and procurers. Street prostitution has declined since the Law was passed and the number of prostituted women has decreased by 50%.

Does this mean that prostitution has gone underground

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in Sweden?

The police maintain that there is no indication that prostitution has gone underground, or that prostitution in sex clubs, escort agencies, and brothels has increased. On the contrary, in countries that permit and collaborate with prostitution industries and entrepreneurs, only street prostitution is targeted and other prostitution venues, perpetrators and industries are sanctioned and thus made invisible.

Has the Swedish Law affected trafficking?

Swedish police have stated that the Law has had a chilling effect on trafficking. The Swedish National Rapporteur on Trafficking, the government official responsible for collecting data on investigations and convictions for trafficking crimes in Sweden, notes in her 2003 and 2004 reports that there are clear indications the Law has had direct and positive effects in limiting the trafficking of women for prostitution in Sweden. Were it not for the Law, Sweden would experience major trafficking of Russian women – as do Norway and Finland. It is clear that the Law acts as a deterrent.

What about prevention efforts in Sweden?

Sweden has focused on preventing the demand for prostitution by ingenious public activities such as opening the campaign against trafficking and prostitution at a racetrack, which generally attracts a large population of men who are potential and actual buyers of women for sex acts, and by displaying posters in public transport vehicles and stations. One of the posters, for example, had a well-dressed Swedish sex tourist, wearing a wedding band, who travels to Baltic countries. The caption stated, “Time to flush the johns out of the Baltics.” Another poster showed a young man surfing for Internet pornography with the caption, “More and more Swedish men do their shopping over the Internet.”

How is the Law being enforced in Sweden?

The Law’s primary purpose is to prevent the purchase of sexual

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services. Accordingly, the Swedish police are to intervene before a crime is committed. However, arrest and prosecution of the perpetrators is of equal importance.

What kind of statistics have been generated by the Law?

Between January 1999 and April 2004, 734 men were arrested under the Law. Around 140 men were convicted of purchasing sexual services or pleaded guilty in 1999 to 2002. The oldest man arrested was 70 years of age and the youngest 16 years. The average age of the buyers was 44 years old. There has been criticism that the number of arrests and convictions has been low, but that overlooks the purpose of the Law, which is normative. The specific task of the police in enforcing the Law is to work preventively – to intervene before a potential buyer commits a crime rather than when the crime is a fait accompli.

Was it easy for the police to enforce the law?

Initially, representatives of the police were critical of the Law, saying that it would be difficult to enforce. In Sweden, the police force is a male, homogenous, heterosexual and conservative group as is true in other countries. In order to increase policemen’s competence and knowledge about prostitution and trafficking in human beings, the National Criminal Police in collaboration with the Division for Gender Equality and local community groups established educational programs for police personnel. This brought positive results and the initial criticism about the Law being difficult to enforce has ceased. One year after the program began in 2003, there was a 300% increase in arrests.

What other preventive measures can be taken?

Labor unions could adopt policies to discourage prostitution instead of recognizing prostitution as work. They could follow the example of Denmark’s Confederation of Trade Unions, which prohibits its members from engaging in prostitution when they represent the union on business and travel abroad. Norwegian governmental officials have a code of ethics requiring them not

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to buy sex when conducting their official duties.

What about the military, which is made up mostly of men who are sent to missions all over the world?

At its Summit meeting in June, 2004, NATO leaders endorsed a “zero tolerance” policy for forces in NATO operations to help combat trafficking in persons. As part of this policy, NATO has declared that forces under its command and control are prohibited from engaging in, aiding, or facilitating either the trafficking of human beings or modern-day slavery.

Some countries, such as the United States, now prohibit their military not only from engaging in sexual activity with trafficked women – presuming a distinction between prostitution and trafficking – but make it a court martial offense to solicit, patronize or otherwise sexually use a person in prostitution. The anti-prostitution campaign includes an educational effort to train military leaders and troops about the US “zero tolerance” policy.

What is the United Nations doing to end sexual exploitation by its peacekeeping forces?

The United Nations has implemented a Code of Conduct on Sexual Exploitation and Sexual Abuse, which prohibits any “exchange of money, employment, goods or services for sex with prostitutes or others” as well as any “visits to brothels.” This Code of Conduct is very comprehensive and progressive since it includes all victims of sexual exploitation and prostitution, not just those who are identified as trafficking victims.

And what is the United Nations doing to end sexual exploitation by its own staff members, such as humanitarian aid workers?

The Secretary General has implemented a code of conduct for all UN staff members which prohibits staff from exchanging

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“money, employment, goods or services for sex, including sexual favors.” This code of conduct is similarly significant as it does not distinguish between the sexual exploitation of prostitution and trafficking.

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