

PROSTITUTION: THE OLDEST PROFESSION IN THE WORLD

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Abstract

Human trafficking can be simply defined as the set of activities involved in the recruitment, abduction, transfer, transport, harbouring, sale or receipt of persons, within national or across international borders, by means of force, coercion, fraud or deception, for the purpose of placing persons in situations of slavery or slavery-like conditions, forced labour or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labour, or other debt bondage.

Sex trafficking is the act of forcing, coercing, or transporting a person for the purpose of a commercial sex act. The acts of sex trafficking are primarily against the women and children. It can occur in residential brothels, brothels disguised as massage parlours, strip clubs, and via online escort services and street prostitution.

Prostitution is the business or practice of engaging in sexual relations in exchange for payment or some other benefit. Prostitution is sometimes described as commercial sex. A person who works in this field is called a prostitute, and is a kind of sex worker.

Sex trafficking on a whole is an act caused forcefully but prostitution is a profession chosen mostly by the will of the prostitute. There can be various reasons behind choosing this as a profession but major percentage of prostitutes does it by their will. Yes, the sole purpose of sex trafficking is to bring them into this field but the percentage is comparatively low.

In this paper, we discuss whether this profession of 'Sale of Flesh' should be legalized in India or not? We also throw a light on the reasons behind Prostitution and the Impact of the same on the society.

Keywords: Prostitution, Human Trafficking, Profession, Sale, Sex Trafficking.

"I had started having sex at ten years old; I knew how to please men, even if it killed me. But at night when I came home and I showered I scrubbed and lathered to try and get the streets

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off me. I hated being touched by tricks. Each time I did a call I felt as if I was being raped again. Working in call I never knew what my day would bring. My best friend was raped in the room next to me and I never heard a sound. The trick muffled her cries and walked out like nothing was wrong. Every day I would try to drown out the thought that I might be next. My mantra was get your money and get them out, but I was dying inside.”

(Nekome, 2010, How Prostitution Chose Me)^[1]

What is Prostitution?

The Ohio law (U.S.A) reads “prostitution shall be construed to include offering or receiving the body for sexual intercourse for hire and shall also be construed to include the offering or receiving of the body for indiscriminate sexual intercourse without hire”.^[2] Derived from the Latin word ‘*prostituere*’, the term prostitution means to expose publically. In very simple terms, prostitution is sexual harassment, battering, rape, physical abuse, verbal abuse, a racist practice, etc. with or without hire. The system of prostitution includes sexual activities like exchange of sex acts for making both the ends meet; escort/out-call/cell phone; massage parlours; pornography of both the children and adults; strip club prostitution; live sex shows; peep shows; street prostitution; servile marriages or muta marriages.

The Common Words used in Prostitution

Brothel: Brothels are the institutions where the sex is sold on locations. This can be a room, an apartment or a room of any hotel.

Choosing Up: Choosing Up is the process by which a different pimp takes the possession of the victim.

Date: When a prostitute/victim is giving her service of sexual exchange or sexual intercourse, she is said to be ‘dating’ the client/ customer.

Exit Fee: As the name suggests, Exit fee is the fee demanded by the pimp from her victim prostitute who is trying to leave the prostitution.

John: John or the client or the customer. John buys the women for his sexual pleasures. He is the one who increases the demand of this industry. .

Pimp: Pimp, the manager of this business! He brings the women into this profession by either of the means, and sells them to johns for making profits.

Madam: The (older) woman who manages the girls/victims in the brothel. She takes care of the services, establishments, traffickers, etc.

Trick: Committing an act of prostitution.^[3]

History of Prostitution

Prostitution is not something which has emerged out in last few decades. It has been prevalent in the society since ages. Prostitution also known as 'the oldest profession' has also been referred in Vedas, Puranas, Mahabharata and Ramayana. Sadbarani is a Vedic word which refers to a woman who offers sex for payment. The Puranas state that the very sight of a prostitute is a sign of good luck. Although prostitution's basic role is same as it was before, the condition of the prostitutes was better than it is today. Devadasi System was a custom of dedicating young unmarried girls to Gods in Hindu temples in India since 300 AD. Their duties included begging with a joga, with a begging bowl on Tuesdays and Fridays (Visiting atleast five upper caste houses was mandatory). The most important among other duties was that they cannot announce themselves to be the wife of anyone man.! Their dedication in the temples often made them an object for sexual pleasures of the temple priests and the pilgrims. In Andhra Pradesh, deflowering a devadasi was considered a matter of prestige. It was believed that by deflowering a devadasi, a man can cure himself of any disease. ^[4]Thus, prostitution has been prevalent in India and is still prevalent in modern India but it was not a degraded profession during 18th and first half of 19th century. The degradation started after the mid-19th century. In 1982, the Devadasi system was made illegal in Karnataka but it still continues in some parts of the southern state. ^[5]

Prostitution: Sale of flesh

Prostitution is not a choice, it occurs when there is no choices. It's a sale of flesh but not the soul. This profession harms them physically, mentally, sexually. In one of the interviews conducted by PRE, prostitutes described how they are not supposed to say 'No' to anything their client wants to do to them because they are being paid for that.

"About 80% of women in prostitution have been the victim of a rape. It's hard to talk about this because the experience of prostitution is just like rape. Prostitutes are raped, on the average, eight to ten times per year. They are the most raped class of women in the history of our planet."^[6]

The women who have been in this industry since long described how they used the technique of dissociation to numb themselves from the harm their clients caused to their body and the soul. One of the women being interviewed by PRE described how dissociation helped them survive

"If you're having sex with someone you don't want to, you leave."

"When the johns were sexually assaulting me, I could be in England or somewhere else until they were done."

"There's times I'd walk around in a space-out because when I stop and think about reality I break down and can't handle it."^[7]

How Prostitution Chose the Prostitutes

- Only 2% of the prostitutes enjoy their freedom of choice, they also enjoy financial freedom; Known as the 'sexually exploited elite', They service very few men for a short span of time, charge huge amount and then get out of this business. They might be bought by any one man who supports them financially.^[8]
- 38% of the prostitutes chose this as a profession when they are not left with any other opportunity. They do so for their survival. Their main reasons to opt for this industry are poverty, sexual abuse when child, lack of opportunities, economic conditions, starvation etc. This is a survival mechanism used by them to face the emergency situations like escaping a violent partner, meeting the needs of children and family, etc.^[9]
- 60% of the prostitutes had no choices when they entered prostitution. They were raped, trafficked, sold, etc. ^[10]

One of the prostitutes described how prostitution chose her as:

"My dad was very abusive to my mother and I ended up running away to Chicago. When I was 17 I was stranded in Chicago and had to get home to Wisconsin. I went to a party, there were lots of drugs, I got left there, and I was roaming around. A pimp was nice to me, he gave me this, gave me that. Then he took me to someone's place and he said this guy – age 40 – he's interested in you. Then he started hitting me after I said no. I was so scared I just did it. After that I kept doing it because I was afraid to get hit."^[11]

Impacts of Prostitution

On Victim: Prostitution is said to be a victim less crime. But it is a Myth! Majority of women enter in this field were forced to. The antecedents to this profession are sexual abuse when child, rape when adult. It was a remark by one of the prostitutes who was brutally raped before entering into this havoc:

"I figured why not get paid for acting out, it's being taken anyway."^[12]

Pimps force them to work. Whether there is a will of the prostitute or not, she has to go for the call. Johns demand different types of activities to be performed by the women for which pimp charges an amount. After the payment is made, deal is sealed, she cannot say NO for whatever he does; whatever activity he finds pleasure into, she has to perform that. The chronic health problems found in women in prostitution are shortness of breath, muscle aches, memory problems, trouble concentrating, headaches or migraines, joint pain, pain or numbness in hands and feet, pain in breasts, vaginal pain, pelvic pain, loss of feeling on skin ,etc. The Johns and Pimps assault them sexually, physically and emotionally. They pass remarks which make them feel inferior about themselves. Due to which they get more addicted to drugs and alcohol in order to numb their feelings. It takes a lot of strength to survive in this profession. Thus, they disassociate themselves with the present. One of the victims expressed her views on disassociation:

"[Dissociation is] cutting myself off from my body. I think of it like a game. Then it's [the prostitution] done and over with."^[13]

"It's a way of blocking memories...leading a double life within."^[14]

Several victims spoke of their learning experiences with dissociation when they were assaulted sexually during their childhood.

"I learned how to do that [dissociate] when I was a child being raped."^[15]

Another victim spoke of dissociating when she "was nine years old and being raped, my mind left my body and was looking down from the ceiling. I don't want to be that person on the streets worrying about where the next hit is coming from, losing my kids, hurting them. I'll tell you one thing: I'm a strong woman to survive all the shit I've survived from the age of two."^[16]

No one deserves to sell her body. Even the prostitutes want to lead a happy and dignified life but the society doesn't allow them, the pimps don't let them! One of the prostitutes when asked

about her associativity with drugs and alcohol, she told that they do substance abuse in order to forget and not to think about anything they are going through. One of the victims explained why she uses drugs

“It made it easier to lay down with somebody, and it made me not care.” “I would want to be high to perform any kind of sex. I didn’t want to be sober.” [17]

The fact that a pimp or customer pays them off to do such kind of activities doesn’t alter the fact that rape occurred, it redefines these crimes as prostitution where the victim is nobody but the prostitute.

On Society

The society doesn’t accept the prostitutes. They do not respect the prostitution as profession. Prostitution has emerged out as a legitimate business for those greedy of money. Husbands forcing their wife to go intimate with their bosses in order to get promotion have become a common thing. Even that is a type of prostitution. The major issue caused due to this is HIV/AIDS. Though no medical practitioner has proven it that it [AIDS infection] happens due to the prostitution, prostitutes are blamed for the same. The society gives them a dirty look. Serial killers’ major victims are Prostitutes only. The girls born in the ‘Perna’, ‘Nat’, ‘Devadasi’ tribes think of themselves as cursed being born in these tribes as these tribes’ girls are dedicated to prostitution.

On Sex Trafficking

This industry of prostitution has major impact on the Sex Trafficking Industry. Men demand and the source to supplement this demand is sex trafficking. With the increasing demand, the supply must be matched, resulting in the sex trafficking of children.

Legalization

This is a debatable topic whether Prostitution should be legalized, criminalized, decriminalized or abolished. What will happen if Prostitution gets legalized? If legalized, will prostitutes enjoy the same labour rights that employees in other professions enjoy? Will legalization lead to an easy life? Will it reduce the sex trafficking? Legalization involves various things such as Registration of the Brothel, Registration of the Prostitute, Health Check-ups of prostitutes, etc. Workers in the sex industry deserve to have the same rights and laws which can prevent them from sexual assault, rape etc. [18] In India, the laws related to prostitution are Suppression of

Immoral Traffic in Women and Girl Act-1956, Prevention of Immoral Traffic Act- 1956, Immoral Traffic (Prevention) Act-1956. The Immoral Traffic Prevention Act, 1956 (ITPA) does not criminalise prostitution or prostitutes but the involvement of third parties is a punishable offence. The Prostitution in India is legal but brothel keeping and pimping is illegal. The countries where prostitution is legalized are Germany, Netherlands, United Kingdom (including Scotland), Argentina, Venezuela, Brazil, Las Vegas, Italy, Switzerland, Singapore, Indonesia, etc. In these Countries, it is legal to buy sex, sell sex, even pimping and brothel ownership is also allowed. In USA, prostitution has got limited legality. Prostitution is illegal except for eleven rural counties in Nevada, where registrations and health checks of the workers are required. Pimping is illegal everywhere. Brothel ownership is illegal except for the eleven rural counties in Nevada. Since 1999, selling sex in Sweden is not a crime whereas buying sex is. If caught buying, johns face fines up to 6 months in the prison. Brothel ownership is illegal and a punishable offence. The punishment for the same includes up to 4 years in prison. Pimping is illegal in Sweden. Prostitution has been officially acknowledged as a form of male sexual violence against women and children. Sweden policies focus on the root cause and that is the demand side. Without demand, the prostitution industry would not flourish. Thus, buying is illegal in Sweden. ^[19]

Conclusion

Legalization will lead to an open competition between the brothel owners. There would be fixed rates, the customer would try to negotiate the prices and if he doesn't get satisfied, he will look for other sources/brothels where he can get the services in less amount. This will lead to establishment of underground illegal brothels. More workers will be trafficked. In order to meet the customer demands and compete with the rates, the brothel owners will reduce their rates, forcing sex workers to work more in order to meet their greed for revenue collection. Working more, will cause more physical and sexual harms to the sex workers. The registered permit of 'sex worker' won't help them with their physical assaults. Thus, the changes should be made in the ITPA. Buying sex should be made illegal. If there is no demand, pimps won't be able to do anything. Decrease in demand will lead to decrease in the number of humans trafficked. Prostitution is not a choice of prostitutes. Thus, the government or the non-governmental organizations should come up with Break-Free organizations for Sex workers willing to leave this profession. There should be more opportunities for them to grow. Thus, legalizing or criminalising is not a solution to this problem. The solution is abolition of this oldest profession. It should be stopped rather than being regulated or monitored.

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