

Unveiling Fidelity of Prostitutes: Abuse of Their Human Rights

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Abstract

Prostitution has been defined by the Encyclopedia of Social Science as “a practice in which a female offers her body to the male for promiscuous sexual intercourse for hire,” But the “Prevention of Immoral Traffic Act, 1987” defines it as “sexual exploitation or abuse of persons for commercial purposes. The profession of prostitution has its roots since civilizations enduring shift amidst in its quality, ferocity and issues regarding it. This act of prostitution which was at times considered socio-culturally divine has now been seen as inelegant profession ultimately banishing “Women in prostitution” out of every public space thus refusing them their most basic human rights. Alas, this profession is probably the most hated. People who visit these prostitutes de facto take pleasure in it, but into the society, they portray differently. Subsequently, this has raised demands for the self-dignity, liberty and equal admittance to better living conditions. Some hazy and obscure laws enacted by the state had pushed these prostitutes to victimization by the state institutions and market forces. It shows the unfair attitude of the State for these prostitutes. The accepted procedure of Formalized prostitution and ‘exploitation’ strengthens societal ethics on these women that it changes their notion towards own SELF as the one who is coddled in sinful acts. Ultimately drives to unfair opinion towards the human rights of sex workers. As a consequence, society asserts to intercede into the life choices of the sex workers under the guise to save them from being victimized. Thus, these assertions, which manifests as generous acts of social welfare are in reality patriarchal ways to regulate the spirit and body of women. The dire need to unveil the fidelity connected to this profession is because this profession is enveloped by ethical concerns over the Society.

Keywords: Human rights, Society, State, Prostitutes, Victimization

Introduction

One of the world's most unprotected and denounced set of people, i.e. prostitutes, the issue of human rights violations and ill-treats are not a new thing. It is day- to- day reality throughout the world. This domain is not easygoing for the Human Rights Organization. This profession is highly controversial with the people raising strong contentions. Nevertheless, gearing this issue of human rights violation of prostitutes many times need hard verdicts that few of us dissent too.

The historic document, i.e. the Universal Declaration of Human Rights, is reverberant and applicable even today as it was on the day in 1948 because of its incredible vision which enunciates that we all have "inalienable human rights." The marvelous words of this agreement "All Human beings are born free and equal in dignity and rights" seeks our attention to the rights of the prostitutes which are constantly abused.

Cases of abuse by clients, police not filing cases against such people by saying that they don't want to waste time on prostitutes, cases of rape, extortion, discrimination, coercion, forced HIV testing, exploitation, beatings, etc. needs to be addressed. But the question is by what means we can provide a better shield to prostitutes so as to prevent these violations and abuse cases?

This issue became the reason for the adoption of a new policy by Amnesty International in August 2005 whose aim is to safeguard the human rights of the prostitutes including in its ambit cases of rape, violence, equal protection before the law, forced evictions, proper health care facilities and other discriminations. This policy portrays a series of steps that must be taken by the States to ensure greater security to prostitutes. One of the steps can be the decriminalization of consensual sex work in which there is no coercion, abuse or exploitation. Evidences have proved that criminalizing prostitution engenders the sex workers susceptible to violation thereby multiplying the threat that they face. There is urgent need of laws which concentrates on shaping the life of sex workers easier while petitioning the issue of human trafficking, discrimination and exploitation. Laws should be as such which guarantee that there shall be no coercion to sell sex.

Thus, the prostitutes who have always breaded on the rims of the society because of the existing stereotypes, stigma and indifferent attitude of the society towards them, have always been the fatalities and faced human rights violations. They were the sufferers against all we stand for as

human rights supporters. We, as human beings, thus are obliged to assist them in asserting their human rights. The basic rights which include the right to life and personal liberty, access to health and education, free speech, etc. are equally important to the prostitutes as to anybody else. No person should be deprived of human rights just because of their profession they are indulged in.

Human Rights abuses faced by Sex Workers

Being one of the confuted and denounced communities, the sex workers constantly encounter a discordant daily veracity of risks to their security and well-being. It is evident that:

- This community is highly prone to violence and human rights abuses worldwide.
- There are cases of discrimination, exploitation, injustice to them by police, landlords, clients, family, society, etc. among which countless case goes unlisted, without investigation and without impunity.
- International and national organizations are witnessing severe infringements of the human rights of sex workers.
- Considering the data in India and Indonesia, it has been found that in case of any raid by the police, the prostitutes are severely beaten, compelled to sell sex by them and then they are put in establishments where they are again exploited.
- Even in China and Cambodia, there have been instances of abuses against sex workers which include beating and tyrannical detainment.

Where human rights are guaranteed to these prostitutes by the International Human Rights law, even then these basic rights are denied to the sex workers by many countries.

Market place and Frugality of Prostitution

Contemporary market pattern contemplates “Choice” as being inborn in an individual but ironically this same market pattern generates an atmosphere which prejudices the liberty of certain individuals. The invisible “Hidden Hand” and the market place may have Kind Masters (Principles) but undoubtedly Harsh Servants (Agents) in which wise and inward-looking individual behaves in Self-concern violating its righteous decisions for the motive of person’s benefit. However, prima facie, the market place coupled with self-concern ultimately

marginalizes countless and separates them from the opposed market. And once they decide in this environment full of constraints, a profession which destroys an individual's self-respect and liberty then who we are to blame the women for choosing this profession autonomously. This preference for freedom is entangled by the consequent marginalization in social set-up.

The economic area provides an arena to the women to become self-dependent and earn by means of her sexuality by offering her sex offers. Thus, the sexuality of women as a service provides them with a mechanism which concerns both means; in a few cases, it is a sign of their autonomous space while in other cases it is not. Considering the male dominating nature of society, women already don't have equal opportunities as compared to men. The earning of the women through selling her sexuality is portioned among brothel owner and the pimps and the women are left with lesser money with no proper health, no social security, no economic security and when she turns to 40 or more she discovers that she is no more able to fight the competition in the market place subsequently being replaced by any other young girl thus driving the aged prostitutes to poverty and in the consistent situation of poverty from where she had once begun.

Mindset of persons involved in Buying and Selling

As we cannot consider everything alike and cannot observe it from a similar perspective as other, the custom of selling and buying of sex requires a diverse notion because even though prostitution is intended as a taboo in the society, this industry is blooming and the wants for buying and selling are very at peaks. Some questions have become a necessity to be answered such as what is the need to buy sex, what kind of enjoyment an individual gets from sex and the most critical of all, why an individual sells sex? In the aforementioned affirmation, the term individual is being used rather than men/women, since we all are aware of the fact that it is not only the women who sell sex, there are also men in the prostitution industry and not only men buy sex but even the females go to these industries to buy sex. The people indulged in buying of sex are among the ones who unfailingly proclaim and designate this profession as vicious and opposed to ethics thereby crippling the base of the society. If we consider prostitution as something opposed to our ethics/morals then what for those item songs that we enjoy in public devoid of any disgrace or skepticism. We can see incidences of child talking about sex being

asked to shut his/her mouth and the same child if performs on any item song, his talent is appreciated. What kind of splitting morals we have?

People from the LGBT community are enticed more towards the prostitution industry as they ambience being segregated from society and fizzle out participating in sexual activity with a prostitute to realize a sensation of belongingness. They feel that their sexual demands are not accomplished in the society and are helpless to dispense their feelings and thus they keep running towards sex workers to preserve their sexuality secret. So often it is just meant to earn money for these people that ultimately engenders them into prostitution. There are many reasons behind buying and selling sex which includes:

- To get familiarity of how it really feels to have sex with a sex worker
- To switch to some other types of sex
- To vanquish emotive scirms such as heartbreaks, breakups, loneliness, depression, etc.
- To have sex with any other women/men

These aforesaid mentioned reasons are encouraging in the present scenario and consider prostitution as similar to other services for which you have to pay.

Potency of Culture, Exploitation and Marginalization

At times, the civilizational beliefs and principles of our social order shape and reshape the peripheral inferentially by way of “Victimization.” The cultural morals engendered by way of patriarchal edifice invigorates specific standards for women thereby creating gender realism which implicitly yet firmly affects the apprehension of these sex workers about their own Self. Their perception towards themselves turns to be such as they think that they are involved in some immoral act which is not sinful in their own eyes. But the attitude of society towards them i.e. their shaped meaning to this profession embezzles their personally constructed meaning of self and diminishes them to the status of a sufferer. And this process of discrimination and victimization captures our attention so as to save the lives of these women. Culture and Victimization not only leads to marginalization of these women but also takes complex forms

such as social and political marginalization thus impelling these sex workers out of the public domain.

Being an old phenomenon, formerly prostitution has been associated with religion and has its roots in the whims of society. Female singers and dancers can be found devoted to temples throughout the country commonly designated as “Devdasi” which stand for “female slaves of the deity.” This veneration of devoting the females to God is customary and is prevailing in many parts of India with diverse forms and names. With the dawn of centuries, this practice deviated its way from gods to the worldly creatures. In addition to this, child prostitution in the rural areas is much prevalent thereby continuing the exploitation of the girls in the Scheduled castes and Scheduled tribes. Very often it is seen that the girls even prior to puberty are subjected to this profession by the affluent and dominant section of the society or by their own guardians. This is about ethics and morals which constantly discriminate, exploit and enslave women by creating marginalization of the weaker sections of the society.

“The victim subject is a general phenomenon internationally both in the West and the East. The subject victim strengthened the image of the woman as a victim, primarily through its emphasis on violence against women. The focus on the subject especially with regard to violence against woman highlights gender, cultural essentialism and social structures of human rights in the society. These challenges the emancipating potential of some other feminist discourses which defies the Public/private distinction, beside which human rights issues are raised, and of traditional understanding of power originating exclusively from a sovereign state” (Citizens Rights Watch).

Power of choice and Marginalization

Several feminist activists contend that the choice of this profession by the women as a life-sustaining approach is better than that of begging or being destitute. It is equivalent to other works and it is an autonomous selection on the side of women. But the issues arise over the word “active choice” which is confine to as a dying or to get into this profession of prostitution.

As per the anecdote of one of the sex worker's 'she was forced to have sex with her superior due to fear of losing job or getting difficult task, so the circumstantial conditions of supporting family and earning threw her in this profession' (Sahni, 2008, 148). This choice impelled by circumstantial compulsion can be called as an active choice is the question that raises many other questions. Indulging in sexual activity with a contractor to save her job and then entering into this profession after facing such exploitation certainly cannot be termed as an active choice. "In a survey conducted by *All Bengal Women's Association* in 1988 almost **86%** women claimed they came in this profession out of some or other compulsions and *NHRC-UNIFEM-ISS* survey of 2004 showed that almost 62% women in prostitution are trafficked and forced into the work below the age of 16" (Citizens Rights Watch).

The liberty of decision looks doubtful when the sex workers take up this occupation for overcoming from the garb of economic deficiency or due to societal obligations and pressures. The other allegations implied on the workers are regarding their enjoyment and satisfaction. However, the reality is that the brothel prostitutes do not enjoy this socially and morally degraded occupation rather they are under situational pressure to do so. Except for denying the unprofessional and unhealthy demands of clients these workers do not have any kind of freedom of decision, such arguments are also supported by the people in the legal fields working for the same. Therefore, claiming about the freedom of choice is not only futile but also illogical. As it is purely dependent on the counterpart or the client, how they treat the sex workers. However, it will be wrong to be one sided for the sex workers as there is considerable percentage of women who choose this as part time work to earn some money or to fulfill their personal needs. Such part time sex workers or street-based workers hold much more autonomy than the brothel based or other bonded sex workers. Choosing partner is more mutual in case of part time prostitutes, they have more information about their clients whereas, in case of pimp-based workers whosoever comes as client has to be served, hence, no choice of denying. So in total these sex workers hardly enjoy any kind of independence, it is subjective to the conditions which forces them to enter into this field.

Sex Workers Rights are Human rights

The notion of prostitutes combating the discrimination and exploitation for achieving their human rights is not a new concept. They have always breaded on the edges of society throughout human history. Regardless of the prevalence of this profession worldwide, the prostitutes are not treated as being equivalent to humans. These people are too like us with equal fundamental rights. They should understand that if they face any exploitation they will be treated as others and have equal protection of procedure established by law. The feminists should understand that whenever we find any prostitute championing for her human rights, we need to listen to her instead imposing our personal views of what decision in life w might deem acceptable.

There are incidences where the judiciary has upheld the rights of the prostitutes as Human Rights and raised questions over the prevalent prostitution laws or filled grey areas. Wherefore these judicial outcomes are helpful and indispensable in recalling us that prostitutes have rights too, depending exclusively on judiciary to read Human Rights into prevailing laws cannot be the only reply to the injustices and exploitation faced by the prostitutes. Nations should come forward to enact such laws which will help improve the prostitutes' lives better but this seems to be a difficult road to travel on.

These historically marginalized and denounced sex workers have hard knocks in propelling for amendment in the prostitution laws. Preconceptions and unawareness regarding the topic coupled with unwillingness to involve with prostitutes are the impediments that need to be vanquished.

Conclusion

Thus, it can be concluded that prostitution is a necessary evil and it exists throughout the world no matter whether the government had legalized it or not. Eradicating it from the society will ultimately lead to the growth of crime rate and will affect the sex workers whose only source of earning is by way of prostitution

In this, multifaceted and difficult situation one thing is however clear that these women in this profession (brothel-based, street – sex worker) faces marginalization from public spaces and are later on stigmatized. They are upholding their work with no worker's right, harsh human rights abuses and have no social and economic security. The indices attached with the act of prostitution have serious effects on their children too, who find themselves discriminated and

nowhere in society. It poses a major ethical question...what we can do to restore the individual dignity of these women. The social meaning of dignity (re)constructed through changing times should be revisited and rearranged to mainstream them within the society so that they can be a part of the public spaces. In due course, it becomes a question of providing the equality of access to better living conditions and that's not something which is a new demand and had never there in the past, in fact, they enjoyed that status in past, which went wrong in the due course of changing times. There is however an urgent need to consider our patriarchal morality which have been rebuilt and enforced on to these women to construct a '*comprehensive ethical framework*' that offers a common minimum ethical base consequently through the moral instincts and use of reason to attain the real autonomy for these prostitutes.

The perspective of equal access to social rights to these women's can only be achieved if dealt through inclusion in social, political, cultural and economic spheres. These are victims of arrangementsof society, but they are not voiceless, they have a voice and society needs to consider the *Unheard – Voices* instead of suppressing them in the name of dignity and chastity. It comes as a sense of urgency for the sex- workers community too to understand the power of education and work towards development as education is the only way to remove the social evils. It takes a great part in the government to make stringent policy measures for their representation.

References

1. Bedi, Kiran Nair.P.M (2008): Human Trafficking In India, Yojana (Vol-52).
2. Gilada I.S (1999): Prostitution in India: Causes, Extent, Prevention and Rehabilitation; Social Problems & Welfare in India. N.Delhi.
3. India, Ministry of Home Affairs, National Crime Record Bureau (2006), Crimes in India, N. Delhi.
4. Jordar Biwanath (1984): Prostitution in Historical and Modern Perspectivess, Inter India Publication, N.Delhi.
5. Kishwar, Madhu (2008): On Legalising Prostitution, Yojana (Vol-52).
6. Khan M.Z, Singh D.R (1987): Prostitution, Human Rights, Law and Voluntary Action; The Indian Journal of Social Work, Vol. XLVII

7. Nehal, Ashraf (1997): Crime against Women, N.Delhi, Common Wealth Publication.
8. Pillai. M.G (2007): Child Abuse , Pointer publications, Jiapur
9. Sahni R. V. Kalyan Shankar, Hemant Apte (2008), Prostitution and beyond: An analysis of sex work in India, Sage publication, First edition
10. Retrieved from <http://www.citizensrw.org/index.php/guest/newsStoryDetails/36>Sex-work in India: Human rights perspective