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It is stigmatization that violates human rights

Interview with Nelia Sancho by Leti Boniol

The debate about "the oldest profession" just won't go away. From a simple transaction between prostitute and client, prostitution has become big business worldwide, especially during this era of globalization when sex has been transnationalized.

During the last two decades, there has been a phenomenal explosion in prostitution and the sex trade in most countries of the developing world, said Iyoti Sanghera of the Global Alliance Against Trafficking of Women-Canada.

This has developed into an extremely complex reality involving a multiplicity of forces, dimensions and players, Sanghera said in her

When we say that prostitution is the same as violence against women, it may not necessarily be correct.

paper "In the Belly of the Beast: Sex Trade, Prostitution and Globalization," released through the Asian Women's Human Rights Council (AWHRC) last February.

Casting this reality in black or white, right or wrong, good or evil, forced or free, victimized or empowered, abolish or support, prostitution or antiprostitution, will only make it less understood, she argued.

For most women in the sex trade, their actual experience is "adumbrated through the multitude shades of gray that stretch out extremely between the black and the white," explained Sanghera.

Such is also the view of Nelia Sancho, Manila Coordinator of the Asian Women's Human Rights Council (AWHRC), who last February signed a statement recognizing prostitution as work. The statement caused a stir in the Philippine women's movement, some sectors of which say that prostitution constitutes a human rights violation and an assault on the dignity of all women.

Sancho insists that this controversial issue is a complex phenomenon that cannot be all black or all white. Otherwise, it becomes "sensationalized reporting."

The Filipina activist also clarifies that her intention was not to divide the women's movement, and that she merely wants to open up space where the issues of prostitution and a host of problems suffered by women in prostitution could be discussed openly and objectively.

"I think what the AWHRC is trying to do is to create that space for discussion where we can learn more about the reality of women working in prostitution and what kind of violence they are facing, that can't be covered up

by simply generalizing that prostitution is violence or that prostitution is a human rights violation," Sancho says in this interview.

Such sweeping generalizations "will not get us anywhere," Sancho explained. "Because then, that will again cover up and make the women invisible if you simply label and put away the issue in that sense."

The following are excerpts from a one-on-one interview with Nelia Sancho.

Q: In earlier published interviews, you insinuated that feminists who reacted negatively to your statement are morally biased, even if their argument is based on a women's human rights framework, using language formulated by the UN.

A: Anybody can use the language of human rights to explain one's opinion of a phenomenon. Even the government uses it. It doesn't automatically mean that if you use the UN language, you mean the same thing. So it's very important to put the UN language/documents in context. And the context here is, what is the reality? Because the interpretation can be different even if the same language is used.

Prostitution has always been asserted by the dominating class or groups of people in power to threaten the morality of society...women who go into prostitution are not "normal" because their behavior is not morally sanctioned by society.

But since the start prostitution and prostitutes have indeed performed a role in society. And within the different systems, even in socialist systems, they have existed, maybe just in different forms. For example, in socialist systems, there's more direct mediation between individual women and their clients and therefore, they're more in a position to exercise control over their work or their bodies, they can bargain more directly. But in capitalist systems particularly in monopoly-capitalist systems, prostitution also functions as a profit-making component of the sex industry. So, here we are talking about big business syndicates who use prostitution for big profits, who use women as commodities.

Q: The AWHRC statement doesn't seem to differentiate between forced and voluntary prostitution.

A: We were talking about the classic sense of prostitution where women get into it as a trade,

and do the transacting themselves. It's their choice.

But when we talk about forced prostitution, that's trafficking and we have a lot of documents to support that. The AWHRC, being part of the Global Alliance Against the Trafficking of Women, has contributed to undertaking the minimum standard rules for survivors or victims of trafficking. And here definitely, we say that there has to be differentiation between forced and voluntary prostitution because when women have been forced into prostitution, definitely they want to be rescued and we need to support them.

If women should not be criminalized because of their relationship with the client, it follows that you cannot penalize the men for buying sex.

On the other hand there are women who were prostitutes in the first place, they went into prostitution voluntarily, but who were trafficked in the process of migration, while going out of the country to work. So what you address there is the element of trafficking, of deception and force, of big profits being made out of women. It is not about whether they were working as prostitutes or not, but how they were brought into such a job, and whether they agreed to be trafficked. Nobody agrees to be trafficked. You can agree to work as a prostitute, but it doesn't mean that you agree to the terms of how you do your work. However, I cannot simply say that since not every prostitute has been forced, therefore, there's no trafficking. The two elements have to be differentiated. Definitely, we should adopt a definition of trafficking for use in legislation. There are also other forms of trafficking besides prostitution, and we have a definition of forced labor, which means you have to differentiate that from women working voluntarily in prostitution.

Q: Does the Council advocate the legalization of prostitution?

A: Not necessarily that. First of all, we're advocating decriminalization. There are a whole lot of views towards women in prostitution that have to be changed. We're much more interested, not in legalizing prostitution, but first in

changing attitudes towards women in prostitution by eliminating the stigma attached to their trade, and recognizing them as workers so that they can be visible in their work...The problems are there because of the inequality in society, because of patriarchy, which relegates prostitutes to the lowest levels in terms of protection and respecting them as persons.

Q: So this means decriminalizing the prostitutes as well as the procurers and pimps.

A: Well, when we talk about classic prostitution, it means women mediating for themselves, negotiating for sex service directly with the client. But when you talk about the sex industry it's much more than plain and simple prostitution. It's any form of commerce that makes profit out of selling women. Why, with globalization, even tourism is closely linked to the sex industry. Hotels, guest relations officers or GROs, escort services, are all part of the sex industry.

Q: But is it realistically possible to differentiate during this era of globalization, when the prostitutes usually meet clients in bars, they congregate in bars with bar owners and other accompanying personnel? When prostitution is decriminalized, would this include the accompanying personnel?

A: In a way, yes, the client is also decriminalized. If women should not be criminalized because of their relationship with the client, it follows that you cannot penalize the men for buying sex.

Q: Would pimps and brothel-owners be decriminalized too?

A: Not necessarily. But they should not necessarily be illegal. I think what has to be done is to make them visible, to have regulations, like how many hours, at what age they can start to work, how will their health be protected... definitely child prostitution should not be allowed, since they are not yet in the age of consent.

Q: There seems to be tacit approval with the existence of clinics and all...

A: It's the double standard. The women are stigmatized (but not the brothel owners), prostitution is denounced as an evil and all that, and yet the government, the laws, allow it to exist. Why? because it's business. We might as well be practical, and ask for regulation that is in favor of women and not in favor of brothel-

owners and pimps which is what current legalization does. So we don't necessarily advocate legalization per se unless the women are empowered enough. If they have no power, the only result would be laws strengthening control by the brothel-owners.

Q: When you decriminalize, what follows is legalization.

A: It follows that when you decriminalize, you can also go for laws. That's what is being said, you can also go for laws. But what needs to be realized is not that we are against legalization—definitely we are not against legalization—but that we have to go slow, we have to go easy in calling for legalization.

Because the way it is now, without education, without consciousness-raising, any law that is passed will only favor the sex industry. And the women in prostitution have been saying that they are against the present laws, which allow everything from the operation of brothels to pimping, but individual women are prohibited from soliciting. So, why should anyone call for legalization? What kind of laws would you call? And if there is no empowerment of those working in the industry, if there is no recognition of these women, then we would never have laws that will favor them.

Q: Decriminalization encourages women prostitutes to be open. But there are cases where they have been even more stigmatized, and it has led to an increase in prostitution.

A: Is that the reason why many women go into prostitution? Or are the conditions already there such that even if it is illegal, women enter prostitution?

We must recognize the reality of basic conditions in our society that push women into prostitution, and these conditions include the marginal status of women, the inequality in our society, the powerlessness, the violence against women. All of these create the conditions for women to look after their own survival. It's true, there can be a tendency to be stigmatized also if they work in the open, but not necessarily more. Stigmatization is cultural. Everybody in society is socialized, but it doesn't mean either that the stigma will be removed through decriminalization.

But if the women are decriminalized, then they can speak up and be assertive despite the

social stigma. They can go about their work openly, they can assert that they have to be respected, and they can also openly educate. When we allow stigmatization, we also perpetuate the violence against women that has been there for hundreds of years because we allow them to be considered illegal. We have to start somewhere. Look, we are just opening up and talking about it and already the reaction is so strong, when all we want to do is to create a space where the women will be recognized.

Q: So, after decriminalization, what happens?

A: Empowerment does not come automatically. We have to work for it. Right now, we are trying to create conditions so women can come out. But that is not yet empowerment. We still have to support them to get empowered. One way is to allow them to speak...they can have support groups, where they can talk about the violence that they face. We can help them file charges against those who violate them. It's the same thing that we do in empowering the urban poor, the peasant women. We start by building their self-esteem.

Q: What do you suppose could be the long-term impact of legalization on the life of the prostitute who has no stigma?

A: She's just like any other woman. We are all entitled as human beings not to be stigmatized. Prostitutes are extremely stigmatized but all of us suffer from some form of stigmatization. It's a way of controlling women, so wherever it happens, we have to work against it, we have to help eradicate it. By working to remove stigmatization, we also do it for ourselves.

These issues need to be better understood, viewed more objectively. Sometimes, because of knee-jerk reactions from women's moral biases, media people sensationalize the issue. Actually, better understanding corrects the knee-jerk reactions. When I say these things, I don't mean to promote prostitution.

Q: How will you go about educating women on the very complex issues related to prostitution?

A: Women in prostitution have their own logic. It's not for us to tell them, "Hey, that trade is very bad, you should get out of it." First of all, what alternative is there to offer? The first thing that will persuade the women to leave it

is to have a choice not to do it, to be able to choose the work that they want. And then we'll see if they'd still choose prostitution.

We all have a responsibility to educate ourselves. I don't think it's a responsibility for me to convince others; we all have a way of arriving at our own conclusions. So, if they think that way, I will respect them. If I think this way, it's a result of my own findings, research and analysis. So let's respect one another. I think we just need to continue the debate in a

It is not prostitution itself which is the
human rights violation but the
stigmatization.

more healthy way until we understand each other and achieve the same wavelength. These reactions have historical bases. And one of them is our own socialization from childhood by the society where we are in. It's OK to differ because we always have different perceptions of reality.

Sometimes we only see eye-to-eye after talking things over, and the first thing we have to create is the favorable environment where we can talk without being angry at each other.

And the second method is to support the women who are willing to speak out, especially those working in prostitution. I feel they are the best people who can educate the public, and even the women's movement. See, the women's movement speaks for the women in prostitution. I don't think we should continue to do that because we are not prostitutes. We don't experience the lives that they live. I'm just relaying to others that the prostitutes say that prostitution is work. It's not my own personal thinking because I have never lived that experience, I don't really understand how it is. But I respect the women when they say that because they developed that perspective from their own experience.

Q: Some people say there has been a change in your views.

A: I now have much more recognition of the women working in prostitution, their reality, their own thinking and perception, ideas and experiences, and because of this respect and sharing that I've had with them, I have become much closer to articulating these experiences from their point of view.

Maybe this is the only change. In the past, I used to take the standpoint of the women's movement with its moral framework. I don't think that it was wrong either; let me just say that not everything is absolute. The moral framework should always be taken in some context. For example, we say that it is wrong to kill, or to steal, that's a moral framework. But when you put it in a context where, for example, there are peasants being killed everyday, and they decide to take up arms in self-defense, I'll never judge that they have become killers. When streetchildren steal, I wouldn't say that they are thieves, in the way that when people in government steal public funds we call them thieves or crocodiles or what.

In the same way, it's correct to say that discrimination or violence against women should not be allowed. But when we say that prostitution is the same as violence against women, it may not necessarily be correct. We may have to differentiate whether the violence is happening to them because they are women or is it because they are prostitutes. It wouldn't be so easy for me to judge that prostitutes are pitiful because they are always being violated. It's true there is violence happening to them but is that because they are in prostitution? Or because they are women? Everyday women are raped and violated, but they are not prostitutes.

Q: Personally, what is your stand on prostitution?

A: First of all we have to eliminate the stigma against women in prostitution. I take that stand very, very personally. I think it is a human rights violation. It is not prostitution itself which is the human rights violation but the stigmatization. Therefore, violence against women in prostitution is a human rights violation, raping and trafficking of prostitutes are human rights violations. The difference is that others classify prostitution itself as a human rights violation. I don't agree so easily with that. I feel we have been socialized from childhood to think that prostitution is violence. Whatever a person does, whether it's laundry work, lawyering or medicine, each one has dignity. ♪