

Statement on Prostitution and Human Rights of the International Committee for Prostitutes' Rights

October 1-3, 1986

The European Convention on Human Rights was drafted within the Council of Europe in 1950 and came into force in 1953. All twenty one of the member States have ratified it. Those States include: Austria, Belgium, Cyprus, Denmark, France, Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

The International Committee for Prostitutes' Rights (ICPR) demands that prostitutes, ex-prostitutes and all women regardless of their work, color, class, sexuality, history of abuse or marital status be granted the same human rights as every other citizen. At present, prostitutes are officially and/or unofficially denied rights both by states within the Council of Europe and by States outside of it. No state in the world is held accountable by any international body for those infractions. To the contrary, denial of human rights to prostitutes is publically justified as a protection of women, public order, health, morality and the reputation of dominant persons or nations. Those arguments deny prostitutes the status of ordinary persons and blame them for disorder and/or disease and for male exploitation of and violence against women. Criminalization or state regulation of prostitution does not protect anyone, least of all prostitutes. Prostitutes are systematically robbed of liberty, security, fair administration of justice, respect for private and family life, freedom of expression and freedom of association. In addition, they suffer from inhuman and degrading treatment and punishment and from discrimination in employment and housing. Prostitutes are effectively excluded from the Human Rights Convention.

The World Charter of Prostitutes' Rights which was adopted by the ICPR in 1985 demands that prostitution be redefined as legitimate work and that prostitutes be redefined as legitimate citizens. Any other stance functions to deny human status to a class of women (and to men who sexually service other men).

The European Parliament recently took a step toward decriminalizing prostitution and prostitute workers by adopting a resolution on violence against women which includes the following clauses (see Hedy d'Ancona resolution, Doc. A2-44/86):

In view of the existence of prostitution [the European Parliament] calls on the national authorities in the Member States to take the necessary legal steps:

- (a) to decriminalize the exercise of this profession,
- (b) to guarantee prostitutes the rights enjoyed by other citizens,
- (c) to protect the independence, health and safety of those exercising this profession...
- (d) to reinforce measures which may be taken against those responsible for duress or violence to prostitutes...

(e) to support prostitutes' self-help groups and to require police and judicial authorities to provide better protection for prostitutes who wish to lodge complaints...

Concrete implementation of those steps requires specifications of the violations in each state. One goal of the Second World Whores' Congress is for prostitutes from countries represented within the Council of Europe and outside of it to specify those violations. The summarized list stated here will be elaborated at the congress.

Violations of the Human Rights of Prostitutes:

1. The right to life

Murder of prostitutes is a common occurrence throughout the World. And, those murders are commonly considered less offensive than other murders, as evidenced by the fact that prostitute murderers are often not sought, found or prosecuted.

2. The right to liberty and security of person

The physical safety of prostitutes is threatened by the criminal sphere in which they are forced to work.

The physical liberty of prostitutes is restricted by state and city regulations which prohibit their presence in certain districts or at certain times. For example, a woman standing on the street »looking as if she is a prostitute« can be fined for passive solicitation in France even if she is not negotiating a sexual transaction. Or, a prostitute in Toronto, Canada can be given a curfew (nine P.M.) by the court if she hasn't paid three or four solicitation tickets; if she disobeys the order, she can be sentenced to six months in prison for disobeying a court order.

The right to liberty and security of persons is totally denied to women who are deceitfully or forcefully made to practice prostitution. In particular, the common transport of »Third World« women to the West under false pretenses denies both liberty and security to Women. The right not to work as a prostitute is as essential as the right to work if one so decides. Sexist and racist denial of both rights is widespread.

Prostitutes usually do not enjoy the same police protection of their liberty and security as other citizens. Due to the criminalization of their profession, they risk fines or arrests so they avoid calling upon police for protection. Police are frequently known to grant immunity from criminal action in exchange for information and/or sex, i.e. rape by the state, as the cost for liberty.

Forced medical testing which denies choice of one's own doctor and medical facility denies liberty to prostitutes. Denial of worker's compensation prevents prostitutes from liberty and health security in case of illness.

Forced or pressured registration with the police stigmatizes prostitutes and frequently violates their privacy and liberty to change professions if they so choose. Prostitutes are denied job mobility by requirements for letters of good conduct which are granted only to those who can prove that they have not engaged in commercial sex for at least three years (for example, in Switzerland and Austria).

3. The right to fair administration of justice

Application of laws and regulations against prostitution is usually arbitrary, discriminatory, corrupt and hypocritical. In Paris, for example, street prostitutes are given an average of three tickets per week for passive or active solicitation; at the same time, they are heavily taxed for their prostitution earnings.

Prostitutes who are raped or physically battered are unlikely to succeed in bringing charges against the rapist or batterer. The prostitute is considered fair game for abuse even by state and judiciary authorities.

Foreign women who were deceitfully or forcefully transported for purposes of prostitution rarely succeed in bringing charges against the violating party.

Male law enforcement officials, like other men, are frequently customers and/or violators of prostitute women. Police, for example in the United States, Canada and Great Britain, regularly entrap women by posing as customers and arresting them as soon as they mention a price for sex. Even if the prostitute is careful not to mention a price (many have learned to expect police deceit), she may be convicted because a police officer's word carries more credit than a whore's word in court.

Prostitution laws are discriminately enforced against women, especially »Third World« and poor women, and against »Third World« male associates of those women.

4. Respect for private and family life, home and correspondence

Laws which criminalize those who profit from the earnings of prostitutes are frequently used against the family of prostitutes, for example in the United States and France. Such »anti-pimping« laws violate a prostitute's right to a private life by putting all of her personal associates, be they lovers or children or parents or roommates, under even more risk of arrest than exploiters and physical violators.

Confiscation of personal letters or literary work of prostitutes, for example in the United States, is a clear denial of respect for home and correspondence, not to mention a denial of freedom of expression.

5. Freedom of expression and to hold opinions

The word of prostitutes is generally assumed to be invalid in public, for example as evidence in court. The opinions of prostitutes are rarely given a hearing, even in relation to their own lives.

In private, prostitutes are often used as police informants and as counselors to male customers. In public, be it on the street or in court, their testimony and opinion are silenced.

6. Freedom of peaceful assembly and association, including the right to join a trade union

Prostitutes are prevented from working together for purposes of safety, cooperation and/or commercial

advantage by specific statutes which criminalize »keeping a house« or other necessarily cooperative work forms.

Until prostitutes are recognized as legitimate workers, rather than as outlaws or vagrants or bad girls, they cannot officially form trade unions.

7. The right to marry and found a family

Both the right to marry and the right not to marry are frequently denied to women, in particular to the prostitute woman. Marriage is impossible if husbands thereby become outlaws, i.e. pimps. The denial of rights and legitimacy to unmarried women, on the other hand, can force Women to marry against their will. A prostitute may also be denied the privilege of motherhood when the courts declare her unfit on the basis of her profession.

8. The right to peaceful enjoyment of possessions

The possessions of prostitutes and their associates are confiscated on the ground that they were obtained with »illegal« money; they are also confiscated when a prostitute cannot pay the fines levied against her for the practice of her profession.

9. The right to leave a country including one's own

Prostitutes are denied the right to travel across national borders by signs or cuts on their passports (or identity cards) which indicate their profession. Also, police records registered on computers at certain borders will prevent prostitutes from leaving or entering the country.

10. Prohibition of torture and inhuman or degrading treatment and punishment

The above mentioned violations indicate inhuman treatment. Degradation of prostitutes is the norm both among official bodies, such as governmental and judiciary institutions, and among community bodies, such as neighborhood committees and social service agencies.

Forced prostitution should be recognized as a case of torture.

11. Prohibition of slavery, servitude and forced labor

Servitude exists both in cases of forced prostitution and in cases of voluntary prostitution under forced conditions. State regulated brothels such as found in Hamburg, Germany and Nevada, United States allow no choice in clientele, no right to refusal, no right to a fair share of the earnings, forced isolation and forced overwork. Most brothels in the Netherlands force unhealthy practices such as no condoms (or less earnings for condom sex) and/or forced alcohol consumption.

Juvenile prostitution is a case of forced labor but the managers, be they managers of pornography or prostitution, are rarely prosecuted whereas the children are often stigmatized and punished.

12. Prohibition of discrimination in the enjoyment of rights and freedoms guaranteed by the Convention

Prostitutes are discriminated against in the enjoyment of every right and freedom. Prostitutes of color, foreign prostitutes, street prostitutes, drug-addicted prostitutes and juvenile prostitutes suffer extra and often extreme discrimination.

13. Prohibition of the collective expulsion of aliens

Expulsion of foreign women who entered the country under conditions of deceit or force and who often await persecution in their native country is a violation of human rights.