

Globalisation and Flesh Trade: A need to legalise?

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ABSTRACT

Globalization has brought about an increase in the demand for cheap labor and sex workers, leading to the growth of the flesh trade industry. While the practice of human trafficking and exploitation is illegal in most countries, it continues to thrive underground due to lucrative profits and a lack of effective law enforcement. The debate on whether to legalize prostitution as a means to regulate the industry has been ongoing for years. The debate on whether to legalize or not flesh trade is a controversial topic. Advocates for legalization argue that it will provide a regulated and controlled environment for the sex industry, protecting the rights of sex workers, and reducing the number of human trafficking victims. On the other hand, opponents argue that legalizing such activities only perpetuates the exploitation of vulnerable individuals and promotes the commodification of human beings. While the legalization of prostitution may offer benefits such as increased regulation and protection for sex workers, it must be carefully considered within the larger context of human rights, gender equality, and social justice. However, opponents believe that legalizing prostitution would only normalize the objectification and commodification of women's bodies, leading to an increase in demand, and potentially causing more harm than good. Additionally, it could lead to a rise in organized crime and further exploitation of vulnerable individuals. Despite the ongoing debate, it is essential to take action to prevent these heinous crimes from continuing. It includes educating communities about the dangers of human trafficking, enacting stricter laws to prosecute offenders, and providing social and economic opportunities for vulnerable populations, especially women and children. Only then will we create a safer and more just world that respects the dignity of every human.

Keywords: Legalize prostitution, Commodification of human being and human trafficking.

INTRODUCTION

Prostitution has been a part of human society since the dawn of time. It is the oldest profession on the planet.¹ Prostitution's legal status in India is unclear; nonetheless, there is some legitimacy because while prostitution is not a crime, soliciting prostitution and prostitution in a public place are. Prostitution is a testament to the moral power struggle of sex that religion has never been able to resolve.² Prostitution is an outcome of need and necessity, not a conscious decision.³ As a democratic country, India guarantees its inhabitants the right to choose, which includes the right to pursue a vocation. As a result, the research question of this study will be on whether prostitution should be legalized.

BACKGROUND

Recently, while reading the Bible, I noticed that the followers/ believers of Jesus were of different professions. There were, fishermen, tax collectors, lawyers and prostitutes. It was amazing to see how God used a prostitute named Rahab to help Him carry out His plan. Even, in the New Testament, a woman who had been known for being a sexual sinner was forgiven before Jesus, cleansed of her sin and found a chance to serve Jesus. Nobody wilfully chooses to get into the profession of prostitution. It is clearly a necessity. Poverty, gender equality, and globalisation have created situations in which large numbers of girls and women are at risk of being targeted for unlawful trafficking and sexual exploitation in several parts of the world.⁴

¹SukumariBhattacharji, *Prostitution in Ancient India*, 15 Social Scientist 32, 32-34 (1987).

²Riva Patel, *Globalization of Prostitution: Trans-Border Crime*, Journal of Politics & Governance, Vol. 3, No. 1, January-March 2014.

³Sheila Jeffreys, *The Idea of Prostitution*, Spinifex Press, 2008, ISBN 978-1875559657

⁴Loring Jones, David W. Engstrom, Tricia Hilliard, Mariel Diaz, *Globalization and Human Trafficking*, Journal of Sociology & Social Welfare, June 2007, Volume XXXIV, Number 2

The definition of prostitution according to The Immoral Traffic (Prevention) Act, 1956 “prostitution” is the sexual exploitation or abuse of persons for commercial purposes or for consideration in money or in any other kind, and the expression “prostitute” shall be construed accordingly. However, there is a general definition as well that is - penalizing anyone who solicits or seduces for the purpose of prostitution, or who carries on prostitution near public places.⁵ Further, term “sex trafficking” can be defined as “the recruitment, harbouring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.” The term “child prostitution” can be defined as children who are into prostitution and haven’t met their age of consent (which is 18 years).⁶

Countries have differing views on the legalisation of prostitution, with some preferring monogamy while others preferring polygamy. In Singapore, for example, prostitution is legal, but pimping and public solicitation are illegal. Licensed brothels are only allowed to operate in certain places. Prostitution is permitted in the United Kingdom; however, pimping is highly penalised. Prostitution, pimping, and brothels are all allowed in Indonesia and New Zealand. Prostitution is controlled by regular medical check-ups in the United States, whereas brothels are outlawed. In India, on the other hand, the legal position of prostitution is unclear; nonetheless, there is some legitimacy because, while prostitution is not a crime, soliciting prostitution and prostitution in a public place are.

Globalization and Prostitution

Individual trafficking has also been shown to be facilitated by globalisation. Traffickers can now advertise in distant countries from the comfort of their own country. The industrialised world has a significant demand for sex labour in developing countries, which has substantially encouraged human trafficking. Globalization has brought the world closer together. The tourism sector has been sparked by globalisation. Human trafficking is not a new phenomenon, but it is now more prevalent and widespread than in the past, making it one of the most horrific and unintentional effects of globalisation.⁷ The number of traffickers/pimps has increased as a result of new development such as the building of new hotels, resorts, and guest homes for tourists. The worst-case scenario is a lower-class juvenile who is forced to marry wealthy men in exchange for money and then sent to Gulf countries for prostitution. This also happens to women who are sent to other countries for employment such as nursing or domestic work, only to be coerced into prostitution. This is very well exhibited in the recent Malayalam movie “C

U Soon”.⁸

The fast expansion of “global culture” and the desires of many victims for a better life elsewhere are exploited by human trafficking. Other factors that contribute to the demand for trafficking victims in destination countries include:

- a high demand for cheap or uncompensated labour;
- weak or non-existent laws against various forms of forced servitude;
- demand by men seeking commercial sex and bondage arrangements;
- Indifference to social conditions and morality;
- Corruption;
- Weak law enforcement;
- Entrenched organized crime networks.⁹

METHODOLOGY

Doctrinal research was undertaken in order to investigate the matter at hand and provide a better knowledge of the legalisation of prostitution. The study includes analysing qualitative data from books, publications, court decisions, websites, and law journals. These were gathered from several internet databases and sources, including JSTOR, Hein Online, and SCC Online. The reference to the same gave the views of numerous scholars and social scientists, as well as assisting in the conclusion of the study. One of the benefits of using this style of research is that it allows for a more thorough examination of the subject at hand, as well as the identification of any gaps or ambiguities. The books, articles, and laws that were used were not limited to a specific time period. This research study discusses and contrasts the legal and regulatory frameworks in several nations where prostitution is licenced and controlled, as

⁵Yuktha Suresh, “*Legalization of Prostitution in India and its Impact on the Exploitation and Violence Against Women*”, <https://www.ijlmh.com/paper/legalization-of-prostitution-in-india/>, accessed at 6:30 pm on February 09, 2022.

⁶Nikita Mehta, “*Globalization of Prostitution: A Study in Indian Context*”, *Journal of Politics & Governance*, Vol. 3, No. 1, January-March 2014, <http://jpg.net.in/wp-content/uploads/2016/01/JPG-Vol.-3-No.-1-March-2014.pdf>

⁷Elina Penttinen, “*Globalization, Prostitution and Sex Trafficking: Corporeal Politics*”, Routledge, 2007, ISBN-13: 978-0415599580

⁸C U Soon (Mahesh Narayanan dir., 2020)

⁹Riva Patel, *Globalization of Prostitution: Trans-Border Crime*, *Journal of Politics & Governance*, Vol. 3, No. 1, January-March 2014

well as the situation in India. Doctrinal research includes the investigation and interpretation of earlier or already existent data. This is why doctrinal research is ideal for examining the effects and benefits of legalising prostitution.

RESULTS

Positive aspects of globalization and legalization of prostitution in India

Prostitution's legalisation will benefit society in a variety of ways. For example, in India, prostitutes' right to conscience will be recognised. Prostitutes would no longer be controlled by pimps after legalisation, which would decrease trafficking. Legalizing prostitution will thus assist to reduce drug addiction, physical abuse, and other heinous aspects of prostitution. Legalizing prostitution will very certainly reduce the number of rape cases.¹⁰ As a result of legalisation, men will have a better option to relieve their frustrations and will be less likely to choose to vent their frustrations on an innocent girl by raping her. It could be beneficial to tourism since the cash earned by prostitution would aid in development.

Prostitutes should be instructed to ask their customers to use adequate contraception if they don't, they will face severe consequences. Furthermore, because a huge majority of girls from poorer socioeconomic backgrounds cannot afford medical care. As a result, legalising it would aid in improving their safety and health conditions, as they are frequently abused by their clients. If prostitution is legalised, the social marginalisation of those involved in the profession may be reduced. In truth, minors are frequently duped by a trafficker who promises them quick money and other benefits. As a result, legalising prostitution will aid in the regulation of these acts. Additional assistance in the fight against child prostitution¹¹.

Various organisations, such as the SAARC 11th Summit on "Preventing and Combating Trafficking in Women and Children for Prostitution," have stressed that trafficking in women and children for the purpose of prostitution is incompatible with human dignity and honour, and is a violation of a basic human right. Furthermore, equality before the law is required by Articles 14 and 15 of the Indian Constitution. Many people will be deprived of their daily food if prostitution is not allowed. This would be a direct violation of their constitutional rights.

Negative aspects of globalization and legalization of prostitution in India

Even if prostitution is legalised in a country like India. The entire scenario would be extremely similar, in that if someone is pushed into it, half of the cases would not be recorded, and if someone does report, a buyer will be able to easily escape by paying his fine. There are numerous arguments against legalising prostitution. The key claim made here is that legalising will not have a deterrent effect on forced prostitution.

Human trafficking will expand as a result of legalisation; for example, Amsterdam, where prostitution is legal, has become the epicentre of the world's largest human trafficking ring. Legalizing prostitution may ensure that purchasers are provided with HIV- and STD-free individuals. However, no one mentions medical examinations for buyers, thus legalisation would favour consumers and pimps more than prostitutes. Governments that declare prostitution to be "sex work" will have a significant financial stake in the sex business. If prostitution-related women are counted as workers, governments may as well abdicate their responsibilities to provide women with suitable jobs.

One of the consequences of legalising prostitution is that pimps are now considered legitimate sex entrepreneurs or third-party businessmen, and men who buy women for sexual activity are now considered legitimate sex customers. All of this will lead to an upsurge in human trafficking.¹² Sex trafficking is triggered by legalised prostitution. If prostitution becomes legal in India, it will immediately affect the victim's social and moral aspects, as well as those of her surroundings. When a girl comes from a lower caste, people may refuse to marry their sons or daughters in that household. In addition, the moral ties between the families would be severed. An Indian woman will never allow her husband to have a sexual relationship with another woman, no matter how sophisticated we became. A woman's parents will be unable to marry her if she pursues a career as a prostitute. If prostitution becomes legal in India, it will be incredibly difficult for girls and women to maintain their dignity.

CONCLUSIONS AND RECOMMENDATIONS

In light of the aforementioned considerations, it is clear that legalisation would benefit sex traffickers rather than victims. Even if the sex industry becomes more respectable after legalisation, the workers will never achieve social

¹⁰Riva Patel, "Globalization of Prostitution: Trans-Border Crime", Journal of Politics & Governance, Vol. 3, No. 1, January-March 2014

¹¹Ratnabali Chatterjee, "The Indian Prostitute as a Colonial Subject", 13 Canadian Woman Studies 51, (1992).

¹²Seo-Young Cho, Axel Dreher and Eric Neumayer, *Does legalized prostitution increase human trafficking?*, World development, 41 . pp. 67-82. ISSN 0305-750X

status. Legalizing forced and voluntary prostitution would promote pimps and sex traffickers because there are no measures to marginalise it. Even if various measures to prevent child prostitution are adopted. There is a great likelihood that youngsters will be forced to use steroids in order to improve their physical appearance, which will deteriorate their health, as previously described. Furthermore, because of the sanctity connected to the institution of marriage, legalising prostitution in India is largely an ethical problem. Taking into account the issues of legalising prostitution, this paper focuses mainly on two points. First and foremost, pimps and brothels should be outlawed. Working together of two or more prostitutes should be prohibited in order to prevent forced and underage prostitution. Education institutions should develop new policies to educate prostitutes and assist them in obtaining better professions;¹³ they should also be granted the same rights as other people. This study might require additional research in case readers sense or discern that prostitution should be legalised. If not, there is no further research required.

Following are few recommendations:

- Role of NGO's and Civil Right Organization: Various foundation like rescue foundation who are recognised by government, work for rehabilitation and repatriation of victims for human trafficking from different parts of India. The NGO should ensure that women's human rights are respected, protected, and fulfilled. There should be a committee to ensure the protection of the rights of the prostitutes and to whom prostitutes can address their complaints. This committee must be comprised of prostitutes and other professionals like lawyers and supporter.
- Role of Government Initiative: The government should provide incentives for people who leave prostitution, for e. g. home loan, education loan etc. The government should provide jobs for the ones ready to leave prostitution. The government should opt for positive discrimination such as more incentives or easy house loans etc. Positive discrimination has been laid down in Constitution of India also under Article 16 (3) Part III of the Constitution of India.
- Role of Educational Institutes: All the education institutes should provide a course on prostitution so that the young crowd is aware. Further, in various centres pro or anti-prostitution should set up, so that the young minds should develop a strong view about legalization of prostitution.
- Role of Judiciary: The judiciary plays a major role in scrubbing these issues. If the law staunchly prohibits prostitution and keep a constant check; then it will be easier to erase the question of legalizing prostitution.
- The creation of exit routes for women: The provision of exit routes to enable women to move out of prostitution should be part of the overall strategy. Integrated educational and training programmes should be established with an emphasis on long-term economic independence and sustainability. Safe-return programmes, including retraining and financial aid, should be implemented in the nation of origin.

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