

# Why should Sex Tourism and Prostitution be Legalized in the Philippines

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## Why should Sex Tourism and Prostitution be Legalized in the Philippines

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### ABSTRACT

Several laws linked to Prostitution have been enforced in the Philippines and in countries where it is not permitted over the years, however, evidences show that it has unceasingly developed, in fact, has been coined already as the “oldest profession” and has already become a multi-billion-dollar Industry. As laws in the Philippines continuously fail to solve the problem, this study suggested legalization as a better option to minimize its negative implications, if it does not totally become a solution. Results show that legalizing sex work would cause more positive implications to the society than to criminalize it. Legalization has been determined to decrease incidents of physical and sexual violence against women and cases of Sexual Transmitted Deceases. Criminalization on the other hand has been found to lack of the ability to stop or even slow down the growth of the commercial sex Industry and proven to expose sex workers to physical and sexual assault and harassment not just from their clients but also from law enforcers. In the Philippines where sex work is illegal, financial need was identified as the primary reason why people choose to work as prostitutes, unfortunately, it was discovered that they are treated badly; there are times that they are not being paid, they experience being forced to do things they don't want to do, and they are harassed by hotel employees and law enforcers. Furthermore, though the Hospitality Industry may not be in support of prostitution, it seems like it is as hotels are used as the primary venue for the service. The Philippine Government if will stick to having sex work as a crime should therefore look into Hotels and conceptualize ways to make sure that people who are checking In are not there for commercial sex.

**Keywords:** Prostitution, Violence against women, Sexual Transmitted Deceases, Sex Work Legalization.

### 1. INTRODUCTION :

Prostitution has been identified as a problem, *Caporaletti (2006)*. It is a problem linked to existing social and political structures, *Brown et al (2013)*, and is deemed a major one in most countries around the world with little to no consensus on how to address it, *Benoit et al (2019)*. *Justice (2019)* argues that across the globe, the destructive repercussions of prostitution are similar whether it is legal, tolerated, or illegal; it contributes to the objectification of women, it normalizes violence, and it creates a futile effect. This concept of work is not only a form of male violence against women, it is also a system and an industry that contribute to gender inequality, to an unequal and negative representation of sexuality

for young people, and to reduced choices in sexuality, *Pape (2018)*. In his research, *Pape (2018)* also determined that rape culture, economic conditions, migration paths, and sexual violence in the childhood are part of the root causes of it. Prostitution gives men the opportunity to remove a woman's humanity; it gives men the power to turn women into a living, breathing masturbation fantasy, and removes her and those qualities that define her as an individual, *Farley (2010)*. *Benoit et al (2017)* further argues that it has created a stigma originating from cultural norms about gender and sexuality, which is often unrecognized by stigmatizers, thus, results in social exclusion, and reduces life chances for sex workers. Violence against women has been seen as evidence that prostitution is really a major problem of the

society, *Rodriguez (2015), Pennsylvania Coalition Against Rape, (2013), Moreira and Monteiro (2012), Raymond (1998).*

Prostitution has several faces, in fact, at least 25 types of sex work exist, and are often grouped under two categories; direct and indirect prostitution, with the indirect category less likely to be perceived or to perceive themselves as sex workers, *Harcourt and Donovan (2005)*, while prostitutes have been found to only have 6 types; Call Girls, Escorts, Brothel Workers, Massage Parlor Workers, Bar and Casino Workers, and Streetwalkers, *Weitzer (2009)*. Research found out that street prostitution is illegal, even in places where other forms are permitted, as a matter of fact, 90 percent of the arrests of prostitutes are of street workers, despite of them comprising only 10-20% of the total number of sex workers, *Lucas (1995)*. According to the *World Health Organization (2005)*, streetwalkers are more vulnerable to violence, not just by clients but also by pimps; in Bangladesh for example, it was found that in 1999 between 52% and 60% of street sex workers reported being raped by men in authority and between 41% and 51% reported being raped by local criminals, *Directorate General of Health Services- Bangladesh (2000)*.

Any form of Sex Work is illegal in the Philippines, *McTavish (2012)*, and a number of laws have been enforced to deal with this problem; the Expanded Anti-Trafficking in Persons Act of 2012 among others. However, despite these, prostitution continuously spreads, in fact, had become rampant, where in some cases is obvious but the government seems to allow it. In *tripadvisor.com* where Hotels' guests can leave feedbacks based on their experiences, the presence of prostitution along Padre Burgos Street, Barangay Poblacion, in the City of Makati, Philippines was revealed. In the review given to Café Cubana by *604traveler* who in his profile is from Vancouver Canada and visited the city on January 2016, prostitution is evident in the area; *"Lots of prostitutes in the area but was surprising to see so many in the bar waiting for clients. Also, more prostitutes at the doors waiting for clients. Tons of old single guys here looking for action or looking to watch scantily clad young girls"*. *Maricor DG*, a local tourist who has recorded a total of 75 contributions in the website,

aside from restaurants and hotels, also did a review of the street itself on March 2016; *"This Street absolutely turns into a different view from day to night. In the morning, this is a street where a lot of office workers crowding here. Night time, this turns to be a red district, wherein the street turns into an attractive place of bars and a lot of ladies are displaying their assets to be hired by men, mostly foreigners"*. These reviews made by people whose visits were validated by the website and member establishments, have been justified also by news articles published by reliable media networks in the country; Fifty four women have been rescued from a café, two spas and a bar allegedly operating as prostitution dens in Makati, Pateros and Quezon City, Metro Manila on February 2020, as stated in the article written by *Cayabyab (2020)*, while on September 2019, more than 50 alleged sex workers were rescued from a prostitution den in Paranaque city, *Vicencio (2019)*.

As prostitution is evident and is continuously seen as a major problem, this study has determined a solution to the challenges it has brought to the society. Supported by facts, the author was able to come up with an answer to the negative implications of it.

## 2. MATERIALS AND METHODS :

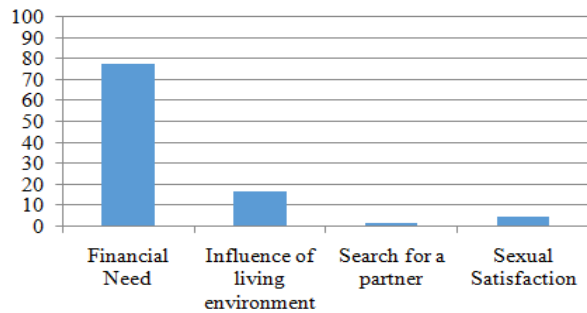
This study used qualitative and quantitative approaches to identify motivational factors and determine the benefits of legalizing prostitution in the Philippines. An online survey was utilized to find out the primary motivation of people to work as prostitutes and their bad experiences with clients, pimps, and other people. Frequency and percentage was used to treat data drawn from the survey, while data from published researches were gathered and analyzed to determine negative and positive implications of sex work, resulting to a conclusion that legalizing prostitution is the solution to problems it has brought to the society. This research further explains why legalization would bring more positive effects than negative ones conceptualized from researches and articles published in reputable journals, newsletters, blogs, and other licensed resources.

Respondents were limited to 120 female prostitutes, equally divided into three cities in Metro Manila, Philippines where sex work is most

obvious; Quezon City, Pasay City, and Makati City. Data gathering took 23 days from the 12<sup>th</sup> of April 2020 to the 5<sup>th</sup> of the following month.

**3. RESULTS AND DISCUSSION :**

It has been proven that the rate of violence against women is higher in countries where prostitution is illegal. It has been determined that Sex workers who have experienced repressive policing like arrest are three times more likely to experience physical violence from clients, partners, and other people, *Platt et al (2018)*, in fact, according to one of the authors of the study, fear of police gives sex workers little time to negotiate services and forces them to work in isolated areas, thus, increases their vulnerability to theft and violence, *Bacchi (2018)*.



**Fig. 1:** Primary reasons why prostitutes have chosen this type of work

Figure 1 shows that money is what pushes a person to work as a prostitute, which is linked to poverty with a score of 77.5%.

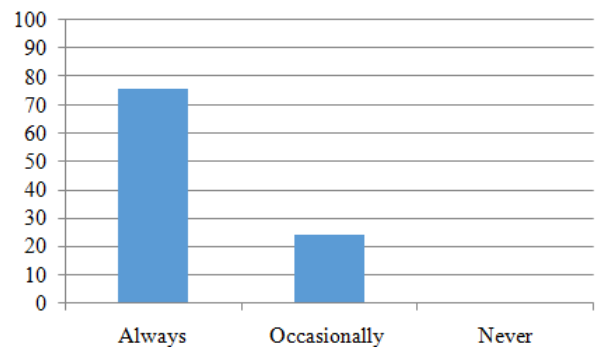


**Fig. 2:** Prostitutes’ response on question that aimed to know if they have freedom to say no to a client and if they choose their market.

Figure 2 show that majority of the respondents said that they are not given freedom to choose clients. In the case of bar girls they are not permitted to say no to client while in the case streetwalkers they

personally choose to not be selective with a score of 56.7%.

Through an interview, it was determined that in the case of prostitutes working in bars, the main reason why they prefer not to be picky is because they are afraid of getting fired, and that they find it useless as they will still be forced by their managers, while in the case of streetwalkers and those working as freelance, they get to choose their clients since there is no one who controls them. It has been further determined that they are usually taken to hotels where they are asked to perform the service.



**Fig. 3:** How often do Prostitutes feel unsafe with their clients

Figure 3 shows that majority of Prostitutes always feel unsafe with their clients with a score of 75.8%.

Through an interview, it was determined that the worst experiences of prostitutes with clients, their managers, law enforcers, and other people, includes being not paid, forcing them to do something they don’t want to do, being accused of stealing, and getting harassed and molested by hotel employees and law enforcers.

Clearly, motivations are more on sex worker’s personal beliefs and experiences, but economically, it has been proven to be a multi-billion-dollar industry as sex work brings in around \$290 million a year in Atlanta, USA, *Dank and Johnson (2014)*.

According to several studies, prostitution is generally defined as the act where sexual services are being exchanged with money; as per the Philippines Expanded Anti-Trafficking in Persons Act of 2012, it is “any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in

exchange for money, profit or any other consideration”, another definition is the exchange of a sexual act for money, the practice of exchanging sexual services for money, or for other needs, *Shaver et al (2016)*.

With these definitions, it is clear that prostitution requires a person who sells sexual services and another person who purchases. This basically means that without the presence of the two, there is no prostitution and two people talking to each other in the streets or performing a sexual act does not necessarily mean that there is something alike happening, thus, the existence of prostitution can barely be justified unless the buyer and seller admitted it. In addition, witnessing a person giving money to someone can't be assumed as a payment for sexual services and two people who just met having sexual intercourse cannot be interpreted as sex work; even the woman was given money after. According to *Cabardo et al (2013)*, people are into having sex with strangers, especially in the case of persons with hedonistic and pragmatic orientation. Marriage also cannot be used as evidence for sex work as research says sex between unmarried adults is morally acceptable as perceived by the public, *Poushter (2014)*, in fact, it has been proven in the Philippines that marriage is not a requirement for sex to a number of people, as it has been found that 35.5% of men and 28.7% of women have engaged in premarital sex, *UPPI and Demographic Research Development Foundation (2013)*. Dr. Eric Tayag, the Director of the Department of Health-National Epidemiology Centre-Philippines in an interview with ABS CBN News on 2013 said that smartphones provides thrill-seeking people to find others who are willing to engage in casual sex, this adds to why casual sex is accepted in the country, as 44.9% of the population has been found to be users of smartphones, *Newzoo (2018)*, it may not have a direct connection with the increasing number of people willing to have sex with strangers, but is assumed to have some contribution since a smartphone gives anybody access to any websites or information, which includes those promoting sex work and others that are relevant.

The Philippine Government have passed the Expanded Anti-Trafficking in Persons Act of 2012 with an aim to promote human dignity, eliminate

human trafficking, and protect people from any threat of violence and exploitation. However, not all sex workers are trafficked, as there are prostitutes who dwell in the streets without being managed by anybody. The law may be enforced, but how can the law protect people from threat of violence if the crime can be barely identified? In general, people could easily get away with crimes they commit specially if there are limited opportunities for it to be determined. As an example, during the early days of the community quarantine period in the Philippines in connection to the Corona Virus 2019 Outbreak, public mass transport was suspended and motorcycle drivers were not allowed to service people unless they are related to each other, however, as witnessed by the author, motorcycle riders who service people not relate to them in exchange for money were still able to pass through check points by conniving with their passengers pretending that they really know one another. This could be done by sex workers and their clients to avoid getting arrested. Moreover, how can someone get rescued from prostitution if the person herself is hiding from the law and acting like she does not want to be rescued? This probably is what has been happening over the years as prostitution incidents in the country increases. Criminalizing prostitution is hereby realized to not solve the problem, thus, legalizing it is more likely to protect sex workers from the violence they may experience from their clients, managers, and other people. On the other hand, according to *Bindel (2017)* decriminalization of the sex trade benefits pimps and brothel-owners, not women, and that abolition is the only progressive solution. But then again, how can something hardly identified get abolished?

In regards of the buyers, physical violence they cause to sex workers could be prevented if they will fear from doing it or if nothing will motivate them to do it. Instilling fear to buyers on physically hurting sex workers has been addressed already through laws that aimed to protect sex workers, but the latter is still a problem. A person who is unobserved tends to commit evil acts, *Kennedy (2013)*, thus, legalizing prostitution would prevent buyers to cause harm to prostitutes since buyer will get the feeling of being watched as the government has a clear access to the practice.



In countries where prostitution is legal, several positive implications of it has been recorded. In Holland, it has been determined that there is at least 32% reduction in rape and sexual abuses within two years of a city opening a red light district, while the higher number is for cities that license sex work within areas where sex work is legal, but the lower figure is for cities without a licensing process, which leads to a conclusion that the decrease in sexual abuse are higher in cities with licensed areas for prostitution, *Bisschop et al (2015)*. In the case of Amsterdam, Netherlands, according to *Mariska van Huissteden*, a confidant for prostitutes and coordinator for the public health site Prostitutie & Gezondheidscentrum (A Prostitution and Health Center), legalizing sex work had increase safety and security by giving the government an amount of control over the industry; prostitutes in the city work in secured surroundings where there are cameras everywhere, and police, both in uniform or undercover, are always watching the area, and the fact that in every brothel, there is an alarm system accessible at a press of a button, which can be heard from a substantial distance, *Cruz and Iterson (2013)*. In the same article, Jasper Luijs, chain supervisor for a group of organizations that work to remove abuses in sex trade within the City of Amsterdam, expressed a positive perspective towards sex work legalization as he pointed out an advantage; *“since the entrepreneurs in prostitution have to apply for a permit to start their business, we have more control on what is happening.... All actors in the chain can create barriers against wrongs (abuses). By working together intensively we can signal problems and fight them.”*

As criticisms are expected against the notion to legalize prostitution in the Philippines, the proposed solution has a strong defense as the capability of the government to prevent prostitutes and their customers from engaging in commercial exchange is likely to be questioned especially that evidences show the continuous progress of the sex work business in the country over the years despite laws. This was the same concern of law enforcement agencies and legislators in Rhode Island, USA, when they decided to decriminalize prostitution on 2003, *Ehrenfreund (2014)*, which have brought positive effects as public health and

public safety substantially improved; incidence of gonorrhoea among women declined by 39%, and the number of rapes reported declined by 31%, *Cunningham and Shah (2014)*, and this finding was not only amongst sex workers but across the board, thus, sex if there's a legal and accessible market for it, the number of rape incidents in a community may go down, *Gordon (2017)*. However, it was recriminalized on 2009 as a sociologist, law enforcers, public and private organizations, and the Governor argued negative implications of the practice to the country including the worry that Rhode Island would become ground zero for decriminalization and the incidents where women are forced to work as prostitutes, *Garsd (2019)*, unfortunately, this did not put the sex market and the type of work away from Rhode Island, as it has just gone back underground or moved to other corners of the internet, *Gordon (2017)*.

While legalizing prostitution had become a topic of debates worldwide, studies toward decriminalization and criminalization of sex work became popular to scholars. In fact, *Human Rights Watch-New York (2019)* argues that prostitution should be decriminalized as it has been determined that criminalizing it is a human rights issue and has several negative implications to sex workers; treating adult, voluntary, and consensual sex as crimes, including the profitable exchange of sexual services do not match with the human right to personal autonomy and privacy. This raises the question of how does the government plan to protect the right of people to independency and confidentiality if it wants to control people including those in legal age on who they can have sexual relations with and on what terms. Human Rights Watch New York through its research on sex work around the world found out that in places where the business is illegal, sex workers are more exposed to violence, including rape, assault, and murder, by people who see them as easy targets because they are stigmatized and unlikely to receive help from authorities, and what is more alarming, it has been recorded that in such environments, police officers harass sex workers, extort bribes, and physically and verbally abuse them, and even rape or coerce sex from them. The study further justified that criminalization of prostitution undermines sex workers' ability to

seek justice for crimes committed against them. In South Africa for example, prostitutes are not used to reporting armed robbery or rape to the police, for they are afraid of getting arrested or laughed at or not taken seriously because of their work.

Legalizing than criminalizing prostitution is more likely to lessen the degree if not totally solve the problem; it has been proven that criminalization does not free the community from the market and the type of work, and it only worsen the problem as it makes the business barely discoverable. Legalization on the other hand, has been proven to decrease the negative implications of the business and maximize the benefits it brings to the society and well-being of people. However, according to *Ja'afar et al (2017)* who have authored a report on sex work in Singapore, unlicensed sex workers won't benefit from these benefits, as they are working illegally, thus, experiences would be as if prostitution is a crime.

#### **4. CONCLUSION :**

Safety and Security, economic prosperity, and discoverability increase, is hereby concluded as the main objective of legalizing prostitution. If it's illegal, it contributes as a problem of the society as we experience difficulty on how to stop it, but if it's legal, though may still be a problem, the government will have a clear access to the industry, which will lead to ways that would lessen its negative implications. This moreover, would give access to the revenue of the Industry, thus, would add to the Gross Domestic Product of the country, especially that it has been proven to be a multi-billion-dollar industry. Survey results show that financial need is the primary motivation of people in choosing this type of work. It was also found that sex workers employed in bars are not given the right to say no to clients who want to buy their services, while streetwalkers and freelancers do not experience that kind of treatment since they work independently. Furthermore, sex workers are usually being taken to hotels for the service, and that they always feel unsafe in the company of their clients. Worse experiences of prostitutes in the Philippines includes not getting paid, forcing them to do something they are not comfortable with, being accused of stealing, and getting harassed and molested by hotel employees and law enforcers.

The Hospitality Industry based on the result of this study is believed to condone the practice and is hereby concluded as a major contributor to the development of sex work in the Philippines.

The author has further determined that working as a prostitute has been a voluntary choice, thus, legalization would really help in lessening the violence to those who have chosen this kind of work, and not necessarily to turn it as a norm. The author further argues that there are risks associated to any kind of profession or job, reason why guidelines are implemented, nevertheless, one still has the freedom to choose a job or profession, and this includes saying no to those associated with high amount of risk. A biweekly health check-up for sex workers with an aim to reduce the risk of sexual transmitted deceases and to protect the clients, and a screening process for clients to protect the sex workers are highly recommended. This will prevent the spread of the disease and from getting worse.

The researcher hereby concludes that legalizing prostitution in the Philippines is a must. Evidences show that sex work is really rampant in the country particularly in Metro Manila. Legalization has been determined to bring positive effects to the society and the well- being of sex workers; it decreases occurrences of sexual violence, sexual transmitted decease cases, and physical assault incidents. It has been found out also that decriminalization of sex work provides sex workers, clients, and the entire community a secured environment. Criminalization of the business however, does not just make the practice undiscoverable, it also creates a stigma and exposes sex workers to violence by authorities. In a community where prostitution is illegal, sex workers becomes a target of crimes for they in most cases choose not to report what happened to authorities because of the fear of getting arrested if the police finds out about their work.

Critics are expected to say that legalization is morally unacceptable, but the author strongly believes that moral values rely on the person, to whether she will enter the business of prostitution or not. What the legalization intends to address is the violence against these people, which has been proven happening despite laws. The government has the responsibility to make sure the safety and

security of its people, thus, to manage and control the situation is needed, and this is only possible if it is identifiable and accessible, which can only be obtained through legalization. The Government however is requested to be strict towards sex work to avoid people getting into the business without having a license, or else, the notion to legalize the business will be worthless as unlicensed sex workers would still be vulnerable to violence as to what has been reported in Singapore.

Furthermore, criminalization does not free the community from this type of work because it only worsens the problem as it makes the business barely discoverable. It is then concluded that illegalizing prostitution in the Philippines won't stop the business to grow, and the more the government prohibits sex work, the more it will be invisible, giving it the freedom to progress in the way it wants to. Unlike if it is legal, the government would be able to manage and control the situation. Two choices have been conceptualized that would help in deciding whether prostitution should be legal or not. A. Criminalization that only have negative implications or B. Decriminalization that have negative effects but also have positive implications to the society and well-being of all stakeholders.

For the benefit of choosing what is not being suggested by this study, if the government will really stick to seeing sex work as a crime, they should look into the hospitality industry and have a say in its operations. From Hotels that offers short time stay to the Luxury Lodging Establishments, everything should be strictly monitored to the point that at least once a week there is a person who will pretend as a guest and bring someone who is not related to him/her. Unfortunately, since Hotels are privately owned and are protected by some kind of ethical standards, legalization is really the only way to make sure that the government would be able to penetrate in the prostitution business.

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