

Research article

Should prostitution be legalized in Albanian society?

Alisa Biçoku (PhD)

Lecturer at the Faculty of Education Sciences, "Alexander Xhuvani" University of Elbasan, Albania

E-mail: alisa_bicoku@live.com



OPEN ACCESS

This work is licensed under a [Creative Commons Attribution-NonCommercial 4.0 International License](https://creativecommons.org/licenses/by-nc/4.0/).

Abstract

Today governments and large companies proclaim the equality of opportunity, equality, respect for the rights of women, but in fact the truth speaks otherwise. Within the target group of women wanting equality and fighting to be equal with men, among them has less equal, less equal sex workers, who handled the majority of companies today as human beings second hand, as inferior layers and work in black as being amorphous. This article is based on analysis of arguments for and against legalization of prostitution in Albania seeks to answer the question why prostitution should be legalized and what Albanian society has benefic whether this phenomenon is legal.

Key words: sex worker, legalizim, sexual exploitation, equality.

Less equal

1` What matters most in everything is: to think differently, to act otherwise, and to act differently from what you are `

Gender equality and women's role empowerment are central to social policies of the countries of the developed world. Respect and protection of human rights, part of which it is even the gender equality, recognized by the United Nations, are today the basis of any state that is or wants to be part of the civilized world; a free world that aspires equality and

¹ Mishel Fuko, ``The history of sexuality, the second volume, page 59. Paragraph 2, year of publication (1976-1984)

justice for everyone, without distinction of race, sex, color or ethnicity. International law is the guarantor of the respect of fundamental international human rights. As announced in Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights, a human right and of great importance is the right to privacy.

The right of individuals to decide themselves about their personal and intimate issues must be respected. Countries should not interfere in the private lives of persons, except in cases where such intervention is necessary to protect the rights of others and the community.² Even if the international community has not yet adopted strict intervention practices to combat serious violations of the right to private life, there is no doubt that it already has a legal basis for doing this and therefore it is justified to act t the same in the future. Sexual relations affect a delicate and intimate aspect of private life. In very few areas the limit of the private with the public is so fragile, that the state must have a strong reason to justify to interfere in the private life.

Part of private law are also the sexual rights, in which it is included the right of every adult individual to decide themselves the performance or non-performance of sexual intercourse with a partner or with more than one partner of the same sex or of another sex. This includes the right of those women or girls who opt for various reasons to have intercourse with more than one partner, women or girls (sex workers). These girls and women choose this lifestyle, choose this profession with the right of every individual who is an adult member of a company to decide himself. It is their private right to decide about their lives and the state should not interfere as long as they do not violate the rights of others, does not infringe community.

Today governments and societies proclaim equality, gender equality, respect for the rights of women, but in fact the truth speaks otherwise. Within the target group of women who want equality and struggle to be equal with men, among themselves there exist less equal, less equal sex workers, who are handled by the majority of society today as human beings of second hand, as inferior stratum.

How can be achieved the equality of the audience, when he is not unique, when it is self-exclusive? How we can seek equal rights with men when we ourselves do not know the rights of those women who can not think and live like us, but who have the right to enjoy their lives like the rest, have the right to enjoy the freedom of choice as the rest, have the right to receive the same services and treatments from the state and the law when become pregnant the same as the rest, have the right to have the same equal opportunities for not working in black work as the rest because the sale of the body is a job, a job that should not be banned in a democratic society.

In a free society, it makes no sense for the government to say its impoverished people: I stop you to sell to keep the stomach with bread, because others will benefit in your back, others will exploit you paying very cheap prices to buy you without regard to the cost; it is equivalent the example with what professor George Karl paraphrases " Selling is legal; and sex is legal so why it may not be legal the selling of sex?!"³

² Dr.Henry G. Schemers, member of the European Commission of Human Rights, international law professor, University of Leiden, the Netherlands, taken from the book `` Sexual orientation: A human right `` Eric Heinze, paragraph 3, p 5.

³ Legalize Prostitution, Xhorxh Karlin, professor at Northeastern University.

One can replicate arguing that the sex worker does not sell her body starting from a personal choice but being conditioned by social, economic, cultural or historical circumstances. If we follow this line of reasoning to justify discrimination that is done to this social stratum we would not respect the rights of women, as any prostitute or not prostitute person exercising a particular profession is contingent upon specific conditions in the choice made. If women want to gain equal rights with men need to achieve this among themselves, the attention of feminist movements around the world should focus on the legalization of prostitution; to legalize the work of these women; to make their lives easier and safer, to treat them as equal beings, not as nocturnal ghost.

Legalization of prostitution makes women's lives safer and makes them not be less equal.

Legalization of prostitution. The debate, pros and cons.

Many countries now have legalized prostitution, not handling it as outlaws activity, as long as it is present in society as a widespread phenomenon and for the calendar age it has, as old as mankind itself. Although a considerable number of countries have legalized it there are many of those countries that continue to maintain strict harsh attitudes, setting penalties under the criminal offense. Countries that have legalized the prostitution are Australia, New Zealand, Canada, England, Scotland, Sweden, the Netherlands, Turkey, Thailand, Switzerland, the Philippines and some countries in U.S.A. According to official data Switzerland is the country that has the largest number of brothels in the world.

Prostitution should be legal for several reasons, but foremost, from a feminist perspective to protect the lives of women and girls who practice this profession.

1. Legalization of prostitution ensures safety.

Appearance of street sex workers increases their risk of life. Their activity is carried out in the late night hours on the sidewalks and squares, socializing with different clients in cars has been the reason why they have become victims of murders by serial killer or sociopaths.

2. Legalization reduces crimes.

If prostitution is legalized it will significantly decrease the number of cases of rapes in the street, of sexual harassment in public places, since the functioning of brothel creates room for everyone to indulge his sexual lust, without being forced to perform sexual intercourse by force or without desire with a girl on the street or a colleague at work.

Another problem is faced by sex workers arrested, their involvement in criminal activities such as murder, robbery or drug distribution and use. Margo St. James a social worker and director of the advocacy of the legalization of prostitution in U.S.A. writes: `` When a woman is charged with a sexual offense she is prejudiced for her life ongoing

and this prejudice brings her unemployment“⁴. According to him, this is the reason why a high percentage of persons who are in jail are initially arrested for prostitution. The arrest closes employment opportunities for these women and keeps them longer in their work as prostitutes and makes it possible that for the rest of their remaining lives they implicate with drugs and serious crimes.

Keeping prostitution as an illegal activity also contributes to crime because many criminals see sex workers and their clients as a target group attractive to steal, to kill, to deceive or for other criminal acts. Criminals carry out criminal acts with this target group because they do not report or testify to the police because they themselves operate illegally.

3. Legalization supports freedom and privacy.

Under the rights stated in the Universal Declaration of Human Rights, the right to control during pregnancy, the right to die with dignity, etc., make people responsible for exercising control for their own body and to choose the way of living, “ Freedom to choose is a reason to have sex as an important part of sexual freedom “. The human right to privacy that is announced in Article 12 of the Universal Declaration of Human Rights, that man live his life free without state intervention, only if he don't prejudice the public interest. ⁵

4. Legalization brings benefits to sex workers and their clients.

Many people work in the sex industry, see it as the only way to escape poverty by financial problems. Other sex workers are not poor but simply enjoy this kind of work and benefit satisfaction. A sex worker writes in a national newspaper in U.S.A. “ Everything that involves doing prostitution makes me feel good and I have always been comfortable with it I do not want to work in some other place but I love this business and I achieve this when my regular clients come again to me. ”⁶

A man says, “ I am alone and I continuously go with prostitutes, because I am slandered and no woman dates with me, due to incapacity. ”⁷

Another man said, “ I pay for sex because it is the only way I have sex. ”⁸ Doctor John Money states that sex workers with specific experience help some clients with specific problems to be rehabilitated as those suffering from erotofobia or those who suffer from other sexual disorders. For these clients this paid relationship with a professional sex worker can be equivalent to a therapy.

⁴ International Conference on Prostitution, Sex Work, and Human Trafficking, 21 may 2009, www.prostitutescollective.net

⁵ Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly with its resolution 217 (III) of 10 December 1948

⁶ interviews taken by Janice g. Raymond Coalition Against in Women International, 25 March 2003

⁷ interviews taken by Janice g. Raymond Coalition Against in Women International, 25 March 2003.

⁸ John Money, sexolog and professor at Johns Hopkins University interviews taken by Janice g. Raymond Coalition Against in Women International, 25 March 2003

5. Legalization sets the best use of coercive measures.

Legalization sets penalties against acts that affect the lives of sex workers. Women movement and all girls and women throughout the world must be sensitized to take important steps in building social constructions to be all equal in opportunity and choice.

6. Legalization ensures the health of sex workers and their clients.

Legalization of prostitution is both in the interest of prostitutes and society. Being controlled by the sexual practices of protection, as the use of a condom, the checks for making the HIV / AIDS test, etc. it is reduce the possibility of spreading sexually transmitted diseases but also unwanted pregnancy. The health of girls and women is protected and there are fewer babies killed.

Arguments against

1. Legalization / decriminalisation of prostitution is a gift to the users, traffickers and the sex industry.
2. Legalization / decriminalisation of prostitution and the sex industry support sex trafficking.
3. Legalization / decriminalisation of prostitution does not control the sex industry, just spread, and distributes it.
4. Legalization / decriminalisation of prostitution and the sex industry includes child prostitution.
5. Legalization / decriminalisation of prostitution does not support women in prostitution.
6. Legalization / decriminalisation of prostitution is a risk for the woman prostitute, it is a reason to buy the woman for sex and then to use her up to extreme cases, organ exchange, murder, etc.
7. Legalization / decriminalisation includes the prostitution of illegal immigrants, covert and street prostitution, the persons who will act confidentially under the name of legalization.
8. Legalization / decriminalisation of prostitution does not promote and support women's health.
9. Legalization / decriminalisation of prostitution does not increase the ability of women to choose.
10. Women and girls involved in prostitution networks do not want the sex industry to be legalized or decriminalized.

Should prostitution be legalized in Albania?

Prostitution in Albania has always been present, some times in the size of a phenomenon and others as an aggregate of sporadic cases. At the time of the Kingdom of Ahmet Zogu the exercise of prostitution has been a legal activity,

dozens of brothels functioned and there were in total 128 prostitutes in Albania⁹ a part of whom were of Albanian nationality and another part of different citizenship.

At 50 years monist system it was not a legislated activity but it was present and according to the testimony of some representatives of police at the time who have operated in the city of Elbasan, there were certain areas where sex workers stayed and men knew and frequented often, in fact it was not legislated but it was to the knowledge of the relevant security authorities of that time, for example in Elbasan has been the area of the former kino-bar.

After the 90s, the collapse of the communist regime and with the installation of democracy in the country the prostitution got the size of a phenomenon. He became one of the cardinal problems of Albanian society, because of the character and the form that it took as a Foreign prostitution, where thousands of Albanian women and girls were being trafficked on the streets of European cities, the vast majority of whom was forced or cheated. Given the reality the parliament not only legalized in the country, although it is exercised and continues to be exercised in covert illegal way, but categorized it as a criminal offense, considered as a crime its exercising in the country not treated as a criminal offense. Specifically, Article 113 of the Criminal Code of the Republic of Albania declares `` The exercise of prostitution is punishable by a fine or three years of imprisonment `` Article 114 of the Criminal Code of the Republic of Albania declares `` Exploitation of prostitution, urging, mediation or taking reward for practicing prostitution is punishable by a fine or imprisonment up to five years.

As it is seen by the Albanian legal framework the prostitution is penalized as a crime. Although it is penalized dozens of motels and bars in Albania operate as micro brothels, dozens of girls and women practice prostitution as a means of living, in the majority of the cases they share the profits with the pimp. The question is what should make a girl or woman to survive in this poor country instead of killing, taking a person's life, stealing, stealing the other's right to enjoy his property, she chooses to sell her body to survive. It is her right to choose and to decide for her own life, to choose to have sex with a partner or more, is her private right, the state has no right to undermine, the state can not interfere as long as she does not violate the interests and rights of others. But how can a woman exercise her private right, how can she be free to choose, when our criminal code violates her right; if she chooses to become a prostitute she is sentenced to three years of imprisonment.

Albanian society should legalize the prostitution in order to receive its benefits as soon as possible in its social interest. If it is legalized we will have fewer rapes in the streets, less crime in the families, fewer women killed, will be decreased the tendency to sexual harassment, will be protected more the health of girls and women who work as sex workers, will be prevented sexually transmitted diseases, will be prevented unwanted pregnancies, will be reduced the number of employees at black work , will be an opportunity to develop the tourism as well, will be a source of revenue for the government from fiscal obligations that this activity will pay etc. So all become beneficiaries if it is legalized, but the legalization should be controlled by operating with positive models of the countries that have legalized the prostitution and implementation of forms that developed countries attend against it.

A positive example to be taken in consideration is New Zealand. All sex workers there are equipped with identity cards, the government has a database for each legalizing brothel, establishing health service with doctors working in

⁹ Confidential information received by the party of legality in Elbasan, December 2002.

the these brothels, compulsory use for clients of practices of protection against sexually transmitted diseases, check and HIV / AIDS test. Such an example should follow Albania; it legalizes prostitution as a profession establishing security and health control conditions provided for each job in the labor code. In this way life is protected of sex workers and of clients as well; it stipulates the law prohibiting the exercise of prostitution by minors, when exercised in collaboration, when exercised by persons who have close blood connections or or when it is exercised with coercion, to be legalized the residence where the profession will be exercised to avoid being exercised in the street, to be legalized brothels or a bar having an administrator who has the status of the employer and that settles all legal obligations as any other employer, to have a certain number of sex workers and a defined number of clients that they should have in one night, this must be clearly defined in contractual relationship signed by each party (the the employee and employer), in the brothel should be installed a police check service to guarantee the life of sex workers and their clients, or in its absence the guard. There is a great difference between a street worker who is controlled by a pimp and a prostitute who works in a legalized institution as the brothel is, which is controlled and who calls the police about any potential abuse without fear that she will be imprisoned.

Albania and its management structures function operating with models implemented by developed countries, so the next model should be the legalization of prostitution. The associations and forums that protect women's rights should make an awareness campaign to protect the rights of girls and women who have chosen to sell their bodies for a living. These associations are the same operating in Albania for the rehabilitation of sex workers returned and they claim that 50% of them reintegrate, and only 20% of this 50% are recycled ¹⁰, during monitoring they are recycled in the black work they do as waitresses or cleaners in various bars and restaurants. A majority of them is imprisoned for practicing an outlawed profession, a profession that they choose to live. Feminism is for women. Sex workers are women who want the attention and support of feminism, as the only global movement that is focused on the right to freedom of Women.

Bibliografia

- [1] Kimmel S.Michael, (2000), The gendered society , Oxford University Press, New York.
- [2] Fuko Michel , (1976-1984) `` The history of sexuality, the second volume, Dritan, Tirana.
- [3] Heinze, Eric (1999) , Sexual orientation, a human right, Dudaj, Tirana.
- [4] Eglantina Gjermeni, Irena Taga, Izela Tahsini, Marjana Meshi, (June 2008). Manual of service providers to protect victims of trafficking, Gender Alliance for Development, Tirana.
- [5] Silvana Miria, Marjana Bello, (August 2003) , Without Beginning, Without End, Counseling Center for Women and Girls , Tirana.
- [6] Universal Declaration of Human Rights, 10 December 1948, adopted and proclaimed by General Assembly.
- [7] The Criminal Code of the Republic of Albania, (2001).

¹⁰ confidential information obtained in the center in favor of women of Elbasan, as a branch of the organization `` Another Vision ``

[8] www.prostitutescollective.net International Conference on Prostitution, Sex Work, and Human Trafficking, 21 May 2009,

[9] "Gender Alliance for Development" Centre, (November 2008), Gaia,