

Evento: XXV Seminário de Iniciação Científica

THE DARK SIDE OF THE RED LIGHT¹ **THE DARK SIDE OF THE RED LIGHT**

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¹ Interdisciplinary theme among the areas of education, law and social communication

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INTRODUCTION

With the evolution of times, sex work has been admitted on some occasions and repressed in others, nevertheless always full of prejudices and regarded as an affront to morality and practiced almost always in a hidden way. Renato de Mello Silveira Jorge (2001, p. 148, our translation) who makes a historical reminder of the activity of prostitution states that:

The so-called 'oldest of the professions', in fact, always accompanied the man on his long journey to the present day. Prostitution, in this historical process, was taken in the most different forms, sometimes by means of payment, sometimes by mere grace to guests, sometimes by a sacred necessity (such as sacred prostitution, hospitable prostitution and legal prostitution).[\[1\]](#)

The houses of prostitution, therefore, are places that exist nowadays because of the necessity of people who practice prostitution, in other words, those are places where people attend if they want to, and the practice of prostitution itself doesn't constitute a crime in many countries around the world.

METHODOLOGY

This article arises from a bibliography analysis through books written by reputable authors over the subject and all sorts of material and instruments available on the Internet as well. Its goal is to

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debate the sex work issue on our modern society through others bias such as the legal, political and social. In addition, we bring up news and alternative ways to cope with the prostitution issue in a try to find better solutions for it.

RESULTS AND DISCUSSION

According to Leonardo Schmitt de Bem (2011, p. 8, our translation)[\[2\]](#).

[...] if the precept only protects morality and good customs, for this purpose there would be other and better means than the Criminal Law. In addition, to consider that the whole society is benefited by the incrimination is to suggest a completely intolerant society ... it is not to evaluate that it is very doubtful that it is plausible to resort to a social consensus on morality and good manners in a pluralistic society and complex as the current one.

In view of this context, it is evident that criminal law needs to move away from the moral issues that involve the activity of sex workers when they are capable and greater. By this bias,

Criminal laws contribute to social marginalization not only through the imposition of legal penalties on sex workers prosecuted for specific acts, but also through the assignment of criminal status to all sex workers, regardless of any particular arrest, charge, or prosecution.²⁷ This sweeping condemnation leads to widespread discrimination, stigma, and ill treatment in social institutions and services, by health providers, police, and the general public. Decriminalization removes one source of stigma, the criminal label that serves to validate mistreatment or social exclusion (OPEN SOCIETY FOUNDATIONS, p. 7, 2016).

In 2003, New Zealand decriminalized this activity and therefore, “the new legislation represented a shift in policy position from a moralistic to a public health and human rights approach [...]” (ABEL; FITZGERALD; BRUTON, 2007, p. 23).

At the same way, in Canada is not considered to be a crime to sell sex in exchange for money (CBC NEWS, 2013). In Netherlands, some states of Australia and in Brazil, prostitution are not criminalized as well (BARNETT; CASAVANT, 2011).

So, it's evident that in those countries where the prostitution was decriminalized or legalized that

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the benefits were for both sides, not only for the sex worker but also for the State.

In many other countries people are claiming to recognition on the law. This is what is happening in Caribe where women are trying to press the government to regulate this sort of activity. They say that "We are women sex workers who struggle daily for our rights, to give us equal treatment and allow us to participate with voice and vote on the areas where the political decisions that affect us are taken." (Red de Trabajadoras Sexuales de Latinoamérica y el Caribe, 2017, p.1, our translation) [\[3\]](#).

Of course, it is not possible to deny that there are situations where prostitution takes place in an environment of sexual exploitation and there are sex workers who suffer violations of their sexual freedom and there is no question of the need for the incidence of the State to resolve conflicts.

By this context, Carole Pateman (1993) argues that prostitution is a work that can be contracted among the subjects involved, even though with a look at the feminist issue, it deals with the subject under the aspect of the professionalization of those who work in this segment.

FINAL CONSIDERATIONS

So basically, if we understand prostitution as a choice, as an option for work and not as a fatality, is already a fundamental step towards ending stigma, prejudice and discrimination. So, it's important to keep in mind that each person is the real owner of its body and as a consequence it's our right to do whatever we want to our bodies without any State or law limit it.

Therefore, the recognition of the sex worker is to give those people who are involved a place into the law (BARNETT; CASAVANT, 2011). It aims to demarginalize the profession allowing these workers to have access to health, labor law, public safety and especially the dignity of the human being. Besides, it may be seen as an instrument to combat sexual exploitation, since it will enable the State to supervise and control the services.

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[1] A dita 'mais antiga das profissões', na verdade, sempre acompanhou o homem na sua longa viagem até os dias de hoje. A prostituição, nesse andamento histórico, foi tida das mais diferentes formas, ora mediante paga, ora por mera graça a hóspedes, ora ainda por necessidade sacra (tais como a prostituição sagrada, prostituição hospitaleira e prostituição legal).

[2] [...] se o preceito tutela somente a moral e os bons costumes, para esse objetivo haveria outros e melhores meios do que o Direito Penal. Ademais, considerar que toda a sociedade é beneficiada com a incriminação é sugerir uma sociedade completamente intolerante [...] é não avaliar que resulta muito duvidoso que seja plausível o recurso a um consenso social sobre a moral e os bons costumes em uma sociedade pluralista e complexa como a atual.

[3] Somos mujeres trabajadoras sexuales que luchamos día a día para que se reconozcan nuestros derechos, para que nos den un trato igualitario y nos permitan participar con voz y voto en los espacios donde se toman decisiones políticas que nos incumben y afectan.