



CONTROVERSIAL ACTIVITIES

SEX INDUSTRY

0. Background

The topic of the involvement of companies in the sex industry is difficult to discuss as it is laden with religious, cultural and moral aspects, and usually mixes up abstract concepts like freedom of expression and aesthetics with more practical aspects like sex education. Pornography, prostitution and other activities connected to the sex industry are at least partly illegal in many countries and often underlie a strict control.¹

As with other disputable activities, Forum ETHIBEL does not take a moral position for or against prostitution or pornography. What brings Forum ETHIBEL to specify this involvement as a disputable activity is the critique of these activities by international bodies concerned with human rights. The most comprehensive document mentioning pornography is the 1995 UN Beijing Platform for Action.

It states that

- (Forced) prostitution and trafficking are a form of “physical, sexual and psychological violence occurring within the general community” and a “major focus of international organised crime”.
- Pornography is a form of sex discrimination that fosters and somewhat legitimises exploitation and abuse.

Both are considered a violation of the human rights and fundamental freedoms of women and girls (as the Beijing Platform for Action addresses human rights of women and girls only).

The major human rights concerns related to the sex industry are:

- The stereotype representation of certain population groups (women, ethnic minorities, gays, lesbians, bisexuals, transgender persons etc.) that reinforce prejudice and discrimination;
- The adverse influence of these representations, in particular in relation to violence, on communities and especially children and young people – this influence might lead to more sexual and other violence;
- The working conditions in this industry: most of the persons active especially in prostitution and pornography do not have access to regular employment with all the advantages linked (social security, collective bargaining...); many of them are exploited as migrant workers; sex work includes considerable H&S risks; the argument that they work in this industry voluntarily does not take into consideration the impact of socio-economic exclusion or a personal history of sexual or other abuse.
- The closeness of the industry to organised crime, including trafficking in persons, money laundering, smuggle, paedophilia etc.

¹ Legal prohibition should not be a criterion for Forum ETHIBEL to define involvement in the sex industry as a disputable activity, because anti-pornography and anti-prostitution laws have been and still are being used for the oppression of certain groups (e.g. in many countries, the first publications being confiscated under anti-pornography legislation are gay and lesbian publications, often also non-pornographic ones like information material on AIDS/HIV).



1. The sex industry – definitions

The sex industry includes:

- a) The production of goods with sexual content or used for sexual purposes;
- b) The distribution of sexual services;
- c) The explicit facilitating of access for customers to sexual goods and services.

1.1 Pornography

- Pornography consists of any sexual goods that represent erotic behaviour and intend to cause sexual excitement. It depicts sexuality as isolated subject, i.e. it lacks content other than sex (the erotic/sexual part of a pornographic publication is not embedded in a larger context; the characters have no background, no reflections or emotions other than sexually connoted ones; representations of persons are fragmented, concentrating on genitals...). Pornography can be produced in the form of printed, audio/visual or digitalised media.

- Sex toys² and erotic underwear are not considered as “sexual goods” because their use is not limited to pornography and commercial sex and they have no direct link to human rights violations.

- Preservatives are not considered as “sexual goods” because their purpose is not primary sexual but that of contraception and prevention of STDs.

1.2 Sexual services

- Sexual services are mainly prostitution, table dancing, telephone sex and other forms of activities aiming at the sexual excitement of someone else – in exchange for payment.

- Prostitution: granting sexual access to the body of a person for payment.

- Table dancing, top-less barmaids etc.: mostly female employees performing actions that are meant to sexually arouse clients in restaurants, bars etc., and where direct sexual contact between them and the clients is excluded.

- Telephone sex: telephone services where customers achieve sexual excitement with the help of spoken suggestions and fantasies of another person.

- Escort services are not included as long as the escorts do not engage in sexual actions (then it would be prostitution).

1.3 Facilitating access

- This point brings together any other activities that facilitate the access to a) or b), e.g. sex tourism, distribution or marketing.

- Tour operators, airlines and hotels are included if they either clearly state that access to prostitution is part of a travel arrangement or make indirect references to practices of sex tourism (e.g. “hotel not suitable for families”).

- Telecom companies and Internet providers are included if they offer privileged services to either providers of 1.1 or 1.2 or to their customers (e.g. special telephone rates etc.). They are excluded if their services are not adapted to the special needs of the sex industry and/or if they do not add value to the product or service under 1.1 or 1.2 (e.g. providing a telephone line or hosting a website, print a publication etc.).

- Sex tourism: tourism to foreign countries in search of prostitution, mostly prevalent in Asia and the Caribbean, growing in Latin America and Eastern Europe.

² = objects produced for the purpose of creating or enhancing sexual excitement, e.g. dildos, inflatable dolls, vibrators, harnesses, cock rings, sexual outfits etc.



2. Degree of involvement

2.1 Major involvement

Companies are regarded as major involved in the sex industry if they:

- 2.1.1 Have consolidated participation in other companies, activities mentioned under 1.1 or 1.2.
- 2.1.2 Have non-consolidated participation in companies that are, directly or indirectly through majority participations, involved in activities mentioned under 1.1 or 1.2 AND these activities generate 1% or more of the company's revenue.
- 2.1.3 Have consolidated participation activities mentioned under 1.3 AND if these activities account for 10% or more of the company's revenue.

2.2. Minor involvement

Companies are regarded as minor involved in the sex industry if they:

- 2.2.1 Have non-consolidated participation in companies that can be considered as 'major involved' AND the sex-industry related activities generate less than 1% of the company's revenue (if more: major involved).
- 2.2.2 Have consolidated participation activities mentioned under 1.3 AND if these activities account for less than 10% of the company's revenue.
- 2.2.3 Have consolidated participation, activities in the field of sex industry advertising AND these activities account for more than 10% of the company's revenue.

2.3 No involvement

Companies are regarded as not being involved in the sex industry if they:

- 2.3.1 Have consolidated participation in the field of sex industry advertising AND these activities account for less than 10% of the company's revenue.

Summary

	Pornography and sexual services	Distribution, marketing and sales of pornography	Facilitating access
Major involvement	- Always in case of consolidated participation or own operations - In case of non-consolidated participation: if more than 1% of revenue	If 10% or more of revenue	Never
Minor involvement	- Always in case of non-consolidated participation if less than 1% of revenue	If less than 10% of revenue	If 10% or more of revenue
No involvement			If less than 10%