

LEGALISATION PROSTITUTION IN KOSOVO

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ABSTRACT

In Kosovo prostitution is by many considered to be a social problem that primarily affects women. To counteract prostitution is a political priority and as a result the purchase of sexual services is prohibited by law. Since the law that prohibits the purchase of sexual services entered into force it has been continuously debated and widely disputed. The aim of this thesis is to compare the image of prostitution found in the travail preparatory of the law with four sex workers' view of the phenomenon. A discourse analysis is performed to establish which images of prostitution appear in theory and in practice. The results show that the images of prostitution in the travail preparations of the law differ widely from the views expressed by the interviewees. The discourses identified in the travail preparatory unanimously emphasize the injurious effects of the prostitution and the exposed situation of the sex workers. In the discourses identified in the interview material the businesslike aspects of prostitution and the sex workers' autonomy is emphasized. The results raise questions about the completeness of the travail preparatory and bring the need for studies where different groups of sex workers are questioned to the fore.

Keywords: Prostitution, legalization, pro, against development.

INTRODUCTION: THEORETICAL AND METHODOLOGICAL POINTS

This chapter presents the philosophy of science, theoretical and methodological tools that I use in the paper. As I strive to visualize different views on prostitution and do not believe it is possible to find a true and universal definition of the phenomenon is the discourse analytical approach based on

Discourse analysis is not a clearly defined theory can be decoupled from the philosophy of science and methodology. Rather, discourse analysis to be regarded as a kind of package deal that includes all these elements (Winther Jørgensen & Phillips, 2000, p. 10). Because of this, I have chosen to bring together theory and method in a chapter. First presented the thesis theoretical tools in the form of social constructionism, discourse analysis and sociology of law, and then reports how I am using these approaches in practice. Finally, the chapter is a discussion of the thesis validity, reliability and generalizability¹ and I discuss the ethical considerations that I have made. My hope is that the reader is consistently aware of the social constructionist and discourse analytical approach that has characterized the entire essay writing.

¹ **Generalizability** theory, or G Theory, is a statistical framework for conceptualizing, investigating, and designing reliable observations. It is used to determine the reliability (i.e., reproducibility) of measurements under specific conditions

The discourse analytical approach originates from social constructionism (Börjesson & Palm Leaf, 2007, p. 9-10). In social constructionism is discourse analysis only one of several possible approaches for analysis but a common such (Winther Jørgensen & Phillips, 2000, p. 11). In this thesis forms of social constructionism an outer framework whose basic premise permeates the entire thesis. Social constructionism earn thus both as a science philosophical basis and as an underlying theory in the interpretation and analysis of the essay empiricism.

Social constructionism - the philosophy of science and underlying theory

Social constructionism has emerged in the controversy with more traditional directions, as positivism, and constitutes a critical force in research that questions the accepted "truths" (Wenneberg, 2001, p. 10-11). Centrally within the perspective is the notion that reality, or at least different conditions, in reality, is socially constructed and not by nature given. A broad perspective and from a more or less distinct core has several specializations emerged. The differences in these approaches relate, inter alia, the view of epistemology and ontology but no watertight bulkheads are to be found between them (Alvesson & Sköldberg, 2008, p. 81, 98-102). In the paper, I assume social constructionism as Burr describes it in his book "Social constructionism" from 2003.

Burr takes up four starting points which can be said to be applicable for all specializations within social constructionism broad field. These starting points are also the basis for my thesis writing.

1. A critical approach to conventional wisdom; Social constructionism includes a critical approach to accepted "truths".

People understand and creates find in their environment by categorizing writes Burr. These categorizations are not naturally given but socially constructed, and therefore somewhat variable. Knowledge is a product of our categorizations and cannot be indiscriminately regarded as objective truth (Burr, 2003, p. 2-3).

2. Knowledge is historically and culturally conditioned how we understand ourselves and talking about the world is context-bound and quite changeable.

Knowledge is a product of both time and culture but is also linked to internal factors, such as socio-economic conditions within the specific time and culture. All knowledge is thus context- and perspective bound. In accordance with a social constructionist approach is not necessarily a better understanding or truer than another (Burr, 2003, p. 3-4).

3. Knowledge is created and maintained through social processes it is through social and linguistic interaction between people which knowledge is produced, maintained and changed (Burr, 2003, p. 4).

4. Knowledge and action go hand in hand

How we perceive the world affects our actions. Based on a specific perception becomes certain documents obvious and unthinkable. It becomes, with this clear to the truth and the knowledge that is constructed also get actual social consequences (Burr, 2003, p. 5).

The focus of social constructionist research is on 'how' questions "rather than" what "questions.

The language is at the centre of this according to the perspective forms the basis of all our thoughts and actions. Objective research is as a social constructionist approach is not possible. Every human being, researcher's layman, looks inevitably the world from certain perspectives that are not possible to deviate. Research will therefore necessarily be a joint

project in which knowledge is constructed in the interaction between the researcher and the respondent, or for that matter between researchers and text. Power aspect is also a central component of social constructionist research. In a study possess the researcher always a certain prevail when he has the privilege to choose the theoretical frameworks, methodologies, research issues, et cetera. According to Burr is this power imbalance inevitable but she believes that through qualitative methods at least is possible to come closer respondents own truths (Burr, 2003, p. 6, 9, 104, 149 to 152).

In this study, I examine different ways of looking at prostitution. In accordance with the social constructionist thinking becomes phenomenon of a social construct that's meaning changes over time and are handled differently in different societies (Holmstrom & Skilbrei, 2008, pp. 34, 36). With social constructionist focus on knowledge construction permits perspective a questioning of received ideas about prostitution and enables an examination of the rarely contested "truths" about the phenomenon.

ANALYSIS

There are more or less narrow and more or less broad definitions of the term discourse (Burr, 2003, p. 63). An accepted definition is that a discourse is "a definite way to talk about and understanding the world" (Börjesson & Palm Leaf, 2007, p. 13). Including in the definition is that there are limits to what can be part of a specific discourse and not. Discourses thus set boundaries of what is possible and feasible within them. Human behavior oriented by discourses and discourses can both limit the scope and open it up (Börjesson & Palm Leaf, 2007, p. 8, 12-14). Each discourse claims to possess "the truth" in his field and thus shaped the understanding and knowledge through discourses.

The relationship between discourse and power thereby becomes clear. Forces may, for example exerted by powerful groups to produce certain discourses as true and others false. That does not suggest that discourses are not changing. There are often different discourses within the same area that are fighting for interpretation before the tree (Burr, 2003, p. 65, 76-79).

A discourse analysis involves studying various discourses, and thus different ways to explain and understand social phenomena. Bergström and Boréus describes discourse analysis as the study of social phenomena with the language in the centre. In accordance with a discourse analysis approach contributes to the language to create reality, rather than to simply reproduce it. The language is therefore a central component of discourse analytic studies (Bergstrom & Boréus, 2005, pp. 305-306, 326).

According to Börjesson and Palm leaves, we perceive the world through the so-called discursive breaks and discourse analysis aims to study how these breaks become and what they include.

Discourse analysis allows for an examination of what is perceived as real in a specific context and clarifies the struggle between opposing discourses within the same area (Börjesson & Palm Leaf, 2007, pp. 9-11, 13). A discourse analysis also opens up for a discussion of other possible ideas that do not seem to be accommodated within the existing discourses (Börjesson, 2003, p. 38).

Discourse analysis is as Winther Jørgensen and Phillips is not a clearly defined scientific approach but rather a variety of interdisciplinary approaches used in different ways in many types of investigations (Winther Jørgensen & Phillips, 2000, p. 7, 137). Bergström and Boréus out that there are no ready-made templates or clear methods to assume the discourse analytical studies. Rather, researchers are developing their own assessment tools inspired by a different discourse analytical thinker (Bergstrom & Boréus, 2005, p. 329). The identification and analysis of my empirical material, I have chosen to work from Winther Jørgensen and Phillips integrated perspective of discourse analysis.

European countries where the Trafficking of Women for Prostitutions

| | |
|---------------------------|----------------|
| Armenia | Portugal |
| Azerbaijan | Romania |
| Belarus | Serbia |
| Georgia | Kosovo |
| Kazakhstan | Slovakia |
| Kyrgyzstan | Slovenia |
| Moldova, | Spain |
| Russia | Sweden |
| Tajikistan | Switzerland |
| Turkmenistan | Macedonia |
| Ukraine | Turkey |
| Uzbekistan | United Kingdom |
| Albania | |
| Austria | |
| Belgium | |
| Bosnia and Herzegovina | |
| Bulgaria | |
| Croatia | |
| Cyprus | |
| Czech Republic | |
| Denmark | |
| Estonia | |
| Finland | |
| France | |
| Germany | |
| Greece | |
| Hungary | |
| Iceland | |
| Ireland | |
| Italy | |
| Latvia | |
| Lithuania | |
| Luxembourg | |
| Malta | |
| Montenegro | |
| Netherlands | |
| Norway | |
| Poland | |

A Global Report on Trafficking in Persons launched today by the United Nations Office on Drugs and Crime (UNODC) provides new information about a crime that shames us all.

Based on data collected from 155 countries, it provides the first global assessment of the scope of human trafficking and what is being done to combat it. It includes: an overview of trafficking patterns; legal steps taken in response, and site-specific information on reported cases of trafficking in persons, victims, and prosecution.

At the beginning of the Report in New York, UNODC Executive Director Antonio Maria Costa said that "many governments are still in denial. There is neglected when it comes to reporting or over, or prosecuting cases of trafficking in human beings ". He noted that while the number of convictions for human trafficking is on the rise, two out of every five countries covered by the UNODC. The report was not recorded a single lawsuit.

Exploitation According to the report, the most common form of human trafficking (79%) is sexual. Victims of sexual exploitation are predominantly women and girls. Surprisingly, 30% of the countries that provided information on the gender of traffickers, women make up the largest percentage of traffickers. In some parts of the world, women who are trafficking women is the norm. The second most common of human trafficking is forced labour (18%), although this may be a distortion because of forced labour is less frequently detected and reported than trafficking for sexual exploitation. Worldwide, nearly 20% of all trafficking victims are children. However, in some parts of Africa and the Mekong region, children are the majority (up to 100% in some parts of West Africa).

Although trafficking seems to mean people moving across continents, most exploitation takes place close to home. The data show that intra-regional and local smuggling are the main forms of trafficking in persons.

I have made a research in field and by results I have presented below:

| Table 1 | | |
|---|----------|----------|
| Is there any prostitution in Kosovo? | n | % |
| Yes | 137 | 63.72 |
| No | 23 | 10.70 |
| I don't know. | 55 | 25.58 |
| Total | 215 | 100 |

Source: Survey of citizens

From the responses of citizens may be noted that a significant percentage of about 64% claim to have prostitution in Kosovo, and the confidence of citizens brings us to a point on the finding that the risk of trafficking for prostitution in Kosovo is much potential as exercise from outside and from within the territory of the republic.

Table 2

| In what seats develop prostitution in Kosovo? | n | % |
|--|----------|----------|
| Whorehouse | 74 | 25.26 |
| Motel | 96 | 32.76 |
| Apartment | 78 | 26.62 |
| Elsewhere | 45 | 15.36 |
| Total | 293 | 100 |

Source: Survey of citizens

As seen from Table 2. Citizens are divided on relatively equal percentage on what is prostitution. What is striking is the fact that they choose more than one possible location of practicing.

Where the P = 1.36p ie around 36% of respondents identified more than a place of prostitution.

Table 3

| Should prostitution be legalized in Kosovo? | n | % |
|--|----------|----------|
| Yes | 57 | 26.51 |
| No | 98 | 45.58 |
| I don't know. | 60 | 27.91 |
| Total | 215 | 100 |

Source: Survey of citizens

Despite the fact that the consideration of prostitution as a criminal act, implies the commitment of state apparatus in combating this phenomenon, spending considerable amounts of money and risking the situation of prostitutes may be more vulnerable if this activity bowl considered as such, yet most of the people around 45.6% of them stated that this phenomenon should not be legalized.

Table 4

| According to you cause of prostitution in Kosovo is? | n | % |
|---|----------|----------|
| Economic | 125 | 31.49 |
| The violence | 98 | 24.69 |
| Willingly | 74 | 18.64 |
| This disease | 15 | 3.78 |
| I don't know | 85 | 21.41 |
| Total | 397 | 100 |

Source: Survey of citizens

Theoretically causes for prostitution may be different, not only in nature, ranging from the economic situation to various diseases, this theoretical assertion is proved by the answers of respondents who stated that the plankster of the exercise of the profession are of more than one kind.

Where the $P = 1.84p$ is approximately 84% of respondents identified more than one cause of prostitution.

CONCLUSIONS

Giving the body's desire and sexual services aimed material compensation is a significant characteristic in determining the difference between the phenomena of prostitution and trafficking.

Prostitution is distinguished by the possibility to get an individual termination of this activity by the person, that she or he may decide, regardless of weight that economic problems in making this decision.

In human trafficking, such a possibility for victims simply does not exist. They are in the dependency system consisting of intimidation, violence, deception, destruction of personality, etc. Victims of trafficking are not and should not be deemed as prostitutes by their own.

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Although many voices in public opinion on this issue characterize a provincialism sanctimony, it mainly is outlined in two directions. One party wants prohibit and punish all those who relentlessly deal with this "profession", while the other side claims that the best solution is the legalization of prostitution, but it seems that the fear of "moral stain" they claim it will should mean "isolation of those engaged in this profession and keeping as far away from Albanian girls". Members of a society of "closed", where phenomena such as prostitution, incest and homosexuality are "solved", if not by law, then "rifle", as if they want to believe that "white meat", which probably paid by the boys them, is but "foreign meat".

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