

As a Zoning Criterion in the City, Morality and an Unrevealed Truth in Northern Cyprus: Prostitution in Entertainment Venues¹

Nurcan Gündüz

Journal of Urban Research and
Development
2022, Vo3. 2 39 - 43
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<https://ojs.emu.edu.tr/>

Faculty of Law Eastern Mediterranean University, Gazimağusa, North Cyprus, 99628, Mersin 10
Turkey
Author mail: nurcan.gunduz@emu.edu.tr

Abstract

In this study, I will try to briefly evaluate the theme of gender and space relationship within a certain framework specific to Northern Cyprus. Normally, individuals who live and work in cities, are spread among different zones and there are varied factors which effect this process of zoning. I will try to explore the determination of morality upon this zoning process for Northern Cyprus example regarding the prostitution practices. Moreover, it is obvious that this point of view – the morality centred one – creates a kind of isolation that people must fight with whenever they do not live in accordance with general norms.

This kind of isolation is a spatial isolation – by the means of place – and social isolation – by the means of people's relationships with other people - from the society. Regardless of whether the acts related to prostitution are considered as a crime by law or not in our country, this issue causes the same results by the means of facts.

I strongly believe that addressing this issue will also create a space to us for discussion. Starting with this, we will have an opportunity to stop human rights violations caused by prostitution businesses in North Cyprus. Progressing towards solving a problem requires accepting the existence of it and its consequences in the first place.

Keywords

Zoning, Morality, Immorality, Prostitution, Segregation

Introduction

The first step in separating those who are unwanted in the city and who are thought they should be isolated from spatially from the *sterile* life of the city. It can also be said, this has something to do with the balance of economic values. Namely, it will not be appropriate to be 'wasted' valuable spaces of a city for 'unwanted' and moreover, an immoral business.

However, the main reason of these being far away from the centre of city to prevent these 'works' from disrupting moral and proper urban life. From this point of view, it is quite normal and understandable that a sex worker (both women or LGBTI+ individuals) in Northern Cyprus, are almost imprisoned in the city periphery to both means of daily – life and work. These

¹ This study is a translation of the author's former work. For the original work please see: Nurcan GÜNDÜZ, "Kentte Mekânsal Bir Sınırlandırma Ölçütü Olarak Genel Ahlak Ve Kıbrıs'ın Kuzeyinde Gerçek Olmayan Gerçek: Fuhuş", MİMARCA, 93, p.114 – 118,

2022. Available online:
<https://doc.mimarlarodasi.org/assets/docs/mimarca-93-2022.pdf>

people are expected to continue their lives in these ghettoized, limited areas. Prostitution, which is contrary to the social and moral understanding of ordinary society, paves the way for these people to be abstracted from society. They are 'out' firstly in a spatial sense by isolating them in small ghettos. Then secondly, the society creates another way of isolation for them; isolation in a social sense. Thus, as it becomes easier to ignore these people and the business they are dragged into, the possibility of them disrupting the *artificial comfort* of 'normal' social life decreases.

What is unusual in Northern Cyprus is, when prostitution is practiced under some circumstances i.e., in nightclubs and similar entertainment venues, is considered a crime by law unlike the prostitute works as an individual. In other words, prostitution is a business and a reality that is practiced in Northern Cyprus' entertainment venues and its existence is denied. Contrary to the widespread belief, having sexual intercourse for money is not a crime in TRNC. On the other hand, it is a crime to encourage someone to prostitution, to force or use a child for prostitution, to ensure that prostitution is committed in the place, and to take someone from one place to another for prostitution (For the definition of these crimes see *Chapter 154 Criminal Code Section 156 – 166.*)

In this respect, it would be wrong to say that this 'sector', which society, ignore, only has a counterpart in social life and has no counterpart in the legal world. The reality consists of completely ignoring these experiences and isolating those who work or are employed in this sector, from the places where they live and work, from the reputable society and family life.

This segregation also causes the human rights violations experienced by people who are forced into prostitution to be *invisible* for the rest of the society. Perhaps, the perpetrators of crimes, who would face a criminal law sanction if the provisions of the relevant law were properly implemented, do not face any social or legal sanctions because of this, while all the negative consequences of the denied prostitution business arise on individuals who are dragged into prostitution.

The criminalization of human smuggling and human trafficking in Chapter 154 of the Penal Code is another issue that should be addressed, which is vital for the prevention of human rights violations in Northern Cyprus. These new regulations of the Chapter 154 were made in 2020. Although this was a big problem before 2020, if there were human smuggling and human trafficking crimes in the arrival and stay of foreign hosts and *revue performers* (the expression from the *7/2000 Night Clubs and Similar Entertainment Places Act*), it was not possible to punish them. The efforts of non-governmental organizations, these acts are accepted as criminal

behaviour Chapter 154 Penal Code, and a correct step was taken.

In this article, I will try to deal with the issue in the context of where public morality stands in determining the areas where individuals live and work in cities. If we express this in the form of a question; **I wonder if general morality appears as a criterion for the formation of regions in cities?** We will try to answer this question and to share the observations in the example of Northern Cyprus as a society where prostitution is seen as an immoral issue, regardless of whether it is a crime by the means law or not.

Morality: Does It Design Cities While Designing Society?

The concept of morality has been a subject of much debate, both conceptually and in relation to criminal law. His ideas of violations of public morality should be met with criminal law sanctions, Lord Devlin and the opposing legal philosopher H.L.A. Hart is famous enough to be known in British doctrine as 'The Debate'. (Cane, 2006) *The Wolfenden Report*, published in 1957 by the Wolfenden Committee, which was established in England on whether prostitution and homosexuality should be regulated as a crime, is also related to this issue (Grimley, 2009).

Morality is not a defined and agreed-upon concept. And yet, it is wrong for this to be the criterion for determining the act of crime, because the process of criminalizing an act, which we call criminalization, requires more concrete grounds to distinguish between what is legitimate in the sense of criminal law and what is not. Criminal sanctions, the most serious legitimate evil that the state can do to individuals, must have sound justification. If there is a need, it is regulated as a de facto crime and punished. Therefore, public morality, with its ambiguous nature, falls far from being the solution to this search for criteria. (Simester & Hirsch, 2011) (Duff, Farmer, Marshall, Renzo, & eds., 2014)

Although the views advocating the consideration of general morality as a criterion in determining criminal acts, in other words, the acceptance of acts against public morality as crimes, have lost their former heat, but the extensions of these views still find their place in the criminal laws. On the other hand, these views, which lost their former power in terms of penal laws, are not considered to have slowed down in shaping social life. Both in the example of Northern Cyprus and in other societies that consider morality important in the designing their social life, it is seen that those who engage in prostitution live in isolated and separated areas from the areas where they live, or it is accepted that they live in separate areas to engage in prostitution and maintain their lives.

Thus, the '*clean, proper and orderly*' life of the blended family that consist of mother, father, and the children, especially the part of the society that lives in accordance with morality, will not be disrupted by these immoral practices.

This situation is more noticeable for people who are taken from one place, namely from another country to another to work as sex workers. The woman who is brought to the country as a sex worker is a foreigner in every sense, *immoral, alien, unprotected*. As if all this were not enough, she is a woman and is busy living with the victimisation of her gender, as there are no privileges brought by her gender. These people are isolated from the society in terms of their living practices, spatially, and are considered "*immoral*".

If the immoral person lives in her own ghetto, his '*separated*' part of the city, she will not interfere to anyone, nor will she disturb the clean space of the respected blended family. At the same time, the citizen, who stands as a customer in this commercial relationship is a man. This means he is a member of the appreciated gender, if there is a mistake, it's not his fault. Indeed, there is no problem for heterosexual men to live in the most undesirable part of the city, in the lowest echelon of the society whether he is included in prostitution business. Protection mechanisms are neither legal nor social protection mechanisms for other sex workers. These people, as if they are unwanted and untrustworthy people in the context of gender, they are foreigners and they have acquired a job contrary to public morality. This point of view paved the way, of the society prefers not to see and pretend not to know the violations of human rights they experience, let alone protect them from the order of male domination and the life they are dragged into. These people, who are almost ignored, and the most basic human rights violations they experience are ignored, so the daily life wheels of masculine domination continue to work without any problems.

What is the Biggest Concern Regarding This Issue?

In fact, the answer we should give to this question is: Since there is no prostitution problem in Northern Cyprus, there is nothing to take care of either in the legal sense or in terms of immorality. However, as nearly everyone knows, especially those who chose to ignore it, prostitution is practiced in many entertainment venues opened as nightclubs in Northern Cyprus.

Besides they continue denying sexual intercourse or other sexual activity for money, they use some other ways to make people feel like they do not practice prostitution in these venues. For instance, they have some commonly used design solutions in buildings such as isolation of places in which prostitution takes

place and other facilities of the night club from each other. By doing so, they generally separate the entrance and exit parts of facilities and they claim that these are two separate spaces. One that provides night club and entertainment for customers and the other one, by coincidence, a place where revue dancers are having sex with different boyfriends every night.

Again, it is another fact that society ignores that women brought to the country with a document called an *artist's visa* face modern slavery and serious human rights violations. For example, women are forced to handover their passports while working as artists. Proponents of the situation say that women can always get their passports, that there are people who have returned to their country many times, which shows that women are willing to do this job. However, this approach does not change the fact that the confiscation of the passport or other travel documents is considered within the scope of modern slavery, forced labour and human trafficking (See the United Nations Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000, Res. 55/25).

The main problem is that because of this (partly) deliberate neglect, the human rights violations that affects these people, who are imprisoned in an area of isolation, are also ignored.

In fact, these women, who do not benefit from any legal and social security, are not protected at all. They are not considered to be eligible to enjoy any ordinary human right, including their right to life. Although it may sound harsh, Northern Cyprus had a bitter experience regarding this matter in the recent past. Police found a body of an Asian women in 2019. Afterwards, it was understood that she was killed by someone that she agreed to have sex for money and was buried after the offender wrapped her body in a carpet. Vietnamese Dam Thi Hop, who has been missing since 2017, was widely covered in the press after the appearance of her body and the incident. This woman died as *nobody* away from her home and her loved ones without having even one person to take care of her. This event, of course, may be desired to be seen as an exclusive one, however, *we cannot deny the fact that sex workers, who are socially isolated from society, live and work kilometres away from their country without any rights, and I think that this should disturb us.*

Spatial Segregation and Social Exclusion

Here, it is not possible to exhaust all discussions regarding criteria of zoning in modern cities because of two main rationales. Firstly, this will be a very broad topic to discuss here and secondly it is obvious that

discussing other factors according to their effect in zoning processes seems a bit irrelevant to our topic. Thus, it will be appropriate to try to evaluate the difference between cities that grow organically and that grow in a planned way and try to observe this issue's relationship with morality. However, it is obvious that morality itself does not directly appear as a criterion for zoning decisions. In other words, it can only indirectly affect zoning decisions in a modern city. (For a recent work regarding parameters of zoning please see (Burlacu, Gavrilă, Popescu, P.Gombos, & Vasilache, 2020)

When functional zoning is considered, the characteristics of these places, which are seen as entertainment venues, can be a factor in zoning according to Northern Cyprus' rules and regulations. Indeed, in Northern Cyprus, the issue is regulated in the *Law on Night Clubs and Similar Entertainment Places*. Considering the prospective *negative effects* that entertainment venues may have on residential areas, being appropriate in terms of location' (m.6/2) has been included in the Law as a requirement. To summarize, these spaces should be positioned in a way that does not disturb the comfort of the dignified people living in the built-up area. Of course, in the past, the entertainment venues were not located on the city periphery, but inside the cities and its reflections in daily life were seen, and this was legal.

It can be said that with this provision, legislature and other authorities try to eliminate this possibility of dignified areas being interrupted by immoral activities in entertainment venues. Despite that, due to the lack of inspection these goals are not met. Moreover, there is no such regulation to prevent these dwelling areas from high volume entertainment venues. It seems like it is not possible to create a functioning sound barrier in the residential area and this causes great inconveniences in the residential area. Unfortunately, although people live in these areas complains about high noise levels continuously, the lack of proper inspections and legal aspects keeps this problem alive. It is obvious that high noise levels in a city centre is not accepted as a serious problem as immorality. As a result, while there is no such arrangement in terms of positioning loud entertainment venues in neighbourhoods, it is thought-provoking that night clubs and similar entertainment places are restricted.

Again, we should remember that we do not have a zoning plan for cities other than Nicosia, although it is included in the legislation. Regarding the subject, the Nicosia Development Plan states, '*Amusement places and night clubs, no development for entertainment purposes such as pubs and night clubs can be made in the settlement areas within the Plan Area in accordance with the Pub and Night Clubs Law. Among the developments for such use, nightclubs are only in*

the area indicated in the Development Plan; The pubs are in the areas shown in the Development Plan or completely away from the residential areas, outside the Zoning Development Boundary, with the Impact Assessment Report to be prepared in accordance with the Planning Approval Regulation and the Planning Authority, District Governorship and other relevant. It can be done in an appropriate area according to the decision of the institutions jointly. It is stated that such existing entertainment venues in the Plan Area will be removed from the residential areas within 3 years.'

In terms of places, prostitution for women in entertainment venues or facilities connected to them, which are legally entertainment venues and known to be used for prostitution, in houses in low social and economic areas of the city, which are not preferred by families and moral society segments. These women perform them professionally in other places like some hotels, women in customers' cars etc. Generally, all these activities are taking place in specific areas with low social and economic level, which are not preferred as a decent district of the city, regardless of the building or public space. Mobilised prostitution is also possible. In all these scenarios, the places where prostitution is performed and the people who are dragged into prostitution, are both isolated from those who live in accordance with morality, proper family dignity. In every sense, they work and live in places where proper individuals of the society do not want to be in.

At this point, it is necessary to mention some other problems that prostitutes face. Does this segregation manifest itself at the individual level as well? Can we discuss the issue in terms of the development of cities on a macro scale and in terms of these people's social life at the individual level? In summary, since the places where the prostitutes work and live are isolated from the city, these people are also socially isolated from life.

The perpetration and impunity of acts that constitute crimes related to prostitution, the violations of rights and grievances experienced by people who are forced into prostitution do not concern much with respectable blended family members in our society. If these people are isolated from social life and do not explicitly or implicitly demand to share the same spaces with these respected people, there is no problem with that. However, when you examine your mind, I think it will take a noticeably brief time to realise that you do not have a neighbour who works in these entertainment venues in your apartment or even in your neighbourhood, and that you have never thought about this issue at all, and that you do not find it strange even if you realise this situation. This is exactly the problem: we isolate and ignore these people from social life, knowingly or unknowingly, ignoring them or not seeing them worth sharing a life with us. This isolation

is the reason human rights violations are invisible just like prostitution and individuals dragged into prostitution.

One may oppose this and say that individuals who do not have anything to share with them during their daily routine, cannot establish a friendship just because of being a human rights violations sensitive person or an activist! Fair enough... Imagine a person who lives in a 'dignified' family life in accordance with morality parameters and has nothing to talk to a foreign sex worker over coffee in Dereboyu. I guess no one can blame them for having nothing in common to share. However, the problem is not to force a sharing even though there is no social and cultural issue to share among these people. The problem is not being aware that all people should be informed about sex workers' existence up to a certain level. This certain level is the level which is enough not to ignore the human rights violations experienced by these people and to make it possible to develop an awareness and understanding. This approach will create the opportunity for our society to stop that kind of human rights violations.

Conclusion

Prostitution in night clubs and other similar entertainment venues are a significant issue that is ignored in the TRNC and what is more, it creates other different problems such as human rights violations regarding foreigner sex workers' rights especially.

Developing solutions to problems on legal and factual basis and being able to work towards eliminating them by all means - the violations of human rights and punishing the offenders - can only be possible by accepting the existence of these problems and violations in the beginning.

One of the most serious consequences of avoiding prostitution as an unwelcome fact in a society, seem to be the segregation of women and of course other disadvantaged groups like LGBTQi+ individuals driven into prostitution in terms of isolation from society in both spatial and social way.

In Northern Cyprus, where this isolation reduces the visibility of victims and thus, it reduces the visibility of violations dramatically. Since these people do not have a proper, respected place in everyday life of the society, their problems are seen as their own. In that sense, there will be no effort to eliminate these violations. The first thing that should be done immediately is to accept this kind of prostitution as a social fact and a problem that impacts the whole society. Later, we can start taking steps to ensure the visibility of these human rights violations and bring them solid resolutions.

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