

LEGALIZATION & FULL DECRIMINALIZATION MODELS INCREASES THE HARMS OF PROSTITUTION

Legalization and full decriminalization of sex buying:

1. Promotes commercial sexual exploitation, trafficking, pimping and organized crime
2. Results in more men buying sex
3. Does not make prostitution safer for women or vulnerable persons
4. Increases sexual exploitation of children

The models:

Legalization

Under this approach, buying and selling sex is legal, and government establishes specific bodies to regulate the conduct of participants in the sex trade. Prostitution was legalized in Denmark and Australia in 1999, the Netherlands in 2000, Germany in 2002 and the U.K. in 2009. Countries that legalize the sex trade benefit from tax and tourism revenue generated by the trade.

Decriminalization

Under this model, buying and selling sex, pimping, sex tourism, and operating brothels are legal and subject only to ordinary business regulations. In practice, decriminalization and legalization are very similar. New Zealand is the only country to have decriminalized its sex trade, which occurred in 2003. In Australia, the sex trade was decriminalized in New South Wales in 1995 and the Northern Territory in 2019.

Equality Model

[also known as the Nordic, Partial, or End the Demand Model]

Under this approach, the act of prostitution is decriminalized. However, other acts that perpetuate the sex trade, including sex buying, pimping, and brothel owning are illegal. Sweden was the first country to adopt the Equality Model, in 1999. Norway and Iceland adopted the model in 2009, Canada in 2014, Northern Ireland in 2015, France in 2016, Ireland in 2017, and Israel in 2018.

1. Legalization and full decriminalization promotes commercial sexual exploitation, trafficking, pimping, and organized crime.

Under legalization and full decriminalization models, we see:



Increases in demand which, in turn, promotes sex trafficking to meet the increased demand.



Pimps, criminal gangs and traffickers seek out and target individuals from whom they can make the greatest profit.



Those involved in the sex trade tend to be from the most economically and socially marginalized communities: women and children of color, LGBTQ+ people, women and children addicted to drugs or alcohol, and women and children with histories of sexual abuse.



The legal commercial sex trade acts as a cover for the illicit trade making it harder to track the illegal market. 1

Country Comparisons: Legalization

Netherlands/ Amsterdam

Legalization in 2000



- 70% of foreign born sexually exploited women in the Netherlands are undocumented and unlicensed. 2
- A 2005 study found that the majority of women in prostitution in Amsterdam were forced to sell sex. 3
- In 2006, the city of Amsterdam initiated a comprehensive effort to close brothels due to the proliferation of organized crime within the sex industry. 4
- The Dutch 2008 National Police service report found that:
 - 50-90% of women working in window brothels of the three cities under investigation were there “against their will.”
 - When prostitution is legal it is more difficult for police to differentiate the legal from the illegal sectors.
 - Law enforcement has less power and incentive to investigate prostitution activities.
 - Sex trafficking still takes place in the licensed window-prostitution sectors.
 - Brothel inspections were not successful in detecting exploitation because the women were often monitored by pimps when interviewed by inspectors. 5

Denmark

Legalization in 1999



- The prostitution industry in Copenhagen, Denmark “increased dramatically” after decriminalizing sex buying in 1999. In 2008, street prostitution in Denmark —with a population size 40% smaller than Sweden— was estimated to be three times higher than in Sweden. 6

Australia

Varies state to state



- Following decriminalization in New South Wales, Australia, the number of brothels in Sydney tripled in four years; the vast majority of these brothels were found to hold no license to advertise or operate. 7

Great Britain

Sex Buying legalized in 2009



A 2017 study revealed that:

- Although brothel owning is illegal, laws are not enforced, and brothels proliferate cities across Great Britain.
- More than three-quarters of the 65 brothels in the study were linked to criminal gangs.
- One third of the women interviewed were under the control of a third party.
- Almost 50% of the women were identified as Romanian immigrants. The report states, “Despite multiple visits to commercial brothels there was little appetite for enforcement against these establishments as long as the level of perceived harm remained low. The police were keen to ensure that no establishments employed sex workers under the age of 18, but beyond this it was difficult to assess whether other harms were taking place because sex workers were generally reluctant to provide any information, offering what appeared to be a well-rehearsed script in response to questions from the police. As one Romanian sex worker was heard to say to a new arrival when questioned by the police: ‘You know what you have to say’.” 8

Germany

Legalization in 2002



- Studies indicate that 65 to 80 percent of women and girls sold in Germany are foreign nationals, the majority from Romania and Bulgaria. 9 & 10
- Germany’s “brothel king”, Jürgen Rudloff, owner of a major brothel chain, including the infamous Stuttgart brothel, Paradise, was convicted of aiding and abetting criminal gangs as they trafficked women into his legal brothels. He was unable to meet men’s high demand for paid sex, so he also allowed pimps to use violence to force women to sell sex in his brothels. 11
- A large German trade union, estimates that the German sex industry generates €14.5 billion Euros annually. 12
- From 1920 to 2017, 272 victims of murder and attempted murder were identified. Between 2002, when prostitution was legalized, and 2017 there was a decrease in the number of victims who died, however, the number of victims of attempted murder dramatically increased. Authors conclude that legalization of prostitution does not eliminate the murders or attempted murders of women in the sex trade in Germany. 13

In Germany, the intersection of capitalism and legalization has produced flat rate brothels and mega brothel chains.

When the Pussy Club, a flat rate brothel, opened in 2009, the management advertised the club as follows: ‘Sex with all women as long as you want, as often as you want and the way you want. Sex. Anal sex. Oral sex without a condom. Three-ways. Group sex. Gang bangs.’ The price: €70 during the day and €100 in the evening. According to the police, about 1,700 customers took advantage of the offer on the opening weekend. Local newspapers reported that up to 700 men stood in line outside the brothel at any one time. Afterwards, customers wrote in Internet chat rooms about the supposedly unsatisfactory service, complaining that the women were no longer as fit for use after a few hours. At closing time many of the women “collapsed from exhaustion, pain, injuries, and infections, including painful rashes and fungal infections that spread from their genitals down their legs.” The Pussy Club was shut down a year later for human trafficking.¹⁴

Country Comparisons: Decriminalization

New Zealand

Decriminalization in 2003



- The 2004 US International Trafficking in Person report identified New Zealand as a destination for human trafficking, especially of children for the purpose of sexual exploitation. 15
- Pacific Island and Maori youth are particularly at risk of sex trafficking. Law Enforcement in Wellington, NZ report that since full decriminalization was enacted, the average age at which people are first exploited is younger. 16
- Full decriminalization makes it difficult to prosecute sex trafficking: A lack of cohesion between the NZ Government and its agencies about how to handle or investigate sex trafficking cases meant no one was willing to admit sex trafficking was occurring in New Zealand.
- It took the country 12 years to convict a single trafficker following full decriminalization in 2003. 17
- The 2020 US International Trafficking in Person report found that NZ “did not initiate any prosecutions and convicted only two traffickers, which was a decrease from eight offenders convicted for trafficking-related crimes in the previous reporting period. The government did not identify or assist any victims of sex trafficking and identified fewer victims of forced labor than in the previous reporting period.” 18

Country Comparisons: Equality Model

Sweden

Equality Model in 1999



- After 1999, a Swedish Special Inquiry (2008-2010) found that prostitution in Sweden dropped 40% and has remained at this lower level.19
- The Swedish Special Inquiry also found that the number of men purchasing sexual services dropped from 13.6% to 7.4% after the introduction of legislation criminalizing sex buying. 20

France

Equality Model in 2016



- A recent evaluation of the 2016 Prostitution Law revealed a 54% increase in cases of detected sex trafficking/pimping, a seven-fold increase in compensation for victims, and resulted in 395 people receiving direct services and exit support including priority access to housing and financial support.
- Between 2016 and 2018, nearly 5000 sex buyers have been penalized/fined and to date €2.35 million has been seized from exploiters and allocated in services for victims. 21

In 2012, researchers analyzed data from 116 countries to determine the effects of legalized prostitution on human trafficking. The study's findings concluded:

- Countries that have legalized sex buying are associated with higher human trafficking inflows than countries where sex buying is criminalized.
- Whereas criminalization of sex buying in Sweden resulted in the shrinking of the prostitution market and a decline in human trafficking inflows.

In sum: Regulation has failed to contain the growth of the sex trade. 22

2. Legalization and full decriminalization result in more men buying sex

- A 2012, cross-country comparison of Sweden (sex buying is criminalized) with Denmark (sex buying is decriminalized) and Germany (sex buying is legalized) are consistent with the quantitative analysis, showing that trafficking inflows decreased with criminalization of sex buying and increased with legalization or decriminalization of sex buying. 23
- A 2001 study found normalizing sex buying increases trafficking: men who would otherwise be deterred from buying sex on ethical or legal grounds, are encouraged—through laws and commercial advertising—to buy sex. 24
- A review of research suggests that the arrest of the sex buyer may be the biggest deterrent to buying sex. 25

3. Legalization and full decriminalization do not make prostitution safer

- When the sex trade is legalized or decriminalized, the size of the market increases, and women are forced to compete for profit. Competition compels women to respond to the (legitimized) demands of buyers and engage in unprotected sex, more violent sex, anal sex, pregnant sex, bondage, group sex, and any other demand of clients.
- People in the sex trade have consistently reported that prostitution establishments did little to protect them, regardless of whether the establishments were legal or illegal. “The only time they protect anyone is to protect the customers.” 26
- Health checks and certification are often mandated in legalization systems, but only for women and not for the male sex buyers. Monitoring women does not protect them from sexually transmitted infections. 27
- Governmental reports have shown that for those in prostitution the working conditions have not improved, and the level of violence has not decreased. 28
- In the Netherlands the emotional wellbeing of prostituted women declined between 2001 and 2006. 29
- Women in legalized or decriminalized regimes have less control over what services they provide; the owners of the brothels direct them to do what customers request. 30
- Despite reducing barriers to exiting, reentry is common and routine. In a Canadian study of 201 survivors, 7 out of 10 had exited at least once, over half exited three or more times, and women who did exit completely made an average of 5.6 exiting attempts. 31

4. Legalization and full decriminalization increases the sexual exploitation of children

- Under legalization and decriminalization regimes, the demand for commercial sex increases. Because the demand for commercial sex vastly outpaces the supply, traffickers and pimps recruit children into prostitution to meet demand. 31
- The global average age of entry into the sex trade is between the ages of 12 and 14. Many children age into adulthood trapped in the sex trade. 32
- The number of children in the sex trade in the Netherlands increased by 300% between 1996 - 2001. 33
- The exploitation of children in the sex trade has also increased dramatically in areas of Australia where prostitution has been legalized and decriminalized compared to areas where it has not. 34
- In 2006 the Dutch National Rapporteur on Human Trafficking reported, “There was a striking increase in the number of registered under-age victims, particular in the age group from 15-17 years.” 35

- 1 National Police Service, (2008). Criminal Investigations Department (KLPD), Beneath the Surface (Schone Schijn): The Identification of Human Trafficking in the Licensed Prostitution Sector. IX
- 2 Raymond, J. (2013). Not a Choice, not a job. Washington, D. C.: Potomac Books, 92.
- 3 Pels, D. (12 December 2005). Abuses in prostitution, Trouw. Reprinted in Fleshtrade. Retrieved 16 February 2015.
- 4 Aalbers, M. B. & Deinema, M. Placing prostitution: Formalizing the special-sexual order of Amsterdam; BBC News, Europe (December 6, 2008). Amsterdam to cut brothels by half. Retrieved from:<http://news.bbc.co.uk/2/hi/7769199.stm>
- 5 National Police Service, (2008). Criminal Investigations Department (KLPD), Beneath the Surface (Schone schijn): The Identification of Human Trafficking in the Licensed Prostitution Sector.
- 6 Cho, S-Y., Dreher, A., & Neumayer, E. (2013). Does legalized prostitution increase human trafficking? World Development, 41, 67-82.
- 7 Raymond, J. (2003). Ten reasons for not legalizing prostitution and a legal response to the demand for prostitution. Journal of TraumaPractice, PP. 315-332
- 8 Ruth Crocker, R., Webb, S., Garner, S., Skidmore, M,Gill, M., and Graham, J (2017). The Impact of Organised Crime in Local Communities. Perpetuity Research. The Police Foundation.
- 9 Unprotected: How Legalizing Prostitution Has Failed, SPIEGEL ONLINE INT'L (JUN 25, 2021, 12:42 PM),<https://www.spiegel.de/international/germany/human-trafficking-persists-despite-legality-of-prostitution-in-germany-a-902533.html>
- 10 United States Department of State, 2020 Trafficking in Persons Report - Germany, available at: <https://www.state.gov/reports/2020-trafficking-in-persons-report/germany/> [accessed 25 June 2021]
- 11 Lorenz, H. (2019, June 22). Trouble in Paradise: the rise and fall of Germany's "brothel king." The Guardian.https://www.theguardian.com/global-development/2019/jun/22/trouble-in-paradise-rise-and-fall-of-germany-brothel-king-jurgen-rudloff?CMP=Share_AndroidApp_Email
- 12 Unprotected: How Legalizing Prostitution Has Failed, SPIEGEL ONLINE INT'L (JUN 25, 2021, 12:42 PM),<https://www.spiegel.de/international/germany/human-trafficking-persists-despite-legality-of-prostitution-in-germany-a-902533.html>
- 13 Schon, Manuela and Hoheide, Anna (2021) "Murders In the German Sex Trade: 1920 to 2017," Dignity: A Journal on Sexual Exploitation and Violence: Vol. 6: Iss. 1, Article 4. DOI: 10.23860/dignity.2021.06.01.04 Available at:<https://digitalcommons.uri.edu/dignity/vol6/iss1/4>
- 14 The Local Germany. (2010, July 24). "Flat rate sex" brothel owners jailed for fraud. <https://www.thelocal.de/20100724/28713/>
- 15 U.S. Department of State. (2004, June). Trafficking in Persons Report (Publication 11150). Office of the Under Secretary for Global Affairs. <https://2009-2017.state.gov/documents/organization/34158.pdf>
- 16 Instone, T., & Margerison, R. (2007, June). Shadow Report for the CEDAW Committee on New Zealand from: Coalition Against Trafficking in Women New Zealand. Coalition Against Trafficking in Women New Zealand. https://www.catwa.org.au/wp-content/uploads/2016/12/New_Zealand_SR_CATWA.pdf
- 17 Carville, O. (2016, September 21). Exposed: The dark underbelly of human trafficking in New Zealand. Retrieved March 31, 2021, from <https://www.nzherald.co.nz/nz/exposed-the-dark-underbelly-of-human-trafficking-in-new-zealand/4WLQWPXOXOCMIOTQQF4K44HB64/>
- 18 U.S. Department of State. (2020, June). Trafficking in Persons Report 20th Edition. Office to Monitor and Combat Trafficking in Persons. <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>
- 19 As cited in Ekberg, G. (2015). Swedish laws, policies and interventions on prostitution and trafficking in human beings: An Overview, 6. Retrieved from <https://feminismandhumanrights.files.wordpress.com/2014/06/brief-law-and-policies-on-prostitution-and-thb-sweden-gunilla-s-ekberg-150216.pdf>
- 20 As cited in Ekberg, G. (2015). Swedish laws, policies and interventions on prostitution and trafficking in human beings: An Overview, 7. Retrieved from <https://feminismandhumanrights.files.wordpress.com/2014/06/brief-law-and-policies-on-prostitution-and-thb-sweden-gunilla-s-ekberg-150216.pdf>
- 21 Gervais, Valérie et al., Evaluation de la loi du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées. Dec 2019. <http://fondationscelles.org/pdf/FACTS/RAPPORT-FACTS-V2-23MARS2021.pdf>
- 22 Cho, S-Y., Dreher, A., & Neumayer, E. (2013). Does legalized prostitution increase human trafficking? World Development, 41, 67-82.
- 23 Cho, S-Y., Dreher, A., & Neumayer, E. (2013). Does legalized prostitution increase human trafficking? World Development, 41, 67-82.
- 24 Sullivan, M. & Jeffreys, S. (2001). Legalising prostitution is not the answer: The Example of Victoria, Australia. North Fitzroy: Coalition Against Trafficking in Women (Australia).
- 25 Wilcox, A., Christmann, K., Rogerson, M. and Birch, P. (2009) Tackling the Demand for Prostitution: A Rapid Evidence Assessment of the published research literature [online]. Home Office. Available from: <http://eprints.hud.ac.uk/7178/1/Kris.pdf>.
- 26 Raymond, D'Cunha, Ruhaini Dzuhayatin, Hynes, Ramirez Rodriguez, & Santos, 2002; Raymond, J. (2003). Ten reasons for not legalizing prostitution and a legal response to the demand for prostitution. Journal of Trauma Practice, 316, PP. 315-332; National Police Service, (2008). Criminal Investigations Department (KLPD), Beneath the Surface (Schone schijn): The Identification of Human Trafficking in the Licensed
- 27 Raymond, J. (2003). Ten reasons for not legalizing prostitution and a legal response to the demand for prostitution. Journal of Trauma Practice, 2, PP. 315-332 ; Martin, 2002).ostitution Sector.
- 28 Asante, A. & Schaapman, K. (2005). Het onzichtbare zichtbaar gemaakt [Making the invisible visible, or Visualizing the invisible].Report commission by Amsterdam City Council; Raymond, J., Hughes, D., & Gomez, C. (2001). Sex trafficking of women in the United States: Links between international and domestic sex industries. North Amherst, MA: Coalition Against Trafficking in Women.Available at www.catwinternational.org;
- 29 Schulze, E., Novo Canto, S. I., Mason, P., & Skalin, M. (2014). European Parliament, Directorate-General for Internal Policies, Policy Department, Citizens' Rights and Constitutional Affairs. Sexual Exploitation and Prostitution and Its Impact on Gender Equality,(Brussels, European Parliament).
- 30 Raymond, J. (2003). Ten reasons for not legalizing prostitution and a legal response to the demand for prostitution. Journal of Trauma Practice, 2, PP. 315-332 ; Martin, 2002).
- 31 Benoit, C. , & Millar, A. (2001). Working conditions, health status, and exiting experiences of sex workers. Victoria, British Columbia,Canada: Prostitutes, Education, Empowerment and Resource Society.
- 32 Boyer, D. (2008). Who pays the price? Assessment of youth involvement in prostitution in Seattle. City of Seattle Human Services Department: Domestic Violence and Sexual Assault Prevention Division; Silbert, M. H., & Pines, A. M. (1982). Victimization of street prostitutes. Victimology: An International Journal, 7, 122-133.; Federal Bureau of Investigation (7 June 2005). Congressional Testimony by Chris Swecker, Criminal Investigative Division. Available at: <http://www.fbi.gov/news/testimony/exploiting-americans-on-american-soil-domestic-trafficking-exposed>;
- 33 Raymond, J. (2003). Ten Reasons for Not Legalizing Prostitution And a Legal Response to the Demand for Prostitution. Journal of Trauma Practice, 2, 2003, 315-332. <https://catwinternational.org/wp-content/uploads/2019/09/Ten-Reasons-for-NOT-Legalizing-Prostitution.pdf>
- 34 Sullivan, M. & Jeffreys, S. (2001). Legalising prostitution is not the answer: The Example of Victoria, Australia. North Fitzroy: Coalition Against Trafficking in Women (Australia).
- 35 Raymond, J. (2013). Not a Choice, not a job. Washington, D. C.: Potomac Books, 115.