



NATIONAL CENTER ON
SEXUAL EXPLOITATION

10 REASONS

TO OPPOSE

***FULL DECRIMINALIZATION
OF PROSTITUTION***

CONFRONTING DISASTROUS PUBLIC POLICY
NORMALIZING SEX BUYERS, PIMPS,
AND BROTHEL KEEPERS

Prostitution is the exchange of sex acts for money or other things of value such as food or shelter. Those advocating for full decriminalization present prostitution as a job like any other, but that's deceptive. Systems of prostitution thrive on gender inequality, deeply rooted social injustices, as well as force, fraud, and coercion. Full decriminalization eliminates legal restrictions on pimping, sex buying, and brothel keeping, not just the act of selling sexual access. Here are ten reasons why this is disastrous public policy.

- 1. Systems of prostitution exploit vulnerability.** Many people in systems of prostitution suffer from vulnerabilities and marginalization. Common adverse experiences that are pathways to prostitution include childhood sexual abuse,¹ homelessness,² and poverty.³ Other factors associated with prostitution involvement include a history of foster care,⁴ not having a high school degree,⁵ being a racial minority,⁶ an immigrant,⁷ an indigenous minority,⁸ or LGBT person,⁹ as well as “entry” into prostitution as a child¹⁰ (i.e., sex trafficking). Systems of prostitution prey on and exploit these vulnerabilities.
- 2. Full decriminalization of prostitution does not make prostitution safe.** Prostitution creates trauma that cannot be regulated or decriminalized away. Prostitution is inherently harmful. Prostitution results in a wide range of devastating physical harms and/or psychological trauma to those sold in it—even when it's legal¹¹ or fully decriminalized,¹² occurs indoors¹³ or outdoors,¹⁴ online¹⁵ or off.¹⁶
- 3. Fully decriminalizing the sex trade creates on ramps to more sexual exploitation;** it removes laws targeting sex buyers¹⁷ who are overwhelmingly men.¹⁸ Removing these laws normalizes male demand for paid sex.¹⁹ Thus, men who were deterred from buying sex by possible criminal penalties are no longer inhibited.²⁰ As more men buy sex, more people are pulled into and exploited in prostitution. This approach benefits men who want to buy sexual access to people's bodies, affirms male sexual entitlement, and perpetuates gender-based violence.
- 4. Decriminalizing exploitation diminishes law enforcement's ability to detect and investigate sex trafficking.** Victims of sex trafficking rarely make official complaints to the police.²¹ Further, the fully decriminalized sex trade operates with little to no oversight.²² It conceals indicators of fraud, force, and coercion,²³ and diminishes the flow of investigative leads²⁴ which stem from police operations focused on enforcing prostitution laws. Probable cause²⁵ for misdemeanor prostitution enables law enforcement to confirm ages and identities of prostituted persons. For instance, the lack of laws controlling indoor prostitution in Rhode Island (1980-2009) impeded police investigations by preventing them from arresting pimps/sex traffickers and sex buyers, creating a “zone of impunity” for sex traffickers.²⁶ Without this frontline capacity, minors and other sex trafficking victims are not identified because police have “very limited basis to enter and investigate premises operating as a brothel.”²⁷

- 5. Normalized Prostitution Increases Sex Trafficking.** Brothels, illicit massage parlors, escort agencies, and online platforms are overlapping systems of prostitution and sex trafficking occurs in all of them. Normalization of prostitution expands demand for paid sex. This emboldens sex traffickers who see this as a conducive “business” environment. Cross-national studies have found higher levels of human trafficking in countries with legalized or decriminalized prostitution.²⁸ Research has also found 100% of convicted sex traffickers support full decriminalization of prostitution.²⁹
- 6. Prostitution is not a substitute for social security safety nets.** Some people argue that prostitution is necessary because it provides income for poor and marginalized populations. This view turns prostitution into a faux social security system that *requires* the sexual exploitation of poor and minority individuals—especially women since the vast majority of people in prostitution are women.³⁰ This is regressive, misogynist, and dystopian. Governments should never reduce economically insecure people to a state of sexual servitude because they are poor.
- 7. Street-level prostitution is likely to surge.** Street-level prostitution is already escalating in Brooklyn, New York,³¹ because the District Attorney “wiped” more than 1,000 open cases of prostitution.³² Without also instituting rigorous enforcement of laws regarding pimping and sex buying this has resulted de facto full decriminalization.
- 8. Nonenforcement of prostitution laws harms disadvantaged communities.** The harm of prostitution rarely stops at the individual level; it also inflicts harms on communities, residents, families, and businesses.³³ Neighborhoods littered with condoms and drug paraphernalia,³⁴ neighborhood residents—women and children—being solicited for prostitution by roving sex buyers,³⁵ and adverse impacts to businesses³⁶ are typical. Poor and minority communities typically bear the brunt of such impacts.³⁷
- 9. Sex buyers can be deterred. Evidence points to the effectiveness of demand reduction tactics to combat prostitution.** For example, studies in Jersey City, New Jersey, and San Francisco, California, and Bolton, UK, found that arresting and educating men for soliciting produced 40-75% reductions in prostitution.³⁸ An evaluation of an education program in San Francisco reduced re-arrests by over 40%, was simple, and implemented at no cost to taxpayers.³⁹ The fees paid by the offenders fully covered the cost of the program and generated over \$3 million in additional revenue that was used, in part, to support programs for survivors of prostitution and sex trafficking.⁴⁰ An evaluation of a similar “johns school” program in England found similar benefits.⁴¹ While many men have purchased sex, most have not.⁴² Buying sex is not inevitable.
- 10. Full decriminalization of prostitution is not just.** The lived experiences of people in the sex trade⁴³ around the world reveal the abuses, harms, and chronic traumatization intrinsic to prostitution. Not only is this impossible to ignore, but it demands a just response. Just responses to these harms will:
- A)** decriminalize those sold in systems of prostitution,
 - B)** create and enforce punishments that hold accountable those who facilitate or engage in the purchase of persons for sex, and
 - C)** provide supportive services for those seeking exit from prostitution.

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- ² Courtney Cronley et al., "Entering Prostitution in Adolescence: History of Youth Homelessness Predicts Earlier Entry," *Journal of Aggression, Maltreatment & Trauma* 25, no. 9 (2016): 893-908, [doi: 10.1080/10926771.1223246](https://doi.org/10.1080/10926771.1223246); Kaestle, *ibid*; Eric C. Wilson et al., "Transgender Female Youth and Sex Work: HIV Risk and a Comparison of Life Factors Related to Engagement in Sex Work," *AIDS and Behavior* 13 (2009): 902-913, [doi: 10.1007/s10461-008-9508-8](https://doi.org/10.1007/s10461-008-9508-8).
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- ⁶ Kaestle, *ibid*; N. Eugene Walls and Stephanie Bell, "Correlates of Engaging in Survival Sex among Homeless Youth and Young Adults," *Journal of Sex Research* 48, no. 5 (2011): 423-436, [doi: 10.1080/00224499.2010.501916](https://doi.org/10.1080/00224499.2010.501916); Wilson et al, *ibid*; Lisa A. Kramer and Ellen C. Berg, "A Survival Analysis of Timing of Entry into Prostitution: The Differential Impact of Race, Educational Level, and Childhood/Adolescent Risk Factors," *Sociological Inquiry* 73, no. 4 (2003): 511-28. See also, Cheryl Nelson Butler, "A Critical Race Feminist Perspective on Prostitution and Sex Trafficking in America" *Yale Journal of Law and Feminism* (2015): 95-139, <https://digitalcommons.law.yale.edu/yjlf/vol27/iss1/3> (accessed October 13, 2021).
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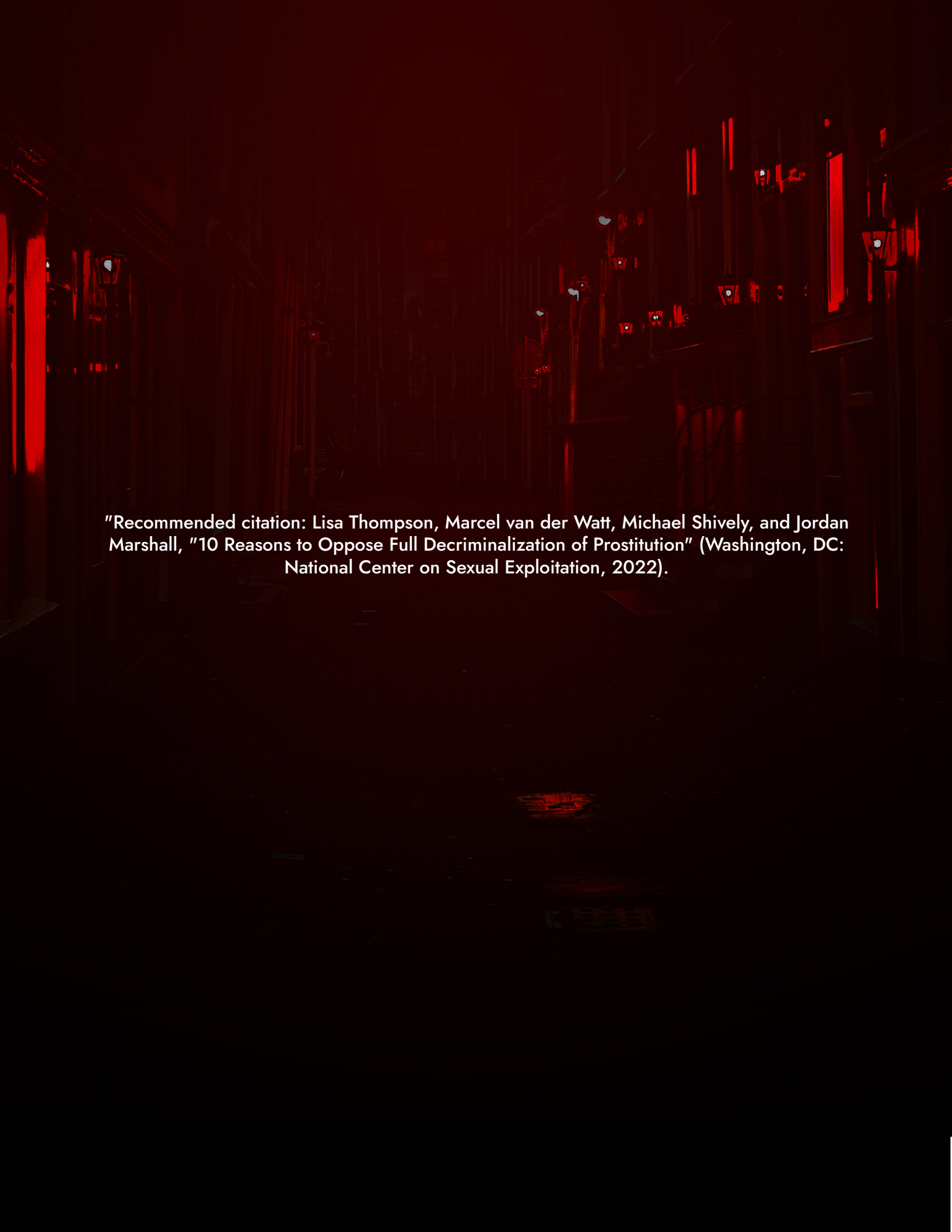
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