

ADDRESSING MISCONCEPTIONS: Legalization

Legalization of prostitution is often touted as a progressive solution to the harms associated with the sex trade. However, the experiences of people in other countries and here in the United States have shown that legalization does not solve the problems that arise from prostitution and, further, fails to protect prostituted women and children. CAASE does not support legalization of prostitution and believes that legalization merely institutionalizes and legitimizes the abuse of women and children.

Misconception:

Legalization makes prostitution safer for individuals involved in the sex trade.

REALITY:

The violence that women experience in the sex trade does not diminish when prostitution becomes legal. A study in the Netherlands, where prostitution is legal, found that 60% of prostituted women had suffered physical assaults; 70% experienced verbal threats of physical assaults; 40% suffered sexual violence; and 40% had been forced into prostitution or sexual abuse by acquaintances.¹ Similarly, in Germany, where prostitution is also legal, 59% of the prostituted women surveyed said that they did not believe that legalization made them any safer from rape and assault.²

Additionally, the argument that legalizing prostitution protects individuals involved in the sex trade ignores the fact that the vast majority of prostitution in a legalized system still occurs outside the reach of the law. In countries that have legalized prostitution, the illegal sector is estimated to be roughly three times larger than the legal, regulated sector.³ Therefore, the vast majority of prostituted women still face the same risk of harm and violence within this legalized system as they would in a place where prostitution is illegal.

Misconception:

Legalization protects the health of the individuals involved in the sex trade and the community.

REALITY:

Legalization is often cited as a way to ensure health standards for individuals in the sex trade. But whose health is truly protected? Though prostituted women are regularly screened for sexually transmitted diseases, their customers are not required to undergo the same checks.⁴ Since either party can transmit STDs, the claim of "better health" only ensures better health for those who are purchasing, not the women who are selling.

Moreover, legalization fails to address many of the physical and psychological harms of prostitution, which include rates of Post Traumatic Stress Disorder (PTSD) that exceed those of Vietnam War veterans.⁵ No law can prevent the exhaustion, frequent viral illness, vaginal infections, back aches, sleeplessness, headaches, stomachaches, eating disorders, post-traumatic stress disorder, depression and somatic disorders that are common among prostituted women.⁶

¹ Vanwesenbeeck, I. (1994). *Prostitutes' well-being and risk*. Amsterdam: VU University Press.

² Farley, M. (2004). "Bad for the body, bad for the heart": Prostitution harms women even if legalized or decriminalized. *Violence Against Women, 10(10)*, 1087-1125.

³ Shared Hope International (July 2007). *DEMAND: A comparative examination of sex tourism and trafficking in Jamaica, Japan, The Netherlands, and the United States* [Electronic version]. Retrieved on July 22, 2009, from <http://www.sharedhope.org/files/DEMAND.pdf>

⁴ Farley, M. (2004). "Bad for the body, bad for the heart": Prostitution harms women even if legalized or decriminalized. *Violence Against Women, 10(10)*, 1087-1125.

⁵ Farley, M. (2004). "Bad for the body, bad for the heart": Prostitution harms women even if legalized or decriminalized. *Violence Against Women, 10(10)*, 1087-1125. See also Farley, M., Baral, I., Kiremire, M. & Sezgin, U. (1998). Prostitution in five countries: Violence and post-traumatic stress disorder. *Feminism & Psychology, 8(4)*, 405-426.

⁶ Pheterson, G. (1996). *The prostitution prism*. Amsterdam: Amsterdam University Press. See also Farley, M. (2004). "Bad for the body, bad for the heart": Prostitution harms women even if legalized or decriminalized. *Violence Against Women, 10(10)*, 1087-1125.

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Misconception:

Women involved in the sex trade would prefer to work in the regulated environment that legalization would provide.

REALITY:

Arguments stating that individuals involved in the sex trade would prefer to work in a regulated environment are negated by the fact that very few of the women in legalized prostitution actually register. For instance, membership in the official service union in Germany, which requires employer health care, legal aid, three paid holidays a year, and a five-day workweek, remains very low – less than five percent of the 400,000 individuals eligible for the union actually register.⁷ The reason behind this hesitance to register shows that, though the stigma of *buying* sex is erased when prostitution is legalized, the stigma of *selling* it is not. Evidence shows that women are not eager to self identify and tend to avoid official registrations, even when registering comes with substantial benefits. One researcher found that women involved in prostitution in the Netherlands were concerned about the loss of anonymity that registration would require; once officially registered as prostitutes, Dutch women feared that this designation would pursue them for the rest of their lives. Despite any “employment” benefits that registration would provide, the women stated that they wanted to leave prostitution as quickly as possible with no legal record of having been in prostitution.⁸

Another study in the Netherlands found that only three percent of individuals involved in prostitution believed that legalization was a good thing.⁹

Misconception:

Legalization decreases domestic and international sex trafficking.

REALITY:

As shown in places like the Netherlands, Germany, Australia, and certain counties of Nevada, legalizing prostitution usually results in an increase in demand because buying sex in these places is seen as a normal and tolerated activity. Tragically, this rise in demand then fuels an increase in human trafficking. To meet the increased demand, pimps and traffickers force and coerce more women and girls into prostitution. Reports from countries that have legalized prostitution, such as the Netherlands and Germany, have shown dramatic increases in the number of sex trafficking victims, especially child victims, into those countries,¹⁰ and studies have continuously shown that the most popular destinations for trafficked women are countries where prostitution is legal such as Netherlands and Germany.¹¹ One study found that up to 80% of women working in legal brothels in the Netherlands are actually victims of human trafficking,¹² and the number of prostituted children in the Netherlands jumped to 15,000 in 2001 after legalization, from 4,000 in 1996.¹³ Rather than decreasing trafficking of women and children, legalization merely provides a pretense of legitimacy to the illegal, exploitative, and violent practices of traffickers and pimps.

⁷ Farley, M., Cotton, A., Lynne, J., Zumbek, S., Spiwak, F., Reyes, M.E., Alvarez, D., & Sezgin, V. (2003). *Prostitution and trafficking in nine countries: Update on violence and posttraumatic stress disorder* [Electronic version]. Retrieved on April 12, 2010, from http://www.prostitutionresearch.com/prostitution_research/000116.html

⁸ Farley, M. (2004). “Bad for the body, bad for the heart”: Prostitution harms women even if legalized or decriminalized. *Violence Against Women, 10*(10), 1087-1125.

⁹ Shared Hope International (July 2007). *DEMAND: A comparative examination of sex tourism and trafficking in Jamaica, Japan, The Netherlands, and the United States* [Electronic version]. Retrieved on July 22, 2009, from <http://www.sharedhope.org/files/DEMAND.pdf>

¹⁰ Shared Hope International (July 2007). *DEMAND: A comparative examination of sex tourism and trafficking in Jamaica, Japan, The Netherlands, and the United States* [Electronic version]. Retrieved on July 22, 2009, from <http://www.sharedhope.org/files/DEMAND.pdf>

¹¹ Hughes, D. (2000). The “Natasha” trade: The transnational shadow market of trafficking in women. *Journal of International Affairs, 53*(2), 625-651.

¹² Shared Hope International (July 2007). *DEMAND: A comparative examination of sex tourism and trafficking in Jamaica, Japan, The Netherlands, and the United States* [Electronic version]. Retrieved on July 22, 2009, from <http://www.sharedhope.org/files/DEMAND.pdf>

¹³ Van Manen, M. (2006, October 7). Prostitution need not always be with us. *Vancouver Sun*.