

## Why Legalization and Decriminalization of Prostitution is Harmful

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In advocating for legalization or decriminalization of prostitution, many people do not realize that legalization and decriminalization of prostitution means legalization of pimps, recruiters, sex buyers, and brothels or other venues such as tolerance zones—not simply decriminalization of prostituted persons.

- **When prostitution is legalized or fully decriminalized, it is a gift to pimps and sex buyers because what has previously been a crime is now completely legitimate.**

The Dutch National Rapporteur on Trafficking acknowledged, “We have tried to decriminalize the prostitution sector by legalizing it, by making it liable for permits and we have seen that it really doesn’t work that way. Many of these women in the legalized sector are being forced and violently treated so the Dutch government is now thinking are we on the right track?”<sup>1</sup>

- **Countries that have legalized or fully decriminalized prostitution are those that have the highest rates of trafficking.**

The Dutch National Police Service Report stated, “The idea that a clean, normal business sector has emerged is an illusion . . . In the licensed window prostitution sector . . . human traffickers, pimps and bodyguards had reign for years.”<sup>2</sup> An analysis of 116 countries comparing those that have legalized prostitution regimes with those that do not, found that legalized prostitution leads to an expansion of the prostitution market, increasing human trafficking inflows.<sup>3</sup>

- **When prostitution is legalized or fully decriminalized, enforcement is taken out of the hands of the police and given over to the municipality. City officials are not equipped to handle the criminality that inevitably results when the sex trade is legalized.**

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<sup>1</sup> Fiona Campbell and Barry Thorne, “Human Trafficking is One of the Most Lucrative Forms of Organised Crime in the World: a Brutal Industry Worth Billions of Dollars,” Radio Netherlands, 2007. Note: Although the Dutch Rapporteur distinguishes between trafficking and prostitution and continues to support the Dutch legal system, it is instructive that a proponent of the regime acknowledges its failures.

<sup>2</sup> National Police Service, Criminal Investigations Department (KLPD), *Beneath the Surface (Schon Schijn): The Identification of Human Trafficking in the Licensed Prostitution Sector* [In Dutch], trans. Lotte Constance Van de Pol, in Addendum to Lotte Van de Pol, Supplementary Affidavit, Bedford et al v. Attorney General of Canada, Ontario, Canada Superior Court of Justice No. 07-CV-329807PD1 (2009).

<sup>3</sup> Seo-Young Cho, Axel Dreher, and Eric Neumayer, “Does Legalized Prostitution Increase Human Trafficking?” *World Development* 41 (2013): 67–82, doi: dx.doi.org/10.1016/j.worlddev.2012.05.023.

In New Zealand, for example, a country that has become the poster child of pro-decriminalization advocates, senior police officers have admitted that the policing of brothels is almost non-existent because police are no longer required to investigate them, and organized criminals have control of the sex trade.<sup>4</sup>

- **Legalizing or fully decriminalizing prostitution encourages more men and boys to exploit women because it is legally permissible.**
- **No person should be bought and sold. In legalized countries, this is exactly what happens to women and children especially. It's like buying or renting a car.**
- **Any government that wants to promote gender equality and prevent sexual exploitation cannot claim to fulfill these goals if it legally sanctions the prostitution of women and children.**
- **Legalized and decriminalized regimes of prostitution do nothing to protect prostituted women. Exit programs disappear because prostitution is viewed as simply another job—as “sex work”—and why would women need to be assisted to consider leaving?<sup>5</sup>**
- **The violence and harmful health effects of prostitution (e.g., sexually transmitted diseases, injuries from sex buyers) persist in legalized prostitution systems because there is no police oversight of the prostitution venues. Any regulations are not enforced because police cannot enter the brothels without due cause.**

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<sup>4</sup> Julie Bindel, *The Pimping of Prostitution: Abolishing the Sex Work Myth*. (London: Palgrave Macmillan, 2017).

<sup>5</sup> A German government ministry report evaluating five years of its legalization policy found: “The Prostitution Act has thus up until now not been able to make actual, measurable improvements to prostitutes’ social protection . . . No short-term improvements that could benefit the prostitutes themselves are to be expected.” Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, *Report by the Federal Government on the Impact of the Act Regulating the Legal Situation of Prostitutes (Prostitution Act)*, (2007) 79-80.