

## What is wrong with Nevada's Policy on Prostitution?

For 48 years Nevada has allowed legal brothels to exist.

Nevada is the only state in America with legalized brothel prostitution in select counties.

### Legalized prostitution in Nevada has led to a massive illegal sex industry in the state.

Nevada has the highest rates of commercial sex (both legal and illegal) in the US. Per capita their rates are **63% higher than the next highest state of New York and double that of Florida.**<sup>1</sup>

The vast majority of prostitution in Nevada continues to occur illegally, with **at least 90% of prostitution in Nevada estimated to occur outside of the legal brothel system.**<sup>2</sup> This is consistent with experiences with legalization in other countries. For example,

- In **Australian** states with legalized prostitution systems, up to 90% of the market was found to operate illegally, with poor occupational health and safety standards.<sup>3</sup>
- **An examination of policy in Australia and the Netherlands found that “escorts” continued to operate illegally and could not be regulated or controlled**, undermining efforts to improve safety by establishing legal, regulated brothels.<sup>4</sup> Rather than reducing harm, the negative impacts of prostitution were exacerbated by legalization, and it was concluded that **the policy of legalization is “doomed to fail” in achieving its stated objectives of harm reduction.**
- An analysis of 148 online reviews, and 2,424 reply posts of legal prostitution “services” in *Australia* found that sex buyer admissions of inflicting harm were common and, **as opposed to the promises of decreased violence and stigma promised by legalization proponents, it was evident that buyers actively construct and normalize narratives of sexual violation and violence against women in licensed brothels.**<sup>5</sup>
- A study compared the legal frameworks, methods of implementation, and outcomes of attempts at prostitution harm reduction in nine countries (**Australia, Finland, Germany, Ireland, Netherlands, New Zealand, Spain, South Africa, and Sweden**). It concluded that **attempts to regulate prostitution as a form of work like any other had failed**, leading to **unchecked growth and lack of enforcement in illegal sectors**, and no improvements in levels of violence, reducing stigmatization, reducing reluctance to report violence to police, or access to health services.<sup>6</sup>

### Legal prostitution fuels and increases sex trafficking.

Legal prostitution contributes to Nevada being a prostitution tourism state.<sup>7</sup> A comparison of indicators of prostitution markets in US cities of comparable traits found evidence of far greater commercial sex and sex trafficking activity in Nevada.<sup>8</sup>

This finding is consistent with results seen across the globe where legalization of prostitution has occurred. For example, a 2013 study of **150 countries** from the London School of Economics which found that **wherever prostitution was legal, sex-trafficking tended to increase, not decrease.**<sup>9</sup> A separate analysis of **39 nations** found that **sex trafficking was most prevalent in countries where prostitution was legal.**<sup>10</sup> Why? Because once something is legal, there is increased demand for it. Sex traffickers take advantage of this opportunity to supply vulnerable women and girls to male sex buyers throughout the state.

In the case of prostitution, when sex buying is decriminalized this creates a great incentive for pimps/sex traffickers to entice, coerce, or force more people, especially women, into prostitution both within and outside of legal prostitution frameworks. Demonstrating this reality, an analysis of prostitution advertising in Nevada found that **72% of Nevada's sex providers have at least some indicator of being young, with the potential of being underage, or working in groups likely to have an active facilitator** [emphasis added].<sup>11</sup>

Further, an audit of Nevada legal brothels in Lyon County found that **30% of the women had red flags for sex trafficking.**<sup>12</sup>

## Legal prostitution increases child sex trafficking.

Many prostituted persons are advertised for their youth, regardless of their stated age. “For example, phrases like ‘fresh meat,’ ‘brand new’ and ‘daddy’s little girl’ are all used to connote the youth of those being sold for sex.”<sup>13</sup>

Higher prices are charged for younger women in Nevada. “This demand for youth has serious consequences for trafficking into the sex industry. The higher profit margins create incentives for traffickers to recruit younger individuals.”<sup>14</sup>

## Even when it is legalized, it is impossible to disentangle violence and exploitation from prostitution.

Prostitution is not dangerous because it is illegal, it is illegal because it is dangerous. **Legalization does not make it safe.** There is no way to make prostitution “a little bit better” any more than it is possible to make domestic violence “a little bit better.” One woman who survived being prostituted in two legal brothels in Nevada stated:

*We did not have the “independent contractor” freedom to turn down buyers. Management required us to line up when someone arrived at the brothel. Once picked from the lineup, we would bring the sex buyer back to our room where he was allowed to do whatever he wanted with us. . . . The violent-natured men I encountered in legal brothels are no different than the men buying sex on the streets. I cannot count the number of times I physically fought with men in the brothels and how many times I have been raped because I was too scared to fight back.*<sup>15</sup>

According to a number of studies, women are frequently raped in both escort and brothel prostitution. For example, a survey conducted in London found **57% of escorts and prostituted women had been assaulted in indoor venues.**<sup>16</sup> In interviews conducted in New York City, “**escorts” involved in indoor prostitution were “beaten twice a year, on average,**”<sup>17</sup> and 48% said they had been sexually assaulted in indoor prostitution or while escorting.<sup>18</sup>

Women in the sex trade experience physical violence,<sup>19</sup> sexual assault,<sup>20</sup> rape,<sup>21</sup> and murder.<sup>22</sup> Women out of Nevada’s sex trade are at risk too. Nevada has consistently ranked first in the nation for domestic violence fatalities,<sup>23</sup> ranks fourth in the nation for rape/sexual assault,<sup>24</sup> and fourth in the nation for the women to be murdered by men.<sup>25</sup> Nevada has the national’s largest commercial sex market and is among the top ten states for young persons (age 20 and under including potentially underage) in the sex trade.<sup>26</sup> No school is safe when the demand for sex is high and legal.

Legal prostitution has failed to protect women from sexual exploitation, violence, or psychological trauma. A survey of 45 women who experienced prostitution in legal Nevada brothels reports:<sup>27</sup>

- 57% of the women gave all or part of their income to their pimp or trafficker
- 81% of the women reported they wanted to escape prostitution regardless of its legal status
- 23% self-reported they were prostituted as a child
- 50% had prostituted illegally
- 47% had pornography made of them while in prostitution.
- 47% had been homeless.
- 44% were verbally abused in prostitution.

## When prostitution is legitimized, then the entire practice of it is normalized.

In other words, the entire community inadvertently becomes groomed. Traffickers brag that recruiting in Nevada is the easiest because the laws have done half the work for them

One study of college-aged men at University of Nevada at Reno showed they significantly more often endorsed beliefs that prostitution is a normal activity that should be mainstreamed, such as:

- “There is nothing wrong with having sex for money,”
- “It’s OK for a man to go to a call girl if his wife doesn’t find out.”

- The young men assumed that the very existence of prostitution served as a crude pressure release which decreased the likelihood that other (non-prostituted) women would be raped.
- They also believe that prostitution lowers the moral standards of a community.<sup>28</sup>

Additionally when prostitution is a legal business and viewed as “a job like any other” then it gets the same access and opportunities as any other business **Legalization legitimizes pimps/sex traffickers.**

One legal pimp and owner of seven brothels won the primary election to be a Nevada State Legislature. Another legal pimp is a County Commissioner.

## **Legalized prostitution in Nevada has failed to protect women from sexual exploitation, violence, or psychological trauma.**

Instead of legalizing and embracing sexual exploitation, Nevada’s prostitution policies should work to combat demand (highly penalizing and reducing sex buying behavior) and should offer social services and job training opportunities to the women engaged in prostitution to help them exit the industry.

<sup>1</sup> Creighton University, “Nevada’s Online Commercial Sex Market.” The Human Trafficking Initiative, (2018).

<sup>2</sup> Michael Shively, “The Negative Effects of Legalized Prostitution in the U.S. State of Nevada,” *Women and Human Rights* 14 (2015): 74-120.

<sup>3</sup> Basil Donovan et al (2012). *The Sex Industry in New South Wales: A Report to the NSW Ministry of Health* (Sydney: Australia: Kirby Institute, University of New South Wales, 2012).

<sup>4</sup> Shelia Jeffreys “‘Brothels without Walls’: the Escort Sector as a Problem for the Legalization of Prostitution,” *Social Politics: International Studies in Gender, State & Society* 17, no. 2 (2010): 210-234.

<sup>5</sup> Natalie Jovanovski and Meagan Tyler, “‘Bitch, You Got What You Deserved!’: Violation and Violence in Sex Buyer Reviews of Legal Brothels,” *Violence against Women* 24, no. 16 (2018): 1887-1908; doi: 10.1177/1077801218757375.

<sup>6</sup> Liz Kelly, Maddy Coy, and Rebecca Davenport, *Shifting Sands: A Comparison of Prostitution Regimes across Nine Countries* (London: United Kingdom, London Metropolitan University, 2009).

<sup>7</sup> Prostitution tourism is popularly known as sex tourism.

<sup>8</sup> Shively, *ibid*.

<sup>9</sup> Seo-Young Cho, Axel Dreher, and Eric Neumayer, “Does Legalized Prostitution Increase Human Trafficking?” *World Development* 41 (2013): 67-82; doi: 10.1016/j.worlddev.2012.05.023.

<sup>10</sup> Niklas Jakobsson and Andreas Kotsadam, “The Law and Economics of International Sex Slavery: Prostitution Laws and Trafficking for Sexual Exploitation,” *European Journal of Law and Economics* 35, no. 1 (2013):87-107; doi: 10.1007/s10657-011-9232-0.

<sup>11</sup> Creighton University, *ibid*.

<sup>12</sup> Rio Lacanlale, “Audit Finds Signs of Human Trafficking at Brothels in Nevada County” *Las Vegas Review Journal*, October 19, 2018, <https://www.reviewjournal.com/crime/sex-crimes/audit-finds-signs-of-human-trafficking-at-brothels-in-nevada-county/> (accessed October 5, 2020).

<sup>13</sup> Creighton University, *ibid*, p. 13.

<sup>14</sup> Creighton University, *ibid*, p. 16.

<sup>15</sup> Rebecca Charleston, “Human Trafficking Thrives in Legal Brothels: Charleston.” *Reno Gazette-Journal*, October 9, 2018, [amp.rgj.com/amp/1578611002](http://amp.rgj.com/amp/1578611002) (accessed October 5, 2020).

<sup>16</sup> Sophie Day and Helen Ward, “Violence towards Female Prostitutes: Violence in Sex Work Extends to More than Risks from Clients,” *BMJ Clinical Research* 323, no. 7306 (2001): 230.

<sup>17</sup> Sudhir Venkatesh, “How tech tools transformed New York’s sex trade,” *Wired*, January 31, 2011, [https://www.wired.com/2011/01/ff\\_sextrade/](https://www.wired.com/2011/01/ff_sextrade/) (accessed October 5, 2020).

<sup>18</sup> Alexandra K. Murphy and Sudhir Alladi Venkatesh, “Vice Careers: The Changing Contours of Sex Work in New York City,” *Qualitative Sociology* 29, no. 2 (2006): 129-154; doi: 10.1007/s11133-006-9012-2.

<sup>19</sup> Deering et al., “A Systematic Review of the Correlates of Violence against Sex Workers,” *American Journal of Public Health* 104 (2014): e42-e54; doi: 10.2105/AJPH.2014.301909.

<sup>20</sup> Fawole Olufunmilayo and Dagunduro Aboosedo, “Prevalence and Correlates of Violence against Female Sex Workers in Abuja, Nigeria,” *African Health Sciences* 14, no. 2 (2014): 299-313; Deering et al., *ibid*; Jovanovski and Tyler, *ibid*; Day and Ward, *ibid*; Murphy and Venkatesh, *ibid*.

<sup>21</sup> Melissa Farley, “Prostitution, Trafficking, and Cultural Amnesia: What We Must Not Know in Order To Keep the Business of Sexual Exploitation Running Smoothly,” *Yale Journal of Law and Feminism* 18, (2006): 101-136.

<sup>22</sup> John J. Potterat et al, “Mortality in a Long-term Open Cohort of Prostitute Women,” *American Journal of Epidemiology* 51, no. 5 (2004): 1101-1108.

<sup>23</sup> National Coalition against Domestic Violence, “Domestic Violence in Nevada,” (2016) [https://assets.speakcdn.com/assets/2497/nevada\\_2019.pdf](https://assets.speakcdn.com/assets/2497/nevada_2019.pdf) (accessed October 6, 2020).

<sup>24</sup> Statista Research Department, “Forcible Rape Rate per 100,000 Inhabitants in the United States in 2019, by State” (October 1, 2020), <https://www.statista.com/statistics/232563/forcible-rape-rate-in-the-us-by-state/> (accessed October 6, 2020).

<sup>25</sup> Dana Gentry, “Nevada Has Nation’s 4<sup>th</sup> Highest Rate of Intimate Murder of Women,” *Nevada Current* (September 18, 2019), <https://www.nevadacurrent.com/blog/nevada-has-nations-4th-highest-rate-for-intimate-murder-of-women/> (accessed October 6, 2020).

<sup>26</sup> Creighton University, *ibid*.

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<sup>27</sup> Melissa Farley, *Prostitution and Trafficking in Nevada: Making the Connections* (San Francisco: California, Prostitution Research & Education, 2007), grant # 2074-61001, Office to Monitor and Combat Trafficking, U.S. Department of State.

<sup>28</sup> Farley, *ibid.*