

Policies Favoring Legalization Encourage Prostitution and Sex Trafficking

Donna M. Hughes

Donna M. Hughes, professor of women's studies at the University of Rhode Island, is a leading international researcher on the trafficking of women and children.

The legalization of prostitution has not controlled prostitution. In fact, the demand for victims of sex trafficking increases when men can legally buy sex. Nor has legalization improved conditions for women forced into prostitution by poverty or a childhood of sexual abuse. Prostituted women do not join unions or sign up for benefits because many women are trafficked, and others view prostitution as a temporary solution. Prostitution is not work but a predatory and criminal business that depends on the abuse and exploitation of women.

Around the world today, there is a human rights crisis of sexual abuse of millions of women, children, and thousands of men in prostitution and other forms of sexual exploitation. There are regions of the world where prostitution has gone from being almost nonexistent to a hundred million dollar money-making industry.

Donna M. Hughes, Speech delivered at La Prostitution Feminine: Propuestas e Intervention (Female Prostitution: Proposals and Interventions), Kingston, RI: 2004. Reproduced by permission.

he Sex Trafficking, Prostitution Link

am going to talk about prostitution and sex trafficking. I don't believe you can talk about one without the other. They are inextricably linked. Those who favor legalized prostitution have led a fifteen-year campaign to delink them—to convince that trafficking has nothing to do with prostitution. That is false. As countries and activists who favor legalization have tried to separate prostitution and trafficking, most of the global attention has focused on trafficking. I am happy that the conference organizers in Santiago, [Spain], have had the courage to address prostitution. Still, we should be clear that we need to talk about both prostitution and trafficking together.

Sex trafficking is the process that delivers victims into prostitution. It includes the recruitment, harboring, movement, and methods by which victims are compelled to stay in prostitution, whether by violence, coercion, threat, debt, or structural manipulation.

Prostitution and sex trafficking are based on a balance between the supply of available victims and the demand for victims to provide the sex acts. Victims are recruited from marginalized, poor, and vulnerable populations. These potential victims may be from the same city or country as the exploiters or they may be trafficked from other countries or continents. They may be women and girls who are poor, uneducated, and naive, and therefore easy to control, or they may be educated, middle-class girls who have been sexually abused and whose bodily integrity and identities are destroyed and no longer know how to resist abuse and exploitation.

demand for Victims

Prostitution and trafficking begin with the demand for victims to be used in prostitution. It begins when men go in search of sex that can be purchased. In countries where prostitution is illegal, it begins when pimps place orders with their criminal networks for women and children. In countries where

prostitution is legal, it begins when brothels place job ads with government employment agencies. In places where buying sex acts is popular and profitable, pimps cannot recruit enough local women to fill up the brothels, so they have to bring in victims from other places.

Legalization does not reduce prostitution or trafficking; in fact, both activities increase.

Let me give you the example of the Czech Republic. Ten to fifteen years ago, prostitution was rare, certainly, there wasn't a sex industry. Now, according to a study by the Czech Ministry of Interior, there are over 860 brothels in the Czech Republic, of which 200 are in Prague. The Czech Republic is a destination country for Western European sex tourists. By one estimate, 65 percent of men who buy sex acts there are foreigners. The capital city has the reputation of being a "stag party" capital of Europe, meaning it is a favorite beer and sex party spot for men, mainly Great Britain and Germany. There are almost 200 web sites on the Internet for prostitution services in the Czech Republic, up from 45 in 1997, that enable sex tourists to book their travel and appointments to buy sex acts before they leave home. The Czech police estimate that there are 15,000 women and children in prostitution in the Czech Republic. Thousands of them stand along the roads or wait in roadhouses along the German and Austrian borders. Mafias control most of the victims. The Czech-German border has become a well-known site for child prostitution. German men, in particular, cross the border to buy children for sex acts. All this expansion of the sex industry has occurred in the last decade.

The Failure of Legalization

Over the past decade, the most popular proposed solutions to sex trafficking and "out of control" prostitution is legalization

of prostitution. Prostitution has been legalized with the expectation that it would bring positive outcomes in Australia, the Netherlands, Germany, and recently, in New Zealand. Although legalization has resulted in big legal profits for a few, the other benefits have not materialized. Organized crime groups continue to traffic women and children and run illegal prostitution operations alongside the legal businesses. In Victoria, Australia, legalization of brothels was supposed to eliminate street prostitution. It did not; in fact, there are many more women on the street than before legalization. Last year, there were calls for legalizing street prostitution in order to “control”.

Legalization does not reduce prostitution or trafficking; in fact, both activities increase because men can legally buy sex acts and pimps and brothel keepers can legally sell and profit from them. Cities develop reputations as sex tourist destinations. In the Netherlands, since legalization, there has been an increase in the use of children in prostitution.

German lawmakers thought they were going to get hundreds of millions of euros in tax revenue when they legalized prostitution and brothels. But [in] keeping with [the] criminal nature of prostitution, the newly redefined “business owners” and “freelance staff” in brothels will not pay their taxes. Germany is suffering a budget deficit, and the Federal Audit Office estimates that the government has lost over two billion euros a year in unpaid tax revenue from the sex industry. Recently, lawmakers started to look for ways to increase collection of taxes from prostitutes. This has put the government into the traditional role of pimp—coercing prostitutes to give them more money.

This predatory behavior of the government sharply contrasts to the promised benefits of legalization in Germany, which as government benefits and rights for women. Legalization was supposed to enable women to get health insurance and retirement benefits, and enable them to join unions.

The normalization of prostitution as work has not occurred in Germany, the Netherlands, or Australia. Following legalization, few women have signed up for benefits or for unions. The reason has to do with the basic nature of prostitution. It is not work; it is not a job like any other. It is abuse and exploitation that women only engage in if forced to or when they have no other options. Even where prostitution is legal, a significant proportion of women is trafficked. Women and children controlled by pimps and mafias cannot register with an authority or join a union. Women who are making a more or less free choice to be in prostitution do so out of immediate necessity—debt, unemployment, and poverty. They consider resorting to prostitution as a temporary means of making money, and assume as soon as a debt is paid or a certain sum of money is earned for poverty-stricken families, they will go home. They seldom tell friends or relatives what they are doing to earn money. They do not want to register with authorities and create a permanent record of being a prostitute. And unionization of “sex workers” is a fantasy; it is completely incompatible with the coercive and abusive nature of prostitution.

Instead of legalization, there is another solution to the problem of prostitution and sex trafficking: Confronting the demand for prostitution. Instead of only warning women against recruiters, stop the recruiters. Instead of accommodating the demand, stop it.

The Abolitionist Movement

There is a growing abolitionist movement around the world that seeks to provide assistance to victims and hold perpetrators accountable.

In Sweden, beginning in 1999, the purchasing of sexual services became a crime. The new law was passed as part of a new violence-against-women act that broadened the activities that qualified as criminal acts of violence. With this new ap-

proach, prostitution is considered to be one of the most serious expressions of the oppression of and discrimination against women. The focus of the law is on “the demand” or the behavior of the purchasers of sex acts, not the women.

The U.S. government has adopted an abolitionist approach at the federal level. In 2003, U.S. president George W. Bush issued a Presidential Directive. It was the first U.S. opinion on the link between prostitution and trafficking: “Prostitution and related activities, which are inherently harmful and dehumanizing, contribute to the phenomenon of trafficking in persons. . . . This policy statement is important because it connects trafficking to prostitution and states that prostitution is harmful. This policy goes against attempts to delink prostitution and trafficking and redefine prostitution as a form of work for women.

If there were no men seeking to buy sex acts, no women and children would be bought and sold.

In a United Nations speech in October 2003, President Bush called attention to the demand side of prostitution and trafficking. He said, “Those who patronize [the sex industry] debase themselves and deepen the misery of others. And governments that tolerate the trade are tolerating a form of slavery.” This statement has led the departments of government, including the U.S. State Department to focus more attention and funding on the demand side of prostitution and sex trafficking.

he Root Cause

believe that only by going to the root cause of prostitution and trafficking, which are the factors that make up the demand, will we end the sexual exploitation and abuse of women and children through prostitution and trafficking.

We need to urge all governments, NGOs, and religious communities to focus on reducing the demand for victims of sex trafficking and prostitution. All the components of the demand need to be penalized—the men who purchase sex acts, the exploiters—the traffickers and pimps who profit from the sale of women and children for sex, the states that fund deceptive messages and act as pimp, and the culture that lies about the nature of prostitution.

We could greatly reduce the number of victims, if the demand for them was penalized. If there were no men seeking to buy sex acts, no women and children would be bought and sold. If there were no brothels waiting for victims, no victims would be recruited. If there were no states that profited from the sex trade, there would be no regulations that facilitated the flow of women from poor towns to wealthier sex industry centers. If there were no false messages about prostitution, no women or girls would be deceived into thinking prostitution is a glamorous or legitimate job.