

LmunA 2022

Research report

Forum: Committee on the Status of Women
Issue: Discussing the Legality of Prostitution
Student Officer: Elia Urquhart Boya
Position: Deputy President



LMUNA

Lorentz Lyceum
Model United Nations
Arnhem

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Introduction

Legality of Prostitution is a world wide regarded issue, with issues regarding the ethics, victimisation, and coercion. It is estimated that worldwide there are about 41 million prostitutes,

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with the majority being female. Very often prostitutes are illegal immigrants living in poverty, or People of Colour (POC), which makes them vulnerable and subject to abuse.

Prostitution laws and perspectives on prostitution differ around the world based on countries' cultures and views. In some places prostitution is regarded as a profession, while in other places it is criminalised and punishable by the death penalty, or the sex workers get shunned. Different approaches are taken towards tackling the issue, ranging from legalization to criminalisation.

This issue is related to the Sustainable Development Goal (SDG) 8, which aims to create sustained economic growth and high levels of economic productivity in order to create well-paid quality jobs. It is also to improve efficiency of sources for consumption and production. SDG 8 relates to prostitution as many sex workers are pushed into the profession in order to make a living and survive. As country's want to aim to improve the economy by creating laws surrounding the taxing and regulations of sex workers, it is critical to address the SDG.

Creating laws for the sex industry is necessary to protect and rescue those stuck in a cycle of exploitation and abuse, while simultaneously allowing those to safely continue working in the industry who are there by choice. It is imperative that the ethics and legality of the profession are discussed in order to protect those in the industry and reduce related criminal activity.

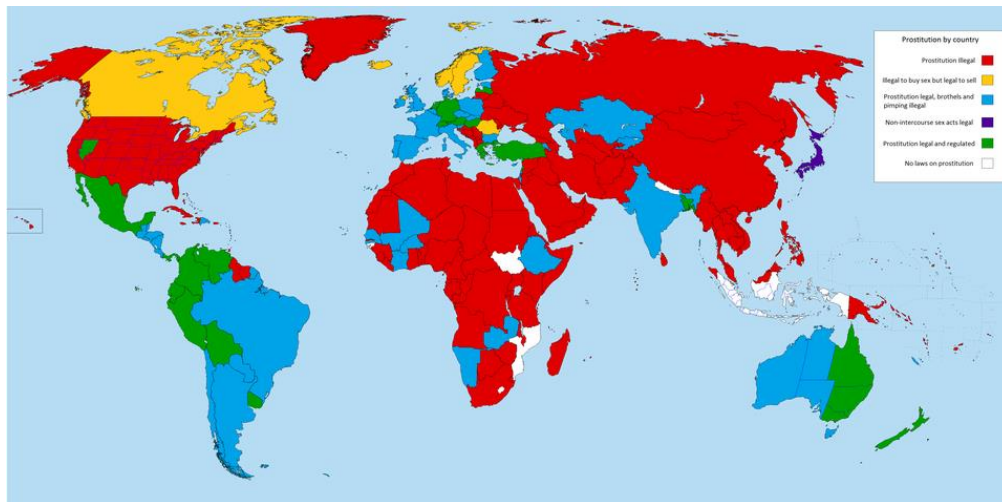


Fig. 1: "Prostitution Laws of the World." *Wikipedia*, 8 Sept. 2019, en.wikipedia.org/wiki/Prostitution. Accessed 2 July 2022.

Definitions of key terms

Prostitution

Prostitution is the practice of engaging in sexual activities for money. In attempts to destigmatize the profession, prostitutes are referred to as sex workers, although this is a broader term for all those working in the sex industry.

Brothel

A brothel is a place where people go to engage in sexual activities with prostitutes.

The Scale Effect Theory

In terms of prostitution, the scale effect theory is that when prostitution is legalised the demand for sex workers increases, thus there is an increase in trafficked sex workers.

Stop Enabling Sex Traffickers Act - Fight Online Sex Trafficking Act

The Stop Enabling Sex Traffickers Act (SESTA) and Fight Online Sex Trafficking Act (FOSTA) are the USA senate and house laws that were passed on April 18, 2018, which are also known as the FOSTA-SESTA package. It was supposed to prevent the online exploitation of sex workers, but instead seems to have had an opposite effect. The issues with the laws is that it impedes law enforcement efforts to find victims and prosecute traffickers as it removed communication and safety networks for sex workers.

Less Economically Developed Country

A Less Economically Developed Country (LEDC) can be identified through its economy, poor infrastructure, and low GDP. Typically the people have low incomes, and have less access to healthcare, education, and other services. Typically birth rates are high and there is a high death rate. Due to the lower quality of life expectancy is lower compared to a More Economically Developed Country (MEDC).

Human Trafficking

Human trafficking is the illegal trade and transport of people for the purpose of forced labour, sexual exploitation and other activities which benefit the traffickers. In the sex industry sex trafficking is a very prevalent type of exploitation. The issue with human trafficking is that very often it is a highly organised criminal activity

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White-Slave Traffic Act

The White-Slave Traffic Act, also known as the Mann Act, is a federal law passed on June 25 1910 in the United States of America. It's primary stated intent was to focus on prostitution and human trafficking, however many critics acknowledged that the act ended up criminalizing many kinds of consensual sexual activity. The Mann Act was as a result of flare ups of "white slavery", which is a term that refers to the women kidnapped and coerced for the purposes of prostitution. One of the branches of this law is to prosecute men for having sex with underage females. The law was often used to blackmail people, which made some people opposed to it. The law was never repealed however it has been altered and amended since it first passed.

General overview

Sex workers should be able to safely practice their trade, however this is not always possible due prejudice, unsafe sex, unhygienic and unsafe working environments, forced prostitution, and violence.

Some people believe that prostitution is a victimless crime, and only becomes dangerous when it is unregulated and illegal. The issue with criminalising prostitution, is that the sex industry is forced to operate within a black market. This brings up safety issues. Due to illegality many workers feel unsafe reporting to law enforcement any crimes committed against them during their work. Another issue with prohibiting prostitution and criminalising it is that it will be driven underground making it more difficult to promote sexual safety.

Very often prostitution is a result of an abuse of power or an abuse of vulnerability. For women coming from low socioeconomic backgrounds in LEDC's, sex work is a viable option to earn extra income, and is often encouraged by their spouses. Another subsection of the issue is prostitution of children. Children are most often trafficked as a result of being in a situation with adults where their vulnerability is taken advantage of and they are sexually exploited. All members of the UN have agreed to prohibiting child prostitution.

The majority of sex workers are women. In countries where prostitution is legal and regulated, sex workers may register, be hired by a brothel, be covered by workers protection laws, their proceeds are taxable, etc, however the degree of regulation changes by jurisdiction. The aim is to increase transparency and reduce undesirable consequences. As prostitution is illegal in many jurisdictions, it's revenues do not contribute to the tax revenues of the state.

The Coronavirus pandemic also affected sex workers and created economic instability. The strict lockdown and safety precautions curbed the number of clients of the sex workers thus they were financially hindered as they had a decrease in income. In many countries sex workers were not protected by the law and therefore they and their families faced repercussions.

Major parties involved

The United States of America

The United States of America (USA) continues to hold a strong stance against legalization of prostitution, although several counties in Nevada have legalised it, but only in regulated brothels. It is a very dangerous profession with a 204 out of every 100,000 death rate, higher than for oil rig workers or Alaskan fishermen.

China

Prostitution is illegal in China, however it thrives behind the facade of hair salons and other businesses. China has the second highest number of sex trafficking victims in the world.

The Netherlands

In the Netherlands prostitution is legal and regulated, with the Red Light District in Amsterdam being a famous sex tourist destination. Prostitution was defined a legal profession in January 1988 in the Netherlands. The government legalized it in order to protect the sex workers by giving them work permits. Although prostitution is legal, the stigma still remains around the profession. Lots of prostitutes don't register as required by the law due to safety concerns. They fear that their work might become public, jeopardizing their homes, family, friends, children, or that they might lose their source of income. Recently the government has noticed a surge in violence centered on the industry, and also organised crime, which is speculated to be because of the increase of illegal immigration to participate in this industry.

Amnesty International

Amnesty International is a Non Governmental Organization (NGO) that focuses on human rights and ending injustices, including the issue of prostitution and the abuses against those in the sex industry. They have released numerous reports on different issues within prostitution and have suggested solutions to protect the workers rights. This also includes their policy which aims to protect sex workers, with strategies such as government protection and the decriminalisation of consensual sex work.

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Timeline of Key Events

1860	Antiprostitution campaigns increase in Europe as a result of feminist movement.
1920	The White-Slave Traffic Act was passed in the USA
1921	The League of Nations established the Committee on the Traffic in Women and Children.
1949	The UN General Assembly (GA) adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
1980's	The spread of AIDS and other sexually transmitted diseases (STD's) increased tremendously which brought up health concerns of prostitution
April 18, 2018	The FOSTA-SESTA package bills were passed in the USA
2015	The UN establishes the SDG programme

Previous attempts to solve the issue

There have been previous attempts in order to try and resolve the issue, especially after the surge of women's rights movements. All member countries of the UN have committed to prohibiting child prostitution.

In 1921 the League of Nations established the Committee on the Traffic in Women and Children, which is a multilateral treaty and permanent advisory committee of the league.

In 1949 The UN General Assembly (GA) adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. This convention replaced a number of older and outdated conventions, and aimed to prohibit trafficking and to protect the victims of it.

A very obvious attempt to solve the problem is the establishment of the SDG programme by the UN in 2015. The specific SDG that relate to this issue are: 5, 8, and 18.

Possible solutions

The most efficient solution would be to legalise prostitution, but simultaneously impose strict regulations to protect sex workers. Other solutions include:

Destigmatisation

By destigmatising prostitution sex workers could have the same rights, protection and obligations as any other worker. Governments could protect the workers by applying labour laws that cover workers in other fields. This would include making them eligible for invalidity and unemployment benefits access. This strategy has been implemented in the Netherlands.

Sex Education

To try and reduce the number of STD's, especially the ones prevalent in LEDC's, governments could implement greater sex education. They could encourage sex workers and their clients to use barrier contraception, and have a greater interaction with healthcare providers. Sex education could be generally introduced in workshops funded by governments.

Regulated Health Check Ups

Another possible solution is to introduce a system where sex workers register and have consistent mandatory health check ups. This includes testing often for STD's due to the large number of sexual partners a sex worker may have. This is to protect future clients of the sex worker and to treat any possible issues.

Create More Job Opportunities

A socioeconomic solution is to try and create more job opportunities that are accessible and reduce the number of prostitutes who are stuck in the profession as they have no other means to make money is to create jobs for income. This could help to alleviate poverty. The issue is that it is believed that there will always be a slight demand for sex workers.

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