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The Effectiveness of the Decriminalization of Prostitution on Rates of Sex

Trafficking

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Abstract

The objective of this research is to examine the effectiveness of the effectiveness of the decriminalization of prostitution on rates of sex trafficking. A systematic review of studies conducted to assess the impact of this policy on stated outcomes indicates that the policy is an ineffective means of reducing rates of sex trafficking. In addition, decriminalization has created unintended consequences in the criminal justice field that have led to a black market for sex trafficking.

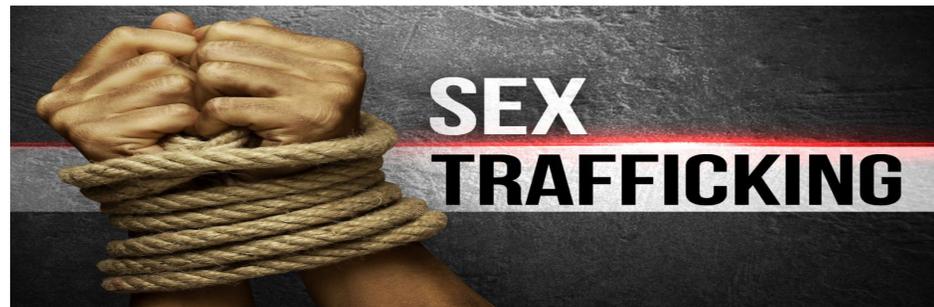


Introduction

- Decriminalization of prostitution can curb rates of sex trafficking (Albright & D'Adamo, 2017).
- **Prostitution:** involves engaging, agreeing, or offering to engage in sexual conduct with another person in return for a fee" (Cornell Law, 2020, para. 1
- **Human Trafficking:** A commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harbouring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery" (Wheaton, Schauer, & Galli., p. 115).
- The criminal status of prostitution has decreased the ability of sex trafficking victims to seek assistance. Prostitutes are skeptical to seek guidance from law enforcement because of the illegal nature that is involved with their acts. Prostitute's experience receiving fines or harassment from law enforcement because of their acts (Albright & D'Adamo, 2017)
- Decriminalization will help Law Enforcement will be able to regulate legalized brothels and build relationship with victims and customers that report pimps that reduce sex trafficking victims.

Studies Demonstrating Effectiveness

- Decriminalization of prostitution has limited amount of supports with decreasing sex trafficking.
- Six fewer trafficking victims per million people when using decriminalization legislation of prostitution compared to criminalization of prostitution is associated with eleven victims per million people (Hedlin, 2016).
- Sweden has criminalized prostitution by focus on the customer and issuing fines for the utilization of prostitution, and the longitudinal analysis of rates of sex trafficking found an increased over time with conviction rates that had an average of 62 in 1998 and then had an average of 79 convictions in 2008 (Marinova & James, 2012).



Studies Demonstrating Ineffectiveness

- There has been larger rates of human trafficking where prostitution is legal (Cho, Dreher, & Neumyer, 2013).
 - 80% of Nigerian women and girls in the Edo group trafficked to Europe (Aghatiase, 2004)
 - Sweden has had a stable number of trafficked prostitutes because traffickers prefer to travel to legalize prostitution countries (Ekberg, 2004).
- Black market of sex trafficking still exists
 - Increase of commercial trafficking in legalized countries has led to an underground network (Jakobsson & Kotsadam, 2013).
 - Brothels went underground because they failed to follow legal protocols (Flight, Hulshof, van Someren, & Soorsma, 2006).

Summative Analysis

- Research has found that decriminalization of prostitution be more ineffective rather than effective with reducing sex trafficking
- Issues related to the criminal justice response
 - Research has found that rather than adjusting police approaches to respond to the trafficking law mandates as a victim centered approach, many law enforcement agencies have continued to rely on former methods of policing and as such, often result in arrests of victims of trafficking rather than assistance to these victims (Farrell & Cronin, 2015)
- Creation of wider black market
 - Barriers within the criminal justice system while trying to combat human trafficking in legalized zones has led to negative consequences such as incorporating a bigger market for sex trafficking to occur because these places are secluded and are a part of a hidden population (Cho and Neumayer, 2013)
- Issues with the Palermo Protocol
 - Countries can make up their own "trafficking" definitions, which have resulted with a non-unified response to sex trafficking.
 - Strict policing protocols are argued, in some areas, to have led to increased restrictions on movement and migration patterns for women further increasing their vulnerability to trafficking rather than working as a protective mechanism (George, Vindgya & Ray, 2010).

Conclusions

- The goal of decriminalization of prostitution is to improve not only the impacts on voluntary sex workers who often suffer abuse, disease, and arrest, but to also allow for the stricter regulation of sex work and the stamping out of illegal trafficking (Weizer, 2017; Huisman & Kleenamns, 2014).
- The effectiveness of decriminalization of prostitution is not supported of the decrease of sex trafficking.
- The policy has been found to increase rates of sex trafficking and victims experience abuse from their pimps.
- Unintended consequences such as forming negative social views, the customer side of prostitution is lacking with convictions compared to prostitutes being more focused on in the criminal justice field

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