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When Prostitution (Sex Work) Is Legalized, What Happens to Crime Rates?

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HIGHLIGHTS II OOOO

Eight studies found mixed results or no changes in crime rates after sex work legalization or decriminalization, including one study that showed violent crime increased after legalization of sex work in high-income countries but decreased after legalization in low-income countries. Two of those studies found decreases in sex crimes but no change in non-sexual crimes such as homicide, drug abuse or burglary.



Executive Summary

Proverbially known as "the world's oldest profession," prostitution has been legal and regulated in some societies since at least the Ancient Greeks in the 12th-9th centuries B.C.

Today, there are four predominant legal approaches to regulating sex work: full criminalization (all aspects of sex work are illegal); partial decriminalization (the sale of sex is legal but the purchase of sex is illegal); full decriminalization (all criminal penalties relating to the sex trade are removed); and legalization (sex work is legal and regulated by the state).

Of the 204 countries and territories reviewed for this report, sex work is legal to a varying degree in 86 (including in six whose laws vary within the country), partially decriminalized in 11, fully decriminalized in five and illegal in the remaining 102.

Research into the impact of prostitution on crime rates is difficult in part due to the differing regulatory approaches to sex work worldwide, but also because of the highly transient nature of the industry, societal stigma and other ethical issues such as privacy and informed consent

Results of research studies into the effect of the legalization or decriminalization of sex work on crime rates have been mixed and at times contradictory.

Of the studies that indicated that legalization or decriminalization of sex work does not necessarily lead to an increase in crime, most found decreases in rape offenses, while other impacts included improvements in the safety of sex workers and a decrease in drug-related crime.

Of the studies that indicated that legalization or decriminalization of sex work can lead to an increase in crime, most focused on increases in organized crime, including human trafficking. A number of studies found that under a partial decriminalization model, the safety of sex workers decreased (three studies) or rape rates increased (one study).

Of the studies with mixed results, one found that prostitution led to a decrease in violent crime in low-income countries but increased violent crime in high-income countries. Another found that conditions improved for local workers under a legalization regime, but negatively affected some foreign workers. A study from Germany found that after legalization, the number of murders of sex workers decreased, but the number of attempted murders increased.

This report offers background information on prostitution policies in the United States and around the world, an outline of the predominant legal approaches to regulating sex work with corresponding case studies and a summary of studies on how legalization or decriminalization of sex work impacts crime rates.

A Note on Terminology: Prostitution vs. Sex Work

In 2023, prostitution was defined by the Merriam-Webster online dictionary as "the act or practice of engaging in promiscuous sexual relations especially for money." $^{[1]}$ The dictionary does not contain the term sex work, but it does define sex worker as "a person whose work usually involves sexually explicit behavior especially: prostitute." $^{[2]}$

According to historian Kate Lister, PhD, of Leeds Trinity University in the U.K., the term prostitute was first used in English in 1530 "as a verb meaning to sexually dishonour yourself ... and began to settle into its current meaning of a person who sells sex toward the end of the seventeenth century." [3]

The term sex work was first used in 1979 or 1980 by activist Carol Leigh as an objection to a conference workshop on prostitution using the term sex use industry. At Leigh's suggestion, the title was changed to sex work industry, "as that prioritised the work of the provider

rather than the customer." [4]

Today, the term sex work is the preferred term for sex worker advocacy groups and others campaigning for decriminalization who note that the use of the term prostitution is both demeaning and stigmatizing. ^[5] The term prostitution is generally used by those who are against the consensual selling of sexual services and who argue that the term sex work is misleading as it implies "that prostitution is like any other job; ignoring the many harms inherent to it." ^[6] These terms are used interchangeably within this report in order to use the particular terminology or language used in the sources quoted.

Background

Sumerian records from around 2400 BC list female and male prostitution as a profession alongside other occupations including doctors, scribes, entertainers, barbers and cooks. [7]

Prostitution was legal and taxed in Ancient Greece, in seventh-century China and under Roman regulations, and has been alternately legalized and criminalized around the world ever since. [8]

From the late medieval era through the mid- to late-nineteenth century, prostitution was largely viewed through the lens of criminality and deviance. Religious reforms and changing views on acceptable sexual and gendered behavior caused many to believe that prostitution led to uncivilized, anti-social, criminal and unhealthy acts, and the policy of the time was to impose strict controls on prostitutes and their workplaces. [9] [10][11]

In contemporary discourse, prostitution is still often spoken of in those terms, but current discussions also consider why sex workers enter the industry.

One view on prostitution sees sex work as a result of gender inequality and poverty where women are perceived as victims of "disadvantaged socioeconomic circumstances and gendered power relations" that force them, unwillingly, into prostitution and sexual slavery. [12]

The second view, referred to as the sex-work paradigm, still cites socioeconomic disadvantages and poverty as one reason why many decide to engage in prostitution, but this model views sex work as a legitimate and chosen profession that is "often preferable to other strenuous, dangerous, and low-paid jobs." $[^{13}]$

Data on the number of people involved in the sex industry is hard to obtain, with estimates of the number of sex workers in the United States ranging from 84,000 in the 1980s to between 500,000 to two million in the early- to mid-2010s. $^{[14]}$ $^{[15][16]}$ The most comprehensive estimate for the number of prostitutes worldwide was reported at 40 to 42 million people by the Fondation Scelles, a French nonprofit specializing in monitoring and analyzing prostitution-related activities, using 2009 data from the United Nations. Of those, 75% are thought to be between the ages of 13 and 25. $^{[17]}$

 $Data from \, UN\, AIDS\, collected\, between\, 2011\, and\, 2021\, spanning\, 130\, countries, not\, including\, the\, United\, States, puts\, the\, number\, of\, sex\, workers\, in\, those\, countries\, at\, an\, estimated\, 9.1\, million. \ \ \, [18]$

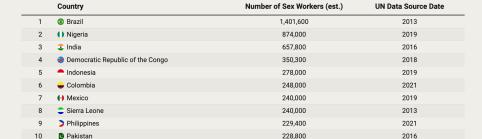
Today, the four predominant legal approaches to regulating sex work are full criminalization, partial decriminalization, full decriminalization and legalization.

Number of Sex Workers in 130 Countries, as estimated by the United Nations between 2011 and 2021



a

in



Data from the UN AIDS Key Populations Atlas covering 130 countries, not including the U.S. Data from 2011 - 2021. Table: A-Mark Foundation • Source: UN AIDS • Get the data • Download image • Created with Datawrapper

Prostitution in the United States

Prostitution is illegal across the United States except in 10 rural counties in Nevada. While federal law regulates prostitution in relation to areas such as interstate commerce, military affairs and visa applications, for example, the day-to-day regulation of prostitution is left to the states. In general, prostitution is classed as a misdemeanor offense for both the sellers and buyers of sex, only elevating to a felony grade in some states after two- or three-plus offenses. [19] One outlier is Texas. On September 1, 2021, Texas House Bill 1540 entered into force, making Texas the first state in the nation to make paying for sex a felony, even for the first offense. [20] [21] In 2022, bills seeking to decriminalize sex work were unsuccessful in Massachusetts, Missouri, New York and Vermont. [22]

According to HG.org Legal Resources, up to 80,000 people are arrested for prostitution-related crimes in the United States every year; 70% are female sex workers or madams, 20% are male prostitutes or pimps, and 10% are customers. [23]

In Nevada, prostitution is permitted in licensed houses of prostitution in counties whose population do not exceed 700,000. ^[24] As of February 22, 2023, there were 19 legal brothels spread over seven Nevada counties. ^[25] In 2021, an estimated 200 women were working in 21 legal brothels in Nevada. ^[26] These workers must be registered with the local county sheriff, receive regular health checks, pay federal income tax and report their earnings to the IRS; condoms are mandatory for oral and sexual intercourse. ^[27]

Brothels must be licensed and registered with the local county sheriff. Even still, according to the Nevada Brothel Association, only 10% of the prostitution that occurs in Nevada is legal; 90% of Nevada's illegal prostitution takes place in Las Vegas, where prostitution is prohibited. [28] Under the Nevada Revised Statutes, any sex worker arrested or cited for prostitution offenses will be charged with a misdemeanor offense. Prior to their release they must be provided with information about, and the opportunity to contact, social service agencies that can provide assistance, including the means to exit prostitution. [29]

In 2016, the FBI collected data on reported rape cases in Elko County, Lyon County and Douglas County, Nevada — three areas that are similarly sized population-wise. [30] The findings show that in Elko County, where prostitution is legal, the number of reported rapes in 2016 stood at zero. In Lyon County, during the same period, there were 15 reported rape cases, and in Douglas County, there were 11; both of these counties have banned prostitution. [31]

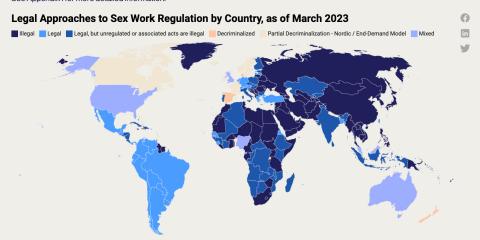
Rhode Island is the only other state in recent years to experience legal or decriminalized prostitution. In 1976, sex worker advocacy group COYOTE brought a lawsuit against the Rhode Island Attorney General and the Chief of Police of the City of Providence, arguing that the state statutes on prostitution were too broad and enforced indiscriminately against women, even though they were written in gender neutral terms. Before the court could make a decision on the merits of the case, state lawmakers rewrote the statutes with a definition of prostitution that covered outdoor street workers only. As a result, indoor prostitution was decriminalized in Rhode Island from 1980 until a law was passed in 2009 re-criminalizing all forms of prostitution. Unlike in Nevada, where legal sex workers and their employers are covered by state law and must abide by certain sex worker-specific regulations, there were no regulations in Rhode Island specific to indoor sex workers. [32] [33]

One study has found that during the period of decriminalization in Rhode Island, prostitution arrests decreased and there was a 31% decrease in per capita rape offenses. [34]

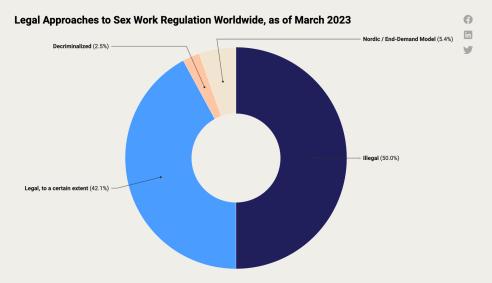
Legal Approaches to Regulating Sex Work

Laws relating to prostitution vary widely across the world. The four predominant legal approaches to regulating sex work are full criminalization (illegal), partial decriminalization, full decriminalization and legalization.

As of March 2023, sex work was illegal in 102 of the 204 countries and territories researched for this report. At the time of publication, prostitution was legalized to some extent in 86 countries and territories (including in six whose laws vary within the country), decriminalized in five, and partially decriminalized in 11 where the Nordic or end-demand model of regulation was implemented. See Appendix I for more detailed information.



Of the 204 countries and territories detailed in this map, sex work is legal to a varying degree in 86, including in six whose laws vary within the country (delineated as mixed on this map), partially decriminalized in 11, fully decriminalized in five and illegal in the remaining 102.



In 50% of the 204 countries and territories researched by the A-Mark Foundation, prostitution was illegal. In 42.1%, sex work was legal to a certain extent. 5.4% have implemented the Nordico or end-demand model of sex work regulation and 2.5% have decriminalized sex work.

Source A-Mark Foundation - Gethe data - Download images - Created with Datawranger.

Full Criminalization Mode

The full criminalization model, which applies to the United States with the exception of 10 counties in Nevada, prohibits the selling and buying of sex and other associated activities. Those found guilty of any offenses face criminal penalties. In California, for example, buying, selling and soliciting sex are all misdemeanor crimes punishable by up to six months in jail and/or fines of up to \$1,000; although uncommon. a quilty party may be required to sign the sex offenders register. [35] [36]

Partial Decriminalization Model (aka the Nordic Model or End-Demand Model)

The partial decriminalization model, also known as the Nordic model or the end-demand model, criminalizes the purchasers of sex while decriminalizing the seller. Countries that have adopted this model include Sweden, Norway, France, Northern Ireland, Israel and Canada. [37] Under this model, it is only the purchasers of sex who face criminal penalties. In Canada, for example, a person convicted of purchasing sexual services can face between 18 months and 10 years imprisonment depending on the age of the seller, and/or a fine of between \$500 and \$2,000. [38]

Case Study: Sweden

- In 1999 Sweden passed the Sex Purchase Act. Under this law the purchase of sex was criminalized, while the sale of sex was not.
 Anyone found to have purchased sex for themselves or for another faced up to a year of imprisonment or a fine. [39]
- The purpose of this law was to encourage sex workers to seek help in leaving the profession, knowing that if they were no longer criminalized, there would be no threat of prosecution from having taken part in the industry. [40]
- The law also aimed to reduce exploitation of sex workers, equalize the power balance between buyer and seller and reduce demand. [41]
- In 2010, the Swedish government reported that since 1999, the amount of street prostitution had decreased by 50%, with a small
 increase in the amount of online prostitution (websites offering escort services or "sugar dates") but "not to the extent that it
 could be said that street prostitution had simply migrated" online. [42]
- In Sweden, with a population of just over 10.5 million people, [43] it has been estimated that 1.5% of women and 1% of men have been paid for sex at least once in their lifetime. [44]
- In 1995, prior to the Sex Purchase Act, there were an estimated 2,500 to 3,000 sex workers in Sweden, 650 of whom worked in street prostitution. By 2008, the numbers had dropped to an estimated 300 street-based sex workers plus another 350 men and women using online advertisements. [45]
- In a 1996 survey of sex buyers, 13% of respondents reported that they had bought sexual services at least once in their lifetime, compared to 8% in 2008. [46]
- There is no clear evidence that Sweden's approach to sex work regulation has affected crime levels as a whole, however, a study
 out of Comillas Pontifical University in Madrid, Spain, estimates that "criminalizing the purchase of prostitution [in Sweden]
 increased reported rape by 47% between 1999 and 2014." [47] The Swedish National Police Board has stated that the ban on the
 purchase of sexual services has had "a deterrent effect on those involved in human trafficking" as Sweden now has the
 "reputation for being a country in which it is difficult to operate in prostitution." [48]

Commentators on Sweden's approach to regulating prostitution note that specialist outreach centers, located in major towns and cities for both sex workers and those purchasing sex, offer counseling and other services that have contributed to the decreasing numbers of those who buy sex and have provided direct assistance including shelter to vulnerable groups. [49] However, commentators also note that fewer buyers means fewer clients for those still in the industry, meaning lower incomes and less ability to turn down clients or negotiate safe-sex practices. They also note that by criminalizing one side of the industry, negotiations between street sex workers and clients are often short and quick, minimizing the seller's time to assess risks, including the threat of violence. [50]

Full Decriminalization Model

The full decriminalization model removes all criminal penalties relating to the sex trade, ^[51] and prohibits "law-enforcement from intervening in any prostitution-related activities or transactions, unless other laws apply." ^[52] This model is in force in Belgium, Denmark, New Zealand, Rwanda and Spain.

Case Study: New Zealand

- New Zealand decriminalized prostitution in June 2003 with the passage of the Prostitution Reform Act 2003, becoming the first country in the world to do so.
- Prior to the passing of this legislation, the exchange of sexual services for money was not actually prohibited but associated acts were, such as soliciting in public.
- The aim of the law was not intended to promote prostitution as "an acceptable career option" but to ensure that sex workers have access to "the same protections afforded to other workers." [53]
- Under the law, every operator of a brothel must hold a certificate, adopt and promote safe sex practices and only employ persons
 over the age of 18.
- Territorial authorities such as city or district councils are allowed to enact bylaws regulating the location of brothels and other signage and advertising methods. ^[54]
- In New Zealand, a country of just over 5 million people, [55] there were an estimated 3,500 sex workers in 2020, [56] up from an
 estimated 2,396 in 2006, [57] although numbers are imprecise.
- While no studies have shown a causal relationship between the decriminalization of sex work and violent or drug-related crime
 rates in the wider community in New Zealand, studies have found that violent crime against sex workers has decreased and no
 evidence of trafficking has been found. ^[59]

While some commentators are critical of New Zealand's decriminalization model, noting that decriminalization hasn't eliminated abuse and coercion by brothel owners, [60] underage brothel workers or drug and alcohol dependence, [61] others have described the benefits. During the COVID-19 pandemic for example, sex workers in New Zealand were able, alongside other workers, to apply for emergency wage subsidies that were provided by the government to all workers whose earnings had dropped at least 30% due to the pandemic. Furthermore, anyone wanting to exit the industry is eligible for immediate job-seeker benefits without any penalties for leaving their job, [62] Sex workers after decriminalization also have a better relationship with the police compared to predecriminalization. Community police officers provide outreach services alongside their crime fighting roles; [63] sex workers are now able to report crimes without fear of being prosecuted themselves; it has been reported that violence against sex workers has decreased, and under the Criminal Records (Clean Slate) Act 2004, sex workers can have past prostitution-related offenses expunged from their records. [64]

Legalization Model

Under the legalization framework, prostitution is legal and regulated by the state. [66] Any sex work undertaken outside of these regulations is prohibited and any offenses are subject to criminal penalties. [66] This model is in force in Nevada, the Netherlands and Greece, among others. In Nevada, for example, it is unlawful for anyone to engage in prostitution or solicitation for prostitution outside

or a licensed nouse or prostitution. Anyone round to have violated this law can be convicted or a misdemeanor offense and be punished by a maximum of six months imprisonment and/or a fine of up to \$1,000. [67]

Case Study: The Netherlands

- The Netherlands legalized all aspects of prostitution in October 2000 through an amendment of the country's criminal code.
- By lifting the ban on brothels and pimping (selling sex was never actually banned) [68] and recognizing sex work as work, the
 government hoped to reduce criminal activity, improve working conditions and give sex workers more autonomy over their
 roles. [69]
- Under the changes in the law, sex work is only legal if conducted between consenting adults over the age of 18 (or 21 in some municipalities). [70]
- Since 2000, sex workers have been classified as independent contractors who must register with the Chamber of Commerce and pay income tax. [71]
- Prostitution businesses such as brothels, escort agencies and erotic massage parlors, for example, need to be licensed and are
 monitored by the police, health departments and city governments who perform unannounced spot checks. [72]
- Street prostitution is only tolerated inside designated zones called Tippelzones. [73] These are in a few cities only and sex
 workers generally need a permit to work in them; working from home is also illegal in many cities. [74]
- Prior to 2000, there were an estimated 6,000 sex workers on any given day, an estimated maximum of 25,000 yearly out of a
 total countrywide population of 15.9 million. ^[75] In 2010, the estimate stood at 20,000 sex workers in the Netherlands as a
 whole; ^[77] and in 2011, when the government started to enforce tax requirements on sex workers (after expenses income tax in
 the range of 33 55%), there were an estimated 8,000 sex workers in the capital city Amsterdam alone. ^[78]
- Researchers have found that when legal street prostitution zones have opened in the Netherlands, there have been significant reductions in drug-related crime and sexual assaults. ^[79]

Commentators on the Netherland's approach to prostitution note that legalization has had some benefits in terms of the health and safety of sex workers. Brothels are fitted with surveillance cameras and panic buttons, undercover and uniform police regularly patrol red light districts, and sex workers are provided with clean linens and encouraged to take STD checks every three months. [80] Every major city has dedicated health centers that provide free STD treatments, tests and stigma-free information specifically for sex workers. [81] However, despite these safeguards, violence still occurs. One study found that 60% of sex workers have experienced physical violence during their work at least once, while 78% had experienced sexual violence, 93% emotional violence and 58% economic or financial violence. [82] [83] Other commentators note that despite prostitution being legal and regulated, sex workers lack governmental protections, a strong labor union, [84] and during the COVID-19 pandemic were refused financial support "because they didn't qualify under the government's requirements for self-employers." [85]

Regulation of Prostitution and the Effect on Crime Rates

Research into prostitution and the sex industry has many challenges, not least the lack of precise and reliable data. Social stigma, the high level of mobility of sex workers and the illegality of the profession in some areas are obstacles to gathering accurate data. [96] The many and varied legal systems and prostitution policies worldwide hinder comparative research at the macro level. In addition to these challenges, and despite a confluence of studies on the subject of sex work, there is a lack of research focusing specifically on the impact of the legalization of sex work on crime rates. From the studies we have found, the types of crimes included in the studies generally include violence against sex workers, drug offenses, rapes and sexual assaults, and organized crime such as human trafficking.

Physical or sexual violence against sex workers is common. One systematic review by researchers based at the University of British Columbia, the BC Center for Excellence in HIV/AIDS (Canada) and the World Health Organization looked at 28 global studies and found that between 45% and 75% of sex workers had experienced some form of workplace violence in their lifetime. [87] A 2021 report out of the University of Sheffield (UK) using data from the UK's National Ugly Mugs (NUM) crime incident reports found that, out of 2,056 reports submitted over a four year period, 46.1% contained reports of violence against sex workers. Other crimes against sex workers included stalking, harassment, robbery and condom removal. [88] In the United States, 20% of reports of sexual assault taken in emergency rooms by police were filed by sex workers. [89]

While the current scope of prostitution-related crime in other areas (such as drug use and theft) is hard to determine due to a lack of quantifiable data, governmental guidance, news articles and anecdotal reports do give an idea as to the types of related crimes, if not a defined amount

The U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office) notes that alongside potential physical violence against sex workers and customers, "street prostitution and street drug markets are often closely linked, supporting and reinforcing one another." [90] This is mirrored in guidance from the Crown Prosecution Service (CPS), the agency that prosecutes criminal cases in England and Wales, which notes the relationship between drug markets and street prostitution before going on to recognize that an increase in human trafficking for sexual exploitation in the UK is "fuelling the market for prostitution,... and is often linked with other organised criminal activity such as immigration crime, violence, drug abuse and money laundering." [91]

The majority of relevant news reports appear to cover violent assaults and robberies committed against sex workers. There are some that detail incidents where sex workers (or alleged sex workers) have been accused or convicted of thefts, $^{[92]}$ blackmail $^{[93]}$ or drug-related crimes, $^{[94]}$ however these are few in comparison.

Studies on the Regulation of Prostitution and the Effect Crime Rates

Despite the challenges of conducting research into prostitution and the sex work industry, and while the numbers are imprecise and the studies don't necessarily indicate a strong causal relationship between prostitution policy and crime, the studies below do give an idea of the potential impact of prostitution policy on crime rates.

Seven of the studies detailed below indicate that legalization or decriminalization of sex work does not necessarily lead to an increase in crime. Four of these studies showed a decrease in the rape rates in three different countries under differing levels of deregulation: decriminalization in Rhode Island and legalization in Nevada, the Netherlands and Taiwan. Other impacts found included improvements in the safety of sex workers and a decrease in drug-related crime.

Conversely, eight of the studies detailed below indicate that legalization or decriminalization of sex work (in full or in part) can lead to an increase in crime, with a number of these studies focusing on increases in human trafficking, organized crime, or the safety of sex workers.

Another eight studies detailed below show mixed results or no changes in the crime rates after implementation of legalization or

decriminalization policies. For example, one study from Germany shows that while murders of sex workers decreased after legalization of prostitution, the number of attempted murders increased. In another study from Canada, the amount of violence experienced by sex workers in Vancouver remained unchanged after the implementation of the end-demand partial-decriminalization model by the Vancouver Police Department.

Seven Studies Showing that Legalization or Decriminalization of Sex Work Would Not Increase Crime

- 1. A working paper for the National Bureau of Economic Research studying the impact of the decriminalization of indoor prostitution in Rhode Island between 1980 and 2009 found that during the period of decriminalization, prostitution arrests decreased and there was a 31% decrease in per capita rape offenses. [95]
- 2. A study published by the Independent Institute concluded that if prostitution were legalized in the United States, the overall rape rate would decrease by approximately 25,000 rapes per year, or 25%. [96]
- 3. A peer-reviewed study by academic researchers in the Netherlands found that the opening of legal street prostitution zones in participating Dutch cities led to a 30 40% decrease in reported sexual abuse and rape within the first two years of opening. When a legal street prostitution zone with additional licensing was opened, significant reductions in drug-related crime and long-term effects on sexual assaults were also found. [97]
- 4. A 2019 comparative study of the sex industries in mainland China, Hong Kong and Taiwan, where prostitution is illegal, partly legal (prostitution is legal but organizing prostitution is illegal) and legal since 2011 respectively, found that there were no significant differences in the rate of reported rape cases per 100,000 people between China and Hong Kong. In Taiwan, however, the number of reported rape cases decreased significantly post-legalization of prostitution. [98]
- 5. A peer-reviewed study published in the Journal of Interpersonal Violence looking into the risks of interpersonal violence against prostitutes, violence against community order and sexually transmitted diseases as violence in Nevada, found that legalization of prostitution "brings a level of public scrutiny, official regulation, and bureaucratization to brothels that decreases the risk of these 3 types of systematic violence." [99]
- 6. The process to decriminalize prostitution in New South Wales (NSW), Australia, started in 1979 with the adoption of the Prostitution Act 1979 that decriminalized soliciting alongside the offense of "being a reputed prostitute on premises habitually used for prostitution," and culminated with the Disorderly Houses Amendment Act 1995 that decriminalized brothel prostitution. ^[100] A 2012 study published by the University of New South Wales concluded that these laws "have improved human rights; removed police corruption; netted savings for the criminal justice system; and enhanced the surveillance, health promotion, and safety of the NSW sex industry." They also found no evidence of recent trafficking of female sex workers in Sydney's brothels. ^[101]
- 7. A peer-reviewed study from New Zealand noted that decriminalized sex workers are "safer and have more rights than sex workers did pre-decriminalisation and compared to those working elsewhere under criminalising regimes." [102]

Eight Studies Showing that Legalization or Decriminalization (in part or in full) of Sex Work Increases or Has a Negative Effect on Crime Rates

- 1. Collaborative peer-reviewed research from the Institute of Developing Economies (Japan), London School of Hygiene and Tropical Medicine (UK) and the University of Grenoble Alpes (France) found that registered sex workers in Senegal are more likely to experience violence from clients and police officers compared to unregistered sex workers working illegally. [103] Prostitution is legal in Senegal, where in order to work legally as a sex worker you must be registered with a health facility, attend compulsory health checks and carry a registration card, the details of which are held by the police. Despite being legal, prostitution is morally condemned within Senegalese society, leading to a reluctance of sex workers to register. It is estimated that only 20% of sex workers in Senegal are registered and working legally.
- 2. Collaborative peer-reviewed research out of the German Institute for Economic Research, the University of Heidelberg (Germany) and the London School of Economics (UK) analyzing data from 150 countries led to the conclusion that, [104] "Where prostitution is legal, there is more human trafficking than elsewhere." [105]
- 3. Peer-reviewed research out of Moritz College of Law at Ohio State University using a longitudinal cross-national dataset from the European Union found that "legalized prostitution increases the rate of human trafficking." [106]
- 4. A report published by the European Parliament concluded that "prostitution models that criminalise customers (thus creating criminal sanctions) seem to have the potential to reduce sex trafficking." [107]
- 5. A study out of Comillas Pontifical University in Madrid, Spain, looking into the effect of the implementation of the Nordic or end-demand model of sex work regulation on rape rates, found that "fines for sex purchase increase rape." Using data from Sweden, the study estimates that "criminalizing the purchase of prostitution [in Sweden] increased reported rape by 47% between 1999 and 2014." [108]
- 6. In 2016, France partially decriminalized prostitution under Law Number 2016-444, by which selling sex was decriminalized but the buying of sex was not. A study published by Médecins du Monde reflecting on the impact of this law found that the introduction of the Nordic or end-demand model has had a detrimental effect on sex worker health, safety and overall living conditions and cases of all kinds of violence insults, physical violence, sexual violence, theft and armed robbery have increased. [109] Another article noted that between June and December 2019, 10 sex workers were murdered in France, double the "already startling rate of one sex worker death per month that France had in 2014, two years before the law was introduced." [110]
- 7. Article 64A of the Sexual Offences Order (Northern Ireland) 2008 made it an offense to purchase sexual services in Northern Ireland; the selling of sexual services remained legal. A review of this order by Queen's University Belfast on behalf of the Department of Justice found that since implementation of the Nordic or end-demand model, sex workers have been exposed to higher rates of anti-social and nuisance behavior, and there have been increases in reported assaults, sexual assaults and threatening behavior.
- 8. A peer-reviewed study published in the Irish Journal of Sociology found that after the implementation of the Nordic or enddemand model of sex work regulation in Ireland in 2017, "crimes (including violent offences) against sex workers increased following the introduction of the new law and continued with low levels of reporting of said crimes to the police." [112]

Eight Studies Showing Mixed Results or No Change in Crime Rates Post-Legalization or Decriminalization

1. A peer-review study published in Dignity: A Journal of Analysis of Exploitation and Violence that collected and evaluated data on murders and attempted murders in the German sex trade from 1920 - 2017 found that between 2002 and 2017, after legalization of pimping and brothels, while the number of murders decreased, the number of attempted murders of prostituted persons increased, leading to the study's authors to conclude that "legalization of prostitution does not eliminate the murders or

attempted murders of women in the sex trade in Germany." [113]

- 2. Prostitution has been legal but unregulated in Spain since 1995. ^[114] A peer-review study of the closure of two macro-brothels in the town of Castelldefels near Barcelona found that the closures coincided with a decrease in violent crime in the areas where the brothels were located but an increase in other crime (such as drugs and traffic violations); however, this increase could be associated with an increased police presence in the area. ^[115]
- 3. Norway criminalized the purchase of sex, pimping and pandering in January 2009. The selling of sexual services remained legal. In an evaluation commissioned by the Norwegian Ministry of Justice and Public Security, the Pontifical Academy of Social Sciences concluded that while "prostitutes in the street market report to have a weaker bargaining position and more safety concerns now than before the law was introduced [and] in the indoor market prostitutes experience concern for 'outdoor calls' ... we found no clear evidence of increased violence against women in the street market after the introduction of the law. The police have no indications of increased violence as a result of the prohibition against purchasing sexual services." [116] Conversely, a report commissioned by the municipality of Oslo with support of the Ministry of Justice and Public Safety by Ulla Bjorndhal of Pro Sentret, an information and advice center, found that "harassment and discrimination of women in prostitution from society at large has increased." The study also found an increase in the number of sex workers reporting instances of violence, including rapes, attempted rapes and stabbings, although this could not definitively be linked to the introduction of the Norwegian sex buying restrictions. [117]
- 4. In 2013, the police department in Vancouver, Canada, adopted an end-demand or Nordic model-style program where sellers of sex were not prosecuted but buyers and third parties were. A peer-reviewed study looking at the impact of this program on the amount of violence experienced by female sex workers in the police department's jurisdiction, found that there was no statistically significant change in rates of workplace violence after the implementation of the end-demand model. [118]
- 5. A research paper out of the Mercatus Center at George Mason University found that legalization of prostitution led to a decrease in violent crime in low-income countries but an increase in violent crime in high-income countries. [119]
- 6. A study by researchers at the Hotline for Migrant Workers in Tel Aviv, Israel, found that legalization of prostitution in the Netherlands improved conditions for Dutch and EU citizens but negatively affected other foreign workers, leading to an increase in illegal prostitution and creating a situation in which organized crime and human trafficking flourished. [120]
- 7. A research brief published by the Cato Institute found that the opening of indoor prostitution establishments in New York City reduced sex crimes in the precinct where they are located but had no effect on other crimes such as drug use or burglaries. [121]
- 8. A peer-review study by researchers out of Fudan University, China, found that changes in a country's prostitution policies had no effect on non-sexual crimes (such as homicide or burglary) but did have an effect on sexual crimes, such as rape. By legalizing or decriminalizing commercial sex, a country can see "a decline in their rape rate by approximately three cases per 100,000 population, relative to countries that experience no legal changes in prostitution. In contrast, countries that prohibit prostitution experience an increase in their rape rate by approximately 11 cases per 100,000 population, relative to countries that experience no legal changes in prostitution." [122]

Conclusion

Due to a lack of precise and reliable data and a myriad of legal systems controlling prostitution policies around the world, researching the impact of the legalization of sex work on crime rates is difficult. While there have been some attempts to prove a positive or negative effect on crime rates, there is still not enough data available to draw a strong conclusion.

As the above analysis shows, there are few studies that actually focus on sex work legalization and crime rates and of those that do, 30.4% indicate that some form of legalization of sex work can lead to a decrease in crime rates, and 34.8% show the opposite. The remaining 34.8% of studies show neutral or mixed results.

Of the 204 countries and territories reviewed for this report, sex work is legal, partially decriminalized or fully decriminalized in 102 of them, and illegal in the other 102 countries. That's at least 102 different regulatory systems, making comparative research particularly hard. As a result, small scale studies - such as those undertaken in the Netherlands [123] - that focus on a particular country-, state- or city-wide policy and their impacts on crime levels would be particularly useful in adding to our understanding of best practices in sex work regulation and the impact of the legalization of sex work on crime rates.

Appendix I: Prostitution Policies Around the World, as of March 2023

Laws relating to prostitution vary widely across the world. As noted above, in March 2023, sex work was illegal in 102 of the 204 countries and territories researched for this report. At the time of publication, prostitution was legalized to some extent in 86 countries and territories (including in six whose laws vary within the country), decriminalized in five, and partially decriminalized in 11 where the Nordic or end-demand model of regulation was implemented. The following information gives an idea of the types of prostitution policies around the world by region.

Africa

Illegal: Prostitution is illegal in 30 of the 54 countries in Africa as well as in the one disputed territory - Western Sahara.

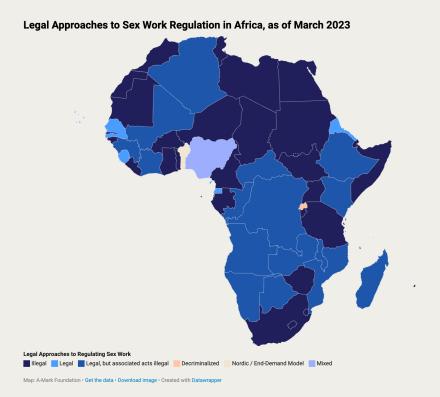
Partial Decriminalization (Nordic / End-Demand Model: Benin is the only country where selling sex is not explicitly prohibited but buying or procuring sex is, along with brothel ownership and pimping. [124]

Decriminalization: Rwanda is the only country in the region to have decriminalized prostitution (since 2018). [125] In South Africa, prostitution is currently illegal, however in December 2022, a bill was tabled that could lead to the decriminalization of sex work in the country. The bill is scheduled to be debated during 2023. [126]

 $\textbf{Legal}: Sex work is legal in Cape Verde, {}^{[127]} Equatorial Guinea, {}^{[128]} Eritrea, {}^{[129]} Senegal, {}^{[130]} and Sierra Leone, {}^{[131]} but only in Senegal is sex work regulated by a health policy. {}^{[132]}$

In the remaining countries, prostitution or the sale of sex is legal but unregulated, or legal but associated activities are illegal - these activities could include soliciting, pimping or brothel ownership. Health checks, mandatory or otherwise, are uncommon. In Ethiopia for example, sex work is legal but "immoral soliciting" and keeping a brothel are illegal and there are no mandatory health checks in place, ^[133] In Kenya, the sale of sex is not criminalized however brothel ownership and living on the earnings of prostitution are. According to the Kenya Legal & Ethical Issues Network on HIV and AIDS (KELIN), male prostitutes can also be charged under Sections 162, 163 and 165 of the Kenyan Penal Code that rule against committing "unnatural offences" or "indecent practices." ^[134] ^[135] In the Central African Republic, commercial sex is legal but unregulated except for brothels, which are illegal. ^[136]

Mixed Legal Regimes: In Nigeria, prostitution is illegal in all the northern states of the country that practice Sharia law, whereas in southern Nigeria, pimping, brothel ownership and underage prostitution is penalized under the Nigerian Criminal Code but the law



۸aia

Illegal: Prostitution is illegal in 34 of the 49 countries of Asia as well as in the occupied Palestinian territories.

Partial Decriminalization (Nordic / End-Demand Model): Israel is the only state in the region that has implemented the Nordic or end-demand model of sex work regulation, in which the sale of sex is legal but the purchase of sex is illegal. [138] Nepal has embraced a similar model by which the sale of sex itself is not criminalized but the purchasers of sex are. However, in Nepal associated acts such as soliciting for prostitution are criminalized and, according to the Global Network of Sex Work Projects, sex workers are criminalized and arrested under the Public Offenses and Penalties Act of 1970 or public morals laws. [139]

Decriminalization: As far as we are aware, no countries have decriminalized prostitution or sex work in Asia.

Legal: Sex work is legal and regulated in five countries. In Bangladesh for example, during the coronavirus pandemic, regulation led to some brothels receiving food and financial support from government organizations. ^[140] It is also legal and regulated in Singapore and Turkey, where sex workers are subject to certain health and safety regulations, including mandatory STD checks. ^[141] [142] In Lebanon and Taiwan, sex work is legal and regulated, however in both countries legal prostitution can only take place in licensed brothels and neither state has licensed a new brothel since the 1970s. ^[143] [144] [145] The last legal brothel closed in Taiwan in 2022; ^[146] it is unclear when the last legal brothel closed in Lebanon.

In six countries and two administrative regions of the continent (Hong Kong and Macau), prostitution is legal but associated acts such as soliciting, promotion of prostitution or brothel ownership are criminalized.

Mixed Legal Regimes: In Malaysia, prostitution is not a criminal offense under federal law but soliciting is; and under the Syariah laws in Malaysia that apply to Muslim residents only, prostitution is illegal. [147]



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Australia / Oceania and the Pacific Nations

Illegal: Prostitution is illegal in five of the 13 countries in Oceania and the Pacific - Fiji, [148] the Marshall Islands, [149] Papua New Guinea, [150] Palau, [151] and Samoa. [152]

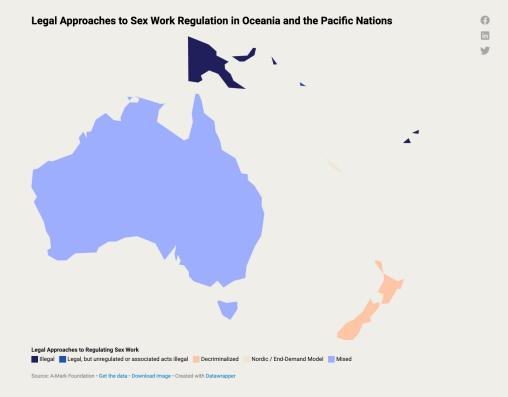
Partial Decriminalization (Nordic / End-Demand Model): In New Caledonia, an overseas French territory with special status, or sui generis, the Nordic or end-demand model of sex work regulation has been implemented since 2016. [153]

Decriminalization: In New Zealand, sex work has been decriminalized since 2003. [154]

Legal: In Kiribati, [155] Nauru, [156] the Solomon Islands, [157] Tonga, [158] Tuvalu, [159] and Vanuatu [160] the sale of sex is not strictly prohibited but associated acts such as soliciting and brothel-keeping are criminalized.

Mixed Legal Regimes: Of the four Federated States of Micronesia, sex work is legal in Chuuk and Pohnpei states but not in Yap or Kosrae. [161] In Australia, the legality of prostitution varies widely by state. In Victoria and New South Wales for example, prostitution is decriminalized, whereas in Queensland, brothel prostitution and single operators are legal but street prostitution and unlicensed brothels are illegal; and in Western Australia, prostitution itself is legal but brothels, soliciting in public places and pimping are illegal. South Australia, Tasmania, the Northern Territory and the Australian Capital Territory all have rules of their own. [162]

Editor's Note - The map to the right features the larger nations of the region. The smaller nations are too small to feature on the map but are all featured in the downloadable data (except Tuvalu where the sale of sex is legal but associated acts are illegal).



Europe

Illegal: In 15 of the 45 countries and principalities in Europe, prostitution is illegal. These include many Balkan states, including Albania, $^{[163]}$ Bosnia and Herzegovina, $^{[164]}$ Croatia, $^{[165]}$ Kosovo $^{[166]}$ and Serbia, $^{[167]}$ as well as many of the smaller states such as Andorra, $^{[168]}$ Liechtenstein $^{[169]}$ and San Marino. $^{[170]}$

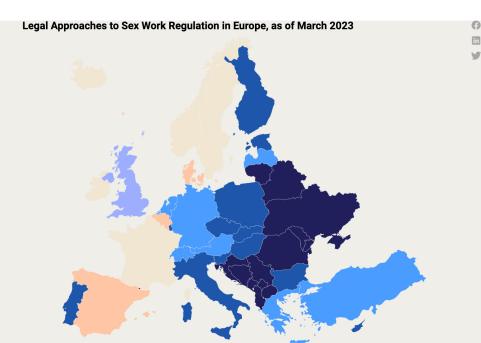
Partial Decriminalization (Nordic / End-Demand Model): Europe has the largest number of states who have implemented the Nordic or end-demand model of prostitution regulation. France, Ireland, Iceland, Norway and Sweden have all adopted the model, [171] along with Northern Ireland (the only country in the United Kingdom to do so). [172]

Decriminalization: Belgium, [173] Denmark [174] and Spain [175] have all decriminalized prostitution.

Legal: Prostitution has been legal and regulated in Greece since 1834 when the first legal framework "was adopted to mitigate the effect of a syphilis outbreak in the country." [176] Today, sex work is legal and regulated in Austria, Germany, Latvia, the Netherlands, [177] Switzerland [178] and Turkey, [179]

The sale of sex is legal to a certain extent in a further 14 countries in Europe, but the practice is often unregulated (such as in Estonia and Finland) or operating in a grey area (such as in Bulgaria where prostitution is "neither expressly permitted nor banned.") [180]

 $\label{thm:mixed} \begin{tabular}{l} Mixed Legal Regimes: In the United Kingdom, the exchange of sexual services for money is legal in England, Scotland and Wales, with restrictions on soliciting, advertising, pimping and brothels, but in Northern Ireland it is also illegal to pay for sex. $$^{[181]}$$$



North America & the Caribbean

Legal Approaches to Regulating Sex Work

 $\textbf{Illegal:} \ Prostitution \ is \ illegal \ in \ 13 \ of \ the \ 24 \ countries \ and \ one \ incorporated \ territory \ (Puerto \ Rico) \ of \ North \ America \ and \ the \ Caribbean.$ 12 of the 13 are Caribbean islands, including Haiti, [182] Jamaica, [183] Puerto Rico [184] and Trinidad and Tobago, [185] and the thirteenth is Greenland. [186]

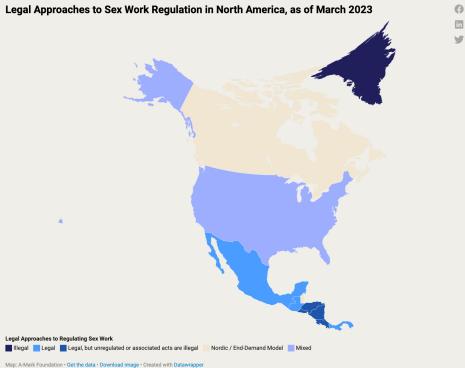
Partial Decriminalization (Nordic / End-Demand Model): Canada and Belize have implemented the Nordic or end-demand model of sex work regulation. [187]

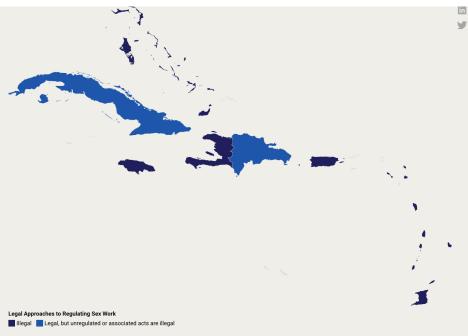
Decriminalization: As far as we are aware, no countries have decriminalized prostitution or sex work in North America and the Caribbean.

Legal: Sex work is legal and regulated in Mexico, Panama, and Guatemala. [188] In Mexico City, sex workers are required to register with the municipal health departments and carry a health card; [190] in Guatemala, sex workers formed the first state-recognized union in 2016. [191] In six countries, the sale of sex is legal but associated acts such as soliciting or brothel ownership are illegal, or the practice is legal but unregulated (such as in Honduras). [192]

Mixed Legal Regimes: In the United States, prostitution is illegal in all states except Nevada. [193]

Illegal Legal Legal, but unregulated or associated acts are illegal Decriminalized Nordic / End-Demand Model Mixed





Source: A-Mark Foundation • Get the data • Download image • Created with Datawrapper

South America

Illegal: In three of the 14 states and overseas territories that make up South America, prostitution is illegal (French Guiana, ^[194] Guyana ^[195] and Suriname). ^[196]

Partial Decriminalization (Nordic / End-Demand Model): As far as we are aware, no countries have implemented this model in South America.

Decriminalization: As far as we are aware, no countries have decriminalized prostitution or sex work in South America.

Legal: Sex work is legal and regulated in ten states in the region. In all but two of these states (Brazil and Paraguay), health checks are mandated by law. In Brazil, health checks are voluntary and confidential and sex work is a recognized occupation, meaning that the workers are eligible for pensions and other benefits. [197] In Paraguay, sex work is legal but suffers from contradictory regulation and is "not considered work," according to local human rights organizations and sex worker advocacy groups. Furthermore, sex workers "do not have a comprehensive health care protocol ... [and] are only called to participate in the AIDS/STI program or participate in epidemiological researches." [198]

In Uruguay, "Sex Work Law (No. 17,515) explicitly states that sex work is legal and specifies the conditions in which it can take place ... [including] the 'duties' of sex workers is to undergo regular HIV and STI testing." [199]

The first sex worker union in Argentina, La Asociación de Mujeres Meretrices de Argentina (Ammar), was formed in 1994 by Elena Eva Reynaga. Ammar successfully fought to end the criminalization of sex work in Argentina. [200]

As a British overseas territory, the Falkland Islands' prostitution laws are based on the UK's Sexual Offences Act and as such the sale of sex is legal but associated acts such as soliciting in public and brothel ownership are illegal. [201]



Appendix II: Public Opinion on Prostitution and Sex Work

Legalization and full decriminalization of sex work are similar but do differ, as outlined above. As legalization involves state oversight and restrictions on certain acts that can lead to criminal penalties, those who support some form of legalization or full decriminalization (including sex workers, advocacy groups and politicians) generally support full decriminalization over legalization.

The contemporary movement in support of the decriminalization of sex work has its roots in the 1970s with the founding of advocacy groups like COYOTE (Call Off Your Old Tired Ethics). [202] Made up of sex workers and their supporters, groups like COYOTE fight against laws that target sex workers, advocate for sex worker rights and give a voice to an often marginalized group. [203] Slow to gain support in the United States and elsewhere, momentum shifted at the start of the 21st century when New Zealand became the first country to decriminalize prostitution and organizations such as Amnesty International, [204], Human Rights Watch, [205] ACLU The contemporary movement in support of the decriminalization of sex work has its roots in the 1970s with the founding of advocacy groups like COYOTE (Call Off Your Old Tired Ethics). [206] Made up of sex workers and their supporters, groups like COYOTE fight $against \ laws\ that\ target\ sex\ workers, advocate\ for\ sex\ worker\ rights\ and\ give\ a\ voice\ to\ an\ often\ marginalized\ group.\ {}^{[207]}Slow\ to\ gain$ support in the United States and elsewhere, momentum shifted at the start of the 21st century when New Zealand became the first country to decriminalize prostitution and organizations such as Amnesty International, [208], Human Rights Watch, [209] ACLU [210] and $the Open Society \ ^{[211]} soon followed with policy statements or articles supporting decriminalization. When BuzzFeed News reached \ ^{[211]} soon followed with policy statements or articles supporting decriminalization. When BuzzFeed News reached \ ^{[211]} soon followed with policy statements or articles supporting decriminalization. When BuzzFeed News reached \ ^{[211]} soon followed with policy statements or articles supporting decriminalization. When BuzzFeed News reached \ ^{[211]} soon followed with policy statements or articles supporting decriminalization. When BuzzFeed News reached \ ^{[211]} soon followed with policy statements or articles supporting decriminalization. When BuzzFeed News reached \ ^{[211]} soon followed with policy statements or articles supporting decriminalization. When BuzzFeed News reached \ ^{[211]} soon followed with policy statements or articles supporting the support \ ^{[211]} soon followed with policy statements or articles support \ ^{[211]} soon followed with policy statements \$ out to candidates during the 2020 presidential election cycle, only former New York City mayor Bill de Blasio said prostitution should Democrats, said they supported the decriminalization of sex work. [212] Former Republican party member turned Democratic New York State Senator for the 18th District, Julia Salazar, also supports decriminalization of sex work. [213]

Retired Anaheim PD captain, Joe Vargas, disagrees, noting that prostitution "is deplorable and in many ways degrades and robs the participants of fragile parts of their humanity.... Legalization would put lipstick on modern-day slavery and call it another step in the liberation of women.... Sex for money is illegal not just because it's immoral, but because it's just plain bad for women at every level." [214] Attorney Dianne Post agrees, stating that, "acceptance of prostitution justifies violence against women. ... [States] cannot $uphold\ human\ rights\ by\ supporting\ a\ regime\ to\ sell\ women\ as\ commodities\ in\ the\ market\ place."\ [215]$

Some critics of legalization and full decriminalization do support partial discrimination where the purchasers of sex are criminalized but not the sellers. Rachel Moran, founder of Space International and former prostituted woman, says, "I cringe when I hear the words 'sex work.' Selling my body wasn't a livelihood. There was no resemblance to ordinary employment in the ritual degradation of strangers using my body to satiate their urges.... The effort to decriminalize the sex trade worldwide is not a progressive movement. Implementing this policy will simply calcify into law men's entitlement to buy sex, while decriminalizing pimping will protect no one but the pimps.... There is an alternative: an approach, which originated in Sweden, that has now been adopted by other countries such as Norway, Iceland and Canada and is sometimes called the 'Nordic model.'" [216]

Jimmy Carter, 39th President of the United States, also supports partial decriminalization of sex work, noting in an opinion piece for the Washington Post that he agrees with "groups that say that those who sell sex acts should not be arrested or prosecuted, but I cannot support proposals to decriminalize buyers and pimps. ... I cannot accept a policy prescription that codifies such a pernicious form of violence against women. Normalizing the act of buying sex also debases men by assuming that they are entitled to access women's bodies for sexual gratification. If paying for sex is normalized, then every young boy will learn that women and girls are commodities to

In 2021, Manhattan District Attorney Cyrus Vance Jr., adopted a "decline-to-prosecute" policy in favor of people selling sexual services while still prosecuting buyers of sex. [218] Democratic New York State Senator Liz Krueger also supports partial decriminalization of sex work through the introduction of the Sex Trade Survivors Justice and Equality Act 2022; an act that would end the arrest and incarceration of sex workers in New York State but still criminalize pimps, brothel owners, buyers of sex and traffickers. [219]

However some sex workers have spoken out against partial decriminalization. One worker notes that by criminalizing those who buy sex, sex workers are at risk of having fewer clients and are therefore less able to turn away troublesome buyers, including those who have a reputation for violence. [220] Another worker notes that while she hasn't seen a decrease in demand, she has struggled to $screen\ clients\ as\ they\ are\ no\ longer\ willing\ to\ share\ their\ true\ identities\ for\ fear\ of\ being\ caught\ and\ prosecuted.$

A December 2022 poll by YouGov America found that 491% of respondents thought working as a prostitute should not be classed as a crime, with 33.9% disagreeing and saying that it should be classified as a crime; 17.1% of respondents didn't know. [222]

Similarly, 47.8% of respondents thought the buying of sexual services should not be classified as a crime with 33.9% saying that it should be classified as a crime; 18.3% of respondents didn't know. [223]

A 2021 poll by Public Policy Polling found that "42% of registered voters are in favor of decriminalizing prostitution, while 36% think prostitution should remain a crime, and 22% remain undecided." [224] During the same poll, 60% of registered voters opposed the introduction of the partial decriminalization model where only buyers of sex are criminalized, with 7% in support of this model and 33% unsure. [225]

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