



REGULATING SEX MARKETS: POLICY CONSIDERATIONS

Decriminalizing sex work improves health and safety outcomes for sex workers *and* the larger community

Criminalizing sex work can raise the incidence of STIs among sex workers *and* increase sexual violence in the wider community

The Nordic model can promote violence against women and does not necessarily decrease overall demand for sex work

This policy brief examines three broad approaches to regulating sex work: criminalization, decriminalization, and the Nordic Model.¹

Based on the research and evidence presented, **the Global Lab for Research in Action recommends that leaders, lawmakers, and governments in the United States adopt the decriminalization approach in their respective communities.**

WHAT IS SEX WORK?

Sex work involves the exchange of sexual services for money or goods between two mutually consenting adults (Amnesty International, 2016).

Sex work is often incorrectly conflated with human trafficking, which involves the threat or use of force, abduction, deception, or other forms of coercion for the purpose of labor or sexual exploitation (ACLU, 2020; Amnesty International, 2016). Critically, there is no mutual consent between the trafficker and the trafficked party. Human trafficking is a violation of human rights. Sex work, however, is a non-coercive transaction between consenting adults.

REGULATORY APPROACHES

1. CRIMINALIZATION: The criminalization of sex work involves the outlaw of the practice. Barring Nevada, all U.S. states criminalize sex work, as do many countries around the world. Under this approach, while both the buyer and seller who engage in sex work violate the law, it is usually the seller who faces the criminal penalties (Updegrave et al., 2019). Female sex workers of color are disproportionately subject to criminal punishment for their work (ACLU, 2020; Judge & Wood, 2014).

Research shows that criminalizing sex work harms sex workers and can negatively impact public health and safety for the population at large. In examining the impacts of a criminalization policy in a district in East Java, Indonesia, Cameron, Seager, and Shah (2020) find that criminalization leads to a 58% increase in the incidence of STIs among sex workers. They also show that criminalization decreases the earnings of sex workers who are subsequently forced to leave the industry.

1. This policy brief does not discuss the 'Legalization' approach to regulating sex work since this framework takes many different forms and its impacts are extremely context-dependent.

Furthermore, sex workers who are women of color, members of the LGBTQ+ community, or undocumented immigrants are not only more vulnerable to experiencing violence, but due to the criminalized nature of their work, are less likely to report their hardships to authorities (ACLU, 2020). A multitude of other research studies make clear that criminalizing sex work harms the health, safety, and economic well-being of sex workers and the larger community (Anesu et al., 2019; Landsberg et al., 2017; Platt et al., 2018).

2. DECRIMINALIZATION: Under the decriminalization model, it is legal for sex workers to offer sexual services in exchange for money and for buyers to seek out these transactions; however, pimping and sex trafficking remain illegal. To date, only a few countries have adopted the decriminalization approach including New Zealand, Denmark, and Germany, although the momentum behind this approach continues to grow.

Research shows that decriminalizing sex work enhances the health and safety of both sex workers and the larger community. Cunningham and Shah (2018) study the effects of a six year period of decriminalization of indoor sex work in Rhode Island. They find that the state's incidence of gonorrhea and reported rape offenses decreased by 40 and 30 percent, respectively due to decriminalization. Bisschop et al. (2017) examine the effects of legal sex work zones in nine cities in the Netherlands. They find that in these zones levels of sexual abuse and rape decreased by 30 to 40 percent.

A common criticism of decriminalization is that it empowers the human trafficking industry. However, in an analysis of over 80 studies on the impact of decriminalization, the ACLU (2020) found no clear link between the decriminalization of sex work and human trafficking.

3. NORDIC MODEL (End Demand Model):

The Nordic model focuses on reducing the demand for sex work by criminalizing the buyer only. In 1999, Sweden became the first country to institute this approach. Since then, Norway, Iceland, Canada, Northern Ireland, France, and Israel have followed suit. Some advocates of this approach believe that sex work is inherently exploitative (Ekberg, 2004). As such, the Nordic model aims to curb the sex industry as a whole without criminalizing sex workers themselves.

While there is very little empirical and causal evidence to date on the impacts of the Nordic model, we highlight a few recent studies. Della Giusta et al. (2019) analyze whether the Nordic model decreases demand using survey data from the United Kingdom over a 12 year period. They find that criminalizing the buyer does not in fact decrease the overall demand for sex work. Instead, they find a shift in the composition of clientele who become more risk-loving, creating more dangerous work conditions for sex workers (Ellison et al., 2019). Ciacci (2020a) estimates the causal effects of Sweden's regulatory approach and finds that criminalizing the buyer leads to a 47% increase in rape offenses over a 15 year period in the general population. In addition, Ellison et al. (2019) examine the impact of the Nordic model in Northern Ireland and find that client harassment and abuse against sex workers increase after buyers were criminalized.

One possible explanation for this pattern is that criminalizing buyers increases sex workers' reliance on pimps to maintain a client pool, which involves working in a more restrictive and sometimes violent environment (Ciacci, 2020b; Vanwesenbeeck, 2017). In sum, research shows that the Nordic model can lead to an increase in violence against women and shift the composition of demand toward more risk-taking clients.

SPECIAL CONSIDERATIONS: COVID-19 AND SESTA/FOSTA

In 2018, the Stop Enabling Sex Traffickers Act (SESTA) and the Fight Online Sex Trafficking Act (FOSTA) became law. SESTA and FOSTA aim to reduce human trafficking by making websites liable for any content that appears to advertise sex trafficking or promote prostitution (Markowicz, 2019). These laws have unintended consequences for sex workers. Cunningham and Kendall (2011) find that sex workers who are able to operate online tend to engage in lower risk behaviors than street-based workers. However, SESTA and FOSTA have eliminated many online platforms, like Backpage and Craigslist, that allow sex workers to carefully screen their clients and reduce their dependence on pimps (Cole, 2018). Without this digital infrastructure, sex workers are more vulnerable to sexual violence and exploitation (Tripp, 2019).

The COVID-19 pandemic has disproportionately harmed sex workers (Lam, 2020). Not only do they face weakened employment prospects, but sex workers do not have access to certain public health benefits and government assistance due to the criminalized nature of their work (Lam, 2020).

IMPLICATIONS AND RECOMMENDATION

Research shows that decriminalizing sex work improves the health and safety of sex workers and the larger community. In contrast, criminalization of sex work leads to negative outcomes including an increase in STIs and sexual violence. While the Nordic approach avoids penalizing sex workers, evidence casts doubt on its ability to reduce demand for sex work and causally links it to an increase in violence against women.

The Global Lab for Research in Action recommends that leaders, lawmakers, and governments in the United States adopt the decriminalization approach in their respective communities.

We gratefully acknowledge Josh Mimura's contributions to this policy brief.

To learn more about this policy brief please contact Global-Lab@luskin.ucla.edu



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