Human Trafficking and the Decriminalization of Sex Work – Myths, Misconceptions, and What the Data Actually Tells Us

Special Guest Presenter:

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Hosted By the Human Trafficking Prevention Project

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Human Trafficking Prevention Project

Regulating the Sex Trade:

What we know

What we can learn

AGENDA FOR TODAY

- Housekeeping!
- Different Regulatory Approaches
- Impacts of Different Regimes
- Discussion

1.

Housekeeping

Let’s frame this conversation!

Conversational Agreements

- Speak from the “I”
- Commit to our collective learning, challenge ourselves & each other
- Consider the space we take up & the space we leave for others
- Respect the diversity of our identities. We are constantly navigating how we show up as service providers, survivors, organizers, advocates, peers.
- No one knows everything and together we know a lot.
- Prioritize care for ourselves and each other.
- Practice not using ableist language.
- Oops/Ouch
- Operate in the yellow & ask questions!

Where does this information come from?

- Country Reports from NGOs, Governmental Departments
- Reports from impacted-person organizations

- Criminalization: Global, including the United States
- Asymmetrical Crim/Nordic/Equality: Sweden, Norway, France, Canada, N. Ireland (Not including: Iceland, Israel)
- Legalization: Germany,
- Decriminalization: New Zealand, NSW Australia

2.
What are the approaches?

Legal Approaches to the Sex Trade

Full Criminalization

All aspects of the sex trade face criminal penalties; sellers, buyers, peers, managers, locations.

Example: United States

Asymmetrical Crim

Sellers are not criminalized for selling sex, but everyone else remains criminalized.

Example: Canada, Norway

Decriminalization

Participants of the sex trade face no criminal penalties. Trafficking, violence, patronizing minors remain criminalized.

Example: New Zealand

What About Legalization?

Example: Germany (1973, 2017 with clarified regulations), Nevada (1971)

When did changes occur?

3.
The Impacts of Different Approaches
Lessons from Abroad

Size of the Sex Trade

Asymmetrical Criminalization

No significant changes observed, outside of Norway, which saw a 10% decrease associated with policing strategies of targeted, forced eviction. Significant movement from street-based to online in Sweden.

Decriminalization

No meaningful change (slight decline), with some movement from street-based/third-party to brothel-based.

Impact on Criminalization of Sex Workers

Asymmetrical Criminalization

Sex workers face continued criminalization through third-party, other laws.

Chicago: Policing practices did not shift, sellers remain 80% of arrests post-implementation.

Decriminalization

Criminalization was still impacting migrant sex workers, who were not covered by the law.

Impact on Working Conditions

Asymmetrical Criminalization

Canada: 72% reported no change, 26% reported deterioration.

- Inability to screen clients
- Reducing Prices/More competition
- Working in isolated locations

Decriminalization

Shifts in location for workers who sought management.

64% reported increased ability to refuse a client

Able to access workplace protections, including sexual harassment and online harassment protections.

Impact on Access to Health Service Providers

Asymmetrical Criminalization

Canada: 41% saw a decrease in access to health services

Sweden: No increased requests for service, funding cut for harm reduction services

N. Ireland: Funding cuts removed outreach units

France: Had not heard of expanded programs, programs saw almost no participation

Decriminalization

Note: NZ has socialized medicine

No significant change, most workers had independent doctors and half disclosed their profession. Under the law, condom use is mandatory.

Relationship with Law Enforcement

Asymmetrical Criminalization

Sex workers reported being surveilled/harassed by police, no reported improvement in any country. Most felt the same or deteriorated conditions.

Canada: 31% reported that they would not call 911 for help.

Decriminalization

NZPC engaged in a decade-long advocacy effort for decriminalization which included law enforcement, building relationships in the process.

- Few reports of adverse experiences
- Workers continue to prefer to disclose victimization to peers

Impact on Client Viole

Asymmetrical Criminalization

N. Ireland: Number of assaults quadrupled 2016-2018

France: Increase in either frequency or severity reported

Norway: Migrant/racialized workers reported increases, Norwegian workers reported decreases

Canada: Racilized workers reported increases in client violence

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Continue
to peers and
enforcement.

How does criminalization affect rates of violence?

Impact on Trafficking into the Sex Trade

Asymmetrical Criminalization

No country has reported a change in rates of trafficking, either increase or decrease.

Decriminalization

New Zealand has not reported and changes in rates of trafficking, either increases or decreases.

What are the research challenges for this question?

What Regulatory Schemes do not Address

Policy Beyond De/Criminalization

What is Not Covered by Regulatory Policy

- Root Causes of Vulnerability
  - Housing, Health Care, Parental Support, Living Wage Jobs, Education
- Expansion of Services
  - Harm reduction is incompatible with “End Demand”
- Criminal Record Relief
- Prevention, Worker Engagement
  - NZPC is an independent body

Discussion

What resonated? What doesn't sit?

Where do we go from here?

Thank you!

You can find me at kate@reframehealthandjustice.com and
I sometimes tweet a lot at @KateDAdamo

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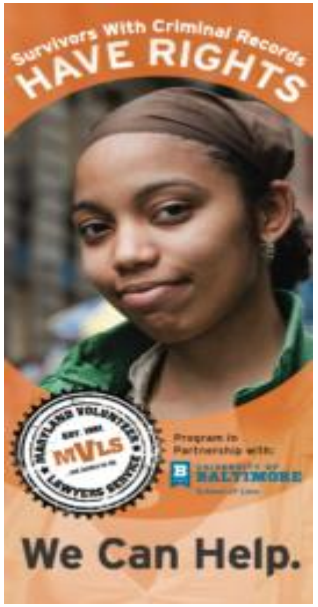

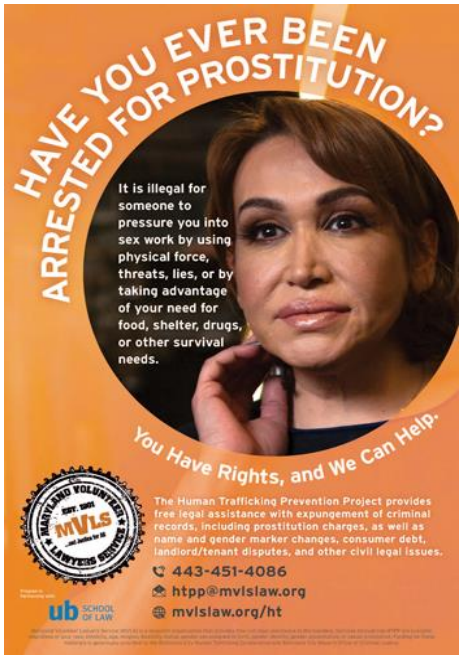

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Thank you!

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