

FAQs - Why New York Must Not Decriminalize or Legalize Prostitution

What is the Decriminalization of Prostitution?

Prostitution is an inherently violent and discriminatory system based on the economics of supply, demand and the incentive for profits. The demand represents sex buyers who fuel the sex trade for the profit of third party exploiters: pimps and traffickers.

If New York State decriminalizes the system of prostitution, it would mean decriminalizing all components of the sex trade, including removing the penalties related to soliciting, patronizing, and pimping of prostitution. It would in effect render any owner or manager of a sex establishment (brothels, illicit massage parlors, escort services, etc.) *bona fide* business owners or managers.

What is the Difference between Decriminalization and Legalization of Prostitution?

Legalization of prostitution means that the state renders the sex trade legal through specific regulations, such as limiting the number of prostituted women in brothels or requiring the registration of prostituted individuals with local authorities. For example, in certain counties in Nevada where brothels are licensed, prostituted women must register with the local sheriff.

Decriminalization of prostitution, which is the legal framework in New Zealand, is when the central government eliminates all penalties related to the sex trade. It purports to remove all regulation of sex establishments or data collecting of people in prostitution, for instance, but relegates the legalization (regulation) to local councils. There is no known decriminalization structure without some form of legalization at the local level.

What is the difference between prostitution and "sex work?"

They are the same. The term "sex work" was coined in the 1980s by proponents of the sex trade (people who have financial or other interests in the system of prostitution) to mainstream and mask the harms of prostitution. Prostitution is neither sex, nor work, but a harmful practice based on sexual violence and sex, gender, race, socio-economic and other inequalities. The term "sex worker" is also not specific, as it can be argued to include anyone who is part of the sex trade, including pimps and brothel owners.

Why do you think that prostitution is violence?

The statistics speak for themselves: people in prostitution suffer extremely high levels of violence and death relative to other forms of employment. Studies show that mortality rates for prostituted women are 40 to 50 times the national average; 62% of prostituted women report being raped; and 73% report having experienced physical assault in prostitution. The vast majority of prostituted individuals want to exit if given alternatives; one direct service provider in Massachusetts tallied that 100% of the prostituted women they serve want to leave the sex trade. To call prostitution "a job like any other" ignores overwhelming evidence to the contrary.

In a world where men and women enjoyed full equality, prostitution would not exist. The overwhelming majority of sex buyers are men; the overwhelming majority of prostituted people are women and girls, and members of the LGBTQ community. The overwhelming number of prostituted women and girls are pimped by a third party exploiter ("boyfriends;" owners/managers of strip clubs; proprietors of illicit massage parlors, escort services, brothels, and "sugar dating" websites; pornographers, etc...).

Prostitution is rarely a "choice" made by people who have other choices, as some advocates contend. It is a system

based on abuse of power by a person or people who exploit the vulnerabilities of another person who is vulnerable to myriad forms of discrimination. Acute vulnerabilities of those bought and sold in prostitution include childhood sexual violence; homelessness; foster care; youth; sex, gender, racial and economic inequalities. Payment or exchange of goods to achieve the consent of a person to engage in sexual acts is by definition an act of coercion.

Furthermore, as long as men can purchase women, transgender people, and children for sexual acts, they can be categorized in society as commodities, unworthy of equality as full human beings.

What do we tell people who say they really want to engage in selling sex?

The state has an obligation to set laws and public policies that protect people in situations of violence and exploitation, even if a small minority of that population disagree. For instance, if a woman could not, for whatever reason she deems fit, leave a situation of consistent and chronic intimate partner abuse, the state would not for that reason condone or legalize domestic violence. The state has an obligation to hold accountable individuals who harm others and recognize that consent to one's own exploitation or abuse is irrelevant under principles of human rights.

Some people say legalization or decriminalization protects "sex workers" rights...

By virtue of one's birth, every human being is entitled to enjoy his or her human rights. Legalization and decriminalization of the sex trade does not advance the inherent and inalienable rights of people who are prostituted. From social justice and gender equality perspectives, holding perpetrators accountable, including sex buyers, and offering justice and services to those who are exploited is the most effective way to mitigate the extremely harmful, and often deadly, sex trade.

What is the link between sex trafficking and prostitution?

While not every prostituted person has been trafficked, sex traffickers and pimps sell humans for profit within the sex trade. Without a booming sex trade, there would be no sex trafficking. Inevitably, where ever the commercial sex industry is legal, violence, abuse, and sex trafficking follow. Legalization or decriminalization does nothing to mitigate this violence, but rather only serves to amplify it with the state's approval. The legal sex trade acts as cover for its illegal components, opening the door to sharp increases in sex trafficking and child trafficking among other forms of abuse virtually all advocates agree should be outlawed. Human trafficking is the vehicle through which individuals are exploited and sex buyers' demand for prostitution is its backbone.

What is the solution?

New York State should *solely* decriminalize prostituted individuals (partial decriminalization) and enact laws that address the harm caused by sex buyers and by the system of prostitution. The state must end the arrests, prosecutions, and punishment of prostituted people and instead offer them comprehensive services, as well as exit strategies should they wish to leave the sex trade.