

LEGAL PROSTITUTION AND
HOW IT CAN AFFECT SEX TRAFFICKING

Amy Blanchard

Psychology

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Faculty Adviser: Dr. Christine Stevens

Essay completed in partial fulfillment of the requirements for graduation with Global Honors,
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Approved:

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Globally, prostitution has been approached in a variety of different ways. In some places such as the United States (U.S.), it is strictly criminalized. In other places such as the Netherlands, it is legal and subject to various regulations. It is important to look at different approaches to prostitution because it can impact sex trafficking. The Global Slavery Index actually ranks the Netherlands at number one in government response to trafficking where the U.S. is ranked only number three (Global Slavery Index, 2014), illustrating that it is important to explore these different approaches in order to combat this global and local issue. Seattle and surrounding areas are ranked number three in the U.S. for child prostitution, which is a dominant form of sex trafficking (Graham, 2014).

The purpose of this research is to examine which model of prostitution—illegal or legal—offers the greatest potential for sex trafficking victims to escape their situations. The first aim of our research is to understand the model of illegal prostitution, looking at both the positive and negative conditions that this method of managing prostitution fosters. The second aim is to explore the ways in which the legal prostitution model affects trafficking victims. The overall goal would therefore be to provide policymakers with information that encourages broader thinking in regards to managing prostitution, in order to combat sex trafficking.

Literature Review

Key Terms

It is important to define the following key terms that will be used throughout this research: sex trafficking, prostitution, criminalization, decriminalization, and legalization. It is often difficult to establish a universally accepted definition for the term “sex trafficking.” This researcher uses two sources, one domestic and one international, for a more thorough definition. In the U.S., the Victims of Trafficking and Violence Protection Act of 2000, a law that provides

tools for combating trafficking, globally and domestically, defines sex trafficking as the “recruitment, harboring, transportation, provision or obtaining of a person for the purpose of a commercial sex act” (U.S. Department of State, 2000). To build on this definition, The United Nations Palermo Protocol, which has goals similar to the U.S. but focuses more on women and children, elaborates on this definition to include the “abuse of power,” exploitation of vulnerability and the use of payments as coercion (Andrees & van der Linden 2005).

In regards to defining prostitution, there are minor variations on the term, especially in the U.S. where prostitution is managed on the state level, but definitions include engaging in sexual services and the exchange of something that holds value. This can also vary globally. For instance, in the Netherlands prostitution must be voluntary and the workers must meet certain age requirements, otherwise it is considered trafficking or illegal, respectively.

Prostitution policies vary tremendously across the globe, but there are three primary structures as defined by Dr. Ronald Weitzer, professor of Sociology at George Washington University and an expert on the sex industry and sex trafficking. He has done extensive work in the Netherlands, Germany, Belgium, and the U.S., as well as parts of Africa and Southeast Asia. His experience, knowledge, and expertise make his concepts a valid source for policy analysis. Weitzer’s (2012) research assigns each policy structure into one of the following categories:

Criminalization. This is the model that has been adopted in the U.S. outside of certain counties in Nevada. This model prohibits any activities associated with prostitution. In the U.S., this includes buying and selling, but can also target only buying, as has been the strategy in Sweden, which will be discussed in greater detail later on in the literature review.

Decriminalization. This model can occur on three levels. Complete decriminalization removes all criminal penalties related to prostitution. Partial decriminalization refers to the reduction of penalties, and *de facto* decriminalization refers to the presence of penalties without enforcement of those penalties. New Zealand has adopted a partial form of decriminalization that some researchers have found to be quite successful.

Legalization. This model involves decriminalization combined with regulations, such as zone restrictions and licensing requirements. This is the model found in the Netherlands. Regulations there include: sex worker registration with the Chamber of Commerce to insure proper taxation, licensing of brothels that are subject to routine inspection, prohibition of street prostitution, zoning for window prostitution, and age restrictions.

Research Perspectives and Discourse Frameworks

In order to develop a thorough understanding of the literature and research that is currently available on this topic, it is important to first identify the various discourses that have framed the current material. Frameworks for research and discourse on prostitution have taken three primary forms: the empowerment paradigm, the oppression paradigm, and the polymorphous paradigm (Weitzer, 2012).

The empowerment paradigm. This framework asserts the legitimacy of sex work as an occupation and that prostitution has the potential to empower sex workers rather than victimize them. Some researchers in this arena even go so far as to declare that it is the buyers, rather than the sex workers, who are in a position of weakness. Criminalization is often blamed for the issues associated with the sex industry. This framework has a focus predominantly on the positive rather than the negative, which is the focus of the oppression paradigm (Weitzer, 2012).

The oppression paradigm. This framework stands on the opposing side of the empowerment paradigm and views prostitution as violent and oppressive and labels all sex

workers as victims that never willingly work in the industry. Oppressionists dismiss any claims of willingness as psychological denial. Prostitution is seen to perpetuate gender inequality and to support patriarchal society. Thus, there is no distinction made between voluntary and forced prostitution. This paradigm is the structure that is becoming increasingly dominant in public policy and opinion in the U.S. due increased media focus on highly negative aspects of the sex industry, such as trafficking, violence, crime and drugs. In addition, the Criminal Justice Department in the United States also requires those who seek funding to proclaim their lack of support for legalized prostitution, which further limits research to anti-prostitution discourse (Weitzer, 2012).

The polymorphous paradigm. This is the lens through which this research views the industry. The polymorphous paradigm recognizes that prostitution is complex and cannot be broadly categorized, judged or managed. Weitzer emphasizes that every system of prostitution policy holds methods that function well and others that do not. This framework embraces the fact that no system at this point in time is perfect and that some sex workers are in the industry willingly while others are not, but it does not take away their autonomy through victimization of all. There is recognition of exploitation, violence, power dynamics, trafficking, social benefits, and many other facets of the industry. Weitzer explains it best when he says, “rather than painting prostitution with a broad brush, we can identify those structural arrangements that have negative effects and bolster those associated with positive outcomes” (Weitzer, 2012).

The one-dimensional qualities of the oppression and empowerment paradigms make them less challenging approaches, while the complexities of the polymorphous paradigm make it more challenging and nearly nonexistent in the global debate on prostitution. (Weitzer, 2012). The topic of prostitution, and especially how it relates to sex trafficking, is not a simple debate, and

that is why it is important to take a more multi-dimensional approach, which is what this research aims to do.

Morality Politics

In order to review prostitution policy, it is important to examine how morality and social context can shape the discussion. Morality politics is an important element of the prostitution debate and one that is often used by oppressionists. Wagenaar and Altink (2012) use a dual level definition for the term “politics.” Level one is the more technical of the two and refers to the matching of goals with resources, resulting in policies used to address various societal issues. The second level is the more political and addresses the fact that not everyone agrees on what constitutes an issue or a solution to that issue. Politics in this scenario is society’s means of managing these discrepancies. The inclusion of morals often exacerbates these discrepancies. Morals are the things viewed as innately wrong or right, based off of what is generally socially accepted. Many of these concepts are rooted in religious beliefs, such as sex before marriage or homosexuality, while others are simply guidelines passed through years of existence, such as “the golden rule,” which simply states that you should treat others as you would like to be treated. These emotionally rooted elements can strongly influence the discussion surrounding prostitution in research and in the media.

Morality politics combine this concept of morality with policymaking. This form of policymaking plays more to the emotions than to logic and reason. This is done through inflation of numbers, the use of language that provides “shock value,” and the use of inductive reasoning to make gross generalizations based on the input of a few that support a particular argument (Wagenaar & Altink, 2012). Weitzer (2012) provides many examples of how this is done by oppressionist researchers who dominate the current debate. For instance, oppressionists have claimed that most sex workers begin working in the business around age 13-14, are forced into

the industry, have drug and psychological problems, and ultimately want to leave the industry. Weitzer (2012) points out that these claims, which are presented as empirical research results, are based off of “nonrandom, under-representative and small samples of the street-based population.” (p. 13). It generalizes these claims to the entire prostitution industry, even though street-based prostitution is only a segment of the industry, and the most dangerous segment at that. In many places where prostitution is legal, this form of sex work has been banned due to the fact that it is problematic.

The negativity and generalizations that dominate the discussions surrounding the sex industry ultimately affects social attitudes through what is known as the availability heuristic. This is a psychology-based judgment theory that holds that our judgments are rooted in the memories and experiences that come to mind most easily (Hastie and Dawes, 2010). The more salient a memory or event, the more it will be used to influence judgment. With limitations on research and media focus on trafficking and forced prostitution, the public will base their opinions on those negative components. This clouds the debate on legal versus illegal prostitution with moralistic rhetoric rather than logic and reason. Wagenaar and Altink (2012) refer to this as creating a moral panic within the public, and this often gets folded into policy politics. The result of this negative focus can lead to impractical and ineffective actions, because they are not based in fact but in emotional response.

This focus on trafficking and the negative aspects of the sex industry has other detrimental effects. The most recent report by The Global Slavery Index (2014) indicates that so much focus on the sex trafficking industry has resulted in the neglect of other forms of trafficking (Global Slavery Index, 2014). Because prostitution evokes such an emotional response and “moral panic” (Wagenaar & Altink, 2012), rather than a logical response to all of the other related issues such as poverty, social stigma, gender norms and vulnerability, there has

been an imbalanced focus on this sector resulting in inadequate regulation outside of the sex industry. As noted previously, this can occur because statistical estimates that are often used may lack accuracy but serve as a means to motivate the public into action (Wagenaar & Altink, 2012), which is important, but should be done with clear information especially when it comes to creating support for policies. This research argues that approaching prostitution policy from a more objective and logical perspective can create an environment where the criminal occurrences within the sex industry can be identified and addressed, making it more challenging for traffickers to force women into a lucrative underground industry.

Stigmatization and Social Scripting

Stigmatization is not a new concept, but, within the context of prostitution, it can have very detrimental implications, especially for trafficking victims within a criminalized environment. The moralizing of politics fosters negative social attitudes towards prostitutes, further weakening those trapped in the industry. Social stigma plays a significant role in how sex workers and sex trafficking victims view themselves and can negatively affect their personal agency. Stigma, specifically social stigma, places a derogatory mark on a human being. It lowers their status within society and evokes negative attitudes from society at large that are often internalized and play out in socially constructed scripts that provoke certain expected behaviors. In this case, society holds a negative view of prostitution and of sex trafficking victims working in the sex industry. For example, if a person is a prostitute in the U.S., society may label him or her as criminal, drug addicted, desperate, dirty, weak, vulnerable, and victimized, and these labels often become internalized and influence the stigmatized individual's behaviors, as well as his or her own self-perception and expectations of him or herself. If people believe they are weak, they will act accordingly; this is what is known as social scripting.

This stigmatization of those trapped or involved in the industry can aid in keeping them in dire situations because their social script consists of victimization, criminal accusations, and judgment from the world around them. The importance of cultural and social context in the development of sexuality can be illustrated through Siman and Gagnon's (1984) research on the role of sexual scripts. They describe these scripts as "a metaphor for conceptualizing the production of behavior within social life" (p. 53). Socially and politically constructed frameworks provide a script for the development of behavior. This research will argue that sex trafficking victims have the potential to internalize the shame that is associated with the industry, and this could prevent them from reaching out for help.

Criminalizing prostitution serves to influence the social context and can minimize the sense of agency for those impacted by these scripts, whereas decriminalization has the potential to do the opposite. Brooks-Gordon (2010) explains how the decriminalization of sex work in New Zealand helped empower sex workers, enabling them to "take more control of their employment relationships, especially those with clients" (p. 161). Where sex work is criminalized, sex workers are not socially empowered or viewed as autonomous, making it challenging to feel empowered or autonomous, and increasing vulnerability to "coercion and exploitation" (Brooks-Gordon, 2010, p. 161). In the case of trafficking victims, they are further victimized and weakened by social stigma, making it even more difficult to come forward or seek out help. This is relevant in the case of legalized prostitution because it provides a significant difference within cultural scenarios that can shape different attitudes.

Debate on Legal Prostitution

Prostitution was made legal in the Netherlands in 2000 and has gone through a variety of changes since legalization, primarily due to the goals of Project 1012. This is a controversial city planning project that was initially presented as an effort to reduce crime in the Red Light District

by limiting the number of prostitution windows and other related establishments in the area. Some research suggests that actions associated with the Project are doing more harm than good. For instance, city planners' concern with the image of Amsterdam has resulted in a decrease in the number of windows in the famous Red Light District. Decreases in windows means fewer options for sex workers. This can increase costs associated with renting a window and oblige the prostitute to accept unfair brothel standards such as working longer hours (Aalbers & Sabat, 2012). The Netherlands appears to be becoming less liberal when it comes to prostitution, and it continues to tighten regulations, despite the dangers it poses for those in the industry; however, at least in this environment, sex workers are often consulted and have a union, called PROUD, through which they can provide feedback to policymakers.

With the many forms of prostitution policy around the globe, there are many debates in regards to the benefits and shortcomings of each model, especially in regards to trafficking. Researchers Marinova and James (2012) conducted a comparative study on the Netherlands, Germany, and Sweden in order to compare Sweden's Sex Purchase Act, which criminalizes demand for prostitution, with the Netherlands' and Germany's legalization of prostitution. They were specifically looking at the effects of each mode on sex trafficking, and their research concluded that legalized prostitution can increase trafficking where there are not enough efforts in law enforcement to minimize this effect (Marinova & James, 2012). Other researchers criticize the Swedish model's claimed success on the grounds that there is not enough data to make any claims regarding effect on trafficking (Dodillet and Östergren, 2011). They note that the National Police Board has not reported on the number of trafficked women since 2007, so there is minimal data to back up the claims that this model has been a success in reducing trafficking. Dodillet and Östergren (2011) also point out that this mode of criminalization increases the cost of sex services, which could increase the appeal of Sweden for traffickers. Due

to this lack of data, this research intends to explore the feedback of those who are knowledgeable about the matter or who have previously been trafficked and are now public speakers that raise awareness about the issue in order to gain a new perspective on a challenging issue.

Methodology

This research is an exploratory qualitative research study using semi-structured interviews and participant observation. In March 2015, The Human Subjects Division of the University of Washington's Institutional Review Board approved procedures and interview questions (see Appendix B). This research targeted the Netherlands and the U.S. Interviews were then analyzed for commonalities and themes related to the argument.

Recruitment

Participants are a convenience sample accessed through personal, professional, and academic contacts and include two individuals—one was retired, the other still active—associated with law enforcement in King County, Washington. One former trafficking victim from Seattle in the United States and two former sex workers from the Netherlands and Canada (both currently sex workers' rights advocates) were included in the sample.

Sample

Participants are from three different groups: law enforcement, academic experts in the field of sexuality and prostitution, and public figures or speakers in the field of sex trafficking, who were former trafficking victims. Inclusion criteria are that participants will be 21 years of age or older and can speak English.

The total number of participants is five (N=5).

advocates). Both law enforcement

officers were male, and all

additional participants were

female. One law enforcement

officer was also previously

involved with the development of

based in the Seattle-Tacoma area

assisting and rehabilitating prostitutes and trafficking victims.

Table 1	
Participant Pseudonym	Participant Description
Danique, former sex worker 1	Former sex worker in the Netherlands and current sex workers rights advocate
Fay, former sex worker 2	Former sex worker in the Netherlands and current sex workers rights advocate
Linda	Former trafficking victim in the U.S
Hans	Former police officer, Seattle-Tacoma area
James	Police officer, Seattle-Tacoma area; involved with local trafficking victim assistance organization

Table 1: Participant Pseudonyms and Descriptions

an organization

that focuses on

Procedures

The first part of this project was to observe and analyze the prostitution policy in the Netherlands. Research was continued in the U.S., using questions developed to explore the concepts of personal definitions of human trafficking, how individual experience has shaped those perspectives, and thoughts on different models (see Appendix B). This research targeted the Netherlands and the U.S. Interviews were then analyzed for commonalities and themes related to the argument.

A timeline for procedures is included in Appendix A. There was one interview session per participant, and the primary researcher conducted interviews using approved interview questions (see appendix B) as a guideline. Interview sessions ranged from 45 minutes to 2.5 hours. Interviews were conducted via Skype for those who were unable to meet in person, and interviewees indicated the locations for in-person interviews to insure his or her feelings of comfort and safety. Digital recordings are saved in password-protected files using coded identifiers to maintain anonymity of the participants. In order to reduce confusion throughout the paper, pseudonyms will be used for each participant. These names are included in Table 1. The recordings will be deleted upon completion of the research; June 15th, 2015 is the projected completion date. Participants were provided with a copy of a written consent form (see Appendix C) that was signed and retained by the researchers in the Global Honors office with the Human Subjects Application. The consent form includes the purpose and potential benefits of the study, research procedures, and potential risks of stress or discomfort involved, confidentiality procedures and participants' rights to refuse to answer and questions, and right to withdraw from the study at any time. The consent form also indicated that they may request a copy of the research paper upon its completion.

Data Analysis

Content analysis was used in analyzing the interviews to develop themes.

Results

The interviews yielded some consistencies, as well as some conflicting opinions, but it is important to note that these conflicting opinions were generally across contextual lines, with those in the Netherlands unifying under themes that opposed those of the U.S participants. Some dominant themes in both the U.S. and the Netherlands included: endurance of the industry no matter the policy model, policy and structural issues, and the negative impact of social stigma.

Those participants within a legal setting also agreed on substantial advantages of the legalized model, which are important to note in these results. Common themes in the results will first be explored, followed by the opposing opinions. All names are pseudonyms to protect the participants' identities.

Endurance of prostitution

I still disagree that you have made it clear about pseudonyms ----put at * after Hans and say – all names are pseudonyms to protect participants.. you can put this statement at the end of this page and then you do not have to address this again

All participants confirmed that regardless of the policy model prostitution would endure. This was expressed in different ways by each participant, based on his or her experience and context. Both U.S. law enforcement officials expressed some value in the “slowing” of the industry. Hans¹ stated:

...we take care of the customers, we take care of the johns, arrest them, that'll be one way of trying to slow the trade down, you'll never stop it. You can go out there for 7 days a week every single night...and you can make arrests, it'll slow it down but they'll move to another area, they'll pick up street girls. It's job security. There's no way to stop it.

(former police officer, U.S., personal communication, April 16, 2015).

Hans did not appear to react to the endurance of prostitution by wanting to give up, rather he recognized that no matter what, this industry will always be there in some way shape or form, be it escort services, massage parlors, online or on the street.

The active U.S. law enforcement official, James, compared prostitution to any other form of criminal activity, stating that any form of criminal activity will never completely stop, but that

¹ * Hans is a pseudonym. All names are pseudonyms to protect participants.

does not mean that it should not be criminal to commit crimes simply because they will always continue to happen. James's view stems more from the oppressionist paradigm; his position is that it is exploitation and that law enforcement should continue to work to limit it and help the women involved to get out of the industry. He advocates for a victim approach, which is the direction in which he sees local law enforcement moving. This approach takes pressure off of the prostitute, who is seen as a victim, and puts more pressure on the buyer. He states:

If you look at it from the standpoint of oh, it's the oldest profession; it's the oldest oppression if you think about it. No matter what point in history, you look at...it's always been there. I think in Washington, where we have the stiffest laws in the U.S...for us it's the demand side that these laws are aimed at and just recently these movements like demand abolition....where the whole focus is on the demand side so the harsh punishment is for the buyers too. You can't make the demand side go away, you're going to put a huge dent (police Officer, U.S., personal communication, May 12, 2015).

This focus on demand has been the dominant approach after the popularity of the Swedish model, but Daniëlle in the Netherlands provided a definitive response to any form of criminalized prostitution. She asserts, *"When prostitution is illegal, you automatically [put] it in the hands of criminal organizations. It's a fantasy, a naive fantasy to think that prostitution will not exist when you forbid it"* (former sex worker 1, Netherlands, personal communication, April 28, 2015). There was concrete agreement among participants that prostitution would endure. Their attitudes about it may have differed in the recognition of the futility of criminalization, but overall, everyone agreed that there is no stopping prostitution from occurring.

Policy and Structural Issues

This theme refers to overall misdirection, which included lack of emphasis on correction rather than prevention, lack of functional assistance, and lack of emphasis on other contributing

factors outside of prostitution that may perpetuate the trafficking industry. This theme was found especially in those individuals who were not in law enforcement because they lacked trust in government and/or in other organizations that claim to assist. For instance, Linda* was trafficked for approximately 13 years before she was able to escape her situation. She explained how she had a friend that came to her for help getting out of the sex industry. Linda spent a great deal of time doing speaking engagements for many organizations and police departments to try to educate people on what many victims experience, so she has made an abundance of contacts with these various organizations and attempted to reach out to them to see what resources were available to help her friend. What Linda found was quite disturbing to her. Because her friend was not underage, there were no programs that she could find for assistance. Linda was amazed at how much money and funding these organizations obtained, but had created no avenue for actual assistance for women that want to find another path because poverty and desperation may have pushed them to their situations. Danique emphasizes this point by stating:

[People] worry about the reasons that sex workers work in the industry, but they are not doing anything to solve their problems. If they worry so much about people that work because of economic problems...[they] don't think it's a good thing to do for people who need money, but [they] are fighting the wrong enemy. Do something to feed the children. Help somebody with their financial issues (former sex worker 1, Netherlands, personal communication, April 28, 2105).

This lack of focus on poverty as a contributing factor was not the only contextual systemic issue noted by participants. There was also an emphasis on educating youth as a preventative measure, not just about awareness and susceptibility but addressing self-respect, vulnerability, personal value and the tactics used to initially lure young girls in domestically. In an interview with a police officer, he explained how traffickers find their young victims in malls,

and target them based on their characteristics, seeking out those that look vulnerable, shy, passive, and do not make eye contact. Linda expresses how it is important to “*get kids while they are young...get little girls to know that they are loved and special and have power...and teach little boys to respect women*” (former trafficking victim, U.S., personal communication, April 18, 2015). Danique also emphasizes this point in a slightly different way most likely due to differences in personal experience and context, but she states:

I think it's ok to inform young girls, but you don't have to inform them in a way that is not anti-prostitution conversation. It's much better to talk to young people, not only the girls, but also the boys about having respect for yourself, having respect for each other (former sex worker 1, personal communication, April 28, 2015).

For both interviewees, there is this emphasis on respect, not just for others but also for yourself, and this goes for boys as well as girls. It is also important to note that it is not just about informing young people that trafficking happens; it is certainly viewed as much deeper than that. It is instilling characteristics in youth that would give women the strength to not be influenced and men the compassion to not do it in the first place.

Negative Impact of Social Stigma

Another common theme was the fact that social stigma exists regardless of the system in place, but manifests differently based upon social context. In the Netherlands, sex work is legal and tolerated. But according to a former sex worker, is still considered “*a low standard business*” (former sex worker 1, personal communication, April 28, 2105). But social stigma in that context is more geared towards maintaining the legitimacy of sex work and giving sex workers a voice in the political debate. Fay (pseudonym) explains that “*[t]he big difference is that under a legal regime sex work is recognized as a legitimate activity and workers have rights and protections that they may be able to access to counter the discrimination they may face as a*

result of stigmatization” (former sex worker 2, personal communication, May 8, 2015).

In the U.S., sex workers are not just low standard, but considered trashy, often drug addicted, and not deserving of compassion, as evidenced by the following comment from Hans regarding how police officers often react to prostitutes:

“Because of the situation, we take it for granted as a cop...you know what they are into, you know what they do in their lives...a lot of times guys will treat these girls like they are garbage, there is no compassion shown towards them” (former police officer, U.S., personal communication, April 16, 2015).

When stigmatized in this manner, victims of sex trafficking are less likely to come forward, reach out for help, or seek available resources. Not only do their perpetrators abuse them, but they are also looked down upon by society. The fear of being labeled and targeted as trash weakens their self-perception, further victimizing those that are forced into the industry. It also makes it difficult to reintegrate them back into a normal life. Linda explains, *“social stigma of it, yeah, definitely think that is a huge part of asking for help, and even once you are out, your so embarrassed that you’re like ‘let me go back’”* (former trafficking victim, personal communication, April 18, 2015). Despite the horrible experience she had when trafficked, Linda felt compelled to go back to where she could at least feel somewhat accepted.

Advantages of the Legalized Model

While criminalization can discourage victims from reaching out and taking advantage of resources, a legal setting can reduce hesitation by reducing fear and stigma and, more importantly, bringing those resources to potential victims. Danique explains how the Prostitution and Health Center in Amsterdam provides outreach to sex workers. The accessibility provided through the legal model makes it possible for these social workers and health care providers to visit sex workers in their work environment, build relationships with them, and learn more about

their circumstances. This not only provides support but helps to illustrate to sex workers, trafficked or not, that people are there that care about their wellbeing and that will not judge them. They are able to build trust so that a potential victim feels safe confiding in them and can know what resources are available and can have assistance navigating those resources.

This element of trust is important locally as well. The Genesis Project, which is based in King County, is a non-profit organization that seeks to assist and rehabilitate trafficking victims. James was heavily involved with this organization at one point in time and was very involved with its processes, including interacting with the trafficking victims. He communicated about how challenging it was to get victims to leave the industry because they do not trust anyone.

Participants' Opposing Opinions

Participants were divided on what model they felt would be most beneficial for all parties. Participants residing in the U.S. did not support a legal model, but the former sex workers in the Netherlands felt that legalization has more benefits for trafficking victims due to accessibility and the lack of prosecution. The former trafficking victim interviewed in the U.S. did not think that either model would matter because clients and pimps would always see these women as property. This was her position even after spending time in prison and being registered as a sex offender for many years following her incarceration and ultimate escape from her perpetrator, who was eventually imprisoned for life (former sex trafficking victim, personal communication, April 18, 2015). Even though she did not support legal prostitution in that respect, she did note that part of the allure for men that hire prostitutes is the fact that it is forbidden. She expressed, *"I think part of what drives men to purchase the women is that it is illegal and underground, and it's that secretiveness, that excitement, that adds to it"* (former sex trafficking victim, personal communication, April 18, 2015). She claimed that even if it were legal, they would seek out the underground industry to satisfy that excitement, as well as to

maintain their anonymity. This potential continuance of an underground industry is also a point that was made by the active police officer. He compared legalization of prostitution to the recent legalization of cannabis in the state of Washington. Despite the legal status of the drug, there is still an illegal sector he faces frequently that is wrought with crime. From the perspective of those participants in the Netherlands, it is much more complex. As Danique noted in the previous quote, the criminalized model puts the industry in the hands of criminals and limits accessibility. Fay also notes that it is important to differentiate between prostitution and trafficking. She states:

“Prostitution is not trafficking. The best environment that will help victims is an environment that eliminates their vulnerability to this form of exploitation in the first place.” This goes much deeper than managing the prostitution industry. For her, it refers more to “ending poverty structures, eliminating stigma, gender discrimination and transphobia” (former sex worker 2, Netherlands, personal communication, May 8, 2015).

Tackling these issues is more important in tackling the exploitation that occurs through trafficking than addressing prostitution as the sole contributing factor to sex trafficking.

Discussion

As can be seen from the results of these interviews, prostitution is a very complex topic. The context from which these individuals draw their conclusions is also very different, so it is expected that they all see the industry through different lenses. All participants make valid points as to why each model has different benefits but also limitations. Approaching the information from the polymorphous perspective, it is possible to absorb and analyze the benefits and shortcomings of each. The trafficking victim we interviewed was in the industry for 12-13 years, from her teens to her mid to late 20s, and she was exceptionally isolated. She was also involved in street-based prostitution, which is the most dangerous and volatile type of prostitution, whereas the former sex workers in the Netherlands worked indoor prostitution such as brothels,

and in good conditions on their own accord. It's expected that their attitudes would differ. What is important is to see the affect a different setting could have had on those that have been trafficked. There is increased accessibility, more opportunity to build relationships with sex workers to establish their circumstances, increased ability to assist those trafficking victims though increased trust and reduced stigma, and an increased ability to regulate those working in the industry. Within the legalized model, not only do organizations have access to the industry, so does law enforcement through periodic inspection of facilities, to insure proper licensing, health and safety regulations and insure that the workers are over the legal age and have legal residency. This offers accessibility that is not available through the criminalized model. The legal model makes it possible to begin building that trust on the victims' terms, not after they have been arrested for prostitution. The only interaction the trafficking victim had was with her perpetrator, other women under her perpetrator's control, and clients with whom she was forced to sexually service in an often dangerous environment. She was then incarcerated, placed on probation, labeled as a sex offender, and asked to take responsibility for her actions. Linda's context is vastly different from that of the two former sex workers in the Netherlands, who chose to work in the industry and had the option of doing so in a safe environment. The simple fact that prostitution has existed since time immemorial and been found in every sizable human society should be enough of an indicator that eradication is not possible; therefore, criminalization is not an adequate approach to the industry.

In regards to the endurance of prostitution, it is important to discuss James's perspective in his comparison to other criminal activity, which certainly stems from his victim approach to prostitution. Those who do not share this approach would claim that if a person is selling services willingly, there is no harm done to any party, so where is the crime? These are two very opposing points depending on your approach that depends on how you view the industry. The

setting in the Netherlands, where it is legal, is very different from that of the U.S., where it is a criminal activity. Danique encounters sex workers daily that choose and love their work, whereas James sees the “*worst of the worst*” (police officer, personal communication, May 12, 2015), which he admits biases his opinion. In his line of work, he does not see those that choose to work in the industry.

Many themes also address the importance of going beyond the focus on legal vs. criminal, and focus on prevention and safety. According to the results, this prevention can be achieved by strengthening society’s young women at a young age and instilling more compassion in the young men, in order to deter trafficking before it even begins. There needs to be adequate resources to not just assist women in exiting the industry if they are in it against their will, but also programs to address poverty and other contributing factors that may have pushed them into it. There is currently more focus on correction than prevention.

The impact of social stigma cannot be stressed enough. As seen in the study results, stigma can deter women from seeking assistance but also push them back into the industry. It labels them as criminal in the criminalized setting, whereas in the legal setting, that label is removed. This would prevent women like Linda from being prosecuted after finally escaping her situation. The challenges Linda faced could have been much less difficult in a legal setting, and she could have had much more support on her road to rebuilding her life. Social stigma induces shame and hesitation in a criminalized model. The legalized model provides avenues for support and personal agency that is not available in the criminalized setting. This alone is a step in reducing stigma. Even though it is still present in the Netherlands, sex workers have a voice and more support from organizations and other people around them, and they know they have legal rights and protection if those rights are violated. A victim who is raped or abused in a criminal setting has no rights to protection because they are participating in criminal activity.

Conclusion

This study points out alternative opinions on prostitution policy and how this policy can affect victims of sex trafficking. The varying opinions illustrate that this is not a simple topic, and no system is perfect. Addressing stigma, poverty, youth empowerment, and accessibility and resources are important objectives. Finding a structure that facilitates these goals is what will actually prevent trafficking from occurring, rather than merely correcting it after the fact. The interviews in this study illustrate that there are advantages to the legal model, as well as enhanced ability to aid in prevention. This study was limited by a small sample size, in which the only participants with any experience in the sex industry were women. Future research should also incorporate the input of male sex workers, because their voice often goes unheard in the debate. It would also be important to communicate with former victims of trafficking in the Netherlands to compare their experiences within the two different settings. Ultimately, the issues surrounding prostitution and sex trafficking are complex and deserve a wider lens that incorporates a variety of perspectives that recognize this complexity. Future research should be more objective in exploring these complexities and not limited by personal opinion or public perceptions of morality.

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Appendix A

Date	Task to complete
February 26	Final edits on IRB application
March 6	IRB
March 16	Literature review for advisor; meeting with advisor
March 16 – April 4	Interviews completed
April 6	All interviews transcribed and analyzed
April 6	Meet with research partner on data analysis
April 10	Rough draft to advisor
April 11 – 24	Colloquium preparation
April 24	Feedback from advisor
May 1	Second rough draft to advisor
May 10	Feedback from advisor
May 15	Final paper
May 16-20	Collaborate with research partner on finalizing colloquium presentation
May 21	Colloquium

Appendix B

Potential Interview Questions

1. How long you've been in your field of study/work?
2. How do you personally define sex trafficking?
3. What's been your experience with the sex industry?
4. Have you ever encountered a trafficking victim? From your perspective, what were some of the challenges he/she faced?
5. To your knowledge, what are some resources provided for potential victims of trafficking? How effective are these methods for identifying these individuals?
6. Do you think a victim would be more likely to come forward and seek help in a legal or illegal context, or do you think it would matter? Why?
7. What effects do you think legal/illegal prostitution has on society?
8. What prostitution structure do you think provides the best environment for trafficking victims to escape? Why?
9. In regards to how prostitution relates to trafficking, is there anything you would like to add that we haven't discussed?

Appendix C

**GLOBAL HONORS**UNIVERSITY *of* WASHINGTON | TACOMA**UNIVERSITY OF WASHINGTON TACOMA
CONSENT FORM**

Researchers:

Amy Blanchard: Lead Student Researcher/Legal Prostitution

Email: amyb24@uw.edu

Phone: (803) 397-6000

Department: Global Honors

Division: Institute for Global Engagement

Box number: 358457

Melanie Basil: Lead Student Researcher/Illegal Prostitution

Email: mbasil22@gmail.com

Phone: (253) 3700-8380

Department: Global Honors

Division: Institute for Global Engagement

Box number: 358457

Dr. Christine Stevens: Faculty Advisor

University of Washington Tacoma

Associate Professor, Nursing and Healthcare Leadership Department

Box number: 358421

Email: cstevens@uw.edu

Researchers' statement

We are asking you to be in a research study. The purpose of this consent form is to give you the information you will need to help you decide whether to be in the study or not. Please read the form carefully. You may ask questions about the purpose of the research, what we would ask you to do, the possible risks and benefits, your rights as a volunteer, and anything else about the research or this form that is not clear. When we have answered all your questions, you can decide if you want to be in the study or not. This process is called "informed consent." We will give you a copy of this form for your records.

PURPOSE OF THE STUDY

The purpose of this research is to uncover which model of prostitution—illegal or legal—fosters the best conditions for victims of sex trafficking, and what model appears to be most optimal for victims to escape their situations. The first aim of our research is to understand the model of illegal prostitution, looking at both the positive and negative conditions that this method of managing prostitution fosters. The second aim is to explore the ways in which the legal prostitution model affects trafficking victims. Our overall goal would therefore be provide policy makers with information that encourages broader thinking in regards to managing prostitution in order to combat sex trafficking more effectively.

STUDY PROCEDURES

We will explore these different models through interviews with law enforcement and experts in the field of sex trafficking and sex work. Sample of the questions that we might ask are:

(1) what potential effects does each prostitution model have on trafficking victims and (2) what model appears to be most optimal for victims to escape their situations.

Through law enforcement input on their experience with combating prostitution and trafficking, we will analyze their opinions of how prostitution is managed and the resources available to trafficking victims as well as analyzing their personal experiences in the field.

Experts will be consulted about their opinions on the current resources available for trafficking victims in an illegal and a legal setting and how effective those resources are.

We intend to interview 5 to 10 individuals. One interview will be conducted by the student researchers, Melanie Basil and Amy Blanchard, and will not exceed 1-2 hours. Interviews consist of 8-10 pre-established questions, but follow-up questions may be included depending on interviewee responses. The questions are intended to analyze the interviewee's experience and opinions in regards to sex work, prostitution policy, and how it relates to trafficking victims and resources available to them. Participation in this study is completely voluntary, so you may withdraw from the interview at any time. You may also refuse to answer any questions with which you do not feel comfortable.

RISKS, STRESS, OR DISCOMFORT

There are no known risks associated with participation in this study.

Interviews will be recorded and stored using coded identifiers on password-protected files on the researchers' personal computers. Due to time constraints, participant will not have the opportunity to review recorded material before research presentation. Participants will not be personally identifiable and all information will be kept strictly confidential. All research material will be destroyed upon completion of this study. The date will be June 15, 2015.

BENEFITS OF THE STUDY

Through participation in this study, participants have the opportunity to provide feedback that could aid policymakers and creating more effective prostitution laws that could potentially help trafficking victims.

SOURCE OF FUNDING

The study team is receiving financial support from the Bamford Foundation via the Bamford Fellowship for Undergraduate Research.

CONFIDENTIALITY OF RESEARCH INFORMATION

The identity of the participants shall be kept confidential unless they request that their name be included. Some potential participants are public figures who have written on the subject and may prefer to have that information public. All other participant information will be kept anonymous. Any necessary identifiers will be coded so as to maintain the anonymity of the participant. There are no plans to release data to participants, but they may request a copy of the final work once it is complete. All files will be in password-protected files to which the research team will have access and will be deleted on June 15, 2015. There are no known limits to confidentiality.

All of the information you provide will be confidential. However, if we learn that you intend to harm yourself or others, we must report that to the authorities .

There are some limits to this protection. We will voluntarily provide the information to:

- a member of the federal government who needs it in order to audit or evaluate the research;
- individuals at the University of Washington, the funding agency, and other groups involved in the research, if they need the information to make sure the research is being done correctly;
- the federal Food and Drug Administration (FDA), if required by the FDA;
- The appropriate Washington State authorities, if we learn of child abuse, elder abuse, or the intent to harm yourself or others.

OTHER INFORMATION

You may refuse to participate and you are free to withdraw from this study at any time without penalty or loss of benefits to which you are otherwise entitled.

There is no payment or other incentive involved with participation in this study.

Printed name of study staff obtaining consent	Signature	Date
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Subject's statement

This study has been explained to me. I volunteer to take part in this research. I have had a chance to ask questions. If I have questions later about the research, or if I have been harmed by participating in this study, I can contact one of the researchers listed on the first page of this consent form. If I have questions about my rights as a research subject, I can call the Human Subjects Division at (206) 543-0098. [If relevant, add: I give permission to the researchers to use my medical records as described in this consent form.] I will receive a copy of this consent form.

Printed name of subject	Signature of subject	Date
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When subject is a minor:

Printed name of parent	Signature of parent	Date
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When subject is not able to provide informed consent:

Printed name of representative	Signature of representative	Date
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Relationship of representative to subject

Copies to: Researcher
 Subject
 Subject's Medical Record (if applicable)