



Campion School MUN

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LEGAL COMMITTEE (GA6)

**COMBATING THE LOOPHOLES
IN TACKLING PROSTITUTION
AROUND THE WORLD**

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**International
Community**

**Memorable
Experience**

**Challenges
Skills**



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INTRODUCTION

Prostitution is euphemistically known as the world's oldest profession and the legality behind it varies from country to country. Currently there are many loopholes that are being exploited when governments have previously tried tackling the issue. Due to the massive grey area that comes with prostitution some of the loopholes are the easy and legal advertisement online, and not stating a monetary amount when asking for these services because in most states it's the solicitation that is illegal and not the services itself. Society often shuns its head when it comes to these issues and rarely does anything to actively solve the issue and combating any loopholes. The reason why society has not actively tried to solve this issue is because they either do not fully understand the issue or they understand it to a certain extent yet they wish to not get involved. A lot of people believe that the whole topic of prostitution goes against our fundamental human rights because they believe that the workers are often oppressed and cannot speak outright for themselves. This makes the whole situation hard to get a definitive view on the topics because sources are frequently unreliable. We have seen loopholes being exploited all over the world, for example sex workers in the USA often transport their workers across the borders into the state of Nevada in order to be able to carry out their business and they can get away with it because Nevada has a different legal system so they cannot be prosecuted as long as they are in that state.



DEFINITIONS OF KEY TERMS

- **Prostitution**

the practice or occupation of engaging in sexual activity with someone in exchange for payment

- **Prostitute**

a person, in particular a woman, who engages in sexual activity for payment

- **Brothel**

a house or other place where people pay to have sexual intercourse with prostitutes

- **Solicitation**

the act of accosting someone and offering one's or someone else's services as a prostitute

- **Human trafficking**

a form modern-day slavery and involves the use of force, fraud, or coercion to obtain some type of labour or commercial sex act

- **Pimp**

a man who controls prostitutes and arranges clients for them, taking a percentage of their earnings in return



- **Loopholes**

refers to a way out of a particular law or a set of rules, it is also referred to as a backdoor and is perceived as an easy way out of an illegal situation

- **Law**

a system of rules that must be obeyed that a particular country or community recognizes and impose penalties if they are ever broken

- **Exploitation**

the action of treating someone unfairly in order to benefit from their work



TIMELINE

DATE	DESCRIPTION OF EVENT
1885	Britain Criminal Law Amendment Act 1885
1902	New York's Committee of 15
1910	Mann Act
1911	Netherlands Bans Brothels
1913	Bureau of Social Hygiene Forms
1913	American Social Hygiene Association Forms
1918	US Chamberlain-Kahn Act
1919	Russia Re-educates Prostitutes
1927	Germany Decriminalizes Prostitution
1933	Nazis Recriminalize Prostitution
1939	Nazis Regulate Prostitution
1946	France Bans Brothels
1956	Japan Passes Anti-Prostitution Law
1959	Britain Legalizes Prostitution
1971	Nevada Regulates Prostitution
1973	COYOTE Forms
1983	GA Prevention of Prostitution Resolution
1985	Economic and Social Resolution dealing with human trafficking and the exploitation of prostitution
1999	The Swedish Approach
2007	Human Rights Council 11 th session on women and children being trafficked

TOPIC DISCUSSION

The focus of this committee will be proposing new legislations to combat the issue of the exploitation of the current loopholes whilst preventing any further loopholes. This committee will also be tackling the different legal laws, how they affect our society and what our society has done so far in dealing with the issue. As delegates you must also try to eradicate already existing loopholes and you are encouraged to come up with solutions other than new legislations, as some loopholes cannot be eradicated simply by legislations.



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CAUSES

There are many causes as to why people turn to prostitution and why loopholes in laws are abused. Often it is a person's lack of choice that forces them to 'choose' prostitution. Some get involved in selling sexual services at a young age and many have experienced abuse in childhood or have spent time in local authority care. Studies show that high numbers of women in prostitution have experienced coercion from a partner, pimp or relative and that incidents of violence are much higher than in the rest of society. Drug and alcohol misuse are a problem for some and chaotic lifestyles make it difficult for people to leave prostitution without support. Most people also turn to it as a solution to their financial issues in hopes that they will get a better pay for a better life. We often see people such as refugees turn to this line of work. Many brothels exploit loopholes in order to continue making money and keep their businesses running. People are often coerced into prostitution due to human trafficking and thus are forced into the profession. The reason why the legislations tackling prostitution have so many loopholes is because of this massive grey area surrounding the topic and this makes it very hard to come up with effective resolutions and ones that are followed even behind a brothel's closed doors. For all these reasons we see how these socioeconomic conditions lead to the existence of prostitution which in turn leads to their loopholes being exploited, because of the need for business.



POSSIBLE SOLUTIONS

Although it is very hard to create any resolution without any loopholes there are solutions that help reduce them. These include creating legislations against the advertisement in order to prevent the brothels gaining business via the internet since they are not legally allowed to do so physically. Other loopholes are avoiding solicitation, so if the client never states a monetary value the exchange is considered legal, this can be avoided by implementing laws that ensure solicitation between the two parties through various means such as fining the client or shutting down brothels if they do not comply with these new legislations. People also tend to go abroad in order to “legalise” their action since the laws affecting prostitution vary in different countries so by imposing a single international law that affects all countries or at least as many as possible we reduce these loopholes. Finally, one of the more commonly used solutions is to regulate the brothels or businesses better and provide financial support to the workers in order for them to know their rights and be able to support themselves so that they can avoid the loopholes.



MAJOR COUNTRIES & ORGANIZATIONS INVOLVED

Organizations

Coalition for the Abolition of Prostitution (CAP international)

A UN organisation with the main aims to abolish prostitution because it abuses the rights of the workers. Their methods include involving as many UN members as possible to work to abolish prostitution and the criminalisation of it.

Countries

Sweden and other Nordic countries

Sweden and other Nordic countries play a role in these resolutions because they are some of the few countries that have successfully managed to deal with this issue such as the Swedish Approach. Once again these are the countries that have made the most advancement in tackling the issue and it is often said how other countries should follow in their footsteps.

United States of America

The USA has had to deal with this issue in the past when in 1980, due to an unintentional loophole created by legislators, where indoor prostitution became “legal” and the loophole was only just closed in 2009. Workers also often exploit the loophole of crossing the border into the state of Nevada to exercise their profession.

China

In China prostitution is officially illegal but this often does not deter the workers from exploiting loopholes such as the massive grey area surrounding this topic, and due to there being a closed media it is difficult to gather information and deal with.



Japan

Japan's legislations are very specific in their wording, meaning that although prostitution is illegal but male, anal and oral prostitution is never mentioned so they are considered legal.

Venezuela

Venezuela has some of the most issues with prostitution due to the poor economic conditions, but then again only 20% of the sex workers here were actually born in the country.

Bolivia

In the past Bolivia has had problems with child prostitution and human trafficking due to their poor economic conditions.

Angola

The legislations in Angola are not followed by the police which have caused concern by nearby NGOs, so both the laws and loopholes are easily exploited.

Middle East

The Middle East has issues in the past with prostitution and human trafficking, so it comes to no surprise that they have exploited loopholes and the rights of their workers. The same thing happens in Northern Africa where they exploit loopholes to maintain business and reputation.

South East Asia

South East Asia also is known for exploiting loopholes and the rights of their workers because they are an extremely poor region with poor education, thus it is easy for workers to find loopholes.



UN INVOLVEMENT: Relevant Resolutions & Treaties

- ✚ Women's anti-discrimination committee examines Netherland's policies on prostitution, domestic violence, and human trafficking in 2007
- ✚ General Assembly's resolution on human trafficking and women's and children's exploitation in prostitution
- ✚ Economic and Social Resolution dealing with human trafficking and the exploitation of prostitution in 1985
- ✚ The Human Right Council's 11th session tackling the trafficking of women and children in the sex industry



Research Questions

One of the successful resolutions that has been drawn was the Swedish Approach in prostitution so some of the main questions asked here is why was in so successful and how did it avoid loopholes?

Here is a useful page that explains the whole approach and how they dealt with the issue: <http://www.sos-sexisme.org/english/swedish.html>



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