

Czech University of Life Sciences Prague

Faculty of Economics and Management

Department of Humanities



Bachelor Thesis

**Legalizing sex industry in Vietnam:
A promising business or an impossible mission**

Nguyen Khanh Linh

© 2020 CULS Prague

BACHELOR THESIS ASSIGNMENT

Khanh Linh Nguyen

Economics Policy and Administration
Business Administration

Thesis title

Legalizing sex industry in Vietnam: A promising business or an impossible mission

Objectives of thesis

This thesis focuses the practice of sex work in Vietnam in the context of the global debate about the ethics and legality of sex work. There is substantial disagreement internationally about how to approach sex work, ranging from full prohibition to more or less regulated markets. This debate touches on a range of issues, including notions of harm, questions of body commodification and self-ownership, exploitation and freedom, and issues of gender and sexuality.

The thesis will aim to investigate sex work in Vietnam from the point of view of those involved (their motivations, attitudes and personal stories) and to compare these findings with existing attitudes and laws, in order to consider potential changes and reforms.

Methodology

Develop a literature review focused on the international debate about the ethics and legality of sex work and prostitution, identifying, clarifying and reflecting on the key concepts involved. Critical comparison of existing laws concerning sex work in Vietnam with legal frameworks in other countries. Qualitative research into the practices of and attitudes towards sex work in Vietnam.

The proposed extent of the thesis

40-50 pages

Keywords

Prostitution, exploitation, sex industry, ethics, legalization, criminalization, abolitionism, sexual ethics

Recommended information sources

- Albert, R., Gómez, F., & Franco, Y. G. (2007). *Regulating Prostitution: A Comparative Law and Economics Approach*. NY.
- Farley, M. (2004). "Bad for the Body, Bad for the Heart": Prostitution Harms Women Even if Legalized or Decriminalized. *Violence Against Women*, 10(10), 1087-1125. doi:10.1177/1077801204268607
- MacKinnon, C. A. (2007). *Women's Lives, Men's Laws*. Cambridge, MA: Harvard University Press.
- Pateman, C. (2018). *The Sexual Contract*. Hoboken, NJ: John Wiley & Sons
- Satz, D. (2012). *Why some things should not be for sale the moral limits of markets*. Oxford: Oxford University Press.
- Weitzer, R. (2012). *Legalizing Prostitution: From Illicit Vice to Lawful Business*. New York, NY: NYU Press.

Expected date of thesis defence

2019/20 SS – FEM

The Bachelor Thesis Supervisor

Daniel Rosenhaft Swain, Ph.D., MA

Supervising department

Department of Humanities

Electronic approval: 9. 3. 2020

prof. PhDr. Michal Lošťák, Ph.D.

Head of department

Electronic approval: 10. 3. 2020

Ing. Martin Pelikán, Ph.D.

Dean

Prague on 20. 03. 2020

Declaration

I declare that I have worked on my bachelor thesis titled " Legalizing sex industry in Vietnam: a promising business or an impossible mission" by myself and I have used only the sources mentioned at the end of the thesis. As the author of the bachelor thesis, I declare that the thesis does not break copyrights of any their person.

In Prague on 22/03/2020

Nguyen Khanh Linh

Acknowledgement

I would like to thank my supervisor, Dr. Daniel Rosenhaft Swain and all other participants, for their advice and support during my work on this thesis.

Legalizing sex industry in Vietnam: A promising business or an impossible mission

Abstract

Based on the original topic “ethical questions in economic and business”, this thesis focuses on ethical aspects of the sale of sex and the regulations for sex work due to the wrongness in women prostitution.

The Theoretical Part has three sections. The first part gives an overview about prostitution in which includes brief definitions of sex work, defined by different philosophers, as well as 2 types of prostitution. The second part reviews and clarifies main ethical concepts of prostitution, explains why prostitution is harmful and violated to morality. The third part provides information about four main legal approaches to prostitution, gives reasons why these laws are created, pros and cons of each jurisdiction.

In the Practical Part, I use Vietnam as a case study for this thesis. This part is divided into two sections: prostitution law in Vietnam and interviews with sex workers and people from other profession. It is necessary to have a brief overlook of prostitution law in Vietnam in order to compare with other regulations in the Literature Review part. The objective point for doing interviews is also to compare practical opinions with studied concepts in the Theoretical Part. The comparisons will be presented in the Results and Discussion part.

Keywords: Prostitution, Ethics, Regulations, Body Market, Women, Selling Body, Harms, Women Rights.

Legalizace sexuálního průmyslu ve Vietnamu: Slibné podnikání nebo nemožná mise

Abstraktní

Na základě původního tématu „etické otázky v ekonomice a podnikání“ se tato diplomová práce zaměřuje na etické aspekty prodeje sexu a předpisy týkající se sexuální práce z důvodu nesprávnosti při prostituci žen.

Teoretická část má tři sekce. První část podává přehled o prostituci, ve které jsou stručně definovány sexuální práce definované různými filosofy, jakož i 2 typy prostituce. V druhé části jsou zhodnoceny a objasněny hlavní etické pojmy prostituce, vysvětleno, proč prostituce škodí morálce. Třetí část poskytuje informace o čtyřech hlavních právních přístupech k prostituci, uvádí důvody, proč jsou tyto zákony vytvářeny, výhody a nevýhody každé jurisdikce.

V praktické části používám Vietnam jako případovou studii pro tuto práci. Tato část je rozdělena do dvou částí: prostituční zákon ve Vietnamu a rozhovory s pracovníky v sexuální oblasti a lidmi z jiné profese. Pro srovnání s jinými předpisy v části Literární přehled je nutné mít ve Vietnamu krátký přehled o prostitučním právu. Cílem rozhovoru je také porovnat praktické názory se studovanými pojmy v teoretické části. Srovnání budou uvedena v části Výsledky a diskuse.

Klíčová slova: Prostituce, Etika, Předpisy, Trh s tělem, Ženy, Prodejní tělo, Škody, Práva žen.

Table of content

1 Introduction.....	10
2 Objectives and Methodology	11
2.1 Objectives.....	11
2.2 Methodology	11
3 Literature Review.....	12
3.1 An overview to prostitution.	12
3.1.1 Definition	12
3.1.2 Types of sex work.....	12
3.2 Ethics in sex selling.....	16
3.2.1 Narrowly economic aspect.....	16
3.2.2 Is it a choice?	18
3.2.3 Individual harm.....	20
3.2.4 Social harm	24
3.3 Regulations on sex industry	26
3.3.1 Regulations across the world	26
3.3.2 Main legal approaches to prostitution.....	28
3.3.3 Conclusion	35
4 Practical Part.....	37
4.1 Legal frame of prostitution in Vietnam.....	37
4.2 Interviews with sex workers and people from other professions	39
4.2.1 Is selling sex a voluntary choice?	40
4.2.2 Is prostitution harmful for prostitutes?	42
4.2.3 Is prostitution a violation to human dignity?	43
4.2.4 Is prostitution harmful for society?.....	44
4.2.5 Opinions about prostitution law in Vietnam.....	45
4.2.6 Legalizing prostitution in Vietnam.....	47
4.2.7 Decriminalizing/ Decriminalizing demand.....	48
5 Results and Discussions	50
6 Conclusion.....	58
7 References	59

List of tables

Table 1: "Direct" sex work	13
Table 2 "Indirect" sex work	14
Table 3 Statistics of women involved in prostitution with poor backgrounds	19
Table 4 Prostitution regulations in EU members and some other countries.....	28
Table 5 Summary of the results collected.....	50
Table 6 Opinions about suitable prostitution legal regimes	54

1 Introduction

Sex work, also known as prostitution, is a complex social phenomenon and when it comes to prostitution, the attitude of society in many countries including Vietnam is mostly disrespectful, discriminated or despised sex workers. In some countries where the law allows sex trafficking, sex workers are treated as workers, “sex” is used to describe the nature and characteristics of this type of labour. Perhaps that is why the social attitude towards these people is also less harsh.

It is true that sex from time immemorial is considered an indispensable part of life. However, are workers of sex industry respected? These are two different categories. The first category sees sex as the source of life, the second category considers it a mean of exchange. Ancient civilizations worshiped the goddess of love because that was how they showed their respect for sexuality and traditional belief. This does not mean that taking sex for sale is a behaviour worthy of respect.

So, whether or not should sex work be legalized? There are many arguments about legalizing this physical sale. The legal philosophy reflects general social ethical values. First, based on the principle of freedom, a woman can do anything with her body as long as it does no harm to others. Second, some countries see this as an inevitable phenomenon in society, instead of evading it needs to face. Further, they see sex workers as victims of crime and poverty, so the law aims to better protection for sex workers by subsidizing policies, controlling working hours, insurance, etc. From a legal perspective, there is still no evidence to prove that allowing prostitution can completely stop the stigma as well as improve social attitude towards sex work.

However, from an ethical point of view, there are things that we cannot buy or trade with money or material things. Is giving the body to exchange material things an act of losing human dignity? In other words, where is the limit of money? I don't think there is any civilization in which their culture adheres prostitution.

2 Objectives and Methodology

2.1 Objectives

This thesis focuses the practice of sex work in Vietnam in the context of the global debate about the ethics and legality of sex work. There is substantial disagreement internationally about how to approach sex work, ranging from full prohibition to more or less regulated markets. This debate touches on a range of issues, including notions of harm, questions of body commodification and self-ownership, exploitation and freedom, and issues of gender and sexuality.

2.2 Methodology

Develop a literature review focused on the international debate about the ethics and legality of sex work and prostitution, identifying, clarifying and reflecting on the key concepts involved. Critical comparison of existing laws concerning sex work in Vietnam with legal frameworks in other countries. Qualitative research into the practices of and attitudes towards sex work in Vietnam.

3 Literature Review

3.1 An overview to prostitution.

3.1.1 Definition

Prostitution has been existing for centuries throughout the mankind's history and it's also associated with the phrase "the world's oldest profession" by Rudyard Kipling in his short story about an Indian prostitute, *On the City Wall* (January 1889). This phenomenon is also defined in other various way. Richard Goodall, in his book *The Comfort of Sin*, gives a detail definition for a prostitute as someone who "earns a living wholly or in part by the more or less indiscriminate, willing, and emotionally indifferent provision of sexual services of any description to another, against payment, usually in advance but not necessarily in cash"¹. Another definition by Simon and Witte, prostitute is "any person who grants nonmarital sexual access to a number of clients by mutual agreement, and without emotional ties, for remuneration which provides part or all of that person's livelihood."²

Generally, the phenomenon of prostitution can be briefly described as a business service aimed at providing sexually oriented services on the basis of a material value beyond marriage. Prostitutes are women who sell their own bodies for men who use the services "to enjoy intellectual, aesthetic, and sexual stimulation."³

3.1.2 Types of sex work

Depending on the legal frameworks and cultural beliefs in each region, sex services have transformed into many different types. In countries where selling sex is accepted, sex services in many forms are opened to attract more customers (adult shows, strip clubs, sex shops). For regions that are heavily influenced by traditional cultural ideologies and have a regime of prohibition, selling sex faces more difficulties and is usually disguised as legitimate jobs, for instance: massage parlours, karaoke bars, etc. There are at least 25 different types of prostitution and they are generally divided into two groups: "direct" and "indirect" sex work, which are described in two tables below:

¹ Goodall, R. (1995). *The Comfort of Sin: Prostitutes & Prostitution in the 1990s*. NJ: Paul Norbury. p. 1.

² Simon, C. P., & Witte, A. D. (1982). *Beating the System: The Underground Economy*. NJ: Auburn House. p. 243.

³ Rathus, S., Nevid, J., & Fichner-Rathus, L. (2013). *Human Sexuality in a World of Diversity*. New York, NY: Pearson Higher Ed. p. 463.

Table 1: "Direct" sex work⁴

Types	Geographic distribution
Street: Clients solicited on the street, park or other public places. Serviced in side streets, vehicles, or short stay premises	Widespread, particularly if alternative work sites are unavailable (United States, Europe, United Kingdom, Australasia) and/or there is socioeconomic breakdown (eastern Europe, parts of Africa, south and South East Asia, and Latin America)
Brothel: Premises explicitly dedicated to providing sex. Better security than street. Often licensed by authorities	Preferred where sex work is decriminalised, or brothels are "tolerated." (Australia, New Zealand, South East Asia, India, Europe, Latin America)
Escort: Client contacts sex worker by phone or via hotel staff. Most covert form of sex work. Relatively expensive because of low client turnover. Service provided at client's home or hotel room	Ubiquitous. In the United States escorts and private workers contacted by phone and working from a "call book" are known as "call girls" or "call men"
Private: Client contacts sex worker by phone. Similar to escorts except services provided in sex worker's premises. A variant in London and other big cities is "flat" prostitution -high cost services in rented, serviced, inner city units	United Kingdom, Europe, United States, and Australia. Sometimes doorway and street sex workers bring clients home
Window or doorway: Brothels with sex workers on public display. Windows preferred in cold climates, doorways in warmer places	Window prostitution almost unique to Amsterdam and Hamburg. Doorway prostitution found in less affluent areas of European cities and in African and other developing countries
Club, pub, bar, karaoke bar, dance hall: Clients solicited in alcohol vending venues and serviced on site or elsewhere	Ubiquitous depending on types of male club available
Other all-male venues: Clients solicited in all-male venues such as barbershops, bathhouses, saunas, and mining camps. Serviced on site or elsewhere	Ubiquitous

⁴ Harcourt, C. (2005). The many faces of sex work. *Sexually Transmitted Infections*, 81(3), 201-206. doi:10.1136/sti.2004.012468. p. 202.

Door knock or hotel: Unattached males are approached in their hotel rooms or boarding houses	Hotels worldwide and wherever large numbers of unaccompanied males reside
Transport (ship, truck, train): Sex workers may board vehicles to service the crew or passengers or pick up clients at stations and terminals	Ubiquitous
CB radio: Sex workers drive along highways using CB radio to exchange (jargon) messages with potential truck driver clients. Serviced at truck stops or parking areas	United States
Other methods of solicitation: Through various media including noticeboard and newspaper advertisements, "sex worker catalogues" with mobile phone numbers, the internet via virtual brothels, etc. Services are delivered mostly in brothels and other indoor venues	Ubiquitous, but internet and mobile phone services are mostly confined to large cities in developed countries - particularly the United Kingdom and Sweden where legislation limits other forms of advertising

Table 2 "Indirect" sex work⁵

Types	Geographic distribution
Bondage and discipline: sexual fantasy through role play. May involve the inflicting of pain, but genital contact is not routine	Apparently unique to wealthier countries
Lap dancing: A recent development involving erotic dancing at close quarters without sexual contact	Predominantly wealthier countries - often takes place in hotels and clubs
Massage parlour: Premises ostensibly dedicated to providing massage, but a range of sexual services may be provided. In South East Asia similar arrangements may apply in barbershops	Europe, South East Asia, and Australia
Travelling entertainers: Actors, dancers and others involved in entertainment may also provide sexual services	South East Asia

⁵ Harcourt, C. (2005). The many faces of sex work. *Sexually Transmitted Infections*, 81(3), 201-206. doi:10.1136/sti.2004.012468. p. 203.

Beer girls: Young women hired by major companies to promote and sell products in bars and clubs. Sexual services sold to supplement income	Cambodia, Uganda, other developing countries
Street vendors and traders: Ostensibly marketing rural produce or other goods but supplementing income with sexual services	Widespread in developing countries
Opportunistic: A person approached in a social venue may occasionally choose to charge for sexual favours if the client appears wealthy enough	Ubiquitous
Femme libre: Women, usually single or divorced, who exchange sexual services for gifts. The gifts are then converted to cash	Central Africa
Individual arrangements: The single mother who may have sex with her landlord in place of rent. Older sex workers who only deal with a small number of regular clients, by appointment. “Kept” women or men. Concubines. The number of possible arrangements is vast	Ubiquitous
Swingers clubs: Some swingers or couples sex clubs employ (undisclosed) sex workers if there is a shortage of female guests	Predominantly wealthier countries
Geisha: Women engaged primarily to provide social company, but sex may ensue	Japanese cities
“Sex for drugs”: Women providing fellatio for crack cocaine in crack houses. Young homosexual men in Western countries may provide opportunistic sexual services paid with drugs	Crack houses are unique to the United States
Beachboys, bumsters, and gigolos: Men and boys engaged by women ostensibly for social purposes, but sex is often	Resorts, particularly in developing countries

involved. Some beachboys are under aged and many also service male clients	
Survival sex: A matter of degree, where starvation or other serious deprivation is imminent, particularly for dependants. Food or security may be the currency, rather than money	Refugee camps anywhere

3.2 Ethics in sex selling

It can be said that morality plays a big role in shaping human values. It governs human behaviour according to socially accepted standards and norms, regulates the attitude, obligations, and responsibilities of each person towards himself as well as others and society. Thus, morality is a model, a standard to build a lifestyle, ideal for individuals. In business, pragmatism and focusing on economic efficiency are good virtues of business but if applied to other fields such as education, medical industry or to other social relations (for example: husband – wife, mothers – children, relationships between individuals) these are considered bad habits and criticized by society. Furthermore, it should be noted that morality and business are always governed by a common set of values and social ethical standards. Business ethics along with the law regulate business behaviours according to the provisions of law and social ethical standards. There are many issues that business needs to respect but the most important thing is respecting human values.

Prostitution is a complex phenomenon due to the blend in relationship between commodity and human dignity. Due to the high demand of pleasure hunting, sex industry is known as a big profitable business, however, it is also one of the jobs which faces the most criticism by society because of its violation of morality. The question of whether human dignity should or should not be put on the market will be discussed further in the next sections.

3.2.1 Narrowly economic aspect

Ethical issues often start from contradictions, especially when it comes to matters of benefit. When the criteria for evaluating and choosing suitable actions are not social ethical norms, but rather “efficiency”, “employment”, “wages”, “productivity” or “maximum profit”, these will be benefits for economic, human resources, technical or financial. From an economic view, Debra Satz in her text stated that this approach to

sexual contract “focuses on the costs and benefits that accompany such sales, [...] justify inalienability rules - rules that forbid individuals from entering into certain transactions.”⁶ The sale of women’s bodies in the market in this sense, like selling human organs, is wrong. Women’s bodies in this market are considered as commodities and have full characteristics of goods. Just like other capitalist approaches, “prostitution is seen as private enterprise, and the contract between client and prostitute is seen as a private arrangement between a buyer and a seller”⁷ - selling "the body" for money. However, many feminist arguments say it is not about “selling body” but selling “sex service”, and sex workers should be seen as paid workers in any other labour jobs, also “have trade union rights, and feminists often put forward proposals for workers' control of the industry.”⁸ For contractarians, “the prostitute is an owner of property in her person who contracts out part of that property in the market. A prostitute does not sell herself, as is commonly alleged, or even sell her sexual parts, but contracts out use of sexual services.”⁹ These arguments are not strong enough to abolish the idea that prostitution is wrong and harmful to be offered in the labour market. As Pateman stated in the text, unlike surrogacy contract,¹⁰ once the sexual contract is signed means the client has bought the sexual acts and the use of the seller’s body. It is obvious to know that direct sexual use of the client will be performed on the seller’s body. Some who say that selling sex is just the body is sold misunderstands the concept about the “self” and the “body”. The one’s “self” and the “body” have an indivisible connection. Thanks to the magical gift of nature has given for human beings, we were born with transcendent brains which give us emotional feelings, we have thoughts, we have senses and abilities to make the impossible become possible. That is how we are distinct from animals, robots or any other inanimate things. Everything we do is under control of the brain and our heart, the inside is linked with the outside, the “self” is always connected to the “body”. Women who engage in sex work are human beings just like any of us, since “the self” cannot be separated from the sexual acts, who can affirm that repeatedly performing sexual acts not give any damages to prostitute’s mentalities and inherently harmful to their health?

⁶ Satz, D. (2010). *Why Some Things Should Not Be for Sale: The Moral Limits of Markets*. New York, NY: Oxford University Press. p. 139

⁷ Pateman, C. (2018). *The Sexual Contract*. Hoboken, NJ: John Wiley & Sons. p. 189.

⁸ *Id.* at p. 191.

⁹ *Id.*

¹⁰ “The exchange in the surrogacy contract is between part of the property of a man, namely his sperm or seed, and part of the property of the “surrogate”, her uterus... The man's seed, to use Locke's language, is mixed with the woman's uterus, and, if she performs her service faithfully, he can claim the property thereby produced as his own.” - *Sexual Contract*, Pateman, p. 214.

3.2.2 Is it a choice?

Many people assume that joining in the sex industry is a personal choice to work in a risky profession, provides labour resources to solve the unemployment situation in many countries and also brings a big tax revenue gained from the industry for the Government. Some people might choose to enter prostitution without coercion, but is it actually choice or a last choice for survival? As Danna argues “the distinction between free and forced prostitution is contested in the political debate by those that maintain that no woman, if she is not driven by poverty or by pathological psychological motivations, can rationally choose to become a prostitute. Therefore, this path is always undertaken as a result of a constraint: either directly physical, with the use of violence or threats, or psychological, with tricks used by pimps to exploit women, or economical.”¹¹ Routes lead to the decision to selling sex are varied.

Firstly, “poverty and bad economic and employment situations are seen as strong push-factors forcing women into prostitution, and which call into question whether their consent can be assumed to have been voluntarily given.”¹² Tight financial situation is the most common reason which makes many women chose to be in this old profession. Due to the high income earned for selling sex, many people see it as a fastest way to earn money instantly. For example, the price of each time selling sex in Ba Vi (Vietnam) is around 500,000 – 2,000,000VND (20 ~ 40EUR) for virgin girls, this attracts many young girls from poor country-sides to enter the body market. Most of them are naïve girls who are low educated and come from poor families, some are orphans/homeless.¹³ Generally, in many other cases, a prostitute could be a mother who is under pressure to take care of her children; could be a woman who is struggling to pay rent, a lot of bills or insurances; could be an entrepreneur who just went bankrupt resulting in huge debts; or more special, could be a transgender person who finds it hard to get a normal job in a judgmental society. From the examples above, we can see that prostitution is highly associated with poverty, “low potential for female labour market earnings is often taken to be an important reason why women go into prostitution, and in any society a higher proportion of poor women prostitute themselves.”¹⁴

¹¹ Report on prostitution laws in the European Union, Daniela Danna, p. 31.

¹² Schulze, E., Canto, S. I., Mason, P., Skalin, M., European Parliament. Directorate-General for Internal Policies of the Union, & European Parliament. Directorate-General for Internal Policies. Policy Department C.: Citizens' Rights and Constitutional Affairs European Parliament. (2014). Sexual Exploitation and Prostitution and Its Impact on Gender Equality. NJ. p. 7.

¹³ Mua bán trình tiết học sinh ở Ba Vi: “Đại gia” mua dâm?. (2020, January 15). Retrieved from <https://www.msn.com/vi-vn/news/national/mua-b%C3%A1n-trình-ti%E1%BA%BFt-h%E1%BB%8Dc-sinh-%E1%BB%9F-ba-v%C3%AC-%E2%80%9C%C4%91%E1%BA%A1i-gia%E2%80%9D-mua-d%C3%A2m/ar-BBYXOJm>

¹⁴ Edlund, L. A theory of prostitution. NJ. p. 206.

Table 3 Statistics of women involved in prostitution with poor backgrounds¹⁵

Study	Sample size and study site	Findings
<i>Age of first involvement in prostitution</i>		
Hester & Westmarland 2004	122 women in Hackney, Hull, Kirklees, Manchester and Stoke-on- Trent	76% became involved in prostitution aged 21 or younger. 52% were aged 18 or younger
Kinnell 1993	115 women in Birmingham	More than half became involved in prostitution before they were 17
<i>Running away from home/local authority care and homelessness</i>		
Cusick et al 2003	125 men and women aged 16 and over in London, the West Midlands and the Home Counties	22% were homeless or living in temporary accommodation when they first sold sex. 82% of those aged under 24 (17) reported being homeless at time of interview
May et al 2001	100 women, London	Almost half were homeless or living in temporary accommodation
<i>Truancy/exclusion and poor educational attainment</i>		
Barnardos		75% of children abused through prostitution had been missing from school

Another reason drives women into prostitution is drug use, mostly among street-based prostitutes. Many studies have shown that the drug use among women who engaged in street-based sex trading:

In the study of Hester & Westmarland (2004), among 228 women in, London, 87% were using heroin and 64% were using crack. Of 167 women in Glasgow, 75% were injecting drugs in McKegany & Barnard study (1996).

¹⁵ Paying the Price: A Consultation Paper on Prostitution. (2004). NJ. Annex C, p. 95-97.

A study of Church (2001) shows that 93% of sex workers were using illegal drugs, 78% using heroin, 32% crack cocaine among 115 women. Another study in 2001 finds out that 100 women in London: 53% were using heroin, and 73% crack cocaine.¹⁶

The data above reflects the drug use and other dangerous substances of street prostitutes which is very high. Drug addiction and prostitution create a vicious circle. Drug addicts need money regularly to buy drugs, if drugs are not given on time, craving will badly start. The more frequently drugs are used, the more money will be drained out. And how to make money in a short period of time? Selling sex – an easy answer!

Therefore, it can be said that participating in sex work is voluntary, but it is actually a compulsory choice - the last and only choice in the list. Life is like a swift-flowing river, they are the people who are drowning and trying to save their life on that river and the only floating log they found which saves their life is sex trading. If someone luckily found a boat, obviously she would use that boat to save her life. Similarly, no one would choose to put a price tag on herself when she has better options to earn money. Some people might say that prostitutes are the ones who decided to sell themselves, however, I believe that in every decision there is always a hidden reason behind.

3.2.3 Individual harm

Whenever a sex contract is made, “the customer merely surrenders a certain amount of cash; the prostitute cedes her body. The prostitute is thus degraded to the status of a thing.”¹⁷ Rachel Moran, a former prostitute, has a saying that strongly expressed the immoral of prostitution, that is “prostitution is always an affront to human dignity, it is psychosexual bullying, women in prostitution are not seen as equal humans.”¹⁸ The most basic principle of human beings is all man are born free and equal, and human dignity is an inheritance that we must share and protect forever. Following this principle, seeing women body as a commodity to sell and purchase is a wrongness and has given human morality a shaky ground.

Firstly, let us start by making a comparison between prostitution and slavery. The familiar point that sex work shares with slavery is both works use human body as a good

¹⁶ Paying the Price: A Consultation Paper on Prostitution. (2004). NJ. Annex C, p. 98.

¹⁷ Satz, D. (2010). Why Some Things Should Not Be for Sale: The Moral Limits of Markets. New York, NY: Oxford University Press. p. 143

¹⁸ The myth of the happy hooker. (2013, April 13). Retrieved from <https://www.irishtimes.com/life-and-style/people/the-myth-of-the-happy-hooker-1.1358702>.

on the market: humans are sold/bought, equal to a certain amount of money depends on the background of the market at the time. It's human beings who are purchasing and selling themselves. In a society where slavery exists, we might see slavery as other works using employee resource. For instance, a slave is like a worker working in a factory with period of times are given for work, for meals, for sleeping. Basically, they both work for someone who is in higher social class, both must obey every rule given, both have strict schedules. But at least factory workers they are just selling their labour to the factory owner and the contract between them is an agreement of renting labour for a period of time, not the whole physical body. The reason why slavery was criticized is because human in that society is degraded to an object – a live working machine – becomes a property of somebody rich, becomes a good to be haggled in the open market – just like prostitution – a live sex machine. That's also how a prostitute names Lois feels about herself: “in the end you hate yourself for selling your body. They [the punters] do what they want to you. Your body's an object and you've got no control over it.”¹⁹ Recall Debra Satz, “there are some goods whose sale reshapes the relations between the transacting parties.”²⁰ When the most intimate thing has been put on the market, this gives price tags to the relationships as well as the human values (which I believe that cannot be bought or sold). In economics, the better quality the goods are, the higher the price will be. Thus, in this sense, the criteria for evaluating human body commodity probably physical health, beauty, age, race, social class or the skin colour and human value has been degraded to an expensive commodity. Selling sex “reshapes the relations” between individuals from human-human relationship into human-object relationship. Sex buyer will not see sex seller as a human but an object that helps satisfy sexual desire.

Secondly, many people assumed that the amount of money they paid for a prostitute can rent both sexual services and her body, which means they give themselves the right to control a prostitute's body. There is a distinct line between the use of sex services and the use of human body, however, some people do not pay attention to this border. Some may think that selling sex might have a little percentage acceptable, however, treating a person like an object is definitely intolerable. Why? Because rentable vaginas are special. This term lies inside the intersection between bodily labour and property rental, this makes sex trading become unclear. Bodily labour in this case means prostitutes are

¹⁹ Phoenix, J. (1999). *Making Sense of Prostitution*. Basingstoke, NJ: Springer. p. 133.

²⁰ Satz, D. (2010). *Why Some Things Should Not Be for Sale: The Moral Limits of Markets*. New York, NY: Oxford University Press. p. 140.

making profits by using nothing but physical strength or body movements. For instance, singers use their innate vocals to earn money. Like the singers, sex workers are just offering something that they naturally had. On the other hand, renting out vaginas is also like offering commodities for rent: pay for it then use it in an agreed period of time, just like renting a house or a car. Precisely because of this ambiguity in sexual services, many sex buyers had crossed the line.

Although the buyer is paying to use sexual service, every action he does is directly affects the seller's body and mentality. Thus, being sexually assaulted and physically abused by dangerous clients directly affect health and psychology of the prostitutes. Not only they were assaulted many times by their clients but also by pimps, especially with streetwalkers²¹, violence occurs more often. Some people chose to walk in the sex industry willingly does not mean they are able to control their working environment. No matter how young they are, where they are from, who made the decision...once enter the sex industry, prostitutes are just prostitutes. Furthermore, the death rates of female prostitutes are about six times higher than among women who are not involved in prostitution.²² Melissa Farley in her work for the journal titled "Violence against Women", has summarized the statistics from other studies on the number of sex workers have experienced sexual assaults:

"[...] 80% of women...suffered violence-related injuries in prostitution. Among the women interviewed by Parriott (1994), 85% had been raped in prostitution. [...] 94% of those in street prostitution had experienced sexual assault and 75% had been raped by one or more johns (Miller, 1995). In the Netherlands, where prostitution is legal, 60% of prostituted women suffered physical assaults; 70% experienced verbal threats of physical assault; 40% experienced sexual violence; and 40% had been forced into prostitution or sexual abuse by acquaintances (Vanwesenbeeck, 1994). [...] Silbert and Pines (1981, 1982b) reported that 70% of women suffered rape in prostitution. [...] Of 854 people in prostitution...71% experienced physical assaults in prostitution, and 62% reported rapes in prostitution (Farley, Cotton, et al., 2003)."²³

²¹ A prostitute who looks for customers on the streets, according to the Oxford Advanced Learner's Dictionary.

²² Satz, D. (2010). *Why Some Things Should Not Be for Sale: The Moral Limits of Markets*. New York, NY: Oxford University Press. p. 147.

²³ Farley, M. (2004). "Bad for the Body, Bad for the Heart": Prostitution Harms Women Even if Legalized or Decriminalized. *Violence Against Women*, 10(10), 1087-1125. doi:10.1177/1077801204268607. p. 1095.

Another point to be concerned about that is the idea of rape for prostitutes is a part of their job. It's a disgraceful way to think that a prostitute deserves to get raped. "If rape is defined as any unwanted sex act, then prostitution has an extremely high rate of rape because many survivors view prostitution as almost entirely consisting of unwanted sex acts or even, in one person's words, paid rape."²⁴ A woman who works as a prostitute is just like any other women and the idea of "it's a part of job" is unacceptable. Being a prostitute does not change the fact her human right is violated.

Thirdly, the distinction must be made between prostitution and sexual freedom. It should be noted that prostitution is essentially an exchange of sex - money, sex sellers are reluctant to have sex with sex buyers when there is no desire because money is their goal. This is the same as rape. So, prostitution is a violation of human dignity, nearly like rape. Violation of human dignity is an act of degrading human dignity by violating physical freedom, sexual freedom, dragging human dignity down below the normal level. Sexual freedom is the opposite. The goal of this act is sex, not money. People come together because of sexual desire without being reluctant as prostitution. So, there is no appearance of human dignity violation. Thus, sexual freedom may also be strangers coming together to exchange sex like prostitution, but its essentiality is the opposite of prostitution. According to the Universal Declaration of Sexual Rights at the 14th World Conference on Sex,²⁵ sexual freedom is an inviolable human right. Therefore, prostitution is a violation of sexual freedom, that is, the violation of human rights. When the woman body is bought and sold with an amount of money, it means that the sexually inviolable right of the sex workers has been violated and degraded to that amount of money by the sex buyers.

Finally, prostitute women are usually the first ones that get blamed when it comes to the spread of sexual transmitted diseases (STDs), such as HIV/AIDS; HPV; Herpes...and sadly, there is still no cure for some of them. "Rape by customers is a primary source of HIV infection among prostituted women, adolescents, and children. Yet one of the lies about prostitution is that she is the source of infection."²⁶ Due to the nature of work, these ladies of pleasure have genital interactions with a lot of anonymous strangers and from there the diseases spreading out. Many women involved in prostitution

²⁴ Id. at p. 1100.

²⁵ Sexual and reproductive health and rights. (2013, April 14). Retrieved from https://en.wikipedia.org/wiki/Sexual_and_reproductive_health_and_rights

²⁶ Farley, M. (2004). "Bad for the Body, Bad for the Heart": Prostitution Harms Women Even if Legalized or Decriminalized. *Violence Against Women*, 10(10), 1087-1125. doi:10.1177/1077801204268607. p. 1109.

have reported experiences of physical violence, sexual assault and rape carried out by men who bought sex. Women also experience trauma when they have to constantly submit to unwanted sex. Because of this, the health consequences of engaging in sex work are significant and lasting. These include physical trauma, emotional trauma, addiction and mental health issues like depression, eating disorders, suicidal ideation and self-harm.²⁷ From there we can see, behind a luxury cover, sex work is not an easy job as many people still think.

3.2.4 Social harm

Prostitution not only degrades the dignity of sex workers but also the image of women in whole society. “Women are prostituted precisely in order to be degraded and subjected to cruel and brutal treatment without human limits; it is the opportunity to do this that is acquired when women are bought and sold for sex.”²⁸

Jimmy Carter has made a really good point about how the sale of women body will generally affect women as well as the young generation. According to Carter, “normalizing the act of buying sex also debases men by assuming that they are entitled to access women’s bodies for sexual gratification. If paying for sex is normalized, then every young boy will learn that women and girls are commodities to be bought and sold...”²⁹ If sex trading is seen as a normal service, this means women’s bodies also have price tags and are put on the market as a commodity. Once women agreed to rent out their body for sex selling, precisely they are the ones who gave men the right to access their bodies, the right to treat their bodies like an object. As a result, because of a small part of women who can be purchased and sold, the sale of sex affects other women who do not want to offer their bodies for men. Let’s assume that commercial sex was normalized, a man might think that every woman has her own price, if he could be able to buy sexual service from a prostitute, he would also be able to have sexual intercourse with a famous model; the better the quality is, the higher the price will be. This is “a situation where men have reduced women to an image of being mere sexual objects. This allows men to unconscionably oppress and coerce women in order to satisfy their own fantasies through prostitution.”³⁰ In addition, children who grow up in an educational environment

²⁷ Id.

²⁸ MacKinnon, C. A. (2007). *Women's Lives, Men's Laws*. Cambridge, MA: Harvard University Press. *Supra* note 50, at 151.

²⁹ Jimmy Carter. (2016, May 31). *To Curb Prostitution, Punish Those Who Buy Sex Rather Than Those Who Sell It*.

Retrieved from www.washingtonpost.com/opinions/to-curb-prostitution-punish-those-who-buy-sex-rather-than-those-who-sell-it/2016/05/31/e0376adc-236d-11e6-aa84-42391ba52c91_story

³⁰ Bromberg, S. (1996). *The San Francisco Journal of Prostitution: Feminist Issues in Prostitution*. DC. p. 5.

considers prostitution to be normal, the young girls will assume in their minds that they are the tools that are supposed to serve men and young boys will have a wrong view of women, seeing women as something that can be bought and used by money. Children is said to be our future, however, when the male-dominant-women relationship starts at the young age, that thought will be deeply embedded in every child, and when they grow up the future of society will also carry that thought. “If prostitution is wrong it is because of its effects on how men perceive women and on how women perceive themselves.”³¹

In addition, the existence of prostitution represents the patriarchal status of men in social structure - men dominate women in every aspect of life. For example, in ancient times when everything had just started, women used to look for food while men stayed behind, when weapons were invented, that was when the role swapped between men and women because the physical health of men was stronger, bringing more efficiency to every hunting. Women in earlier days were homemakers to their husbands, they were stay-at-home wives back then, only men used to go out to earn food for the family. Women depended on men in many things and in return they have responsibilities of satisfying men’s needs. This could be one of the reasons why a father's name is used instead of a mother's name – another example for patriarchal social structure. Traditionally, it was because children were literally their father’s, and the land and property were passed down from their fathers. This tradition originates from the time when the wives and children are the legal property of their husband/father. Everything a man inherited from his father, in turn, will be inherited by his oldest son. If there were no sons, then nephews or cousins would inherit. Gradually, “in many contemporary contexts women are viewed and treated as the social inferiors of men.”³² Therefore, normalizing prostitution contributes to strengthen the patriarchal regime in the society. Furthermore, “the social contempt for prostitutes is, in fact, the shadow side of the exaltation of female chastity, and reflects a gender non-neutral and paradoxical social norm: contact with the body of men dishonours a woman, while a man acquires prestige and value from contact with women's bodies.”³³

Although many people support the view that the human body is a private property and selling sex is just a type of using own property. However, patriarchal social structure

³¹ Satz, D. (2010). *Why Some Things Should Not Be for Sale: The Moral Limits of Markets*. New York, NY: Oxford University Press. p. 146.

³² Pateman, C. (2018). *The Sexual Contract*. Hoboken, NJ: John Wiley & Sons. p. 145.

³³ Report on prostitution laws in the European Union, Daniela Danna, p. 8.

gives men the right to control and access women's body, which is a violation to basic human right, increases gender inequality.

3.3 Regulations on sex industry

3.3.1 Regulations across the world

Brazil

“The inclusion of ‘Sex Professionals’ in the government’s Classification of occupations (CBO) permitted sex workers access to social benefits as autonomous workers. Sex workers could now officially contribute to the government pension plan in order to receive retirement benefits. Various denominations of sex worker are listed under the category as well as the description of the required activities. Emphasis is given to health care as well as the possibility of raising income by obtaining qualification for other services.”³⁴

Cambodia

“Human trafficking, exploitation of prostitution and obscenities which affect the dignity of women shall be prohibited.”³⁵

China

“Officially, prostitution is illegal in China. Prostitution is banned because - in official language - it 'seriously corrupts people's minds, poisons the social atmosphere, and endangers social stability.’”³⁶

Japan

“The Prostitution Prevention Law, enacted in 1957, forbids the act of having 'intercourse with an unspecified person in exchange for payment'... [It] also defines sex exclusively as vaginal intercourse. Thus, other paid sexual acts are not illegal.

Soliciting sex on the street could be punishable by a maximum six-month prison term or ¥10,000 fine. Parties who provide locations for prostitution could face a maximum seven-year sentence or ¥300,000 fine.”³⁷

Panama

³⁴ Sex Work Recognised as a Legitimate Occupation by the Brazilian Ministry of Labour and Employment. (2017, June 1). Retrieved from <https://www.nswp.org/timeline/event/sex-work-recognised-legitimate-occupation-the-brazilian-ministry-labour-and>

³⁵ Constitutional Council of Cambodia. Retrieved from <http://www.constitution.org/cons/cambodia.htm>.

³⁶ Xiaobing Li and Qiang Fang (eds), Modern Chinese Legal Reform: New Perspectives, 2013.

³⁷ Hongo, J. (2008, May 27). Law bends over backward to allow 'fuzoku'. Retrieved from <https://www.japantimes.co.jp/news/2008/05/27/reference/law-bends-over-backward-to-allow-fuzoku/#.XlZTW5-7gkg>

“Prostitution is legal and regulated, with prostitutes required to register and carry identification cards; however, the majority of prostitutes were not registered.”³⁸

Prostitution regulations in the EU by countries

Austria

“In Austria, commercial sex work is legal, but regulated at three administrative levels: national, provincial ('Länder'), and communal.”³⁹

United Kingdom

“Prostitution policy and legislation are devolved matters, and it is open to both Scotland and Northern Ireland to legislate separately. In England and Wales, the sale and purchase of sexual services is legal, but various related activities are criminal. This includes activities linked to exploitation, such as controlling prostitution, or managing a brothel, and activities that can present a public nuisance, such as buying or selling sex in public.”⁴⁰

“As with any form of sex work, selling sexual services for money is not illegal (in Scotland), but “associated activities” - soliciting, kerb-crawling, brothel keeping - are.”⁴¹

Croatia

“The Act [*on the Misdemeanours against Public Peace and Order*] was adopted in 1977 and transferred into Croatian legislation with minor amendments in 1990. The Act prescribes two offences: allowing for the use of one's premises for prostitution or enabling or helping a person to engage in prostitution (Article 7); and engaging in ('falling into') prostitution (Article 12).”⁴²

Czech Republic

“Since 1990 prostitution is no longer banned but takes place within a legally grey area. For a long time, prostitution was not subject to Czech law. In 2010 prostitution was reincorporated as part of criminal law in the context of endangering the moral development of children.² No further regulation on the basis of legal requirements occurs... (Prostitution is legal, but unregulated).”⁴³

³⁸ Country Reports on Human Rights Practices for 2009. (2012). Washington, DC: Government Printing Office. p. 3008.

³⁹ Sex-Worker Forum of Vienna, Austria, "Austria: Discriminations against Sex Workers in the Rights to Work and to Health," submission to the United Nations Committee on Economic, Social and Cultural Rights, ohchr.org, Nov. 2013

⁴⁰ House of Commons Home Affairs Committee, "Prostitution: Third Report of Session 2016–17," parliament.uk, July 1, 2016

⁴¹ ScotPep, "The Law," scot-pep.org (accessed Mar. 9, 2018).

⁴² Countries and Their Prostitution Policies.

Retrieved from <https://prostitution.procon.org/view.resource.php?resourceID=000772#croatia>.

⁴³ Lena Reinschmidt. (2016, June). Regulation of Prostitution in Bulgaria, Romania and the Czech Republic.

Retrieved from <https://www.beobachtungsstelle-gesellschaftspolitik.de/f/958037694b.pdf>

Table 4 Prostitution regulations in EU members and some other countries

	Legal	Partly legal	Illegal
EU	Netherlands, Germany, Austria, Greece, Hungary, Latvia.	Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Italy, Luxembourg, Malta, Poland, Portugal, Slovakia, Slovenia, Spain, Ireland, UK, Sweden	Lithuania, Romania, Croatia.
Other	Argentina, India, Indonesia, Singapore, Bolivia, Brazil, Colombia, Mexico.	Malaysia, Australia, US, Canada	Angola, Cambodia, China, South Africa, Thailand, North and South Korea.

3.3.2 Main legal approaches to prostitution

a) Criminalization

“Prohibitionism that deems prostitution immoral sanctioned both the seller and the buyer.”⁴⁴ Half of the world, including Vietnam, South Africa and most of the states in the USA, regulates people involved in prostitution as a crime. The prohibition on prostitution is created based on the immorality of selling sex and is supported by moral conservatives of different beliefs: “as long as morality is compromised when a society allows prostitution, it has to be forbidden. In consequence, the ones who openly engage in immoral behaviour have to be sanctioned”.⁴⁵ “Prohibition is aimed at deterring both the demand and the supply of prostitution, as a result of the potential sanctions, and the probability of police apprehension and effective prosecution.”⁴⁶ Consequently, this includes sex workers, sex buyers and the organizers. “In the public discourse about prostitution various reasons have been given to justify criminalization, e.g., it is immoral; it threatens public health; it is a catalyst for other criminal activities; it is an immigration problem; and...it victimizes vulnerable women.”⁴⁷ Under criminalized jurisdiction, all

⁴⁴ Report on prostitution laws in the European Union, Daniela Danna, p. 17.

⁴⁵ See Regulating Prostitution: A Comparative Law and Economics Approach, R. Albert, F. Gomez, Y. G. Franco, p. 14

⁴⁶ Id. at p. 15

⁴⁷ Coontz & Stahl, supra note 110 (citing LENORE KUO, PROSTITUTION POLICY: REVOLUTIONIZING PRACTICE THROUGH A GENDERED PERSPECTIVE 124 (2002)).

activities involved or related to prostitution are prohibited by police and the prosecuting authorities comprising:

1. Brothel keeping or pandering, which is knowingly encouraging or compelling a person to sell sex for money
2. Pimping, receiving something of value knowing that it was earned through an act of prostitution
3. Prostitution, engaging in sexual intercourse for money
4. The purchase of sexual intercourse.⁴⁸

Full criminalization is a trap. This legal regime seems to protect women dignity, clear out bad faces of society and break the links between prostitution and other related crimes such as human trafficking, slavery...however, female sex workers receive nothing but being stuck in a never-ending cycle. From the purest view of this regulation, if a prostitute informs to the police that she is abused/raped by her customers, there is a high chance that she will be arrested by the police since “it shall be unlawful for any person knowingly to become an inmate of, or contribute to the support of, any disorderly house or house of ill fame.”⁴⁹ Moreover, it's really hard to find a normal job for people who have a criminal record, the employer may not hire them, and in short of money, they will have to continue to work as criminals and hiding from the police's eyes. For some people who is wondering why these ladies of pleasure still want to work in this profession, “women who become prostitutes do so primarily for financial reasons-because they have few marketable skills and would not be able to rise above the poverty level by working a "normal" job. Others are immigrants with significant language barriers that may impede their ability to gain subsistence-level employment. Still others choose to become prostitutes because they enjoy the work and see value in their profession.”⁵⁰

Criminalizing supply and demand makes sex workers the subject of persecution by the government. In many cases, they are forced to bribe or even make love to the police to avoid being arrested. In a study of 222 female sex workers of Raphael and Shapiro in 2004, found that law enforcement officers are often the perpetrators of violence against female prostitutes: 24% of street prostitutes in Chicago who had been raped by police officers, 30% of exotic dancers who informed being raped also identified a police officer

⁴⁸ Prostitution Policy: Legalization, Decriminalization and the Nordic Model, Ane Mathieson, p. 372.

⁴⁹ S. F., CAL., POLICE CODE, art. II, §221 (2010), available at http://library.municode.com/HTML/14140/level1/ART2DICO.html#ART2DICO_S221KNB EINCOSUHOILFAPR (last visited Oct. 3, 2010) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

⁵⁰ The Girl Next Door: A Comparative Approach to Prostitution Laws and Sex Trafficking Victim Identification Within the Prostitution Industry, Gail M. Deady, p. 537

as the perpetrator.⁵¹ More worrying thing: in New York, police officers can arrest a women if she is stopped with a condom, because a condom can be used as an evidence to prove that she is selling sex.⁵² This contributes to the increasing of HIV/AIDS and other sexual transmitted diseases risks.

In addition, prohibition gives criminal gangs the chance to take advantages from people who is in the weaker position of both clients and prostitutes.⁵³ “In such an illegal market, as long as prostitution is considered a crime, prostitutes face increased costs of obtaining effective protection of the Law if they are abused [...] Hence, pimps, mafias, and even clients may be more inclined to engage in various kinds of abusive behaviour against the prostitutes.”⁵⁴ Therefore, pimps, mafias, and even clients may be inclined to engage in different types of abusive acts against prostitutes.

As can be seen from the points above, sex workers working in such situations clearly are forced to make a very difficult choice between the risk of arrest and unsafe sex. But if someone is forced to choose between obeying the law and raising herself or her family, I bet she will choose the job at any cost and eventually take the risks. The law forces prostitute women to continue selling sex, which is exactly the opposite of the expected effects. “These arrests create two types of traps for prostitutes: a cycle in which one is arrested, fined, and then must return to prostitution to pay the fine, or a situation in which one is arrested for a prostitution offense and is permanently prevented from obtaining other types of employment.”⁵⁵ “The prohibitionist approach often results in discrimination against victims of prostitution and trafficking when laws are more vigorously enforced against women instead of men who purchase sex acts and exploiters who market sex acts.”⁵⁶

b) Legalization

“Legalization is the model of intervention in which the legislation of a particular government provides the necessary and sufficient regulations and statutory laws – ‘mandating everything from labour and safety practices and principles to taxation and

⁵¹ JODY RAPHAEL & DEBORAH L. SHAPIRO, VIOLENCE IN INDOOR AND OUTDOOR PROSTITUTION VENUES 126–39 (2004).

⁵² New York Cops Will Arrest You for Carrying Condoms, Molly Crabapple, available at: https://www.vice.com/en_au/article/3b5mx9/new-york-cops-will-arrest-you-for-carrying-condoms

⁵³ Regulating Prostitution: A Comparative Law and Economics Approach, R. Albert, F. Gomez, Y. G. Franco, p.15

⁵⁴ Id.

⁵⁵ The Girl Next Door: A Comparative Approach to Prostitution Laws and Sex Trafficking Victim Identification Within the Prostitution Industry, Gail M. Deady, p. 538

⁵⁶ Prostitution is not a choice, Soroptimist International of the Americas. 2007, p. 15.

licensing to mandatory testing for HIV/AIDS and sexually transmitted diseases”⁵⁷

Legalization is closely associated with decriminalization where it is legal to buy and sell sex, but it encircles those activities, such as containing prostitutes or soliciting on the streets are regulated. Under the legalization regime, “in all countries in which prostitution has been legalized, there are regulations concerning such things as the management and operation of brothels, soliciting for prostitution in public places, living off of the proceeds of a person working in prostitution and hiring or working as a prostitute under a particular age (usually 18 or 21).”⁵⁸ The legalization has some promising reasons to regulate prostitution⁵⁹:

- (1) “Legalisation promises to remove streetwalkers and kerb-crawlers from the street and relocate them in a more comfortable and manageable setting. Therefore, the public nuisance that street prostitution causes is reduced.”
- (2) “In legalised regimes prostitutes can work without fear of legal penalties and have wider opportunities for allowing social and welfare agencies to intervene if they want to exit the profession.”
- (3) “It increases the state’s ability to control sexually transmitted diseases by strict regulations, requiring regular testing of prostitutes for venereal diseases.”
- (4) “Legalisation should reduce the violence and risk of harm that streetwalkers usually experience while working in the street environment.”
- (5) “Brothels and other indoor facilities are licensed, which on the one hand generates income for the state and on the other hand provides the ground for periodical monitoring of these facilities.”

In addition, the Dutch government has pointed out the targets for legalized regulations in sex industry, which are “control and regulate the employment of sex workers through a municipal licensing system, protect the position of sex workers, protect people from being coerced into prostitution, protect minors against sexual abuse, reduce prostitution by foreign nationals residing illegally in the Netherlands, and sever the links between prostitution and crime.”⁶⁰ Lawmakers enact these regulations with the expectation that this regime can prevent the rising rate in crimes and bring a big tax revenue from sex industry for the Government. This has led to the situation that “prostitutes become sex

⁵⁷ Bakhtadze, U. (2013). Is Prostitution a Victimless Crime? *SSRN Electronic Journal*. p. 26. DOI:10.2139/ssrn.2372009.

⁵⁸ Reframing Prostitution - From Discourse to Description, From Moralisation to Normalisation? N. Peršak, G. Vermeulen, p. 233.

⁵⁹ (1) (2) (3) (4) (5) - Bakhtadze, U. (2013). Is Prostitution a Victimless Crime? *SSRN Electronic Journal*. p. 27. DOI:10.2139/ssrn.2372009

⁶⁰ DUTCH MINISTRY OF FOREIGN AFFAIRS, *supra* note 64, at 6.

workers; men become clients; pimps become managers; brothel owners are business people; and traffickers are employment agents who assist migrant sex workers to destination countries to find jobs.”⁶¹, which is not only good for national economies but also becomes a big profits for exploiters.

For example, according to some suggestions, legalization has created “two-tiered” prostitution industry in Victorian (Australia): one is legal and the other one is illegal.⁶² Prostitution regulations in Victoria has brought to an unclear solution about how reporting human trafficking should work. In order for sex workers to avoid being victims of human trafficking and report the crime without receiving a fine or being arrested, the Government has legalized working in brothels or for escort services and prostitutes must be registered and take regular health checks.⁶³ However, also because of this law, brothel owners can face a criminal punishment up to five years in prison for forcing or threatening a worker to perform sexual services against her will.⁶⁴ Because of that reason, many brothels are still running illegally, organized crime activities still continued, there is no reduction in prostitution or trafficking and “sex trafficking victims in the Victorian prostitution industry would be located in illegal brothels or working on the streets”⁶⁵.

c) Decriminalized demand

If accusing sex workers is damaging to them, why not accuse sex buyers? This is the purpose of the third legal approach for sex industry. Under this jurisdiction, prostitution itself is legal, however, soliciting sexual services in public, kerb crawling, pimping or keeping a brothel are all crimes. “A person is also guilty of an offense if he or she ‘intentionally controls any of the activities of another person relating to that person’s prostitution in any part of the world’ for the controller’s own gain.”⁶⁶ Let’s use the Swedish prostitution law as an example to have a better understanding about this jurisdiction. Since prostitution is intrinsically harmful, the idea of this law is that by eliminating the market demand, it gives more protection and equal right to female sex

⁶¹ Donna M. Hughes, *Approaches to Prostitution: Impact on Sex Trafficking*.

⁶² *Working Girls: Prostitutes, Their Lives, and Social Controls*, THE AUSTRALIAN INST. OF CRIMINOLOGY (1991), Roberta Perkins.

⁶³ PROSTITUTION CONTROL ACT, 1994 (VIC), No. 102 of 1994 (Austl.), available at: http://www.austlii.edu.au/au/legis/vic/consol_act/pca1994295/ (last visited Oct. 3, 2010)

⁶⁴ *Id.* at § 8 (Austl.).

⁶⁵ *The Girl Next Door: A Comparative Approach to Prostitution Laws and Sex Trafficking Victim Identification Within the Prostitution Industry*, Gail M. Deady, p. 543.

⁶⁶ Gail M. Deady, *The Girl Next Door: A Comparative Approach to Prostitution Laws and Sex Trafficking Victim Identification Within the Prostitution Industry*, 17 Wash. & Lee J. Civ. Rts. & Soc. Just. 515 (2011), p. 544. Available at: <https://scholarlycommons.law.wlu.edu/crsj/vol17/iss2/7>

workers. The Swedish government implements this model in order to “eliminate street prostitution and prevent new sex workers from entering prostitution.”⁶⁷ However, this law model has received many criticisms from prostitutes for “driving prostitution further underground”⁶⁸:

“When the negotiating has to be done in a more rapid way (due to the clients’ fear of being caught) it increases the risk of the sex worker making a faulty assessment of the client. And when clients are more stressed and frightened of being exposed, it is also more difficult for the seller to assess whether the client might be dangerous. On top of this, services have to be carried out in even more hidden, and therefore more unprotected, areas. There has not been 23 any specific research done on levels of violence, but several sex workers express fear of increased violence, as well as an actual increase.”⁶⁹

In this way, laws protect individuals who are working as prostitutes, but they will be arrested if they choose to break the law by working together. As a result, street sex workers become vulnerable to violence. The story of Mariana Popa is a prime example for this case. Mariana Popa, a prostitute who works in Redbridge, East London, was stabbed to death in the chest early in the morning on October 29, 2013. She was working later than usual to try to pay the fine for involving the solicitation. Due to a police crackdown on outdoors sex trading, she was forced to work individually to avoid being arrested, which unintentionally led to her tragic death. The girls on the street in that area often stood in groups waiting for their clients in order to keep themselves safe and to warn each other about how to avoid dangerous guys.⁷⁰

- “During the enforcement operation, women were running from police and hiding behind cars to avoid them. I have seen women taking their shoes off and leaving them on the pavement so that they can run away fast from the police.” (Georgina Perry of Open Doors, an NHS project working with sex workers in east London.)⁷¹

⁶⁷ See NEW ZEALAND AND SWEDEN: TWO MODELS OF REFORM 2 (Canadian HIV/AIDS Legal Network, 2005), available at http://www.bayswan.org/swed/Canada_law_reform_models.pdf (stating that “[t]he person who, for payment, obtains a casual sexual relationship is penalised [sic]—unless the action entails punishment in accordance with the Penal Code—for the purchase of sexual services with fines or imprisonment for a maximum of six months”).

⁶⁸ Gail M. Deady, *The Girl Next Door: A Comparative Approach to Prostitution Laws and Sex Trafficking Victim Identification Within the Prostitution Industry*, 17 Wash. & Lee J. Civ. Rts. & Soc. Just. 515 (2011), p. 547. Available at: <https://scholarlycommons.law.wlu.edu/crsj/vol17/iss2/7>

⁶⁹ Susanne Dodillet, Petra Östergren. (2013). *The Swedish Sex Purchase Act: Claimed Success and Documented Effects*. p. 22. Available at: <https://www.nswp.org/resource/the-swedish-sex-purchase-act-claimed-success-and-documented-effects>

⁷⁰ Article: Mariana Popa was killed working as a prostitute. Are the police to blame? Available at: <https://www.theguardian.com/society/2014/jan/19/woman-killed-prostitute-police-blame>

⁷¹ *Id.*

- “The police were constantly out there [on patrol], that was the one thing that influenced what happened to Mariana. It does not help when the police do operations, arresting women, arresting men. It makes the women spread out; it makes the women work harder. They have to go up alleys where there are no cameras.” (Monica Abdala of Redbridge Street Pastors)⁷²
- “This makes the individual sex worker vulnerable to rape, murder.” (according to a prostitute in Abdala’s interview)⁷³

As can be seen, prohibition of street prostitution also causes more harm than good. To avoid being arrested, roadside girls can be at risk when trying to avoid being detected and that means working alone or in isolated places like in the dark forest where they are very vulnerable. Imagine that you as a streetwalker, if you were arrested for selling sex on the street, you must pay a fine. How could you pay the fine without returning selling sex on the street? As the cycle keeps turning, you ended up selling sex outdoors to pay the fines you got for selling sex.

d) Decriminalization

It should be noted that decriminalization differs from legalized regimes. Decriminalization means removing all laws and regulations related to prostitution, “focuses on empowering sex workers themselves, rather than the state, to have greater control over their work”⁷⁴: “the elimination of laws and penalties associated with all or some parts of the prostitution industry [...] The country that decriminalizes prostitution benefits from prostitution tourism and may collect tax revenue through administrative regulations.”⁷⁵ Prostitution in New Zealand has been decriminalized under the Prostitution Reform Act since 2003.⁷⁶ The key targets of this model were “to create a framework that safeguards the human rights of sex workers and protects them from exploitation, and to promote their welfare, occupational health, and safety in a way that was conducive to public health.”⁷⁷ In New Zealand, sex workers can work together to be

⁷² Id.

⁷³ Id.

⁷⁴ Lynzi Armstrong. (2017, May 29). Decriminalisation is the only way to protect sex workers – New Zealand has proved it. Retrieved from <https://www.independent.co.uk/voices/sex-workers-decriminalisation-of-prostitution-new-zealand-new-law-works-research-proves-sex-workers-a7761426.html>

⁷⁵ Prostitution Policy: Legalization, Decriminalization and the Nordic Model (2016) Ane Mathieson, p. 380.

⁷⁶ PROSTITUTION REFORM ACT, 2003, Part I, §3 (N.Z.)

Available at: <http://www.legislation.govt.nz/act/public/2003/0028/latest/whole.html#DLM197821> (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

⁷⁷ Id.

safe, can refuse to receive clients at any time, and they have a duty to report to the state. Five years since the law was applied, the government's Prostitution Law Review Committee revealed:

“The sex industry has not increased in size, and many of the social evils predicted by some who opposed the decriminalisation of the sex industry have not been experienced. On the whole, the PRA has been effective in achieving its purpose, and the Committee is confident that the vast majority of people involved in the sex industry are better off under the PRA than they were previously.”⁷⁸

In other study found that: “60% of the 772 sex workers who participated reported feeling more able to refuse to see certain clients, and 95% said they felt they had rights after decriminalisation. In fact, the number of sex workers in New Zealand hasn't actually increased, but this legal regime has made prostitution a lot safer.”⁷⁹

In sum, decriminalizing sex selling has archived many accomplishments and received a lot of support from people, still, there is “no country has completely decriminalized prostitution, as all jurisdictions in which prostitution is legal, have some regulatory codes in place.”⁸⁰

3.3.3 Conclusion

As can be concluded from the previous sections:

- Under criminalization: “the stigma created by the criminalized nature of prostitution combined with the dangerous and threatening existence of organized crime and gangs create additional roadblocks to reporting. Further, the criminalized nature of the prostitution industry virtually ensures that a sex worker will lose his or her job as a result of reporting a trafficking victim to the police.”⁸¹
- Decriminalizing demand “may be successful in reducing demand and causing a decline in victims trafficked into a country, they do not address many other issues

⁷⁸ Abortion Rights Coalition of Canada. (2015, December). Sex Workers' Rights Are Human Rights. Retrieved from <https://www.arcc-cdac.ca/postionpapers/102-sexworker-rights.pdf>

⁷⁹ Lynzi Armstrong. (2017, May 29). Decriminalisation is the only way to protect sex workers – New Zealand has proved it. Retrieved from <https://www.independent.co.uk/voices/sex-workers-decriminalisation-of-prostitution-new-zealand-new-law-works-research-proves-sex-workers-a7761426.html>

⁸⁰ Interview with Ron Weitzer, Gent, Belgium, 27 March 2014.

⁸¹ Gail M. Deady, The Girl Next Door: A Comparative Approach to Prostitution Laws and Sex Trafficking Victim Identification Within the Prostitution Industry, 17 Wash. & Lee J. Civ. Rts. & Soc. Just. 515 (2011). p. 538. Available at: <https://scholarlycommons.law.wlu.edu/crsj/vol17/iss2/7>

associated with prostitution.”⁸² “with their clients criminalized, prostitutes are less likely to admit to being trafficking victims for fear of losing business.”⁸³

- Legalization regimes “provides some employment law resources to those working in legal brothels, the stringent licensing procedures, requirements that prostitutes register with the state, and the failure to regulate the illegal prostitution industry may impede efforts toward eliminating sex trafficking by driving prostitution underground”⁸⁴, “embed a prostitution economy into a country’s market structure enabling the country to derive major tax and tourism revenue from the industry.”⁸⁵
- On the other hand, comparing to the criminalized jurisdiction, at least legalized jurisdiction has given a chance for sex workers to legally report sex trafficking to authorities without losing their job. “Proponents of legalization and decriminalization often proceed from the standpoint that prostitution arises from personal choice, is an indication of women’s empowerment, and is a business agreement made between consenting adults with equal power.” Still, “the exploitation of women’s political, social, and economic vulnerability in the form of prostitution is a human rights violation in and of itself and that the normalization of this social practice through legalization/decriminalization does not render the practice humane.”⁸⁶
- “Legalization and blanket decriminalization laws and policies grant legitimacy to buyers, brothel owners, and pimps, but have not stopped the violence women face at the hands of these same individuals. What legalization and decriminalization have done is bring the illegal prostitution market into the legal arena for significant taxation and tourism profit.”⁸⁷

⁸² Id. at p. 546.

⁸³ Id. at p. 548.

⁸⁴ Id. at p. 543.

⁸⁵ Prostitution Policy: Legalization, Decriminalization and the Nordic Model, Ane Mathieson, p. 379.

⁸⁶ Id. at p. 139.

⁸⁷ Id. at p. 394.

4 Practical Part

Case study: sex industry in Ho Chi Minh City (Vietnam)

4.1 Legal frame of prostitution in Vietnam

Vietnam is one of the countries where prostitution is fully criminalized. According to the “Ordinance on Prostitution Prevention and Combat” (2003), activities related to prostitution “must be detected and handled promptly and stringently according to law provisions.”⁸⁸ The following articles will give some highlights about of Vietnam’s prostitution legal regimes.⁸⁹

§ Article 4

1. Buying sex;
2. Selling sex;
3. Harboring prostitution;
4. Organizing prostitution activities;
5. Forcing prostitution;
6. Brokering prostitution;
7. Protecting prostitution;
8. Abusing the service business for prostitution activities;
9. Other acts related to prostitution activities as prescribed by law.

§ Article 8

1. All individuals and families shall have to participate in prostitution prevention and combat.
2. Competent agencies, organizations and persons shall, within the scope of their tasks and powers, have to work out, and organize the application of, measures to prevent and combat prostitution; mobilize and encourage the detection, denunciation of and struggle against prostitution and handle promptly and stringently acts of violating the law provisions on prostitution prevention and combat.

⁸⁸ XIth National Assembly Standing Committee of the Socialist Republic of Viet Nam. (2003, March 17). ORDINANCE ON PROSTITUTION PREVENTION AND COMBAT. Article 4; 5.

Retrieved from www.ilo.org/dyn/natlex/docs/SERIAL/71702/77065/F997924439/VNM71702.pdf

⁸⁹ Id.

§ Article 9

Vietnam Fatherland Front⁹⁰ and its member organizations shall, within the scope of their tasks and powers, have to:

1. Closely coordinate with competent State bodies in propagating, mobilizing, educating and disseminating the legislation on prostitution prevention and combat;
2. Educate members of their organizations to implement the legislation on prostitution prevention and combat;
3. Participate in supervising the implementation of the legislation on prostitution prevention and combat;
4. Participate in educating prostitutes, training and creating jobs for them to help them integrate into the community.

§ Article 22

1. Sex buyers shall, depending on the nature and seriousness of their violations, be administratively handled in the form of caution or fine.
2. Those who buy sex with minors or who, though being aware of their HIV infection, deliberately transmit the disease to other persons shall be examined for penal liability.

§ Article 23

1. Prostitutes shall, depending on the nature and seriousness of their violations, be administratively sanctioned, applied with the measure of education in communes, wards or townships or sent into medical treatment establishments. Foreign prostitutes shall, depending on the nature and seriousness of their violations, be administratively sanctioned in the forms of caution, fine and/or expulsion.
2. Prostitutes who, though being aware of their HIV infection, deliberately transmit the disease to other persons shall be examined for penal liability.

⁹⁰ According the National Assembly of Vietnam, “Vietnam Fatherland Front is a political coalition organization, a voluntary union of political organizations, socio-political organizations, social organizations and individuals representing all classes, social strata, ethnic groups, religions and overseas Vietnamese.” Available at: <https://vbpl.vn/TW/Pages/vbpgen-toanvan.aspx?ItemID=928>

§ Article 24

1. Those who protect prostitution, contribute capital for use for prostitution purposes shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability.
2. Those who act as go-between for prostitution, harbour prostitution, coerce prostitution, organize prostitution, traffic in women and/or children in service of prostitution activities shall be examined for penal liability.

§ Article 25

1. If service business establishments abuse service business activities to carry out prostitution activities, they shall be fined and, depending on the nature and seriousness of their violations, subject to the confiscation of material evidences and means directly related to prostitution activities, and the deprivation of the right to use permits and/or practicing certificates.
2. If the heads of the service business establishments let prostitution activities occur in their establishments due to their irresponsibility, they shall be administratively sanctioned and, if serious consequences are entailed, be examined for penal liability.

Prostitution has not yet become a legal profession in Vietnam because this sensitive profession still faces many important issues. The development of a prostitution policy will be based on two criteria: Respect of the Constitution and, compliance with the rules and international conventions that Vietnam is a party to. The current solution is to minimize the harmful effects of harmful effects of sex trading on women.⁹¹

4.2 Interviews with sex workers and people from other professions

This section of the Practical Part will give a comparison between the real situation of commercial sex and the ethical concepts presented in the Theoretical Part. To do so, I did some interviews with sex workers and non-prostituted people around Ho Chi Minh City. The reason why I interviewed not only people from other professions but also sex workers was to have a comprehensive picture of the sale of sex. It would be better to have the views from both sides. To distinguish between two groups of prostituted and non-

⁹¹ According to lawyer Truong Anh Tu, PLO.VN. (2018, April 3). Quan điểm trái chiều về hợp pháp hóa mại dâm. Retrieved from <https://plo.vn/xa-hoi/quan-diem-trai-chieu-ve-hop-phap-hoa-mai-dam-763146.html>

prostituted people, I use numbers (1), (2), (3) for prostituted respondents and letters (A), (B), (C), (D) for non-prostituted respondents.

The harms of prostitution have been analysed previously, however, do sex workers have the same opinions with those concepts which are studied in this thesis, how does criminalization in Vietnam affect them and how do they want the law to be changed? To answer these questions, around 10 sex workers (both active workers and former workers) in Ho Chi Minh City were interviewed and I have picked out 3 sex workers who had the most detailed responses. All other interviewees did the interviews quite quickly and were not willing to provide full answers to given questions.

(1) First respondent – active sex worker.

(2) Second respondent – active sex worker.

(3) Third respondent – former sex worker.

For non-prostituted people, I decided to take interviews of 2 women and 2 men from Vietnam and non-Asian countries. Many Vietnamese said that foreigners who are from non-Asian countries are more open-minded about selling sex, so I want to verify whether that belief is true or not. I interviewed the ones who have been living in Vietnam for a long period because they have a better understanding of Vietnamese culture as well as the legal framework in Vietnam. Moreover, there are many differences in the way of thinking between men and women, by collecting answers from both genders will provide a more wide-ranging view for the sex industry in Vietnam. Respondent (A) and respondent (B) are women; respondent (C) and respondent (D) are men.

(A) Fourth respondent – teacher, Vietnamese.

(B) Fifth respondent - American, has been living in Vietnam for 11 years.

(C) Sixth respondent – manager, Vietnamese.

(D) Seventh respondent - general manager, Spanish, has been living in Vietnam for 5 years.

4.2.1 Is selling sex a voluntary choice?

The first question concerns about seeing sex work as a *voluntary choice* through sex workers' eyes and other people. People who consider this job as normal, this means they see it as a regular way of earning living and sex workers are believed to decide to be sex workers themselves with no forces behind. My first question was: "Many people said that no woman would choose to be a prostitute unless there was something drags her in,

and sex work is not considered a normal job. What do you think about these two arguments?”

Respondent (1): “Definitely. I am a normal worker and bring value to the society like others. Men come to me to satisfy their needs physically and mentally. Like comedians on television, their job is also satisfying mentally needs just like me. Why is their career appreciated but prostitution is not? Moreover, the need for sex is natural and necessary, but not everyone has the opportunity to find a partner to satisfy his desire. So, my profession is important for this society.”

Respondent (2): “It’s not a job to me. I am ashamed of myself, but I have no other choice. I don't want my body to be considered a commodity, I don't want to have sex with someone I don't love. I also don't want to steal other women’s men.”

Respondent (3): “In my opinion, selling sex is a normal job. Because this is a service industry, there is demand for supply. For me, a job that earns me a living, is just a job.”

Respondent (A): “As far as I see, most people who are working in sex industry are poor, low-educated and they have nothing to lose in their life, that is why they sell sex. To me, a job requires physical and mental strength. Sex work doesn’t require any of them. Doing this job earns a lot of money, especially for the people who is too lazy for manual jobs. They are just using a fast-easy way to make money.”

Respondent (B): “I think people sell sex because they have no other choice to make money.”

Respondent (C): “In my opinion, honestly, prostitution is a job, but it’s a hard job. People sell themselves in order to make a living, however, some people do it because they like the feeling of having sex. There’s nothing wrong with selling sex if the body is sold for good reasons.”

Respondent (D): “I see them as normal persons, they just have a different career, I have no opinion about prostitutes. No one is perfect, they can do what they want. I don’t judge them.”

4.2.2 Is prostitution harmful for prostitutes?

For the second question, I asked “Is prostitution harmful for sex workers?” I asked this question not only to know how deep other people understand about the thing that sex workers had suffered through, but also to raise the positive attitude from people who criticized sex workers. I also wanted to know how bad selling sex has affected sex workers through their narratives.

Respondent (1): “I’m not worried about my health being infected because I always make clients to wear condoms, however, the worst thing of this job is suffering violence at work. Some clients did not want to wear condoms, I had to reject them, then they hit me because they could not have what they want.”

Respondent (2): “Day by day I keep serving myself to men, it’s like rape to me. Every day passes by is horrible and torturous and I know that one day I won’t be able to handle it anymore, but I have no other choice right now. I’ll just keep swimming until I see a better destination. This is a stain in my life that can’t never be erased.”

Respondent (3): “The social stigma towards prostitutes is extremely critical, they see us as something dirty and cheap, not worth living in this society. Mostly I got criticisms from women for ruining their marriages. Selling sex is a profitable business but I don’t think I will continue selling sex until the end of my life. It is because being in a bad environment for a long time will destroy my health as well as my mentality. I might be able to ignore the criticisms for now but I’m not sure about the future.

Respondent (A): “They are vulnerable to violence and in high risk of getting infected by sexual transmitted diseases.”

Respondent (B): “Every job has pros and cons, so does sex work. The price for this job is: the health is put in risk, the body is put on the market, the morality is thrown away in the trash. But in exchange, you make more money and faster than a regular person.”

Respondent (C): “I think health and bad reputation are the harms for those who are working in sex industry. As long as social stigma is still harsh on them, the bad reputation of this profession will never fade away.”

Respondent (D): “First of all, their health will be damaged. I don’t think it’s good for women to have sexual intercourse repeatedly.”

4.2.3 Is prostitution a violation to human dignity?

Respondent (1): “Having dignity is nothing to do with, before thinking about dignity or morality, you must satisfy your personal needs first. Supposedly, I don't have a job, I'm starving, I can't pay my monthly bills by my dignity. Dignity does not feed me as well. If you are worried about prostitution is getting worse. Ask yourself this: is it more degrading than being hungry or watching your child go hungry?”

Respondent (2): “Yes, it does degrade human dignity. This is not a good job to be respected. I have to say that prostitution degrades not only prostitutes’ dignity but also degrades women’s dignity in general. It’s unethical to buy and sell women body like a commodity and this leads to a situation that men see women as a tool to satisfy their daily needs. And yes, that’s how I am, an object!”

Respondent (3): “No, it does not. This is a choice based on free will. I own this body. This is my body, this is my private property, everything I do to my property, people do not have the rights to criticize.”

Respondent (A): “Vietnamese culture respects the virginity of women and loyalty in marriage. For young prostitutes, they lost their virginites before marriage, they should not be respected anymore. And prostitutes in general are also the one who break the loyalty of many couples.”

Respondent (B): “Many sex workers are the result of being forced, seduced, forced, cornered, with few options, or no other choice. Being forced to do so is unethical. A large part of humanity, if not all, is subjected to a certain level of coercion, enticement, with a certain number of choices in life. Does anyone of us dare to say that we can do 100%

according to our personal wishes without any pressure? Therefore, if it is considered unethical to impose others, sex work, as well as every other career in the world, is a consequence of being imposed and must choose the best possible option in a certain situation.”

Respondent (C): “Sex is not bad, but part of humanity says prostitution is bad. Why is that? It is due to the concept of protecting women’s dignity. When do we need to protect a person's dignity? In fact, for adults with full capacity for behaviour, we should protect only when they have a request or in a sense that they really want to protect but they have no chance to ask us to protect. And when they think that they are not offended, why should we just jump in to “protect the dignity” for them?”

Respondent (D): “Sex is one of the human instincts, everyone was born with it, everyone does it. The additional part is you get paid when you do it. Having sex with many people does not degrade human dignity. It’s a lifestyle. The society should be more open-minded about it.

4.2.4 Is prostitution harmful for society?

Respondent (1): “To me, this industry has no effect on society. Prostitution is a service just like any other services, it helps release the sexual pressure for men in whole society. If their needs are not satisfied, they won’t do well at work, work efficiency will be lower.”

Respondent (2): “The sale of women body contributes more to gender inequality issue. Women have been dominated since the ancient time. For example, not just prostituted women are dominated, for married women, they are expected to be at home cooking, washing, cleaning, doing mostly everything in the house in order to satisfy their partner’s needs.”

Respondent (3): “I understand that this career has an entirely negative reputation in the society, but “supply” always goes with “demand.” The men have demand for sex, we provide it to them, it is just a physical relationship without any affection. They need love, we need money - the relationship is beneficial on both sides. So, there is nothing contrary to morality as well as the impact on society.”

Respondent (A): “It’s a social illness, it disturbs marriages and the social order. It creates a negative background for society due to its association with many other crimes such as human trafficking, child kidnapping and so on.”

Respondent (B): “Obviously it’s bad for society. Prostitution loses the dignity of women and insults the sacredness of human sexual activity, adversely affects the moral foundation and social lifestyle, breaks marriages, entails many other social ills such as human trafficking; street violence; the spread of sexually transmitted disease; increasing the number of adolescents and young people involved in prostitution, etc.”

Respondent (C): “It’s a social need. However, it also causes the spread of sexual transmitted diseases.”

Respondent (D): “It’s necessary for a society. Can you imagine a society without the existence of commercial sex? Men would not know where to satisfy themselves, especially for single men, self-satisfy is not enough, they need someone to be with; to share the nights with; or sometimes they just need a small talk.”

4.2.5 Opinions about prostitution law in Vietnam

As we discussed in the Theoretical Part, criminalization is criticized for many reasons, so I want to know whether or not the criminalization of prostitution receives criticisms in Vietnam as well as the satisfaction of people for the prostitution law. All my respondents didn’t seem satisfied with the law and some of them also proposed a few changes in the law. I asked my interviewees: “Do you have any opinions about prostitution law in Vietnam? Do you think the Government has done a good job to regulate prostitution?” Below are the answers I got:

Respondent (1): “We want a law that gives us the right to work safely and on our own terms. We want the law not to see us as criminals because we are also a part of the society who are contributing to the development of the society.”

Respondent (2): “Under Vietnam prostitution regulation system, if you report to the polices for violence at work or any related crimes to prostitution, they will arrest you if they know you are a prostitute. That’s why we seek for protection from the pimps, which

is dangerous too, but at least we are able to keep our job and continue earning money. However, I hope the Government would change the law which we can inform about anything without being arrested. We want a law that protects us.”

Respondent (3): “The Government can’t do anything except giving laws against us. These laws don’t help regulate sex selling but make it worse. We feel left out in our own society. There are people who are forced to enter prostitution, they don’t make that decision. Who can they call for help without being arrested?”

Respondent (A): “In my opinion, the Government should be stricter on regulating commercial sex and more be focus on investigating human trafficking links, removing red-light districts, increase the fine for prostitutes and buyers. People give excuse that prostitution has been existing since long time ago and cannot be completely banned, so instead of being banned, we should accept it. That is a weak argument. The greed of human is always there, embezzlement, stealing, fraudulence etc., all of them are from ancient times. And perhaps the more society develops, the evil behaviours of greedy people will never go away. Should we accept those evil behaviours because of the fact that we cannot prevent or eliminate them from our society?”

Respondent (B): “As I can see the Government cannot control the spread of prostitution as well as other related crimes. The number of women involved in prostitution is still increasing every year. Some red-light districts in Ho Chi Minh City are even created to serve the people who are working for the state.”

Respondent (C): “Under Vietnam legal regimes, prostitution is being banned on every aspect. I believed that the insistence on protecting human dignity for female sex workers while they do not want anyone to protect is essentially a misconception. Instead of defending a good thing, which is dealing with human sexual displeasure, they condemn it. As a result, they create a worse situation, that is putting women in prostitution into places not protected by law. Because of human misperception, prostitutes are pushed into an illegal situation, governed by gangsters and criminals.”

Respondent (D): “Prostitution regulation in Vietnam is not effective because this is a wrong legal frame to implement. Prohibition of prostitution leads to the use of resources to combat prostitution, and the loss of revenue from tourists, especially international visitors.”

4.2.6 Legalizing prostitution in Vietnam

I continued the interviews by telling them about legalizing selling sex in Australia in order to see the attitude towards prostitution if it is legalized. After that I asked my interviewees this question: “What do you think if prostitution is legalized in Vietnam?”

Respondent (1): “Legalizing gives more benefits for sex workers than preventing us from selling sex. Prostitution has been existing since a long time ago and it will continue its existence whether criminalizing or not.

Respondent (2): “Of course, I think it should be legalized because I will be able to earn extra income to support my family without being a criminal or hiding anywhere. I hope the legalization will create a better attitude from society towards us. Moreover, the tourism industry also benefits from this.”

Respondent (3): “If the government thinks about the legalization of prostitution, I completely agree. Firstly, we will be better protected for our health and personal information, avoiding social traps. Secondly, it creates jobs for women. The opportunity to work for woman is less than men because of many factors such as family barrier, time, health and so on. Thus, legalizing this profession, I can be more flexible in time and choices. Thirdly, there are many Asian countries that have legalized sex work such as Singapore, Malaysia, Japan, etc. It has created a huge source of revenue for the state budget as well as attract many tourists to the country. The evidence has shown that those countries are not only developing well in every way but also protecting people like sex workers.”

Respondent (A): “Legalization of prostitution cannot help control prostitution but only spread it further. Furthermore, it will increase the trafficking of women and children, promoting sex trafficking. In my opinion, taxes revenues collected from this industry are

low, while the costs of maintaining red-light districts and regular healthcare systems for prostitutes, as well as the pursuit of prostitution related crimes (such as drugs, thieves, gambling, human trafficking...) are very high. So, it not necessary to legalize sex work because of the financial reason. In conclusion, Vietnam would not be able to manage prostitution if it was legalized.”

Respondent (B): “It is clear that this sensitive issue will be more open, possibly even more uncontrollable if prostitution is legalized. It affects the development of women in general. Because, it is likely that girls in school age, with inadequate consciousness, especially girls of families with economic difficulties, soon leaving schools, will choose this career. It also gives a negative impact on the image of women in general.”

Respondent (C): “Almost everywhere in Viet Nam, sex work is there to balance sexual needs. Prostitution is an old profession, whether or not, prostitution is still in existence and no one can erase it. Even with prohibition, it still exists, develops and transforms into many kinds. So why should it be surreptitiously for the natural needs of the people then consider it a violation of morality and law? Furthermore, if sex work is legalized, it will give many benefits such as creating jobs for people who are unemployed or do not have stable jobs, rights are protected by law, reducing violence at work, the Government also collects tax revenues from this industry.”

Respondent (D): “Yes, it should. If sex work is legalized, it will promote tourism and contribute to the state budget; provides sexual needs for: single people, tourists, workers due to their situation of being far away from their spouses, those who their partners cannot be able to satisfy; control the spread of sexual transmitted diseases, reduce the risk of violence and rape for women.”

4.2.7 Decriminalizing/ Decriminalizing demand

The legalization regime received both supports and non-supports from my group of interviewees, but all my respondents didn't know there were other types of prostitution regulations across the world, so I decided to ask for their opinions about other regulation options which are decriminalization and decriminalize demand. First, I asked them if they knew any other legal regimes for prostitution, everyone couldn't give answer to that question. Then I explained each type of regulations and asked for their viewpoints. My

question was: “Do you think decriminalization/decriminalize demand will be suitable for prostitution situation in Vietnam? Why/why not?” The answers I got were:

Respondent (1): “I prefer decriminalization because if the other method was applied, we wouldn’t have clients anymore.”

Respondent (2): “Decriminalizing demand is the best solution among 4 legal frames for prostitution. Men should be fined for buying and selling women”

Respondent (3): “I thought prostitution was banned all over the world? I hope Vietnam government will change the law into decriminalization demand. It would be better for us and society. No more hiding from the police. I think it will improve the social attitude towards us.”

Respondent (A): “As I said before, prostitution is always a social illness and we must prevent it from spreading out. To me, full criminalization is still the best jurisdiction for prostitution.”

Respondent (B): “It’s impossible to apply decriminalization for prostitution in Vietnam, I must say. Decriminalize demand seems to be too difficult to implement. According to my experience of living in Vietnam, the social environment is very complicated, people usually don’t obey the law. The most typical example is the crazy traffic in Vietnam. They always trying to break the rules, even risking their life to do it. Consequently, decriminalizing demand will create a bigger hole in the law system, give people more chance to break it easily.”

Respondent (C): “Well, I don’t think Vietnam would be able to do that. One country is successful doesn’t mean every country will be successful. It depends on the situation and the culture in each country.”

Respondent (D): “I don’t support the current jurisdiction, but I think legalization is the best option for prostitution in Vietnam. I don’t have any opinions about other legal regimes.”

5 Results and Discussions

In the following section of the Practical Part, we will discuss about the results which I collected from the interviews with sex workers and people from other profession. The results will be presented in the tables below in comparative form with the main discussed concepts in the Theoretical Part.

Table 5 Summary of the results collected

Discussed viewpoints (Theoretical Part)	Viewpoints of sex workers and people from other profession
PROSTITUTION IS A VOLUNTARY CHOICE	
<p>“No woman, if she is not driven by poverty or by pathological psychological motivations, can rationally choose to become a prostitute. Therefore, this path is always undertaken as a result of a constraint: either directly physical, with the use of violence or threats, or psychological, with tricks used by pimps to exploit women, or economical.” (Daniela Danna, 2014)</p>	<p>In my interviews with sex workers, not all respondents see selling sex as a job and enter sex industry willingly. Respondent (2) has a negative attitude towards her profession because selling sex was the only decision that she can make when she was in a tight situation and he seems to discriminate herself against society. Respondent (1) and respondent (3) have more positive views on commercial sex and both of them see it as a regular way to make a living. However, comparing 2 respondents (1) and (3), the respondent (1) seems to be proud of her career and she believes that her job brings values to society while respondent (3) has a neutral attitude about prostitution.</p> <p>From others’ viewpoints, both 2 women disagreed with the idea of selling sex is a free-will choice, they assumed that there are always reasons pushing women into</p>

	<p>prostitution such as poverty, low education and laziness. On the other hand, 2 interviewed men see it as a regular job, and this shows a positive attitude towards commercial sex from a small part of society.</p>
<p>PROSTITUTION IS HARMFUL FOR SEX WORKERS</p>	
<p>“Rape by customers is a primary source of HIV infection among prostituted women, adolescents, and children. Yet one of the lies about prostitution is that she is the source of infection.” (Farley, 2004)</p>	<p>Each respondent had different way to answer this question, but generally they all concerned about the health of sex workers. Thus, it is true to say that prostitution causes health damage/violence for sex workers and prostituted women are in high risk of being raped. Some responses I found them really interesting: Respondent (1) had an interesting response by saying: “I’m not worried about my health being infected because I always make clients to wear condoms, however, the worst thing of this job is suffering violence at work.” She does not pay attention to her health because she’s already protected her health by using condoms, however, this leads to a new issue: suffering violence. Respondent (3) also made a good point about this topic: selling sex will destroy her health and the social stigma will destroy her mentality. She said: “being in a bad environment for a long time will destroy my health as well as my mentality.</p>

	I might be able to ignore the criticisms for now but I'm not sure about the future.”
PROSTITUTION IS A VIOLATION TO DIGNITY	
<p>“Women are prostituted precisely in order to be degraded and subjected to cruel and brutal treatment without human limits; it is the opportunity to do this that is acquired when women are bought and sold for sex” (MacKinnon, 2007)</p> <p>“Prostitution is always an affront to human dignity, it is psychosexual bullying, women in prostitution are not seen as equal humans.” (Rachel Moran)</p>	<p>For this question I assumed that the disagreement would come from sex workers and the opposite opinion would be from other people, but the answers I got were unpredictable. One sex worker, which is respondent (2), and both interviewed women agreed with this argument. The other ones disagreed with this idea.</p> <p>Respondent (1) had made a strong opinion about commercial sex using the idea “my body - my rule”: based on the principle of one’s free will, a woman can do anything with her body as long as it does no harm to others. She also argued about having morality could not satisfy her daily needs as well as pay her bills. She even asked me this question in reverse: “Is it more degrading than being hungry or watching your child go hungry?”</p> <p>Respondent (C) and respondent (D) believe that the need for human sexual intercourse is a natural need for human body, which is doesn’t need to wait for the conditions to be fully formed and it’s always hidden in everyone.</p>
PROSTITUTION IS HARMFUL FOR SOCIETY	
<p>“Normalizing the act of buying sex also debases men by assuming that</p>	<p>For this question, most of my respondents did not make arguments against the idea of</p>

<p>they are entitled to access women's bodies for sexual gratification. If paying for sex is normalized, then every young boy will learn that women and girls are commodities to be bought and sold..." (Jimmy Carter, 2016)</p> <p>"The social contempt for prostitutes is, in fact, the shadow side of the exaltation of female chastity, and reflects a gender non-neutral and paradoxical social norm: contact with the body of men dishonours a woman, while a man acquires prestige and value from contact with women's bodies." (Daniela Danna, 2014)</p>	<p>prostitution degrades the image of girls and women in general. They just focused on how prostitution has affected the society. However, respondent (2) and respondent (B) were the ones who had the deepest thinking and they made straight points about: selling sex is one kind of gender non-neutral system in society; selling sex "loses the dignity of women and insults the sacredness of human sexual activity, adversely affects the moral foundation and social lifestyle..."</p> <p>Respondent (1), respondent (3) and respondent (D) disagreed and they argued that prostitution is necessary for society because it's a natural social need. For instance: respondent (1) said: "It helps release the sexual pressure for men in whole society. If their needs are not satisfied, they won't do well at work, work efficiency will be lower."</p> <p>Respondent (C) had a fair view on this argument: "It's a social need. However, it also causes the spread of sexual transmitted diseases." He sees it in both beneficial way and harmful way.</p>
--	---

Table 6 Opinions about suitable prostitution legal regimes

Main legal approaches	Opinions
<p style="text-align: center;">CRIMINALIZATION</p>	<p>Every respondent showed the disappointment about the prostitution law in Vietnam. All 3 prostituted respondents assumed that the law was made to against them and they didn't receive any protections from the Government. They said:</p> <p>Respondent (1): "We want the law not to see us as criminals because we are also a part of the society who are contributing to the development of the society."</p> <p>Respondent (2): "We want a law that protects us"</p> <p>Respondent (3): "The Government can't do anything except giving laws against us. These laws don't help regulate sex selling but make it worse."</p> <p>4 out of 4 respondents from other profession agreed that prostitution law is not effective and not well-regulated. However, only respondent (A) thought that the law should be stricter, the rest did not give any ideas about improving the law.</p>
<p style="text-align: center;">LEGALIZATION</p>	<p>5 out of 7 respondents said prostitution should be legalized. Generally, the main reasons were: creating a better attitude from society, better protection for sex workers' health and personal information,</p>

	<p>huge source of revenue for the state budget, attracting many tourists to the country, reducing the risk of violence and rape for women.</p> <p>Two interviewed women which are respondent (A) and (B) were the only ones who did not want prostitution to be legalized. Both of them believed that the Government would not be able to control the situation and from there spread it further. Respondent (A) made an important point, which I found it reasonable, she argued that the taxes revenues collected from sex industry wouldn't be enough to cover the costs spent on maintaining red-light districts and regular health care for sex workers. Respondent (B) also argued that the legalization "affects the development of women" and "also gives a negative impact on the image of women in general."</p>
<p>DECRIMINALIZATION/ DECRIMINALIZE DEMAND</p>	<p>All respondents had different answers for this question, each of them had her/his own legal regime that she/he preferred.</p> <p>For decriminalization: respondent (1) supports this legal regime because it will give her the ability to continue her career, while respondent (B) and respondent (C) think that implementing decriminalization will be impossible for</p>

	<p>Vietnam. The way respondent (B) answer my question was really interesting to hear, she said: “The social environment is very complicated, people usually don’t obey the law. The most typical example is the crazy traffic in Vietnam. They always trying to break the rules, even risking their life to do it. Consequently, decriminalizing demand will create a bigger hole in the law system, give people more chance to break it easily.”</p> <p>For decriminalize demand: 2 out of 3 prostituted interviewees want the law to be changed into this jurisdiction. It makes sense to say that men should be the ones to get the fine for using women bodies as commodities.</p>
--	--

In my opinion, the legalization of prostitution is still facing many issues. Vietnam is a developing country, the national economic is not in a sufficient condition and medical capacity is still limited, thus, it will be very difficult to control the disease as well as keeping track on social health. Moreover, if the new regulation does not go the right way as expected, there will be more problems for society. With the current booming situation of prostitution, the legalization of prostitution will allow prostitution to develop more quickly, which is clearly not a constructive idea but a disruption.

For decriminalization/decriminalize demand, I agree with respondent (B) that the law system in Vietnam is still undisciplined. Thus, these two types or regulation would be fit in the situation. Therefore, in accordance with the socialist nature of the Vietnamese government, it is necessary to do the opposite, to strongly implement a series of comprehensive coordination measures to make positive changes, gradually minimizing the harms of prostitution. It is the simultaneous implementation of the following measures:

- Warning the community about the potential AIDS epidemic in prostitution, mobilizing the community to fight prostitution and immoral products.
- Opening many job centres for teenagers, while strongly propagating among young people about the harms of prostitution.
- Implement compulsory education and vocational training for sex workers.
- Enhancing education on gender and reproductive health for teenagers.

When such comprehensive measures have been well-implemented, I believe that the harms of prostitution will be gradually minimized.

6 Conclusion

As can be concluded from the previous section, all my respondents understand the harshness of social stigma for prostitution as well as sex workers, they just expressed their viewpoints differently. Deep down every criminal is a victim of something. They may be victims of a highly disabled educational environment, victims of an economy lacking potential opportunities. They may be the victims of an unreasonable scientific rule of law or a violent governmental power system. They may also be victims of an emotionless indifference, or victims of a lack of life skills and not be guided in handling problems in life. However, everybody should be treated equally.

Vietnam is a country that is under the affection of traditional mindset from China, consequently, the stigma of society for this profession is still great. Vietnamese people, mostly women believe that buying and selling sex is an act of moral degradation, which is difficult to be accepted. Moreover, prostitution is also believed to lose the dignity of women and insults the sacredness of human sexual activity, adversely affects the moral background, social lifestyle and associating with many other crimes such as human trafficking, kidnapping, rape and so on. Additionally, Vietnam is still facing many complex social issues so the legalization of sex work might give more pressure on the government by creating more crimes.

Nowadays, competent authorities in Vietnam are currently discussing whether or not prostitution should be legalized. There are many controversies surrounding this issue. Some believe the main goal of legalization of prostitution is to protect the majority of women who work in this profession, helping them to avoid abuse, violence and crime. On the other hand, there is another opinion that strongly opposes that prostitution is contrary to the fine customs and traditions, and legalization is a promotion of a depraved lifestyle, which undermines human morality. It is necessary to base on the consequences and outcomes of legalizing prostitution in order to implement suitable regulations into this profession.

7 References

- ¹ Goodall, R. (1995). *The Comfort of Sin: Prostitutes & Prostitution in the 1990s*. NJ: Paul Norbury.
- ² Simon, C. P., & Witte, A. D. (1982). *Beating the System: The Underground Economy*. NJ: Auburn House.
- ³ Rathus, S., Nevid, J., & Fichner-Rathus, L. (2013). *Human Sexuality in a World of Diversity*. New York, NY: Pearson Higher Ed.
- ⁴ Harcourt, C. (2005). The many faces of sex work. *Sexually Transmitted Infections*, 81(3), 201-206. doi:10.1136/sti.2004.012468.
- ⁵ Satz, D. (2010). *Why Some Things Should Not Be for Sale: The Moral Limits of Markets*. New York, NY: Oxford University Press.
- ⁶ Pateman, C. (2018). *The Sexual Contract*. Hoboken, NJ: John Wiley & Sons.
- ⁷ Schulze, E., Canto, S. I., Mason, P., Skalin, M., European Parliament. Directorate-General for Internal Policies of the Union, & European Parliament. Directorate-General for Internal Policies. Policy Department C.: Citizens' Rights and Constitutional Affairs European Parliament. (2014). *Sexual Exploitation and Prostitution and Its Impact on Gender Equality*. NJ.
- ⁸ Daniela Danna (2014). *Report on prostitution laws in the European Union*.
- ⁹ Edlund, L. *A theory of prostitution*. NJ.
- ¹⁰ *Paying the Price: A Consultation Paper on Prostitution*. (2004). NJ.
- ¹¹ Phoenix, J. (1999). *Making Sense of Prostitution*. Basingstoke, NJ: Springer.
- ² Farley, M. (2004). "Bad for the Body, Bad for the Heart": Prostitution Harms Women Even if Legalized or Decriminalized. *Violence Against Women*, 10(10), doi:10.1177/1077801204268607.
- ³ MacKinnon, C. A. (2007). *Women's Lives, Men's Laws*. Cambridge, MA: Harvard University Press.
- ⁴ Jimmy Carter. (2016, May 31). *To Curb Prostitution, Punish Those Who Buy Sex Rather Than Those Who Sell It*. Retrieved from www.washingtonpost.com/opinions/to-curb-prostitution-punish-those-who-buy-sex-rather-than-those-who-sell-it/2016/05/31/e0376adc-236d-11e6-aa84-42391ba52c91_story
- ⁵ Bromberg, S. (1996). *The San Francisco Journal of Prostitution: Feminist Issues in Prostitution*. DC.

- ⁶ Sex Work Recognised as a Legitimate Occupation by the Brazilian Ministry of Labour and Employment. (2017, June 1). Retrieved from <https://www.nswp.org/timeline/event/sex-work-recognised-legitimate-occupation-the-brazilian-ministry-labour-and>
- ⁷ Bakhtadze, U. (2013). Is Prostitution a Victimless Crime? *SSRN Electronic Journal*. p. 26. DOI:10.2139/ssrn.2372009.
- ⁸ Reframing Prostitution - From Discourse to Description, From Moralisation to Normalisation? N. Peršak, G. Vermeulen
- ⁹ Xiaobing Li and Qiang Fang (eds), *Modern Chinese Legal Reform: New Perspectives*, 2013.
- ²⁰ Hongo, J. (2008, May 27). Law bends over backward to allow 'fuzoku'. Retrieved from <https://www.japantimes.co.jp/news/2008/05/27/reference/law-bends-over-backward-to-allow-fuzoku/#.XIZTW5-7gkg>
- ² Country Reports on Human Rights Practices for 2009. (2012). Washington, DC: Government Printing Office.
- ²² Sex-Worker Forum of Vienna, Austria, "Austria: Discriminations against Sex Workers in the Rights to Work and to Health," submission to the United Nations Committee on Economic, Social and Cultural Rights, ohchr.org, Nov. 2013
- ²³ House of Commons Home Affairs Committee, "Prostitution: Third Report of Session 2016–17," parliament.uk, July 1, 2016
- ²⁴ ScotPep, "The Law," scot-pep.org (accessed Mar. 9, 2018).
- ²⁵ Lena Reinschmidt. (2016, June). Regulation of Prostitution in Bulgaria, Romania and the Czech Republic.
- ²⁶ R. Albert, F. Gomez, Y. G. Franco, *Regulating Prostitution: A Comparative Law and Economics Approach*.
- ²⁷ Ane Mathieson, *Prostitution Policy: Legalization, Decriminalization and the Nordic Model*.
- ²⁸ S. F., CAL., POLICE CODE, art. II, §221 (2010)
- ²⁹ New York Cops Will Arrest You for Carrying Condoms, Molly Crabapple. Available at: https://www.vice.com/en_au/article/3b5mx9/new-york-cops-will-arrest-you-for-carrying-condoms
- ³⁰ JODY RAPHAEL & DEBORAH L. SHAPIRO, *VIOLENCE IN INDOOR AND OUTDOOR PROSTITUTION VENUES* (2004).

- ³ Prostitution is not a choice, Soroptimist International of the Americas (2007).
- ³² DUTCH MINISTRY OF FOREIGN AFFAIRS
- ³³ Donna M. Hughes, Approaches to Prostitution: Impact on Sex Trafficking.
- ³⁴ Roberta Perkins, Working Girls: Prostitutes, Their Lives, and Social Controls, THE AUSTRALIAN INST. OF CRIMINOLOGY (1991).
- ³⁵ PROSTITUTION CONTROL ACT, 1994 (VIC), No. 102 of 1994 (Austl.).
- ³⁶ Gail M. Deady, The Girl Next Door: A Comparative Approach to Prostitution Laws and Sex Trafficking Victim Identification Within the Prostitution Industry, 17 Wash. & Lee J. Civ. Rts. & Soc. Just. 515 (2011).
- ³⁷ Canadian HIV/AIDS Legal Network. (2005). New Zealand and Sweden: two models of reform. Retrieved from www.bayswan.org/swed/Canada_law_reform_models.pdf
- ³⁸ Susanne Dodillet, Petra Östergren. (2013). The Swedish Sex Purchase Act: Claimed Success and Documented Effects.
- ³⁹ PROSTITUTION REFORM ACT, 2003, Part I, §3 (N.Z.) Available at: <http://www.legislation.govt.nz/act/public/2003/0028/latest/whole.html#DLM197821> (on file with the Washington and Lee Journal of Civil Rights and Social Justice).
- ⁴⁰ Abortion Rights Coalition of Canada. (2015, December). Sex Workers' Rights Are Human Rights. Retrieved from: <https://www.arcc-cdac.ca/postionpapers/102-sexworker-rights.pdf>
- ⁴¹ Lynzi Armstrong. (2017, May 29). Decriminalisation is the only way to protect sex workers – New Zealand has proved it. Retrieved from: <https://www.independent.co.uk/voices/sex-workers-decriminalisation-of-prostitution-new-zealand-new-law-works-research-proves-sex-workers-a7761426.html>
- ⁴² XIth National Assembly Standing Committee of the Socialist Republic of Viet Nam. (2003, March 17). ORDINANCE ON PROSTITUTION PREVENTION AND COMBAT.
- ⁴³ Mua bán trình tiết học sinh ở Ba Vì: “Đại gia” mua dâm?. (2020, January 15). Retrieved from <https://www.msn.com/vi-vn/news/national/mua-b%C3%A1n-trinh-ti%E1%BA%BFt-h%E1%BB%8Dc-sinh-%E1%BB%9F-ba-v%C3%AC-%E2%80%9C%E1%BA%A1i-gia%E2%80%9D-mua-d%C3%A2m/ar-BBYXOJm>
- ⁴⁴ The myth of the happy hooker. (2013, April 13).

Retrieved from <https://www.irishtimes.com/life-and-style/people/the-myth-of-the-happy-hooker-1.1358702>.

⁴⁵ Oxford University Press. (2003). Oxford Learner's Pocket Dictionary. New York, NY: Oxford University.

⁴⁶ Sexual and reproductive health and rights. (2013, April 14). Retrieved from

https://en.wikipedia.org/wiki/Sexual_and_reproductive_health_and_rights

⁴⁷ Constitutional Council of Cambodia. Retrieved from <http://www.constitution.org/cons/cambodia.htm>.

⁴⁸ Persak, N., & Vermeulen, G. (2014). Reframing Prostitution: From Discourse to Description, From Moralisation to Normalisation? Antwerp, NY: Maklu.

⁴⁹ Article: Mariana Popa was killed working as a prostitute. Are the police to blame? Available at: <https://www.theguardian.com/society/2014/jan/19/woman-killed-prostitute-police-blame>

⁵⁰ XIth National Assembly Standing Committee of the Socialist Republic of Viet Nam. (2003, March 17). ORDINANCE ON PROSTITUTION PREVENTION AND COMBAT. Retrieved from: www.ilo.org/dyn/natlex/docs/SERIAL/71702/77065/F997924439/VNM71702.pdf

⁵¹ PLO.VN. (2018, April 3). Quan điểm trái chiều về hợp pháp hóa mại dâm. Retrieved from <https://plo.vn/xa-hoi/quan-diem-trai-chieu-ve-hop-phap-hoa-mai-dam-763146.html>