



G A L M U N ' 1 9

GA:6
LEGAL

Agenda Item: The
Legal State of
Prostitution

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Letter from the Secretary-General

Highly Esteemed Participants,

My name is Yasemin EFE and I am currently a student in Ankara Gazi Anatolian Highschool. After having participated in this conference once as a delegate with my colleague Uğur Emin Baynal , it is an incredible honor to serve as this year's Secretary General along with esteemed Academic and Organization Teams.

It is my utmost pleasure to welcome you all to the second annual session of Ankara Gazi Anatolian Highschool Model United Nations 2019. Gazi Anatolian Highschool is one of the greatest and most rooted schools in Turkey in terms of both Academic and Social success. Obviously, being a student in that kind of a school, makes me work harder and aim always the top. Reflecting this soul to our conference, I believe, turns it into a unique one in the MUN Society. Each committee and topic were selected in order to prepare for delegates a stage on which they can show their diplomatic skills even on the most challenging situations throughout the conference. Despite many challenges waiting for the delegates, these challenges also teach participants how to make important decisions accordingly.

The study guide you are holding in your hands is prepared for you to comprehensively study and understand the importance of the topic, and be ready for every single possibility that the topics could evolve into. Moreover, this academic work would not have been achieved without Ms. Asmin Akıncı's efforts and her invaluable contributions. I feel myself obliged to thank her for everything that she has done for this committee. I admire her dedication and hard work, and I see her not only as an Academic Team member but also a real diplomat.

I suppose a brief feedback upon the agenda item and committee would be beneficial for you in order to present solid solutions and debate voluminously. GA:6 LEGAL committee will tackle with the Legal State of Prostitution issue which is a crucial one for the world.

Researching your countries policy, laws, past actions might be helpful to catch the points and constitute a document accordingly.

To conclude my words, I wish you all success and luck and as a last suggestion, don't forget to study the study guide thoroughly. In any cases, feel free to contact me via efe_yasemin@yahoo.com

Cordially,

The Secretary General of GALMUN'19.

Letter from the Under-Secretary-General

Most Esteemed Delegates,

I am Asmin Nupel Akıncı and I will be serving as your Under-Secretary-General in the General Assembly Sixth Committee: LEGAL in GALMUN 2019. I am currently a high school student in International Bestepe Schools, studying A Level's.

I would like to start by thanking our Secretary-General Yasemin Efe for her great efforts to make this highly prestigious conference an unforgettable one. Also, our dear Director-General Uğur Emin Baynal for his assistance. I have worked tirelessly in order to give you an extensive and detailed study guide and sincerely hope that you read it thoroughly. The delegates are expected to read the whole guide as well as doing their own independent research regarding their countries' relation with the agenda item. It is my belief that this guide will be playing a key role on the path of creating a final document. Please bear in mind all the sub-topics that are covered in this guide in order for you to have fruitful debates during the sessions. Do not forget that all of the questions in the 'questions to be addressed' part should be discussed during the sessions and must be included in the final document of the committee.

Should you have any questions, please do not hesitate to contact me any time you wish. Cannot wait to see you at the conference!

You can contact me via: akinci.asmin@gmail.com

Asmin Nupel Akıncı

Under-Secretary-General

A. INTRODUCTION TO THE GENERAL ASSEMBLY SIXTH COMMITTEE: LEGAL

The United Nations General Assembly Sixth Committee (Hereinafter referred to as Legal Committee) is the last of the six main committees of the United Nations General Assembly. The Sixth Committee is the primary forum for the consideration of legal questions in the General Assembly. All of the United Nations Member States are entitled to representation on the Sixth Committee as one of the main committees of the General Assembly.ⁱ According to the policy of equal representation, the General Assembly consists of the representatives of all 193 United Nations Member States, giving each state the right for one vote.ⁱⁱ

As one of the main committees of the General Assembly and the main forum for the consideration of legal matters related to international law and other legal issues concerning the United Nations, the Legal Committee has focused on delivering this mandate of the General Assembly stated in the UN Charter.ⁱⁱⁱ The Legal Committee is not entitled to take binding decisions on States, however, for contributing to the development of international law, several treaties and resolutions have been discussed in this Committee during its existence.

B. DEFINITION OF KEY TERMS

Prostitution

The practice of engaging in sexual activity in exchange for money

Brothels

A house, or any other place, where men pay to have sexual intercourse with prostitutes

Pimping

To act as a pimp; getting customers for prostitutes

Human trafficking

A form modern-day slavery involving the use of force, fraud, or coercion to obtain some type of labor or commercial sex act

Solicitation

The act of accosting someone and offering one's or someone else's services as a prostitute. Solicitation of prostitution is technically the request to one person by another to perform a sexual act in exchange for a fee.

Comfort Women

Refers to women and girls forced into sexual slavery by the Imperial Japanese Army in occupied territories before and during World War II

C. HISTORY OF PROSTITUTION

Prostitution has been considered as the oldest profession throughout the entire course of history.^{iv} It has been practiced in ancient culture as well as modern.^v Although the profession has faced many challenges, it has endured all the regulations and managed to stand the test of time.

The oldest record of prostitution dates back to 2400BC, Sumerian Records.^{vi} The aforementioned records mention temple servants, usually male or transvestite entertainers, serving as prostitutes.^{vii} It is stated that there used to be temple-brothels operated by Sumerian priests. They had a grading system including three grades of women.^{viii} Women in the first grade were only allowed to perform their sexual rituals within the temple, women in the second grade were tasked with catering the visitors and had access to the grounds, the third class, which is the lowest in rank, were living on the temple grounds. Additionally, they were able to seek customers in the streets.^{ix} During these times, a significant portion of the aforementioned prostitutes were male.

As prostitution became more common, alike classifications for females also came into existence in Rome, Greece, Japan, India and China. However, in 4th century AD, after Constantine the Great legalized Christianity

and demolished the goddess temples, prostitution almost came to an end with religious practices spreading more and more each day.^x

After these, the timeline of events is as follows:

438 AD: The Roman Empire establishes new laws that prohibit the selling of a son or a daughter by a parent into prostitution.^{xi}

7th Century AD: With Islam, prostitution is banned completely. Although, complications regarding sex trafficking arises.^{xii}

1254 AD: Being the first major European country to do so, France bans prostitution completely. At the time it seems odd, considering the fact that Europe was known to operate brothels.^{xiii}

16th Century: Europe has a major sexually transmitted disease (hereinafter referred as STD's) outbreak which causes a European-Wide boycott and results in newly established laws that prohibit prostitution. Sex trafficking increases in Asia and Africa simultaneously.^{xiv}

18th Century: Initiating in Europe, prostitutes start using condoms.^{xv}

1860's: France and Britain establish a series of contagious diseases laws that allows forced medical examination on prostitutes. Prostitutes were legally allowed to be quarantined if they were found to be infected.^{xvi}

1875: The United States bans the importation of women for the use of prostitution.^{xvii}

1932-45: Under the name "Comfort women", about fifty thousand to two hundred thousand women and girls were forced into prostitution by Japan, both within their own territory and in their occupied territories.^{xviii}

1959: Countries which legalize prostitution keep increasing in numbers; however, the debates on whether to consider brothels legal or illegal still continues.

1999: Sweden criminalizes being a "customer" to a prostitute and classifies it as assault. Yet, prostitutes remain innocent under the law.^{xix}

2012: United Nations-backed Global Commission on HIV and the Law urges that all laws against consensual adult sex trade be revoked immediately.^{xx}

D. LEGISLATION MODELS

There are several different approaches when it comes to the legality of prostitution. The legal state of prostitution varies by country. According to certain Non-Governmental Organizations (hereinafter referred as NGO's), academics and government departments, the aforementioned different approaches are narrowed down to five main models.^{xxi}

Models	Selling sex	Buying sex	Organizing sex	Buyer solicitation	Legislation Models ^{xxiii}
Abolitionism	legal	legal	illegal	often illegal	
Neo-abolitionism	legal	illegal	illegal	illegal	
Legalization	regulated	regulated	regulated	regulated	
Decriminalization	legal	legal	legal	legal	
Prohibition	illegal	illegal	illegal	illegal	

a. Prohibitionism

This is the model in which all forms and aspects of prostitution are criminalized. This model considers prostitution as immoral and against religious beliefs. Prostitution is not at all tolerated.^{xxiv} Since prostitution brings a set of other issues, such as human trafficking and child prostitution, prohibitionists believe that it is best to keep prostitution illegal in order to avoid any further problems that may arise. They argue that if prostitution remains legal, even if it is being regulated, it will increase the crime rate and will eventually lead to abuse. Prohibitionists have the common idea that legalizing brothels and pimping creates a parallel illegal industry that promotes human trafficking and alike dangers.

Some of the countries in which this model is implemented: the United States of America (except Nevada), Angola, Burundi, South Africa, Greenland, Afghanistan, Armenia, China, Iran, Iraq, Japan, Jordan, Georgia, DPR Korea, South Korea, Pakistan, Syria, Russia, Saudi Arabia, Thailand and United Arab Emirates.

b. Abolitionism

This model involves countries that do not have any specific laws regarding the prohibition of exchanging of money for sex, additionally, it involves countries that have legalized prostitution but illegalized organized prostitution. Pimping, advertising prostitution and solicitation are generally illegal according to this system.^{xxv} Prostitution in general is considered to be immoral. These kind of law systems are specially designed to stop prostitution completely.

Some of the countries in which this model is implemented: Algeria, Central African Republic, Brazil, Cuba, Costa Rica, Cyprus, India, Belgium, Czech Republic, Denmark, Italy, Poland, Spain, United Kingdom (except Northern Ireland), Estonia and Finland.

c. Neo-abolitionism (Nordic Model)

Neo-abolitionists share the common idea that prostitution is not a choice made by free will. This model aims to reduce the demand for paid sex services by criminalizing the clients and any third party involvement.^{xxvi} Prostitution, however, is not considered a crime. Countries in this system actively work to lessen the number of sex workers and help them “exit” prostitution.^{xxvii}

The only 8 countries in which this model is implemented: Sweden, Norway, Iceland, Northern Ireland, Canada, France, Ireland and Israel.

d. Legalization

In countries where this model is implemented, prostitution is fully legal and generally regulated. However, organized prostitution, pimping and street-walking are usually illegal.^{xxviii}

Some countries in which this model is implemented: Tunisia, Senegal, Ecuador, some cities of Nevada (in USA), Uruguay, Bangladesh, Germany, Greece, Turkey, Peru, Venezuela, Hungary and Netherlands.

e. Decriminalization

prostitutes.^{xxxiv} The Convention states that “prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person”.^{xxxv}

Although, it is useful to bear in mind that sex worker activists and certain related organizations distinguish between legitimate sex work and sex trafficking. They repeatedly emphasize the importance of not confusing sex work with human trafficking. The Open Society Foundations organization declares: “sex work is done by consenting adults, where the act of selling or buying sexual services is not a violation of human rights. In fact, sex workers are natural allies in the fight against trafficking.”^{xxxvi} Therefore, it can be observed that views about this issue vary greatly.

a. Countries with Sex Trafficking Problems

According to the annual Trafficking in Persons (TIP) Report released by the U.S. Department of State, in June 2017, some countries are determined to have been the worst countries when it comes to sex trafficking.^{xxxvii}

i. Belarus

Belarus is one of the worst countries in terms of sex trafficking. Generally, the victims are smuggled to countries such as Poland, Turkey and a number of other countries within Eurasia and the Middle East.^{xxxviii} Belarusian women looking for a job in the entertainment business or the adult industry usually become the victims of trafficking.

ii. Central African Republic

Sex trafficking in the Central African Republic usually happens within the borders of the country by women being tricked into marriage and later, being exploited.^{xxxix} Especially in the urban areas, women are in great danger of becoming victims of domestic servitude and sex slavery.

A community awareness campaign has been initiated by the International Office of Migration in order to raise awareness about human trafficking and its dangers.^{xl} This campaign especially aims to raise awareness among the internally displaced persons (IDP's) since they are at a higher risk of being trafficked.

iii. China

In China, not only women but also men and children are subjected to forced sex work according to the TIP report. The criminals even aim for people with disabilities and children whose parents have left the country and are vulnerable.^{xli} According to the statistics, in China, almost every person is at risk of becoming a victim.^{xlii}

iv. Iran

Criminal organizations from Iran usually aim for women and children and subject them to sex trafficking. This illegal course of events are not only conducted in Iran but also in the Iraqi Kurdistan Region, Afghanistan, Pakistan, United Arab Emirates and throughout Europe.^{xliii}

In Iran, young girls between the ages of 13 and 17 are being traded internationally.^{xliv} The youngest ones are usually used for domestic services until their kidnapper decides that they are finally old enough to take part in the sex industry.^{xlv}

v. Syria

The ongoing civil war within the country causes a decline in this situation. In December, 2014, The Islamic State of Iraq and Syria (ISIS) has published guidelines on how to force women into sex and how to abuse them sexually.^{xlvi} ISIS continuously repeated the heinous acts and subjected women and children to forced marriage, domestic servitude and systematic rape.^{xlvii}

In 2016, many of the displaced Syrians sought refuge in Europe and tried to get to European countries by illegal means, using smugglers, and put themselves at the risk of being trafficked.^{xlviii}

vi. Other Countries

Although the aforementioned countries carry the utmost importance on this matter, it is useful to know that these are not the only ones. Some of the other countries who are dealing with human trafficking as worse as them are as follows: Eritrea, Russia, Sudan, DPR Korea and

Venezuela. However, it is necessary to mention that this report was made in 2017 and the conditions in the mentioned countries may have slightly improved or declined since then.

F. THE ISSUE OF SEXUALLY TRANSMITTED DISEASES

Perhaps one of the biggest issues relating to prostitution is the prevalence of sexually transmitted diseases (STD's). Especially in Asia, prostitution is seen as the main factor for the spread of the Human Immunodeficiency Virus (HIV).^{xii} This is usually because of the lack of condom usage and poor self-care.¹ In order to halt the increasing rate of HIV prevalence, campaigns for raising awareness about the importance of using condoms by sex workers have been conducted throughout Asia and these campaigns have succeeded in reducing the percentages.^{li}

In Africa, the general reason for the spread of HIV is considered to be prostitution. According to one study, 84% of all HIV reports made by adult males in Ghana have been caused by unprotected sex with prostitutes.^{lii} Another reason for this prevalence in Africa is the mobility of farmers. They go to urban areas and engage in sexual relations only to come back to their own city and spread the disease that they have gotten from those places, for example, this happens in Ethiopia.^{liii}

There are three main approaches to tackle this problem:

- a. Banning prostitution completely
- b. Establishing a system in which all prostitutes are required to register and are obligated to get regular health checks
- c. Educating prostitutes and the clients about the importance of health measures and encouraging them to show great importance to their health

The first response almost never works due to the fact that banning prostitution makes it underground and therefore, harder to regulate, harder to promote safe-sex. Additionally, if prostitution is made illegal, prostitutes are less likely to go to medical centers to get treatment because of the fear of getting arrested and having their work exposed. The second response, registering prostitutes, is also ineffective due to the fact that this solution does not address the health risks of the unregistered prostitutes. Education factor is important

however, it also does not help remove the spread of HIV completely and is only a short-term solution. The last two measures are seen as “harm reduction” policies.^{liv}

Although, in general, consistent health checks for STD’s and continuous campaigns for raising awareness about safe-sex practices have been proven to succeed. For instance, Thailand had a condom program that worked very effectively in their battle against HIV.^{lv} Thailand managed to raise its condom usage from 14% to 90% with this program.^{lvi} Similar measures have also been taken by several other countries.

a. United Nations’ Actions and Statements Regarding STD’s

In 2009, the former United Nations Secretary-General Ban Ki-moon urged each country not to ban prostitution and homosexual sex because according to him, “Such laws constitute major barriers to reaching key populations with HIV services”.^{lvii}

The Global Commission on HIV and the Law, established by the request of UNAIDS, convened by Ban Ki-moon, supported by the Secretariat based in UNDP, came to the same conclusion as Ban Ki-moon that decriminalizing prostitution would be more efficient and that brothels and procuring should also be decriminalized.^{lviii}

According to the statistics given by the United Nations, each year, 131 million people are infected with chlamydia, 78 million people with gonorrhea and 5.6 million with syphilis.^{lix} Concerned with the arising number of STD reports over the years, in 2016, the World Health Organization (WHO) published new guidelines for the treatment of three common sexually transmitted diseases: chlamydia, gonorrhea and syphilis.^{lx} Director of Reproductive Health and Research, Ian Askew, says “The new WHO guidelines reinforce the need to treat these STDs with the right antibiotic, at the right dose, and the right time to reduce their spread and improve sexual and reproductive health. To do that, national health services need to monitor the patterns of antibiotic resistance in these infections within their countries.”^{li} The press release repeatedly mentions the importance of using antibiotics cautiously since due to the misuse of some of them, some antibiotics are now completely useless in fighting with STD’s. In this press release,

WHO addressed the important consequences of STD's when they are not treated, such as miscarriage, ectopic pregnancy and pelvic inflammatory disease in women.^{lxii}

In conclusion, sexually transmitted diseases are issues that carry the utmost importance since they concern the health of the prostitutes, their customers, and any other third party that may be involved.

G. RELATED ORGANIZATIONS

a. Desiree Alliance

Desiree Alliance is an organization that is made up of former sex workers in order to provide political advocacy and health services for sex workers. It is a national organization based in the United States. Their main mission is to reduce the damage that is being done in the sex industry against sex workers.^{lxii}

b. Sex Workers Outreach Project

Sex Workers Outreach Project (SWOP) is an organization that is, again, based in USA and aims to advocate for sex workers' rights. According to their official website, "SWOP is dedicated to the fundamental human rights of people involved in the sex trade and their communities, focusing on ending violence and stigma through education and advocacy."^{lxiii}

c. Amnesty International

Amnesty International is a London-based organization that aims to combat every condition that goes against the Universal Declaration of Human Rights. The organization especially specializes in combatting human trafficking and advocating for sexual and reproductive rights.^{lxiv}

d. Anti-Slavery International

Anti-Slavery International is an international non-governmental organization based in the UK, which aims to end every kind of slavery throughout the world. This is related to our topic in regards to combatting domestic servitude and human trafficking in prostitution.^{lxv}

H. QUESTIONS TO BE ADDRESSED

- a. Which legislation model is the most effective and should be encouraged for every country to implement?
- b. How can a legal system be developed so that prostitutes are safe from the violence from their clients, pimps and even the police or governmental bodies?
- c. How and funded by whom should the prostitutes be aided and rehabilitated after psychological traumas?
- d. How is it possible to raise awareness about the issue of sex trafficking and sexual exploitation?
- e. How should prostitutes, especially the ones in the developing countries, who are in need of treatment because of sexually transmitted diseases be assisted? Who is to pay for their assistance and vital needs?
- f. Which measures should be taken in order to reduce the prevalence of sexually transmitted diseases?
- g. How is it possible to raise awareness about the importance of sexually transmitted diseases?
- h. How should the freed slaves be integrated back into the society and how should they be assisted so they can get a new job?
- i. Should prostitution be regulated? If so, how?

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