

PARTIAL DECRIMINALISATION

Also known as the "Abolitionist Model"

Seller (prostituted person) is decriminalised
Buyers and pimps are criminalised

The Pros

- Focus is placed on the buyers of sex
- Provides a barrier against trafficking networks
- Reduced demand for prostituted persons
- Punishes those who profit from the exploitation of prostituted persons
- Prostituted victims are given access to exit programmes where they can have housing, skills development training and psychological support
- Change of attitude in men and society at large regarding the sale of sex
- The state is obligated to formulate a comprehensive strategy to combat poverty, inequality and gender-based violence
- Reduced levels of violence perpetrated against prostituted persons

The Cons

- Pro-prostitution groups argue that penalising buyers will force prostituted persons further underground and worsen exploitation



THE FOUR LEGAL MODELS AT A GLANCE

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DECRIMINALISATION

Removes laws that criminalise prostitution and related activities

The business of prostitution is governed by labour and human rights legislation

Coercion, trafficking and child prostitution are criminalised

The Pros

- "Workers" entitled to basic health and safety, fair conditions of employment and the power to unionise
- Policing costs are reduced.
- Prostituted persons can pursue other occupations without the threat of a criminal record

The Cons

- "Market" expansion, increased human trafficking and child prostitution.
- Prostituted persons are required to perform more extreme and dangerous sexual acts for less pay as the market becomes saturated
- Prostituted persons are abused and raped more frequently
- Women's sexual subordination is entrenched because prostitution removes the factor of consent
- Gender inequality is further perpetuated as prostitution becomes a reference point for sexual relationships.

REGULATION

The State controls brothels, registration of prostituted persons, and mandatory health care

Prostitution is regarded as work with arising rights and duties like insurance & taxes

The Pros

- Regular health checks in the registered brothels
- Brothels are prohibited near residential areas, schools and places of worship
- Prostituted persons are integrated into formal economy which removes stigma & increases safety

The Cons

- Majority of victims come from foreign countries and are under 21
- Foreign prostituted persons who are undocumented are not protected by labour laws
- Illegal operations as many brothels are unregistered
- Expansion of the prostitution industry and increased trafficking
- Long hours and reliance on pimps for "added protection"
- Limited exit options for those who want to leave
- Many women in licensed prostitution "work involuntarily"
- Well-being of prostituted persons has declined



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TOTAL CRIMINALISATION

Also known as the "Prohibitionist Model"

Every actor in prostitution is criminalised—seller, sex buyer, pimp and brothel owner

The Pros

- The current system in South Africa has been shown to have none

The Cons

- Increased demand for prostitution, trafficking and pimping
- Increased vulnerability of prostituted persons as the unequal application of law renders them open to abuse & victimisation by Police
- Buyers are in control of demand, price, often refuse to wear condoms and are prone to violence
- Prostituted persons face discrimination and stigma from health care workers
- Limited exit strategies in place for prostituted persons who want a way out of the system of exploitation