

<https://doi.org/10.15407/socium2020.03.124>  
UDC 316.622: 316.653: 316.624

**Pyvovarova N.P.**, PhD. (Sociology), the leading scientific fellow, Department of Social Monitoring of the City Development, Research Institute of Socio-Economic City Development, 37-A, Heroiv Sevastopolia Str., Kyiv, 03061, Ukraine, email: [nadyapyvovarova@gmail.com](mailto:nadyapyvovarova@gmail.com), ORCID iD: <https://orcid.org/0000-0002-8010-0436>,

**Artiukh O.R.**, Head of the Department of Youth Research, State Institute of Family and Youth Policy, 14, Desiatynna Str., Kyiv, 01025, Ukraine, email: [o\\_artukh@ukr.net](mailto:o_artukh@ukr.net), ORCID iD: <https://orcid.org/0000-0001-8868-7940>

### CHANGE OF LEGAL STATUS OF SEX WORK IN UKRAINE: PUBLIC OPINION, OPINION OF SEX WORKERS (SOCIOLOGICAL PERSPECTIVE)

*The concepts of “decriminalization” and “legalization” of sex work are defined. Based on a sociological study, the attitudes of the Ukrainian public and sex workers to the potential change in the legal status of sex services in Ukraine is characterized. Authors analyse the public attitude toward the concepts and phenomena of “sex work” and “sex workers”, level of awareness of the population and sex workers about the current legislation in the scope of sex work regulation in Ukraine and the attitude to it, opinions on potential conditions of decriminalization and expected changes as a result of changes in the sex work legal status, level of interest of sex workers in the fact of decriminalization and legalization and their readiness for possible changes. These studies show an utterly predictable contrast between the attitudes, desires and expectations regarding potential changes in the legal status of sex work in Ukraine of the average Ukrainian and a sex worker – from disinclination and rejection of such changes by the first to the unreadiness and possible radiant hopes of the latter. Thus, 51% of Ukrainians oppose the revocation of penalty for the voluntary provision of paid sex services, while 93% of sex workers are interested in the revocation of such penalty. Modelling the situation where the penalty for sex work is revoked, the potential improvements suggested by sex workers are the following: safer working conditions and reduced risks of violence – 74%; the possibility of legal protection from the police – 67%, in court and prosecutor’s office – 64%; reduction of stigma at the level of society – 58%, at the level of self-esteem – 53%; expected reduction in health risks, including HIV/STIs – 49%. The appropriateness to form a public attitude to sex work as a type of entrepreneurial activity, which should be regulated by labour, civil, economic, financial and other branches of law, and to sex workers as those who are entitled to refuse (a client, employer, profession in general), appropriate working conditions and trade union or judicial protection, anonymity, social guarantees and pensions, self-organization, etc. are proved.*

**Keywords:** decriminalization, legalization, sex work, sex workers, public opinion, human rights.

**Пивоварова Н.П.**, канд. соціол. наук, головний науковий співробітник відділу соціологічного моніторингу розвитку міста Науково-дослідного інституту соціально-економічного розвитку міста, вул. Героїв Севастополя, 37-А, Київ, 03061, Україна, email: [nadyapyvovarova@gmail.com](mailto:nadyapyvovarova@gmail.com), ORCID iD: <https://orcid.org/0000-0002-8010-0436>,

**Артиух О.Р.**, завідувач відділу досліджень проблем молоді Державного інституту сімейної та молодіжної політики, вул. Десятинна, 14, Київ, 01025, Україна, email: [o\\_artukh@ukr.net](mailto:o_artukh@ukr.net), ORCID iD: <https://orcid.org/0000-0001-8868-7940>

© Pyvovarova N.P., Artiukh O.R., 2020

## ЗМІНА ПРАВОВОГО СТАТУСУ СЕКС-РОБОТИ В УКРАЇНІ: ДУМКА НАСЕЛЕННЯ, ДУМКА СЕКС-РОБІТНИКІВ (СОЦІОЛОГІЧНИЙ РАКУРС)

Визначено поняття “декриміналізація” та “легалізація” секс-роботи. На основі соціологічного дослідження охарактеризовано ставлення українського населення та самих секс-робітників до потенційної зміни правового статусу сфери надання сексуальних послуг в Україні. Проаналізовано ставлення населення до понять і феноменів “секс-робота” та “секс-робітники”, рівень поінформованості населення і секс-робітників щодо чинного законодавства у сфері регулювання секс-роботи в Україні та ставлення до нього, думки про потенційні умови декриміналізації й очікувані зміни як результат зміни правового статусу секс-роботи, ступінь зацікавленості секс-робітників фактом декриміналізації й легалізації та їх готовності до можливих змін. Дані дослідження свідчать про цілком прогнозовану протилежність ставлення, бажань і сподівань щодо потенційних змін правового статусу секс-роботи в Україні пересічного українця та робітника сфери надання сексуальних послуг – від неготовності та неприйнятності таких змін першим до невідготовленості і, можливо, “райдужних” сподівань останнього. Так, 51% українців проти відміни покарання за добровільне надання секс-послуг за винагороду, тоді як 93% секс-робітників зацікавлені у відміні такого покарання. Моделюючи ситуацію, за якої за секс-роботу буде знято покарання, секс-робітники потенційними покращеннями припускають: більші безпечні умови роботи та зниження ризиків насильства – 74%; можливість юридичного захисту від поліції – 67%, в суді й прокуратурі – 64%; зниження стигматизації на рівні суспільства – 58%, на рівні самооцінки – 53%; розраховують на зниження ризиків для здоров'я, в тому числі інфікування на ВІЛ/ІПСШ – 49%. Доведено доречність формування в суспільній думці ставлення до секс-роботи як різновиду підприємницької діяльності, яка має регулюватися нормами трудового, цивільного, господарського, фінансового та інших галузей права, а до секс-робітників – як таких, які мають право на відмову (від клієнта, роботодавця, професії у цілому), належні умови праці та профспілковий або судовий захист, анонімність, соціальні гарантії та пенсію, самоорганізацію тощо.

**Ключові слова:** декриміналізація, легалізація, секс-робота, секс-робітники, громадська думка, права людини.

In today's world, there are several models of state policy to regulate sex work. Thus, sex work is allowed and regulated by law in Germany, the Netherlands, Austria, Switzerland, Greece, Turkey, Hungary, Latvia, Israel, Peru, Ecuador, and mainly, there are rules on age restrictions and licensing of sexual services facilities. In Sweden, sex work is illegal and implies criminal penalties in the form of fines for clients<sup>1</sup>.

Currently, in modern Ukraine an abolitionist model applies, the main difference of which is that the provision of sexual services by adults for a fee is not considered a crime (administrative punishment is provided according to Art. 181.1 of the Code of

<sup>1</sup> World map showing the legal status of the sex work by country. URL: [https://commons.wikimedia.org/w/index.php?sort=relevance&search=legal+status+of+prostitution+by+country.&title=Special:Search&profile=advanced&fulltext=1&advancedSearch-current=%7B%7D&ns0=1&ns6=1&ns12=1&ns14=1&ns100=1&ns106=1#/media/File:Prostitution\\_laws\\_of\\_the\\_world2.svg](https://commons.wikimedia.org/w/index.php?sort=relevance&search=legal+status+of+prostitution+by+country.&title=Special:Search&profile=advanced&fulltext=1&advancedSearch-current=%7B%7D&ns0=1&ns6=1&ns12=1&ns14=1&ns100=1&ns106=1#/media/File:Prostitution_laws_of_the_world2.svg)

Administrative Offenses for Prostitution), but the involvement of third parties in prostitution (trafficking) implies criminal liability.

The draft law “On Regulation of Prostitution and Sex Activity” was submitted to the Verkhovna Rada of Ukraine for consideration in 2015. This draft aimed to legalize prostitution in Ukraine, and considered prostitutes as individual entrepreneurs providing intimate services on a paid basis: “Prostitution is a type of entrepreneurial activity aimed at providing intimate services; taking actions or measures making it available for sexual intercourse, actions with another person on a paid basis”. According to it, sex workers had to undergo a preliminary and regular medical examination under the procedure established by law. Also, sex workers should enjoy “all social guarantees provided by the Labour Code of Ukraine and other legislative instruments”<sup>2</sup>. The draft caused a massive outcry and was withdrawn. One of the arguments for revoking the draft was the thesis about the negative Ukrainian public attitude to the process of sex services decriminalization.

There are publications of lawyers, economists, sociologists, public figures, journalists, genderists, clergy, scientists and public activists in the media space of the country, which are also discursive: from positions “for” support the process of decriminalization of sex services to the opposite [1–7]. At the same time, the terms “decriminalization” and “legalization” are sometimes used as identical.

**The purpose of this article** is to define the meaning of “decriminalization” and “legalization” of sex work, as well as to characterize the attitude of the Ukrainian population and sex workers to the potential change in the legal status of sex work in Ukraine based on the results of sociological research.

It should be noted that in Ukraine most of the undertaken sociological researches focus on the availability, coverage and quality of HIV services for sex workers, as well as assessing the effectiveness of harm reduction programs targeted at this social group, including regular biobehavioral studies. Some studies reveal the social portrait of sex workers, their working conditions, awareness on the prevalence and types of violence in their environment, motives for engaging in sex work, etc. [8–18].

In the conclusions of the research, the authors note the cause-and-effect link between the criminalization of sex work and growing epidemic of HIV/STIs among sex workers, violence against them, violations of their civil rights; confirm the need to increase attention to this problem, including the possibility to change the legal status of sex work in the country and form legal, statutory ways of social, medical and legal support and protection of this risk group.

**The empirical basis** of this article is part of a comprehensive sociological study called “Analysis of relations, benefits, opportunities and obstacles to the decriminalization of sex work in Ukraine” conducted in 2019 by Legalife-Ukraine Charitable Organization and Socioconsulting Analytical Centre within the framework of the Bridging the Gaps – Sex Work program project. The results of the study are presented in the publication

---

<sup>2</sup> The law-in-draft on legalization of prostitution proposes to establish social guarantees for prostitutes. UNN. URL: <https://www.unn.com.ua/uk/news/1502995-zakonoproektom-pro-legalizatsiyu-prostitutsiyu-proponuyetsya-vstanoviti-sotsgarantiyi-dlya-poviy>

“Decriminalization of sex work in Ukraine: analysis of public opinion, assessment of obstacles and opportunities” [19]. The paper focuses on the analysis of the public opinion of the Ukrainian people and sex workers on the sex work and the potential change in the legal status of sex work in the country.

The current legislation in Ukraine provides for liability of varying degrees depending on the involvement in sex work: for voluntary provision of sexual services for a fee, involvement or coercion to provide sexual services for a fee, as well as depending on whether the person providing sexual services is an adult.

First of all, let us distinguish between the concepts of “decriminalization” and “legalization”.

Decriminalization is a legal re-characterization of a part of punishable offences and their transfer to administrative, disciplinary and other offences or lawful actions. Decriminalization consists of removing a socially unacceptable act (action or omission) from criminal law. The application of decriminalization helps to keep criminal law “up to date”, timely respond to changes in society and the state, economic and social areas<sup>3</sup>.

Voluntary provision of paid sexual services is an administrative offence in Ukraine regulated by the Code of Administrative Offenses of Ukraine, Article 181/1 “Prostitution”, i.e. it is not a criminal offence. Hence, it is not legitimate to use the term “decriminalization” to characterize the revocation of penalty for the voluntary provision of such services by a single entity as it refers to the legalization of such activity.

Legalization is the legitimization or giving legal force. In most cases, legalization is associated with the state registration of an entity. Legalization is seen as a particular sequence of legally significant actions made by a person to exercise her/his right to engage in certain activities in order to regulate this activity. Thus, legalization serves as a control function aimed at statutory compliance regarding the fulfilment of conditions for specific activities<sup>4</sup>.

However, if we consider the voluntary provision of sexual services not as an individual activity of a single entity, but as a complex providing for the arrangement of such activities, including places and conditions for their implementation, the use of “decriminalization” is permissible in part concerning organizational component of this area, i.e. sex work. The management of sex work and voluntary or forced involvement in the provision of sexual services is considered a criminal offence in Ukraine, and is regulated by the Criminal Code of Ukraine, Articles 302 (Creating or running brothels and trading in prostitution) and 303 (Pimping or engaging person in employment prostitution)<sup>5</sup>.

Given this, decriminalization is seen as the abolition of administrative liability for the voluntary provision of sex services by adults, as well as the abolition of criminal liability of third parties assisting in sex work, providing security, etc., herewith, engaging in

---

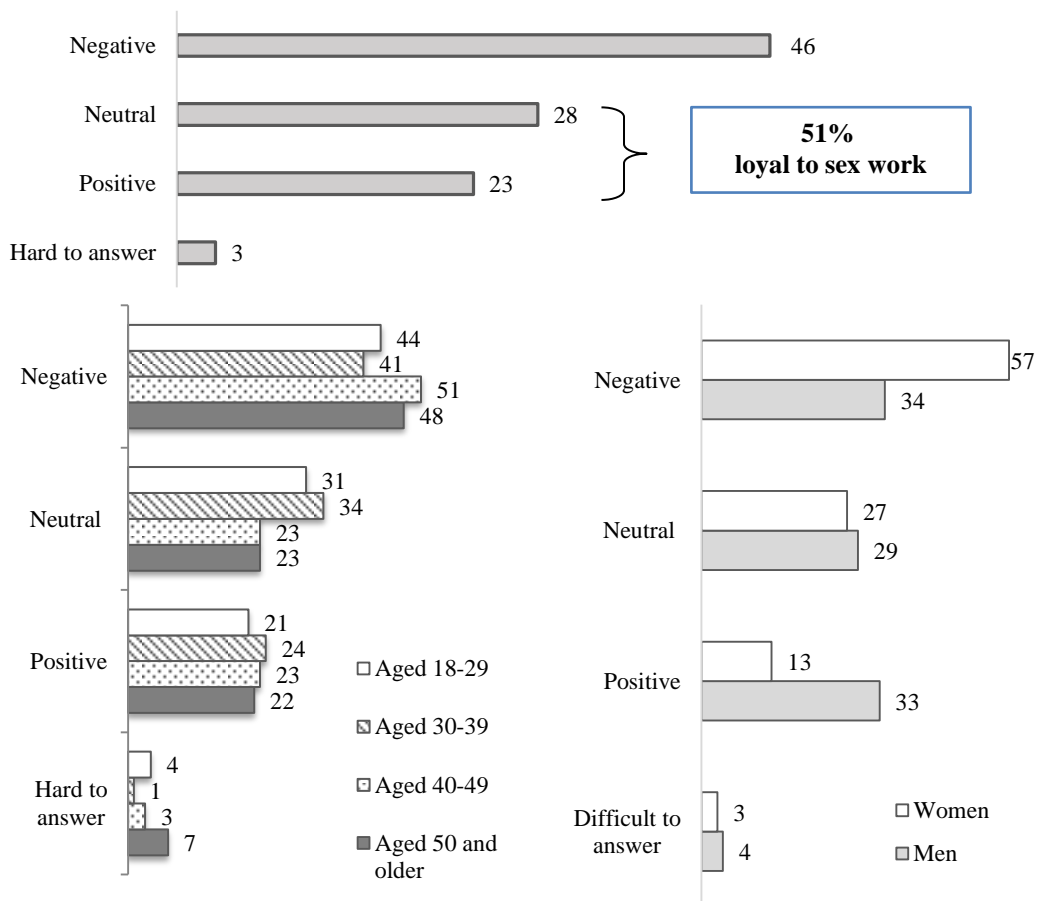
<sup>3</sup> Decriminalization. CrimPravo. URL: <http://crimpravo.com/slovyk-kryminalne-pravo/dekriminalizatsiya.html>

<sup>4</sup> Concepts, types and stages of legalization. URL: <https://buklib.net/books/37843/>

<sup>5</sup> Criminal Code of Ukraine from 5.04.2001. No 2341-III. URL: <https://zakon.rada.gov.ua/laws/show/2341-14/print1485262012336407#Text>

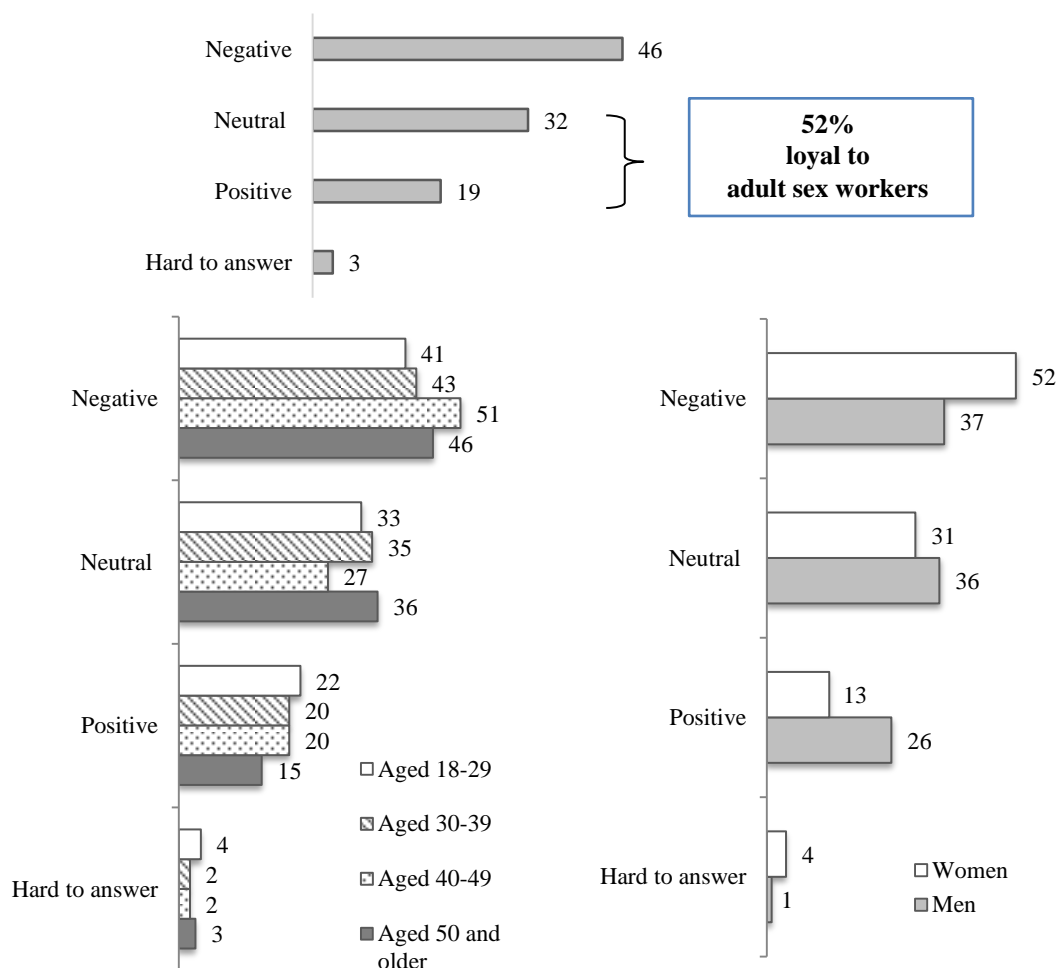
prostitution, trafficking and exploitation (including crimes committed against minors) remain punishable as criminal offences<sup>6</sup>.

Thus, the opinion of Ukrainian society towards sex work in general and adult sex workers, in particular is almost equally divided: condemn – 46% and 45% respectively, loyal (neutral or positive) – 51% and 52% respectively. In addition to that, a negative attitude towards sex work and sex workers is more common for women than men, as well as people aged 40 and older (Fig. 1, 2). Two concepts will be used below: “loyal to sex work” – respondents who answered the questionnaire: “How do you feel about the voluntary provision of paid sexual services by adults?” “positively” or “neutrally”, 51% of all respondents (n = 406) and “negative attitude to sex work” – people who answered this question – “negative” – 46% (n = 367) (Fig. 1).



**Fig. 1. Public opinion on sex work in general (provision of sexual services by adults for a fee), % by gender and age**

<sup>6</sup> The same.



**Fig. 2. Public opinion on adult sex workers, % by gender and age**

The objectives of the study were to determine the level of awareness of the Ukrainian population and sex workers about the current state legislation governing the field of sexual services. According to the current legislation, sex work is an administrative offence regulated by the Code of Administrative Offenses of Ukraine, Article 181/1 “Prostitution”<sup>7</sup>.

The study findings showed a relatively high level of awareness of the Ukrainian public about the current legislation on the provision of sex services – within the range of 42–74% depending on specific provisions, providing the correct answer (Table 1).

<sup>7</sup> Article 181 (1). Prostitution. Legal adviser. People's legal portal. URL: <http://legalexpert.in.ua/komkodeks/kuap/8328-181-1.html>

Table 1

**Level of awareness of the Ukrainian public about the current legislation  
in the scope of sex work regulation and attitude to the existing norms  
of sex services regulation, %**

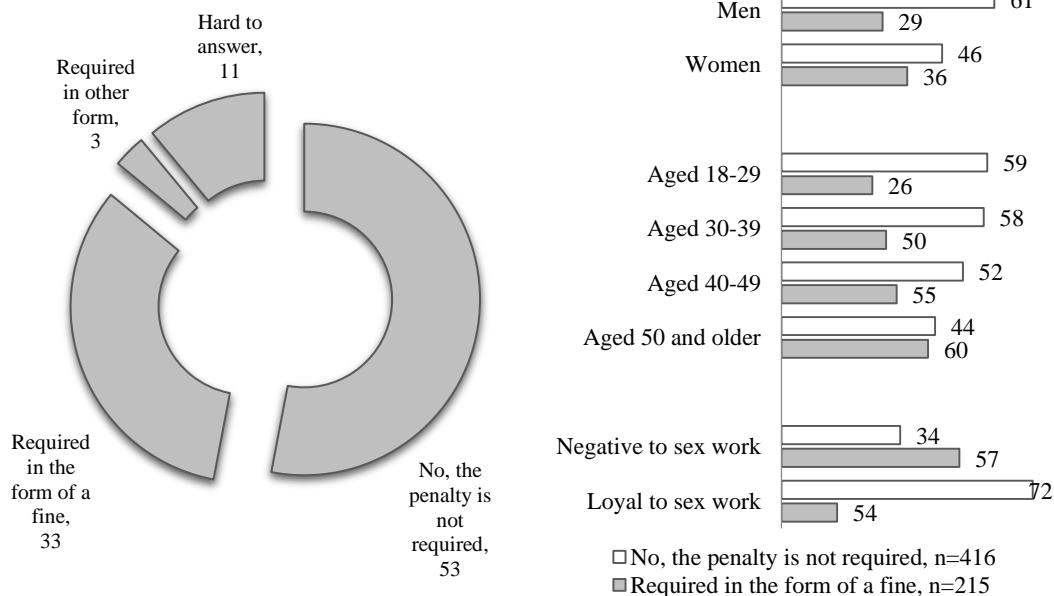
Existence of the provision in the legal framework of Ukraine	Correct answers of respondents		Opinion on the need for a provision	
Penalty for using sex services (for a client)	Without penalty	65	Not required	53
			Required in the form of a fine	33
Penalty for adults voluntarily providing sex services for a fee	Exists, in the form of a fine	42	Support the revocation of penalty – “Positive, rather support”	19
			Indifferent to the revocation of penalty – “Neutral, I do not care”	24
			Do not support the revocation of penalty – “Negative, rather negative”	52
Penalty for the organization of sex services (for pimps, brothel owners)	Exists in the form of a fine	22	Required to – “Cancel”	7
			Required to – “Ease”	4
	Exists, in the form of imprisonment	52	Required to – “Leave as is”	37
			Required to – “Strengthen”	44
Penalty for engaging or coercion person in sexual services	Exists, in the form of imprisonment	61	Required to – “Cancel”	4
			Required to – “Ease”	2
			Required to – “Leave as is”	34
			Required to – “Strengthen”	54

*Note:* The table does not indicate the percentage of respondents who did not answer or chose the following answer options: “other” and “difficult to answer”.

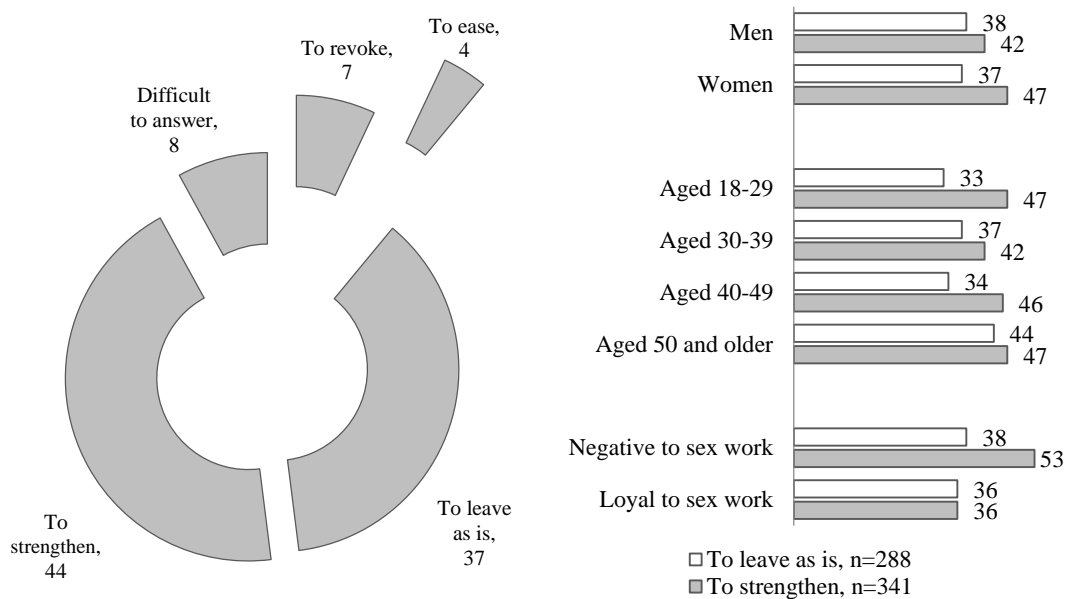
According to the survey, 53% of the Ukrainian public support the legal provision of no penalty for clients: they are mostly men (61%; 46% among women), respondents loyal to sex work (72%; 34% among the negatively predisposed), as well as younger respondents, compared to older ones: from 59% among 18–29-year-olds to 44% among respondents aged 50 and older. 36% support the existence of penalty for clients in sex work. Every tenth respondent (11%) does not have a clear stance on this issue (Fig. 3).

44% of respondents believe that the Ukrainian legislation should strengthen criminal liability for the organization of sex services (respondents who have a negative attitude to sex work prevail – 53%; among those who are loyal – 36%); 37% believe that penalty should be left as it is. However, 11% of Ukrainians are “for” revocation or reduction of the penalty for pimps and brothel owners organizing sex services (respondents who are loyal to sex work prevail – 13%; among those who are negative – 1%) (Fig. 4).

A considerable proportion of the Ukrainian public believes that there should be a penalty for “coercion or engaging in employment prostitution” (cl. 2, art. 303 of the Criminal Code of Ukraine): 34% believe that the penalty should be left unchanged, another 54% see the expediency of strengthening this regulation. Only 6% of respondents (mostly people who are loyal to sex work) are “for” the revocation or reduction of liability for such acts (Fig. 5).

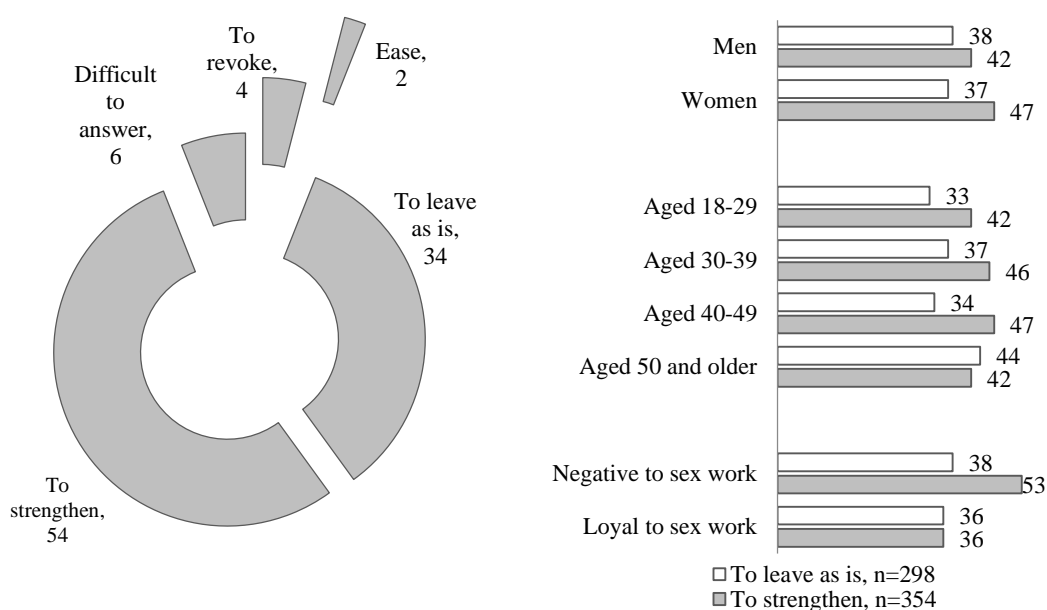


**Fig. 3. Ukrainian public opinion on the possibility to introduce a provision of penalties for clients using sex services into the legislation, % by gender, age, attitude to sex work**



**Fig. 4. Ukrainian public opinion on the possibility of change the legislative provision on penalties for the organization of sex services, % by gender, age, attitude to sex work**





**Fig. 5. Ukrainian public opinion on the possibility to change the legislative provision on penalties for coercion or engaging in sexual services, % by gender, age, attitude to sex work**

Sex workers also demonstrated a high level of awareness of the current Ukrainian legislation in the field of sex work regulation – more than 80% correctly answered questions about existing sanctions regarding sex services or the absence of sanctions – in the case of use of sex services (Table. 2). Opinions of surveyed sex workers on that their clients should not have legal responsibility for the use of sex services almost coincided – 94%, and that the regulation on any form of penalty for the provision of sex services should be revoked – 93% (Table 2).

According to 63% of sex workers, the current Ukrainian legislation should change the regulation on penalty for the organization of sex services: in favour of easement or revocation (to revoke – 39%, to ease – 14%) – 53%; in favour of strengthening – 10%. At the same time, 26% were in favour of leaving the regulation as it is, and 11% did not have a balanced stance on this issue (“difficult to answer”) (Fig. 6).

66% of sex workers support the existence of penalty for coercion or engaging a person in sex work (37% believe that this regulation should remain unchanged, 29% – that it should be strengthened). As of today, it is a criminal liability with imprisonment from 3 to 15 years, depending on the qualification of the crime gravity according to parts of Art. 303 of the Criminal Code of Ukraine<sup>8</sup> According to the answers of the surveyed sex workers, 17% – are for the easement of penalty, and only 3% – for its revocation. Moreover, every seventh sex worker (14%) could not come up with a straight answer (“difficult to answer”) (Fig. 7).

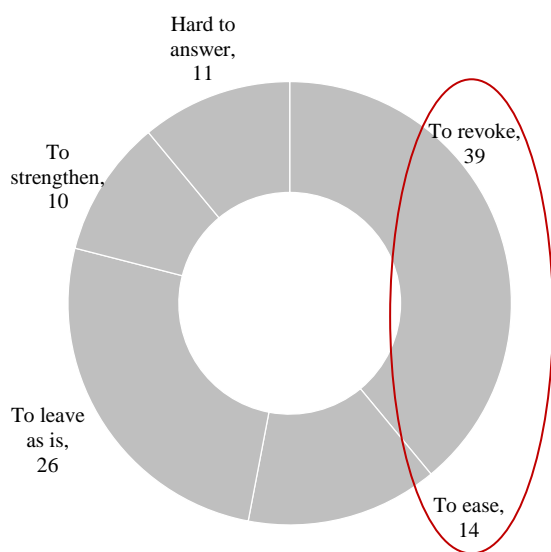
<sup>8</sup> The same.

Table 2

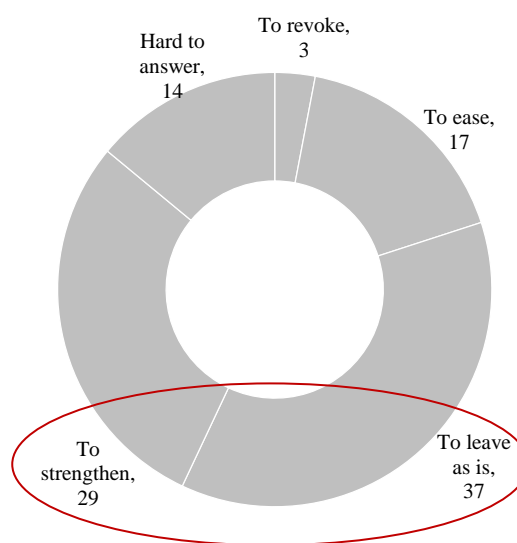
**Level of awareness of the sex workers about the current legislation in the scope of sex work regulation and attitude to the existing norms of sex services regulation, %**

Existence of the provision in the legal framework of Ukraine	Correct answers of respondents		Opinion on the need for a provision	
Penalty for using sex services (for a client)	Without penalty	84	Not required	94
			Required in the form of a fine	3
Penalty for adults voluntarily providing sex services for a fee	Exists, in the form of a fine	91	Support the revocation of penalty – “Interested in the revocation of penalty”	93
Penalty for the organization of sex services (for pimps, brothel owners)	Exists, in the form of a fine	2	Required to – “Cancel”	39
			Required to – “Ease”	14
	Exists, in the form of imprisonment	90	Required to – “Leave as is”	26
			Required to – “Strengthen”	10
Penalty for engaging or coercion person in sexual services	Exists, in the form of imprisonment	85	Required to – “Cancel”	3
			Required to – “Ease”	17
			Required to – “Leave as is”	37
			Required to – “Strengthen”	29

Note: The table does not indicate the percentage of respondents who did not answer or chose the following answer options: “other” and “difficult to answer”.

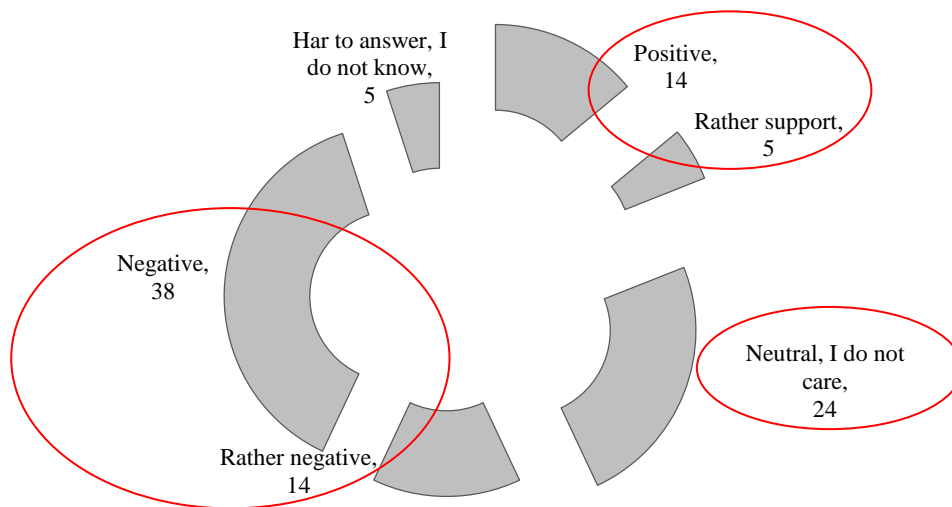


**Fig. 6. The opinion of sex workers on the possibility to change the Ukrainian legislation regarding penalty for the organization of sex services, %**



**Fig. 7. The opinion of sex workers on the possibility to change the Ukrainian legislative regulation regarding the penalty for coercion or engaging a person in sexual services, %**

Among the country's modern population, 19% are ready to support the revocation of penalty for the voluntary provision of paid sexual services by adults (which is a crucial component of the sex work legalizing process). A quarter of the population (24%) is neutral on this issue. The half (52%) of Ukrainians treat the hypothetical revocation of penalty for sex work as “negatively” (38%) or “rather negatively” (14%) (Fig. 8). In contrast to the sex workers, 93% of whom are “interested in the revocation of penalty for voluntary provision of sex services” (Table 2).



**Fig. 8. Ukrainian public opinion on the possibility to revoke the penalty for voluntary provision of paid sex services by adults, %**

Supporters of the revocation of penalty for provision of sex services (answered “rather, support”, “positive”) are dominated by men (36%; 14% among women) and respondents who are loyal to the provision of sex services (33%; 5% among the negatively predisposed). Opponents (answered “rather negative”, “negative”) are more often women (58%; 44% among men), as well as people aged 40 and older (54–56%; among 18–39-year-olds – 40–47%).

Here are the results of several opinion polls of the Ukrainian population on the legalization of sex work in previous years (the term “prostitution” is used, according to questions in the mentioned surveys). It should be noted that, given the different wording of the questions, it is wrong to compare these indicators, but these data reflect the general public mood in the context of the sex work status.

Thus, in 2001, according to the Ukrainian Institute for Social Research, 38% of Ukrainians were in favour of legalizing prostitution in Ukraine, while 41% were against; 11% of respondents could not come up with the straight answer [20].

In 2003, according to the Razumkov Center, when asked: “Should prostitution be legalized in Ukraine?” 30% of Ukrainians answered positively, 50% – negatively, 14% were not interested in the problem of prostitution legalization, 6% did not come up with the answer<sup>9</sup>.

In 2009, according to the Kyiv International Institute of Sociology, 15% of Ukrainians were in favour of legalizing prostitution, 62%, on the contrary, were in favour of strengthening the penalty for prostitution<sup>10</sup>.

In 2012, according to the Rating Sociological Group, when asked: “What to do with prostitution in Ukraine?” 7% answered “not to limit or completely allow”, 30% – “significantly limit but not to prohibit”, 56% – “completely prohibit”, 7% did not come up with the answer.

In 2016, the Rating Sociological Group obtained the following data with the same tools: 11% of Ukrainians believed that prostitution should be “not limited or completely allowed” in the country, 21% – “significantly limited but not prohibited”, 58% – “completely prohibited”, 9% did not come up with the answer<sup>11</sup>.

According to the data from 2020 obtained by the Rating Sociological Group, 24% of Ukrainians support the legalization of the sexual services market, 65% are against, 11% did not come up with the answer<sup>12</sup>.

Thus, according to the aforementioned data, during the last 20 years the Ukrainian public’s opinion on the potential change in the sex work legal status towards its legalization has not become tolerant, but, on the contrary, more critical: from 38% of Ukrainians who declared their consent to legalization [20] and 41% who were “against” in 2001, to 24% – “for” and 65% – “against” in 2020<sup>13</sup>.

According to the study results conducted in 2019, in order to study the Ukrainians’ opinion on hypothetical possibility to revoke the penalty for voluntary sex work, respondents were asked to choose the conditions under which this legal regulation could still be implemented in Ukraine. According to the data obtained, the extreme positions “It (the penalty) should not be revoked” were chosen by 41% of respondents and “It should be revoked under any circumstances” – by 6%, another 11% stated that they do not care (“I do not care”) and 6% – did not have a balanced stance (“difficult to answer, I do not know”). Herewith, the proportion of respondents considered the possibility to change the sex work status in Ukraine under certain conditions:

- if sex workers undergo regular medical examinations, including for HIV/sexually transmitted infections (30%);
- if sex workers officially pay taxes to the state (24%);
- if sex workers get official “work permit” (19%) (Fig. 9).

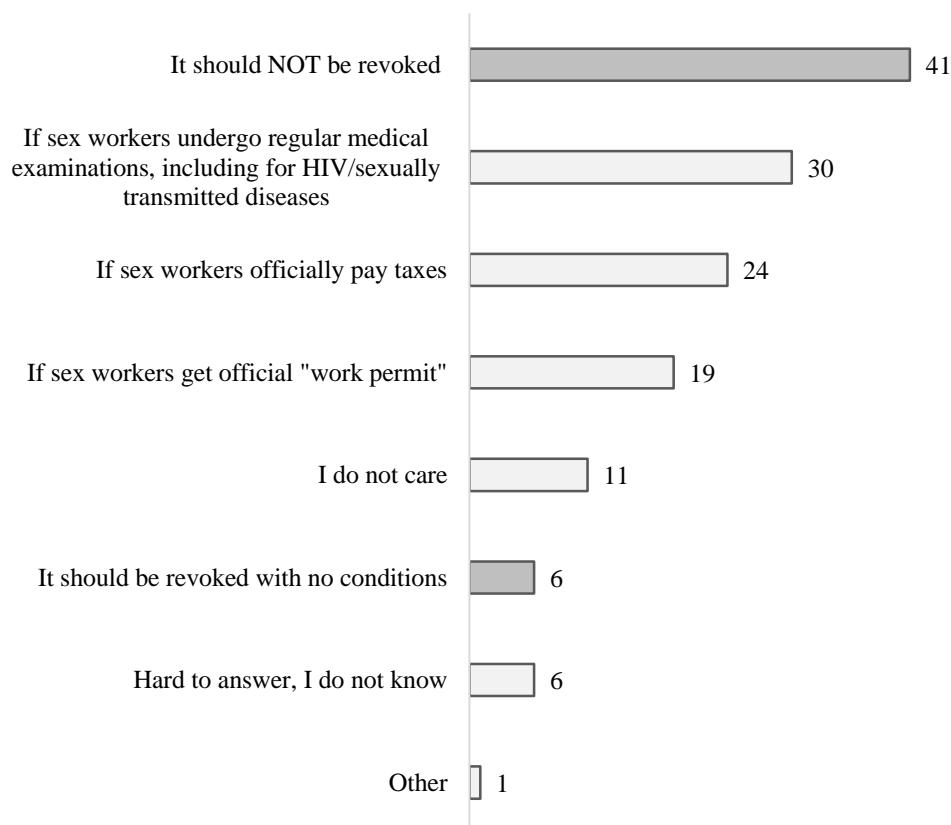
<sup>9</sup> Ukrainians are not ready for legalization of prostitution. URL: [http://socio-lab.vntu.edu.ua/ukr/articles/ukr\\_not\\_ready\\_for\\_prostitution/](http://socio-lab.vntu.edu.ua/ukr/articles/ukr_not_ready_for_prostitution/)

<sup>10</sup> Every sixth Ukrainian supports legalization of prostitution. URL: <https://tsn.ua/ukrayina/kozhen-shostii-ukrayinets-pidtrimuye-legalizatsiyu-prostitutitsiyi.html>

<sup>11</sup> What should be done in Ukraine with these things...? URL: <https://zaxid.net/resources/newsfiles/liber.jpg>

<sup>12</sup> Majority of Ukrainians are against legalization of prostitution and casinos. URL: <https://www.epravda.com.ua/news/2020/04/14/659384/>

<sup>13</sup> The same.

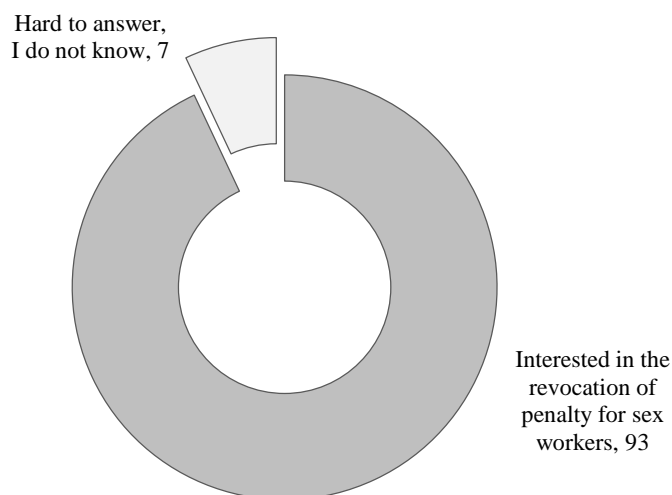


**Fig. 9. Public opinion on the conditions for hypothetical revocation of penalty for provision of sex services by adults, %**

*Note:* The amount of answers exceeds 100% because a respondent could choose several answer options.

Let us pay attention to the attitude of sex workers towards the potential new status of sex work in Ukraine: expected changes, interest and readiness; 93% of sex workers participated in the study are personally interested in the revocation of penalty for sex workers for voluntary paid sexual services (Fig. 10).

With the recorded high level (93%) of sex workers declared a personal interest in the sex work legalization, 63% are ready to become a member of the sex workers trade union, 23% are not ready; 59% are ready to register as a private entrepreneur and pay taxes following labour and tax legislation with social guarantees, 28% are not ready; less than half (43%) are ready to be in employment on terms agreed with the employer and the work schedule, 38% are not ready. Of all the practices proposed for interviewed sex workers acting in the countries with legalized and/or decriminalized sex work, only one rule got unanimity and readiness – mandatory regular medical examination: 91% are ready to do it, 8% are not ready (Table 3).



**Fig. 10. Sex workers' opinion on the possibility to revoke the penalty for adult sex workers for voluntary sexual services, %**

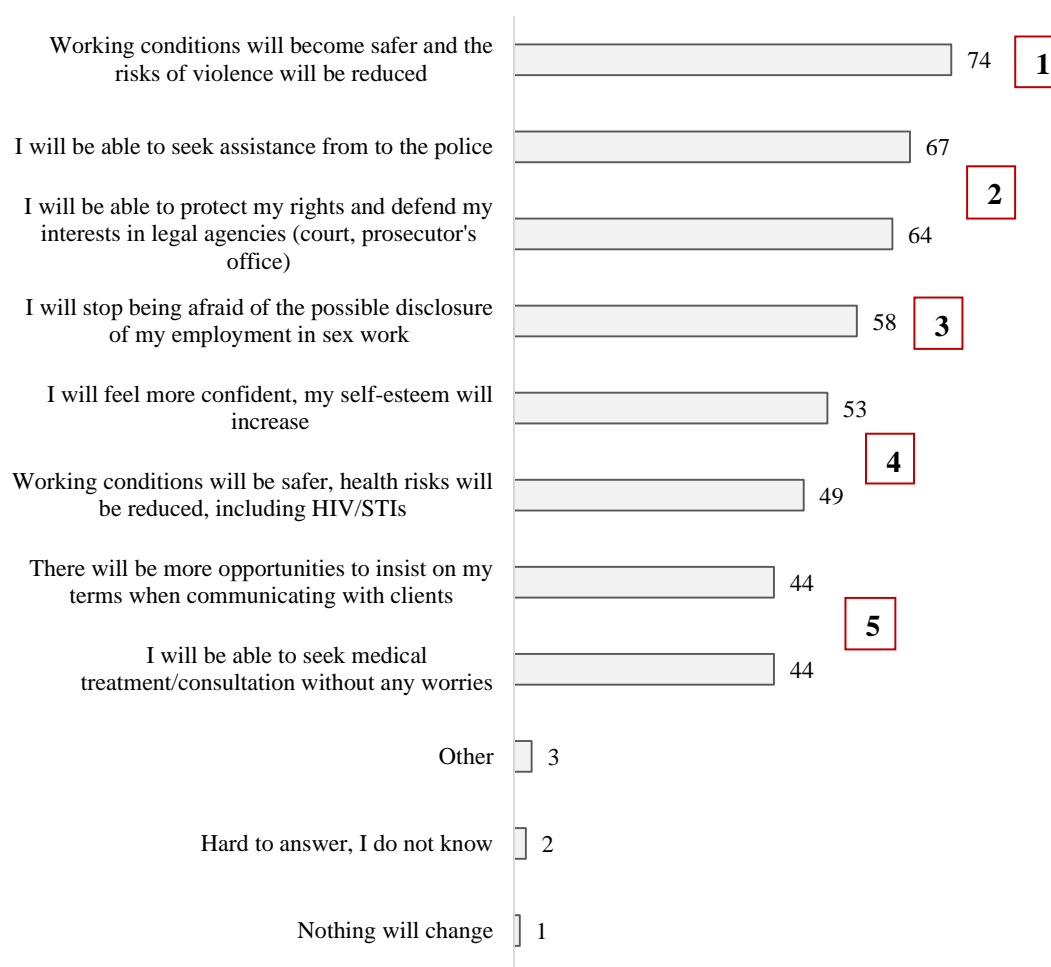
*Table 3*

**The readiness of sex workers to implement the practices of countries with legalized sex work in case of the revocation of penalty for paid sexual services, %**

To register as a private entrepreneur and pay taxes following labour and tax laws with social guarantees	
Yes	59
No	28
<i>Difficult to answer</i>	13
To be in employment on terms agreed with the employer and the work schedule	
Yes	43
No	38
<i>Difficult to answer</i>	19
To undergo regular medical examinations	
Yes	91
No	8
<i>Difficult to answer</i>	1
To become a member of the sex workers trade committee	
Yes	63
No	23
<i>Difficult to answer</i>	14

The first of the mentioned potential improvements recognized by surveyed sex workers were safer working conditions and reduced risks of violence (74%); second – legal protection in the police (67%), courts and prosecutor offices (64%); third – reduction of

stigma at the level of society (“to stop worrying about the possible disclosure of employment in sex work” – 58%), at the level of self-esteem (“to become more confident, self-esteem will increase” – 53%); fourth – reduction of health risks, including HIV/STIs – 49%. Fewer (44%) sex workers, compared to previous alternatives, expected the legalization to provide a possibility to determine conditions of communication with clients and possibility to “seek medical treatment/consultation without any worries”. Only 1% (2 persons) answered that the process of sex work legalization “will not change anything” (Fig. 11).



**Fig. 11. Opinions of sex workers on possible changes related to the revocation of penalty for paid sex services provision, %**

Note: The amount of answers exceeds 100% because a respondent could choose several answer options.

**Conclusions.** These studies show an utterly predictable contrast between the attitudes, desires and expectations regarding potential changes in the legal status of sex work in

Ukraine of the average Ukrainian and a sex worker – from disinclination and rejection of such changes by the first to the unreadiness and possible radiant hopes of the latter. The issue of sex work decriminalization and legalization in Ukrainian society, which is still differentiated as transitional, is naturally not urgent for the vast majority of citizens. However, the discussions on this issue in various media, as well as in the scientific environment, is one of the pieces of evidence of our society democratization, one of the ideals of which is the right of everyone to get protection from discrimination, social and legal protection, health care. Overall public opinion is not yet ready to recognize sex work as a form of entrepreneurial activity with its simultaneous provision by labour, civil, economic, financial and other branches of law, and to sex workers as those who are entitled to refuse (a client, employer, profession in general), appropriate working conditions and trade union or judicial protection, anonymity, social guarantees and pensions, self-organization, etc. Therefore, it would be useful to form a tolerant attitude in Ukrainian society to the problems associated with sex work. Here are some patterns of mood in society, formed by an American PR specialist, social psychologist H. Cantril, which can be used in preparing Ukrainian society to a change the sex work legal status:

- from a psychological point of view, public opinion is determined by the vested interests of people; events, words and any other incentives influence opinion as much as the connection with personal interest is obvious (perhaps if to point out sources of stability and growth of income of the retirees and budget workers, we could get the most ardent supporters of the prostitution legalization);

- reaction against the decisive measures by the authorities is more restrained if the public feels that it is to some extent involved in the development of decisions (secondary but non-fundamental issues should be submitted for consideration and discussion);

- people have a more pronounced attitude and increased ability to speak about the goals rather than the methods needed to achieve them;

- public opinion is always emotionally loaded, so it is subject to significant fluctuations under the influence of certain events;

- the more people find out about the benefits of specific changes, the sooner they agree with them and the statements of experts for their support<sup>14</sup>.

In conclusion, let us present the opinion reached by the Ukrainian scientist, lawyer, doctor of philosophy in law O.E. Radutnyi, who analysed the current legal framework and expressed the following initiative: “It is proposed to revoke administrative liability for prostitution (Art. 181-1 of the Code of Ukraine on Administrative Offenses), to exclude Art. 302 (creating or running brothels and trading in prostitution) and Art. 303 (pimping or engaging person in employment prostitution) from the Criminal Code of Ukraine. Responsibility for engaging person in employment prostitution or his/her coercion to engage in prostitution through deception, blackmail or vulnerability of that person, or through the use of a threat of violence will be ensured through the implementation of the protective function inherent in the criminal law enshrined in Art. 149 of the Criminal code of Ukraine:

---

<sup>14</sup> Influence on public opinion. URL: [www.reklamister.ru/psihologiya-reklamy-i-pr/vliyanie-na-obshchestvennoe-mnenie.html](http://www.reklamister.ru/psihologiya-reklamy-i-pr/vliyanie-na-obshchestvennoe-mnenie.html)



trafficking or other illegal transactions involving a person, as well as the recruitment, moving, concealment, transfer or receipt of a person for the purpose of trafficking through his/her deception, blackmail or vulnerability. The criminal laws enshrined in Art. 130–133, 146, 150, 152–156, 161, 172–175, 182 of the Criminal Code of Ukraine shall continue to exercise their protective and preventive function etc.

It is necessary to adopt a law that provides for the licensing of sexual services, procedure and conditions of its implementation, restrictions and warnings, etc. In this case, the specified activity will acquire the characteristics of entrepreneurial or business with its simultaneous provision by labour, civil, economic, financial and other branches of law. It is possible to consider the option of giving it a special status, which is now provided for notarial, journalistic or legal activities. At the same time, it is clear that not only one Art. 149 of the Criminal Code of Ukraine, but also other (for example, the provisions of Section II “Criminal offences against life and health of a person” of the Special Part of the Criminal Code of Ukraine), according to the qualifications, will protect human and citizen rights and freedoms, property, public order and social security, environment, constitutional system of Ukraine from criminal intrusions, ensuring peace and security of humankind, as well as crime prevention.

Suppose Ukraine legalizes prostitution, while non-violently whittling away the basis of shadow and criminal activity. In that case, it can be considered as a step towards the democratic society and European, humanistic, universal human values, and on the contrary, it is the way in the opposite direction” [21].

#### References

1. Hema, M. (2018). Sex business in Ukraine: is decriminalization necessary? *iPress.ua*. URL: [https://ipress.ua/articles/seksbiznes\\_v\\_ukraini\\_chy\\_potribna\\_dekryminalizatsiya\\_250051.html](https://ipress.ua/articles/seksbiznes_v_ukraini_chy_potribna_dekryminalizatsiya_250051.html) [in Ukrainian]
2. Zaitseva, O. (2018). The Swedish model of combating prostitution: counteraction, but not comfortisation. *Gender in details*. URL: <https://genderindetail.org.ua/season-topic/seksualnist/shvedska-model-borotbi-z-prostitutsieyu-protidiya-a-ne-komfortizatsiya-134359.html> [in Ukrainian]
3. Rachok, D. (2018). Sex work and all: principles and implementation of legalization and decriminalization. *Gender in details*. URL: <https://genderindetail.org.ua/season-topic/seksualnist/sex-roboti-i-vsi-vsi-vsi-printsipi-ta-vtilennya-legalizatsii-i-dekryminalizatsii-134370.html> [in Ukrainian]
4. Prostitution in Ukraine: a business that does not seem to exist. (2018). *Delo.ua*. URL: <https://delo.ua/economyandpoliticsinukraine/prostitucija-v-ukraine-biznes-kotorogo-kak-by-net-339150/> [in Russian]
5. Legalize or ban? Why no country in the world can legally solve the problem of prostitution. (2019). URL: <https://knife.media/world-prostitution-laws/> [in Russian]
6. Gabrelyan, A. (2018). Validity of legalization of prostitution in Ukraine: arguments “for”. *Suchasni pytannia ekonomiky i prava – Modern Issues of Economics and Law*, 2, 135-143. URL: [http://nbuv.gov.ua/UJRN/Spsep\\_2018\\_2\\_19](http://nbuv.gov.ua/UJRN/Spsep_2018_2_19) [in Ukrainian]
7. Muraviov, O., Milovanov, T., Talavera, O. (2015). Legalization of prostitution in Ukraine: to be or not to be. *Ukrainska pravda*. URL: <https://www.pravda.com.ua/articles/2015/10/21/7085619/>
8. Balakireva, O., Bondar, T., Galustian, Yu., Haniukov, O.A. (2001). Sex business in Ukraine: an attempt at social analysis. Kyiv: State Institute for Family and Youth [in Ukrainian]
9. Yaremenko, O.O., Artiukh, O.P., Balakireva, O.M., Bondar, T.V., Varban, M.Yu. (2003). Monitoring of the sex workers' behaviour. Kyiv: Ukrainian Institute for Social Research [in Ukrainian]

10. Balakireva, O.M., Bondar, T.V., Sereda, Yu.V. (2008). Monitoring behavior of female commercial sex workers as a component of the second generation epidemiological survey. Kyiv: ICF “International HIV/AIDS Alliance in Ukraine”. URL: [http://aph.org.ua/wp-content/uploads/2016/08/Zvit\\_ZKS.pdf](http://aph.org.ua/wp-content/uploads/2016/08/Zvit_ZKS.pdf) [in Ukrainian]
11. Issues of sex business in the context of public health. (2009). Kiev: AIDS Foundation East-West. URL: [https://www.aidsactioneurope.org/sites/default/files/1091-0\\_0.pdf](https://www.aidsactioneurope.org/sites/default/files/1091-0_0.pdf) [in Russian]
12. Artiukh, O.P., Balakireva, O.M., Bochkova, L.V., Halych, Yu.P., Galustian, Yu.M., Dikova-Favorska, D.M., Zlobina, O.H., Levchuk, N.M., Liutyi, V.P., Martsynovska, V.A., Mykytiuk, T.P., Morozov, V.F., Petrovskyi, O.M., Shamota, T.S., Yaremenko, O.O. (2005). Monitoring behavior of female commercial sex workers as a component of the second generation epidemiological survey. Kyiv: ICF “International HIV/AIDS Alliance in Ukraine”. URL: <http://aph.org.ua/wp-content/uploads/2016/08/csw.pdf> [in Ukrainian]
13. Behavioural monitoring and HIV infection prevalence among female sex workers as a component of second generation surveillance: analytical report based on results of 2009 survey among FSW. (2010). Kyiv: ICF “International HIV/AIDS Alliance in Ukraine”. URL: [http://publichealth.org.ua/storage/IOM\\_for%20NGO/02%20Harm%20Reduction/CSW\\_report\\_2010.pdf](http://publichealth.org.ua/storage/IOM_for%20NGO/02%20Harm%20Reduction/CSW_report_2010.pdf) [in Ukrainian]
14. Demchenko, I., Pyvovarova, N., Pliushch, A., Artiukh, O., Kostiuchock, M., Belonosova, N., Varban, M., Matiash, O. (2012). Investigating causes influencing manifestations of violence against female sex workers (FSW) as a factor of increased risk of exposure to HIV. Kyiv: Analytical Center “Socioconsulting”, ICF “International HIV/AIDS Alliance in Ukraine”. URL: [https://www.belaid.net/uploads/docs/2014/viol\\_full\\_ru.pdf](https://www.belaid.net/uploads/docs/2014/viol_full_ru.pdf) [in Russian]
15. Study of knowledge about HIV/AIDS/STI, attitude to problems and behavioral practices of FSW’s clients. (2013). Kyiv: Analytical Center “Socioconsulting”, ICF “International HIV/AIDS Alliance in Ukraine”. URL: <http://aph.org.ua/wp-content/uploads/2016/08/resume-klients-rus.pdf> [in Russian]
16. Varban, M., Shulha, L., Demchenko, I., Belonosova, N. (2014). The life of people vulnerable to HIV: injecting drug users, sex workers, men who have sex with men. Kiev: ICF “International HIV/AIDS Alliance in Ukraine”. URL: <http://sociocon.org/files/publications/165.pdf> [in Russian]
17. Varban, M., Dovbakh, A., Karelin, M., Kiselev, V., Semena, E. Harm Reduction Community Centres for Groups Vulnerable to HIV: Experience, Practice. Perspectives. Kyiv: ICF “International HIV/AIDS Alliance in Ukraine”. URL: <http://aph.org.ua/wp-content/uploads/2016/08/communitycentres.pdf> [in Russian]
18. Survey among Ukrainian sex workers on human rights violations by law enforcement officers (2015, 2016, 2017). URL: [https://issuu.com/natashadorofeyeva/docs/analiz\\_oprosa\\_sexwork-2017.docx](https://issuu.com/natashadorofeyeva/docs/analiz_oprosa_sexwork-2017.docx) [in Russian]
19. Demchenko, I., Bulygina, N., Pivovarova, N., Artiukh, O., Yaremchuk, M., Dorofeeva, N., Isaeva, N. (2019). Decriminalization of sex work in Ukraine: analysis of public opinion, assessment of obstacles and opportunities. Kyiv: Ukraine. URL: <https://legallifeukraine.com/ru/sexwork/dekriminalizacziya-seks-raboty-v-ukraine-analiz-obshhestvennogo-mneniya-oczenka-prepyatstvij-i-vozmozhnostej-3380/> [in Russian]
20. 38% of Ukrainians support the legalization of prostitution. (2002). *Korrespondent.net*. URL: <https://ua.korrespondent.net/ukraine/239764-za-legalizaciyu-prostituticiyi-vistupae-38-ukrayinciv> [in Ukrainian]
21. Radutnyi, O.E. (2016). Information support for the prostitution legalization and decriminalization of certain related activities. *Informatsiia i pravo* – 2 (17), 147-157. URL: [http://ippi.org.ua/sites/default/files/19\\_0.pdf](http://ippi.org.ua/sites/default/files/19_0.pdf) [in Ukrainian]

Received on 08.05.20 and updated on 02.07.20