



DATE: 05/11/2021

ATTN: Criminal Justice and Public Safety Committee

FROM: Ane Mathieson, LMSW, Project Director, the EMPOWER Center, Sanctuary for Families

SUBJECT: LD 1592 - An Act To Decriminalize Engaging in Prostitution, Strengthen the Laws against Commercial Sexual Exploitation and Allow a Person Convicted of Engaging in Prostitution To Petition the Court To Expunge the Record of Conviction, Legislative Hearing

Dear Members of the Criminal Justice and Public Safety Committee,

Thank you for providing me with an opportunity to submit written testimony in favor of passing LD 1592 - An Act To Decriminalize Engaging in Prostitution, Strengthen the Laws against Commercial Sexual Exploitation and Allow a Person Convicted of Engaging in Prostitution To Petition the Court To Expunge the Record of Conviction.

I was born and raised on a small dairy farm in Montville, Maine. After leaving Maine, I began working extensively on the issue of prostitution/commercial sexual exploitation. For over ten years, I have worked with adults and children bought and sold in the commercial sex trade; I also have friends and a family member who are survivors of this devastatingly harmful industry. I currently run a [multi-disciplinary service center](#) out of a public hospital in NYC for people harmed by the commercial sex industry. We provide legal, medical, social, mental health, and economic empowerment services to survivors.

Research on the Equality Model

From 2012-2013, I completed a Fulbright Fellowship in Sweden researching the Equality Model a progressive policy model that recognizes prostitution as a form of gender-based violence. This model decriminalizes *only* those people bought and sold in the sex trade providing them with services and avenues to exit the sex trade, while criminalizing the harmful social practices of sex buying (patronizing), promoting (pimping), and trafficking. **LD 1592 is inspired by this model and I fully support passing LD 1592.** The Equality Model, as implemented in Sweden, Iceland, Norway, Northern Ireland, France, Canada, Republic of Ireland, France and Israel: Criminalizes sex buying and third-party profiteers; decriminalizes sex selling and offers social services for survivors to exit and heal. In 1999 Sweden criminalized sex buying and pimping and decriminalized sex selling.

- After 1999, a Swedish Special Inquiry (2008-2010) found that *prostitution in Sweden dropped 40%* and has remained at this lower level.¹
- The Swedish Special Inquiry found that the number of men purchasing sexual services dropped from 13.6% to 7.8% after the introduction of legislation criminalizing sex buying.²
- The criminalization of sex buying in Sweden resulted in the **shrinking** of the prostitution market and a decline in human trafficking inflows.

¹ As cited in Ekberg, G. (2015). Swedish laws, policies and interventions on prostitution and trafficking in human beings: An Overview, 6. Retrieved from <https://feminismandhumanrights.files.wordpress.com/2014/06/brief-law-and-policies-on-prostitution-and-thb-sweden-gunilla-s-ekberg-150216.pdf>

² *Id.*

Harms of the Sex Trade

There is a large body of global and national research on violence against women in prostitution. The sample sizes are often smaller because of the limitations posed by researching this illicit trade, but the numerous studies consistently indicate that buyers and exploiters subject survivors of prostitution to very high rates of intersecting forms of violence including rape, sexual assault, emotional, economic, and physical abuse, food and sleep deprivation, murder and acts of torture. A study based in Colorado Springs, found that women in the sex trade were nearly 18 times more likely to be murdered than women of a similar age and race.

Victims of prostitution often present with numerous medical issues including malnourishment, broken bones, burns, stab wounds, head injuries, ano-genital injury (rectal prolapse, vaginal injuries), internal injuries, hip, neck, and jaw pain, STIs, and reproductive issues. Many survivors are left physically or developmentally disabled; according to one estimate, a third of survivors are disabled from the trauma and physical injuries they endure while in the sex trade. The trauma victims/survivors experience is incomprehensible. Survivors struggle with feelings of guilt, shame, depression. Many struggle to remember details of their life because of memory damage, blocked traumatic memories, or dissociation. Survivors are documented to have high rates of psychiatric disorders including depression, anxiety, schizophrenia, eating disorders, substance abuse disorder, suicidal ideation, self-injury, post-traumatic stress disorder and dissociative disorders. These mental health struggles arise because of the trauma and violence inherent to commercial sexual exploitation.

Survivors of the commercial sex trade need and deserve services, not jail or criminal records.

The majority of people pushed and pulled into the trade are members of our communities with the least social power. Their body is purchased or rented by someone who has greater disposable income and positional power. Over 95% of buyers are men; whereas the people being bought are overwhelming female, members of the LGBT community, poor, addicted, homeless, and adolescents.

Harms Caused by Sex Buyers, Pimps, and Traffickers

Sex buyers play an integral role in sustaining the sex industry. Prostitution is not characterized by sexual mutuality and reciprocity but rather it is based on unequal power and control, where one person's pleasure is met at the expense of another person's wellbeing, physical and psychological health. The pimps and sex buyers decide who they will exploit, who they will buy, how much they will pay, if they will rape the person they've bought, if they will use a condom. Extensive research from around the world, documents that sex buyer and pimp violence is an embedded aspect of CSE. In one Chicago study, 43% of buyers stated that if a man pays for sex, the woman bought should do anything he asks. In the same study, 40% of the buyers admitted that they had paid for sexual acts with women they knew to be under the control of a pimp or trafficker.² Sex buyers and pimps intentionally recruit people when they are most vulnerable, when they are young, homeless, addicted, living in poverty. They primarily target women and girls, especially of color, the LGBTQ community, youth in foster care, folks who are developmentally disabled.

Sex buyers show a greater acceptance of rape myths when compared to non-sex buyers; In a Boston study, two thirds of sex buyers in this study observed that a majority of women are lured, tricked, or trafficked into prostitution; so they knew that that women they were buying were not pro-actively choosing to be in the sex industry, but this knowledge did not deter buyers from buying. When sex buyers were compared to non-sex buyers, they scored higher on measures of hostile masculinity and had less empathy for women in prostitution. Buying sexual access to another person's body creates a sense of power in buying. Buyers often believe it is their right to do whatever they want to the person they have purchased. Many buyers seek power and sexual satisfaction by demanding particularly violent and degrading sex acts and demanding access to a variety of women including in age, racialized identity, and body type.



Research on buyers indicates that they typically have jobs, wives and children, and come from every profession and socio-economic strata. They are men with disposable income and in many cases men with social power. They are the opposite, frankly, of those who are exploited.

Demand Abolition commissioned a survey about sex-buying behavior among 8,201 adult men across the US between December 2016 and January 2017. Findings from that survey:

- Perceiving a risk of arrest has a diminishing effect on sex buying. Two factors increase this perception: (1) a buyer's own arrest history, and (2) the extent to which he shifts his purchasing activities in response to police presence.
- "High-frequency" buyers purchase so often that their actions account for a disproportionately large share of the illegal sex trade. About 25% of active buyers report purchasing weekly or monthly, and their activity accounts for nearly 75% of market transactions. These buyers are more likely to have started at a young age and with the help or encouragement of others in their social networks.

In the prostitution transaction, sex buyers, pimps, and traffickers hold the power. If the sex trade is to be curbed, bills like LD 1592 must be passed to deter sex buying and pimping by holding exploiters accountable. People exploited in the sex trade should be treated as victims of a crime, not criminals, and provided with need social and exit services.

I hope that this information and data helps you to make an informed decision when considering LD 1592.

With gratitude for your work.

Truly,

Ane Mathieson, LMSW
Project Director
The EMPOWER Center
Clinical Department

Sanctuary for Families
P.O Box 1406
Wall Street Station
New York, NY 10268-1406

T: 212-349-6009 x 381
C: 646-496-3036
F: 212-349-6810