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## Testimony in Support for LD 1592

Dear Senator Deschambault, Representative Warren, and Honorable Members of the Committee on Criminal Justice and Public Safety:

Thank you for this opportunity to express my support for Maine L.D. 1592. My name is Shea Rhodes and I am the Director and Co-Founder of the Institute to Address Commercial Sexual Exploitation (CSE Institute) at Villanova University Charles Widger School of Law. The mission of the CSE Institute is to educate and provide technical assistance to those who respond to commercial sexual exploitation in Pennsylvania, the United States and beyond, promoting victim-centered, trauma-informed multidisciplinary collaboration. We equip policymakers and the broader community with the knowledge they need to improve the legal system's response to commercial sexual exploitation in order to support survivors and hold perpetrators accountable.

We center the experiences of survivors to inform the development of policies and best practices to combat commercial sexual exploitation and are committed to engaging the survivor community in shaping our positions. We aim to create a community in which every human being is treated with dignity, compassion, and respect inspired by Villanova Law's Catholic and Augustinian mission. The CSE Institute fulfills our mission by collaborating with survivors, community partners, social service providers, policymakers, and legal system representatives to identify and implement effective solutions for the complex crimes of sex trafficking and commercial sexual exploitation.

Throughout our work at the CSE Institute, we advocate for the Equality Model. The Equality Model consists of four elements: (1) decriminalization of the prostituted person, (2) criminalization of sex buyers and facilitators with a commitment to treating sex buying as a serious crime, (3) a public education campaign about the inherent harms of prostitution, and (4) funded, robust, holistic exit services for victims of commercial sexual exploitation. The Equality Model prioritizes the rights of those who are exploited and holds their exploiters accountable. It directly targets the demand for commercial sex by criminalizing sex buyers and traffickers. It also acknowledges the victimization of those who are bought and sold for sex by decriminalizing prostituted persons.

We advocate for the Equality Model because, at the CSE Institute, we believe that individuals who are bought and sold for sex are victims of exploitation, not perpetrators of a

crime. The “choice” to commit the “crime” of selling sex is often made from a place of economic insecurity, addiction, or other desperate circumstances.<sup>1</sup> We believe that a “choice” made purely in an effort to survive is not a “choice” at all, and those who must make this “choice” should not be criminalized. Criminalizing prostituted people only perpetuates the cycle that makes it difficult for victims to exit the life and pursue a lifestyle free of exploitation. A single arrest or criminal conviction can serve as a massive barrier to accessing stable employment, housing, immigration, or educational opportunities.<sup>2</sup> Without this stability, it is incredibly difficult for a people in prostitution to build a life after exploitation and, as a result, it is not uncommon for prostituted people to return to the life. When a person in prostitution is criminally charged for selling sex to survive, it further exacerbates the root issue behind their criminal conviction. For this reason, it is critical that instead of being criminalized, victims are provided holistic services to assist them in exiting the sex trade, manage the trauma of being sexually exploited, and move forward to live a productive life.

However, the problem of commercial sexual exploitation cannot be solved only by decriminalizing prostituted people. This is why the Equality Model also targets the demand for commercial sex by criminalizing sex buyers and traffickers. It is well established that supply grows to meet demand. As long as there is a demand for commercial sex, sex trafficking will be one of the means used to supply it. Demand does not only increase the number of people in sex trafficking, it also increases the number of marginalized individuals who are exploited. Existing data on sex trafficking victims in the United States show that the majority are women and are often women of color or of low-income backgrounds.<sup>3</sup> Sex trafficking victims often possess other vulnerabilities that make them more susceptible to exploitation, like substance use disorders or histories of sexual abuse.<sup>4</sup> In stark contrast, studies show that sex buyers are overwhelmingly white men with disposable incomes.<sup>5</sup> This data suggests that there is a notable power imbalance between those who are bought for sex and those who purchase it. Only one party is in a position to make a truly free choice.

It is for these reasons that the CSE Institute supports L.D. 1592. This Act proposes to implement the tenets of the Equality Model in Maine. L.D. 1592 proposes to repeal the crime of selling sex and acknowledges the victimization of people purchased for sex. It proposes to create the crime of commercial sexual exploitation and increase penalties for sex buyers and traffickers,

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<sup>1</sup> *Entry into the Life*, THE LIFE STORY, <https://thelifestory.org/entry-into-the-life> (last accessed May 10, 2021).

<sup>2</sup> *Report on Commercial Sexual Exploitation in Pennsylvania Spring 2020*, VILLANOVA UNIVERSITY CHARLES WIDGER SCHOOL OF LAW INSTITUTE TO ADDRESS COMMERCIAL SEXUAL EXPLOITATION, 26, <https://cseinstitute.org/wp-content/uploads/2020/05/Spring-2020-Report.pdf> (last accessed May 10, 2021).

<sup>3</sup> Rebecca Bender, et al., *Equality Not Exploitation: An overview of the global sex trade and trafficking crisis, and the case for the Equality Model*, WORLD WITHOUT EXPLOITATION, 5 (Nov. 2019), <https://www.equalitymodelus.org/wp-content/uploads/2020/02/Equality-Not-Exploitation-white-paper-November-2019.pdf>.

<sup>4</sup> *Id.* at 6.

<sup>5</sup> *Id.* at 4.

who drive the demand for commercial sex. Finally, it proposes a pilot program to provide comprehensive services to survivors of commercial sexual exploitation and victims of human trafficking that will assist them in exiting a life of exploitation.

With the introduction of L.D. 1592, Maine is following the lead of multiple states in the country who have proposed legislation that implements aspects of the Equality Model. Just this year, Iowa, Nevada, and New York introduced legislation with all or some aspects of the Equality Model.<sup>6</sup> In the past month, the Manhattan district attorney announced that his office would no longer prosecute prostitution, while continuing to prosecute sex buyers and traffickers.<sup>7</sup> Globally, the Equality Model has been adopted in multiple countries and the number is growing. Sweden, France, Canada, Israel, Ireland, and Norway are just some of the countries that have adopted the Equality Model. Research from these countries shows a decrease in reports of violence against prostituted people, a decrease in trafficking, and a decrease in the number of men buying sex since implementing the Equality Model.<sup>8</sup> In Sweden, where the Equality Model has been in place since 1999, street prostitution decreased 50% and the number of men purchasing sex declined significantly.<sup>9</sup>

To effectively combat sex trafficking, there must be a change in the way the criminal justice system treats victims of commercial sexual exploitation and those who exploit them. It is clear the Equality Model is the future. Thank you for the opportunity to advocate for this comprehensive and robust example of Equality Model legislation. If passed, L.D. 1592 would put Maine at the forefront of the fight to end commercial sexual exploitation in the United States. I look forward to that change. Thank you for your time and consideration.

Sincerely,



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Director and Co-Founder  
CSE Institute

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<sup>6</sup> H.F. 224, 89th Gen. Assemb. (Iowa 2021); S.B. 124, 2021 Leg., 81st Sess. (Nev. 2021); S. 6040, 2021 Leg., Reg. Sess. (N.Y. 2021).

<sup>7</sup> *DA Vance Ends Prosecution of Prostitution and Unlicensed Massage, A First in New York State*, MANHATTAN DISTRICT ATTORNEY'S OFFICE, (Apr. 21, 2021), <https://www.manhattanda.org/d-a-vance-ends-prosecution-of-prostitution-and-unlicensed-massage/>.

<sup>8</sup> *What is the Equality Model?*, EQUALITY MODEL US, <https://www.equalitymodelus.org/why-the-equality-model/> (last visited May 10, 2021).

<sup>9</sup> *Id.*