



DATE: 05/11/2021

ATTN: Criminal Justice and Public Safety Committee

FROM: Rebecca Zipkin, Policy Director, World Without Exploitation

SUBJECT: Statement of Support - 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

World Without Exploitation (WorldWE) is a national coalition of nearly 200 U.S. based organizations that work together to create a world free from human trafficking and sexual exploitation for adults and children. WorldWE believes that human trafficking and sexual exploitation are human rights issues, fueled by gender, racial and income inequalities. We are guided by survivors of the commercial sex trade, whose perspectives are critical in developing just and effective policy.

Today, we submit this written testimony in support of LD1592, 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.

LD1592 recognizes prostitution as a form of violence and exploitation. Therefore, those who are victims and survivors of such exploitation are in need of support and services, not criminal records. The legislation also recognizes the grave harms perpetrated by those who exploit women, children, and other marginalized groups in the sex trade by holding those exploiters accountable.

We can make strides to eliminate the instances of trauma and harm against women and others in the commercial sex trade and decrease demand from buyers and exploiters by implementing legislation like LD1592 - which is known here in the United States as the Equality Model or partial decriminalization.¹ Under this approach individuals who are bought and sold are protected from arrest and prosecution and offered exit strategies and services, while their exploiters are still held accountable.

It is important to understand the need for partial decriminalization legislation by looking at the demographics of those who are exploited, versus those who exploit. Victims of the U.S. sex trade span every racial and economic background. However, certain populations are particularly vulnerable to exploitation in the sex trade: those with a history of childhood abuse and neglect, juveniles placed in foster care, adults and youth living in homelessness, and those who ran away from home as a child, especially LGBTQ+ youth are particularly vulnerable..² Studies indicate that women and girls of color and/or of low income backgrounds are disproportionately impacted by commercial sexual exploitation in the U.S. Black women and girls currently represent about 13% of the U.S. population, yet represented about 40% of suspected human trafficking victims across the country, according to a two-year review of cases.³ The FBI reports that black children comprised 38% of all juvenile prostitution arrests in 2018.⁴ The sex trade disproportionately impacts and preys on women and girls of color, while also criminalizing those women and girls.

¹ EqualityModelUS.org

² Jody Raphael and Katie Feifer, What We Know About Sex Trafficking, Prostitution and Sexual Exploitation in the U.S., World Without Exploitation, https://endsexualexploitation.org/wp-content/uploads/Research-Summary_What-we-knowabout-trafficking-prostitution-and-exploitation-in-US-.pdf;

³ Duren, *supra* at 1, 6; see also Office of Victims of Crime, Office of Justice Programs, U.S. Dept of Justice and the National Center for Victims of Crime, New Challenges, New Solutions: 2013 National Crime Victims' Rights Week Resource Guide,

"Statistical Overview," 24 (2013) https://www.ncjrs.gov/ovc_archives/ncvrvw/2013/pdf/2013ResourceGuide-Full.pdf

⁴ FBI, Uniform Crime Reports, Arrests by Race and Ethnicity <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/tables/table-43>; see also Malika Saada Saad et al., The Sexual Abuse to Prison Pipeline: The Girls' Story, 7-11, Rights4Girls

(2015) https://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf

(discussing the

relationship between out-of-home placements, juvenile detention, and prison as well as the over-representation of girls of color in residential placement).

In stark contrast to the demographics common to exploited populations, studies show that those purchasing sex overwhelmingly tend to be men with disposable incomes, a large percentage of whom are white.⁵ Sex buyers most often have relatively high incomes, are married or otherwise in partnerships, and do not have criminal records.⁶ One study commissioned by the U.S. Department of Justice found that Seattle had the fastest-growing commercial sex industry in the United States, more than doubling in size between 2005 and 2012.⁷ This rise correlated with the boom in the tech sector in Washington State, which sharply increased the number of men in the region with disposable income. According to authorities, some of the men who paid for prostitution in this region spent \$30,000 to \$50,000 per year on sex buying.⁸

The above statistics illustrate the inequality of who is exploited and who is *exploiting* - while also pointing out the disproportionate impact of criminalization within the sex trade. LD1592 acknowledges the above disparate impact and works to mitigate this harm. The law acknowledges that those with economic power and privilege should not be purchasing the bodies of the marginalized.

The Equality Model prioritizes the rights of those who have been exploited while holding buyers and exploiters accountable for the harms they cause. There is broad consensus in the gender justice and human rights communities – and across the political spectrum – that those who have been prostituted or trafficked should not be criminalized. To effectively decriminalize sexually exploited people in the U.S., it’s important to look at models of success from around the world. Partial decriminalization laws in countries like Norway, France, Canada, Iceland, Sweden and Israel protect survivors from being criminalized and

⁵ Demand Abolition, Who Buys Sex? Understanding and Disrupting Illicit Market Demand, Demand Abolition, <https://www.demandabolition.org/wp-content/uploads/2019/07/Demand-Buyer-Report-July-2019.pdf>.

⁶ *Id.*

⁷ Nina Burleigh, Tech Bros Bought Sex Trafficking Victims by Using Amazon and Microsoft Work Emails, Newsweek (Dec. 21, 2017) <https://www.newsweek.com/metoo-microsoft-amazon-trafficking-prostitution-sex-silicon-valley-755611>.

⁸ *Id.*

stigmatized while continuing to hold accountable buyers and exploiters who prey on vulnerable individuals and profit from their trauma.⁹

In the countries that have implemented the Equality Model over the course of several years, results are clear. Take Sweden, where the Equality Model was implemented in 1999. That country saw a 50% decrease in street prostitution, and a significant decline in the number of men purchasing sex within two years after the law was implemented. Norway found that within five years after it adopted the Equality Model, street prostitution declined between 30-60%, and indoor prostitution declined between 10-20%.¹⁰

The Equality Model works to close on-ramps into the sex trade for women and girls, like lack of employment, affordable housing and substance abuse, and open off-ramps, like investing in treatment for addiction and mental health, transitional housing and job opportunities. By providing avenues for exiting the sex industry while maintaining prohibitions against the act of purchasing sex acts—demand for the sex trade will decrease.¹¹

This approach puts survivors at the center of the debate by ensuring their health, well-being and economic opportunity comes first. We urge you to support LD1592. This approach is supported by survivors of sex trafficking and commercial sexual exploitation nationwide.

⁹ See *Equality Not Exploitation: An overview of the global sex trade and trafficking crisis, and the case for the Equality Model*, worldwithoutexploitation.org

¹⁰ Ane Mathieson et al., Prostitution Policy: Legalization, Decriminalization and the Nordic Model, 14 *Seattle J. for Social Justice* 367 (2016) <http://digitalcommons.law.seattleu.edu/sjsj/vol14/iss2/10>.

¹¹ See Rights4Girls, Fact Sheet on the Equality Model, Rights4Girls.org