

**Policy Brief:
Alternatives to Sex Work Criminalization in Connecticut**

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**New Haven Legal Assistance Association
Re-Entry Clinic¹**

Prepared for the Connecticut Sentencing Commission

Introduction

Across the country, jurisdictions are considering amending laws that make sex work a criminal act, and the Connecticut Sentencing Commission asked a team from New Haven Legal Assistance Association's Re-Entry Clinic to investigate the topic in order to understand the problem and possible policy solutions. In order to do so, a team of student interns met with several stakeholder groups,² surveyed research literature and policy documents those stakeholders recommended, and reviewed online reports and policy documents from a range of sex worker and human trafficking advocacy groups holding varied perspectives. Although the review of literature was not comprehensive and the stakeholder groups we met with do not represent all perspectives on the issue, the following policy brief summarizes the main viewpoints on how to address sex work laws at the state level. This brief does not intend to create a proposal for legislative change in Connecticut, but rather aims to outline the issues and options and provide resources (in the form of the appendix) to inform policymakers interested in this issue.

The Problem

Stakeholders agree that the current legal scheme criminalizing sex work is not effective. However, identifying the problem is challenging, as various stakeholders view it differently. Across the board, advocates want to promote safety, physical and emotional health, and economic stability for sex workers. Many groups agree that health and social services need to be available to them in order to achieve those outcomes.³

However, beyond that, groups identify distinct problems. Sex worker advocacy groups often argue that under current schemes, sex workers are harassed by police and subject to criminalization, making them more likely to avoid seeking services, forcing them

¹ Thanks to authors Samantha Grayman, Alexandra Ricks, Giovanna Robledo, and Amy Eppler-Epstein.

² We met with representatives of the Sex Workers and Allies Network (SWAN), Yale Law School's Global Health Justice Partnership (GHJP), Quinnipiac Law School's Civil Justice Clinic, and State Representative Josh Elliott. Unfortunately, the ongoing COVID-19 pandemic prevented us from meeting with additional stakeholders, such as prosecutors, human trafficking advocates, social service providers, and others.

³ Marian Hatcher, et. al. *Exited Prostitution Survivor Policy Platform*. 3 DIGNITY: J. ON SEXUAL EXPLOITATION & VIOLENCE, 10 (2018); GLOBAL HEALTH JUSTICE PARTNERSHIP, *Diversion from Justice: A Rights-Based Analysis of Local "Prostitution Diversion Programs" and their Impacts on People in the Sex Sector in the United States* (2018), https://law.yale.edu/sites/default/files/area/center/ghjp/documents/diversion_from_justice_pdp_report_ghjp_2018rev.pdf;

into unsafe situations with sex buyers, and subjecting them to the collateral consequences of having criminal records.⁴

Other groups agree that sex workers are deterred from seeking social services due to the criminalization, but see this as a problem because they want to help people exit the industry, either because they see sex work as inherently exploitative or immoral.⁵ They argue that sex workers are victims who are coerced into selling their bodies either by violence or by the need to survive,⁶ given that many sex workers are female, come from economically difficult or abusive background, and were first trafficked as minors.⁷ Because of this, such advocates believe that sex work is a form of subordination of, and violence against, women.⁸

These differing lenses affect the solutions groups are drawn to, but regardless of which lens is used, the main policy proposals to address the problems fall into three categories: legalization, full decriminalization, and partial decriminalization.

Full Decriminalization

Full decriminalization of sex work refers to the removal of all criminal sanctions for sex workers *and sex buyers*.⁹ Importantly, even with full decriminalization of consensual adult sex work, human trafficking (including any sex work involving minors) remains illegal. This model is most notably in place in New Zealand.¹⁰

Full decriminalization is supported by a number of local sex worker advocacy groups—including the Sex Worker Advocacy Network (SWAN) and the Global Health Justice Project—and has also been considered in other jurisdictions, including New York State and the District of Columbia.¹¹ Advocates of this policy argue that it empowers sex workers by removing the possibility of criminal penalties—sex workers are less subject to

⁴ Nina Luo, *Decriminalizing Survival: Policy Platform and Polling on The Decriminalization of Sex Work*, DATA FOR PROGRESS (2020), <http://filesforprogress.org/memos/decriminalizing-sex-work.pdf>.

⁵ 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 (Nov. 2019), <https://www.equalitymodelus.org/wp-content/uploads/2020/02/Equality-Not-Exploitation-white-paper-November-2019.pdf>; *One in Ten: The Child-Trafficking-to-Adult-Prostitution Pipeline*, NATIONAL CHILDREN'S ALLIANCE (Jan. 24, 2020), <https://www.buzzsprout.com/280046/2567359-the-child-trafficking-to-adult-prostitution-pipeline>.

⁶ See *The Link Between Prostitution and Sex Trafficking*, BUREAU OF PUBLIC AFFAIRS, U.S DEPARTMENT OF STATE (Nov. 2004) <https://2001-2009.state.gov/r/pa/ei/rls/38790.htm>; see also *National Organization for Women's (NOW) Views on Decriminalization* (2019), <https://now.org/wp-content/uploads/2019/11/Comms-Team-QA-1.pdf>

⁷ See *One in Ten*, supra note 5; see also Mary Ann Peters, *Nordic Model key to beating exploitation of sex workers*, CNN (April 2016). <https://www.cnn.com/2016/04/18/opinions/prostitution-nordic-model-peters/index.html>.

⁸ See *Coalition Against Trafficking in Women Australia (CATWA)*, <https://www.catwa.org.au/>; Gunilla Ekberg, *The Swedish Law that Prohibits the Purchase of a Sexual Service*, SWEDISH MINISTRY OF INDUSTRY, EMPLOYMENT, AND COMMUNICATIONS (2004); *Prostitution Research & Education*, <https://prostitutionresearch.com/>

⁹ *Sex Work and the Law: Understanding Legal Frameworks and the Struggle for Sex Work Law Reforms*, NSW (n.d.), <https://www.nswp.org/sites/nswp.org/files/Sex%20Work%20%26%20The%20Law.pdf>

¹⁰ *Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003*, NEW ZEALAND GOVERNMENT (2008), <http://prostitutescollective.net/wp-content/uploads/2016/10/report-of-the-nz-prostitution-law-committee-2008.pdf>.

¹¹ Community Safety and Health Amendment Act of 2019, DC B. 318 (D.C. 2019); NY S.B. 6419 (NY 2019).

harassment by police, are able to seek services (including exit services), and can even report human trafficking when they see it, all without fear of sanction. More than partial decriminalization, advocates believe that by removing penalties for sex buyers as well, this model decreases stigma and increases safety, because sex work can occur in more secure locations.¹²

This policy is not without its critiques. Many groups (nationally) within the human trafficking advocacy community have argued that fully decriminalizing sex work could have adverse consequences on human trafficking prevention. First, many of these groups hold the baseline belief that sex work is inherently exploitative—due to high rates of childhood sexual exploitation among sex workers—and should be discouraged. Therefore, these groups do not support the decriminalization of *sex buyers*, who they view as exploiting the sex workers.¹³ Moreover, some advocates believe that decriminalizing sex work will increase demand and, thus, the number of people being exploited by sex work;¹⁴ this assertion is disputed by proponents of full decriminalization.¹⁵ Lastly, opponents of full decriminalization argue that removing criminal statutes related to sex work will impede the ability to prosecute human trafficking crimes, which are often plead down to prostitution charges.¹⁶

For additional sources and more details, see Appendix I.

Partial Decriminalization

The partial decriminalization of sex work, also known as the “Nordic Model” or the “Equality Approach,” is currently the most widely-adopted policy approach to sex work globally.¹⁷ It has been implemented in a variety of countries throughout the world, including Sweden, France, Iceland, Canada and Norway, and is supported by both the European Union and the Council of Europe.¹⁸ Under this policy approach, the act of selling sex is decriminalized, but the acts of paying for sex, pimping, and owning a brothel remain illegal.¹⁹ Moreover, women seeking to exit sex work are given the support and resources

¹² Erin Albright & Kate D’Adamo, *Decreasing Human Trafficking through Sex Work Decriminalization*, 19 *AMA J. OF ETHICS* 1, 122 (2017).

¹³ Bender, *supra* note 5.

¹⁴ Seo-Young Cho et al., *Does Legalized Prostitution Increase Human Trafficking?* 41 *World Dev.* 67 (2012).

¹⁵ Letter from Alice Miller, et.al. to Amnesty International (Aug. 4, 2015) (on file with authors); [Sex Work, Human Trafficking, and the Harm of Conflating the Two, ASIJIKI \(2015\), https://static1.squarespace.com/static/5b0e15eb8f5130668364019e/t/5b10476b0e2e72a2d378abe0/1527793515205/Sex-work-and-Human-trafficing_Asijiki-Fact-Sheet_Web.pdf](#).

¹⁶ *One in Ten*, *supra* note 5.

¹⁷ See Tina Frundt and Yasmin Vafa, *There’s a way to decriminalize prostitution without putting women at risk*, THE WASHINGTON POST (August 2019), https://www.washingtonpost.com/opinions/local-opinions/theres-a-way-to-legalize-prostitution-without-putting-women-at-risk/2019/08/02/b4ba9ec2-a742-11e9-9214-246e594de5d5_story.html.

¹⁸ *Id.* See also SOUTH AFRICAN LAW REFORM COMMISSION (SALRC) REPORT ON ADULT PROSTITUTION, *Embrace Dignity* (Jun. 2017). <http://embracedignity.org.za/salrc-report-on-adult-prostitution-released/>.

¹⁹ *Id.* See also *The Equality Model*, NEW YORKERS FOR THE EQUALITY MODEL, <https://www.equalitymodelny.org/equality-model>.

necessary for them to do so, such as housing, legal advice, education and job training, childcare, and psychological support.²⁰

In stark contrast to many advocates of full decriminalization of sex work, proponents of partial decriminalization argue that sex work is harmful to women, can never be the result of “free choice” and should actively be discouraged. For the reasons mentioned above (see: “The Problem”), advocates who prefer partial to full decriminalization often do because they see sex work as inherently coercive, dangerous, and patriarchal. Accordingly, the main objective of the partial decriminalization approach is to decrease the demand for sex work by punishing those who solicit sex work in order to ultimately decrease the volume of the sex worker industry.²¹

The success of the partial decriminalization approach has been the sources of much debate. Those who believe the approach is successful point to Sweden’s dramatic decrease in street-based sex work in only a couple of years.²² Moreover, some studies have found that the number of trafficking victims has also decreased, although no causal link has been proven.²³

However, other groups, such as Amnesty International, argue that this approach has done more harm to sex workers and advocate against it. Their on-the-ground interviews with sex workers in Norway revealed that, since partial decriminalization explicitly redefined sex work as a social ill, police surveillance and harassment of sex workers increased.²⁴ Moreover, many sex workers report having lost negotiating power with customers who typically provide a place to work in order to avoid police detection.²⁵ This has made sex work much more dangerous, as it has moved the practice into the shadows.

Another critique is that sex workers are not accessing the social services, which is a core component of the partial decriminalization model. A study of the program in France revealed that few accessed and followed through with the services.²⁶ If partial decriminalization programs are to meet their own goals, they must focus on ensuring that sex workers know of and have access to exit programs.

For additional sources and more details, see Appendix I.

²⁰ See *What is the Nordic Model*, NORDIC MODEL NOW! <https://nordicmodelnow.org/what-is-the-nordic-model/>.

²¹ See *Why Prostitution Shouldn't be Legal*, DEMAND ABOLITION, <https://www.demandabolition.org/research/evidence-against-legalizing-prostitution/>.

²² From its implementation in 1999 until 2002, the number of persons involved in such work decreased by at least 30% to 50%, and the recruitment of new sex workers came to a virtual halt. See Ekberg, *supra* note 10. See also Daphne Braham, *Outlawing the purchase of sex has been key to Sweden's success in reducing prostitution*, VANCOUVER SUN (September 2016).

²³ In a 2004 report, the National Criminal Investigation Department estimated that roughly 400 to 600 women were trafficked into Sweden each year, compared with the 10,000 to 15,000 women trafficked into Finland. *Id.*

²⁴ See Melissa Grant, *Amnesty International Calls for an End to the “Nordic Model” of Criminalizing Sex Workers*, THE NATION (May 2016).

²⁵ *Id.* See also

²⁶ Helene Le Bail, Calogero Giametta, & Noemie Rassouw *What Do Sex Workers Think About The French Prostitution Act?* (2018) (“less than 40% of those surveyed were aware of the existence of the exit program and, of that minority, only 4.8% have taken steps to apply, and a further 26.3% intend to apply in the future.”)

Legalization

Under legalization, governments *regulate* sex work. State and local governments establish laws regarding the parameters of the sex trade. Engaging in sex work, therefore, is either legal or illegal depending on whether or not a person follows all the rules and regulations articulated in that locality. As a result, this approach not only fully legalizes certain sex trade transactions but also explicitly criminalizes others.

Currently, Nevada is the only state in the U.S. where sex work is legal and regulated. There are also several countries across the world where sex work is legal and regulated, including Mexico, Germany, and parts of Australia.²⁷ In the Netherlands, sex work has remained legal for over twenty years. In these legalized contexts, to engage in sex work, sellers must abide by certain licensing and registration requirements and often work as employees under sex work managers and companies, such as brothels.

Proponents of legalization argue that sex work becomes safer when legalized and regulated by the government.²⁸ They argue that with the adoption of legal parameters, sex workers have access to safer transactions, protection, and medical care. Additionally, supporters point to the economic benefits of legalizing this form of trade, including projected increases in tax revenue for states and localities.²⁹

However, legalization is controversial for many stakeholders, including members of the human trafficking advocate community and sex workers alike. Many members of the human trafficking advocate community perceive legalization as a poor policy choice for many of the same reasons articulated in the full decriminalization section. From their perspective, sex work should be discouraged, not state-sanctioned. Moreover, there is some research to support the fact that in countries where sex work is legal, reports of human trafficking are higher.³⁰ Some members of the human trafficking advocate community conclude from this finding that legalization increases the rate of human trafficking in a given community. Others, however, argue that this information only reflects an increase in reporting, which can suggest that legalization creates a safer environment for people to report experiences of human trafficking without the fear of legal repercussion.³¹

In addition, many advocates of sex workers are also opponents of legalization for a few reasons. First, they emphasize that the parameters dictating the legality or illegality of certain types of sex work over others infringes upon the autonomy of sex workers. Second, they believe that legalization oftentimes places too much power—and money—in the hands of brothel managers and owners. Finally, they are also concerned that criminalizing the types of sex work that fall outside of the legal category leads to the over-policing of marginalized individuals and communities who do not have access to the necessary funds and networks to operate within the legal sex work regime. While supporters of legalization argue that regulation renders sex work safer by bringing it *out* of the black market,

²⁷*Countries Where Prostitution is Legal*. WORLD POPULATION REVIEW.
<https://worldpopulationreview.com/countries/countries-where-prostitution-is-legal/>.

²⁸ Annamarie Forestiere, *To Protect Women, Legalize Prostitution*, HARVARD CIVIL RIGHTS- CIVIL LIBERTIES LAW REVIEW (2019), <https://harvardcrcl.org/to-protect-women-legalize-prostitution/>.

²⁹ *Id.*

³⁰ Cho et. al, *supra* note 21.

³¹ Erin Albright & Kate D'Adamo, *Decreasing Human Trafficking through Sex Work Decriminalization*, AMA JOURNAL OF ETHICS (2017).

opponents disagree. For some advocates of sex workers, legalization perpetuates, and maybe even exacerbates, some of the harms it allegedly seeks to remedy.

For additional sources and more details, see Appendix I.

Conclusion

Evidently, while the current criminalization of sex work is not effectively keeping people engaged in sex work safe and supported, the best alternative is not necessarily obvious. In order to move forward towards a new policy, it is crucial to understand the goals of important stakeholder groups, prioritizing the views of sex workers, human trafficking survivors, and others who are closest to the problem. By understanding the needs of these communities, policymakers can determine whether one of the current models—legalization, full decriminalization, or partial decriminalization—can promote safety and wellbeing for all.

Appendix I.

Annotated Bibliography of Reviewed Sources

I. Campaigns & Legislative Efforts to Address Sex Work Issues

Vermont (2019): VT H.B. 569

- Introduced to the Vermont House on January 7th, 2020 by Representatives Colburn, Gonzalez, Grad, and Kornheiser. Purpose of the bill was to repeal laws making sex work between consenting adults illegal, while emphasizing that sex work involving minors, force, intimidation, coercion, and trafficking remain illegal. The age of consent would remain 18. If approved, bill will take effect on July 1st, 2020.

New York (2019): 2019 Bill Text NY S.B. 6419

- Bill introduced to the Senate of New York on June 10th, 2019 by Richard Gottfried, largely as a result of the advocacy efforts of DecrimNY, a coalition of current and former sex workers, legal aid attorneys, LGBT organizations, and researchers. The purpose of the bill was to repeal laws making sex work between consenting adults illegal, while emphasizing that sex work involving minors, force, intimidation, coercion, and trafficking remain illegal. Also would have repealed laws declaring the act of prostitution at a building or other property a nuisance. Also, provided for criminal record relief for individuals previously convicted of prostitution.

Washington, D.C. (2019): Community Safety and Health Amendment Act of 2019, DC B. 318.

- Bill introduced largely as a result of The Sex Worker Advocates Coalition's ("SWAC") advocacy efforts. Co-introduced by Councilmembers David Grosso (I-At Large), Robert White (D-At Large), Brianne Nadeau (D-Ward 1), and Anita Bonds (D-At Large) and co-sponsored by Councilmember Allen (D-Ward 6) to City Council of DC on June 4th, 2019. Public hearing was held on November 17th, 2019, during which it was decided that the bill would **not** move forward. The intended purpose of the act was to repeal laws making sex work between consenting adults illegal, while emphasizing that sex work involving minors, force, intimidation, coercion, and trafficking remain illegal. It also would have repealed laws declaring the act of prostitution at a building or other property a nuisance and created a task force to assess the impact of the decriminalization of sex work and recommend further reforms to improve safety and health.

II. Alternative Models Analyzed

Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003, NEW ZEALAND GOVERNMENT (2008), <http://prostitutescollective.net/wp-content/uploads/2016/10/report-of-the-nz-prostitution-law-committee-2008.pdf>

- The 2003 Prostitution Reform Act in New Zealand decriminalized prostitution (with a human rights focus on people's right now to be discriminated against because of their job) and this report seeks to understand the impacts on sex workers who are private indoor workers, working on streets, and working in brothels. The report concludes that decriminalization did not impact the number of sex workers. This reports that rates of violence were not perceived by sex workers to have changed, but they were more likely to report to police (14). Low numbers of sex workers reported

being coerced and the report doubts that increases in underage sex worker resulted from the bill (15-16). Improvements to working conditions limited.

Sex Work and the Law: Understanding Legal Frameworks and the Struggle for Sex Work Law Reforms, NSWP (n.d.),

<https://www.nswp.org/sites/nswp.org/files/Sex%20Work%20%26%20The%20Law.pdf>

- This is an overview of the different types of legal regimes that can impact sex workers. Criminal laws often say they're trying to protect sex workers by restricting their behavior or that of buyers (and this may not be directly about sex work, such as laws about trafficking). Decriminalization refers to the absence of criminal laws governing behaviors, and it's important to push for full decriminalization, not just partial decriminalization (which still leaves buying as illegal). Depenalization refers to sex work not being regulated by penalties but still being regulated by other administrative bodies; administrative regulation can result in sex workers being required to comply with health/safety compulsory regulations and public order laws can restrict movement and other behaviors of sex workers. Decriminalization refers to getting rid of criminal laws while depenalization refers to getting rid of the administrative and public order constraints. Legalization means that the state would be involved in heavily regulating it and would not be good. As a note, laws do not have to be specific to sex work to play a role, such as public health regulations, labor, tax, immigration, etc. laws can also play big roles in the lives and wellbeing of sex workers.

Nina Luo, *Decriminalizing Survival: Policy Platform and Polling on The Decriminalization of Sex Work*, DATA FOR PROGRESS (2020), <http://filesforprogress.org/memos/decriminalizing-sex-work.pdf>.

- This report includes overviews of sex work decriminalization motives/rationales, supported by sex worker stories and data. First, it outlines the ways that governments criminalize sex work, including stings/raids, compulsory diversion, and policing practices. Then, it discusses the ways that decriminalization supports people with diverse and intersecting identities (POC, LGBTQ+ people, immigrants, workers etc.). Then it presents a really powerful framing about how to think about trafficking and sex work—it notes that the anti-trafficking movement is not necessarily supportive of the groups of people who are most likely to be doing sex work, who are also often vulnerable to trafficking. Accordingly, those groups should be brought into the decision-making process to think about solutions—this means not criminalizing them and also addressing root causes. Fourth, it discusses the different legal models (criminalization, Nordic model, legalization, and decriminalization) with analyses of the strengths and weaknesses of each. Lastly, it discusses how public opinion increasingly supports decriminalization.

Graham Ellison, Caoihme Ni Dhonaill, & Erin Early, *A Review of the Criminalisation of Paying for Sexual Services in Northern Ireland*, QUEENS UNIVERSITY BELFAST SCHOOL OF LAW (2019), <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/report-criminalisation-paying-for-sex.pdf>.

- In 2015, Northern Ireland implemented the Nordic model (criminalizing sex buying to dry up demand, which theoretically hurts male clients and helps female sex workers who will take other jobs/get rehab services). The study is a mixed-methods study that includes baseline data from prior to the implementation of the model. Notes that Sweden does not have pre-post data, so claims about its success are mostly unsupported by data—this study aims to address that gap. The study

concludes that none of the goals/assumptions of the Nordic Model were proven in Northern Ireland—supply of sex work increased, arrests/prosecutions were rare, there was more stigmatization/ “antisocial” treatment of sex workers (but not more violence), and client behavior did not really change (demand didn’t dry up) (163).

Letter from Alice Miller, et.al. to Amnesty International (Aug. 4, 2015) (on file with authors).

- Overview of Amnesty’s suggested policy, which advocates decriminalization (including related crimes) of sex work and incorporation of positive goals, such as including sex workers in decision-making, increasing education/employment opportunities, and protecting sex workers from stigma/harm/etc.

Lucy Plat et al. *Associations between sex work laws and sex workers’ health: A systematic review and meta-analysis of quantitative and qualitative studies*.¹⁵ PLOS MEDICINE 12 (2018).

- Meta-analysis of quantitative (n=40) and qualitative (n=94) studies between 1990 and 2018, looking principally at health outcomes of sexual & physical violence, HIV/SIT presence, and condomless sex. The results showed that “repressive policing” tactics (as catalogued in their analysis) were associated with increased risk of all of these outcomes. Then, using qualitative studies (in a more limited fashion because the qualitative studies were more diverse), the researchers expounded on the ways that policing could be repressive (inc. “arbitrary arrest, bribery and extortion, physical and sexual violence, failure to provide access to justice, and forced HIV testing”) and how that could have a negative impact on sex worker health (e.g. making them move to more dangerous places, isolating them from friends/supports, etc.). Researchers conclude that: “Evidence from decriminalised settings suggests that sex workers in these settings have greater negotiating power with clients and better access to justice.”

REFRAME HEALTH AND JUSTICE CONSULTING, *Sex Work is Work* (n.d.),

<https://static1.squarespace.com/static/5b0e15eb8f5130668364019e/t/5b0f59982b6a28f41d1ffb68/1527732636055/RHJ+Sex+Work+101.pdf>.

- Fact sheet that argues that sex work is work and not trafficking. Includes a list of types of criminalization laws that exist in some places, including laws against prostitution, patronizing, loitering for purposes of prostitution, and promoting/pandering/pimping. Lists the consequences of criminalization as including loss of money, arrest, deportation, sex offender registration, and increases in violence/exploitation. (Note that there are no real citations for any of this information.)

SEX WORKER ADVOCACY COALITION, *Briefing on Criminalization of Commercial Sex* (n.d.),

<https://static1.squarespace.com/static/5b0e15eb8f5130668364019e/t/5b0f574faa4a99692dd04e33/1527732049315/Decrim+Brief+One+Pager+-+FINAL.pdf>.

- Another fact sheet that argues that criminalization hurts health and safety outcomes for sex workers and increases trafficking.

BLACK YOUTH PROJECT (BYP) 100, *Decriminalize Sex Work in DC* (n.d.),

<https://static1.squarespace.com/static/5b0e15eb8f5130668364019e/t/5b0f5712352f534e4afa1064/1527732001631/Sex+Decrim.pdf>.

- A DC-specific fact sheet that briefly outlines the motives of the decriminalization bill there and the reasons that criminalization is bad (already mentioned above).

The Criminalization of Sex Work: Women and Girls of Color: Factsheet (n.d.), <https://static1.squarespace.com/static/5b0e15eb8f5130668364019e/t/5b1003daaa4a9960d52b32f6/1527776218624/Leave+Behind+-+Black+women+and+girls.pdf>.

- A numbers-based fact sheet that explains that women and girls of color are disproportionately impacted by criminalization of sex work.

Why the Equality Model? EQUALITY MODEL US (n.d.),

<https://www.equalitymodelus.org/why-the-equality-model/>

- Argues in favor of the partial decriminalization model, noting that decriminalization for “survivors” (sex workers) is important, but argues that pimps, brothel owners, and sex buyers should be criminalized, in order to decrease the amount of sex work occurring.

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 (Nov. 2019), <https://www.equalitymodelus.org/wp-content/uploads/2020/02/Equality-Not-Exploitation-white-paper-November-2019.pdf>

- Report in favor of the partial decriminalization model. Gives an overview of partial decriminalization, full decriminalization, and legalization. Discusses how the partial decriminalization is their preference, because they see sex work as gender-based violence, which is unlike other work. Notes how many sex workers have been victims of childhood sexual exploitation. Argues that the outcomes under legalization and full decriminalization for sex workers are not better.

Marian Hatcher, et. al. *Exited Prostitution Survivor Policy Platform*. 3 DIGNITY: J. ON SEXUAL EXPLOITATION & VIOLENCE, 10 (2018), <https://www.equalitymodelus.org/wp-content/uploads/2020/02/Exited-Prostitution-Survivor-Policy-Platform-1.pdf>

- Policy platform from a group of former sex workers (“survivors”). Argues that social services (diversion and exit services) should not be linked to criminal justice system. Also argues in favor of the partial decriminalization model, stating that sex buyers should bear the brunt of the burden for sex work.

DEMAND ABOLITION, *Key Facts About Preventing Trafficking Victimization Through “Demand Reduction* (2017), https://www.demandabolition.org/wp-content/uploads/2017/08/Demand_Buyer_Fact_Sheet.062017.pdf

- Argues for partial decriminalization, saying that only reducing demand for sex work will reduce sex trafficking. Claims that arrest is a strong deterrent to sex buyers and, as such, criminalization of sex buying should continue.

DEMAND ABOLITION, *Arresting Demand: Disaggregating Prostitution Laws* (n.d.),

<https://www.demandabolition.org/research/arresting-demand-disaggregating-prostitution-laws/>.

- Provides suggestions for how jurisdictions can reduce the demand for sex work: (1) separating sex buying and selling in statutes and (2) making sex buying a sex offense that requires registration on a registry.

DEMAND ABOLITION, *Why Prostitution Shouldn't be Legal: Evidence for Holding Buyers Accountable* (n.d.) <https://www.demandabolition.org/research/evidence-against-legalizing-prostitution/>.

- Summary of research evidence. Cites a number of studies to argue that sex work is more dangerous than other jobs, that legalization increases sex work, that sex work is a form of gender based violence, and that sex work stigma is not addressed by decriminalization.

III. Sex Work and Human Trafficking

FREEDOM NETWORK USA, *Human Trafficking and Sex Workers' Rights: Factsheet* (2015), <https://static1.squarespace.com/static/5b0e15eb8f5130668364019e/t/5b0f5a48352f534e4afa92f5/1527732810039/HT-and-Sex-Workers-Rights.pdf>.

- This fact sheet goes over a number of myths and debunks them (e.g. not all sex workers are trafficked, etc.). It claims that repression of sex work can make trafficking easier, because sex work is pushed further underground and consenting sex workers may be less likely to report when they see trafficking (which they could be very helpful in doing).

Erin Albright & Kate D'Adamo, *Decreasing Human Trafficking through Sex Work Decriminalization*, 19 AMA J. OF ETHICS 1, 122 (2017).

- This research-based article discusses the reasons why full decriminalization is best. The main reasons are that criminalization (1) increases violence (by pushing sex workers to more dangerous places and clients), (2) damages relationships between sex workers and systems (e.g. health/social workers), (3) increases vulnerability from criminal justice involvement, and (4) creates stigma.

Sex Work, Human Trafficking, and the Harm of Conflating the Two, ASIJKI (2015), <https://static1.squarespace.com/static/5b0e15eb8f5130668364019e/t/5b10476b0e2e72a2d378abe0/1527793515205/Sex-work-and-Human-trafficking-Asijiki-Fact-Sheet-Web.pdf>.

- This fact sheet argues that claims of trafficking are often overstated or incorrect, that the causes of sex trafficking are very complicated, and that sex workers are often the best positioned to identify and report trafficking (especially when they are not criminalized).

One in Ten: The Child-Trafficking-to-Adult-Prostitution Pipeline, NATIONAL CHILDREN'S ALLIANCE (Jan. 24, 2020), <https://www.buzzsprout.com/280046/2567359-the-child-trafficking-to-adult-prostitution-pipeline>.

- Podcast with Yasmin, Yafa, Executive Director of Rights4Girls. Discusses how adult prostitution decriminalization could increase sexual exploitation of children. First, they discuss the pipeline from sexually abused children to adult sex work. Then, argues that, because sex work is a “demand-driven” industry, the only way to tackle is by ending demand. Discusses the problems with the full decriminalization or legalization models and argues for the partial decriminalization model, which they call the “equality model” instead. Specifically notes opposition to the decriminalization bill in the District of Columbia.

Seo-Young Cho et al., *Does Legalized Prostitution Increase Human Trafficking?* 41 World Dev. 67 (2012).

- Quantitative research study on the impact on the size of the sex work market and human trafficking occurrence in countries with different approaches to sex work criminalization. Concludes that sex work legalization increases human trafficking.

Swanee Hunt, *Deconstruction Demand: The Driving Force of Sex Trafficking*, DEMAND ABOLITION (2013), <https://www.demandabolition.org/news/deconstructing-demand-driving-force-sex-trafficking/>.

- Paper that argues for the reduction of sex work by, primarily, challenging the distinction between sex trafficking of minors and adult prostitution.

POLARIS, *Polaris Statement on Bill to Decriminalize the Sex Trade in Washington, D.C.* (2019), <https://polarisproject.org/press-releases/polaris-statement-on-bill-to-decriminalize-the-sex-trade-in-washington-d-c/>.

- Statement regarding the District of Columbia’s full decriminalization bill. Suggests that sex trafficking will increase as a result of full decriminalization.

IV. Services for Sex Workers

GLOBAL HEALTH JUSTICE PARTNERSHIP, *Diversion from Justice: A Rights-Based Analysis of Local “Prostitution Diversion Programs” and their Impacts on People in the Sex Sector in the United States* (2018),

https://law.yale.edu/sites/default/files/area/center/ghjp/documents/diversion_from_justice_dp_report_ghjp_2018rev.pdf

- Overview of prostitution diversion programs (PDPs) across the country. Argues that these are unique among problem-solving courts/diversion programs because of the “savior complex” ideology at their foundation, which seeks to “save” women from prostitution. Also says there is a lack of evaluation data on these programs. Report concludes that PDPs typically do not support sex worker dignity, health and safety, fair criminal justice processes, or transparency. Reports suggests that services for sex workers should have less to do with criminal justice system.

GLOBAL HEALTH JUSTICE PARTNERSHIP, *Un-Meetable Promises: Rhetoric and Reality in New York City’s Human Trafficking Intervention Courts* (2018),

https://law.yale.edu/sites/default/files/area/center/ghjp/documents/un-meetable_promises_htic_report_ghjp_2018rev.pdf

- Argues Human Trafficking Intervention Courts (HTICs) are inadequate. They are meant to divert trafficking victims (who have been arrested on low-level prostitution-related charges) through services. The services, however, are too narrow, require victim status, and have too many court mandates attached to them (and require justice contact in the first place).

Corey Shdaimah, Katie Hail-Jares, & Chrysanthi Leon, *Introduction to KATIE HAIL JARES-COREY SHDAIMAH, & CHRYSANTHI LEON, Challenging Perspectives on Street-Based Sex Work*, 1 (2017).

- Chapter argues that it’s important to listen to voices of street sex workers and people with lived experience. It describes a program that was designed to help trafficking victims but did not work for the sex worker who is focus of the article because it didn’t address the concerns that were important to her and required victim status.

Appendix II.

National organizations that support full decriminalization

- DC DecrimNow!
- Amnesty International
- Human Rights Watch
- Open Society Foundation

National organizations that advocate for partial decriminalization

- Embrace Dignity. *Embracedignity.org.za*
- Right4Girls. *Rights4girls.org*
- National Organization for Women. *Now.org*
- Coalition Against Trafficking in Women Australia (CATWA). *Catwa.org.au*
- World Without Exploitation. *Worldwithoutexploitation.org*
- Girls Educational & Mentoring Services (GEMS). *Gems-girls.org*
- Demand Abolition. *Demandabolition.org*