

February 15, 2017

In opposition of [HB 5300](#)

My name is Bella Robinson. I am the executive director of Coyote RI (Call Off Your Old Tired Ethics). We are a group of current and former sex workers, sex trafficking victims, and our allies, working towards safety and protection in New England's sex industry. I am also a board member of the Erotic Service Providers Educational & Research Project (ESPLERP) and an affiliate member of (Sex Worker Outreach Project) SWOP Behind bars. I have been a sex worker for over 30 years and I have worked in RI both under decriminalization and criminalization.

I am writing you today to ask you to oppose HB 5330 for the following reasons:

#### [RI Sex Workers Review of RI H 5300](#)

##### 11-67.1- 2. Definitions.

Reconsider section (iv). Infantilizing victims is not helpful. A definition such as “an offender forces or coerces a victim into using a controlled substance in furtherance of coercing them into a commercial sex act” may be more appropriate.

As a sex worker who was a street based worker with a drug addiction for over a decade in FL and who has been in recovery for 15 years; I can tell you that allowing drug users to blame other people for their addiction undermines their recovery. I suggest the committee consult some AA and NA experts on this topic. I would also like to ask if a drug dealer asked me to break into homes and steal cars to get my drug money would I still be a victim. Would you still call this coercion? While I understand substance abuse is a huge issue and that many drug users are overdosing and dying. I have to ask why is it Rhode Islander's can't access long term drug treatment unless they are ordered by the criminal courts. They can't even access short term treatment unless they have health insurance. So I have to ask how does punishing drug dealers and labeling them “sex traffickers” help those with substance abuse issues. The police only arrested 98 people for prostitution in 2015 so it seems that law enforcement can't police even 1% of the Rhode Island sex industry. Since RI criminalized prostitution in 2009 there has been no decrease in the number of RI sex workers.

##### 11-67.1- 4. Forced labor.

This currently includes only coercion but should include force and fraud, including threats against a third party.

##### 11-67.1- 5 Sexual servitude.

(a) The word “knowingly” is a good inclusion.

(a)(2) This should include force and threats against a third party.

(b) If it is not a defense that the person had done their due diligence and reasonably believed the minor was an adult, why the word “knowingly” in (a)? This should be a defense if the person has done their due diligence in checking an ID.

#### **11-67.1- 7. Patronizing an individual for commercial sexual activity**

**Section (c) makes it a felony for an adult to pay another adult for consensual sexual activity. Research all over the world has shown that this model increases violence against sex workers and virtually eliminates all reporting of sex trafficking by customers, who are often first responders in sex trafficking situations. This section is a serious threat to the safety and human rights of Rhode Island sex workers.**

#### **11-67.1- 16. Affirmative defense of victim**

Affirmative defenses are inaccessible to many and are not a practical solution for a misdemeanor charge whose main consequences are lifelong stigma and discrimination which is imposed when the victim is charged, rather than when they are convicted. Instead consider a form of immunity by altering the prostitution statute to include something like:

a person cannot be charged under this section if the evidence for prosecution was gained as a result of the person being a victim of sex trafficking OR as a result of the person making a good faith report to law enforcement that they were the victim or witness of murder, manslaughter, sex trafficking, kidnapping, assault, sexual assault, extortion, robbery, sexual assault of a minor, or child pornography.

#### **11-67.1- 19. Council on human trafficking**

The council should include at least as many victims as NGO's who speak for victims, and **should include at least one sex worker with experiential expertise in the Rhode Island sex industry.** Consider adding: (7) develop recommendations to prevent sex trafficking in Rhode Island.

#### **11-67.1- 23. Grant to or contract with service provider**

Consider adding to (b) that the council will also seek feedback from victims who have received or applied to receive services from the agency.

We have already begun this process at [RATE THAT RESCUE](http://www.ratethatrescue.org) ([www.ratethatrescue.org](http://www.ratethatrescue.org))

Upon 2 years of research, mapping out RI NGOs we have found not 1 organization is willing to work with “people involved in the sex industry” These organizations continually publish false statistics and misinform the public and our state legislators. They disrespect and stigmatize sex workers which only promotes discrimination and violence against this marginalized and vulnerable population. We also have found that when service providers go along with the police during prostitution stings it only creates more distrust from this population. RI has no services for adult victims of sex workers, other than being dumped into a shelter and abandoned to live in extreme poverty.

What is most confusing about HB 5330 is most of these things are already illegal, nor does the bill address economic inequality, lack of affordable housing, lack of jobs that pay a living wage, barriers to a higher education. Restitution does not go to the victims of sex trafficking, those funds go to local trafficking NGOs who have been utterly failing to provide any real services to “people involved in the sex industry”.

As of [2016 RI had 320 unlicensed foster homes](#). When minor’s are rescued from sex trafficking they are often dumped back into these unlicensed foster homes, or send back to the same abusive home that they ran away from. It is problematic that nobody is addressing why these teenagers are running away.

[DOJ funded this research](#), it shows the majority of the youths report that they don't have pimps or market facilitators and that they can't access any services from the state. These are “throw away kids” who have no safety net so they engage in survival sex. 97% of sexual abuse against children happens by someone the child already knows and not through prostitution. Yet nobody seems to be advocating for harsher punishment against these child predators.

### [ANTI-SLAVERY LAWS DON'T HELP MANY SEX WORKERS. AND MAY END UP HARMING THEM](#)

Dr Alix Lutnick has researched domestic minor sex trafficking for over 15 years.

Lunch & Learn with Dr. Alix Lutnick, Author of Domestic Minor Sex Trafficking: Beyond Victims and Villains

<http://sextraffickingalaska.com/lunch-learn-with-dr-alix-lutnick-author-of-domestic-minor-sex-trafficking-beyond-victims-and-villains/>

Coyote RI has been working with sex trafficking victims and sex workers who have been victims of violence since 2010. We have worked with a [sex worker who survived an attack by James Adams in Cranston](#). This women has permanent neck and back injuries and yet RI victims

compensation send her a 15 dollar check. She reports that none of the RI NGOs would help her, and Coyote was the only organization that has offered her support. To add insult to injury the RI attorney general blamed backpage.com in a media interview, rather than being accountable that RI failed to monitor a registered sex offender who had been convicted of rape. Sadly, this man only has to serve 9 years in prison for raping 3 sex workers and murdering one of them. On December 17th 2016 just hours after holding our annual "International day to End Violence Against Sex Workers" this same victim called Coyote to report that she had again been the victim of violence. She did not want to report this to the police because she felt that they would only blame and shame her. She was not willing to try to access services again since she had been shunned by all of RI NGOs.

This leads to my opposition regarding the bill's language regarding clients who give money to a 3rd party which labels 3rd parties as a pimps. A lot of sex workers hire 3rd party support staff to ensure their safety, answer their phones and screen their clients. All "end the demand" does is scare off the reputable clients, leaving sex workers with those who are more likely to be violent and who are unwilling to provide their screening information. So it seems that charging clients with handing money to a 3rd party is a irresponsible response and it will not yield Rhode Island youth with the vital services that they need to keep them from engaging in survival sex.

Please listen (around the 56 minute mark) [my recent testimony](#) to the NH Criminal justice and safety committee in support of HB 287. I tell the story of 17 yr old Celeste Guap who was exploited by 30 police officers in CA. Once the cat was out of the bag, Richmond police accessed victims compensation and send the victim to a FL rehab. A rehab worker tried to illegal inject her with something the victim against her will, so she bit him, and she was thrown in jail with a 300,000 bond. Within hours district attorney Nancy O'Malley told the media that she couldn't prosecute the officers without a witness, and of course she did nothing to try to get the victim released. The radio went dead by all US trafficking organizations so US sex workers rallied around the victim, and we raised money for an attorney and had the victim out of Martin County jail and returned to CA within 10 days so the victim could hold the officers who exploited her accountable.

What Rhode Islander legislators need to understand that sex work is more complicated than many imagine -- and it's different from sex trafficking. In an ongoing study of 62 sex workers in Rhode Island, conducted by COYOTE RI and the [Center for the Study of Slavery and Justice \(CSSJ\)](#) at Brown University between 2014- 2016. Our goal was to measure the effects of the 2009 decision to return to criminalized prostitution codes in Rhode Island. The research is IRB approved, and to date is the only IRB approved research on Rhode Island sex workers.

Our findings revealed that 11% of Rhode Island sex workers reported being sexually assaulted by a police officer, and 15% reported being robbed or assaulted by a police officer. 77% of Rhode Island sex workers reported to the Brown researchers that they had been the victim or witness of a crime they didn't report to police. 4% reported being arrested while trying to report a crime, and 26% reported being threatened while trying to report a crime. One research participant explained, "they made fun of me, called me names and asked me "what did I

expect.” They told me that if I want to report a client who raped me that they would arrest me for prostitution.”

65 percent said they wouldn't report violence or crimes to the police for fear of arrest; and nearly 15 percent reported that they have been to graduate school. These insights into sex workers working in Rhode Island reveal that they are not simply desperate "victims" of evil traffickers. For many, sex work is an important form of work as it gives them autonomy for scheduling, etc. It's kind of like driving Uber, and care industry work (including sex work) given, in some cases, criminal background checks, needing flexible schedules for school, parenting, and gaps in work experience.

What's more, "rescue" attempts just make matters worse. On Wednesday, October 26, 2016, an [awards ceremony](#) was held at the Providence Career and Technical Academy to honor police officers in Rhode Island for their "kindness and community policing." Among the major achievements highlighted by this ceremony was the crackdown on 15 massage parlors in Rhode Island, which police say were fronts for million-dollar sex trafficking operations. What these accounts of "kindness" fail to mention is that these 15 massage parlors were run by small groups of immigrant sex workers, who worked together and shared this space in order to ensure their safety. Shutting down massage parlours did not result to more safety for these women, but instead, to more isolation, marginalization and deportation.

This phenomenon of state violence towards sex workers disguised as rescue is not unique to Rhode Island. Last spring, in the wake of a "human trafficking" sting operation in Cranston that led to the arrest of 31 people—14 of which were clients—the RI ACLU published a [statement](#) to condemn the operation for "having little to do with trafficking, but a lot to do with embarrassing and penalizing consenting adults engaged in sexual conduct for a fee." The ACLU's statement contended that operations in the name of "saving" or "helping" victims of sex trafficking have the major effect of stigmatizing sex workers and making their lives *more* precarious--echoing concerns that sex workers have been vocal about for decades.

This research is innovative because it asks sex workers, as opposed to the majority which have found 1 case of exceptional victimhood and used that to stand in for fundraising and policy campaigns. The recent crackdown on Asian massage parlors has made it more difficult for COYOTE to do outreach to Asian massage parlors and to document the needs of that population, as they are being increasingly run underground.

The criminalization of sex work in Rhode Island is now synonymous with efforts to combat human trafficking. Sex work and sex trafficking cannot be viewed as equivalent. One of the effects of this is that sex workers' voices are not included. In fact, the participation of sex workers could be the best tool to combat sex trafficking--which legally refers to sex work done under conditions of force, fraud, or coercion, or involving a minor under the age of 18.

The widespread notion that the only way to prevent sexual exploitation is through arrest is at the core of efforts to prevent human trafficking in the United States, and Rhode Island is certainly not an exception. These efforts heavily rely on the “pimp narrative,” which assumes that sex work is inherently exploitative and that no individual would enter the sex industry without being coerced or deceived by a pimp or a trafficker. Discourses around sex trafficking in Rhode Island mirror those at the national and international level, which erroneously conflate sex trafficking with sex work. This has resulted in the introduction of laws that punish sex workers and immigrants in the name of rescuing victims of sex trafficking.

The paradoxical nature of the efforts to reduce sex trafficking through criminalization and the anecdotes above are evidence of the ways in which sex workers’ voices are ignored rather than uplifted, not only by the state and law enforcement, but also by the very organizations that claim to advocate for them and protect them. Below are five policy and best practice recommendations to include and protect sex workers and to break the trend of stigmatization that has come to characterized anti sex trafficking work. .

### **1. Actively engage with and include the voices of sex workers in community and health organizations**

In order to have an agenda that seeks the protection and the well being of sex workers, it is crucial to actively include them and center them in these discussions. Current anti-trafficking and community health organizations in Rhode Island heavily rely on a universal victim rhetoric, which is a core element of the anti-trafficking narrative. While we agree that there is sex work that is happening under conditions of extreme exploitation--as is true with all kinds of labor--this narrative has excluded the voice and participation of the people involved. In order to remove these barriers and create a pathway through which sex workers can access services that they need, it is imperative that sex workers be included in these decision- making processes and conversations about their protection.

### **3. The police should protect sex workers instead of punishing them**

While police officers are hailed as heros by anti-trafficking organizations for allegedly rescuing victims of sex trafficking, the reality is that they have not only failed at their mandate of protecting sex workers, but they have directly contributed to the violence faced by sex workers. Thus, relationships between the police and sex workers need to be improved drastically. The first step toward repairing this relationship is respect. The police and media need to stop publishing the names, address and photos of people arrested in prostitution stings.

Publishing their names can lead to damaging their relationships with family members and others. Furthermore, given the stigmatization around sex work, publishing their names might take away their possibility of obtaining a legal job and income in the future.

Finally, media reports of police stings should be careful not to sensationalize and celebrate sex trafficking raids without providing a sober and honest account of the realities of the aftermath of such operations. Specifically a raid and rescue operation often leaves sex workers without have a place to work safely, have a way to feed their children, pay their rent, and often cause family separation through deportation.

Criminalization has also made it easier for police officers to take advantage of sex workers and coerce sexual favors from sex workers. Police officers should not be allowed to engage in sexual contact with sex workers or victims of trafficking during prostitution stings or investigations.

#### **4. Sex workers should not be charged with pandering, promoting, or sex trafficking**

Current legislation in Rhode Island makes it illegal for someone to live with a sex worker or for landlords to lease their properties to sex workers. This provision exists because third-party agents are typically labeled as pimps or traffickers. This blanket label obscures the [diverse third-party relationships](#) sex workers can have, many of which are meant to ensure their safety.

Ultimately, such labels and criminal measures lead to more stigma against sex workers, thus forcing sex workers to work in less safe conditions. Removing them from indoor spaces where there are other workers increases their vulnerability to violence, and may force them to work on the street.

We demand that third-party support staff to sex workers be treated with respect, as their work is essential to ensuring the safety of sex workers. Third-party support agents are often times hired by sex workers to answer their phones and screen their clients, among other forms of support.

#### **5. Make the health and safety of sex workers a priority**

The decriminalization of consensual adult sex work has led to lower rates of STDs and rape for sex workers. This clearly disproves the widespread and commonly accepted rationalization that criminalizing sex work will lead to the safety of sex workers. Quite on the contrary, decriminalization is the best model to ensure the human rights of sex workers. ([evidence](#))

In order to truly help sex workers and victims of trafficking, community organizations need to put the health and safety of sex workers at the top of their agenda. Any organization that promotes the stigmatization and criminalization of sex workers advocates for the idea that the lives of sex workers do not matter. Thus, laws that criminalize sex workers and traffickers as well as their derivative practices, like condom for evidence laws, only serve to render the lives of

sex workers and sex trafficking victims more unsafe, and have resulted in an increase of the rates of rape and STDs, without contributing to a decrease of exploitation, sexual or otherwise.

It is important to recognize that the demands outlined above are not new, and that sex workers in the United States have been fighting for their rights for decades. We have data from both sides of the country of sex workers reporting that police officers have been sexually assaulting them, using coercion under the threat of arrest, or stealing their earnings. Community organizations and anti-trafficking organizations that refuse to take these issues seriously need to re-assess their agendas. If they are not putting the rights of sex workers and victims of sex trafficking first, then they are creating even more barriers for sex workers to access non judgemental and compassionate services.

Sex worker rights activists argue that efforts to criminalize or rescue prostitutes do more harm than good when there are few economic alternatives and solutions to poverty.

Many of our respondents tell us that they are not victims. When they most needed help, they did so with the help of trusted members of the community—including other sex workers. They were able to go on and be independent.

In light of this, we ask you to vote no on HB 5330 and let's bring sex workers and the real experts to the table to discuss policies that would help keep minor out of the sex industry, reduce sex trafficking & violence and promote the health and safety of RI sex workers.

Thank You

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Watson Institute [Podcast](#) with Elena Shih and Bella Robinson

[When services allow organizing, trafficked workers win](#)

[Episode 26: Fighting the Trafficking Narrative from Alaska to Rhode Island](#)

[Violence against sex workers a result of criminalization](#) by Steve Ahlquist

[International Day to End Violence Against Sex Workers Memorials](#) by Bella Robinson

[Providence vigil remembers sex workers lost to violence](#) By [Lynn Arditi](#)

[U.S. Media Ignores International Day to End Violence Against Sex Workers](#) by Brian Saady



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