

February 23, 2021

House Health and Human Services Committee  
Rhode Island Legislature

Statement in Support of HR 5250  
House Resolution Creating A Special Legislative Commission to Study Ensuring Racial Equity and  
Optimizing Health and Safety Laws Affecting Marginalized Individuals

I am Barb Brents and I write for **HR 5250** to create a commission to study health and safety laws affecting marginalized individuals. I applaud your courage in hearing this bill and urge you to pass it without delay.

I am a Professor in the Department of Sociology at the University of Nevada, Las Vegas. I have spent nearly 25 years conducting research on commercial sex in the United States and other countries. The preponderance of scientific evidence is clear -- laws criminalizing the sex industry (clients and sex workers) have been negatively impacted the health and safety of individuals involved in commercial sex, with the most severe effect on the most vulnerable and marginalized populations. The first step in addressing this problem is to understand it in your local context, and that is why this bill proposing a study commission is so important.

Over the last 20 years a wide range of studies of different populations paint a fairly consistent picture of an extremely diverse configuration of markets, individuals and working conditions in the sex industry. We find while some are coerced to work in the sex industry, far more work by choice. Some work due to circumstance and might choose other alternatives if they could. But the evidence makes clear that the conditions under which sex is exchanged for money has the largest effect on the health and safety of sex workers. There are ways to make these conditions better. While the legal context of criminalization has a minimal effect on overall prevalence, it has had a much larger impact on the health and safety of sex workers and their clients. Criminalization makes many 'safety-enhancing' techniques illegal. The inability to assert one's rights legally, obtain social supports or turn to police increases the likelihood and severity of exploitation and labor trafficking.

Local context is important. The state of Nevada is unique in that we have a nearly 100-year-old legal sex industry. I have conducted extensive research on Nevada's legal brothels, and our findings corroborate much of the research in other nations where sex work is legal. There is less violence, less disease and fewer cases of severe exploitation when sexual commerce is not criminalized. Workers report feeling safer in the legal brothels, and they have the backing of law in enforcing condom use, the number one protection against the spread of disease.

Nevada's legal sex workers are independent contractors and enjoy the same rights and protections as other independent contractors. It is the case that some managers are better than others, but like independent contractors in other jobs, they can, under the law, work where they want, refuse unwanted

clients, report violence by clients or other workers, and hire lawyers. Better laws protecting independent contractors in general would help legal sex workers. In places like New Zealand there are far better protections for workers than in Nevada, and there are organizations that provide legal assistance for those who can't afford it. Stigma exists, even in Nevada, and too often laws favor managers over workers, but this is true in all kinds of workplaces. The Nevada model works for the small remote towns in our state.

I would not recommend the Nevada model be adopted writ large elsewhere. But it illustrates the importance of understanding local contexts in commercial sex. Research on Nevada has made clear that sexual commerce can happen in a safe environment that allows individuals to earn a legitimate income with basic human rights. There are ways the laws can be improved. But evidence makes clear throughout the globe that exchanging sex for money is not in and of itself problematic outside of the context in which it occurs.

In addition, I urge you to consider the entire context of sex work in your study, including the role that clients and third parties can play in assisting marginalized individuals in the sex industry. I have been involved with a research team surveying more than 2000 clients in the US and UK. Our surveys found that very few clients experienced violence or encountered sex workers who they felt were exploited, but when they did, they wanted a mechanism where they could report situations to police. I urge you to consider how clients and third parties may assist in efforts to protect the health and safety of marginalized individuals.

I also applaud the makeup of the study commission currently in the bill. In addition to including legislators and other governmental representatives you must sex workers and a range of sex work advocacy organizations to in efforts to review and analyze your states' laws. The voices of current sex workers are critical to understanding how markets operate and how health and safety can be protected.

The science shouldn't change one's moral beliefs about prostitution's worth. But evidence is clear that laws criminalizing sex workers and clients are doing more harm than good. Reducing criminal sanctions involving prostitution can bring this huge and growing underground market into the light of day, allowing us to devote scarce resources to laws already on the books to prevent violence and exploitation. We know that tough-on-crime laws have negatively impacted already marginalized communities; criminalizing consensual prostitution has prevented sex workers' access to justice, needed social services and overcrowded our jail system.

We all want full realization of rights for all persons, especially the right to freedom from violence and exploitation. Please **pass HR 5250** and study the health and safety impact of revising commercial sexual activity laws.

I'm happy to provide more peer reviewed evidence of this as desired.

Sincerely



Barbara G. Brents  
Professor