



February 22, 2021

Memo of Support for House Resolution 5250

I, Ronald Weitzer, strongly support House Resolution 5250, which would create a special legislative commission to ensure racial equity and the optimization of health and safety laws impacting marginalized individuals. I am a Professor Emeritus at George Washington University and currently a Research Associate at the University of California, Santa Cruz.

I understand that the Resolution applies to individuals from several marginalized groups, but I wish to restrict my comments to the sex worker population. I have researched sexual commerce for 25 years – in the United States, Europe, and Asia – and I am considered a leading scholar in this area. I provided expert testimony in a constitutional challenge to Canada's three prostitution laws, all of which were ruled unconstitutional by the Supreme Court in 2013. I am also a leading expert on human trafficking, and co-edited a special journal issue: "Human Trafficking: Recent Empirical Research," published in the *Annals of the American Academy of Political and Social Science*, v.653 (May 2014). Among my many published studies are an edited book with two editions (*Sex for Sale: Prostitution, Pornography, and the Sex Industry*, Routledge 2000 and 2010) and a book based on my field research in several countries where prostitution is legal and regulated by the government (*Legalizing Prostitution: From Illicit Vice to Lawful Business*, NYU Press, 2012). That book is a comparative analysis of law, regulatory practices, and outcomes for sex workers in several countries where prostitution is legal, with a special focus on three: Belgium, Germany, and the Netherlands. Although legal regimes differ considerably across nations and municipalities, sex workers are generally better off post-legalization. The key finding is that "the evidence presented in this book suggests that prostitution can be organized in a way that is superior to blanket criminalization and marginalization." A set of "best practices" is proposed in the Conclusion to the book.

Anticipating the creation of a legislative commission, let me offer some starting points:

- First, it is quite evident that criminalization is a failure. Like drug criminalization, prohibiting people from engaging in consensual sexual activities only drives the practice underground and increases the risks to all concerned. This was the key theme in the Canadian Supreme Court's decision to throw out the country's prostitution laws. And a wealth of social science research shows that criminalization jeopardizes the health and safety of those involved.¹ Like marijuana use, prostitution cannot be eliminated or even greatly reduced by criminalizing it.
- Second, decriminalization and legalization are not fringe ideas. In 1973 the National Organization for Women passed a resolution (Resolution 141) that endorsed decriminalization. Support for legalizing prostitution in the United States has increased recently: from 38% in 2012 (YouGov poll) to 49% in 2016 (Marist poll) to 52% in 2020 (Data For Progress poll). Sizeable majorities support legalization in several other Western nations (64% to 73% in Australia, Britain, Canada, France, Germany, Israel, Netherlands), and prostitution is legal and regulated by the government in several of these countries. A study comparing three states in Australia, each with a different policy regime, found that the two states where brothels were either decriminalized or legalized

¹ Lucy Platt, et al., "Associations Between Sex Work Laws and Sex Workers' Health: A Systematic Review and Meta-Analysis of Quantitative and Qualitative Studies," *PLoS Med*, v.15 (2018). Reviewing over 130 studies over 30 years. Available at: <https://doi.org/10.1371/journal.pmed.1002680>

registered superior working conditions and health and safety outcomes – whereas the criminalized system ranked low on these measures.²

- Third, activists opposed to decriminalization routinely make a number of false claims. These include the notion that most sex workers begin as minors, that victimization is universal, that most are addicted to drugs, and that no one would voluntarily choose this kind of work. In fact, there is tremendous variation among sex workers in terms of pathways into this work, their working conditions, and experiences with customers and third parties. Many do not fit any of the conventional stereotypes.³ To give just one example, a study in Queensland, Australia – where brothels are legal, licensed, and monitored by the government – found that 70% of the 82 brothel workers and 101 independent escorts interviewed said they would “definitely choose” this work if they had it to do over again, and half of each group felt that their work was a “major source of satisfaction” in their lives. 97% of the brothel workers said that an advantage of working in a legal brothel was the safety it provided. Both the brothel and independent workers reported very low rates of abuse at work.⁴
- Fourth, another common myth is that decriminalization will lead to increased sex trafficking. In fact, the logic of decriminalization is to shrink the black market, to push bad actors out. Organized crime thrives in areas where a desired service or commodity is prohibited, not where it is legal. A study that analyzed surveys administered to 4,559 female sex trafficking victims in Europe (who received assistance from field missions run by the International Office for Migration) concluded: “These results confirm results of many other studies that have looked at the consequences of criminalization policies. Whenever sex work has been criminalized, sex workers have been moved to more secluded places with the consequences of being more exposed to different kinds of risks: assault, fraud, control, and lack of freedom.”⁵

These general points are relevant to any legislature considering liberalizing its laws. And there is also some intriguing research in Rhode Island itself. A study conducted by researchers at Baylor University and the University of California Los Angeles found that during 2003 through 2009, while indoor prostitution was decriminalized in Rhode Island, the number of rapes diminished by 31 percent and the statewide incidence of gonorrhea among women diminished by 39 percent.⁶ There has also been a documented increase in exploitation and violence against people in the sex industry in Rhode Island since the passage of federal legislation (FOSTA-SESTA) in April of 2018, which has eliminated access to online websites for workers.⁷

A commission studying evidence-based options and best practices with respect to marginalized groups is long overdue, and I urge you to support this crucial legislation in Rhode Island.

Sincerely,

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² Harcourt, Christine, et al., “The Decriminalization of Prostitution Is Associated with Better Coverage of Health Promotion Programs for Sex Workers.” *Australian and New Zealand Journal of Public Health*, v. 34 (2010).

³ For a comprehensive critique of the claims made by activists opposed to decriminalization, see two of my articles: Ronald Weitzer, “Flawed Theory and Method in Studies of Prostitution,” *Violence Against Women*, v.11 (2005) and “The Mythology of Prostitution: Advocacy Research and Public Policy,” *Sexuality Research and Social Policy*, v.7 (2010).

⁴ Woodward, Charlotte, et al., *Selling Sex in Queensland*. Brisbane, Australia: Prostitution Licensing Authority (2004). Research conducted by the government agency that oversees the brothel licensing regime in Queensland.

⁵ Di Tommaso, Maria, et al., “As Bad as It Gets: Well-Being Deprivation of Sexually Exploited Trafficked Women.” *European Journal of Political Economy*, v.25 (2009).

⁶ Cunningham, Scott, and Manisha Shah, “Decriminalizing Indoor Prostitution: Implications for Sexual Violence and Public Health,” *Review of Economic Studies*, v.85 (2018). Available at <https://academic.oup.com/restud/article-abstract/85/3/1683/4756165?redirectedFrom=PDF>

⁷ COYOTE RI, SESTA/FOSTA (July 28, 2018). Available at: <https://coyoteri.org/wp/sesta-fosta-death-aids2018/>