

NOW's Opposition to the Push for Full Decriminalization in Washington, D.C. Fact Sheet

1. What does the District of Columbia Council bill do?

The bill being considered by the D.C. Council, the so-called "Community Safety and Health Amendment Act" (23-0318), removes from criminal law the sale and purchase of sexual acts. It also removes criminal prohibitions against pimps, procurers, traffickers, brothel owners, and others profiting from the sex trade.

Children—mostly girls -- taken in by law enforcement have been subjected to criminal penalties as prostitutes, though they are victims of trafficking. Some jurisdictions have adopted Safe Harbor laws, recognizing that minors by law cannot give informed consent. D.C. has a Safe Harbor law that requires trafficked children to be referred to various social service programs, but the proposed decriminalization bill repeals this critical provision. Fully decriminalizing prostitution in D.C. will exacerbate the tragic and growing problem of trafficked children.

2. What is NOW's position on the bill?

NOW opposes full decriminalization. If passed into law, this bill will increase the number of persons engaged in prostitution and provide blanket approval for the exploitive and violent activities of those who control and profit from prostituted persons.

The end goal is and must always be to reduce demand for commercial sexual services and to better protect vulnerable persons and communities. In the District of Columbia where there are large numbers of persons in poverty-impacted communities, especially communities of color, this is a serious concern. Prostitution is an extreme form of violence against women; laws and public policy must advance efforts to curtail such violence and prosecute the perpetrators – while protecting victims.

3. Are prostitution and trafficking serious problems in the District?

For some time now, Washington, D.C. has experienced a growing and under-reported problem of missing girls and young women. Some observers describe this as an epidemic. In the poverty-affected Wards, women and girls are at higher risk. We hear reports that pimps and traffickers hang outside middle and high schools in Anacostia, approaching students offering money and "glamorous work" only to be coerced into prostitution.

Experts believe that many of the missing – though first thought to be runaways -- have been abducted by traffickers. In poverty-affected communities, there are high rates of LGBTQIA+ teens running away or being thrown out, as well as unsafe group and foster homes, sexual abuse, and parents and caretakers

struggling with addiction. Life on the street can be very dangerous with traffickers using their peers to recruit youth into prostitution.

In a sample of 100 prostituted women working in D.C., 42% met the criteria for Post Traumatic Stress Disorder; 61% reported being physically assaulted; 80 % reported being threatened with a weapon; 44% had been raped in prostitution and 60% of these rapes were committed by sex buyers.

4. *Who is most affected by persons who recruit or traffic others in prostitution?*

Prostitution has been described as an exploitive and violent practice rooted in sex, race and class inequality. Decriminalization of prostitution in D.C. will make poverty and abuse even more entrenched as women and girls in the city's poorest Wards are targeted by pimps and traffickers. Researchers say that the sexual exploitation of women of color has reached epidemic proportions, particularly for African-American women and girls.

“Racism and structural oppression trap a disproportionate number of women and girls of color into prostitution,” Law Professor Cheryl Nelson Butler writes in the Yale Journal of Law and Feminism. “In today’s legal battle against human trafficking, the myth that most women of color in prostitution freely choose to be there undermines efforts to identify and protect people of color from sexual exploitation.”

Latinas, Asian and Native American women are also targeted by traffickers. Decriminalization for prostituted women and an aggressive End Demand law and policy, along with effective exit programs offering supportive transition services are needed to reduce trafficking and violence against girls and women of color.

5. *What is NOW's view of prostitution, in general?*

NOW has long supported removing criminal penalties that are applied to sexually- exploited persons. They are the ones who are victimized and violated. It is the buyers of sexual acts: pimps, traffickers and brothel owners who must be charged with crimes and put out of business. The most important goal of any bill relating to prostitution is to End Demand for commercial sexual acts and to provide programs that would help those individuals successfully exit the trade and access counseling, health care, housing, training and employment. This approach is known as The Equality Model, first adopted in several Scandinavian countries.

Prostitution is a human rights violation as an act of violence against women, under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); which specifies that “States

Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”

D.C. and the rest of the nation must remove the criminal prohibition and penalties applied to prostituted persons. Steps should be taken to protect those who are harmed in prostitution; vacating criminal records of such persons would be a good first step. Prostitution is a personally and socially destructive practice that must not be supported by decriminalization.

6. *Why is NOW opposed to full decriminalization?*

Contrary to claims of supporters, D.C.’s decriminalization bill (23 -0318), if adopted, would decriminalize the entire sex trade in the District, making it more difficult to assure protections for prostituted persons and allow those who control them through threat and abuse to avoid arrest and prosecution.

Once all aspects of prostitution are decriminalized, police could not intervene in any commercial sexual transaction. Real world experience such as with Rhode Island where “Indoor Prostitution” was decriminalized from 1989 to 2009, prostituted persons were made less safe because activities were conducted indoors. During that time, Police said that they lacked the necessary tools to identify and arrest buyers, pimps, and others for violent acts and other crimes.

Children were also put at greater risk of being trafficked. Studies show that prostituted women elsewhere do not feel safer or experience less violence with decriminalization.

7. *What does NOW see as the consequences to vulnerable women and girls?*

Prostitution is an organized system of exploitation and oppression of vulnerable women, youth and LGBTQIA persons who enter the sex trade due to difficult economic circumstances, homelessness, physical or sexual abuse, emotional trauma, coercion and abduction. Many have been physically or sexually abused as children and were trafficked into prostitution in adolescence. Life in prostitution continues the violence and exploitation for many and they often remain economically and emotionally dependent upon their pimps or brothel managers.

The sale of sexual acts carries a serious risk to the prostituted person’s health and safety. Prostitution and trafficking, with all the crime that is attendant, are socially destructive activities and should never be recognized as legitimate businesses. Action must be taken to curtail the sex trade in Washington, D.C. and elsewhere; an approach that aggressively prosecutes buyers, traffickers, brothel and property owners and others who profit from the sexual exploitation of women will reduce demand for commercial sexual services.

Experience Extreme Abuse, PTSD - Saying that prostitution is a “victimless crime” could not be more inaccurate. Studies show that 80%-90% of prostituted persons experience extreme abuse, PTSD, and would like to leave the sex trade but see few alternatives.

8. *What changes could Washington, D.C. expect if prostitution was decriminalized?*

It is not surprising that the well-funded pro-legalization lobby has targeted Washington, D.C. The current campaign to convince D.C. lawmakers with demonstrably false claims is similar to aggressive lobbying efforts seen elsewhere, such as in Rhode Island, New York and various international capitals. The facts demonstrate that decriminalizing all aspects of prostitution will draw prostituted persons from other cities; along with their pimps, traffickers and brothel owners. As an important tourist destination with a large poverty-impacted community, the District could expect to quickly grow a multi-billion-dollar sex trade.

Like the experience in Rhode Island, scores of brothels would be established, street prostitution – already a visible problem in parts of D.C.-- would spread, and organized crime would show up. Illicit drug use would spread as prostituted persons often seek ways to numb their pain and distress. Inevitably, an expansion in the illegal drug trade would ensue. This is not the picture of our nation’s Capital that everyone wants to see and it would, in the end, be more costly to taxpayers; legislation that would decriminalize all aspects of prostitution must be defeated.

9. *What does NOW propose to advocate regarding prostitution?*

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10. *Why decriminalize only those persons who have been prostituted?*

There is No ‘Consent’ in Prostitution - The pro-legalization lobby and the numerous groups they are funding say the D.C. bill only permits commercial sexual acts between “consenting adults”. This is a familiar refrain also made by neo-liberal and libertarian defenders of prostitution, but it is false. The very nature of prostitution is to require the prostituted person to engage in a sexual act regardless of whether they want to or not. Rape is a common occurrence of prostituted persons.

Other types of assault are used when a prostituted person does not want to comply with the buyer’s request for certain sexual activities. Pimps are frequently abusive to prostituted persons under their control and are known to be especially threatening and abusive when the woman expresses a desire to leave prostitution. Prostituted persons will hesitate to complain to law enforcement because of the always

present problem of retribution. Full decriminalization is not likely to increase the reporting of abuse for that reason. Because there are fewer constraints for pimps, traffickers, brothel and property owners and others profiting from prostitution, full decriminalization will make the sex trade much more dangerous to prostituted persons.

Transwomen Engaged in Prostitution

In 2018, advocates tracked at least 26 deaths of transgender people in the U.S. due to fatal violence, with 19 more fatalities in 2019 (deaths likely under-reported), the majority were Black transgender women. Two murders of transgender women were reported earlier this year in D.C. though it is not known whether either were involved in prostitution. Racism, sexism, homophobia, biphobia and transphobia intersect to deprive transgender persons of employment, housing, healthcare and other necessities, according to the Human Rights Campaign.

A better solution is to advocate for removal of criminal prohibitions and penalties applied to prostituted persons and increased penalties for those who exploit and abuse them. What is even more important is a very directed effort at providing exit programs for transwomen; support services such as counseling, health care, housing, training and employment for transgender persons are vital. In addition, federal civil rights law must be amended to provide clear protections against discrimination for lesbian, gay, trans, queer and non-binary persons.

11. Explain the End Demand goal? Why is that important?

The overriding goal of any local or state law related to prostitution must be to end demand by prohibiting the purchase of sexual acts and penalizing the buyers, along with others who control and profit from the sexual exploitation of prostituted persons. Prostitution is not inevitable. Experience in other nations which have adopted laws to protect prostituted persons but retain prohibitions and penalties for buyers and traffickers has found the number of sex buyers over time declines. Violence against prostituted persons also declines.

12. What is The Equality Model?

NOW strongly recommends to the D.C. Council the Equality Model, a legal model which protects persons who have been prostituted by removing criminal prohibitions and penalties against them, but maintaining the legal prohibitions and penalties against purchasing sexual services, pimping, brothel keeping, trafficking, etc. This approach offers greater protection for prostituted persons without providing legal protection to exploiters or expanding the overall market which promotes sex trafficking. In order to truly assist those exploited in the sex trade, we must embrace a comprehensive approach that includes decriminalization for prostituted persons, along with resources like housing, healthcare, counseling, training and employment services for those who wish to safely exit the trade.

13. Has it been successful elsewhere?

Countries such as Sweden, Norway, France, Ireland, Northern Ireland, Israel and Canada have adopted this model and have found that the number of prostituted persons has declined, in some cases, dramatically. The incidence of violence against prostituted individuals and the number of buyers has been reduced as well.

The END GOAL is to stop the sexual exploitation of women and other vulnerable persons by reducing over time the number of buyers, traffickers, and brothel owners.

14. Does NOW Support People Who Choose to Stay in the Industry?

Yes, there are likely some people that choose the work and feel safe and content in doing that work. Our position does not oppose their freedom to continue this work. In fact, we support increasing services to those who wish to remain in the trade with access to condoms, respectful health care and mental health services.

15. Why Does NOW Not Use the Term "Sex Worker"?

Many use the words "sex worker" to give independence and choice to women. Unfortunately, that terminology also legitimates the sale of sexual acts as a profession.

While some would say that people should have the opportunity to operate in any economic trades they wish to, that would come at the cost of women and children. This is because, as demand for paid sex acts increases, so will the violence perpetuated against women and children who are coerced into the trade, including the domestic violence perpetuated on them by people in their own families