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Contact: Morgan Rubin, 646-517-1813, morgan.rubin@berlinrosen.com

Sex Workers Project Statement on New Hampshire Decriminalization Bills

New York, NY – In response to two bills regarding the decriminalization of sex work that are currently under consideration by the New Hampshire legislature, the Sex Workers Project of the Urban Justice Center (SWP) released the following statement:

“The Sex Workers Project stands in firm support of HB1614, and hopes the Committee will support the rights and well-being of those who trade sex by moving to decriminalize the consensual exchange of sex for what is often basic resources. From our experience as service providers to sex workers and trafficking victims alike, we see this as a bold first step in addressing the violence, exploitation and discrimination that too many in the sex industry face,” said **Kate D’Adamo, National Policy Advocate for SWP**.

Below is a memo detailing SWP’s support for HB1614 and opposition to HB1613:

We at the Sex Workers Project of the Urban Justice Center request your **support for HB1614**, introduced by Manchester Representative Elizabeth Edwards. If enacted, this bill would promote the health and safety of those who engage in the sex trade, including trafficking victims. The Sex Workers Project provides legal and social services to sex workers, those profiled as sex workers, and victims of human trafficking. Decriminalization of solicitation, buying, and selling of sexual services is a laudable step forward in the struggle to protect the lives of those who trade sex, including trafficking victims.

For the following reasons, we urge the Criminal Justice and Public Safety Committee to support HB1614.

- **Full decriminalization of the sex trade helps protect sex workers from violence.** Policing and fear of arrest leads street-based sex workers into isolated areas, where they experience higher rates of violence.¹ Criminalization also creates a barrier to reaching out to law enforcement when victimized. Decriminalization of the sex trade in New Zealand led to an improved relationship between sex workers and police.²
- **Full decriminalization leads to better health outcomes for those that trade sex.** The World Health Organization (WHO) and UNAIDS both support decriminalization of both buyers and sellers of sexual services in order to promote access to and use of condoms, preventing the spread of HIV and other STIs.³
- **Full Decriminalization leads to better responses to trafficking.** Criminalization creates a barrier for sex workers and their clients to report victimization, including trafficking situations. Fear of arrest can stop those trying to come forward and report victimization or sex workers who want to support others who are facing exploitation.

¹ Shannon K and Csete J. “Violence, condom negotiation and HIV/STI risk among sex workers,” 573-74.

² New Zealand Ministry of Justice, Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003, (2008)

³ UNAIDS, “New Guidelines to Better Prevent HIV in Sex Workers” 11 Dec 2012

<http://www.unaids.org/en/resources/presscentre/featurestories/2012/december/20121212sexworkguidance>



While similar, **we stand in firm opposition to HB1613**, introduced by Rep. Hoell, which only decriminalizes the practice of selling sex, but leaves clients of the sex trade criminalized. This means that the act of trading sex or engaging in prostitution is still a criminalized transaction, and none of the positive outcomes from 1613 can be expected. When buyers of sexual services are still criminalized and policed, those who trade sex are still be vulnerable to the dangers of criminalization, including:

- **Sex workers remain vulnerable to violence and exploitation, including trafficking.** If police are looking for people who buy sex to arrest, sex workers will have to seek out more isolated locations, leaving them vulnerable to violence and victimization.⁴
- **With increased policing, those trading sex are more likely to rely on a third party, making them more vulnerable to exploitation.** Even when selling sex is decriminalized, policing of clients means that sexual exchange is still criminalized and policed. This level of policing often breaks down the communities and peer networks where many seek support and safety. When sex workers cannot rely on each other, they are often forced to rely on third parties, such as managers, and are therefore more vulnerable to exploitation and trafficking.⁵
- **Fear of police and arrest for both clients and sex workers reduces negotiation time, meaning that workers take more risks and see more clients.** When clients are afraid of arrest, street-based sex workers must rely on innuendo and can spend little time negotiating condom use and price, making it more difficult to screen clients and ensure safety.⁶ When the sex work transaction is still illegal, fear of policing from clients or sex workers will have unintended consequences and lead towards more victimization.⁷

For these reasons the Sex Workers Project of the Urban Justice Center respectfully requests your support of HB1614 and notes its firm opposition to HB1613.

ABOUT THE SEX WORKERS PROJECT: The Sex Workers Project at the Urban Justice Center provides client-centered legal and social services to individuals who engage in sex work, regardless of whether they do so by choice, circumstance, or coercion. One of the first programs in the nation to assist survivors of human trafficking, the Sex Workers Project has pioneered an approach to service grounded in human rights, harm reduction and in the real life experiences of our clients. Their professional service providers are multi-lingual, non-judgmental and bring more than ten years of experience.

As the only US organization meeting the needs of both sex workers and trafficking victims, the Sex Workers Project serves a marginalized community that few others reach. SWP engages in [policy](#) and [media advocacy](#), community education and [human rights documentation](#), working to create a world that is safe for sex workers and where human trafficking does not exist.

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⁴ Global Alliance Against Trafficking in Women, "Moving Beyond Supply and Demand," http://www.gaatw.org/publications/MovingBeyond_SupplyandDemand_GAATW2011.pdf

⁵ Freedom Network, "Human Trafficking and Sex Workers Rights," April 2015. <http://freedomnetworkusa.org/wp-content/uploads/2012/05/%E2%80%8CFINAL-April-2015-HT-and-Sex-Workers-Rights.pdf>

⁶ Chu, Sandra Ka Hon, Glass, Rebecca, "Sex Work Law Reform in Canada: Considering Problems with the Nordic Model," 106. http://sagecollection.ca/en/system/files/sex_work_law_reform_in_canada_nordic_model.pdf

⁷ Lynzi Armstrong, *Screening clients in a decriminalised street based sex industry: Insights into the experiences of New Zealand sex workers*, 47(2) AUSTL. & N.Z. J. CRIMINOLOGY 207, 215 (2014).