



Washington State Senate  
Committee on Law and Justice  
Sen. Kohl-Welles, Sen. Padden & Committee Members  
RE: SB 5277 & SB 5041

Greetings Senators,

I am writing on behalf of Gender Justice League to lodge our serious concerns with Senate bills 5277 and 5041 which will have a grave impact on our constituents Lesbian, Gay, Bisexual, and Transgender Community as well as prostitutes and other sex workers. On Thursday January 22nd we attended the public hearing on SB 5277 and 5041 with over 11 members of Gender Justice League and Sex Workers Outreach Project – Seattle, but were not given the opportunity to testify. Both SWOP Seattle and Gender Justice League work directly with individuals who depend on their sex work for economic survival. According to the best research and our experiences on the ground roughly 20% of Transgender individuals have done sex work at some point in their life – many of whom turn to sex work as a last resort survival economy because of widespread ignorance, discrimination, violence, and harassment in legitimate work places. While Washington is fortunate to have anti-discrimination laws that protect Transgender people, less than 1% of the 90% of Transgender people who experienced discrimination in the workplace have ever filed an official complaint.

Gender Justice League takes the same position on this bill and the decriminalization of sex work as Amnesty International, Human Rights Watch, UN Women, The Canadian HIV/AIDS Legal Network, Open Society Foundation, the UN Special Rapporteur on the Right to Health, UN AIDS, the World Health Organization, The Supreme Court of Canada in their Canada (AG) v. Bedford decision, and the UN Global Commission on HIV and the Law which is to move Washington State towards the decriminalization of sex work.

Our position is best summed up by the following quote from UN Global Commission on HIV and the Law in their July 2012 Executive Summary on the Risks, Rights & Health report: “the impossibility of governments to stigmatizing people on one hand, while simultaneously actually helping to reduce their risk of HIV transmission or exposure on the other.” They went on to state: “making any part of prostitution illegal, whether it be the buying or selling of sex, makes workers less able to protect themselves from infection or seek treatment if they become infected. It’s a conclusion supported by a large body of research evidence.”

Roughly 1 in 5 transgender women are HIV+ according to numerous studies, we know firsthand that anti-prostitution and “end demand” laws have made our HIV prevention work in the Transgender community exceptionally difficult. Most sex workers are fearful to disclose their true number of sexual partners, that they are engaged in the sex trade, or are deeply fearful about what will happen if they discover they are HIV positive and be forced to disclose past clients and partners as is required by law, as this information could lead to their prosecution of that of their clients. **This bill poses a huge public health threat to the entire community.** Laws like SB 5277 and 5041 will increase the spread of HIV by pushing consensual sex workers further underground and drive them away from seeking testing and treatment.

While we recognize that this bill targets purchasers of sex by severely increasing penalties – an “End Demand” approach – such as those in Sweden – continue to remain unproven in their effectiveness in ending trafficking and sexual exploitation. In our professional experience, the harsher our laws are – the more likely



sex workers who are engaging in consensual and independent prostitution will turn to pimps or exploiters for protection from both the police and to screen clients. They are less likely to engage in public health services or connect to social service organizations. Laws that greatly increase penalties for purchasing sex push John's to refuse to disclose personal information about themselves to sex workers – one of the only screening and safety methods that sex workers have to ensure they will not be victims of rape, coercion, violence, or murder. As a state who was host to the Green River Killer who has admitted to killing more than 80 sex workers from King County – any laws that drive sex workers further from the police (by for instance making them fearful that police will arrest their clients) subject them to increased violence and unsafe working conditions.

**We agree – sex trafficking is an extreme and intolerable human rights abuse and remains a significant problem in Washington that is worthy of legislative action.** These bills will do nothing to reduce actual trafficking. We are proud that Washington was the first state to pass tough anti-trafficking legislation. We strongly support the goals of that law – to end sex trafficking and sexual slavery. These bills erroneously conflate trafficking with consensual prostitution. We firmly disagree that these two things are the same, and conflating trafficking and consensual prostitution does nothing to help the circumstances of sex workers, whether consensual or victims of sex trafficking.

**We support decriminalization of prostitution in Washington for the following reasons:**

1. It will increase victims of trafficking's access to justice by removing from pimps/traffickers their threats of arrest for prostitution. The third most cited reason for staying in the sex trade.
2. It will reduce HIV and STD rates by increasing sex workers access to public health
3. It will create safer working conditions for prostitutes and reduce murders, assaults, exploitation, and rape of these women by clients
4. It will not increase the rate of sex workers – as demonstrated in New Zealand after the passing of the Prostitution Reform Act of 2003 – which saw no increase in the number of sex workers.
5. Decriminalization will not reduce our effectiveness and impact on fighting sex trafficking and sexual slavery – New Zealand continues to be ranked by the United States State Department as a “Tier 1” country in fighting trafficking – among the countries doing the most to fight trafficking despite having legalized prostitution since 2003.
6. The current approach of arresting, prosecuting, and convicting sex workers and their clients serves only to force prostitutes to remain in sex work by giving them a criminal record which keeps them from finding jobs.

**We recommend:**

1. The legislature focus on decriminalizing the sale of sex and move towards regulated and taxed system– as has been done in New Zealand, the Netherlands, and Australia – and as Washington has done with recreational marijuana.
2. The legislature focus on raising revenue through taxation of sex work to fund anti-trafficking activities, anti-exploitation programs, sexual health education, HIV/STI testing, HIV/AIDS care, and programs to help victims of trafficking and abuse.

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