

BILL: B23-0318. Community Safety and Health Amendment Act of 2019
COMMITTEE: Committee on Judiciary & Public Safety
DATE: October 17, 2019
NAME: Puneet Cheema
ORGANIZATION: Lambda Legal
STANCE: General Support

Dear Council Members,

Lambda Legal is the nation’s oldest and largest legal organization dedicated to the rights of LGBT people and those living with HIV. We support this bill to decriminalize sex work for consenting adults.

We have been at the forefront of the fight for LGBT equality in the United States. We have won in *Lawrence v. Texas* the freedom to engage in intimate conduct in the privacy of one’s home without government intrusion under the Constitution’s Due Process clause. We are members of coalitions advocating on behalf of sex workers in New York and DC, and argued as a friend of the Court in the Ninth Circuit, in *ESPLERP v. Gascon*, that the California statute criminalizing prostitution was not rationally related to a legitimate government interest.

Criminalizing consensual sex work *impedes* the goals of public health and safety for marginalized communities, including LGBT people.

Sex Work Helps People Meet Their Basic Needs When Discrimination Creates Barriers.

Many LGBT people, particularly trans people of color, rely on sex work for survival or to supplement their income, when discrimination in the formal market and across many sectors creates barriers and limits opportunities.

In a recent survey in DC, compared to 11% of DC residents overall, 46% of trans people made less than \$10,000 a year and 57% of trans women of color made less than that amount.¹

Black trans people experienced the highest rate of unemployment – 55%, compared to 9% of general DC residents.²

Despite our city’s anti-discrimination laws, 48% of employers prefer less qualified cisgender applicants to more qualified transgender applicants.³

The discrimination also extends to housing: 30% of black trans people and 33% of Hispanic trans people report being denied a lease because they were transgender.⁴ 58% of undocumented trans people have been denied housing.⁵

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This persistent, systemic discrimination is why LGBT people, and especially trans women of color, who face particularly pernicious discrimination, do sex work.⁶ **Criminalizing sex work criminalizes LGBT people experiencing poverty in DC who are just trying to survive and make ends meet.**

Sex work provides an avenue for people to get the resources we all need to survive. It provides a means for trans people to live independently and with dignity, and to support themselves and their families.

Criminalizing Sex Work Impedes the City’s Purported Goals of Public Safety and Health.

Criminalization endangers sex-workers, counter to any goals of public safety. It prevents people from sharing information that could lower the risk of violence, and from reporting crimes including exploitation. It is *counter*-productive to anti-trafficking efforts – it drives consensual sex workers, a key population, underground, where the risks of exploitation increase. It makes sex workers vulnerable to abuse by third parties who can use the threat of reporting them to police to control and exploit.

In addition, in DC and around the country, criminalization has made sex workers susceptible to sexual violence at the hands of police officers.⁷ For sex workers, the police have historically been the perpetrators of harm and violence not a force that keeps them safe. The DC Trans Coalition found that about 20% of sex workers in DC report that police officers have demanded sex from them.⁸ Sex workers shouldn’t have to worry about retaliation by police for reporting about an officer’s abuse of their power but because their livelihood is criminalized, they do.

Criminalization also impedes the City’s public health goals. A 2014 study published in the Lancet has found that decriminalization could avert up to 46% of new HIV infections in the next decade.⁹

And of course, criminalization further traps sex workers in poverty once they have experienced an arrest and incarceration.

The Nordic System Does Not Work Because It Allows Policing of the Sex Trade.

Some organizations have suggested the City should criminalize the buying of sex but not the selling. While this may sound appealing, and a middle ground for those who disapprove of the sex trade, it does not work.¹⁰

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Criminalization— in whole or in part – provides cover for officers who misuse their power, and prevents sex workers from reporting the violence that officers perpetrate.

Importance of Decriminalization for Anti-Trafficking Efforts

And importantly, the Community Safety & Health Amendment Act is critical to mitigating the exploitation of people who trade sex. A national network of anti-trafficking advocates and experts with experience in direct services for survivors of trafficking endorses the decriminalization of sex work.¹¹ It recognizes that trafficking is fueled by factors that make people vulnerable in the first place - poverty, discrimination, and a lack of labor rights.¹²

Trafficking occurs in various forms of labor – hospitality, construction, and domestic work. But in the sex trade, it is often conflated with consensual sex work, preventing people who are actually being coerced or forced to be identified, and further stigmatizing people who consensually trade sex as well as those who are exploited.

By removing criminal penalties, this bill empowers people who trade sex to reject coercive or unsafe working conditions, to negotiate with clients for safer practices, and if they experience exploitation or violence, to be able to report to authorities without a fear of arrest.

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Lambda Legal stands with trans women of color, and all sex workers in DC. The City's goals of protecting public health and improving public safety must extend to LGBT people and trans people of color in DC. We urge the Committee to pass the Community Safety & Health Amendment Act of 2019.

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NAME: Puneet Cheema
ORGANIZATION: Lambda Legal
STANCE: General Support

Dear Council Members,

Lambda Legal is the nation’s oldest and largest legal organization dedicated to the rights of LGBT people and those living with HIV. We support this bill to decriminalize sex work for consenting adults.

We have been at the forefront of the fight for LGBT equality in the United States. We have won in *Lawrence v. Texas* the freedom to engage in intimate conduct in the privacy of one’s home without government intrusion under the Constitution’s Due Process clause. We are members of coalitions advocating on behalf of sex workers in New York and DC, and argued as a friend of the Court in the Ninth Circuit, in *ESPLERP v. Gascon*, that the California statute criminalizing prostitution was not rationally related to a legitimate government interest.

Criminalizing consensual sex work *impedes* the goals of public health and safety for marginalized communities, including LGBT people.

Sex Work Helps People Meet Their Basic Needs When Discrimination Creates Barriers.

Many LGBT people, particularly trans people of color, rely on sex work for survival or to supplement their income, when discrimination in the formal market and across many sectors creates barriers and limits opportunities.

In a recent survey in DC, compared to 11% of DC residents overall, 46% of trans people made less than \$10,000 a year and 57% of trans women of color made less than that amount.¹

Black trans people experienced the highest rate of unemployment – 55%, compared to 9% of general DC residents.²

Despite our city’s anti-discrimination laws, 48% of employers prefer less qualified cisgender applicants to more qualified transgender applicants.³

The discrimination also extends to housing: 30% of black trans people and 33% of Hispanic trans people report being denied a lease because they were transgender.⁴ 58% of undocumented trans people have been denied housing.⁵

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This persistent, systemic discrimination is why LGBT people, and especially trans women of color, who face particularly pernicious discrimination, do sex work.⁶ **Criminalizing sex work criminalizes LGBT people experiencing poverty in DC who are just trying to survive and make ends meet.**

Sex work provides an avenue for people to get the resources we all need to survive. It provides a means for trans people to live independently and with dignity, and to support themselves and their families.

Criminalizing Sex Work Impedes the City’s Purported Goals of Public Safety and Health.

Criminalization endangers sex-workers, counter to any goals of public safety. It prevents people from sharing information that could lower the risk of violence, and from reporting crimes including exploitation. It is *counter*-productive to anti-trafficking efforts – it drives consensual sex workers, a key population, underground, where the risks of exploitation increase. It makes sex workers vulnerable to abuse by third parties who can use the threat of reporting them to police to control and exploit.

In addition, in DC and around the country, criminalization has made sex workers susceptible to sexual violence at the hands of police officers.⁷ For sex workers, the police have historically been the perpetrators of harm and violence not a force that keeps them safe. The DC Trans Coalition found that about 20% of sex workers in DC report that police officers have demanded sex from them.⁸ Sex workers shouldn’t have to worry about retaliation by police for reporting about an officer’s abuse of their power but because their livelihood is criminalized, they do.

Criminalization also impedes the City’s public health goals. A 2014 study published in the Lancet has found that decriminalization could avert up to 46% of new HIV infections in the next decade.⁹

And of course, criminalization further traps sex workers in poverty once they have experienced an arrest and incarceration.

The Nordic System Does Not Work Because It Allows Policing of the Sex Trade.

Some organizations have suggested the City should criminalize the buying of sex but not the selling. While this may sound appealing, and a middle ground for those who disapprove of the sex trade, it does not work.¹⁰

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Importance of Decriminalization for Anti-Trafficking Efforts

And importantly, the Community Safety & Health Amendment Act is critical to mitigating the exploitation of people who trade sex. A national network of anti-trafficking advocates and experts with experience in direct services for survivors of trafficking endorses the decriminalization of sex work.¹¹ It recognizes that trafficking is fueled by factors that make people vulnerable in the first place - poverty, discrimination, and a lack of labor rights.¹²

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By removing criminal penalties, this bill empowers people who trade sex to reject coercive or unsafe working conditions, to negotiate with clients for safer practices, and if they experience exploitation or violence, to be able to report to authorities without a fear of arrest.

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STANCE: General Support

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Criminalizing consensual sex work *impedes* the goals of public health and safety for marginalized communities, including LGBT people.

Sex Work Helps People Meet Their Basic Needs When Discrimination Creates Barriers.

Many LGBT people, particularly trans people of color, rely on sex work for survival or to supplement their income, when discrimination in the formal market and across many sectors creates barriers and limits opportunities.

In a recent survey in DC, compared to 11% of DC residents overall, 46% of trans people made less than \$10,000 a year and 57% of trans women of color made less than that amount.¹

Black trans people experienced the highest rate of unemployment – 55%, compared to 9% of general DC residents.²

Despite our city’s anti-discrimination laws, 48% of employers prefer less qualified cisgender applicants to more qualified transgender applicants.³

The discrimination also extends to housing: 30% of black trans people and 33% of Hispanic trans people report being denied a lease because they were transgender.⁴ 58% of undocumented trans people have been denied housing.⁵

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This persistent, systemic discrimination is why LGBT people, and especially trans women of color, who face particularly pernicious discrimination, do sex work.⁶ **Criminalizing sex work criminalizes LGBT people experiencing poverty in DC who are just trying to survive and make ends meet.**

Sex work provides an avenue for people to get the resources we all need to survive. It provides a means for trans people to live independently and with dignity, and to support themselves and their families.

Criminalizing Sex Work Impedes the City’s Purported Goals of Public Safety and Health.

Criminalization endangers sex-workers, counter to any goals of public safety. It prevents people from sharing information that could lower the risk of violence, and from reporting crimes including exploitation. It is *counter*-productive to anti-trafficking efforts – it drives consensual sex workers, a key population, underground, where the risks of exploitation increase. It makes sex workers vulnerable to abuse by third parties who can use the threat of reporting them to police to control and exploit.

In addition, in DC and around the country, criminalization has made sex workers susceptible to sexual violence at the hands of police officers.⁷ For sex workers, the police have historically been the perpetrators of harm and violence not a force that keeps them safe. The DC Trans Coalition found that about 20% of sex workers in DC report that police officers have demanded sex from them.⁸ Sex workers shouldn’t have to worry about retaliation by police for reporting about an officer’s abuse of their power but because their livelihood is criminalized, they do.

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Some organizations have suggested the City should criminalize the buying of sex but not the selling. While this may sound appealing, and a middle ground for those who disapprove of the sex trade, it does not work.¹⁰

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And importantly, the Community Safety & Health Amendment Act is critical to mitigating the exploitation of people who trade sex. A national network of anti-trafficking advocates and experts with experience in direct services for survivors of trafficking endorses the decriminalization of sex work.¹¹ It recognizes that trafficking is fueled by factors that make people vulnerable in the first place - poverty, discrimination, and a lack of labor rights.¹²

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By removing criminal penalties, this bill empowers people who trade sex to reject coercive or unsafe working conditions, to negotiate with clients for safer practices, and if they experience exploitation or violence, to be able to report to authorities without a fear of arrest.

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STANCE: General Support

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Criminalizing consensual sex work *impedes* the goals of public health and safety for marginalized communities, including LGBT people.

Sex Work Helps People Meet Their Basic Needs When Discrimination Creates Barriers.

Many LGBT people, particularly trans people of color, rely on sex work for survival or to supplement their income, when discrimination in the formal market and across many sectors creates barriers and limits opportunities.

In a recent survey in DC, compared to 11% of DC residents overall, 46% of trans people made less than \$10,000 a year and 57% of trans women of color made less than that amount.¹

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Despite our city’s anti-discrimination laws, 48% of employers prefer less qualified cisgender applicants to more qualified transgender applicants.³

The discrimination also extends to housing: 30% of black trans people and 33% of Hispanic trans people report being denied a lease because they were transgender.⁴ 58% of undocumented trans people have been denied housing.⁵

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This persistent, systemic discrimination is why LGBT people, and especially trans women of color, who face particularly pernicious discrimination, do sex work.⁶ **Criminalizing sex work criminalizes LGBT people experiencing poverty in DC who are just trying to survive and make ends meet.**

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Criminalizing Sex Work Impedes the City’s Purported Goals of Public Safety and Health.

Criminalization endangers sex-workers, counter to any goals of public safety. It prevents people from sharing information that could lower the risk of violence, and from reporting crimes including exploitation. It is *counter*-productive to anti-trafficking efforts – it drives consensual sex workers, a key population, underground, where the risks of exploitation increase. It makes sex workers vulnerable to abuse by third parties who can use the threat of reporting them to police to control and exploit.

In addition, in DC and around the country, criminalization has made sex workers susceptible to sexual violence at the hands of police officers.⁷ For sex workers, the police have historically been the perpetrators of harm and violence not a force that keeps them safe. The DC Trans Coalition found that about 20% of sex workers in DC report that police officers have demanded sex from them.⁸ Sex workers shouldn’t have to worry about retaliation by police for reporting about an officer’s abuse of their power but because their livelihood is criminalized, they do.

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Some organizations have suggested the City should criminalize the buying of sex but not the selling. While this may sound appealing, and a middle ground for those who disapprove of the sex trade, it does not work.¹⁰

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By removing criminal penalties, this bill empowers people who trade sex to reject coercive or unsafe working conditions, to negotiate with clients for safer practices, and if they experience exploitation or violence, to be able to report to authorities without a fear of arrest.

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DATE: October 17, 2019
NAME: Puneet Cheema
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STANCE: General Support

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Lambda Legal is the nation’s oldest and largest legal organization dedicated to the rights of LGBT people and those living with HIV. We support this bill to decriminalize sex work for consenting adults.

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Criminalizing consensual sex work *impedes* the goals of public health and safety for marginalized communities, including LGBT people.

Sex Work Helps People Meet Their Basic Needs When Discrimination Creates Barriers.

Many LGBT people, particularly trans people of color, rely on sex work for survival or to supplement their income, when discrimination in the formal market and across many sectors creates barriers and limits opportunities.

In a recent survey in DC, compared to 11% of DC residents overall, 46% of trans people made less than \$10,000 a year and 57% of trans women of color made less than that amount.¹

Black trans people experienced the highest rate of unemployment – 55%, compared to 9% of general DC residents.²

Despite our city’s anti-discrimination laws, 48% of employers prefer less qualified cisgender applicants to more qualified transgender applicants.³

The discrimination also extends to housing: 30% of black trans people and 33% of Hispanic trans people report being denied a lease because they were transgender.⁴ 58% of undocumented trans people have been denied housing.⁵

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This persistent, systemic discrimination is why LGBT people, and especially trans women of color, who face particularly pernicious discrimination, do sex work.⁶ **Criminalizing sex work criminalizes LGBT people experiencing poverty in DC who are just trying to survive and make ends meet.**

Sex work provides an avenue for people to get the resources we all need to survive. It provides a means for trans people to live independently and with dignity, and to support themselves and their families.

Criminalizing Sex Work Impedes the City’s Purported Goals of Public Safety and Health.

Criminalization endangers sex-workers, counter to any goals of public safety. It prevents people from sharing information that could lower the risk of violence, and from reporting crimes including exploitation. It is *counter*-productive to anti-trafficking efforts – it drives consensual sex workers, a key population, underground, where the risks of exploitation increase. It makes sex workers vulnerable to abuse by third parties who can use the threat of reporting them to police to control and exploit.

In addition, in DC and around the country, criminalization has made sex workers susceptible to sexual violence at the hands of police officers.⁷ For sex workers, the police have historically been the perpetrators of harm and violence not a force that keeps them safe. The DC Trans Coalition found that about 20% of sex workers in DC report that police officers have demanded sex from them.⁸ Sex workers shouldn’t have to worry about retaliation by police for reporting about an officer’s abuse of their power but because their livelihood is criminalized, they do.

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Some organizations have suggested the City should criminalize the buying of sex but not the selling. While this may sound appealing, and a middle ground for those who disapprove of the sex trade, it does not work.¹⁰

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And importantly, the Community Safety & Health Amendment Act is critical to mitigating the exploitation of people who trade sex. A national network of anti-trafficking advocates and experts with experience in direct services for survivors of trafficking endorses the decriminalization of sex work.¹¹ It recognizes that trafficking is fueled by factors that make people vulnerable in the first place - poverty, discrimination, and a lack of labor rights.¹²

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By removing criminal penalties, this bill empowers people who trade sex to reject coercive or unsafe working conditions, to negotiate with clients for safer practices, and if they experience exploitation or violence, to be able to report to authorities without a fear of arrest.

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ORGANIZATION: Lambda Legal
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