

STATEMENT ON PROSTITUTION LEGISLATION

June 10, 2009

While the ACLU fully supports efforts to deal with the problem of human trafficking, H 5044A will not help in any way victims of trafficking; instead, it will only punish them more. And for those driven to prostitution for other reasons, this bill will only make it harder for them to lift themselves out of the situation that has forced them to this activity.

- The problem in Rhode Island is not that too few prostitutes are getting arrested. To the contrary, **both before trial and after sentencing, each year more women are imprisoned at the ACI for prostitution than for any other offense.** The vast sums of money that will be spent prosecuting and incarcerating these women would be better spent on programs that directly address the conditions and struggles that these women face and that have led them to prostitution.
- Prostitution is often an act of desperation brought on by a variety of circumstances including poverty, unemployment, illiteracy and drug addiction. **Threatening women with imprisonment and fines will not deter them from prostitution.** Instead, it will only drive them further underground where they will face even greater dangers and even more precarious financial situations.
- The bill allows for the seizure and forfeiture of any property that a woman owns when police claim it is derived directly from the proceeds of prostitution. As a result, under the extremely low burden imposed on police under forfeiture laws, **women are likely to lose whatever little money or property they have if they are arrested, making any efforts to turn their lives around even more difficult.**
- The amended bill's attempt to create an exemption from prosecution for victims of human trafficking is half-hearted at best and will not help these women at all. First, **the legislation places an unfair and heavy burden on the victim to prove that she has been a victim of trafficking, which she will rarely be able to do.** This approach is baffling given the widespread acknowledgement that trafficking victims are extremely fearful of their traffickers and highly unlikely to offer evidence against them.
- To the extent the amendment seeks to arrest and incarcerate women as a "tool" to force their cooperation with police, we find this morally unacceptable. **Trafficking victims should not face imprisonment for possibly months under the guise of helping to "free" them.** It is a cruel public policy that forces trafficked women to trade one set of bars for another. Finally, a trafficking defense does not deal at all with the many women who are driven to prostitution as victims of an economic system that has failed them and a society that has turned their backs on them.

In sum, passage of this legislation will only further victimize women who are already victims, and who need assistance, not punishment. If the legislature wants to seriously address prostitution, it should address poverty, cuts in the education budget, a lack of affordable housing and a shortage of mental health and addiction treatment services that lead so many women to prostitution in the first place.