



## OFFICE OF THE PUBLIC DEFENDER

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Dear Chair Miller and members of the Assembly Judiciary,

We respectfully provide the testimony in opposition to AB299 from the hearing on March 10, 2025, including all of the research that was referenced:

Research, and the lived experiences of sex workers, teaches us that increasing criminal penalties for sex-work related offenses escalates violence for all people in the sex industry, especially victims of trafficking. People enter the sex trade for a variety of reasons: some are coerced to trade sex, some trade sex because it is their best or only option to earn a living, and others work freely and by choice. Increasing criminal penalties does not prevent or minimize human trafficking. Additionally, the negative effects of criminalization fall disproportionately on women, people of color, transgender and non-binary workers, people with disabilities, and economically marginalized community members.

Evidence-based research conclusively shows that further criminalizing the sale of sex, both the buying and selling, makes circumstances more dangerous and self-perpetuating for victims of human trafficking and sex workers. We understand this argument may feel counterintuitive. However, *legislation increasing criminal penalties will increase the harm this bill seeks to mitigate.*

From looking at other countries and jurisdictions where this approach has been implemented, we know:

- Raising criminal penalties on buyers and repressive policing corresponds with an **increase in human trafficking**, increase in violence, and a decrease in the health and safety of both victims and workers.<sup>i</sup>
- Raising criminal penalties on buyers **discourages** buyers and other sex workers **from cooperating with law enforcement** to report and prosecute human trafficking.<sup>ii</sup>
- Raising criminal penalties does not lead to a decrease in the number of buyers, workers, or victims selling sex. In fact, these numbers increase. Research finds that **deterrence does not reduce the demand for sex** and may encourage a riskier client profile.<sup>iii</sup>
- Evidence is so clear that increasing penalties is harmful to those in prostitution and victims of sex trafficking that **250 scientists** wrote an open letter urging policy makers to move toward **decriminalizing sex work**.<sup>iv</sup>

Thank you,  
Paloma M. Guerrero  
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### Sources Cited Regarding the Dangers of Legislation Aimed at Ending the Demand for Purchased Sex

<sup>i</sup> Platt, L., Grenfell, P., Meiksin, R., Elmes, J., Sherman, S.G., Sanders, T., Mwangi, P. and Crago, A.L., 2018. [Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies](#). PLoS medicine, 15(12), p.e1002680. This study reviewing published research between 1990 and 2018 found that 1) on average repressive policing practices of sex workers were associated with increased risk of sexual/physical violence from clients or other partners across 9 studies and 5,204 participants; 2) repressive policing practices were on average at increased risk of infection with HIV/STI compared to those who had not, across 12,506 participants from 11 studies. 3) Repressive policing of sex workers was associated with increased risk of condomless sex across 9,447 participants from 4 studies. 4) repressive policing of sex workers, their clients, and/or sex work venues disrupted sex workers' work environments, support networks, safety and risk reduction strategies, and access to health services and justice.

<sup>ii</sup> Kate D'Adamo, *Attacking Demand, Escalating Violence*, Reframe Health and Justice, 2021 At 11, <https://www.reframehealthandjustice.com/resources/attacking-demand-escalating-violence-the-impact-of-twenty-years-of-end-demand-implementation-on-people-who-trade-sex>. See also Sanders, T., Brents, B.G. and Wakefield, C., 2020. *Paying for sex in a digital age: US and UK perspectives*. Routledge. See also, Bergquist, K.J.S., 2015. Criminal, victim, or ally? Examining the role of sex workers in addressing minor sex trafficking. *Affilia*, 30(3), pp.314-327.

<sup>iii</sup> *Assessment of Review of Operation of Article 64A of the Sexual Offences Order (Northern Ireland) 2008: Offence of Purchasing Sexual Services* Northern Ireland Department of Justice, September 17, 2019 at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/assessment-of-impact-criminalisation-of-purchasing-sexual-services.pdf>; Levy, J., & Jakobsson, P. (2014). Sweden's abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden's sex workers. *Criminology & Criminal Justice*, 14(5), 593–607. <https://doi.org/10.1177/1748895814528926>. Della Giusta, M., Di Tommaso, M.L., Jewell, S. and Bettio, F., 2021. Quashing demand or changing clients? Evidence of criminalization of sex work in the United Kingdom. *Southern Economic Journal*, 88(2), pp.527-544.

<sup>iv</sup> Elizabeth Nolan Brown. *Science-Based Policy Means Decriminalizing Sex Work, Hundreds of Scientists Say*. Reason. March 3, 2021. <https://reason.com/2021/03/03/science-based-policy-means-decriminalizing-sex-work-say-hundreds-of-researchers/>