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The Woodhull Freedom Foundation

Submitted to the Committee on the Judiciary & Public Safety

October 29, 2019

Hearing on Bill 23-0318, the “Community Safety and Health Amendment Act of 2019”

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Council of the District of Columbia

Committee on the Judiciary & Public Safety

Washington, DC

**Testimony in support of Bill 23-0318, the “Community Safety and Health Amendment Act of 2019”**

By Ricci Levy,

President and CEO of the Woodhull Freedom Foundation, Washington, DC

I am one of the founders and the President and CEO of the Woodhull Freedom Foundation. Our mission is to affirm sexual freedom as a fundamental human right. We have a vision of a world in which individuals have the ability to develop and express their unique sexuality; where people have personal autonomy with regard to bodily integrity; and where every individual has the right to sexual dignity, privacy and consensual sexual expression without societal or governmental interference, coercion or stigmatization.

On Sexual Freedom Day, September 23, 2011, the Council of the District of Columbia issued a proclamation citing the “significant and valued contributions to the human rights of the residents of the District of Columbia” of the Woodhull Freedom Foundation. The resolution refereed to Woodhull as a “hub for scholarship, writing, information, and action for sexual freedom and all the rights encompassed therein,’ and its “tireless advocacy” of its mission.

It is in those capacities you honored and noted in your proclamation those many years ago that I offer testimony today in support of Bill 23-3018.

My organization participated a decade ago in the United Nations Universal Periodic Review held in Geneva, Switzerland where we and our allies were successful in having the United States fully accept Recommendation #86, which called on the US to look into the special vulnerability of sex workers to violence and human rights abuses. The US stated, “We agree that no one should face violence or discrimination in access to public services based on sexual orientation or their status as a person in prostitution, as recommendation [#86] suggests.”

Bill 23-3018 is, at its heart, a human rights declaration. By decriminalizing prostitution, we are protecting personal autonomy and the right to earn income. We are making it easier for people to protect themselves from violence or coercion and to report crimes against their persons.

The criminalization of prostitution is often justified by the desire to protect people from trafficking. We categorically oppose trafficking and coercion, whether for sexual labor or any other kind of labor. But we also oppose the conflation of prostitution and trafficking. They are not the same thing. Prostitution, like any other labor, is an exchange of work for something of value. Like many kinds of work, prostitution involves use of the body. Like many kinds of work, prostitution is aimed at creating pleasure for others. In this case that work

involves sex and because sex between consenting adults is not illegal, and so neither should be the exchange of something of value for that consensual sex. Like many kinds of work, people are sometimes coerced into prostitution against their will. We do not outlaw domestic labor or agricultural labor because people are trafficked into them, because people are forced by economic need to do them, or because the work is sometimes organized in grossly exploitive ways. Instead, we address the exploitive conditions, strengthen our social safety nets, and prosecute the traffickers.

I propose here that the real issue is the sex, rather than the money. We are still in many ways a Puritanical society that wants to regulate the kinds of sex that people can have, especially when they are having it for pleasure instead of for reproduction inside of marriage. But the US Supreme Court affirmed in Lawrence v. Texas that states could not ban consensual sexual activity between adults. The carving out of prostitution in that decision was without any reasonable grounds.

Let me be clear: If I decide to have sexual encounters with multiple people every single day and night, but never ask for anything in return, many of you might think poorly of me, but there are no laws that will result in my being sent to jail. If I marry someone with the expectation that they will support me as long as I keep them sexually satisfied, nobody will throw me in jail. if I engage in sex as my work, my labor, my job, only then I am guilty. But of what? I suspect that it would not be a stretch to say that I am guilty only of offending a puritanical society that would prefer to police my sexual expression than protect the human rights of vulnerable people.

If we truly want to put an end to the exploitation of [women], the flag our opponents use to wrap their opposition to this bill, then let us put an end to the exploitation of all people, men, women, transgender, lesbians, bisexuals, and gay people, by freeing them to earn income, control their bodies, and report crimes that they experience or witness without fear of prosecution or state violence. Let’s support their human rights to autonomy and independence instead of regulating their sexual expression. Let’s fight trafficking by making it easier for people to migrate freely and to support their families rather than by policing sexuality in ways that drive people who need help into the shadows.

I urge you to support Bill 23-3018 and restores the freedoms to which every person is entitled – our fundamental human right to sexual freedom.

Thank you for your consideration.

