



March 22, 2023

Dear House Judiciary Committee Member:

**MEMORANDUM IN SUPPORT OF H6140**, which grants immunity from prosecution for prostitution-related offenses to any person who is a victim of or witness to a crime that was related to their involvement in commercial sexual activity if they report the crime to law enforcement and in good faith assist or attempt to assist in the investigation of the crime, even if they later withdraw their cooperation.

As a human rights organization, Woodhull Freedom Foundation fully supports H6140. More than a decade ago, we participated 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."*

H6140 will bring Rhode Island further towards fully recognizing that violence against sex workers is a human rights violation. This bill will make it easier for people to protect themselves from violence or coercion and to report crimes against their persons.

The Universal Declaration of Human Rights (UDHR), ratified by the United States in 1948, outlines a clear case in support of this bill. Article 7 states, *"all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."* Human rights are all-encompassing, applying equally to all of us. They are especially important for those who are the most marginalized among us, like victims of trafficking. H6140 will protect the human rights of Rhode Island's most vulnerable and make them safer!

People experiencing trafficking are at an increased risk of experiencing violence and further exploitation. Many of those being trafficked do not report violent crimes or seek medical attention for injuries and trauma resulting from that violence because they fear being prosecuted for prostitution. Attackers exploit this fear and commit heinous crimes with impunity, leaving exploited persons at risk of serious injury, even death. Infamous serial killers across the country have openly admitted to targeting those engaged in prostitution for this very reason, from Gary Ridgway to Sam Little.

When trafficked people are arrested, they are subject to another layer of trauma. Involvement in the criminal legal system not only adds to trauma and stigma, which makes emotional recovery much more difficult, but it also creates additional practical barriers to survivors as they rebuild their lives. Criminal convictions impede survivors' access to housing, education, and other critical social services. Thus, it is critical that trafficked people are guaranteed immunity from prosecution for prostitution when they make



the brave decision to report their victimization or that of others to law enforcement or to seek medical care.

Rhode Island has the opportunity to join other states throughout the country creating similar policies. California, Oregon, Utah, New Hampshire, Vermont, Colorado, and Montana have existing immunity laws, and other state legislatures are considering similar bills this year including New York, Nebraska, Tennessee, and Hawaii. Individuals and organizations with a diverse breadth of priorities and experiences have openly supported these policies across the country, including trafficking survivors, advocates, sex workers, prosecutors, and police departments.

To make our communities safer, it is in the public interest to encourage victims and witnesses of crime to come forward and aid law enforcement. This bill would enable law enforcement to arrest and convict those committing criminal acts, and in so doing, protect Rhode Island's most vulnerable. It also sends a clear message that trafficking survivors deserve the right to report crimes committed against them and seek justice if they so choose. Passing this legislation is a critical step in our effort to end human trafficking in Rhode Island, affirm fundamental human rights, and promote the health, well-being, and social support of all survivors.

We want to note that there is a similar immunity bill being considered today by this committee, H6064. We have written in support of the intent and spirit of that bill, but wish to point out a few key differences that make H6140 a superior bill that does more to support people engaged in commercial sexual activity:

1) H6140 does not limit the types of crimes that one must be a victim of or witness to in order to obtain immunity from prosecution for prostitution-related crimes. This is critical because the entire purpose of this legislation is to remove barriers from reporting for sex workers and survivors – leading to their safety and the safety of others. Those of us who have worked within the legal system know too well that marginalized people are targeted by predators in a variety of ways – and that these predators often target others. If there is a serial rapist targeting sex workers, we would want people to come forward and report any suspicious or harmful behavior committed against them in the hope that it can lead law enforcement to catch this individual. H6064 excludes crimes that are often committed against sex workers and survivors, *including but not limited to*:

- i) **Chapter 14.1 of Title 11 RI General Laws; Impersonation of a public officer.** Predators sometimes pose as law enforcement to gain access to people in the commercial sex industry – we would want to encourage reporting of this crime.
- ii) **Chapter 17 of Title 11; Forgery and counterfeiting.** Traffickers often engage in forgery, ensnaring their victims in schemes related to counterfeit money, insurance or public benefits fraud, and false documentation.
- iii) **Chapter 4 of Title 11; Arson and Fires.** Such crimes committed against people in the sex industry must be reported without fear of arrest for prostitution.
- iv) **Chapter 8 of Title 11 ; Burglary and Breaking and Entering.** Again, predators resort to a wide variety of tactics related to harming their victims, including burglary and related crimes.



2) H6140 specifically ensures that law enforcement is not immune from civil liability when they know or should know that a person is protected by this immunity provision. This is critical in supporting the rights of the most marginalized people.

3) H6140 also ensures that if someone seeks medical care for the crime committed against them, they are also protected. Many people fear seeking medical treatment if they believe a police report will follow – this bill ensures that seeking care is specifically delineated and immunity will be granted in such cases.

We strongly support **H6140** and urge the House Judiciary Committee to do the same in order to ensure the safety and health of all citizens of Rhode Island and to affirm their fundamental human rights.

Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in black ink that reads "Ricci Joy Levy".

Ricci Joy Levy  
President & CEO  
Woodhull Freedom Foundation