



INTERESTED PARTY TESTIMONY
Sub. HB 431, The Ohio Senate Judiciary Committee
Emily Dunlap, Esq., Advocating Opportunity
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Chair Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the committee, thank you for the opportunity to provide interested party testimony in regard to Substitute House Bill 431 on behalf of Advocating Opportunity.

Advocating Opportunity is an Ohio nonprofit organization that provides holistic advocacy and free legal services to survivors of human trafficking. With offices in both Toledo and Columbus, we represent survivors in communities across the state. Last year, our advocates and attorneys served over 200 survivors of human trafficking. These survivors included people of all genders, nationalities, and ages who experienced labor trafficking, sex trafficking, and not uncommonly, both forms of victimization. We are particularly concerned with the ways that laws and social structures make people, particularly those who are marginalized, vulnerable to human trafficking, and advocate for changes that eliminate these vulnerabilities.

Advocating Opportunity is dedicated to ending human trafficking in Ohio. We honor that this committee shares that aspiration, as do the representatives who introduced House Bill 431 and the Ohio Attorney General. Advocating Opportunity comes before you today as an interested party due to concerns about the consequences of House Bill 431.

HB431 has been championed as a way to end human trafficking, though focused solely on sex trafficking without similarly advancing the goal of ending the extremely prevalent issue of labor trafficking. Specifically, the goal of this bill is to end demand for human trafficking, sex trafficking, by establishing a database for people who are convicted of purchasing or exchanging something of value for sex.

Advocating Opportunity is concerned that this bill is targeted at all sex work, not just sex work that is compelled by a trafficker. We fear that by painting with such a broad brush, this law overreaches its stated goals. Instead of fighting human trafficking, it will, in reality, make things more dangerous for people engaging in commercial sex- both people doing so because they are being compelled by a trafficker and those acting on their own volition. Increased risk, penalties, and police presence will not eliminate the existence of people willing to pay for sex but will instead push people engaging in sex work further into the margins and into more dangerous situations. By making commercial sex more dangerous to engage in, we are putting those most vulnerable to exploitation in an even more precarious position.

Advocating Opportunity supports evidence-based solutions to end human trafficking. We dedicate ourselves to removing legal and systemic barriers from the paths of survivors so they may meaningfully pursue their goals and live their lives on their own terms. Spending years doing that work, day in and day out, has made us particularly wary of “end demand” solutions billed as the way to eliminate trafficking. These proposals too often rely on an oversimplified understanding of human trafficking, analogizing to the basic economics of supply and demand. Human trafficking is a complex social problem; likening it to the sale of avocados ignores the deeply nuanced issues at play in this kind of exploitation and does so at our peril.

We recognize the hard work of our law enforcement and judicial partners in this fight, as we cannot succeed without them. However, we have also heard from those same partners repeatedly that we are not going to arrest our way out of this problem. Ratcheting up penalties, creating this database, is not going to curb human trafficking but will instead drive it deeper underground. The solution we seek is not going to be a quick fix or a silver bullet but will require holistic, community-based solutions supported by evidence and best practices. It concerns Advocating Opportunity that proponents of this bill have cited no studies supporting the effectiveness of databases or other end demand tactics, while there is a great deal of international research explaining why such measures, even if well-intended, are actually quite harmful.

Laws focused on criminalizing or otherwise discouraging people from buying commercial sex are not novel, having been most recognizably utilized in countries like Sweden

and Canada. These laws have been studied and the findings are bleak.¹ Instead of eliminating human trafficking and improving the lives of those marginalized and most vulnerable, these laws have pushed them deeper underground and into more dangerous or violent situations, further from available community resources for assistance and intervention. Buyers do not stop purchasing sex, but instead move off the streets or go online to mitigate the personal risk to the detriment of sex workers. We fear that this law that asks Ohio to engage in short-sighted anti-prostitution shaming will not meet its stated objectives, but will instead put some of Ohio's most vulnerable people in even more difficult and dangerous circumstances.

Advocating Opportunity works with many partners across the state to advance our shared goal of ending human trafficking. To do that work most effectively, organizations and institutions have been asking the State to prioritize collecting, analyzing, and publishing good, reliable data about human trafficking here in Ohio. However, HB 431 proposes a massive project to collect data on one miniscule part of the entire human trafficking equation: people who purchase sex. There are no provisions explaining how this data will be collected, who will be overseeing such a project, what data will be collected, the measures taken to ensure objectivity, and how those running the analysis will know if the people featured on this database have ever participated in human trafficking or similar kinds exploitation. Even if there was an explanation provided, data analysis on people who purchase sex is not the kind of information the anti-trafficking community would find useful in furthering our work serving survivors. We sincerely appreciate your time and your continued efforts to find the most productive and effective ways to fight human trafficking and directly support survivors here in Ohio.

¹ Jordan, Ann, *The Swedish Law To Criminalize Clients: A Failed Experiment in Social Engineering*, American University, Washington College of Law, Center for Human Rights and Humanitarian Law, Program on Human Trafficking and Forced Labor, April 2012; Levy, Jay and Jakobsson, Pye, *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*, Vol. 14, 593, 2014; Krüsi A, Pacey K, Bird L, et al. *Criminalisation of Clients: Reproducing Vulnerabilities for Violence and Poor Health Among Street-Based Sex Workers in Canada—A Qualitative Study*. *BMJ Open* 2014.