



Sarah Inskeep
Opponent Testimony for House Bill 431
Ohio Senate Judiciary Committee
Wednesday, November 18, 2020

Chairman Eklund, Vice-Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for allowing me to testify in opposition to Substitute House Bill 431. It would be my preference to deliver this testimony in person, however due to the alarming increase of Coronavirus cases and leadership's continued neglect to consistently implement precautions, including the minimum of a mask mandate, in the Ohio Statehouse, it is simply not safe to come before this committee. It is my hope that this committee – and every committee in both the Senate and House – immediately implements a mask mandate and begin offering virtual testimony opportunities so that the constituents each of you represents can safely participate in the legislative process without risking their health.

With that, my name is Sarah Inskeep and I am the Ohio State Policy and Movement Building Director for URGE: Unite for Reproductive and Gender Equity. URGE is a Reproductive Justice organization led by and for young people of color and LGBTQ+ folks in the South and Midwest, which includes our work in Ohio.

At URGE, we firmly believe that Reproductive Justice is when people have the economic, social and political power, resources, and agency to make healthy and informed decisions about their bodies, sexuality, and reproduction. It is only then that our people can live, love, create families, and live safely and with dignity in their communities. On behalf of our hundreds of members across Ohio, I urge you to vote no on Substitute House Bill 431.

For the purpose of my testimony today, I will begin with defining the terms that I will be using. This is important because throughout the hearing process for this bill and others that seek to further criminalize soliciting and the purchasing of sex, it has been made abundantly clear that a shared understanding of the vocabulary being used to discuss the matters related to this bill is severely lacking.

Sex workers are adults who receive money or goods in exchange for consensual sexual services or erotic performances, either regularly or occasionally. Sex workers sell sexual services in order to earn a livelihood. The vast majority of sex workers choose to do sex work because it is the best option for them.¹

¹ Sex Workers Outreach Project Behind Bars. *Sex Work and Sex Trafficking*. <https://www.swopbehindbars.org/about-swop-behind-bars/the-difference-between-sex-work-and-sex-trafficking/>



The morally charged term, “prostitution”, has been associated with deviance, corruption, and criminality. It still is today. The use of the terms like “prostitution” and “prostitute”, restrict a person’s identity to the activities in which they engage in. The negative connotation attached to these words reduce a person to one dimension: engaging in sexual activities for money. Sex workers need these activities to be defined as work because their activity generates income and provides them economic security just like any other job.

Human trafficking is an egregious human rights violation involving the threat or use of force, abduction, deception, or other forms of coercion for the purpose of exploitation. This may include forced labor, sexual exploitation, slavery, and more.²

Where do the differences lie? Sex work is a consensual transaction between adults, where the act of selling or buying sexual services is not a violation of human rights. Conflating trafficking with sex work is harmful, counterproductive, and lawmakers must stop denying that this is in fact the reality and legislation like

Organizations that support the decriminalization of sex work also hold the position that trafficking is wrong. Sex workers and advocacy organizations like URGE are united and unequivocally believe that **any** form of trafficking is **wrong** and that the most effective way to support survivors and those wanting to exit the sex trade is to **decriminalize it**. House Bill 431 would do the opposite. Databases or registries like the one proposed under this bill only further stigmatizes and penalizes the industry and fail to create safer conditions for survivors and sex workers.

Ohio is not the first state to consider a database of this nature. Last year, sex workers across Florida and throughout the country spoke out against databases because of the fear and risk of their information ending up on the list, making them more vulnerable to violence and exploitation.³ As this committee has already heard, there is no evidence demonstrating that criminalizing or otherwise penalizing sex workers’ clients has reduced the rates of trafficking or individuals’ participation in the sex trade. Instead, penalizing clients has made sex workers more vulnerable to exploitation and trafficked survivors more reluctant to report any exploitation to the police for fear of retaliation from traffickers or due to their deep distrust of the law enforcement authorities.⁴ If resources were to go to creating and implementing any kind of database it should be for instances excessive use of force and accountability of the police.

² Id.

³ The Intercept. *Florida is Poised to Create an Anti-“Trafficking” Registry That Will Inevitable Hurt Sex Workers.* <https://theintercept.com/2019/04/05/florida-human-trafficking-registry-sex-work/>

⁴ Deering KN, Amin A, Shoveller J, Nesbitt A, Garcia-Moreno C, Duff P, Argento E, Shannon K. Am J Public Health. 2014 May; 104(5): e42-54.



Substitute House Bill 431 is yet another attempt to legislate a perceived problem that is not reflective of the realities or experiences of survivors or individuals engaged in sex work. The failed methods that we have seen in Columbus and in other cities across the state like the VICE Unit, sting operations, raids, and constant surveillance of communities have only resulted strained community relationships, violence, and death like in the case of Donna Dalton Castleberry here in Columbus.

These tactics have not solved the issue of trafficking nor have they improved the conditions for people in the sex trade in Ohio. And neither will creating a database. If anything, it will only continue to drive sex work further underground.⁵ This type of surveillance, policing, and punitive measures are among the primary ways in which Black women, girls, trans and gender-nonconforming folks experience racial profiling, police violence, and mass incarceration. State resources would be better used to effectively fight human trafficking, which is a resource-intensive process that centers a trauma-informed approach and focuses on access to housing, comprehensive health care, including mental health services, safe reporting mechanisms, and more.

We must start listening to the experiences, needs, and wants of trafficking survivors and sex workers. We must educate ourselves. We must set aside our judgment and center individuals' agency, respect their choices, and dismantle systems that are violent and oppress marginalized communities. Policy that is based on shame, stigma, and fear will never address the root of the problem. I urge a no vote on Substitute House Bill 431 and I'm happy to answer any questions the committee may have through email, phone call, or virtual conference meeting.

⁵ Decker MR, Crago AL, Chu SK, Sherman SG, Seshu MS, Buthelezi K, Dhaliwal M, Beyrer C Lancet. 2015 Jan 10; 385(9963):186-99.