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STATEMENT TO ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Chairman Quirk and Committee members:

My name is Jerald Mosley. I thank the committee for this opportunity to speak briefly on the very different issues of sex trafficking and ordinary sex work, or prostitution, and to provide what assistance I can in the effort to undergird policy with empirical research and facts rather than sensationalized images and anecdotes that may capture the imagination. I am a former Supervising Deputy Attorney General with the California Department of Justice, but now that I am retired from the Department, I retain no connection with it, and I do not speak for the Department.

As the 2012 DOJ report on human trafficking emphasizes, the essential nature of trafficking is slavery. It is the involvement of a minor in commercial sex or the enslavement of any individual by force, fraud or coercion to provide labor or sex. This is the core of the offense under both state and federal law. It is a heinous offense and justifiably triggers public outrage.

In sharp contrast are California's penal provisions pertaining to consensual, adult, commercial sex. Chief among them is California's anti-prostitution provision in Penal Code 647(b) which has been interpreted to criminalize any physical contact whatever if it is of a sexual nature and money is exchanged. There is no exception regarding consent, age, privacy or the relationship of the parties. Despite the public alarm over sex trafficking and the popular association of prostitution with trafficking, there is no evidence that coercive sex is in any way a significant share of commercial sex acts in this country.

The DOJ's report repeatedly emphasizes how unreliable trafficking figures are. One of the problems in developing even a reasonable estimate of sex trafficking is the lack of uniformity in how sex trafficking is to be measured. Some analysts, for example, insist that virtually any illegal migration leading to prostitution is trafficking regardless of the consent and foreknowledge of the prostitute.¹ Perhaps for this reason, the DOJ has seen the need to make explicit that human trafficking and smuggling are fundamentally different crimes. (p. 17.) The San Francisco Human Trafficking Report of this year discloses that its Police Department counted all adult sex workers as suspected trafficking survivors, even without signs of force, fraud or coercion. (p. 36.) Perhaps because of this tendency, the U.S. State Department, in its 2010 Trafficking in Persons Report, states, "Prostitution by willing adults is not human trafficking regardless of whether it is legalized, decriminalized, or criminalized."² I urge the committee to look behind any figures on trafficking it is given and assess the bases for the figures.

Rigorous research into the phenomenon of prostitution paints a markedly different picture than the image of the intimidated and coerced trafficking victim, and a markedly different picture than popular stereotypes of prostitution. I will mention here only a few of the facts that challenge popular preconceptions, but I will be happy to provide the committee with studies and research that underlie what follows, as requested.

Only about 20% of prostitutes work on the street. The rest work indoors.³ Sex workers today make conscious decisions to enter the trade, often viewing it as a part-time job that grants autonomy and flexibility.⁴ A significant portion of clients of call girls are regular clients of one call girl⁵ and, far from abusive, many clients seek intimacy and some level of emotional

connectivity.⁶ Most streetwalkers do not, in fact, have pimps. Limited studies found only 6% of streetwalkers in Los Angeles and 7% in Miami shared their income with pimps.⁷

Amnesty International recognizes the difference between trafficking and prostitution. In August, its decision-making body re-affirmed its abhorrence of trafficking but also recommended that nations decriminalize all aspects of consensual sex work. Amnesty is not alone. Other national and international bodies that support decriminalization include Freedom Network USA, an organization of 38 providers of service to victims of trafficking, Human Rights Watch, the World Health Organization, and the UN sponsored Global Commission on HIV and The Law. Amnesty recommends a re-focusing of laws “to tackle acts of exploitation, abuse and trafficking – rather than having catch-all offences that criminalize sex workers....”⁸

Now is the time for California to take a leadership role in just such a re-thinking and re-tooling of efforts to both effectively combat trafficking *and* to respect individual autonomy and constitutional privacy rights. Professor Ronald Weitzer, leading expert on sex work and law enforcement at George Washington University, has pointed out that prostitution policies are becoming increasingly divorced from sound research.⁹ Sound research is what confronts us with the harm that criminalization of prostitution does and the benefits that decriminalization can bring.

In a criminalized environment sex workers are isolated, afraid to report crimes for fear of their own arrest and, thus, can be expected to be afraid to report evidence of trafficking. As to the impoverished and unsophisticated sex worker who may be the most vulnerable to arrest and the most in need of state assistance, giving her a criminal record which will exacerbate her difficulties in ever entering the legitimate job market is hardly a constructive response to her plight. And, of course, decriminalizing her private exchange of sex for money, does not entail

turning a blind eye to acts of harassment, nuisance, or intimidation occurring on our public streets.

Attempts to enhance penalties on customers can be expected to deter only peaceful customers with respectable careers and reputations to lose, leaving sex workers with only the more troublesome and dangerous clients.¹⁰ This is one of the consequences of Sweden's much talked-about criminalization of the customer and not the sex worker, at least as concerns women working on the street. The primary effect of the law has been to drive sex work underground where it is riskier.¹¹ The UN's Global Commission on HIV and the LAW released a report in 2012 denouncing the Swedish approach, saying "Since the enactment in 1999, the law has not improved—indeed it has worsened the lives of sex workers."¹²

The criminalization of sex workers does not contribute to the fight against trafficking.¹³ Law enforcement has the opportunity to question sex workers in their investigations of trafficking whether or not sex work itself is illegal, and, as noted above, it can be expected that sex workers who see law enforcement as their allies and protectors in a decriminalized environment will be much more willing to cooperate in such investigations. Moreover, the contention that the threat of prosecution for prostitution is needed in order to pry information about trafficking out of reluctant sex workers suggests that the criminalization of a population can be justified on the sole ground that it creates a tool for intimidating witnesses into cooperating with law enforcement.

The available data from other countries gives very good evidence that decriminalization of sex work does not increase trafficking. In Germany the number of confirmed trafficking victims has steadily declined since 2002 when Germany legalized third party involvement such as ownership of brothels or escort agencies (prostitution itself was already legal).¹⁴ There is no

evidence that the legalization of sex work in three Australian states¹⁵, in the Netherlands¹⁶ or in New Zealand¹⁷ has increased sex trafficking.

Indeed, there is strong international evidence of the positive effects of decriminalizing sex work. Since legalization in the Netherlands the improvement in relations between law enforcement and sex workers has been described as a “sea change.”¹⁸ A 2010 study found that legal brothels in Sydney and Melbourne, Australia fared better on measures of health and safety than the illegal ones in Perth.¹⁹

New Zealand decriminalized sex work in 2003, and since then sex workers feel safer and they feel more comfortable reporting crimes. They are confident the police will treat them with respect and take their complaints. Their legal status has improved their working conditions both on the street and indoors. It has made it easier for streetwalkers to insist on condom use and indoor workers to refuse clients without being penalized.²⁰ The empowerment of sex workers is best illustrated by a New Zealand sex worker who last year sued her brothel owner for sexual harassment. She prevailed and was awarded money damages.²¹

With this background, California now has the opportunity to, in the words of the Governor’s recent veto message, “pause and reflect how our system of criminal justice can be made more human, more just and more cost-effective.”

NOTES

¹ George Washington University Criminologist, Ronald Weitzer, known for his expertise on prostitution and sex trafficking has published widely on those topics. In his “New Directions in Research on Human Trafficking,” *The Annals of the American Academy of Political and Social Science* 653.1 (2014): 11, he refers to independent analysts who criticize the use of different definitions of trafficking “victims,” the practice of extrapolating from a few documented victims to the entire victim population; and “‘estimates’ that lump smuggled

laborers into the trafficking category regardless of their consent and conditions of labor.” In this connection he cites:

- (i) Elzbieta Gozdziaak and Elizabeth Collett, “Research On Human Trafficking in North America,” *International Migration* 43 (2005): 99-128;
- (ii) Galma Jahic and James Finckenauer, “Representations and Misrepresentations Of Human Trafficking,” *Trends in Organized Crime* 8 (2005): 24-40;
- (iii) Sheldon Zhang, “Beyond the ‘Natasha’ Story: A Review and Critique of Current Research on Sex Trafficking,” *Global Crime* 10 (2009): 178-195;
- (iv) Sheldon Zhang, “Measuring Labor Trafficking: A Research Note,” *Crime, Law, and Social Change*, 58 (2012): 469-482.

Weitzer also discusses this issue, in his “Sex Trafficking and the Sex Industry: The Need for Evidence-Based Theory and Legislation.” *Journal of Criminal Law and Criminology* 101.4 (2011): 1353. He points out that the U.S. Government Accountability Office (GAO), in a 2006 report, was highly critical of prevailing trafficking figures and concluded that neither the U.S. nor other governments had in place an effective mechanism for estimating the number of trafficking victims. The GAO pointed out that many countries lump smuggling and illegal migration in the trafficking category. Weitzer notes that independent analysts concurred and that some reports defined all migrant sex workers as trafficking victims regardless of consent and conditions of labor. He cites the following:

- (i) Gov’t Accountability Office, GAO-06-825, “Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad,” 2 (2006):10;
- (ii) Id. at 16 (criticizing the “intermingling of trafficking, smuggling, and illegal migration in official statistics.”)
- (iii) Gozdziaak & Collett, *supra* this note, at 108

In his “Sex Trafficking and the Sex Industry,” at 1354, Weitzer also notes that the United Nations Educational, Scientific, and Cultural Organization’s Bangkok office bluntly stated that “when it comes to statistics, trafficking of girls and women is one of several highly emotive issues which seem to overwhelm critical faculties.” Here he cites “Trafficking Statistics Project,” UNESCO Bangkok, <http://cms2.unescobkk.org/index.php?id=1022>.

In 2011 James O. Finckenauer and Ko-lin Chin reported on their federally-funded study of transnational migration of women from China who entered prostitution in their countries of destination. (“Researching and Rethinking Sex Trafficking The Movement of Chinese Women to Asia and

the United States for Commercial Sex,” Report Submitted to the National Institute of Justice, United States Department of Justice. Document No.: 233583, Award Number 2006-IJ-CX-0008. <https://www.ncjrs.gov/pdffiles1/nij/grants/233583.pdf>.) They noted that different groups use different definitions to suit their own interests and agendas. Under federal and California law, sex trafficking is commercial sex induced by force, fraud or coercion (setting aside the underaged). But other groups define sex trafficking as the recruitment, harboring, transportation or obtaining of a person for purposes of a commercial sex act, i.e., no force, fraud or coercion need be used. Still others consider all prostitution to be a form of sex trafficking. (p. 137.)

Their findings bear directly on how frequently women migrate and enter sex work without being trafficked. They interviewed Chinese immigrant prostitutes in 8 Asian cities and in New York and Los Angeles. They did not include arrestees in their study, but their results were quite surprising nonetheless. Although they found about 10% of their sample had been trafficked within China before migrating, they found only two victims of transnational trafficking as defined by U.S. and federal law (one was 17 years old and the other had been duped), and neither of those women was working in the U.S. (See the discussions throughout their study, but especially pp. 40-41, 129-130, and 149-150.) The researchers also asked the prostitutes whether they had ever met a Chinese woman who said she was forced, deceived, or coerced into prostitution abroad, and only three out of 148 (2 percent) said they had. (p. 129.)

² United States. Dept. of State. The sidebar “What Is Not Trafficking In Persons” in *Trafficking In Persons Report*. US DOS, 2010.

³ Ronald Weitzer, *Legalizing Prostitution: From Illicit Vice to Lawful Business*, New York: New York UP, 2012, p. 22; Weitzer’s “Prostitution: Facts and Fictions,” *Contexts* 6.4 (Fall 2007): 28, <http://www.ucpressjournals.com/reprintinfo.asp>, at 2; Sylvia A. Law, professor of Law, Medicine and Psychiatry at New York University School of Law, estimates the number of streetwalkers at ten to twenty percent in her lengthy and detailed discussion of commercial sex in “Commercial Sex: Beyond Decriminalization,” 73 *S. Cal. L. Rev.* 523, 529 (March 2000). Law also references estimates that “high-class ‘call girls’ or ‘escorts’” make up the largest group of prostitutes. (p. 529)

⁴ (i) Sudhir Venkatesh, “Five Myths About Prostitution,” *Washington Post* (12 September 2010): 2, <http://www.washingtonpost.com/wp-dyn/content/article/2010/09/10/AR2010091002670.ht>. His entire paper discusses the character of prostitution. The specific contention regarding conscious decisions, part-time work and autonomy and flexibility is attributed to Elizabeth Bernstein but without a specific reference. Bernstein is a Professor of Women’s Studies and Sociology at Barnard College and her *Temporarily Yours: Intimacy, Authenticity, and the Commerce of Sex*, Chicago: U of Chicago P, 2007, is a well-known study of prostitution.

(ii) Also of interest is the 1991 finding that the average earnings of even street prostitutes was higher than the average for working women overall. (Lee A. Lillard, “The Market for Sex: Street Prostitution in Los Angeles.” First Draft, (December 1995):10-11.) The author of this study was associated with the Rand Corporation. He is now deceased and the study was never

published as a Rand publication, but the primary dataset used in the study was the 1991 Los Angeles Women's Health Risk Study which surveyed female sex workers soliciting on the streets of Los Angeles County from September 1990 through February 1991. See *infra* note 5 for additional analysis of this study made by staff members on the study itself.

(iii) The high income generated by sex work spawned a 2002 economic study just to explain the phenomenon. (Lena Edlund, and Evelyn Korn, "A Theory of Prostitution," *Journal of Political Economy* 110.1 (February 2002): 181-214.)

These findings in no way ameliorate or minimize the plight of women who are indeed destitute and abusively coerced. But they do serve to sharpen the perspective on what "characterizes" prostitution and who it is that is criminalized under California's broad anti-prostitution law.

⁵ Drawing on data and personal contacts from the Los Angeles Women's Health Risk Study conducted by the Rand Corporation in 1990-1991, Janet Lever and Deanne Dolnick (staff members on the health risk study) found that that 49% of the clients of the studied Los Angeles County call girls were regular clients and 45% of those relationships were over a year old. They also found that 28% of street workers' clients were regular clients and 43% of those regular clients had been clients for over a year. ("Call Girls And Street Prostitutes: Selling Sex And Intimacy," in *Sex for Sale: Prostitution, Pornography, and The Sex Industry* 193-194. (Ronald Weitzer ed., 2nd ed. New York: Routledge, 2010.)

⁶ (i) Teela Sanders is a writer, academic, and researcher whose focus is on the UK sex industry. Her research on men who buy sex is set out in her *Paying for Pleasure: Men Who Buy Sex*, 2nd ed., London: Routledge, 2012. She found that "the desire for intimacy and romantic emotional connectivity are evident within the commercial setting," and concluded that a "false dichotomy is maintained between commercial and non-commercial relations." (p. 109.)

(ii) Christine Milrod and Ronald Weitzer studied 2,442 postings on a popular forum where clients review sex worker escorts and discuss their interactions with the escorts. Approximately one-third of the postings contained discussions of emotional intimacy in client-provider relationships. Most of those posting their comments felt they were in a paid relationship. The evidence suggested men who become regular clients develop feelings for their provider and value an emotional connection in addition to sex. Indeed, postings revealed there are even men who struggle with the appropriate way to "break up" with a provider they have been seeing. ("The Intimacy Prism: Emotion Management Among The Clients of Escorts." *Men & Masculinities* 15.5 (2012): 447, 451, 453, 461, 463.)

(iii) Catherine Hakim observes that this need for a "normal" relationship (rather than brief sex) runs through all levels of the industry, and that is why women with good social skills can earn more than the most beautiful. ("Supply and Desire: Sexuality and the Sex Industry in the 21st Century," *Discussion Paper No. 61, Institute of Economic Affairs* (August 2015): 26.)

(iv) See also Bernstein, *supra* note 4, at 125-130 for a discussion of the emotional dimension that can make its appearance in prostitute-client relationships.

⁷ (i) The 6% figure is found in Lillard, *supra* note 4, at 10.

(ii) The study finding the 7% figure is referenced by Weitzer in “Prostitution: Facts and Fictions,” *supra* note 3, at 28, but he does not identify the study.

(iii) In 2008 the Center for Court Innovation and John Jay College of Criminal Justice reported on their federally-funded study of New York City prostitutes 18 years of age and under. Of their studied sample of 249 juveniles, 16.5% had pimps. Of those, 26.1% of the girls had pimps, 9.1% of the boys had pimps and none of the transgender youths had pimps. (Ric Curtis et al., “Commercial Sexual Exploitation of Children in New York City,” Report Submitted to the National Institute of Justice, United States Department of Justice. Document No.: 225083, Award Number: 2005-LX-FX-0001, <https://www.ncjrs.gov/pdffiles1/nij/grants/225083.pdf> at 77.)

(iv) A 2002 study of prostitutes in Montreal, Toronto and San Francisco found that the majority of women providers work for themselves as do virtually all the men and transgenders. (Frances M. Shaver, “Sex Work Research: Methodological and Ethical Challenges,” *Journal of Interpersonal Violence* 20 (2005): 309.)

(v) Maggie McNeill is an author and former librarian, call girl and madam, who married one of her clients and blogs under the title *The Honest Courtesan*. She comments that fewer than half of street workers have pimps, and about half of the pimps are actually the employees of the women they manage, not the other way around. (“Lies, Damned Lies and Sex Work Statistics,” *Washington Post* (27 March 2014), <http://www.washingtonpost.com/news/the-watch/wp/2014/03/27/lies-damned-lies-and-sex-work-statistics>, at 7.)

⁸ (i) “Decision on state obligations to respect, protect, and fulfil (sic) the human rights of sex workers,” C:\dat\prostitution\literature\articles\amnesty\resolution.html.

(ii) “Q&A: Policy To Protect The Human Rights Of Sex Workers,” <https://www.amnesty.org/en/qa-policy-to-protect-the-human-rights-of-sex-workers/> (the quoted language re catch-all offences is found in answer to question 6.)

(iii) “Global movement votes to adopt policy to protect human rights of sex workers,” <https://www.amnesty.org/en/latest/news/2015/08/global-movement-votes-to-adopt-policy-to-protect-human-rights-of-sex-workers/>.

⁹ Ronald Weitzer, “The Mythology of Prostitution: Advocacy Research And Public Policy,” *Sexuality Research and Social Policy* 7.1 (March 2010): 26.

¹⁰ This opinion is voiced by Sylvia Law, *supra* note 3, at 568, where she references Wendy McElroy’s *Prostitutes, Anti-Pro Feminists and the Economic Associates of Whores, in Prostitution: On Whores, Hustlers, and Johns* 333, 338 (James Elias, Veronica Elias & Vern L. Bullock eds., 1998) and notes McElroy’s observation that stiffer penalties on customers will not determine, and historically never have determined, how many women will turn to the streets and

that prostitute activists argue those laws will discourage married men with respectable careers and reputations to protect, but will not discourage the criminally inclined. These enforcement efforts keep peaceful johns off the streets and leaves women to compete more vigorously for johns and screen less rigorously those who approach them. Bernstein, *supra* note 4, at 183, examined client-focused approaches to prostitution in San Francisco and Stockholm and concluded that in neither city “is there compelling evidence that the criminalization of clients has been effective in decreasing demand for off-street sexual services, or, more important, for improving the lives of women in prostitution (the presumed impetus for seeking to eliminate the sex trade).”

¹¹ Weitzer discusses the Swedish system on pages 1363-1365 of his “Sex Trafficking and the Sex Industry, *supra* note 1. He notes that several independent analysts have concluded that Sweden’s approach has mainly driven prostitution underground, rendering the activity riskier. He references the following analysts:

(i) Arthur Gould, “The Criminalization of Buying Sex: The Politics of Prostitution in Sweden,” 30 *J. Soc. Pol’y* (2001): 437, 445.

(ii) Jane Scoular, “Criminalising Punters: Evaluating the Swedish Position on Prostitution,” 26 *J. Soc. Welfare & Fam. L.* (2004): 195, 199-200.

(iii) Susanne Dodillet & Petra Ostergren, “The Swedish Sex Purchase Act: Claimed Success and Documented Effects (Mar. 3-4, 2011): 19, (conference paper), <http://gup.ub.gu.se/records/fulltext/140671.pdf>;

(iv) Victor Clausen, “An Assessment of Gunilla Ekberg’s Account of Swedish Prostitution Policy” (Jan. 2007) (unpublished paper) (on file with author.)

Weitzer also notes that “the National Board of Health and Welfare, in three evaluations of the law, concluded that it has not achieved its objectives.” In its 2007 report it stated “that street prostitution is on the rise after an initial decline and that many other prostitutes use the internet and mobile phones to arrange meetings.” Weitzer references Annika Eriksson & Anna Gavanoas, Swed. Ministry of Health & Soc. Affairs, Nat’l Bd. of Health & Welfare, Prostitution in Sweden 2007, at 28 (2008).

Alison Bass’ 2015 book *Getting Screwed: Sex Workers and the Law* (University Press of New England) is written for the general public, but it assembles a great deal of source material. She notes that Sweden’s approach has harmed sex workers, that streetwalkers have reported increased violence, in part because regular clients avoid them and go to internet and indoor venues, and clients who remain on the street are more likely be drunk and violent and often demand unprotected sex. And when a client is in a hurry and frightened it is more difficult for a sex worker to assess whether he is dangerous and to negotiate condom use. The law has also

resulted in clients' being unwilling to give sex workers their contact information, making it more difficult for workers to screen their clients. She gives the following sources:

(i) Sandra Ka Hon Chu and Rebecca Glass, "Sex Work Law Reform in Canada: Considering Problems with the Nordic Model," *Alberta Law Review*, 51, no. 1(2013): 104;

(ii) Dodillet and Ostergren, *supra* this note, at 22-23, <http://chezstella.org/docs/etude-suede-2011.pdf>;

(iii) Jay Levy and Pye Jakobsson, "Sweden's Abolitionist Discourse and Law: Effects on the Dynamics of Swedish Sex Work and on the Lives of Sweden's Sex Workers," *Criminology and Criminal Justice*, 14, no. 5 (2014): 599;

(iv) Petra Ostergren, "Sex workers Critique of Swedish Prostitution Policy," *Bildernaar Tagna av Orlando G Bostrom, Webb av Sphinxly, CMS* (2010): 5, http://petraostergren.com/pages.aspx?r_id=40716;

¹² Bass, *supra* note 11, at 182, gives the following reference for the Global Commission on HIV and the LAW's report: Chu and Glass, *supra* note 11, at 123-124.

¹³ Bass notes that Sweden's law "has not put much of a dent in the Swedish sex industry; all it's done is displace streetwalkers, forcing them into more isolated, dangerous spaces, researchers have found," and that there is no evidence that the Swedish model has reduced trafficking in the region. (Bass, *supra* note 11, at 181.) She references:

(i) A 2010 Swedish government report stating that, since the Swedish law was passed, the total number of foreign prostitutes in all three of the Scandinavian countries of Denmark, Norway, and Sweden, has increased (she does not identify the report);

(ii) Jane Scoular, "What's Law Got to Do With It? How and Why Law Matters in the Regulation of Sex Work," *Journal of Law and Society*, 37, no.1 (March 2010): 19;

(iii) Levy and Jakobsson, *supra* note 11, at 598;

(iv) Samuel Lee and Petra Persson, "Human Trafficking and Regulating Prostitution," *Law and Economic Research Paper Series*, New York University School of Law, Working Paper no. 12-08, June 2012, 25-26.

¹⁴ I discussed the German statistics with Weitzer this month, prior to the hearing. On pages 115-120 of *Legalizing Prostitution*, *supra* note 3, he addresses Germany's decriminalization of prostitution and reports that the 2002 German law decriminalized prostitution, granted adult sex workers rights to enter into contracts, to apply for social insurance and to sue clients for

nonpayment. (p. 116.) He also notes that “trafficking cases” under the law prohibiting exploiting someone’s “predicament or helplessness arising from being in a foreign country” declined from 2000 to 2009. (p. 118.) In this connection, he references statistics drawn from the Federal Criminal Police Office (Polizeiliche Kriminalstatistik, Kriminalistisches Institut, Wiesbaden, Germany, 2000-2009), <http://www.bka.de/pks/>. Weitzer published his book in 2012 and the above German statistical source is dated 2000-2009. I have now received from Weitzer the attached German report covering the years 2000-2012. Page 8 of the report provides three tables. The first table gives the number of suspected traffickers on a yearly basis, showing a decline of 8% from 2000 to 2012 and a decline of 6% from 2002 to 2012. The second table gives yearly figures for trafficking convictions. Convictions declined by 26% from 2000 to 2012 and by 31% from 2002 to 2012. The third table gives the percentage of suspected cases resulting in convictions.

¹⁵ Weitzer notes that there is no evidence that the sex industry has increased in Australian jurisdictions which have legalized or decriminalised the sex industry, and that both New Zealand and Australia have a low incidence of sex trafficking. (“Legalizing Prostitution: Morality Politics in Western Australia,” *British Journal of Criminology* 49.1 (2009): 88-105). He cites the following research which suggests, at least, that trafficking has not increased (granting the relative geographical isolation of Australia):

(i) L. Meaker, “A Social Response to Transnational Prostitution in Queensland, Australia,” in *Transnational Prostitution* 61, 63 (S. Thorbek and B. Pattanaik eds., London: Zed; 2002);

(ii) Parliamentary Joint Committee on the Australian Crime Commission. Inquiry into the Trafficking of Women for Sexual Servitude. Canberra: Australia; 2004;

(iii) Global Alliance Against Traffic in Women, *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World*. Bangkok: GAATW; 2007.

¹⁶ Weitzer, *Legalizing Prostitution*, *supra* note 3, at 199-201, citing Bureau of the Dutch National Rapporteur, *Trafficking in Human Beings: Third Report*, p. 91, and A. L. Daalder, *Prostitution in the Netherlands Since The Lifting of The Brothel Ban*, The Hague: WODC/Ministry of Justice, 2007, p. 86; See also Bass, *supra* note 11, at 187-190.

¹⁷ On pages 99-100 of *Legalizing Prostitution*, *supra* note 3, Weitzer states that “A major evaluation in 2008 indicated that the number of prostitutes has remained about the same as prior to legalization and that there has been no increase in the number of underage workers.” He cites Gillian Abel and Lisa Fitzgerald, “Risk and Risk Management”; Prostitution Law Review Committee, *Report*. The referenced “Report” is the report of the New Zealand Prostitution Law Review Committee (PLRC) which conducts research and sponsors external reviews of the implementation and impact of the law legalizing prostitution. The full title of the report is “Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003,” Wellington, New Zealand: Ministry of Justice, 2008. The PLRC concluded that, overall, legalization had achieved many of its objectives and that the majority of individuals

involved in the sex industry were better off now than under the prior system.” Abel and Fitzgerald’s work is also found as “Risk and Risk Management in Sex Work post-Prostitution Reform Act: a Public Health Perspective,” in *Taking the Crime out of Sex Work: New Zealand Sex Workers’ Fight for Decriminalization* (Gillian Abel et al. eds. Bristol, United Kingdom: Policy Press: 2010).

¹⁸ Bass, *supra* note 11, at 185, states that Weitzer found that there has been a “sea change” in the way police “treat sex workers and the owners of brothels and window units.” The “sea change” reference is found in Weitzer’s *Legalizing Prostitution*, *supra* note 3, at 163-164 where he reports on his interview with an officer in Amsterdam’s window unit owners’ association who was discussing window unit owners’ relationships with the police. (Interview in Amsterdam, June 9, 2008.) (Window units feature sex workers standing behind windows overlooking public areas as they wait for customers.) The owner referred to the police as “our best friend at the moment; we work together with the police.” Speaking of sex workers in Amsterdam, Weitzer notes that sex workers are not accustomed to having a cordial or supportive relationship with the police, and developing this rapport has been a major challenge for the police, according to the leader of the “prostitution squad” interviewed on June 26, 2008. Police officers undergo three months of training where they learn to humanize sex workers, to interview sex workers properly and to spot signs of problems (nonverbal cues, bruises). (*Legalizing Prostitution supra* note 3, at 167.)

¹⁹ Christine Harcourt, et al., “The Decriminalisation of prostitution is associated with better coverage of health promotion programs for sex workers,” *Australian and New Zealand Journal of Public Health* 34.5 (2010).

²⁰ (i) Weitzer, *Legalizing Prostitution*, *supra* note 3 at 99, 100, citing Abel and Fitzgerald, “Risk and Risk Management,” *Prostitution Law Review Committee, Report*;

(ii) Weitzer, “Researching Sex Work in the Twenty-First Century.” *Contemporary Sociology: A Journal of Reviews* 42 (2013): 720 citing *Taking Crime Out of Sex Work*, *supra* note 17, at 223, 226;

(iii) Bass, *supra* note 11, at 192. She also cites *Taking Crime Out of Sex Work*, *supra* note 17, but her citations are to pages 220, 228.

²¹ Reported by Kirkup, Kyle in “Stop Criminalizing Sex Work,” *Winnipeg Free Press* 8 December 2014. Bass, *supra* note 11, at 192, mentions the suit and cites *DML v. Montgomery*, Human Rights Review Tribunal of New Zealand, vol. 6 (February 12, 2014), <http://www.nzlii.org/nz/cases/NZHRRT/2014/6.html>.