



Sacramento, California
September 9, 2013

Stop Discrimination in Compensation for Rape: Justice for Sex Workers is Justice for All

On September 9, at an open meeting in Sacramento called by the California Victim Compensation Program (CalVCP), women came or called in by phone from San Francisco, Oakland, Berkeley, Santa Cruz, and Los Angeles. They gave moving testimony, most as survivors of rape, calling for discriminatory regulations of CalVCP to be removed. The Victims Compensation Program hearing was specifically on the harm Regulation 649.56; *Involvement in the Qualifying Crime of Prostitution* which excludes sex workers from compensation for expenses incurred as a result of the injury of rape and other violent crime. Speakers also addressed Regulation 649.4(b) which disqualifies ex-prisoners who are on felony probation or parole from compensation as well as other regulations.

US PROSItutes Collective, Erotic Service Providers Union, and a rape victim who was denied compensation under 649.56 have been spearheading the campaign to press the CalVCP board to get rid of this discriminatory regulation 649.56. The board asked for a review of 649.56 in the wake of passing exemptions for sex trafficked victims who too would have been banned from accessing the compensation fund as most are identified as victims after being when caught in anti prostitution sting operations.

Those who testified included sex worker rights organizations, Sin Barras, a prisoner rights group, F*WORD (Feminists Working on Real Democracy), Legal Action for Women, and the ACLU. Their powerful testimony brought tears to the eyes of those present. Common themes brought up were: how Regulation 649.56 allows, condones, and even encourages rape by disqualifying some victims and giving a green light to attackers that they can get away with it; how fear of re-victimization by the authorities prevents women from reporting rape and claiming compensation; the problem of relying on police reports for compensation claims when sex workers face discriminatory attitudes and even violence from the police. Repealing regulation 649.56 and 649.4(b) would send a strong message that every victim of crime matters.

Excerpts from testimony included:

Rachel West, US PROS:

"Demand for these discriminatory regulations to be scrapped is growing. We hope that the proposal on 649.56 being put to the CalVCP board later in the year, will reflect the increasing sentiment that such a discriminatory rule has no place within this scheme. This regulation cannot be tinkered with or changed in any way, but should be abolished in its entirety."

Ms R, a victim who was denied compensation:

"I decided to fight this and I'm not giving up. I started out so injured and hurt. I was beaten badly when I was raped, as you already know. Receiving the denial from Victims Compensation was so hurtful I can't describe it. The phrase "add insult to injury" takes on a whole new meaning in this context. I want to mention Senate Bill 1867 which was enacted in January 1, 2004 and it said: "This bill prevents victims of sexual assault and domestic violence from being denied assistance under the Victims of Crime Program on grounds of participation or involvement in the crime. Regulation 649.56 became outdated and out of compliance with the statute on January 1, 2004 when this bill passed."

Maxine Doogan, Erotic Service Providers Union:

"The Obama administration stated in the 2010 United Nations review of human rights that no one who faces violence should be denied access to public services on the basis of sexual orientation or status as a person in prostitution. Removing this discriminatory regulation will set a new standard in California in line with the Obama administration policy. Also, I want to make sure the online petition with 292 signatures and comments supporting removal of the regulation is in the record."

Lori Nairne of Legal Action for Women:

"If a conviction for prostitution is not required by the board to refuse compensation, how precisely do you decide a woman is a sex worker? Is it the labelling of women as prostitutes or sex workers that gets them excluded by this rule or is it the presumption that money changed hands? . . . These deep injustices send the message that some women are disposable. We have been monitoring the case of Joseph Naso in Marin county, a serial murderer now convicted of killing four women who worked as prostitutes. Under rule 649.56 the families of these victims will have no right to victim compensation since their mothers, sisters, daughters, and wives were alleged prostitutes."

Carol Leigh from BAYSWAN:

"This unjust exclusion of sex workers from compensation is sending a shocking and wrong message to the public saying that people can commit crimes against sex workers or those that they perceive to be sex workers and that society just doesn't care. Indeed, there will be no repercussions as sex workers aren't worthy of concern, recourse or support. This policy must be repealed. A regulation used against victims even when there is no conviction for prostitution, is illegal."

A young rape victim:

"I am a survivor of rape. A man broke into my home and raped me. He pled guilty and got seven years. Although my victim compensation claim was approved, I never received the money and was treated like a criminal and accused of unfounded allegations, including of fraud. Shaming and revictimization needs to stop, it makes victims who need help more vulnerable. Reg. 649.56 treats all victims as criminals."

Naomi of St James Infirmary:

"Our peer review published studies, based on interviews with sex workers of all genders, show that upwards of a third of participants report having been sexually assaulted while working and 8% report being sexually assaulted by a police officer. The police have a lot of discretion in what they write. If prostitution is in their report it is assumed it is real. I was sexually assaulted working as a street based prostitute and everything in my experience in engagement with the police was that there was not going to be justice for me so I never reported it."

Lori Avina-Korhonen, Sin Barras:

"We are here to urge CalVCP to repeal codes that deny compensation to victims on felony probation or parole—code 649.4(b); and those alleged to be involved with prostitution—649.56, illegal drugs—649.54, and gangs—649.55. We believe the vagueness of these codes encourages arbitrary decisions by CalVCP that discriminate against women and people of color, especially low-income, and transgender, intersex, and

gender-nonconforming persons. Wars on crime and drugs have targeted communities of color. African-American women are six times as likely, and Latina women twice as likely to be imprisoned as white women. And this hasn't made anyone safer. In fact, it has escalated cycles of rape and violence."

Shannon W., Sex Worker Outreach Project (SWOP):

"I've been doing sex work for 18 years. I was raped and as I screamed and cried and begged him to stop, he told me that I was just a whore and nobody cared what he did to me. I knew that if I went to the police, the police wouldn't take it seriously and even if they did, the DA wouldn't take it seriously, and even if the DA happened to take it seriously, the judge could throw it out as theft of services. These things happen all the time. And so I didn't bother going to the police either because public institutions think it's ok for someone to rape me. I don't understand why I don't get to say no, when I said no, that was rape."

Willow Katz, a survivor of rape, child abuse, and molestation:

"With other survivors, I struggled to stop rape and abuse and won our right to defend ourselves and our children. The public charges you, the board, with the protection and recognition of pain, harm, and suffering, of all Californian victims. Repeal these discriminatory regulations. Restore to all victims of rape and violent crime the universal needs of respect, dignity, autonomy in choosing and implementing one's recovery, and justice."

Kristin de Angelo another rape survivor:

"I was a sex worker and a victim of violence. The case did go to court and the man was convicted. However, because of who I was, even after he was caught dead in a lie, they allowed him to take a plea bargain. He was up for four felony counts. He had held me all night and repeatedly raped and strangled me, he was a business man and they gave him 45 days in prison only. He went out into society and attacked eight more women. Rapists and murderers target us, hone their skills on us, and then do the same thing to other women, someone's daughter. If people want to feel like their family is protected, we have to be protected too."

Yalith, SWOP:

"I was assaulted by a client and when the police arrived, he told them I was a prostitute. I was in fact seeing him for legal fetish services. But he brought in prostitution only because he knew that it would make the police discount what I was saying. There were many witnesses to him physically assaulting me. But the police said they could either arrest us both and sort it out later or walk away. One officer suggested I get a pimp for protection."

Jacqueline Seydel, F*Word (Feminists Working on Real Democracy):

"These regulations that deny indemnification for victims based on their "involvement" in gangs, drugs, or prostitution are subject to constitutional challenge under the Void for Vagueness Doctrine. The arbitrary language in Regulations 649.54, 649.55, and 649.56 serves to discriminatorily impact large populations of California and denies them equal protection under Article 1 Section 7 of the California Constitution and the 5th and 14th amendments of the U.S. Constitution."

Another woman from SWOP:

" Reg. 649.56 is not just about denying help it is actively doing harm to this particular population. It establishes a separate class of unworthy victims and further stigmatizes an already stigmatized group."

Ruth Todasco, Global Women's Strike in LA:

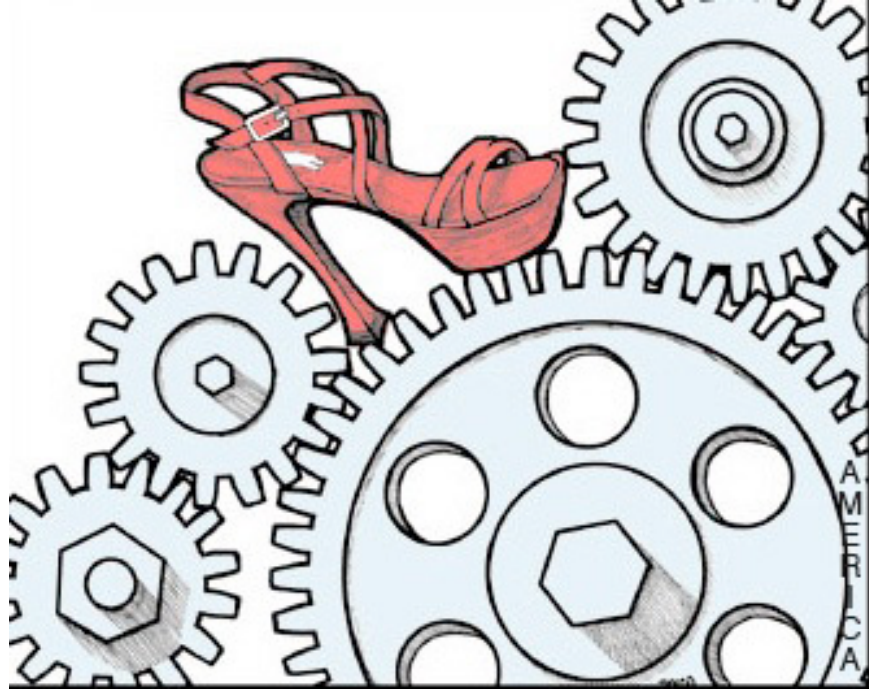
"With the safety net in shreds and the dismantling of the welfare as a right, mothers are impoverished and minimum wage is so low that families can't survive. When welfare is cut the numbers of women arrested increases... I would like to draw on my experience with the No Bad Women Just Bad Laws Coalition in Oklahoma working with rape victims who were treated as bad women, not worthy of having their case taken seriously. There was the compelling story of a Black woman who broke her jaw escaping from the rapist who she identified, but couldn't get the DA to take her case. We had to picket his office because the police said her case was not winnable because she is Black and had a record of prostitution. Due to the pressure an arrest was finally made. "

Kim Horiuchi, ACLU:

"The ACLU of Northern California have a strong desire to see this regulation repealed and stand in strong opposition with organizations like US PROStitutes Collective and other sex worker advocacy groups who continue to rail against the notion that simply because somebody works in the sex trade they are not deserving of your compassion or deserving of the restitution that they would otherwise rightful and entitled to, because they have or previously worked in the sex trade that they are eligible to be raped and beaten... No elected official or no appointed official working in the state of California government should be in favor"

After everyone spoke, Wayne Strumpfer, legal counsel for CalVCP board said he would be drafting a report with recommendations to present before the VC Governing Board at a future board meeting be held in the Sacramento River Room on the 1st floor at the Board's physical address located at 400 R Street Sacramento, California 95812 at

10:00am Campaigners are gearing up to participate and urge the public to support the removal of this discriminatory regulation at VCBoard's December 12, 2013 meeting.



Participating Groups: US PROStitutes Collective, Erotic Service Providers Union, Legal Action for Women, BAYSWAN, Sin Barras, St James Infirmary, F*Word (Feminists Working on Real Democracy, Sex Worker Outreach Project, Global Women's Strike in LA, American Civil Liberties Union of Northern California, and several rape victims.

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Additional Media coverage at: <https://www.slix.com/late-night/351-denial-of-justice-sex-workers-fight-against>