
Sex Work Decriminalization

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Basic Definitions

Consensual Sex Work: Entering the sex industry by choice. Consent is the key word.

Survival Sex Work: Engaging in SW because of urgent need, not provided by typical jobs. Often in exchange for money, shelter, food, clothes, etc.

Human Trafficking: Coerced or forced into the sex trade. People who are victimized, and targeted in vulnerable situations (homelessness, during war, natural disasters, etc.)

Basic Definitions (cont.)

Decriminalization

Decriminalization means removal of criminal and administrative penalties that apply specifically to sex work, creating an enabling environment for sex worker health and safety. For decriminalization to be meaningful, it must be accompanied by a recognition of sex work as work, allowing sex work to be governed by labor law and protections similar to other jobs. While decriminalization does not resolve all challenges that sex workers face, it is a necessary condition to realize sex workers' human rights...via Open Society Foundations

<https://www.opensocietyfoundations.org/explainers/understanding-sex-work-open-society>

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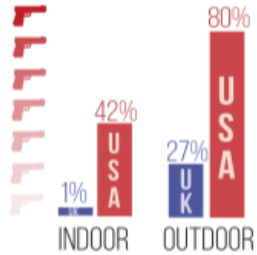
The criminalization of sex work puts all people in the sex trade — consensual sex workers, survival sex workers, and trafficking victims — at a greater risk of victimization, trauma, health disparities, etc.

YOU'VE BEEN ASSAULTED, BUT YOU CAN'T GET HELP.

SEX WORKERS FACE MORE VIOLENCE IN THE UNITED STATES THAN ANYWHERE ELSE.

DECRIMINALIZE SEX WORK. GIVE VICTIMS OF VIOLENCE THE SAME ACCESS TO SAFETY AND JUSTICE AS THEIR PERPETRATORS.

VIOLENCE IS 4X HIGHER IN THE USA



In UK, commercial sex is legal. (Brothel owning, public solicitation, and pimping are crimes.)

In USA, it is criminalized.

Rate of assault is up to 40X higher in the USA than UK.^{1,2}

POLICE HURT (MORE THAN HELP)

Of 104 interactions with D.C. police



9.1% report physical assault⁵



17.3% officer requested sex favors⁵



POLICE RAPE

In rape cases involving Chicago street prostitutes, 25% of sex workers identified the rapist as a police officer⁶

NATIONAL BLACKLIST

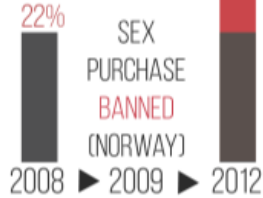
In reports of clients to avoid, there are 4X more complaints about police than about pimps.⁷



30% of complaints are about police officers in NYC and Aspen, CO.⁷



CRIMINALIZATION INCREASES VIOLENCE



Rate of assault increased 50% after demand was criminalised.³



59% of sex workers were exposed to violence only after the sex purchase ban.⁴

BEING QUEER IS DANGEROUS

1/3 of US sex worker homicide victims are trans women (2015).⁸



23% of 2012 GLBT homicides were connected to sex work.⁹

Collecting data on violence against sex workers & trafficking victims can be difficult at times because of criminalization.

[\(http://www.december17.org/2015facts/\)](http://www.december17.org/2015facts/)

Criminalizing adult, voluntary, and consensual sex – including the commercial exchange of sexual services – is incompatible with the human right to personal autonomy and privacy. In short – a government should not be telling consenting adults who they can have sexual relations with and on what terms.

Human Rights Watch has consistently found in research across various countries that criminalization makes sex workers more vulnerable to violence, including rape, assault, and murder, by attackers who see sex workers as easy targets because they are stigmatized and unlikely to receive help from the police. Criminalization may also force sex workers to work in unsafe locations to avoid the police.

...via Human Rights Watch

[https://www.hrw.org/news/2019/08/07/why-sex-work-should-be-](https://www.hrw.org/news/2019/08/07/why-sex-work-should-be)

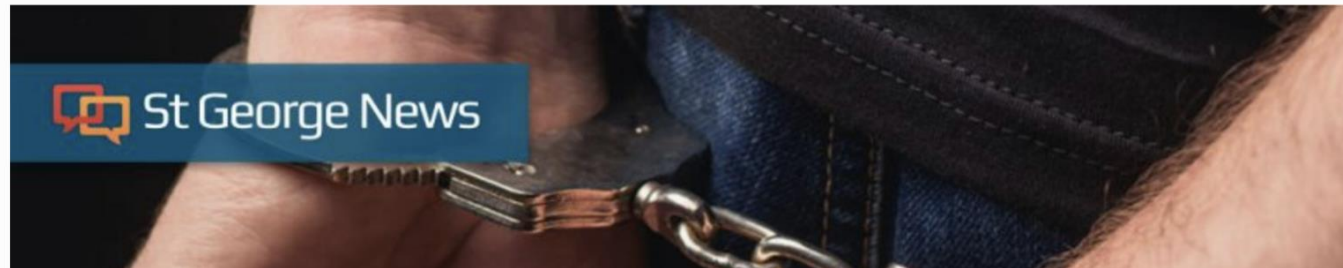
In one example, Human Rights Watch found in a 2012 report, “Sex Workers at Risk: Condoms as Evidence of Prostitution in Four US Cities,” that police and prosecutors used a sex worker’s possession of condoms as evidence to support prostitution charges. The practice left sex workers reluctant to carry condoms for fear of arrest, forcing them to engage in sex without protection and putting them at heightened risk of contracting HIV and other sexually transmitted diseases.

[https://www.hrw.org/news/2019/08/07/why-sex-work-should-be-](https://www.hrw.org/news/2019/08/07/why-sex-work-should-be-legalized)

Under full decriminalization, efforts by law enforcement, funds, and resources currently spent on arresting consensual sex workers and clients can be redirected towards providing social services for trafficking victims and arresting traffickers.

Police arrest nearly 50 people during Salt Lake City prostitution sting

Written by Joseph Witham  June 2, 2018



Why Decriminalize Sex Work Instead of Legalize?

Decriminalization

Eliminates all laws and prohibits the state and law enforcement officials from intervening in any sex work related activities or transactions

De-prioritizes arrest and reduces interactions between police and sex workers

Retroactively seals criminal record and provides a pathway for sex workers who want to transition into other employment

Provides allocated resources for people who have historically and currently are being criminalized for sex work

Legalization

Regulation of sex work with laws regarding where, when, and how sex work could take place

Requires sex workers to keep up with registration fees, costs, and licenses, which is difficult for people with little money and resources

Provides a pathway for law enforcement interaction and regulation of where, when, and how (criminalization is not removed)

Provides allocated resources to law enforcement to regulate consensual, private behavior

HOW DO WE PROTECT SEX WORKERS? FULL DECRIMINALIZATION.

Amnesty International and Human Rights Watch are among the organizations that have come out in support of the decriminalization of SW — which is NOT the same as the Nordic Model many trafficking advocates defer to, which still criminalizes the client or patron.

The Nordic Model

Nordic Model criminalizes the “purchasing” of sex.

Though seen as an “end demand” approach, research has shown the Nordic model increased policing and targeting of sex workers, discrimination, lack of safety, and social stigma. The Nordic Model also worsens health disparities among sex workers.

via the Global Network Of Sex Work Projects

https://www.nswp.org/sites/nswp.org/files/sg_to_challenging_nordic_model_prf03.pdf

The Nordic Model

*No model in practice: a ‘Nordic model’ to respond to prostitution?
(2019)*

“The Nordic model does not reduce demand, sex trafficking, violence or exploitation. Rather, it acts a policy irritant exacerbating these very issues. Neither does the model contribute to gender equality, because the evidence base upon which the policy approach is based upon fails to acknowledge research that shows that women and couples pay for sex and that men and trans people sell sexual services.”

<https://link.springer.com/article/10.1007/s10611-018-9795-6>

The Difference Between Decriminalization & Legalization

In a fully decriminalized environment, a sex worker would be able to more easily access health care, housing, social services and defend themselves in child custody disputes.

Legalization creates narrow regulatory regimes based on other concerns and objectives, such as the health of clients, taxation, or public morality. Legalization may include regulations that limit sex workers' rights and protections, such as mandatory HIV testing. These may further stigmatize sex workers. Legalization could also create mechanisms for abuse by authorities. For example, in the Netherlands where sex work is legalized, law enforcement has raided sex workers' homes without a warrant and conducted mass arrests of sex workers veiled as anti-trafficking operations.

Full decriminalization of consensual sex work means that buyers and sellers of sexual services cannot be discriminated against for the purposes of arrest, housing, healthcare, transportation and/or public benefits. It also means that if they are the victims of a crime (such as rape, domestic violence, and even trafficking) they could report these crimes directly to the police without fear.

SWOP Behind Bars (<https://www.swopbehindbars.org/about-swop-behind-bars/the-difference-between-sex-work-and-sex-trafficking/>)

WHAT IS FOSTA/SESTA?



FOSTA/SESTA was a law intended to curb sex trafficking by punishing sites for allowing “trafficking” to occur on their platforms. It shut down major sites that sex workers used like Backpage, and forced the entire industry deeper underground.

The San Francisco Police Department reported a 170 percent increase in trafficking related crimes since FOSTA/SESTA passed last year.

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The passing of FOSTA/SESTA in Apr. 2018 has endangered the lives of sex workers and trafficking victims even more, making decriminalization imperative.

<https://www.aasect.org/position-fosta-sesta-and-its-impact-consensual-sex-work-and-chilling-sexual-speech>



Erik McGregor/Pacific Press/LightRocket/Getty

Progress looks like...

New York's Bill that seeks to

“Decriminalizes certain prostitution offenses; amends provisions relating to prosecution of such offenses and vacating judgments.”

https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=S06419&term=2019&Summary=Y&Text=Y

Why decriminalization?

Addresses health & socioeconomic disparities sex workers and trafficking victims face

Fosters trust with law enforcement & the community as a whole

Allows for the opportunity to redistribute resources and funds to disrupt the human trafficking industry

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There is a likely chance Salt Lake City will host the Olympics within the next decade and a half. Full sex work decriminalization allows for the sole focus of law enforcement to be human trafficking and violent crimes during this high tourist season.



SWOP

SALT LAKE
CITY

Additional Research on Sex Work Decriminalization

US Police Practices Fuel HIV Epidemic: Sex Workers at Risk From Condom Policy
(<https://www.hrw.org/news/2012/07/19/us-police-practices-fuel-hiv-epidemic>)

World AIDs Campaign - Sex Work and The Law: The Case For Decriminalization
(<https://www.nswp.org/sites/nswp.org/files/Sex%20Work%20%26%20the%20Law.pdf>)

Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies
(<https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002680>)

AMNESTY INTERNATIONAL POLICY ON STATE OBLIGATIONS TO RESPECT, PROTECT AND FULFILL THE HUMAN RIGHTS OF SEX WORKERS
(<https://www.amnesty.org/en/documents/pol30/4062/2016/en/>)

Consequences of Policing Prostitution: An Analysis of Individuals Arrested and Prosecuted for Commercial Sex In New York City
(https://www.urban.org/sites/default/files/publication/89451/legal_aid_final_0.pdf)

Additional Research on Sex Work Decriminalization

Sex workers struggle to find housing in DC. A bill to decriminalize their job can help.
(<https://ggwash.org/view/72972/decriminalize-sex-work-housing-access-for-black-and-brown-trans-women-dc>)

Decrim NY
(<https://www.decrimny.org/>)

Decriminalizing Indoor Prostitution: Implications for Sexual Violence and Public Health
(https://www.eurekaalert.org/pub_releases/2017-12/oupu-dpc121917.php)