

Intent vs Impact

Advocating For The Vulnerable

Who We Are

Logan

She/Her. Logan is a Denver-based sex worker and activist. She is the co-founder of We Are Dancers USA and operates a local harm reduction outreach in her community. In her free time she enjoys yoga, hiking in the mountains, and binge-watching documentaries.

Codi

She/Her. Codi is a Chicago-based sex worker and activist, currently presenting for her third time at the Human Trafficking and Social Justice Conference. She serves on the leadership board for SWOP-Chicago and is the co-founder of We Are Dancers USA. She also facilitates harm reduction practices during weekly street outreach, monthly club outreach, and various community events.

Objectives

- Define terms related to the sex trade and policy
- Highlight various pieces of legislation targeting the sex trade
 - Who do these laws serve?
 - Who do these laws protect?
- Give examples of real abuse and exploitation across the sex trade
- Expose unintended harms of prostitution prohibition initiatives
- Illustrate how full decriminalization can grant greater access to support, resources, and non-sex work economic opportunities
- Offer recommendations to advocates on ways to be inclusive toward sex workers when developing policy strategies, rescue interventions, and/or outreach

Definitions

- **Sex work**
 - Consensual erotic labor performed by people in exchange for money, gifts, food, drugs, and/or survival needs.
- **Human trafficking**
 - Human trafficking is a crime that involves compelling or coercing a person to provide labor or services. The coercion can be subtle or overt, physical or psychological.
- **Sex trafficking**
 - Sex trafficking is human trafficking within the sex trade. It is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age
 - The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S.C. § 7102(9)).
- **Sex Trade**
 - Commercial sex across legal and illegal portions of the adult industry. People involved in the sex trade could be sex workers or victims of sex trafficking.

Legal Models For Prostitution



Full Criminalization

- People in the sex trade are criminalized
- Clients are criminalized
- Creates a market where exploiters can operate in the shadows
- Places power in the government



Partial Criminalization (Nordic Model, End Demand)

- People in the sex trade face unique surveillance and policing
- Clients are criminalized
- Creates a market over saturated with exploiters and/or more abusive clients
- Places power in the government

Legal Models For Prostitution (cont.)



Legalization

- People in the sex trade able to comply with rigid laws are can work with heavy regulation
- People in the sex trade unable to comply with rigid laws are criminalized
- Places power in the government and third-party managers



Decriminalization

- People in the sex trade are decriminalized
- Clients are decriminalized
- Places power in the people in the sex trade

The spectrum of experience...

Choice

- Fully consenting to the work
- Can leave for other employment options but chooses to stay

Circumstance

- Consenting to the work but wants to leave
- Needs to stay, usually for economic reasons

Coercion

- Not consenting to the work
- Force, fraud, or coercion by a third-party to perform sexual services

A person's relationship to and involvement in the sex trade can change over time

Who do these laws serve?
Who do these laws protect?

History

- The Mann Act, 1910
- Trafficking Victims Protection Act, 2000
- Justice for Victims of Trafficking Act, 2014
- The Stop Advertising Victims of Exploitation (SAVE) Act, 2015
- Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) and Stop Enabling Online Sex Trafficking Act (SESTA), 2018

**Estimates show that only
 $\frac{1}{3}$ of human trafficking is
within the sex trade**



**Estimates show that almost
 $\frac{2}{3}$ of the profit generated
from human trafficking is
within the sex trade**

**The Justice Department Invests More Than
\$47 Million to Combat Human Trafficking
and Assist Victims...**

**But where are the direct
services amongst all the
awareness campaigns at
rescue agencies with
paid staff?**

Abuse & Exploitation Across the Sex Trade

Poverty & Structural Violence

- Health care disparity
- Homophobia and transphobia
- Immigration status
- Institutional harm
- Racism
- Sexism
- Socioeconomic inequity
- Unstable housing

“I must remind you that starving a child is violence.
Neglecting school children is violence. Punishing a
mother and her family is violence. Discrimination against
a working man is violence. Ghetto housing is violence.
Ignoring medical need is violence. Contempt for poverty
is violence.”

Coretta Scott King, Activist

Stigma & Physical Violence

- Assault aftermath and healing
- Intimate partner and domestic violence
- Loss of custodial rights
- Stigma
- Workplace violence

Forms of violence faced by sex workers

Physical violence: Being subjected to physical force which can potentially cause death, injury or harm. It includes, but is not limited to: having an object thrown at one, being slapped, pushed, shoved, hit with the fist or with something else that could hurt, being kicked, dragged, beaten up, choked, deliberately burnt, threatened with a weapon or having a weapon used against one (e.g. gun, knife or other weapon). These acts are operationally defined and validated in WHO survey methods on violence against women. Other acts that could be included in a definition of physical violence are: biting, shaking, poking, hair-pulling and physically restraining a person.

Sexual violence: Rape, gang rape (i.e. by more than one person), sexual harassment, being physically forced or psychologically intimidated to engage in sex or subjected to sex acts against one's will (e.g. undesired touching, oral, anal or vaginal penetration with penis or with an object) or that one finds degrading or humiliating.

Emotional or psychological violence: Includes, but is not limited to, being insulted (e.g. called derogatory names) or made to feel bad about oneself; being humiliated or belittled in front of other people; being threatened with loss of custody of one's children; being confined or isolated from family or friends; being threatened with harm to oneself or someone one cares about; repeated shouting, inducing fear through intimidating words or gestures; controlling behaviour; and the destruction of possessions.

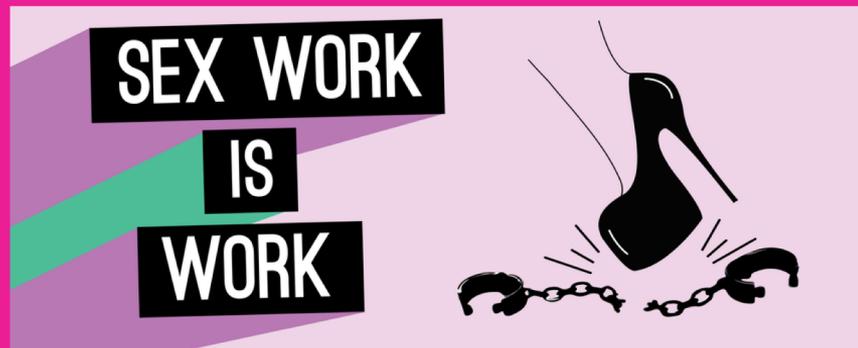
Human-rights violations that should be considered in conjunction with violence against sex workers are:

- having money extorted
- being denied or refused food or other basic necessities
- being refused or cheated of salary, payment or money that is due to the person
- being forced to consume drugs or alcohol
- being arbitrarily stopped, subjected to invasive body searches or detained by police
- being arbitrarily detained or incarcerated in police stations, detention centres and rehabilitation centres without due process
- being arrested or threatened with arrest for carrying condoms
- being refused or denied health-care services
- being subjected to coercive health procedures such as forced STI and HIV testing, sterilization, abortions
- being publicly shamed or degraded (e.g. stripped, chained, spat upon, put behind bars)
- being deprived of sleep by force.

2.1.1 Contexts of violence

There are several contexts, dynamics and factors that put sex workers at risk for violence. Understanding them is key to designing appropriate programmatic responses.

- **Workplace violence:** This may include violence from managers, support staff, clients or co-workers in establishments where sex work takes place (e.g. brothels, bars, hotels).
- **Violence from intimate partners and family members:** Stigmatization of sex work may lead partners or family members to think it acceptable to use violence to "punish" a woman who has sex with other men. It may be difficult for sex workers to leave an abusive relationship, particularly when perpetrators threaten them, or have control due to ownership of a home, or the power to harm or refuse access to their children.
- **Violence by perpetrators at large or in public spaces:** In most contexts, the antagonistic relationship with police creates a climate of impunity for crimes against sex workers that may lead them to be the targets of violence or of other crimes that may turn violent, such as theft. Some perpetrators specifically target sex workers to "punish" them in the name of upholding social morals, or to scapegoat them for societal problems, including HIV. Sex workers may also face violence from individuals in a position of power, e.g. nongovernmental organization (NGO) employers, health-care providers, bankers or landlords.
- **Organized non-state violence:** Sex workers may face violence from extortion groups, militias, religious extremists or "rescue" groups.
- **State violence:** Sex workers may face violence from military personnel, border guards and prison guards, and most commonly from the police. Criminalization or punitive laws against sex work may provide cover for violence. Violence by representatives of the state compromises sex workers' access to justice and police protection, and sends a message that such violence is not only acceptable but socially desirable.



Discretionary Policing & State Violence

- Arrest and cash bail
- Criminal records
- Deportation
- Discriminatory profiling
- Incarceration
- Police brutality
- Search and seizure
- Surveillance and Censorship

“Torture, mutilation, fines, imprisonment, banishment, excommunication, and even the death penalty have all been deployed at various points, and none have succeeded in abolishing the sex trade. Nor have these punitive measures ended sexual abuse. All that ever happens is that consenting sex workers are forced to work in dangerous conditions and are further stigmatised for what they do.”

Kate Lister, Historian

Unintended Harms of Anti- Trafficking Policies

Intent

Impact

FOSTA/SESTA



- Apply criminal and civil liability to online platform owners
- Criminalize websites for promoting prostitution in any form
- Eliminates legal protections on behalf of third-party content
- Prevent sex trafficking

- Police have less leads on how to track traffickers or find victims of abuse
- Street-based prostitution has increased
- Sex workers report less safety and lost access to online community resources
- People in the sex trade report worse mental health
- People in the sex trade report higher dependence on third-party managers

“I left [the streets] after six years of being with my physically abusive ex, who whipped me with extension cords, wire hangers, dragged me through glass by my hair numerous black eyes, fat lips, fucked-up face,” she says. “When I was with him, I was forced to hop in and out of cars on the track from sun up until sun down until he said I could stop. I’ve been beat over the head seven times with a wrench, shot, stabbed, kidnapped, raped... Now, because of this stupid bill, I’ve been forced to go back to the one place I barely made it out alive.”

Melissa, Phoenix sex worker

What is SESTA/FOSTA?

- *HR 1875*
- *Signed into law April 2018*
- Created an **expansive new civil liability** for those websites with vague and undefined language.
- Created a **new federal crime** of operating a platform hosting third-party content which “facilitate prostitution,” which could include communities collecting and distributing information about violence, connecting with clients for the ability to screen or workers directly sharing safety techniques.

• Since FOSTA/SESTA has passed, sex workers have reported •

Lowering Safety Standards

“I had to see clients who have assaulted me in the past and have definitely had to relax my screening policies.”

Economic Insecurity and Homelessness

“I became homeless after Craigslist shut down their personals section... I was unable to pay my rent for the first month.”

Impacts on Mental Health

In the week since the bill’s passage, TransLifeline, a suicide-prevention hotline, saw a 97% increase in calls.

Predatory Third Parties

“We’ve had multiple reports on the community support line and through our community networks of predatory and exploitive people coming out of the woodwork trying to reestablish old relationships or build new ones in order to take advantage of the vulnerable position that many sex workers are in.”

Increased street-based work

Outreach workers in San Francisco, Washington DC and Seattle have reported increases in 3-4 times the number of sex workers on the street.

Shifting Power Dynamics with Clients

“(Clients are) way more pushy, trying to get me to do things I’m uncomfortable with.”

What is the impact of SESTA/FOSTA?

In a survey on the impact of SESTA and the closure of Backpage.com:

25%

Reported being unable to support themselves or their dependents due to lost income

Respondents who stopped screening or lowered safety standards with clients

30%

75%

of respondents are supporting 1 - 3 dependents

(COYOTE-RI, coyoteri.org)

The harms of violence, exploitation and compromises to health are not inherent to trading sex. Vulnerabilities to all of them are increased with increased policing, criminalization and isolation of the sex trade. While sex workers are the experts in the sex trade, they were overwhelmingly ignored during the passage of SESTA/FOSTA. We urge policy makers to increase dialogue with sex workers to speak about their experience and inform the policies which directly impact their lives.

Organizations that opposed SESTA/FOSTA

Adult Performer Advocacy Committee • ACLU • Advocates for Youth • Advocating Opportunity • AIDS United • APLA Health • Best Practices Policy Project • Black Youth Project 100 (BY100) • Center for Health and Gender Equity (CHANGE) • Chicago Taskforce on Violence Against Women & Girls • Collective Action for Safe Spaces • Department of Justice • Desiree Alliance • Equality California • Equality North Carolina • Family Equality Council • Free Speech Coalition • Freedom Network USA • Gay and Lesbian Activists Alliance (GLAA) • Harm Reduction Coalition • HIPS • HIV Modernization Movement • Howard Brown Health Center • In Our Own Voices, Inc. • International Women’s Health Coalition • Los Angeles LGBT Center • Lysistrata • MASWAN • National Black Justice Coalition • National Center for Lesbian Rights • National Coalition of Anti-Violence Programs • National LGBTQ Task Force • New York Harm Reduction Educators • PFLAG National • Positive Women’s Network • USA • Pride Action Tank • Rad Care • RAD Remedy • Reframe Health and Justice • Sex Law and Policy Center • Sex Workers Project at the Urban Justice Center • Support Ho(s)e • SWOP • USA • SWOP Behind Bars • SWOP Orlando • The Anti Exploitation Project at the Legal Aid Society • Transgender Law Center • Treatment Action Group • Unity Fellowship Church • Washington Heights CORNER Project • Whitman-Walker Health • Woodhull Freedom Foundation

Thank you to contributions from Coyote-RI, Coalition for Rights & Safety for People in the Sex Trade, HIPS, Reframe Health and Justice, St. James Infirmary, SWOP Behind Bars, SWOP Seattle, SWOP USA and TransLifeline for contributions to this document.

170%

We can see the correlation between criminalization and trafficking firsthand. Earlier this year, federal anti sex-work **SESTA/FOSTA** laws went fully into effect. In San Francisco, those laws have **increased reports of trafficking** by 170 percent. The further sex work is pushed underground, the more predators can flourish in the shadows.

<https://sanfrancisco.cbslocal.com/2019/02/03/new-laws-forced-sex-workers-back-on-sf-streets-caused-170-spike-in-human-trafficking/>

Intent

Impact

Bourbon Street Strip Club Raids



- Make sexually oriented businesses legally operated establishments in compliance with zoning requirements
- Make people in the sex trade safer and feel less pressured to engage in prostitution
- Rescue any underage workers and anyone being trafficked in the club

- Loss of jobs for hundreds of dancers and club workers'
- The trauma of a police raid
- Paranoia and fear working with increased surveillance

\$. FIGHT. FOR. OUR. RIGHT. TO. MONEY. \$

CLOSING OUR CLUBS
WILL ONLY EXACERBATE
THE SEX TRAFFICKING
PROBLEM IN OUR CITY.

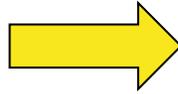
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#LETUSDANCENOLA

Intent

Impact

- Operation Hot Towel
 - Crack down on massage parlor sex trafficking rings
 - Rescue migrant women who are perceived as being trafficked
 - Arrest sex workers for engaging in illegal prostitution



- Criminal record for prostitution - loss of custody, non-sex work job opportunities, social services, custody, housing, and more
- The loss of current employment
- Expensive fees for bail, lawyer, court and more
- Possible deportation for migrant individuals

“The mainstream discourse surrounding migrant sex workers infantilizes and criminalizes the identities and the experiences of migrant sex workers. Anti-trafficking initiatives reinforce racist stereotypes and place sex workers in harm’s way.”

The Migrant Sex Workers Project

Decrim Now!

Why Support Decriminalization

- Yield the best outcomes in terms of public health and safety
- Yield the best outcome in terms of helping to identify individuals who are truly coerced into the sex trade
- Yield the best outcomes in terms of improving the life circumstances for marginalized populations
- Yield the best outcomes in terms of improving working conditions for those people working in the sex trade voluntarily

International organizations who support decriminalization!

- Woodhull Freedom Foundation
- Open Society Foundations
- Amnesty International
- World Health Organization
- Human Rights Watch
- International Labour Organization
- Global Alliance Against Trafficking in Women
- Anti-Slavery International
- Trafficking Policy and Research Project
- Global Commission on HIV and the Law
- UNAIDS
- Sex Workers Outreach Project
- Desiree Alliance
- Global Network of Sex Work Projects
- SWEAT
- We Are Dancers USA
- Center for Health and Gender Equity
- Elton John AIDS Foundation
- Freedom Network USA
- Gay & Lesbian Advocates & Defenders
- Lambda Legal
- Transgender Law Center

Recommendations for Advocates

“In truth, there is no simple answer to trafficking, which often occurs at the intersection of systemic, interlocking inequalities such as poverty, racism, sexism, and transphobia. Working towards racial justice is working towards the end of trafficking. Working towards gender justice is working to end trafficking. Working to end poverty and homelessness is working to end trafficking. Expanding social services and financial assistance and affordable housing for homeless survivors is working to end trafficking. Making sex work even more dangerous —and thus making sex workers more vulnerable to exploitation — is not.”

Laura LeMoon, Sex worker and trafficking survivor

Personal Responsibility

- Acknowledge harmful biases and violent practices in your own advocacy
- Design direct services and low-barrier resources for marginalized communities
- Listen to the community you are intending to serve and the individuals most impacted by anti-trafficking policy
- Contact your representatives about supporting or opposing legislation that targets the sex trade
- Avoid products and companies that facilitate human trafficking or profit off exploited labor
- Donate time and/or money to peer-led and survivor-centered efforts

**Help end sex
trafficking.
Decriminalize
prostitution.**

Resources

- **G.L.I.T.S. - *Gays and Lesbians Living In a Transgender Society***
 - Based in NYC
 - G.L.I.T.S. provides direct services and support to transgender sex workers
- **St James Infirmary**
 - Based in San Francisco
 - St. James Infirmary is a peer-based occupational health and safety clinic for sex workers of all genders
- **H.I.P.S. - *Helping Individual Prostitutes Survive***
 - Based in D.C.
 - HIPS provides harm reduction services and advocacy for individuals and communities impacted by sexual exchange and/or drug use due to choice, coercion, or circumstance
- **Abeni**
 - Based in Los Angeles
 - Abeni provides direct services and peer support to those working in the sex trade and those who are being domestically trafficked
- **The Migrant Workers Project**
 - Based in Canada
 - The Migrant Sex Workers project is a grassroots organization seeking to advocate for migrant sex workers and trafficking survivors.

Sex worker
rights advocates
& anti-
trafficking
advocates need
to be doing the
work together!
We have the
same goals.



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