DRAFT FAQ
re decriminalization of sex work
Created by Rad Mission Neighbors in coalition with impacted groups

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Q&A on Sex Work Decriminalization

What do we mean when we say decriminalization?

Decriminalization means an end to the criminalization of sex work, including sex workers, clients, businesses, and third parties. We want legislation that stops the enforcement of prostitution-related laws and offenses, including prostitution, solicitation for prostitution, loitering, and nuisance offenses. Human rights groups including Amnesty International, Human Rights Watch, UNAIDS, the ACLU, and the World Health Organization uphold decriminalization as the only path for securing the rights and safety of those engaged in sex work.

Why is it needed?

Policing and criminalization of sex work is one of the primary sites of racial profiling, police violence, and mass incarceration of Black and brown women, girls, and trans and gender nonconforming folks.[1] Women are the fastest growing prison population; between 1980 and 2016 the number of women incarcerated in US jails and prisons rose by more than 700%.[2] Roughly eighty percent of women jailed each year are mothers, often losing their kids who are fast-tracked into adoption.[3] Current laws label sex workers as criminals which enables the blatant devaluation of their lives. They are routinely denied access to health care, housing, government relief funds, and other basic human rights due to discrimination and stigma, and are at high risk for violence at the hands of both violent offenders and the police. Additionally, people who are profiled as sex workers are often arrested simply because of the way they look. The decriminalization of sex work is a crucial step in ending this violence.

How is it connected to movements around defunding & abolishing the police?

Like drug offenses, sex work is a nonviolent choice whose criminalization invites dangerous police intervention and leads to mass criminalization of sex workers and their friends, family members, and co-habitants. Many prostitution offenses are considered quality of life crimes, used to criminalize poverty and to bring more police enforcement and surveillance to poor and often Black and brown neighborhoods. After over one hundred years of criminalizing sex workers, it is clear that criminalization does not solve social the problems that cause many

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[1] *DECRIMNOW*. "About." *DECRIMNOW DC*, 2018. https://www.decrimnow.org/about
[2] "Incarceration of Women Is Growing Twice as Fast as that of Men." Equal Justice Initiative, 11 May 2018, https://eji.org/news/female-incarceration-growing-twice-as-fast-as-male-incarceration/.
[3] Bertram, Wanda and Wendy Sawyer. "Jail will separate 2.3 million mothers from their children this year." *Prison Policy Initiative*, 13 May 2018, https://www.prisonpolicy.org/blog/2018/05/13/mothers-day-2018/.

people to engage in sex work. The criminalization of sex work has only led to more violence, much of which we have seen perpetrated by the police. It is clear that the criminalization of sex work and the resulting power abuse by police is not solving anything. It is time for a new solution. Decriminalization will help reduce racial disparities in the criminal justice system.

Who will benefit from it?

While the benefits of decriminalization will help everyone involved in and adjacent to sex work, it will most importantly help end some of the police violence experienced by Black and Brown communities and trans and gender nonconforming communities who are most often targeted by law enforcement. With less opportunity for police confrontation, the chance of violence decreases.

With decriminalization sex workers will be able to work with more safety, more often indoors, have the ability to report violent crimes and trafficking concerns and to live without the fear of arrest ruining their lives. Studies have shown that sex workers in decriminalized settings are healthier, suffer less personal violence and are more likely to practice safer sex with clients.[4]

The City has the opportunity through decriminalization to take a fresh approach to prostitution and address the needs of the communities most impacted by police violence as well as those concerned about quality of life issues.

What about trafficking?

Decriminalization does not make trafficking or any form of violence or exploitation legal. In fact criminalization of sex work often makes finding and reporting trafficking more difficult. Decriminalizing sex work will make it easier for victims of exploitation and trafficking to come forward without fear they will be criminally charged. Decriminalization will not prohibit law enforcement from executing trafficking laws and will free up resources to focus on cases of trafficking.

What about trafficking?

Decriminalization does not make any form of of violence, exploitation or abuse identified as trafficking legal. In fact criminalization of sex work often makes finding and reporting abuses more difficult. Decriminalizing sex work will make it easier for victims of violence, exploitation, labor abuses, police abuse and cases identified as trafficking to come forward without fear they will be criminally charged.

Decriminalization will assist all sex workers who experience the widest range of abuses to come forward and access justice, freeing up resources to support sex worker safety and well-being.

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[4] Klausner, Jeffrey. “Endorsement: California STD Controllers’ Association.” *Yes on Prop K*, 11 August 2008. http://yesonpropk.org/CSTD.html

Will it increase prostitution?

No, decriminalization decreases prostitution. Many enter sex work because of economic need, poverty or lack of financial alternatives and resources. Many sex workers are mothers and the sole providers for their household. Having a criminal record makes it much harder to secure conventional work, often those arrested and charged with prostitution have no other option than to continue sex work. Through the decriminalization of sex work, resources and funds once used to police sex workers can be used to give people support and options for other kinds employment.

What about managers, pimps, and clients?

Criminalization creates the need for managers and pimps. Managers (pimps) exist to protect sex workers from violence from clients and the police. There is evidence showing that criminalization only increases the power of managers; after the passage of SESTA-FOSTA, which has criminalized online advertising, many sex workers reported being approached by pimps and managers.[5] If sex work is decriminalized, the need for managers is significantly decreased.

Additionally, anyone who relies on a sex worker for financial support, i.e. family members, other sex workers or even landlords for example, can be criminalized as pimps. Sex workers who work together for safety reasons can be charged with brothel-keeping, pimping, and trafficking of themselves and each other because they are working together instead of alone.

Decriminalization also means the buying of sex purchasing sexual services is decriminalized. Criminalizing clients negatively impacts sex workers' financial security and safety as they have less ability to negotiate with clients and may take on clients who are known to be dangerous. Sex workers living in places that ban the buying of sex report that such laws have made their lives more difficult and put them at greater risk of violence. Within five months of Ireland banning the sale of sex in 2017, sex worker safety organization Ugly Mugs received 1635 reports from sex workers who were concerned about violent and abusive clients since the law change, a 61% increase from the same period a year prior.[6]

What about diversion programs like LEAD?

Diversion programs like LEAD are not voluntary and there is little evidence that diversion programs help sex workers or reduce rates of sex work. Diversion programs fail to address the societal problems (economic and employment disparities, LGBTQ discrimination, transphobia housing insecurity, etc) that cause many people to enter into sex work that limit employment choices so that sex work becomes one of the very few options.and undermine the independence and agency of sex workers by placing them further under state control. These programs make it

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[5] LeMoon, Laura. "SESTA Won't Stop Sex Trafficking, But It Will Kill Sex Workers." *Vice*, 26 April, 2018. https://www.vice.com/en_us/article/pax5pv/sesta-wont-stop-sex-trafficking-but-it-will-kill-sex-workers

[6] Mac, Juno, and Mollie Smith. *Revolting Prostitutes*. Verso, 2018.

harder for people to survive by imposing a number of rigorous requirements that unless fulfilled will lead to more punitive measures and possible criminal charges.

What about disease?

The idea that sex workers are vectors of disease is false. While many sex workers go without medical care or are not honest with doctors due to fear of arrest and poor treatment by clinicians, often workers are more inclined than the average person to take care of their sexual health due to their profession. The criminalization and illegality of prostitution decreases sex workers' ability to keep themselves safe, both in terms of negotiating safer sex with clients and when trying to access healthcare, especially related to sexual health. Studies cited by The World Health Organization indicate that "decriminalizing sex work would lead to a 46% reduction in new HIV infections in sex workers over ten years."[7]

How will it make our communities safer?

By reallocating police funds currently spent enforcing prostitution laws to direct financial resources for poor and low-income residents, the City will be able to address the conditions that press people into sex work. Funds once used for enforcing prostitution laws can be redistributed to positively impact communities and neighborhoods through allocating resources for things like healthcare, affordable housing, food and beautification projects.

With additional services and financial support, sex workers are less likely to put themselves in unsafe situations to make money and will be more able to make healthy decisions for themselves and their families, which is crucial during the ongoing COVID-19 pandemic.

Current policies favor street sweeps, crackdowns on massage parlors and indoor premises, which push sex workers onto the streets. In 1996, the San Francisco Task Force on Prostitution reported on how ineffective and costly enforcement of prostitution is and how it never addresses the economic reasons why most people choose sex work, in 2018, SESTA-FOSTA increased criminalization of online advertising, leading to a 300% increase in outdoor workers[8] and a 170% increase in reports of human trafficking[9].

Decriminalizing sex work will offer a new approach to conflicts between sex workers, their neighbors and police — if police are not enforcing prostitution-related offenses, then less police will be patrolling neighborhoods. Because we know that police are perpetrators of violence towards sex workers and Black and brown people, this ultimately makes our communities safer.

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[7] HIV/AIDS: Sex work. *World Health Organization*. https://www.who.int/hiv/topics/sex_work/en/
[8] Pearl, Celestina. Personal Interview. 1 February 2019.
[9] Steimle, Susie. "New Laws Forced Sex Workers Back On SF Streets, Caused 170% Spike in Human Trafficking." *CBS SF Bay Area*, 3 February 2019. https://sanfrancisco.cbslocal.com/2019/02/03/new-laws-forced-sex-workers-back-on-sf-streets-caused-170-spike-in-human-trafficking/

How can the city divert money from one thing to another?

There are other examples of the City diverting funds, for example the money from marriage licenses is diverted into resources for victims of domestic violence. The City can do it if the political will is there.

How can the City address prostitution when there are state laws?

The City decides what to prioritize and what not to prioritize when it comes to law enforcement. Like with past marjiuana ordinances, gay marriage, and the Sanctuary City ordinance, San Francisco can choose to not to enforce State and federal laws in order to keep our communities healthy and safe.