

Sex Work is Work



DEFINING SEX WORK:

Sex work is *"the exchange of money or goods for sexual services*, either regularly or occasionally, involving female, male, and transgender adults, young people and children where the sex worker may or may not consciously define such activity as income-generating". - *UNAIDS Inter-Agency Task Team on Gender and HIV/AIDS, in its fact sheet "HIV/AIDS, Gender and Sex Work," published in its 2005 Resource Pack on Gender and HIV/AIDS*

Sex Work Can Be:

- ▶ Formal and Informal
- ▶ Independent, collective or for a third party
- ▶ Exchange for resources including currency, housing, food, drugs, services or other necessities
- ▶ Criminalized and Not Criminalized
- ▶ Based on choice, circumstance and coercion
- ▶ Temporary, sporadic or long-term
- ▶ *A constellation of experience*

OVERVIEW OF CRIMINALIZATION

In every state, forms of sex work are criminalized through prostitution and related laws, which outlaw the exchange of sexual services for resources. These laws include:

Prostitution: Engaging or agreeing to engage in sexual services for a fee.

Patronizing: Solicits or requests another person to engage in sexual conduct with him or her in return for a fee, or paying someone to engage in sexual conduct.

Loitering for the Purposes of Prostitution: Engaging in behaviors and arresting officer assumes are to engage in prostitution, including manner of dress, waving at vehicles, being in an area "known for prostitution" or carrying condoms.

Promoting, pandering, pimping: An assortment criminalizing everyone who knowingly furthers or supports someone's involvement in prostitution. This can include taking money made through prostitution (including rent), helping post an ad, answering phone in a house, or acting as a bodyguard. These laws do not include any need to prove violence or victimization.

***Some areas have a legalization structure for exotic dancers, including licensing or registration.*

****Nevada has a legalized system of brothels, but engaging in sex work outside of the brothels is still illegal.*



Sex Work is Not Trafficking

DEFINING TRAFFICKING

Trafficking in Persons is the exploitation of another person **through force, fraud or coercion**, or forcing someone to engage in any form of labor for one's own benefit.

People engage in sex work under a range of circumstances, some of which involve coercion. **The most effective responses to trafficking are:**

- Community Based
- Focused on improving the working and living standards of **all** workers
- Survivor-Centered
- Trauma-Informed
- Non-Coercive

IMPACT OF CRIMINALIZATION

- ▶ Confiscation of Money, Condoms/Extortion
- ▶ Court fees and fines
- ▶ Denial of Services because of arrest, convictions
- ▶ Deportation
- ▶ Post-Conviction Requirements include sex offender registries, banishment
- ▶ Problems associated with having an arrest/conviction record, include exemption from rape shield laws
- ▶ Inability to enforce labor laws

Criminalization is integrally related to policing. Increased policing of the sex trade leads to:

- ▶ Physical Isolation away from peers, service providers
- ▶ Shorter and more coded negotiations
- ▶ Fewer client options
- ▶ Less negotiating power
- ▶ Less power to refuse clients who are intoxicated
- ▶ **Increases in Interpersonal violence**
- ▶ **Increases in Exploitation**

What Do Sex Workers Want?

Decriminalization is the removal of criminal penalties specific to engaging in the sex trade.

Some acts remain illegal under decriminalization including:

- ▶ Trafficking
- ▶ Violence and victimization
- ▶ Domestic violence/Intimate partner violence