

Sex Worker Advocacy Coalition: Briefing on Criminalization of Commercial Sex

CRIMINALIZATION OF SEX WORK IS INEFFECTIVE AND HARMFUL

The District, like most cities and states, has long had criminal penalties for consensual sexual exchange. Although widely used, such an approach has never worked – instead it only serves to harm those most vulnerable while fostering violence and exploitation. It is time for DC to take a different approach.

Street-based sex workers who are engaged in survival sex work often bear the brunt of criminalization. Research shows that over 80% of street-based sex workers experience violence in the course of their work, and in DC, one in five sex workers has been approached by police asking them for sex. These individuals are often experiencing homelessness and are just trying to meet their basic needs (shelter, food, hygiene). Criminalization of sex work has a greater negative impact on groups already facing discrimination, including communities of color, gay and trans people, people with disabilities, immigrants, and people with criminal convictions.

As Police Chief Peter Newsham has said, “We can’t arrest our way out of prostitution.” Our response to poverty and lack of traditional employment must be based in supportive services and housing. The District will not solve anything by criminalizing people for doing what they need to survive.

REMOVING CRIMINAL PENALTIES WILL HELP IMPROVE PUBLIC HEALTH AND SAFETY

Removing criminal penalties for engaging in sexual exchange reduces public violence and protects sex workers. People in the sex trade are safest when their work is not criminalized, because they are able to screen clients, to negotiate safer sex practices, and to report incidents of client and police violence. Criminalization of sex work only leads to a cycle of violence, poverty, and incarceration.

- **Reduces Vulnerability to Exploitation:** After criminal penalties were removed in New Zealand, sex workers were more likely to report instances of violence.
- **Promotes Public Health:** Addressing sexual exchange as a public health matter improves connection to services, increases the ability to negotiate safer sex practices, and reduces the transmission of infectious diseases (HIV, STIs).
- **Decreases Human Trafficking:** Most sex workers are not coerced or trafficked. However, sex workers are in the best position to identify who is being coerced or trafficked, and removing criminal penalties allows them to be full partners in efforts against exploitation.
- **Enhances Human Rights and Agency:** After removing criminal penalties, New Zealand street-based sex workers were 61.9% more likely to refuse a client because they felt unsafe.

A COMMON SENSE APPROACH TO REMOVING CRIMINAL PENALTIES

More than 16 violence prevention organizations, civil rights organizations, victims’ services organizations, HIV/AIDS organizations, and others have come together to form the Sex Worker Advocates Coalition (SWAC) to promote the health, safety, and well-being of sex workers in DC. We are discussing legislation to improve public health and safety by:

- Removing criminal penalties for consensual sexual exchange among adults.
- Maintaining prohibitions on coercive practices, human trafficking, and the existing laws regarding minors.
- Establishing a task force with DC government agencies and community groups to monitor and evaluate the impact of removing criminal penalties.

Please join us - together we can work to make DC a safer place for everyone. For more information about SWAC and our efforts, contact Johanna Margeson, Women’s Law & Public Policy Fellow at HIPS at johanna@hips.org.