



# A Note on How to Read the GHJP Fact Sheets on Sex Work and the Law in the Current Context of COVID-19



SEX WORKERS & ALLIES NETWORK

YALE GLOBAL HEALTH JUSTICE PARTNERSHIP

As it unfolds, the Coronavirus Disease-19 (COVID-19) pandemic is throwing into stark relief the deep failures and inequities in our current economic, social, legal, and political structures [1, 2]. Prior to the pandemic, criminalization, stigma, and discrimination already made it hard for people involved in sex work to access health care, legal assistance and other services, as well as housing and employment opportunities [3, 4]. The pandemic has added stress and risk to the daily lives and work of those in the sex sector [5].

Despite the fact that sex work is a livelihood and means of survival for many, most people in the sex sector will not be able to access certain labor protections, such as paid leave [6]. Individualized assistance, such as expanded unemployment benefits and the stimulus payment, may be available to some people in sex work, though those are not sufficient nor long-term solutions that replace income [7]. Many sex workers are experiencing loss of income due to appointment cancellations, decreased demand for sexual services, workplace closures, and sickness. This intensifies pressure to seek work and accept clients who they may have otherwise declined for being unsafe or a bad match prior to the pandemic [2].

While public health guidance advises people to stay home and practice social and physical distancing, this is not feasible for all sex workers. It proves to be particularly challenging for those in contact sex work or street-based sex work who need income to meet basic needs like food, medicines, childcare and family support, rent, bills, and so on [8]. While some may be able to shift to online or phone work, these options are not available to everyone for a multitude of reasons including concerns about privacy, safety, limited access to technology and internet, and other resource constraints [9]. Moreover, the implementation of FOSTA/SESTA, the federal law which punishes and holds third-party platforms responsible for any ads or activity related to sex work under the guise of curbing sex-trafficking, means that online work is both risky and more constrained as an option, even for those with the means to navigate the remaining online sites [10, 11]. Many still need to seek in-person work, putting them at risk for increased exposure to the coronavirus.

For street-based sex workers in particular, the closure of most public buildings, homeless service programs, and other social service organizations means that on top of lost income, many are also losing access to food, water, bathrooms, case management, medical and behavioral health care, state benefits and other vital amenities that support basic needs [12]. Many direct service harm reduction groups are struggling to be defined as “essential services” and are working without personal protective gear and with drastically curtailed resources [13, 14]. Additionally, the increased policing of public spaces during the pandemic, at times ostensibly for reasons of public health, has the effect of driving many sex workers underground and away from their regular sites, limiting their ability to access needed harm reduction supplies and medical services or to meet with fellow sex workers to share information and resources [15]. During the pandemic, health justifications are at times being used as a pretext for “business as usual” police harassment of street-based people and the social service outreach workers who seek to support their health and rights [16].

It's clear that the criminalization of sex work exacerbates the health risks brought on by the COVID-19 crisis. Without statutes criminalizing the buying and selling of sex, sex workers would be less subject to police violence and have better access to health services and economic opportunities, more control over their work, and a greater ability to pursue legal remedies in the face of violence of other harms. Full decriminalization of sex work is the complete removal of criminal penalties specific to engaging the sex trade and related practices for sellers and buyers [17]. Many sex worker rights groups and their allies, including the Sex Workers and Allies Network (SWAN) and the Yale Global Health Justice Partnership (GHJP) actively favor this approach. Decriminalizing sex work, now more than ever, remains the best solution to promote the health and human rights of sex workers.

# RESOURCES

Several sex worker rights groups and allied organizations have created resource lists, educational materials, and financial support and mutual aid campaigns to support people in sex work during the pandemic.

- Bubbles. (2020, April 14). Sex Workers: YOU CAN AND SHOULD REQUEST PANDEMIC RELIEF. Tits and Sass. <http://titsandsass.com/sex-workers-you-can-and-should-request-pandemic-relief/>
- Butterfly Asian and Migrant Sex Workers Support Network & Maggie's Toronto Sex Workers Action Project | [Sex work COVID-19: Guidelines for Sex Workers, Clients, Third Parties, and Allies](#) (2020, March 19)
- COVID19. BAWs. <https://bayareaworkerssupport.org/covid19>
- COVID-19 Sex Worker Harm Reduction Resources (U.S. Based). (n.d.). from [https://docs.google.com/document/u/1/d/1GpmUbu7UDCKtbnsBwImFLQtXzHLIZ6FYPY\\_NjJvyiFs/mobilebasic?usp=gmail](https://docs.google.com/document/u/1/d/1GpmUbu7UDCKtbnsBwImFLQtXzHLIZ6FYPY_NjJvyiFs/mobilebasic?usp=gmail)
- Herrera, J. (2020, April 20). How Sex Workers Are Using Mutual Aid to Respond to the Coronavirus. The Nation. <https://www.thenation.com/article/society/sex-workers-coronavirus/>
- Resources and Tips for Getting What's Yours and Staying Safe. (n.d.). Slix from <https://www.slix.com/blog/guides/financial-resources-assistance-sex-workers/>
- Sex-workers' resilience to the COVID crisis: A list of initiatives. (2020, March 31). Red Umbrella Fund. <https://www.redumbrellafund.org/covid-initiatives/>

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3. Global Network of Sex Work Projects. (2020). Community Guide: Sex Workers' Lack of Access to Justice. [https://www.nswp.org/sites/nswp.org/files/cg\\_sws\\_lack\\_of\\_access\\_to\\_justice.pdf](https://www.nswp.org/sites/nswp.org/files/cg_sws_lack_of_access_to_justice.pdf)
4. Luo, N. (2020, January 30). Decriminalizing Survival: Policy Platform And Polling On The Decriminalization Of Sex Work. Data for Progress. <https://www.dataforprogress.org/memos/decriminalizing-sex-work>
5. Sex workers must not be left behind in the response to COVID-19. from [https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2020/april/20200408\\_sex-workers-covid-19](https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2020/april/20200408_sex-workers-covid-19)
6. Vagianos, A. (2020, April 2). Legal Sex Workers And Others In Adult Industry Denied Coronavirus Aid. Huffpost. [https://www.huffpost.com/entry/legal-sex-workers-denied-coronavirus-aid\\_n\\_5e86287ac5b6d302366ca912?ncid=engmodushpimg00000003&fbclid=IwAR12qqfnTA-8dumLxaJbMk4z9CPdyfQYeicQmo\\_g9eYxKmgBpUXnKq-Arjl](https://www.huffpost.com/entry/legal-sex-workers-denied-coronavirus-aid_n_5e86287ac5b6d302366ca912?ncid=engmodushpimg00000003&fbclid=IwAR12qqfnTA-8dumLxaJbMk4z9CPdyfQYeicQmo_g9eYxKmgBpUXnKq-Arjl)
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16. Speri, A. (2020, April 3). NYPD's Aggressive Policing Risks Spreading the Coronavirus. The Intercept. Retrieved from <https://theintercept.com/2020/04/03/nypd-social-distancing-arrests-coronavirus/>
17. Global Health Justice Partnership of Yale Law School and School of Public Health (GHJP). "Sex Work vs Trafficking: How They are Different and Why it Matters" and "The Law and Sex Work: Four Legal Approaches to the Sex Sector", available on the GHJP website ([www.law.yale.edu/ghjp](http://www.law.yale.edu/ghjp)).