

INFORMATION SHEET

GROWING SUPPORT FOR SEX WORKERS' RIGHTS

The inclusion of the non-prosecution of sex work in DA campaign platforms and, once in office, concrete policies is part of, and alongside, the rapid uptake in the last few years of sex worker rights as an issue in state legislative reforms, as well as campaigns from the local level to the presidential race.

Bills to decriminalize sex work were introduced in DC in 2017 (then reintroduced in 2019);¹ in Maine² and New York in 2019 (then reintroduced in New York in 2021 and 2023);³ in Connecticut,⁴ Massachusetts,⁵ Louisiana,⁶ Oregon,⁷ and Vermont⁸ in 2021, and in Missouri⁹ and Rhode Island¹⁰ in 2022. While so far none of these bills have passed, their existence and proliferation mark a shift in support for sex worker rights by legislators and the general public. A poll released in 2020 by Data for Progress showed that 52% of all voters, regardless of party affiliation, “somewhat” or “strongly” support the decriminalization of sex work for both workers and clients.¹¹ Support for decriminalization is highest among Democrats and younger voters, with two-thirds of each group in support.¹² Sex workers and sex workers’ rights advocates have also been successful in securing the repeal of laws criminalizing “loitering with the intent to engage in prostitution” in California, New York and the City of Seattle.¹³

Decriminalization was a topic of discussion during the 2020 Democratic presidential primaries, with a few candidates including Bernie Sanders,¹⁴ Elizabeth Warren,¹⁵ and Kamala Harris¹⁶ expressing support to consider some form of decriminalization, despite Harris’ previous opposition of a San Francisco decriminalization initiative.¹⁷ After being questioned for their previous support of the Stop Enabling Sex Traffickers Act (SESTA) and the Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) in 2018,¹⁸ which sex worker advocates have long argued creates unsafe working conditions for sex workers by limiting their ability to screen clients and share information with each other online, Sanders and Warren co-sponsored the SAFE SEX Workers Study Act (originally introduced in 2019 and reintroduced in 2022), a bill that if passed would assess the impact of SESTA-FOSTA and evaluate whether the law has had negative consequences for the health and safety of sex workers.¹⁹

Human Trafficking is defined in United States federal and state law, as well as international law, as the recruitment, receipt, or harboring of an individual through force, fraud, or coercion for the purposes of exploitation in any labor sector, including but not primarily the sex sector.²⁰ The U.S. Trafficking Victims Protection Act of 2000 (TVPA) defines sex trafficking to include inducement of a commercial sex act by a minor, regardless of whether there is evidence of force, fraud, or coercion, as one of the “severe forms of trafficking in persons.”²¹

These political developments show an increasing understanding of the arguments supporting the full decriminalization of sex work: police and state surveillance, arrests, court cases, criminal penalties, incarceration, and criminal records all contribute to making sex work less safe, limiting access to a stable livelihood for sex workers, and making it harder if not impossible for sex workers to seek protection from violence and report it when it occurs.²² Evidence of the harms of criminalization has led to increasing support for the full decriminalization of sex work by several global and national human rights NGOs, including Amnesty International,²³ Human Rights Watch,²⁴ the American Civil Liberties Union;²⁵ anti-trafficking organizations including the Global Alliance Against Traffic in Women,²⁶ Freedom Network USA,²⁷ and Freedom United;²⁸ as well as intergovernmental organizations such as the World Health Organization.²⁹

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- ³ New York State Senate. "Assembly Bill A8230." 2019-2020 Legislative Session. <https://www.nysenate.gov/legislation/bills/2019/a8230>; New York State Senate. "Senate Bill S6419." 2019-2020 Legislative Session. <https://www.nysenate.gov/legislation/bills/2019/s6419>; McKinley, Jesse. 2019. "Bills to Decriminalize Prostitution Are Introduced. Is New York Ready?" *New York Times*, June 11, 2019. <https://www.nytimes.com/2019/06/11/nyregion/prostitution-legal-ny.html>; New York State Senate. "Assembly Bill A849." 2021-2022 Legislative Session. <https://www.nysenate.gov/legislation/bills/2021/A849>; New York State Senate. "Senate Bill S3075." 2021-2022 Legislative Session. <https://www.ny.senate.gov/legislation/bills/2021/S3075>; Poggio, Marco. 2021. "Competing Bills Seek to Decriminalize Sex Work In NY." *Law360*, November 14, 2021. <https://www.law360.com/articles/1431732/competing-bills-seek-to-decriminalize-sex-work-in-ny>; New York State Senate. "Senate Bill S4396." 2023-2024 Legislative Session. <https://www.nysenate.gov/legislation/bills/2023/S4396>; Immigrant Defense Project. 2023. "New York State Legislators and Advocates Unveil Justice Roadmap for 2023." January 17, 2023. <https://www.immigrantdefenseproject.org/new-york-state-legislators-and-advocates-unveil-justice-roadmap-for-2023/>
- ⁴ Connecticut General Assembly. 2021. Proposed Bill No. 5934. <https://www.cga.ct.gov/2021/TOB/H/PDF/2021HB-05934-R00-HB.PDF>
- ⁵ Commonwealth of Massachusetts. "Bill H.1867." 192nd (2021 - 2022). <https://malegislature.gov/Bills/192/HD2200>; "Black And Pink MA Launches Bold Legislative Agenda." *The Rainbow Times*, April 5, 2021. <http://www.therainbowtimesmass.com/black-and-pink-ma-launches-bold-legislative-agenda/>
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