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SEX WORKERS AND THE CASE FOR DECRIMINALIZATION VS. LEGALIZATION

THE DIFFERENCE BETWEEN CRIMINALIZATION, LEGALIZATION, DECRIMINALIZATION, AND HOW IT RELATES TO SEX WORK

Three main legal frameworks address sex work – criminalization, legalization and decriminalization. In most of the United States, sex work is a criminal offence. This means that the purchase and selling of sexual services, and any associated activities, are criminalized. The various San Francisco statutes (for example) associated with sex work include: prostitution, prostitution while HIV-infected, pimping, pandering, soliciting prostitution, loitering with the intent to commit prostitution, conspiracy to commit prostitution, and keeping a house of prostitution. Sex workers may also face drug and public nuisance charges. In many criminalized systems, the possession of condoms may be used as circumstantial evidence of intent to commit prostitution. This may lead sex workers to avoid carrying condoms due to fear that they will be used as evidence in a court of law.



A legalized system permits some, but not necessarily all, types of sex work. In the state of Nevada, counties with a population of 400,000 or fewer may vote on whether to legalize sex work. In these counties, sex work that occurs in a sanctioned brothel is legal while all other forms of sex work are outlawed. Under a legalized framework, those businesses and individuals involved in sex work face regulations and licensing procedures that other businesses do not. In the Nevada brothel system, every sex worker must register with the police department as a brothel worker. They have restricted mobility and stipulated working conditions, and they have mandated weekly testing for gonorrhea and chlamydia, and monthly testing for HIV and syphilis. The legalization of sex work often times results in sex workers and their businesses experiencing heightened forms of regulation that are not witnessed in other businesses.



One-third of the women thought that the San Francisco Health Department should regulate sex work, and 84% felt that they should have to undergo health screening to be able to engage in sex work. The third system is decriminalization.

In a decriminalized system, the same laws that regulate other businesses regulate sex work. Thus, relevant tax, zoning and employment laws as well as occupational health and safety

Maggie's Toronto Sex Worker Action Project

<https://www.maggiesdo.org/>

Twitter/Instagram: @maggiesdotoronto



Sex Workers' Action Program Hamilton (ON)

<https://swap.hamilton.on.ca/>

Facebook/Twitter/Instagram: @swaphamilton



Sex Workers Alliance Ireland

<https://sexworkersallianceireland.org/>

Twitter/Instagram/BlueSky: @swairireland

Facebook: @sexworkersallianceireland

Mastodon: @SW.AI.Ireland



Respect/Decrim Queensland

<https://respectqld.org.au/decriminalise-sex-work/resources/>

Twitter: @respectqld



GLOBAL SEX WORKER ORG WIKI

https://en.wikipedia.org/wiki/List_of_sex_worker_organizations



FOR MORE SEX WORK(ER) ZINES

https://drive.google.com/drive/folders/1wCLcxB1ln5NP6NmPBboOVmDizd0vPq?usp=drive_link



standards also apply to sex workers and sex work establishments. Unlike legalization, a decriminalized system does not have special laws aimed solely at sex workers or sex work-related activity. This model is found in New Zealand, parts of Australia, the Netherlands and Germany.



Technically, something is legal if it isn't illegal; in other words, if there's a written (codified) law prohibiting whatever it is (murder), then it's legal. That's the problem with loopholes in the law. Sometimes laws are written in such a way that when something happens for the first time, it can slip through; for example, let's say the law prohibiting murder only specified it was a crime if the victim was also committing a crime at the time of the murder (e.g., two bank robbers: one kills the other).

If the victim was just taking it easy at home when s/he was murdered, the offender could say the elements of the crime didn't meet the letter of the law and could have grounds to "appeal" any conviction. Decriminalized on the other, occurs when a thing that was once codified as illegal is "repealed". This generally happens after society changes its mind about whether a thing should be illegal or not. An example is that in the U.S. gay and lesbian sex were once illegal. That is no longer the case ... as long as the act is between two persons of legal age (generally over 18), both of whom are willing (give consent). Another example is the use of marijuana, once illegal throughout the U.S. has now been decriminalized by several (but not all) U.S. states.



Sex workers have been persecuted since the nation was founded. Sex workers have been prosecuted since colonial days, but the nation did not adopt a law prohibiting prostitution until the 1910 Mann Act. It prohibited the interstate transportation of women for commercial sex. And the newly-established federal Bureau of Investigation (BI) first targeted was Jack Johnson, the black heavyweight boxing champion, who defeated James the "Boilermaker" Jeffries, the reigning "white" champion, in 1912. The BI targeted Johnson because he brazenly traveled across state lines with his white wife. Today, while sex work is legal in only a handful of rural counties in Nevada, it is estimated to be a \$14.5 billion enterprise. There is no federal law banning sex work, and laws vary from state to state and even city to city. Many men — from Presidents Trump and Kennedy, to tycoons like Jeffrey Epstein and Robert Kraft, to celebrities, sportsmen and all-too-many ordinary men — have been customers of sex workers. The Fondation Scelles estimated that in 2012 there were one million prostitutes operating across the country. Sex work is a story of abuse, underpay and harassment — including rape, often by the police. "I've had them call me

names, tell me that I was stupid, that whatever happened to me out there, I deserved it for being out there," Tannika Spellman told Vox. Officers have made comments like, "it would be all right if you were out here working, so long as I get lunch," Spellman said, essentially forcing her to buy them a meal to avoid being arrested. She's also been sexually assaulted by officers, she told Vox. "This is something that you can find across the board with sex workers," she said. Police "take advantage of us." Then there is the financial toll of criminalization. Repeated arrests and



fines for doing sex work have driven Spellman further into poverty. She's currently homeless. Criminal penalties can take a toll on sex workers' families too. Spellman's children are grown now, with children of their own — she even has a great-grandchild. But when they were young, she said, "those arrests really took away from my babies." In one 2008 study, nearly one in five sex workers and people profiled as sex workers said they had been asked for sex by a police officer, and one respondent said she had been "made to perform sexual favors to avoid being charged with prostitution." Being convicted of sex work-related offenses also gives sex workers a criminal record, which can make it hard to find housing or non-sex work employment. This falls especially hard on trans women of color, who already face employment

discrimination. In a 2015 survey by the DC Trans Coalition, more than 40 percent of trans respondents said they'd been denied a job because of their gender identity, and 55 percent of black trans respondents were unemployed. People of color are significantly more likely to be arrested for sex work-related offenses than white people. According to Amnesty International, nearly 40 percent of adults and 60 percent of youth arrested for prostitution in the US in 2015 were black, even though black Americans only make up about 12 percent of the



Philadelphia Red Umbrella Alliance

<https://www.phillyruea.com/>

Facebook/Twitter/Instagram: @phillyruea

Haymarket Pole Collective

<https://www.haymarketpole.com/>

Facebook/Twitter/Instagram: @HaymarketPole

We Are Dancers

<https://wadusa.org/>

Twitter/Instagram: @WeAreDancersUSA

Decrim 305: <https://www.decrim305.org/> Social media: @decrim305

SWOP USA: <https://swopususa.org/> Social media: @swop_usa

INTERNATIONAL:

NSWP Global Network of Sex Work Projects

Website: www.nswp.org

Facebook: @GlobalNSWP

Twitter: @GlobalSexWork

International Union of Sex Workers

Email: branch.secretary@iunsw.org

Stella, Montreal

<https://chezstella.org/en/home/>

Social media: @AmiEscStella



MOHO Justice Coalition

<https://www.mohojustice.com/> Facebook/Instagram:

@mojustice

PACE Society

<https://www.pace-society.org/>

Twitter/Instagram: @pacesociety

COSWO (Central Ohio SWO)

<https://almylinks.com/coswo>

SWEET ATX (Austin, TX)

<https://www.sweetatx.org/> Twitter/Instagram:

@sweet_atx

SWAID Collective

<https://www.swaidvegans.org/>

Twitter: @swaidvegans

Instagram: @swaidcollective

Sex Workers and Allies Network (SWAN)

<https://swanx.org/>

Facebook: @swanxhaven

Red Canary Song

<https://www.redcanarysong.org/>

Twitter/Instagram: @RedCanarySong

The Cupcake Girls

<https://www.thecupcakegirls.org/>

Social Media: @cupcakegirlthing

MOHO
JUSTICE COALITION



US population. Trans women of color are frequently profiled as sex workers even when they are not engaging in sex work. This has highly impacted undocumented sex workers, who are at even higher risk of harassment and abuse. Walking while trans laws and no condoms as



evidence laws can help stop the profiling of trans women and especially trans women of color. A law against

"loitering for the purpose of engaging in prostitution" in New York state has been nicknamed the "walking while trans" law, because advocates say trans women

are routinely arrested under the law for doing nothing more than walking in public. In certain areas of New York City, "you cannot be a trans woman of color standing on the street without risking arrest." The solution, for Spellman and other sex workers' rights advocates, is decriminalization: the removal of criminal penalties for selling and buying sex. Advocates say

getting rid of those penalties is the only way to keep sex workers safe from police harassment and the damaging effects of arrests and fines — and to

guarantee them full human rights as workers in America. Over the years, many activists in San

Francisco have called for the city to decriminalize sex work. People who sell sex have been advocating for their rights in America for generations. In 1917, for

example, more than 200 prostitutes marched on Central Methodist Church in San Francisco to protest an anti-prostitution campaign led by the church's pastor. In the

1960s, sex workers were part of the Compton's Cafeteria riot and the Stonewall uprising, landmark events in the fight for LGBTQ rights. Since the 1970s, the organization Call Off Your Old Tired Ethics

(COYTE) has campaigned for decriminalization. In 1993, the San Francisco Board of

Supervisors called for the establishment of a Task Force on Prostitution. This task force was charged with recommending "social and legal reforms which would best respond to the City's needs while using City resources more efficiently." Their report, issued in 1996, recommended

that the City of San Francisco decriminalize prostitution.¹ On the November 2008 San Francisco General Election Ballot, Proposition K proposed the decriminalization of sex work.

This proposition was endorsed by public health officials, the California Sexually Transmitted Diseases Controller's Association, the San Francisco Democratic Party, as well as sex worker



organizations such as the Sex Workers Outreach Project and COYOTE. However, with only 42% of San Franciscans voting in favor of it, Proposition K was defeated.

The sex workers' rights movement worldwide has had a few wins. In 2003, for instance, New Zealand decriminalized prostitution, removing penalties for buying and selling sex. A 2008 study found that after decriminalization, sex workers felt more comfortable reporting abuse to police and more able to insist on safer sex practices and refuse unwanted clients.



Increasingly, global health and justice groups are calling for full decriminalization of sex work. In 2012, the World Health Organization recommended that countries work toward decriminalization. Amnesty International made a similar recommendation in 2016. A bill to



decriminalize prostitution in DC was introduced in 2017. It didn't pass, but it's since been reintroduced, and advocates expect it to get a hearing in the fall. Early in 2019, Democrats in the New York state legislature also introduced bills, backed by DecrimNY, to decriminalize prostitution and repeal the state loitering law. The bills didn't pass, but DecrimNY expects them to be reintroduced in the next legislative session. The United States saw little movement toward

decriminalization for years. In fact, 2018 federal legislation known as FOSTA-SESTA (a combination of two bills, the Allow States and Victims to Fight Online Sex Trafficking Act and the Stop Enabling Sex Traffickers Act) has been criticized by many sex workers' rights groups. The law is meant to penalize websites for hosting content linked to sex trafficking, but in practice, it limits sex workers' ability to advertise their services online, forcing them into more dangerous street-based work. Since the passage of the Stop Enabling Sex Traffickers Act (SESTA) and Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA), trans sex workers have been pushed to hit the streets late at night or take other risky actions, which put them in more danger. They aren't able to screen their clientele and can't take precautions to protect themselves in case something bad happens to them. Being back on the streets increases the risk for unsafe sex practices. Economically marginalized people face increased pressure to engage in risky behavior and have less ability to control their activities.

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BIPOC Adult Industry Collective
<https://www.bipoc-collective.org/>

Twitter/Instagram: @BIPOC_AIC

Support Ho(s)e Collective

<https://sxhxcollective.org/>

Twitter/Instagram: @supportthoschi

Rouge Support Network/Lysistrata Co-op

<https://rougesupportnetwork.org/lysistratacoop>

Twitter/Instagram: @LysistrataMCCF

Black Sex Workers of Colorado

<https://linktr.ee/blacksexworkersco>

Twitter/Instagram: @bswc_la; @blacksexworkersco

Black Sex Workers Network

<https://www.bhswn.org/>

Twitter/Instagram: @BSW_Network

Bluestockings Cooperative

<https://bluestockings.com/>

Twitter/Instagram: @bluestockings

Zepp Wellness

<https://www.zeppwellness.com/>

Twitter/Instagram: @zeppwellness

Woodhull Freedom Foundation

www.woodhullfoundation.org

Social media: @woodhullfreedom



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RESOURCES

ANSWER Detroit

Ph: 313-465-4834

Email: answerdetroit@gmail.com

Instagram: @answerdetroit

Twitter: @ANSWERDetroit



Red Light Legal

redlightlegal.org

Twitter/Instagram: @redlightlegal



Sex Workers Project

www.swp.urbanjustice.org

Facebook: @sexworkersproject

Twitter: @UJCSexWorkers

**SEXWORKERS
PROJECT**

Butterfly Asian and Migrant Sex Workers Support Network

<https://www.butterflysw.org/>



Hacking/Hustling

<https://hackinghustling.org/resources/>

Twitter: @hackinghustling



SWOP Behind Bars

<https://www.swopbehindbars.org>

Email: info@swopbehindbars.org

Social media: @swopbehindbars



Often forgotten is an acknowledgment that all sex work is not the same nor a form of "trafficking." Trafficking is sexual slavery, a "non-consensual," involuntary or coerced act. Prostitution is a "consensual" or voluntary practice involving sexual intercourse or other practices (e.g., phone sex, posing) engaged in by adult women, men and transgender persons who exchange



sexual services for money or other forms of compensation. While there has been a reported increase in independent or "freelance" sex workers, commercial sex is often mediated by a pimp or a sex gang. "Sex work does not equate to human trafficking," said Kristen Cain, a sex worker. "Conflating the two is dangerous for both victims of human trafficking and sex workers. Listen to sex workers. We are here to help you." Sex workers are best positioned to identify victims of trafficking who are coerced into selling sexual services, the three activists told lawmakers, but fear of arrest can prevent them from making reports. They argued that criminalizing sex workers under antiprostitution laws actually creates more space for trafficking



and makes the entire sex trade more dangerous to begin with. "Decriminalizing sex work does not mean decriminalizing human trafficking, exploitation, or violence," said victims advocate Christine Hanavan. Hanavan, who works as a community organizer with the Sex Workers Outreach Project Behind Bars in Orlando, added that decriminalizing sex work "means increased safety, access to social services, and the ability to

leave the sex industry if people choose to without a criminal record forever standing in the way." "Victims, they go from being trafficked to a trafficking rescue that continues to exploit them — it's incredibly troubling that they do that," Hanavan told Truthout in an interview. Hanavan, who has worked in shelters for women, added that police often arrest and incarcerate both sex workers and suspected trafficking victims in prostitution raids, a highly traumatizing experience that cops may attempt to paint as an antitrafficking "rescue" operation when the media starts asking questions.

Sex work involves consenting adults and can range from a legal strip tease to a criminalized massage or sex act, depending on local laws. In contrast, human trafficking involves forced or coerced labor. Sex trafficking victims make up the minority of those forced to work globally, but they often receive the most attention from anti-trafficking groups, which are known to use



language that would require hotels to train certain employees to spot and report suspected human trafficking victims to hotlines and the police. While this would give consensual sex workers more reason to worry about snitches at hotels, sex worker advocates say training and awareness efforts on the “signs of human trafficking” can be dangerously inaccurate and result in profiling and harassment of people who have nothing to do with the sex trade, including immigrants, multiracial families, queer and trans people, neurodivergent people and single women traveling alone. Over the last decade, nearly every state has either passed or toughened existing laws concerning what is labeled “human trafficking.” It a category covering both labor (e.g., house cleaning, farm labor and sweatshop manufacturing) and – especially – sex work (i.e., prostitution). As sex work, trafficking often involves underage juveniles, mostly girls. Among the venues in which sex trafficking ostensibly occurs are “gentlemen’s” or strip clubs, brothels, streetwalkers and online advertisements.



startling tales and images of enslaved young girls to raise large amounts of money. While sex work and trafficking are very different, the line between them can sometimes appear blurry in real life because vulnerable people may engage in sex work in order to survive. People who are poor and marginalized (often due to their race, immigration status and/or gender presentation) may see sex work as their best option for employment. Laws against prostitution create an underground economy and have bred distrust between police and people working in the sex trades for centuries. Sex worker advocates are still concerned about other parts of the legislation supported by law enforcement and anti-trafficking groups, including

MICHIGAN AND THE FIGHT FOR DECRIMINALIZATION

(Continued from an article published in Between the Lines, Feb 2024)

Metro Detroit individuals and organizations are spearheading efforts to decriminalize sex work, recognizing that it is not simply a matter of legality, but a crucial step toward safeguarding the well-being of the LGBTQ+ community.

The field of sex work — which encompasses dancers, escorts, online-only adult content

Even in countries with the Nordic model, sex workers have found it harder to organize among themselves or live together for protection, since they could be arrested for “enabling prostitution” or “operating a brothel.” Landlords, too, have turned sex workers and their families out of their homes for fear of prosecution, or they have extorted sex workers for extra rent, knowing that sex workers risk eviction if they turn to police. For example, a sex worker named Mercy working in Norway described being raped and robbed in the house where she and eight others lived. Two days after reporting the crime, they were all evicted



3. Decriminalizing sex work still means trafficking and other abuses are illegal.

Removing criminal penalties for sex work does not remove penalties for exploitation, forced labor, violence, trafficking, rape or sexual assault — including of minors. All of these are grave abuses, and anyone who commits these crimes or any other form of human trafficking or exploitation for labor must be held accountable to the fullest extent of the law.

4. Decriminalization is supported by leading human rights organizations, international bodies and medical experts.

This is the same policy held by other organizations and agencies, including Human Rights Watch, the World Health Organization, UNAIDS, leading HIV and AIDS groups and leading advocates for LGBTI rights. It is also supported by the medical journal *The Lancet*, which said that decriminalization “would have the greatest effect on the course of HIV epidemics across all settings, averting 33-46 percent of HIV infections in the next decade. Such a move would also reduce mistreatment of sex workers and increase their access to human rights, including health care.”



5. Decriminalization is just one step in protecting the human rights of sex workers, but it is an important one.

We realize that decriminalization is not a magic bullet for all of the harms faced by sex workers. Which is why our policy also calls for governments to protect sex workers from harm, exploitation and coercion, and calls for education and employment options for sex workers. Sex workers must also have a say in developing laws that affect their lives and safety. But without decriminalization, they cannot expect equal treatment under the law to achieve these ends.

human trafficking. On May 3rd, 2019, the Florida legislature unanimously passed Senate Bill 540 that extends the Soliciting for Prostitution Public Database to include “johns” and “pimps,” as well as sex trafficking victims and sex workers. In a follow-up press release, SWOP (Sex Workers Outreach Project) Behind Bars warned state legislators the “registry will be open to the public and aims to name and shame all adults in the sex industry.” Going further, SWOP warned “every member of the Florida House and Senate has now shown how little regard each member has for the brave sex workers and victims of sex trafficking who testified about the unavoidable harm this bill will create in their communities. When we are killed because our names are placed on a registry, we will hold the Florida legislators responsible. When our kids are taken away from our safe homes, put into Florida’s dangerous foster care system, [and] perhaps cruelly beaten or sexually molested, we will also hold Florida legislators responsible.”



AFTERWORD

Here are five reasons why decriminalization is a crucial component of protecting the human rights of sex workers:

1. Criminalizing buyers does not protect sex workers.

Our research included an examination of how the “Nordic model,” which criminalizes the buying of sex, actually plays out. Such laws wound up putting sex workers in even more dangerous situations. Sex workers are often forced to put the protection of their clients above their own well-being. This pushes sex work further underground, making it difficult to seek help when needed. Sex workers are also forced to meet clients in hidden places where the risks to their safety are higher, rather than places where they know they will be safe.

2. Full decriminalization reduces the risk that sex workers will be vulnerable to discrimination, eviction or arrest for related charges.



creators, street-based sex workers and more — disproportionately affects queer people. In the interconnected landscape of oppression and economic insecurity, sex workers often find themselves at the crossroads of multiple marginalized identities. These individuals struggle not only with issues including poverty, homelessness, mental illness, substance abuse and sexual health but also face a heightened risk of violence. For many in the LGBTQ+ community, sex work is a lifetime used for navigating the complexities of identity and self-expression. LGBTQ+ individuals, especially low-income queer people of color, experience higher rates of poverty, [according to the](#)

[National Center for Lesbian Rights](#). Consequently, sex work, as well as decriminalization of it, is often a matter of survival. Brece Rowe, a harm reductionist in Detroit and former sex worker, says that the conversation surrounding sex work and the queer community cannot be had without also discussing why people could have been brought to sex work in the first place. “When we talk about survival sex work, we’re looking at the largest portion of queer people because queer people are also the young folks getting kicked out of their houses, getting kicked out of school, getting fired from their jobs because they’re queer — all of this pushing them to the outliers of society,” says Brece Rowe, who is nonbinary. “When you’re given two options that both suck, you’re still in some way being put into a position that you might not have chosen had housing been an option, had you had access to food, had you had a family that supported your identity.” Kevin Davis, a queer sex worker who actively works as an escort and on OnlyFans, agrees.

“Unfortunately, most of the queer community has done sex work at some point to survive, or as

a form of therapy,” he says. “Sex work has always been a form of therapy for me because of things I went through as a child. It’s been where I’ve channeled my trauma for most of my life, and it’s saved my life because I’ve had that outlet because I couldn’t afford therapy and I didn’t have insurance because I’m a queer person.”

Aside from outward sex work advocacy, Davis works mainly with organizations that serve people living with HIV. He recently moved to Detroit from Dallas, Texas, currently attending Wayne State University in pursuit of a masters degree in public health. Davis found a more welcoming and accepting home in Detroit, and while the full-time move was made just weeks ago, he has been working with Detroiters to advocate for sex workers at a grassroots level for years. One organization he has been involved with is [Answer Detroit](#), a sex worker justice collective started by a group of sex workers in 2018 that provides mutual aid to the local sex work community. ANSWER is an acronym for 16



A Network of Sex Workers to Excite Revolution. The mission of the organization is "to allow anyone involved in sex work to not only survive, but thrive," and "eliminate the shame, stigma, and criminalization around sex work."

Parker Westwood, a co-founder and working member at Answer Detroit, has been passionate about sex work advocacy from a young age, writing a paper in eighth grade about the censorship of porn. They became a sex worker at the age of 19, first as a stripper. Westwood, who is genderqueer and uses any pronouns, says that at the start of the pandemic, Answer raised \$30,000 in three months for mutual aid. For a group of people in an isolating career who often cannot ask for help, peer support is extremely important. Further resources that Answer provides include sex work safety protocols, harm reduction and clothing, as well as connecting people with housing opportunities and doing outreach to see what the community needs most. In the future, Westwood says that Answer Detroit hopes local sex workers can share their stories more often, and do even more work specifically for the fight toward decriminalization. While criminalization affects all sex workers, queer people can be faced with heightened hardships including compounded stigma and discrimination, increased internal struggle and higher risk of violence. With fear of being prosecuted themselves, queer sex workers cannot report the violence against them. While Westwood has "seen some assholes," they say they have been lucky to have not experienced violence, and when a client says something intolerant or displays toxic masculinity, they take the opportunity to dive into a conversation and talk to the person about how problematic it is.



personal experiences of sex work-it is not always trafficking but is often a choice. Second, law enforcement seeks to collapse the difference between adult, consensual sex work and "trafficking." Third, the state legislature's anti-sex politics are making the life of adult sex workers worse. Fourth, the state needs to pass legislation that does not persecute sex workers. Alex Andrews, an Orlando sex worker and a SWOP Behind Bars advocate, argues "Our legislators and law enforcement have been led to believe that sex trafficking is huge in Florida, but studies have shown that because sex trafficking and sex work are being conflated all the time." Another advocate, Hanavan, drew special attention to Bill 540 as well as other punitive laws being considered by Florida's legislature that will only make the life of sex workers-and those truly trafficked-worse. They include:



governor and subsequently approved).

+House Bill 219 and Senate Bill 370:

Would create new mandatory

minimums for solicitation of human

trafficking victims (May 3rd, 2019-dies

in appropriations subcommittee on

criminal and civil justice).

+House Bill 527 and Senate Bill 168:

While dubbed "Federal Immigration

Enforcement," they are anti-immigrant,

anti-family, anti-worker, and anti-safety-and they also support human trafficking (May 3rd, 2019-died in Judiciary, companion bill SB 168 passed).

+House Bill 259 and Senate Bill 982: While ostensibly requiring public school health education

about child abuse and human trafficking, they would actually remove educational requirements

about teen dating violence and abuse (May 3rd, 2019-died in both Education and

Appropriations).

Despite emotional testimony from the Florida legislature from Kat Cain and another activist who sensationally sells sex for a living, the lawmakers did not move to decriminalize sex work in Florida. Instead, they advanced Senate Bill 540, which would expand a statewide human trafficking council and require the hospitality industry to train employees to watch for signs of



arrests in February 2019. The February police sting on ten massage parlors and day spas in south Florida was the result of a monthslong undercover operation and resulted in solicitation charges against several prominent men. Martin County sheriff William Snyder and other cops have loudly framed the high-profile raids as part of an anti-human trafficking operation, telling media outlets that immigrants from China appear to be living in at least some of the bustling spas and parlors. However, police have so far been unable to bring any charges under Florida's human trafficking statute; according to reports and a review of jailhouse records. One spa owner does face various prostitution and racketeering charges and could face decades in prison. Police released little information about the massage therapists they say are trafficking victims due to ongoing investigations. Local reports allege at least 12 alleged spa employees were arrested and jailed at least initially, and it's unclear whether those incarcerated are among the "victims" allegedly held in "sexual servitude." Two "cooperating victims" were reportedly staying in "shelters." All eyes are on Florida because of the high-profile stings on massage parlors.



DSW teamed up with sex workers and allies in Florida to draw attention to what criminalizing sex work actually looks like: vulnerable women in handcuffs. DSW and SWOP Behind Bars staged a news conference at Orlando City Hall on April 22nd, 2019, to push the messages LISTEN TO SEX WORKERS, JUST STOP THE ARRESTS, and HELP NOT HANDCUFFS, calling on state legislatures not to pass Bill 540 as well as for the state to decriminalize sex work and for the genuine enforcement of sex-trafficking laws. SWOP Behind Bars, SWOP Orlando, SWOP Tampa, the Sex Worker Solidarity Network, and FL Now stood together for sex worker rights and the women of Florida. They spoke about the devastating impact of arrests and of the bad bills being pushed through the Florida legislature that would create a prostitution registry and increase police surveillance of sex workers. The rally in Orlando is part of a movement showing gaining momentum throughout the U.S. to decriminalize sex work. Active campaigns in Florida are underway as well as in Rhode Island, New Hampshire, New York, California, Hawaii, Alaska, and Washington D.C. The women (and some men) who rallied at Orlando City Hall to defend the interests of sex workers spoke to four interlinked issues that define prostitution today. First, the



manipulated to identify where something feels off and report it," Westwood says. "It just makes the environment safer when we have the autonomy to say 'something's not right'." Apart from Answer Detroit, other local organizations that advocate and provide resources for sex workers include [Corktown Health](#) and [Detroit Recovery Project](#).



Even within the sex work community, various degrees of privilege are prevalent, and Westwood feels that decriminalization would help to allow people with more privilege in the community to be able to better help others who are faced with challenges. "If we give sex workers as a group, humanity, autonomy and dignity, it's going to be a lot harder to manipulate people in that industry and it's also going to be easier for those who are not being manipulated to identify where something feels off and report it," Westwood says. "It just makes the environment safer when we have the autonomy to say 'something's not right'." Apart from Answer Detroit, other local organizations that advocate and provide resources for sex workers include [Corktown Health](#) and [Detroit Recovery Project](#).



Rowe's advocacy, which encompasses harm reduction initiatives and HIV prevention efforts, is normally tailored specifically to marginalized sex workers who use substances and are in poverty. Through needle exchange programs and sexual health advocacy, Rowe has been able to connect with sex workers who may be scared to ask for help otherwise. "The sex workers that I work with are typically survival sex workers, sex workers using sex work as a means to an end. Most of my work is done outside of my 9 to 5 that pays me because the type of advocacy and clients that I serve are clients that don't typically have accessibility to resources," Rowe says. "Criminalization harms those on the lower end of the spectrum, which are going to include queer people more so than the privileged sex workers simply because of the way that we're viewed as humans." While queer people as a whole are faced with challenges within the sex work community and due to the criminalization of sex work, trans people specifically, [especially trans women of color](#), are faced with even more issues. In 2023, 320 transgender people were murdered, [according to Forbes](#). Of this

group, 94% were trans women, a majority of whom were Black. And many were sex workers.

Davis and Rowe emphasize that there are very few statistics about sex workers, and it is hard to trust that the number of deaths is accurate. Often, while reports of transgender people being killed don't mention anything about sex work, people in the community know that it is often a missing piece of the story. Plus, when stories are written about sex workers, they often don't include quotes from people who have been in the community themselves.

In the quest for sex worker rights, decriminalization is a critical step toward safety and autonomy for marginalized individuals. While fighting for decriminalization, people understanding the difference between sex work and sex trafficking is critical. The most important difference is the fact that sex trafficking is against someone's will, while sex work is consensual. The differentiation between legalization and decriminalization is also important, as simply legalizing sex work would still create inaccessible barriers. The path to decriminalization is filled with many obstacles though, from decades-old city ordinances to systemic biases within law enforcement. Rowe's encounters with city officials underscore the need to align legislation with harm reduction principles. When Rowe had a syringe service van in Detroit, a client they were providing with medical attention and clean paraphernalia was arrested for possession of paraphernalia, even though the items were purchased with federal dollars. Rowe says they would often meet with the city's chief of police at the time to urge him to alter city ordinances so issues like this could be prevented. "The money and the laws are not aligning at the same time," Rowe says.



Westwood, Rowe and Davis emphasize the importance of federal protections for sex workers against discrimination and harassment in the workforce, advocating for policies that prioritize consent and human dignity. Davis says he himself has been discriminated against in previous workplaces due to the fact that he is a sex worker and is publicly proud of it. "As of right now, you can still be fired, unhoused, kicked out onto the streets with nothing, for simply claiming sex work as an identity factor, so the first step 100% would be federal protection under discrimination," Rowe says. "It needs to be a protected status in Title V where it says that you cannot discriminate against age, race, sexual orientation, gender — sex work needs to be in there."

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Rowe highlights that although sex work is not necessarily an identity factor, the hardships that come along with it make it feel just as important. "I now hold 'sex worker' as an identity piece, not because it necessarily changes who I am in my character, but it does change my worldview; it has exposed me to a lot of things that the average person won't be exposed to," they add. "I've been able to explore sex in ways that other people don't explore sex, which ultimately heightened my senses of sexuality and gender, which is why I'm a gender fluid person and a queer person because of the sex that I explored while I was a sex worker. That status needs to be protected federally, that you cannot discriminate employment, housing or social services like WIC and Medicaid, because of sex work." Organizations being public allies to sex workers is also important, Davis says, as well as including sex workers in policy-making and diving deeper into intersectionality. "We could do better as far as including all types of sex workers and maybe not just street-based. We could use the allyship from people from OnlyFans, we could use the allyship from people that are in policy, starting to include more people into the conversation so that the conversation can expand past what it's looked like historically," Davis says. "We need new people. We need mentorship, we need leadership and we need guidance." Westwood says people can help the sex work community in small ways first, such as by interrogating their own views around sex work and speaking up to eliminate stigma in their own communities. "With sex workers, we've always been here, we've always been queer and we're not going anywhere," Westwood says. "People can continue to fight who we are and continue to see us as inhuman, but there's so many of us and we're all so diverse and so human with our own beautiful stories. They're missing out. Anyone who wants to dehumanize us is just missing out on a whole lot of cool people who, in my view of the future, are just going to take over the world and it's going to be beautiful."



Florida lawmakers purport to want to do something about sex trafficking in the wake of high profile raids on massage parlors across south Florida that led to 300 "prostitution"-related

FLORIDA AND THE FIGHT FOR DECRIMINALIZATION

(Notes from different news interviews)

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