

January 26, 2024

Submission by the US PROStitutes Collective (US PROS)

US PROS urges the *UN Rapporteur on Violence against Women and Girls* to seriously examine the connections between criminalization of prostitution and violence against women and girls. Criminalization has a harmful and damaging impact on the lives of sex workers. We urge that the international demand for the decriminalization of prostitution from sex worker groups around the world be heard.

US PROS is multi-racial network of sex workers and former sex workers campaigning for decriminalization, sex workers' rights and safety, and resources so those that want can get out of prostitution. We began in NYC where a group of Black women formed New York Prostitutes Collective and went national in 1980.

US PROS coordinates the *In Defense of Prostitute Women's Safety Project* (IDPWS) in San Francisco to stop violence against sex workers. IDPWS is a self-help community resource that began in 1998 and provides support for sex workers who have been raped and/or sexually assaulted, as well as public education about violence against sex workers. It campaigns for all women's safety – when sex workers aren't safe, no woman is safe. IDPWS advocates for financial resources for women who are vulnerable to violence and poverty.

- **The criminalization of sex work drives sex workers underground, into greater danger.**

Criminalization makes prostitution more stigmatizing and exploitative, creating a climate where sex workers are easy prey to violent men, including serial murderers. Sixty percent of sex workers experience violence while working. The high level of violence sex workers face is not because sex work is inherently violent, but because violent men know women are vulnerable and the police don't care about their safety. Women of color and trans sex workers suffer disproportionately, and most don't report violence to the police for fear of arrest, harassment, sexual assault and other brutal treatment.

- **Historically, serial rapists and murderers often start by targeting sex workers and then move on to attack other women.**

When attacks go unreported violent men are left free to strike again. US PROS supports the work of the *Black Coalition Fighting Back Serial Murders*, campaigning since the 1980s for justice and police accountability in the murders of over 200 Black women dead or missing in LA. Many were sex workers, and some were mothers. The police dismissed the murders as NHI, No Human Involved, and ignored the murders for decades because the women were poor and Black.

- **We do not agree with the terms of reference of this consultation that conflates sex work with trafficking.**

The consultation is framed in a way that demonstrates support for the increased criminalization of the clients of sex workers, which has been shown to increase violence toward sex workers. In the US, clients are arrested and prosecuted all over the country every day, including in massive law enforcement operations. They are often criminalized under the guise of rescuing children from traffickers. The criminalization of clients has not led to the abolition of “demand” nor in any obvious decrease in either prostitution or in violence against sex workers, but acts as a distraction and a cover. It enables police time and resources to be poured into criminalizing clients who are easy targets, while violent men who should be investigated and arrested, carry on with impunity, and victims of rape and other violence are left unprotected. A Human Rights report found, “widespread examples across the US of the police routinely neglecting crimes of sexual violence and refusing to believe victims.”

- **The consultation mentions poverty and poverty should be the focus.**

Rising poverty in the US is a key factor in pushing women, particularly mothers, into prostitution to survive. Poverty is increasing at a horrifying rate. Seventy three percent of impoverished people in the US are women and children, disproportionately women and children of color. One in 25 families in the US lives on \$2 a day. It is therefore not surprising that women resort to sex work to feed kids and pay the bills, and that 70% of sex workers are mothers. Also, when welfare is cut, the number of single mothers arrested for prostitution increases.

When the US government addressed poverty through regular monthly payments, as was the case with the expanded US Child Tax Credit of 2021, child poverty was reduced by nearly 50% and 3.7 million children were lifted out of poverty. Over 100 guaranteed income pilots in the US have demonstrated that regular monthly payments increase the well-being of people most impacted by poverty. Mothers enrolled in the pilots have been able to pay for necessities for their children, and achieve more financial stability.

The way for governments to address the increase in prostitution due to poverty is not to criminalize prostitution, but to provide financial resources to women and girls, including so that women can leave prostitution if they want.

- **Police operations against prostitution in the US are implemented in a sexist and racist way.**

Sex workers, mostly women, face arrest and prosecution and US police disproportionately target sex workers of color, especially trans women. Nationally, 68% of prostitution arrests are of people of color. In New York, 91% of arrests for loitering for prostitution were Black and Latinx women (before the law was repealed because of racist, transphobic enforcement). In San Francisco,

where US PROS is based, 66% of arrests for prostitution are of Black women, while Black people are only 5.2% of the population. In addition, women are the fastest growing population going to prison and for 80% of those in prison are single mothers. Among imprisoned women, 72% were living in poverty before being arrested. When women are arrested, child welfare can come in and take their children, saying they are unfit mothers. Sex workers can lose their children not only when they are arrested but if they are reported as a sex worker. If they are in prison their children can be fast tracked into adoption.

- **We object to the Rapporteur ignoring evidence that anti-trafficking laws are most often used against sex workers.**

Anti-trafficking campaigns falsely claim that all sex workers are victims of trafficking to justify police crackdowns and raids against sex workers and to criminalize clients. These laws are primarily used to target immigrant sex workers for arrest and deportation and to prevent women from crossing national boundaries in search of a better life. A report from UCLA Gould School of Law shows how anti-trafficking operations by law enforcement have little or no impact on the fight against trafficking, result in round ups and arrests of sex workers, and are violent and traumatizing. Women of color are most impacted. The report shows that few if any victims of trafficking are found through these raids and those that are don't get the help they need. Media reporting on large scale anti trafficking operations in the US during the Super Bowl shows repeatedly that arrests are mostly of sex workers and clients.

- **Grassroots sex worker led campaigns for decriminalization and protection in the US have led to changes in the law.**

In Seattle, New York State and California, successful organizing by mainly sex workers of color, including trans women, won the repeal of loitering for prostitution laws, which had a proven disproportionate and negative effect on communities of color. The removal of the loitering law, "Walking While Trans Law," has led to fewer sex workers, especially trans women, being arrested. In San Francisco. US PROS and other sex worker groups got immunity agreements from the San Francisco Police¹ and the District Attorney,² which protect sex workers from arrest and prosecution when they report violence. In addition, a state bill passed that extended this immunity to all of California; it also prohibits the police from using condoms as cause to arrest. Other states are pursuing similar immunity bills. Also, in California, US PROS spearheaded and won a campaign to overturn a discriminatory regulation that denied sex workers and formerly incarcerated people the right to victim compensation when they are victims of crime.³ In cities across the US, including San Francisco, Los Angeles, the borough of Manhattan in New York, Philadelphia, and Baltimore, district attorneys are refusing to prosecute sex workers. These new legal protections are

a significant step towards decriminalization in the US and are part of the growing momentum recognizing the harms caused by criminalization.

1. <https://sfgov.org/dosw/sites/default/files/department%20bulletin%2017-249.pdf>
2. <https://sfgov.org/dosw/sites/default/files/DA%20Prioritizing%20Safety%20for%20Sex%20worker%20Policy.pdf>
3. <https://uspros.net/2013/12/14/sex-workers-groups-and-supporters-celebrate-victory-on-compensation-for-rape/>