

SEX WORK POLICY RECOMMENDATIONS



The National LGBTQ Task Force is mobilizing, training, and partnering with lesbian, gay, bisexual, transgender and queer advocates across the nation to secure full freedom, justice, and equality for all. We are working to create a future free from violence, discrimination, racism, poverty and injustice. On the the local level, we're fighting back against the opposition's attack on the recent advances to equality. At the federal level, we are working with the Administration to include LGBTQ people in existing federal policies.



State-Level Recommendations

Full decriminalization of sex work.

Ultimately, laws such as those targeting promoting and soliciting prostitution isolate people who engage in the sex trade, making them vulnerable to violence and exploitation, and keep them at constant risk of arrest and prosecution. Criminal records further reduce or restrict sex workers' ability to access social services or other forms of employment. States must fully repeal from their penal codes statutes that criminalize sex work.

Even where full decriminalization is not immediately available, policymakers can take steps to reduce the harshest impacts of criminalization.

Abolish state-level restrictions that exclude people with criminal records from securing social services.

Some state laws and regulations that place restrictions on access to social services exclude people with criminal records. Such policies perpetuate a cycle of violence and marginalization against people who engage in the sex trade. State legislatures and state agencies must revise and repeal laws, regulations and policies that exclude people with criminal records from basic social services.

Repeal of laws that place people who engage in the sex trade in state sex offender registries.

Many prostitution and solicitation laws force people who engage in the sex trade into sex offender registries which further stigmatize and marginalize them, impede them from holding many jobs, and in many cases, even restrict where they can live for the rest of their lives. State legislatures must repeal laws that place people who engage in the sex trade in sex offender registries and must make possible the expunging of records of those arrested and charged under these laws.

Curb laws used to criminalize people who engage in the sex trade.

States must curb and cut down on the use of laws that are regularly and routinely used by police to profile, harass and charge sex workers, such as loitering with intent to solicit, public lewdness, prostitution, etc. Racial profiling, combined with profiling based on gender identity and expression, combine to have disastrous consequences for trans women of color. These laws must be significantly curbed to stop victimizing sex workers.

Municipal-Level Recommendations

Deprioritize the enforcement of laws that criminalize or are used to profile people who engage in the sex trade.

People engaged in the sex trade are marginalized by the constant threat and risk of arrest and criminal charges, which lead to criminal records, making it harder for sex workers to find other types of work. Many of these laws include charges such as prostitution, loitering with intent to solicit, public lewdness, public nuisance, patronizing, and promoting. Police often use these laws to profile LGBTQ people. Police departments and prosecutors must stop enforcing these laws, which have negative consequences for people engaged in the sex trade.

Stop using condoms as evidence and cause for arrest.

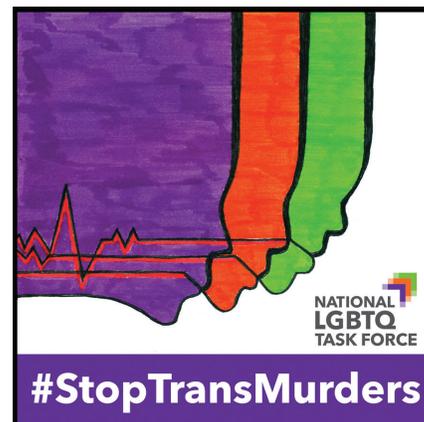
In many jurisdictions, police departments routinely use the possession of condoms as evidence for prostitution-related arrests. Even when these policies are not official and condoms may be challenged as inadmissible as evidence, police departments continue to profile and arrest sex workers or people suspected of sex work, using such practices as a “three-condom limit.” Such policies and rumors they spark place sex workers at increased risk for sexually transmitted disease, including HIV, as well as pregnancy, and they diminish bodily autonomy, as sex workers and others are forced to choose between facing a higher risk of being arrested or not using condoms.

Introduce or expand city-level “Good Samaritan” laws to include people engaged in the sex trade.

Many municipalities and cities have “Good Samaritan” laws that grant protection to individuals who call emergency services to report an overdose. In such cases, a caller who has also been using drugs is protected against prosecution. Building on this model, we believe that policies and laws should be put in place that protect people engaged in the sex trade from being prosecuted for criminal offenses if they seek help from emergency services because of violence or other reasons. This shift would allow those engaged in the sex trade to report violence without fear of arrest or prosecution.

End profiling.

Law enforcement agencies must establish policies and procedures that eliminate profiling based on race, ethnicity, national origin, religion, gender, gender identity and expression, or sexual orientation.



With our StopTransMurders campaign, we're challenging the media to report the facts accurately on the epidemic of anti-transgender violence—including violence perpetuated by law enforcement and the criminal justice system—which has had an especially devastating impact on transgender women of color. At the same time, we are also building awareness of the pervasive discrimination trans people face in all aspects of their lives, and how this contributes to them being at heightened risk of violence.

be you.

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