

# **RAISING UP THE VOICES OF SEX WORKERS**

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## **Abstract**

Sex workers have a long history of oppressive legislation and a stigmatized view in the United States. Many of these policies, both federal and state-level, do not include the opinions of sex workers. This research project surveyed current and former sex workers (N=6) on their thoughts about policy surrounding sex work in the United States. All six participants agreed that there needs to be a change in current policies, and the majority of participants agree that sex workers need to be included in the writing of policy for it to truly benefit sex workers. This research suggests that sex workers would like to be included in conversations and politics surrounding their work.

*Keywords: sex work, decriminalization, legislation, sex workers*



The sex industry is a multi-billion-dollar industry (Pfeffer et al., 2017) in the United States (US), with a combined worth of up to 290 million dollars in 2007 in 8 cities - D.C., Atlanta, Dallas, Denver, Kansas City, Seattle, San Diego and Miami (Dank et al., 2014). Sex work ranges from pornography to stripping and dancing to full-service sex work (FSSW). These types of sex work, along with many other forms of sex work contributes to the financial success of the entire industry. Sex trafficking is a major problem and received a lot of public attention. Because of this, the public tends to have a perception that all sex workers are involved with the work involuntarily. However, this is not true. Many sex workers are voluntarily engaged in work in this field. In accordance with The Victims of Trafficking and Violence Protection Act of 2000 (VTVPA) and other anti-trafficking acts, an adult who willingly sells sex, including services offered in strip clubs or brothels, are not victims of sex trafficking because consent is needed for the sex industry to operate (George et al., 2010).

Unfortunately, despite the commercial success and active consent from workers and clients, sex work remains heavily criminalized in the United States, jeopardizing the safety and health of sex workers (Wolffers et al., 2003). The majority of opposition to sex work comes from sex work exclusive radical feminists (SWERFs). SWERFs are women who identify themselves as feminists but believe that sex work is degrading and an attack to women's rights. They believe that sex work does more harm than good, as it promotes sex trafficking and the exploitation of women (Toone, 2018). Many SWERFs believe that because sex workers of all types are feeding into the selling of sex and the patriarchy that sex work exploits women to be seen as sexual objects, rather than people. However, there are many sex workers who find sex work empowering and often times state that sex work has allowed them to better connect to their body and sexuality and other sex workers have reported that the knowledge that they can rely on themselves for income can be financially empowering (Stanger, n.d.). However, FSSW is not legal throughout the US. The national decriminalization of sex work will not only lead to an increase in quality of work and safety for sex workers, but it will also help decrease the number of individuals on the street doing FSSW, while also help fight against human trafficking (Sex Workers & Advocates Network, 2020). In the past decade or so, the conversation surrounding sex work has been changing and sex workers have been becoming more vocal about how legislation can better include them.

## **Literature Review**

Sex work is defined as any sexual services that sex workers voluntarily and consensually partake in (George et al., 2010). Sex workers need to be over the age of 18 and not forced into the commercial sex industry. Examples of sex work can include full-service sex work (formerly referred to as prostitution), sugar babies, pornography, and stripping. For the purpose of this research, the term sex work will include pornography, stripping, and FSSW.

## **Criminalization**

In the United States, with the exception of some parts of Nevada, sex work is criminalized. Laws about sex work are determined on a state level, not a federal level. This means that sex work is a criminal offense in forty-nine states in the US. Therefore, outside of Nevada, an individual can be arrested for soliciting sex work. Most of the policy surrounding criminalization of sex work mostly affects FSSW, but in some states there are limitations to stripping. The criminalization of sex work can result in sex workers, specifically FSSW, arrested for breaking the law by soliciting sex (Pfeffer et al., 2017). The intent of criminalization is to protect individuals from abuse, exploitation, and sex trafficking however criminalization has made sex work more dangerous, specifically for FSSW (Rekart, 2006). The criminalization of sex work puts sex workers in the challenging position of either not reporting violence or reporting violence and getting arrested for soliciting prostitution.

## **Legalization**

There are over 15 countries in the world that support the legalization of sex work, including Austria, the Netherlands, and Brazil. Legalization is when a government removes the prohibition of a previously illegal activity and removes the punishments for said activity (Leyton, 2016). Many Americans are familiar with legalization through the legalization of marijuana in several states across the United States. Many people support the legalization of sex work as it provides sex workers with protection from prosecution and with government protection, sex workers are safer and more protected from sex trafficking and violence (Weitzer, 2009).

The most well-known example of the legalization of sex work is the Nordic Model, which is the model used by Sweden, Norway, Iceland, and Finland (Kingston et al., 2019). The Nordic Model focuses on FSSW and makes the purchasing of services from a full-service sex worker illegal, so the responsibility of following the law is put on the clients rather than the sex workers. While sex workers are able to sell sex without being arrested, the Nordic Model still harms sex workers (Chu et al., 2014). With the purchasing of sex being illegal, sex workers aren't able to work as freely as they want to. Clientele may decrease because the clients don't want to risk arrest or other legal penalties. As Vuolajärvi, 2018, states "the model aims to abolish commercial sex by criminalizing the buying of sexual services while not criminalizing the selling, as the aim is to protect, rather than punish, women." FSSW are still allowed to do their jobs, but without a steady supply of "demand", this will make it challenging to work in the sex industry.

However, critiques of the model are based in the concern that the Nordic model wants to end the sex industry without directly harming sex workers (Kingston et al., 2019). One of the reasons this model is not seen as anti-sex work is that sex workers are not the ones who are at risk of breaking the law for doing their job (Vuolajärvi, 2018). This is one of the presenting problems with legalizing sex work. The legalization of sex work does help breakdown the stigma that sex workers face and makes it possible for them to more openly state that they do sex work (Stanger, n.d.). Decreasing the stigma surrounding sex work will help remove the moral debate that surrounds sex work, as it will seem more normalized and less like a "dirty job". This will open up people to more conversations surrounding sex work and the sex industry for people on both sides; as sex

workers could openly discuss their work and opinions without risking legal repercussions.

Legalization also creates a possible issue because the country's government would be able to put barriers in place making it harder for sex workers to provide services, similar to Nevada making it challenging for sex workers to keep up with all the mandatory regulations (Freeman, 2019). The legalization of sex work, similar to the legalization of marijuana, could lead to state or federal governments only allowing sex services to be sold in specific locations and many sex workers and club owners would need to obtain specific licenses to sell sex, which can often be expensive and time-consuming (Freeman, 2019). Legalizing sex work would make it more challenging for sex to be sold and purchased while allowing the government to force certain regulations on sex workers, which can make it more challenging for them to work. These regulations could include things like requiring all sex workers to obtain a business license or forced routine physicals outside routine sexually transmitted infections (STI) and sexually transmitted disease (STD) testing. Regularly testing sex workers for STI/STD has been proven to increase safety for sex workers and clients alike (Freeman, 2019) and allows them to practice safer work habits. There are safety protocols that would be easier to abide by with legalization, but there is also the risk of further complications and obstacles in legalization as well.

### **Decriminalization**

The decriminalization of sex work would make sex work legal. Many sex workers worldwide are calling for decriminalization after New Zealand decriminalized sex work in 2003 (Abel et al., 2009). New Zealand's main reasoning for decriminalizing sex work, as stated in their Prostitution Reform Act, was "to ensure that the human rights of sex workers were safeguarded" (Warnock et al., 2012). Regardless of the type of sex work done, many sex workers prefer decriminalization, as they don't want someone to come in and "save them"; instead, sex workers want to be protected in their line of work, the same as any other job (Zannell, 2020).

The World Health Organization (WHO) supports Amnesty International's 2016 policy model calling for the decriminalization of sex work (Albright et al., 2017), with the reasoning that decriminalization can better protect the health and human rights of sex workers. This can be associated with fewer resources being used to prosecute sex workers and allocate them to ending sex trafficking, protecting sex workers from potential exploitation. Decriminalization could decrease stigma, which could facilitate better access to healthcare services and more accurate sharing of information with health care service providers. In a study of full-service sex workers, found that over 70% of sex workers do not tell their healthcare providers that they are sex workers for fear of being reported to the police or being denied services (Cohan et al. 2009). Fear of arrest not only prevents sex workers from reporting abuse or exploitation but can even make them easier targets for sex trafficking (Albright et al., 2017). The lack of legal protection makes it challenging for sex workers to come forward to the police, as they do recognize the potential danger they could be in, but in reporting it to the police, they are possibly incriminating themselves.

## **Sex Work Policy in the United States**

In the US, there is a lack of federal policy surrounding sex work, leaving laws about sex work up to the discretion of the states. Out of all 50 states, only Nevada has legalized FSSW. However, Nevada only allows sex work in 10 out of the 17 counties (Heineman et al., 2012)., Nevada's policies include legally recognized brothels, where full-service sex work is allowed within the establishment. The federal policies the US does have aren't specifically created to include sex work, but often unintentionally affects sex workers. The Stop Enabling Online Sex Trafficking Act (SESTA) and the Fight Online Sex Trafficking Act (FOSTA) of 2018 were created to prevent sex trafficking in the US. The purpose of SESTA/FOSTA was to hold websites accountable if they participated in sex trafficking. The goal of SESTA/FOSTA was to help eradicate online sex trafficking. These acts have actually led to the rise in sex trafficking due to how they affected sex workers (Chamberlain, 2019). Many online services used by sex workers to advertise their services, like Backpage, were shut down because SESTA/FOSTA made it harder for the websites to operate, which lead to sex workers no longer being able to advertise themselves online, as the language used in the acts can make it easy to conflate sex work and sex trafficking (Witt, 2018). Because there is less advertisements online for sex services being provided by sex traffickers, there is less evidence and leads for law enforcement to follow leading to the persecution of sex traffickers which cause San Francisco to see over a 170% increase in sex trafficking after SESTA/FOSTA (Dalbey, 2019). A cause of this spike was suspected to be caused by SESTA/FOSTA. These two acts made it challenging for sex workers being able to advertise their services online and also made it more challenging for sex workers to screen clients for safety concerns. According to Dalbey, the increase in sex trafficking happened because there is less evidence leading law enforcement to sex trafficking rings (2019).

There's a noticeable gap in the opinions of sex workers and legislators regarding policy surrounding sex work. This research aimed to ask sex workers their thoughts and opinions on current legislation and decriminalization to fill the gap between sex workers' needs and legislators preconceived ideas about sex work.

## **Methods**

### **Participants:**

Participants (N=6) individuals who consensually worked or were currently working as a sex worker. Participants were required to be over the age of 18. Sex worker was defined as any sexual services that sex workers voluntarily and consensually partake in. Sex work includes work in fields such as, but is not limited to pornography, stripping, or full-service sex work.

### **Procedures:**

The sampling method used was the convenience and snowball sampling. The researcher emailed their personal contacts the survey advertisement and link to the anonymous survey (via Survey Monkey), posted it on their personal social media accounts, and reached out to moderators on online sex work advocacy groups with the survey link. The project was approved by Salem State University's IRB.

**Materials:**

The electronic survey consisted of nine questions. Six questions were multiple choice questions regarding demographics and three questions were open ended questions. The three open-ended questions centered around what sex workers think of current legislation, decriminalization, and how they would like to be included in the conversations surrounding legislation. These three questions were: “what changes would you like to see in the laws surrounding sex work”; “if sex work was decriminalized, how would it affect you”; and “what ways can sex workers be included in creating more laws surrounding sex work”.

**Data Analysis:**

Data gathered from quantitative demographic questions were analyzed using frequencies and percentages. Qualitative data from the three open-ended questions were analyzed using thematic analysis. Thematic analysis was used to find the common themes in the participants’ responses. Exemplars in the participants own words were shared for each theme.

**Findings****Sample:**

Participants (N=6) were current or former sex workers. Sex workers are any consenting adult, who willingly participated in the sex industry. This can include pornography, full-service sex work, strippers, cam workers and more. Those under 18, who have not participated in the commercial sex industry, and/or participated in the sex industry against their will were excluded from data collection. Of all six participants, 5 (n=83.33%) are currently sex workers and one participant (n=16.67%) was formerly a sex worker. The majority of participants have done sex work from 1-5 years (n=4, 66.7%), 1 participant has done sex work for less than a year (16.67%), and 1 participant has been doing sex work for 11-15 years (n=1, 16.67%). The majority of participants were 18-24 years old (n=5, 83.33%) with one participant 31 years old or older (16.67%). The majority were non-binary (n=3, 50%), with two woman (33.33%), and one man (16.67%). Most were White (n=4, 80%), with one Asian or Asian American participant (20%). One participant found that their racial was not represented in the pre-selected answers.

**Open-Ended Responses:**

In response to the question: What changes would you like to see in the laws surrounding sex work, two themes emerged from the data. These themes were increased legal support (n=3) and decriminalization (n=3).

Some participants (n=3) wanted to see laws change in ways that increased the legal support for sex workers. For example, the removal of anti-prostitution or brothel keeping laws and laws that protect sex workers from physical and sexual violence. One participant stated that they would like to see the “removal of prostitution, pandering, solicitation, anti-brothel keeping laws. No more licenses needed for strippers in certain areas.” The removal of these laws would help provide legal support to sex workers, as their jobs would in turn, no longer be illegal.

Additional examples of legal protections include STD testing and legal protection against violence. One participant said that they would “like to see sex work not only [completely] decriminalized, but I would like laws in place to protect sex workers. Mandatory STD testing for all workers and clients as well as protection for sex workers from potentially dangerous clients.” This would help mitigate the contraction and spread of STDs and STIs among sex workers and their clients, and if any participant was found lying about their STD/STI status, they could be legally held accountable.

The second theme that emerged from this question was the need for the decriminalization of sex work (n=3). For one participant, this was a simple recommendation for “decriminalization versus legalization.” A second participant gave a more detailed response which called for the “complete decriminalization of sex work, saying, they would like to see the complete decriminalization of sex work.” Decriminalization will help increase the rights sex workers have and allow them to work in safer environments.

In response to the question: If sex work was decriminalized, how would it affect you, the only theme that emerged from these responses was that decriminalization would benefit the lives of sex workers (n=6). These benefits included an increase in safety and no longer fearing law enforcement. For example, one participant stated “I quit sex work because I was constantly threatened with either physical or sexual assault. I wanted to be able to engage in their work without the threat of being hurt.” Decriminalizing sex work would benefit many sex workers because they would no longer fear for their safety and wellbeing and would be able to go to law enforcement in the instance that there was a threat of violence. One participant went as far to say that decriminalization would be a “Huge increase to personal safety! Ability to better screen clients and have them sign conduct agreements. Being able to hold my employees accountable to my rights as a worker. No longer fearing encounters with law enforcement or tax audits.” A third participant added, “It would be safer. Less anonymous meet ups, I’d be able to report an accident/assault that happens/happened to me without incriminating myself.” Decriminalization would allow sex workers to provide services to their fullest extent, including advertising and not have to fear legal consequences. Along with this, sex workers would be able to protect themselves from potential dangers, keeping themselves safe.

In response to: What ways can sex workers be included more in creating laws surrounding sex work, the responses centered around the primary theme of including sex workers in the creation of these laws (n= 4). Of the remaining two participants, one participant stated that they did not know what could be done. The other participant called for the unionization of sex workers.

Sex workers being included in the creation of the laws surrounding their work would benefit the industry greatly. For example, one participant stated that “lawmakers need to listen to... sex workers and listen to their needs. There are very real needs that go ignored.” This participant expressed the desire for policy makers to listen to those with lived experience with sex work. Two participants agreed that sex workers need to be consulted in the creation of legislation and have the ability to hold positions in government. For example, one said, “if it didn’t ruin a woman’s reputation, more [sex workers] could run for office.” Both participants recognized that the stigma around a public history of sex work could negatively impact a politician’s credibility and

reputation. In including sex workers in the discussion surrounding legislation and creating a space for them in politics, greater and more productive conversations could be had about current and future policy.

**Discussion:**

Sex workers deserve to have their needs recognized and acknowledged. The purpose of this study was to research sex workers' opinions on decriminalizing sex work. All participants supported changing the current policy the United States has in regards to sex work. When asked, every participant said decriminalizing sex work would lead to a positive impact for sex workers, which matches what WHO claimed decriminalization (Albright et al., 2017). Sex work is often a heavily stigmatized field, and its decriminalization would greatly impact the working conditions for sex workers (Armstrong, 2018). Decriminalizing sex work will help make the lives of sex workers safer and less stigmatized.

All the participants agreed that there needs to be some form of policy change to better support sex workers. Half of the participants explicitly stated that decriminalization would be beneficial in the continuation of sex work, supporting the calls for decriminalization in the literature (Albright et al., 2017). Current laws in place, such as anti-soliciting laws are made to prevent sex work from occurring, as the nature of these laws were specifically written to directly impact sex workers. Supporting sex workers rights and the decriminalization of sex work will not only better the sex economy, but better protect those employed in it.

Another way that sex workers can be better represented in legislation is to include in the creation of sex work related laws. A majority of participants agreed that the inclusion of sex workers in the creation of legislation is necessary. Those that did not call for decriminalization said they either wanted sex workers to unionize or that they didn't know what the best plan of action was. Often times, sex workers are left out of the planning regarding legislation affecting them. In turn, this creates a number of policies that negatively affects and even criminalizes sex work. In fact, sex work is currently illegal in the majority of the United States, with few exceptions (Heineman et al., 2012).

**Limitations:**

As with all research studies, this project has limitations. First, the biggest limitation of this research study was the small sample size. The small sample size limited the ability to gather a diversity of perspectives. It is possible that utilizing national organizations that support sex workers rights could have helped increase the amount of responses given. Along with this, doing interviews in person would allow for sex workers who do not have access to the internet to participate. Recruitment was difficult and, although the survey was shared in multiple groups that are a coalition of sex workers educating people about the obstacles they face, very few sex workers completed the survey.

### **Implications**

This survey highlights the thoughts sex workers have on current legislation and how future legislation could potentially better include sex workers. This research was conducted when a noticeable gap was recognized between the research politics surrounding sex work and the opinions that sex workers have been voicing online. It is important for sex workers to be considered in the creation of legislation and research surrounding sex work. Those who work with sex workers, such as social workers, politicians, and advocates should focus on the demands and needs of their clientele. The literature of this study suggests that there is a gap between those who research sex workers and the sex workers themselves. However, this research study demonstrated that some sex workers are willing to share their thoughts and experiences when asked to do so. These findings can be used by advocates for sex worker rights to advocate for the inclusion of sex workers in the creation of legislation.

More research should include the voices and opinions of sex workers, as this project does. Future research could include meeting with sex workers and politicians, studying their thoughts on another or how collaboration in the future could be easier. This research encourages future researchers, social service workers, and any other people who may work with sex workers to take their thoughts and needs into consideration to better advocate and represent them. Including sex workers in conversations regarding laws can bring invaluable information that can be used to further the rights and protections of sex workers.

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