

Decriminalizing Sex Work in NY is a Human Rights Imperative, Say Legislators, Advocates

By Scott Stiffler on September 19, 2019 · No Comment



From left: Nina Luo from VOCAL-NY, TS Candy from DecrimNY, Jared Trujillo from the Legal Aid Society, Jessica Raven from DecrimNY, State Senator Julia Salazar and Assemblymember Yuh-Line Niou. | Photo by Winnie McCroy

BY WINNIE McCROY | A standing room only crowd gathered in the auditorium of The LGBT Center (208 W. 13th St.) on Mon., Sept. 16, for “Stop Violence in the Sex Trades Act” teach-in. Sex work advocates joined elected officials, to discuss S6419/A8230, the country’s first legislation introduced to decriminalize the sex trade.

“We cut away all parts of the law dealing with prostitution, and what remains are the provisions that outlaw patronizing a minor—the younger the person, the more serious the offense,” said New York State Assemblymember Richard Gottfried, the bill’s co-sponsor in the House. “The trafficking parts regarding coercion would remain, with hefty penalties. The language also outlaws sex work on or adjacent to a school. And some civil law provisions would remain.”

Panelists included Gottfried, New York Senator Julia Salazar,

Jared Trujillo from the Legal Aid Society, Nina Luo from VOCAL-NY, Kate Zen of Red Canary Song, and TS Candy and Jessica Raven from DecrimNY. Other elected officials who joined later included Assemblymember Yuh-Line Niou, New York State Senator Jessica Ramos, and former Democratic candidate for Queens District Attorney, Tiffany Cabán.

People go into the sex trade to get food, money, clothing, shelter, housing, drugs, hormones, or gender-affirming care, said advocates. They may be a sex worker out of choice, out of circumstance, or from coercion.

“A lot of people are in the sex trade at some point in their life, either illegally or via legal outlets like strip clubs, online sex, and so on” noted Luo. “It’s borne of economic circumstances, mostly, but some face coercion, and we call these people ‘survivors of trafficking.’ ”

Candy said circumstance forced her into sex work at the age of 13. After she was removed from class for wearing a bow tie in her hair, the school called her mother, a religious woman from down South, “where we get hung for living our truth out loud,” Candy explained. When her mother kicked her out of the house in a snowstorm, she turned to sex work.

“Sex work actually saved my life,” said Candy. “I sold sex for money, for hormones, for a place to sleep. That’s all I knew.”

WHO IS TRAFFICKED? | Although no one forced Candy into sex work, because of her young age, she would still have been considered trafficked. The 2017 International Labor Organization Report estimates that 4.8 million people are trafficked for commercial sex work, and this is only a portion of the millions of people trafficked across the world to do construction, manufacturing, agricultural, and domestic work.

Sometimes these people are working off debt bondage to their trafficker. But in other cases, they are simply forced to engage in dangerous, low-paid work with wages withheld, or threats made to report them to the police or ICE. This is still considered trafficking, yet under the United Nations’ definition, police need a “fall guy” to charge as the trafficker, in order to grant amnesty.

Vulnerable populations like youth, the homeless, women of color, undocumented immigrants and LGBTQs are all targeted for sex work. In fact, LGBTQ youth trade sex at seven to eight times the

rate of their straight counterparts. The New York City Anti-Violence Project (AVP) surveyed transgender women and found they face significant employment discrimination, even in New York City. Even, as Candy notes, when they are highly educated.

“I had moved on from sex work and was working as a private detective in Athens, Georgia, for four years,” recalled Candy. “I was battling with my transition for a while, when I decided to do my name change. But my employer was not willing to change the name on my license. They fired me just because I was a transgender woman. I had to go back to sex work, because by then, I had a lot of bills! Sex work saved me from eviction.”

Candy was brave enough to share her story, when many could not. She said a 2015 report by the National Center for Transgender Equality had shown that 40% of black transgender/gender non-conforming (TGNC) people were scared to speak out about what they do, because of both stigma and police prosecution. As Candy said, “No one wants to end up the next Layleen Polanco Xtravaganza,” a reference to the transwoman who died this April while in solitary confinement on Rikers Island.



From left: Candy, an unidentified ‘de-escalator,’ and Jessica Raven from DecrimNY, with their trained “de-escalators” wearing red bandanas. | Photo by Winnie McCroy

Cops admittedly target transwomen for arrest, whether they are engaged in sex work or not. As Legal Aid Society’s Trujillo explained, the laws are set up to keep those who are disenfranchised remain that way. When you are arrested under New York Penal Law Article 230.00 for prostitution, you can be held in jail for up to 24 hours. You’re then brought to criminal court (or human trafficking intervention court, HTIC), to discuss

the charges.

If you're undocumented, you could be deported. The Administration for Children's Services might take your children, or you might lose your job. Depending on where you live, you might even lose your housing. The courts will force you into counseling—none of which is employment-based—and other mandatory services you must access. If you miss these services or any court dates, or are found associating with other sex workers, you can be re-arrested and thrown back in jail.

“Unlike most other misdemeanor crimes, your humanity can be impacted more from this kind of arrest than anything else,” said Trujillo.

Zen, who works with Red Canary Song to advocate for Asian massage parlor workers in Queens, said if they send you to HTIC, things can get even worse. The courts incentivize people to plead to trafficking, prompting them to name someone they can arrest. It's also “incredibly racially biased,” she said, noting that in Queens, 58 percent of those targeted were East Asian, while in Brooklyn, police target Blacks and Latinxs.

“The cops touch you up, take the money you made that day, or even your entire life savings before they ‘save’ you from trafficking. Then you get arrested or deported, or sometimes even get a felony charge for operating a massage parlor without a license,” said Zen. “Women say they are more traumatized by the police than they ever were by trafficking.”

She urged advocates to contact their elected officials about this. Her group has taken the first step, by writing a letter to Commissioner Margaret Garnett and Inspector General Philip K. Eure. The strongly worded rebuke begins, “The NYPD Vice Squad is a traditional hotbed of corruption.”

WHY LEGALIZATION IS THE SOLUTION | Sex workers and their advocates want to see consensual sex between adults decriminalized—and elected officials are listening. On June 10, legislators introduced S6419/A8230, to decriminalize sex work. The legislation would still criminalize trafficking, and would only apply to adults. And there is a Part B provision that expunges previous “prostitution” arrests.

There are currently three models regarding legislating sex work. The Decriminalization model, used in New Zealand and

Australia's NSW, removes criminal penalties from everyone. It has not been shown to increase the number of sex workers in those areas. Then there is the Legalization model, which strictly regulates what is considered "illegal" vs. "legal" sex work, including licensing, as used in Germany and The Netherlands. It brings penalties on transwomen, migrants, and street-based sex workers.

Then there is the Nordic Model, which seeks to end the sex trade by ending the demand for it. It removes criminal penalties for selling sex, but maintains or increases penalties for living, working, or associating with sex workers. It ends up penalizing everyone, including sex workers. It also pushes the scene underground, where sex workers can't access services to protect themselves, or even screen for HIV/STIs.

This Nordic model is currently being used in Sweden, France, and Ireland. And because of its penalties on landlords, it is resulting in the mass evictions of sex workers. In Ireland, in 2017, the law was used to target migrant workers. In France, it's resulted in the deterioration of safe working conditions, including violence against sex workers and difficulty to negotiate condom use. Contrast this with the situation in New Zealand and Australia, where 90 percent of sex workers have secured their rights.

"By removing them from the criminal legal system, you empower people to improve their lives," said Luo. "And decriminalization isn't some fringe idea. It is endorsed by... many human rights organizations."

Although the struggle will be an uphill one, elected officials like Gottfried and Salazar have been convinced by advocates like those at DecrimNY that this is the right course of action.

Said Salazar, "We can't go on moralizing whether sex work is a 'good job' or not. It is not one they necessarily take on by choice, but many find themselves in this circumstance, and criminalization won't address the problems sex workers are dealing with. I believe that decriminalization is the best way to address this. We need to make sure people have the resources they need to survive, whether they are in the sex trade or not."

Salazar spoke about the need to expunge people's criminal records to remove stigma and give them a fresh start, and promised to work in the future toward vacature, the automatic expunging of

their criminal record.

Don't think this legislation can't impact you. State Senator Jessica Ramos said she was mistaken for a sex worker in her mid-20s, while exiting the train late at night with friends.

"The police swooped down on us and we were frisked, and I really put the emphasis on frisk here," she recalled. "I want this bill to vacate sex worker offenses, and I don't want to make [them] jump through hoops to do it."

These laws unfairly impact the poor, and are set up so penalties cascade until it's impossible to remove oneself from the criminal justice system. Champions like Salazar and Gottfried are working in New York's legislature to enact a progressive raft of legislation. But until those on the margins of society are removed from the cycle, things won't change.

"I didn't understand how unfair the laws are until I was in it, even when it seems like they are meant to improve quality of life, or to make things better," said Niou. "The laws are written by people who don't look like us... and the folks at the table are not thinking of the consequences of these laws. They criminalizing poverty, so that surviving is somehow a crime. We have to make it that poverty is not a crime. What have incredible champions, but we need allies, to go and share their stories."



From left: Assemblymember Richard Gottfried, State Senator Julia Salazar, Assemblymember Yuh-Line Niou, and former Democratic candidate for Queens District Attorney, Tiffany Cabán. | Photo by Winnie McCroy

Gottfried said this year in Albany, the Legislature passed a lot of powerful laws, including many that people thought could not be

passed, among them the TGNC-affirming GENDA legislation. And it wasn't just because there were Democratic majorities in both houses—although that certainly helped.

“What got so much done is that a whole lot of organized, adamant, persistent individuals and groups kept lobbying day after day, turning up the heat on legislators,” said Gottfried. “This is something you gotta not just put your name on, but get done. We are holding this event to energize all of you, and those you work with, to make sure legislators in Albany come to understand this is part of our progressive agenda. It's not just some flaky idea. It's about people's lives, and we've got to get it done.”

Richard Gottfried
NY State Assembly

Yuh-Line Niou
NY State Assembly

Julia Salazar
NY State Senate

Jessica Ramos
NY State Senate

TEACH-IN: Stop Violence in the Sex Trades Act

New York is the first state to introduce a bill to decriminalize the sex trades. Join us for a teach-in and Q&A on the bill!

Monday, September 16
6:30 - 8:30 pm @ The LGBT Center
Doors open 6 pm
208 W. 13th Street in Manhattan

RSVP Required: bit.ly/decrimteachin

Legislators and advocates gathered the community together for a “Stop Violence in the Sex Trades Act” teach-in.

Chelsea Community News is made possible with the help of our awesome advertisers, and the support of our readers. If you like what you see, please consider taking part in our GoFundMe campaign ([click here](#)). To make a direct donation, give feedback about the site, or send a Letter to The Editor, email us at Scott@chelseacommunitynews.com.



*Decriminalizing Sex Work in NY is a Human Rights Imperative, Say Legislators, Advocates added by **Scott Stiffler** on September 19, 2019*

View all posts by Scott Stiffler →

99 Cents Creation
School Supplies
Food
Housewares
And More!
149 W. 24th St.