

**REPORT TO THE DIVISION FOR THE ADVANCEMENT OF WOMEN
FROM THE BEST PRACTICES POLICY PROJECT
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By email to: daw@un.org, reference “study on violence against women”

Also by mail to:

UN Division for the Advancement of Women,
2 United Nations Plaza, 12th Floor, New York,
NY 10017, USA; Reference: Study on violence against women.

Organizational Background

The Best Practices Policy Project is a national US based initiative dedicated to creating and defending excellence amongst organizations and advocates working with sex workers in the United States. We produce materials for policy environments, address research and academic concerns and provide NGOs with technical assistance. Everything that we do is guided by principles that protect the human rights of people who engage in commercial sex in all its forms. It is our priority to support leadership from diverse communities of sex workers including male, female and trans-people, people of color, immigrants, gays/lesbians/bisexuals and low-income.

The Best Practices Policy Project was established in early 2005. We were inspired by the commitment of sex workers and their organizations who attended the First National Conference on Sex Work and Prostitution at the University of Toledo, Ohio in September 2004. We were also motivated by concerns about far-reaching changes taking place in policy, funding structures, and legislation in the US that imperil best practice with sex workers. Best Practices Policy Project is one of many new voices in an emerging sector of organizations working for health, justice and rights for sex workers. Best Practices Policy Project is led by a steering committee made up of sex workers, advocates, and research scholars. More information is available at www.bestpracticespolicy.org

This paper addresses the persistence of violence against female commercial sex workers in the United States, drawing on the experiences of the Best Practices Policy Project in conducting outreach, research, and relationship building with diverse commercial sex worker stakeholders.

Key issues for sex workers in the US

The term, “sex work” or “commercial sex work” is generally understood to include a wide range of behaviors and venues, and includes, but is not limited to, street prostitution, brothel prostitution, exotic dancing, paid domination, and sexual massage. Many people who engage in sex work or commercial sex identify what they do as sex work, but it is also important to acknowledge that many other people who engage in informal and occasional sexual transactions may not incorporate this experience an important part of

their personal identity.¹ In the United States, the people we call “sex workers” are male, female and transgendered. However, because this report is intended to describe violence against women, only the circumstances of women and transgender women will be discussed.² It is important to understand that that the intersection of commercial sex work and violence occurs within cultural contexts of social inequality and political-economic stratification. That is to say commercial sex work does not occur in a vacuum, rather it takes place similarly to other forms of work within systems of domination including racism, classism, sexism and homophobia. These social facts cannot be separated from the violence that sex workers experience.

Commercial sex work is criminalized in a number of ways in almost all jurisdictions in the US, except for limited formal exception of certain licenses granted to houses in the state of Nevada. Some examples of the ways that commercial sex work is restricted and regulated include legislation against: soliciting for prostitution; various acts of commercial sex work; a procuring for prostitution; or living off the earnings of prostitution. Other legislation and policy may also govern the locations where commercial sex occurs, such as houses of prostitution or in public space.³ Restrictions on individuals to prevent them from returning to certain locations are often a part of sentencing (e.g., “stay-away” orders). In addition to the restrictions and regulations regarding commercial sex workers, US legislation also creates laws that restrict persons from entry to the US who have been identified as having engaged in and/or promoted prostitution.

The illegal status of many commercial sex workers increases their vulnerability to violence, exploitation, and disease.⁴ The lived experience of commercial sex workers, and people profiled as sex workers, often includes experiences of violence perpetuated by the state through legislation and policing trends.⁵ Since much policing has been directed

¹ The Center for Health and Gender Equity (CHANGE) analyzed in greater detail the importance of understanding the diversity of sex workers’ experience especially in regard to more informal interactions. CHANGE, *Working with Women in Prostitution: A Critical Dimension of HIV Prevention*, April 2003.

² Kaye (2003) provides a wide-ranging review on materials about male prostitution and male sex workers including a useful summary of contemporary issues (see, Kaye, Kerwin, 2003, “Male Prostitution in the Twentieth Century: Pseudohomosexuals, Hoodlum Homosexuals, and Exploited Teens.” *Journal of Homosexuality*, Vol. 46 (1/2): 1-77). Scott et al (2005) provide a framework for understanding violence against men selling commercial sexual services (see, Scott, John, Minichiello, Victor, Marino, Harvey, Glenn and Jamieson, M, and Brown, Jan, 2005, “Understanding the New Context of the Male Sex Work Industry.” *Journal of Interpersonal Violence*, Vol. 20, No. 3: 320-342). The authors conclude that the notion that all male sex workers are subjected to violence and degradation is not borne out by recent research, just as all female sex work cannot be equated with violence. Violence against males when it occurs is often linked to “homophobic and heterosexist bias” (Scott et al, 2005: 327).

³ A variety of local/city restrictions against public nuisance, disorderly conduct and loitering concerning persons activities in public space and licensing requirements affecting bars, clubs and other venues about times of operation, vending of food and alcohol, fire codes, etc.

⁴ Policy Statement on Commercial Sex Workers and Social Work Practice, National Association of Social Workers Maine Chapter, 2005.

⁵ For example in 1994, Yvonne Dotson, a registered nurse and health care administrator, was “arrested, brutally handcuffed, threatened, terrorized and denied her constitutional and civil rights by police officers” in San Francisco’s downtown theater district (Press release from Ms Dotson, October 11, 1994). Ms. Dotson was subsequently informed that she was detained in conjunction with a prostitution abatement

at street based prostitution, it affects low-income communities, persons of color and gay/lesbian/bisexual or transgender people to a greater extent and more harmful degree than the rest of the population.⁶ This trend continues and now extends itself to include intensified policing against immigrants into the US.⁷ As illustrated in the case study below policing practices combined with stigma and discrimination from the community, generally alienate victims of violence from the services they need.

CASE STUDY, Washington DC

Scores of people are arrested in DC each week for relatively minor misdemeanors such as loitering, soliciting for prostitution or failure to obey a police officer's directive to leave an area. Typically people arrested are held over night in the DC city jail, remanded the next day to appear at a later court date, and then released with no social support offered to them. Knowing that they face fines and possible jail time once they appear in court, they return to the street to earn the money they need to live or paradoxically to pay fines for prostitution. Once people have been arrested for prostitution-related offences they become vulnerable to police harassment. They are told to stay away from thoroughfares needed to reach places of legal employment or residence and being profiled as prostitutes because of their style of dress.⁸ A serious consequence of poor treatment by the police is that sex workers almost never report crimes committed against them. Many fear that if they report violence committed against them they will be arrested for prostitution or punished for undocumented immigration status. One young woman approached a service provider from the Alliance for a Safe and Diverse DC, a coalition of organizations working to protect the health and rights of sex workers and

policy. In 1995, Dotson was awarded \$85,000.00 from the city of San Francisco. In many jurisdictions in the US police have been accused of and reprimanded for extortion of sexual favors from sex workers so that they may avoid being arrested. Police also illegally engage in sexual acts with individuals to provide evidence that prostitution occurred. See a report on police misconduct in the Seattle Times at http://seattletimes.nwsources.com/html/localnews/2002545187_prostitutes07m.html

⁶ The Sex Workers Project at the Urban Justice Center described in a 2003 study how street based sex workers, and people profiled as street based sex workers, are repeatedly arrested for prostitution or prostitution related misdemeanors. Sex Workers Project (2003), *Revolving Door: an analysis of street based prostitution in New York City*, Urban Justice Center. Cooper et al discuss the intersections between class, gender, race and policing of illicit drug use in New York and note that “[t]hirty-three percent of injectors and 12% nonusers reported experiencing or witnessing police-perpetrated sexual violence. Injection drug using women, particularly sex workers, bore the brunt of this abuse.” (Cooper, Hannah, Moore, Lisa, Gruskin, Sofia, and Krieger, Nancy, (2004), “Characterizing Perceived Police Violence: Public Health Implications.” *Am J Public Health*, Vol. 94: 1109–1118.

⁷ Efforts to crack down on massage venues that may also offer sexual services often result in the arrest and/or deportation of Korean, Thai and Latin American women. New policing strategies and new forms of legislation are currently being developed in cities such as Washington DC to target place based prostitution operating as ‘massage establishments, health spas and similar businesses.’ Letter from Washington DC Mayor Anthony Williams to Chair of the District of Columbia City Council, January 28, 2005 introducing the Prostitution Related Nuisance Abatement Amendment Act of 2005 (Bill 16-80).

⁸ Testimony by Different Avenues to DC City Council Committee on the Judiciary, June 30, 2005. Downloadable at www.differentavenues.org. Studies in other cities such as New York have illustrated that 77% people profiled by the police as sex workers, or “known prostitutes,” reported false arrests during street sweeps and while they went about their daily business (legally) shopping for groceries or (legally) walking on the street. Sex Workers Project (2003), *Revolving Door: an analysis of street based prostitution in New York City*, Urban Justice Center, p. 22.

marginalized people in DC, for assistance to receive STI and HIV testing because she had been raped while out on the street. She had not reported this rape to the police and had not sought assistance at a medical facility where she could have received post-exposure prophylaxis to reduce her chance of being infected with HIV. When asked why she hadn't reported the rape, she replied, "You know that the police wouldn't listen to someone like me. Why make more trouble for myself?" Programs that attempt to bridge the gaps between sex workers and the services they need are also caught up in the anti-prostitution enforcement procedures. Outreach workers distributing condoms to street based sex workers are stopped and questioned by police, asked to move along because they allegedly 'encourage' people to break the law by providing them with harm reduction materials.

Situation faced by trans-women

The term transgendered is used to describe the experience of people who feel that they do not fit into the gender category assigned to them. Transgendered people may live as another gender (either male or female) or reject gender-binary categories and embrace one of many forms of gender variance.⁹ The term "trans-woman" is used to describe a transgendered person who identifies as a woman even though she may have been assigned male at birth. Many transgendered people are likely to engage in sex work, in part, because other employment options are closed to them because of discrimination. The Washington DC Transgender Needs Assessment (2000: 6) found that 42% of 252 people surveyed were unemployed; 40% had not finished high school; 29% have no income and 31% have incomes of under \$10,000/year. Sex work can provide income for trans-people that they cannot get in any other way. Many studies indicate that transgendered people in general are more likely to be subjected to violence than other people in the US.¹⁰ The DC needs assessment found that forty-three percent of the participants surveyed have been a victim of violence or crime, with 75% attributing a motive of either transphobia or homophobia to it.¹¹ One program in Washington DC has carried out a not-yet published survey with women and trans-women who engage in sex work that validates the observations of the overall DC survey. Female sex workers who experience violence report rape and robbery as the most common occurrence, and trans-women report similar acts of violence, including physical assault compounded by trans and homophobia.¹² Violence against trans-women who are also sex workers has led to

⁹ More information about transgender issues can be found at gender.org

¹⁰ Amnesty International (2005), *Stonewalled: Police abuse and misconduct against lesbian, gay, bisexual and transgender people in the US*, <http://www.amnestyusa.org/outfront/stonewalled/index.html>

¹¹ Xavier, Jessica, 2000, *The Washington DC Transgender Needs Assessment*, Us Helping Us/Department of Health/HIV/SIDS Administration, Washington, DC. Full report may be downloaded at www.gender.org/resources/dge/gea01011.pdf

¹² Personal communication with Gigi Thomas, Client Advocate at Helping Individual Prostitutes Survive (HIPS) October 2, 2005. HIPS is a harm reduction based organization working in conjunction with DC Rape Crisis that identifies and pursues services made available to crime victims including sex workers. Because many of these services are contingent upon a filed police report, HIPS also refers to services available to crime victims who do not choose to report the crime.

numerous murders in the Washington DC area.¹³ Trans-people in the US are also subject to police violence and to sexual and physical attack in prison.¹⁴

Best Practice Recommendations

In order to reduce violence against sex workers from diverse communities in the US, the Best Practices Policy Project recommends the following:

1. Building alliances amongst service providers, rights based groups and diverse communities of sex workers to address key sex worker concerns.
2. Disseminating information about the ways that violence against sex workers occurs including the intersections between violence and rights violations because of women's and trans-women's actual or perceived engagement in sexual activity (i.e., commercial sex of any kind). This would include information on how police and other authorities commit violence against sex workers and people thought to be sex workers—and behavior that violates their rights in other ways.
3. Alternatives to policing that promote safety, health and rights such as:
 - a) service provision addressing needs of low income sex workers;
 - b) community courts that would allow people charged with prostitution related offenses opportunities to seek assistance;
 - c) police liaison units so that sex workers, or people who feel that they will be thought of as sex workers, can report crimes committed against them such as rape and assault without fear of being punished for their actual or presumed engagement in prostitution;
 - d) sealing or erasing the records of people charged with prostitution related offenses so that they can seek employment and services without fear of exposing problems they experienced in the past. This would also be linked to agreement to end the practice of police profiling of “known prostitutes” or keeping records about an individual's suspected prostitution related activities.
4. Progressive law reform, such as the decriminalization of prostitution and measures to prevent discrimination against trans-people, that protects sex workers' health, safety and rights with full understanding of local context.
5. Adoption amongst organizations working with sex workers, such as professional associations of social workers and other support agencies, ethical guidelines and policy statements that validate the voices of experiential people, the utility of a rights framework and the need to end violence against sex workers. In August 2005, the National Organizations of Social Workers in the US adopted such a policy and it is attached as an example of best practice.

¹³ Ruby Bracamonte, leading Latina transgendered advocate, speaks about the problems faced by transgendered women after another spate of brutal attacks and murder in August 2003.
<http://dc.indymedia.org/feature/display/80359/index.php>

¹⁴ ACLU, 2005, Still in Danger: The Ongoing Threat of Sexual Violence for Transgender Prisoners, <http://www.spr.org/> and Amnesty International (2005), *Stonewalled: Police abuse and misconduct against lesbian, gay, bisexual and transgender people in the US*, <http://www.amnestyusa.org/outfront/stonewalled/index.html>