



Sex Workers Project 2009 New York State Legislative Agenda

The **Sex Workers Project** (SWP) at the Urban Justice Center works to protect and promote the rights of individuals who work in the sex industries, regardless of whether they do so by choice, circumstance, or coercion.

Sex workers – and those perceived to be sex workers – are frequently **profiled and falsely arrested, harassed and abused by police, denied protection from violence committed against them, and subjected to numerous collateral consequences of criminal convictions that keep them trapped in the vicious cycle of the criminal justice system and decrease rather than increase the opportunities available to them. People who have been convicted of prostitution – regardless of whether they engaged in sex work willingly or not - are shut out of public housing, targeted for eviction, denied the opportunity to pursue certain jobs and professional licenses, and subject to deportation if they are without immigration status.** Sex workers who are the most vulnerable to violence - low-income, immigrant, transgender sex workers and sex workers of color - are often **most harmed by laws aimed at punishing prostitution.**

Many of the laws that most impact the lives and opportunities of sex workers are New York State Laws – and you can help change them. A number of bills that could change sex workers' lives for better or worse **are now before the New York State Legislature.** We invite you to join us in **reducing the harms to sex workers and people who have been trafficked into sex work** by raising awareness of these bills and encouraging legislators to take action to *increase* opportunities and agency and *decrease* violence and abuse for people working in the sex trades.

CALL OR WRITE YOUR STATE LEGISLATORS TODAY AND ASK THEM TO SUPPORT SWP'S 2009 LEGISLATIVE AGENDA!

PLEASE ASK YOUR LEGISLATORS TO *SUPPORT* THESE BILLS:

STOP PUNISHING POSSESSION OF CONDOMS! Support the No Condoms as Evidence Bill

(A3856, S1289): This bill would **stop police and prosecutors from using possession of condoms as evidence that people engaged -or intended to engage - in prostitution.** Currently, police and courts can use the fact that a person has or is carrying condoms to prove that they are engaging in criminal activity. Sex workers report that they are more likely to be arrested if they carry condoms, and sex work venues are more likely to be raided if there are condoms on the premises. Police officers regularly confiscate condoms from people they allege are engaged in prostitution to use as evidence against them at trial. As a result people are hesitant to carry condoms to protect themselves and others, for fear that it will lead to arrest or be held against them in court. Sound public health policy would encourage condom use by eliminating the fear that carrying a condom will be used against you by police or in a court of law.

RAPE IS RAPE – NO MATTER WHO THE VICTIM IS! Support the Rape Shield Reform Bill (A6293,

S2668): This bill would **stop rape victims from being questioned about past convictions for prostitution.** Currently, sex workers – and those who are profiled as sex workers - are excluded from the protections of the “rape shield law,” which generally protects victims of rape from being interrogated about their sexual histories and practices. Allowing for questioning of rape victims about past prostitution convictions implies that sex workers cannot be raped or should not be believed when they say they have been raped. In reality, sex workers are raped at rates consistent with, or higher than, national averages. Our government should protect all rape victims from being put on trial when they come forward to seek justice in the courts.

A FRESH START FOR TRAFFICKING VICTIMS! Support the Vacating Convictions Bill (A7670;

S4429): Unfortunately, when people are trafficked (forced, threatened or coerced) into prostitution, they are also often arrested and convicted of prostitution-related offenses – without the police or courts recognizing that they need help. Even after escaping their abusers, it is hard for people who have been trafficked into sex work to start a new life with a long “rap sheet” of prostitution convictions, which have many consequences for access to housing, employment, the ability to obtain professional licenses, and even parental rights. This bill would allow victims of trafficking to clear their records and start fresh. **✓ PASSED IN ASSEMBLY! CALL YOUR SENATOR TODAY!**

PLEASE ASK YOUR LEGISLATORS TO *OPPOSE* THESE BILLS:

NO BRANDING OF LEGAL SEX WORKERS! Oppose the “Sex Performer” Registration Bill

(A06476): This bill would require workers in “adult” establishments to register with government authorities in order to be able to engage in legal forms of sex work. This would result in sex workers being branded as “sex performers” by the government – which could affect their ability to obtain government benefits, employment, or housing, and could increase their vulnerability to violence, extortion, and interference with parental rights. Although aimed at curbing trafficking into sex work, such an initiative could actually increase vulnerability to trafficking, as it would push undocumented workers further underground and away from help by driving them into criminalized forms of sex work. The rights of workers at strip clubs and other adult businesses need to be respected and enforced, rather than subjecting them to burdensome regulations that infringe on their rights and take away their privacy.

SUPPORT SAFETY FOR SEX WORKERS – Oppose the Craigslist Bills (A2598, A264, S2212):

These bills would increase penalties for promoting prostitution, especially through the internet. Many sex workers work through the internet to increase their safety and avoid street-based sex work, where they are more vulnerable to violence at the hands of police, clients, and community members. If use of the internet for the purposes of engaging in sex work is further penalized, sex workers will have fewer avenues to work more safely. Although these bills are intended to increase penalties for “pimps,” they would place many sex workers at risk of felony convictions. Sex workers often seek to work more safely by working collectively, sharing referrals, clients, and safety tips, and by hiring agents, security, and support staff, all of whom could be subject to increased penalties under these bills. The government should pursue justice against those who commit violence against sex workers under existing laws against trafficking, abuse of minors, assault, and rape, rather than increase potential penalties for sex workers trying to work more safely.

INCREASED PUNISHMENT DOESN'T HELP ANYONE – Oppose the Increased Penalties Bill

(A381): This bill would increase penalties for people convicted of prostitution more than once. Those most likely to be impacted are the sex workers who are most vulnerable to profiling, arrest, and violence - those who live and work on the street. Many transgender women are profiled as sex workers and arrested scores of times – regardless of whether or not they actually engage in sex work. Victims of trafficking are often arrested many times, until they find the power or resources to escape coercive situations. These individuals need housing, job training, and protection from profiling and police abuse, not increased penalties which only decrease rather than increase the options available to sex workers.

What can you do?

1. **E-mail, call or write** your New York State representatives and ask them to support bills that help sex workers and oppose bills that hurt sex workers. For a sample letter, as well as contact information for your representative, please go to <http://www.sexworkersproject.org/legislative>
2. If you are a sex worker, and would like us to **share your experiences** with existing laws with legislators, tell us your story anonymously by writing to swp@urbanjustice.org
3. **Write a Letter to the Editor** of your local newspaper about why action on these bills is important.
4. **Educate your friends and colleagues** about sex workers’ rights by giving them a copy of this Legislative Agenda.

For more information, please contact:

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