

A DAY TO REMEMBER SEX WORKER VIOLENCE

Gary Ridgway admitted killing over 70 women in Washington State in the 80s and 90s. When his rampage finally ended, he said he had picked his victims because they would not be reported missing right away or might never be reported missing. His cool, simple explanation was “I thought I could kill as many of them as I wanted without getting caught.” Why? Because most were prostitutes.

We are asked to remember those victims on December 17, the International Day To End Violence Against Sex Workers. Chances are, you have not marked that day on your calendar. It’s an issue we are used to *not* thinking about, but December 17 is a time to give it some thought, and, perhaps, to think outside the box.

The “box” is a focus on sex: on whipping up more and more excitement and outrage at anything remotely resembling a sexual offense, passing ever more indiscriminate laws with ever more severe penalties targeting anyone involved in prostitution, making every effort to pretend that the majority or at least a large number of prostitutes are coerced or duped into selling sex, and, finally, not caring about the ones who refuse our invitation to claim coercion. In essence, the “box” features the art of stealing the outrage we all feel at stories of sexual coercion and brutality and exploiting that outrage to criminalize any adult who takes or gives money for sex.

Thinking outside that “box” is thinking about decriminalizing sex work itself while marshalling our resources to address actual harm: coercion, rape, fraud, abduction, statutory rape, battery, and, yes, murder. There is much to be said for this way of thinking.

Maxine Doogan, the president of Erotic Service Provider Legal, Education and Research Project” (ESPLERP), a grassroots organization for erotic service providers, warns that threat of arrest deters those involved in prostitution from reporting when they have been victims or witnesses to crimes. The criminals among us know that. Indeed, this idea that some among us are disposable is both reflected and fed by the LAPD itself when its officers use “NHI” (“no human involved”) to describe the murder of a prostitute. It is telling that countries with the most strict prostitution laws, like the United States, also exhibit the highest rates of violence against prostitutes. Acknowledging the real-world effects of criminalization, Amnesty International took a bold stand in August and recommended the decriminalization of all aspects of sex work with the aim of protecting sex workers.

In March, ESPLERP brought a federal action challenging as unconstitutional this state’s anti-prostitution provision, Penal Code 647(b). That section broadly criminalizes both the buyer and seller of any sexual touching, regardless of consent, privacy or context.

Today the loudest drum beat from within the “box” is a call to rescue sex workers (as long as we imagine them coerced, duped or under aged) and it is coupled with a headlong drive to root out and punish anyone caught patronizing or working with a sex worker. Of course there

is a great need to find and prosecute customers or pimps who batter, control or murder. But, as Amnesty understands, they should be prosecuted because they batter, control or murder, not because they are customers or pimps.

Shaming and criminalizing the innocuous businessman or the awkward college student who decides to visit a prostitute may satisfy a moral or political compulsion, but that high-minded effort is not going to protect the victims of the next Ridgway. That killer is not going to be deterred by the fear that if caught beating or murdering a prostitute he will be shamed for buying sex. Shaming may deter some customers but not the bad ones. Indeed, rather than deterred, the bad ones are advantaged. A sex worker has to work in an environment that protects the customer from shaming if not arrest. As a consequence, even if directed only at customers, criminalization of consensual sex for hire pushes the engagement into the shadows and isolation of the underground, exactly where the Ridgways of the world want it.

There is no credible evidence that decriminalization of sex work increases sex trafficking, and there is good reason to expect positive results from decriminalization. One example is New Zealand, which legalized prostitution in 2003. Since legalization, most sex workers are aware they have legal and employment rights, two-thirds feel that they now have more leverage vis-à-vis clients and most of the managed and private indoor workers have never experienced violence at work. And they can sue! In 2014 a New Zealand human rights tribunal awarded a sex worker \$25,000 in damages for sexual harassment by her employer.

December 17 is a day to imagine such empowerment and security in this country. It is a day to imagine popular antipathy to sex work coexisting with a grudging respect for a sex worker's individual rights. It is a day to imagine the sex worker as an ally, rather than an antagonist, in the war against traffickers, assailants and murderers.

