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What Sex Workers Want

Will decriminalizing prostitution make it any safer?

by [Dina Fine Maron \(/authors/dina-fine-maron.html\)](/authors/dina-fine-maron.html) December 19, 2008

Sharmus, a tall transgendered woman, bundled up in a hooded-coat and scarf, looked out at the crowd gathered earlier this week in Washington. The crowd, mostly young and middle-aged women, were clutching red umbrellas and signs proclaiming, "STOP SHAMING US TO DEATH" and "STOP THE WAR ON WHORES." Sharmus, who uses that name for her work in the sex industry, was speaking at the sixth annual International Day to End Violence Against Sex Workers.

Ignoring the stares of a few passers-by, Sharmus took a deep breath and began to talk about an incident in early December when a customer shot at and tried to rob her. It wasn't the first time she'd been threatened with a weapon or assaulted. During her seven years in the sex industry she says she has contacted the police on four separate occasions to report an attack. And each time, she felt blamed by the police or the prosecutor for what happened. Twice, she says, police officers have reprimanded her for putting herself in a risky situation.

According to the rally's organizers, and other similar organizations, the only way to really protect sex workers like Sharmus, is to make what they do both legal and legitimate. That, they say, would make it easier for them to go to the police for protection without fear of prosecution or callous treatment. But would legalizing the sex industry make its workers any safer? The question is far from settled.

Carol Leigh, a San Francisco-based advocate for the decriminalization of prostitution who attended the D.C. event, says she was raped at age 28 while working as a prostitute. "I couldn't call the police because I certainly felt that they wouldn't take the crime seriously," she says. She feared they would just close down the place where she worked.

In Sweden, authorities have made it legal to sell sex but not to buy it. In 1999 they passed a law that encourages law enforcement to aggressively prosecute johns. Their theory is that sex workers will be more likely to come forward and get help or report a violent customer if they don't fear prosecution. The Swedish national police board reports that since it began levying charges against johns, the number of prostitutes has decreased by as much as 40 percent, and there's been a significant reduction in the number of women trafficked into the country for use in the sex trade.

However, some sex-work advocacy organizations suggest sex workers in Sweden have just become further marginalized and conduct their affairs more privately. Stacey Swimme, a national board member for the Sex Worker Outreach Project-USA, a group that helped organize the D.C. march, does not think the model would be a good fit in America. She says that sex workers will protect their source of income, the johns, and thus will be hesitant to report them. "Anything that pushes sex workers and their clients further into the underground economy is still compromising the safety and the health of sex workers," she explains.

Prostitution is legal in only a few parts of Nevada, but legalization initiatives elsewhere in the United States have failed. On Nov. 4, San Franciscans voted down a proposal that would have prevented city government from using city funds to prosecute either johns or prostitutes. Sex worker activists and the San Francisco Democratic Party supported the legalization efforts. But whether legalization would help reduce violence against sex workers is unclear. A 2007 study by San Francisco psychologist and prostitution expert Melissa Farley found that in places where commercial sex is legal—such as some Nevada counties, Germany, Australia and the Netherlands—both illegal prostitution, as well as the number of rapes and assaults against prostitutes, has increased.

San Francisco District Attorney Kamala Harris and Mayor Gavin Newsom strongly opposed the proposition's passage, saying it could compromise their ability to prosecute human traffickers and would not do much to help protect sex workers from violence. Maxine Doogan, the founder of the Erotic Services Providers Union and the proponent of the proposition, said that by repeatedly linking prostitution and human trafficking, the D.A. and the mayor were simply using "fear tactics" to defeat the ballot initiative.

Swimme and other legalization advocates say blurring that definition of human trafficking and sex trafficking is a mistake. They note that human trafficking numbers also include forced labor, a kind of modern-day slavery. The U.S. government estimates that the human trafficking industry involves 600,000 to 800,000 people worldwide—about 80 percent of those trafficked are women and up to 50 percent are children. It is difficult to identify how many of those women and men engage in non-consensual sex work in the United States because the practice often occurs in isolated settings like massage parlors or is organized via the Internet or phones. But it's clear that individuals trafficked across country borders or within the United States are prone to sexual coercion. And the U.S. Department of Justice reports that [among those trafficked worldwide "there are hundreds of thousands of teenage girls, and others as young as 5, who fall victim to the sex trade \(http://www.usdoj.gov/criminal/ceos/trafficking.html\) ."](http://www.usdoj.gov/criminal/ceos/trafficking.html)

Despite these numbers, some anti-trafficking advocates suggest that U.S. policy on human trafficking is too focused on prostitution. Ann Jordan, director of the Anti-Trafficking Initiative of the International Human Rights Law Group, said in her congressional testimony last year: "The broad scope of the U.S. anti-trafficking policy has been gradually narrowed to fit an anti-prostitution agenda that is based on the unproven belief that all prostitution (even legal prostitution in Nevada) is trafficking; and so criminalizing prostitution, as well as clients, is promoted as a purported means to stop prostitution and to stop trafficking for prostitution." But this policy is unlikely to change in an Obama administration. When questioned by pastor Rick Warren during the campaign, the president-elect drew a connection between prostitution and modern day enslavement, so it seems doubtful that he would consider a platform that would legalize the sex trade.

Short of legislative change, sex workers in the D.C. march are hoping for a seat at the table, says Swimme. Her organization and others want to be included in discussions by the secretary of state and the Department of Human Services on human trafficking, sex work and HIV-AIDs-prevention efforts. "Right now, while everybody is a criminal, nobody is talking about safety," she says. "And that is really what our message is: by criminalizing us we are being silent and our health and our safety are at risk. We are vulnerable."