

Criminalizing sex work does not improve safety or public health

The mainstreaming of sexual commerce through webcams, sex toys, and escort websites has occurred alongside a renewed moral panic against sex workers and pornography over the past two decades. This rejuvenated sociopolitical discourse against sex work has amplified, and been amplified by, a myriad of issues— the false conflation of sex work and sex trafficking, debates about pornography, and inflated public health concerns. Anti-sex work advocates have used these issues to validate calls for criminalization and overlooked the ways in which labor rights and human rights would improve health and safety conditions for sex workers without endangering society.

Policymakers have supported the criminalization of sex work because it is believed to improve societal health, minimize sex trafficking, and keep sex workers safe. However, criminalization worsens these outcomes by driving both sex workers and trafficking victims underground, where they experience more violence, fewer social services, and less access to adequate healthcare. Even partial criminalization, such as the so-called “end-demand” models that only criminalize the client or third-party management like brothel owners, diminish security for sex workers and increase the risk of violence.

Many sex workers face high degrees of food insecurity, economic hardship, inadequate housing, high levels of long-term disability, and unmet health needs. Criminalizing sex work makes it harder for sex workers to manage these struggles and obtain greater degrees of well-being, , and most sex workers experience criminalization as a source of oppression. Social services and interventions that target these systemic issues would also lift many of the oppressive experiences sex workers endure. The societal tendency to punish sex workers instead of supporting them has hindered the execution of these services on a larger scale.

A range of human rights organizations support decriminalization, including Woodhull Freedom Foundation, Amnesty International, the American Civil Liberties Union, the Human Rights Campaign, UNAIDS, and the World Health Organization.

Myth 1: Do current laws keep sex workers safe?

No, criminalization or partial criminalization of sex work does not ensure safety for sex workers and often exposes them to more violence.

A systematic review of research shows that criminalization of sex work, including the “end-demand” or “Nordic” model, increases the risk of violence and threatens the safety of sex workers.

Criminalization creates more danger for sex workers by limiting access to safety measures and normalizing violence against them because of their categorization as criminals. Both clients and law enforcement are perpetrators of violence and the related normalization.

Criminalization makes it difficult for sex workers to effectively screen clients and/or negotiate fees or activities beforehand, which increases the risk of disagreement and violence by the client once the services have already begun. Sex workers are more likely to rush these important initial conversations with potential clients when there is a police presence or risk of getting caught. They are also less likely to report these crimes for fear of being arrested for participating in sex work. Criminalization also makes online sex worker community groups and public advertising spaces risky or illegal, leading to less shared knowledge about potentially dangerous clients and difficulty negotiating boundaries for protection with new clients.

Many sex workers experience more physical and sexual threats, rape, extortion, and coercion by police in places where sex work is criminalized. A review of 83 studies on the topic found the majority of sex workers reported at least one abusive encounter with the police, which makes sex workers less likely to report crimes to police. However, this research suggests sex workers would feel more comfortable reporting violent crimes if the risk of arrest were removed through decriminalization. In addition to decriminalization, many advocacy groups are calling for non-prosecution policies which could offer sex workers additional safety to report crimes. Like California’s Immunity from Arrest bill, these laws would allow sex workers to report crimes they witness or experience while working without risk of being prosecuted for sex work.

Criminalization further hinders safety by forbidding many services that give sex workers agency and access to screening. For example, online databases to find and screen clients are associated with lower rates of female homicide due to improved client vetting and transactions. However, the U.S. has criminalized sites like this through SESTA/FOSTA. A systematic review of research on the topic found the majority of sex workers interviewed reported taking on riskier clients and experiencing an increase of violence from clients following the passage of SESTA/FOSTA. Decriminalization would allow for sex worker community forums and 'bad date' sites to be easily and legally shared, giving sex workers a space to flag dangerous clients who have perpetrated violence and/or non-payment.

Similarly, third-party management facilities like brothels or erotic massage parlors give sex workers access to client vetting, additional security, and resources for sexual health. However, end-demand models that criminalize these spaces minimize the safety these establishments can provide. Decriminalization would allow these spaces to continue existing but with the support and protection of labor rights laws.

In addition to physical safety, criminalization of sex work also leaves sex workers economically unsafe. Partly, this is simply because conducting any illegal work has more barriers, and it is, therefore, more difficult for sex workers to make money when sexual commerce is illegal. Additionally, criminalizing policies like SESTA/FOSTA have destabilized sex workers' economic freedom. One 2020 study reported sex workers' incomes have decreased by 58% following the passage of SESTA/FOSTA. Over 72% of sex worker respondents experienced a change in their financial situation after SESTA/FOSTA passed and also faced economic instability due to that change. Criminalization has also made it easier for payment processors, such as banks and PayPal, to justify banning sex workers' accounts. Many sex workers do not have access to a bank account, while those that do have lost significant funds when they've had their accounts locked or removed because of their occupation. Loss of income is even worse for sex workers who are also people of color, people with disabilities, immigrants, or LGBTQ.

The economic destabilization experienced under criminalization policies makes it difficult for sex workers to procure safe and stable housing, food, and other basic needs, maintaining a cycle in which sex workers are more likely to engage in dangerous work for less income out of necessity. It also makes it harder for sex workers to pursue other job prospects if they ever choose to. The economic exploitation sex workers face is similar to the economic exploitation other wage laborers experience. In the same way that labor laws

and equal rights keep other laborers safe, so too would sex workers be safer if they had access to the same rights as others in the workforce.

Myth 2: Does criminalizing sex work keep sex workers healthier?

No, criminalizing sex work makes it harder for sex workers to maintain good health status and/or access services that would enhance a healthier lifestyle.

Criminalization is associated with worsened physical and mental health outcomes for sex workers, and limits sex workers' access to HIV/STI screenings and negotiations with clients about physical safety measures, such as condom use. One study found that decriminalization could have prevented over one-third of the projected HIV transmissions among female sex workers between 2014 and 2024. Additionally, some of the Nordic model policies use condoms as evidence of criminal behavior having occurred at a site, de-incentivizing sex workers to utilize condoms during their work.

While some states do have mandatory STI/HIV testing even under criminalization policies, it is unclear as to whether this actually improves the overall health outcomes of sex workers. Sex workers often choose not to seek medical care out of fear of arrest and/or poor treatment by medical professionals if their profession is revealed. More research is needed to determine the degree to which sex workers can safely access wellbeing health care, reproductive health care, and counseling.

Research on the mental health of sex workers is sparse, but studies suggest the stigma, social isolation, lack of support, and feelings of disempowerment for sex workers in criminalized locales lead to poorer mental health. Criminalization also makes it more difficult for sex workers to receive competent psychological care because of mental health practitioners' potential biases against the legality and morality of sex workers' experiences. It is possible that such stigma might be mitigated if sex work was legally similar to any other industry.

Lastly, the loss of income sex workers experience under criminalizing policies makes it more difficult for many to access, pay for, and maintain healthier medical and lifestyle practices.

Protecting victims of sex trafficking is the false excuse used to argue against decriminalization. This is an important topic that was explored in greater length and detail in another [Fact Check: Sex Workers Are Exploited and Victims of Trafficking](#)

References

Woodhull Freedom Foundation conducted focus groups with participants from Spokes Hub to develop the myths for this Fact Checked series. Spokes Hub is a free online academy aimed at supporting people with lived experience in the sex trade in developing their voice and authority as advocates. Their contributions were used throughout this series to ensure the myths and content discussed aligned with the lived experiences of the impacted community. We are grateful for their insights and knowledge on this important topic.

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