



# Economic and Social Council

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## Commission on the Status of Women

Sixty-eighth session

11–22 March 2024

Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”

### Statement submitted by Best Practices Policy Project, Inc., a non-governmental organization in consultative status with the Economic and Social Council\*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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\* The present statement is issued without formal editing.



## **Statement**

This written statement is made in consultation with the Sex Worker Coalition, a formal group of global multi-organizational sex worker rights groups. Our advocacy focus is on gender-related and human rights related processes, including several U.N. committees such as the Commission on the Status of Women, CEDAW, CERD, and the Generation Equality process.

The Commission on the Status of Women's 68th Session priority theme, "Accelerating the achievement of gender equality and the empowerment of all women and girls by addressing poverty and strengthening institutions and financing with a gender perspective" provides an opportunity for the international community to address the specific economic and financial struggles of all, including sex workers. The review theme for the Commission on the Status of Women's 68th Session regarding, "Social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls" also provides an opportunity to address the needs of sex workers.

### **Denied Access to Financial Services**

Having access to financial services is essential to break cycles of poverty for women, girls, transgender people and gender non-binary people. However, sex workers in the United States and in many localities globally are shut out due to stigma and/or criminalization and are denied access to banking, credit, loans and electronic payment services. Furthermore, sex workers, even if their work is not criminalized, may have their earnings and savings confiscated without recourse by banks and entities such as Paypal (an online payment service). This is an extension and deepening of practices in the U.S. and other locations that allow police and state agents to take the money of people they profile as sex workers without recourse of the money ever being returned.

### **Denied Emergency Relief Services and Funding**

Women, girls, transgender people and gender non-binary people are deeply impacted by environmental, economic and health related crises and should, therefore, be prioritized for relief services and support. Unfortunately, sex workers as individuals and business people are denied social support funds and incentives offered to shore up economies during crises and disaster relief. In 2020, the COVID-19 pandemic resulted in workers in most sectors globally being forced to quarantine. In person sex work taking place in brothels, clubs, street and other venues was for the most part shut down due to lockdowns and social distancing. Plans were developed in many places to provide income to furloughed workers in general. Sex workers, however, were pushed out of these networks of support, even in countries where sex work is considered labor by the State. In the United States, sex businesses were ineligible for relief that would have allowed them to continue to pay workers. Specifically, businesses providing products or performances of a "prurient sexual nature" were excluded from the Paycheck Protection Program and Small Business Administration's Economic Injury Disaster Loan Program. Globally many sex workers were unable to apply for benefits that might have been available to them, due to criminalization, stigma and/or because they may have been undocumented. Vital services worldwide are often restricted by U.S. policy directly. Since 2003 the "anti-prostitution pledge" requirements for U.S. global AIDS funds and anti-trafficking funds have prevented programs serving sex workers using a rights based approach from receiving funds.

## **Economic Rights of Sex Workers are denied**

The passage of the U.S. federal legislation, the Stop Enabling Sex Traffickers Act (SESTA) and Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA), in 2018 created far-reaching carceral penalties attached to citizenship, sex, work, and labor. These broadly-written enactments conflate sex work and human trafficking, and limit the sharing of vital safety information and advertising options for sex workers. The more pressure placed on sex workers to prevent them from accessing income, the more health and rights are imperiled. Specifically, FOSTA/SESTA limits Section 230 – which was originally established to protect online platforms from liability over users’ free speech (ie sex work) – forcing platforms to ban sex workers or use of their apps for sex work (or anything that could be perceived as sex work). The U.S. has put sex workers and other communities at risk, censoring free speech and infringing upon the human right to work. The U.S. is not only violating its own citizen’s rights, but because U.S. based companies own a large portion of the internet, the rights of people operating in countries where sex work is legal are compromised. Sex workers in the U.S. have reported drastic loss of incomes, affecting their ability to pay for their basic needs and education. Organizations supporting sex workers have been stretched to breaking point.

Inherent in economic rights and the right to work is the ability to access favorable conditions, autonomy and self-determination. The legislation has imperiled sex workers ability to control their own funds as banks, financial institutions and online payment services have frozen accounts of sex workers and people they profile as such, even in legal adult oriented venues. The loss of trusted online advertising platforms also forces people who are vulnerable economically to other arenas that are less secure, lack accountability, exploitative and risky. These changes have affected all the inter-related sectors of sex work including outdoors and online.

As incomes are weakened, sex workers become increasingly vulnerable to pre-existing patterns of human rights violations that have long undermined work and support networks for low income people. Arrest and subsequent conviction for prostitution-related offenses intensify the homelessness or housing precariousness experienced by people from low-income communities because people with criminal records are barred from accessing, or may lose current residence in public housing. Law enforcement officials also disrupt sex workers’ (or those profiled as such) support networks by arresting people nearby, such as in the same hotel room during an arrest, regardless of the individual’s involvement, and charging them as accessories, or worse.

## **Social Protection Systems and Public Service**

**Housing Discrimination:** Public housing in the United States is designed for low-income families to ease financial conditions of high rental properties and oftentimes, segregated. However, the federal government guidelines prohibit and deny affordable housing for prostitution convictions, drug convictions, and a myriad of other non-violent crimes. Through these discriminations directly correlating with racism, poverty, the U.S. drug war, etc., and imprisoning entire communities of color, it has affected these communities in the most violent ways. In order to qualify for housing assistance, federal mandates specify that a person cannot share housing with anyone with prior convictions, leaving no recourse for anyone who has rehabilitated their lives, thus continuing generational poverty and cyclical interdependence on social welfare systems. Denying a family in poverty affordable housing is a travesty and a stain on the United States. Low-level crimes such as prostitution should not shut out the opportunity for housing. Many who engage in sex work go in and out of

the trade to survive, buy groceries, pay bills, and pay rent. Sex workers should not be punished for surviving.

**Employment:** Having a “criminal record” caused by a prostitution related arrest (or due to the conflation of sex work and trafficking, a trafficking related arrest) can make it almost impossible to find employment other than sex work. Even worse, in many jurisdictions, a life-long sex offender status can be attached to prostitution-related convictions. The long-term ramifications on employment mean that sex workers are relegated to continuing in the sex trade if they want to exit and severely limit job opportunities that require background checks. They will therefore lack health benefits and social security that formal employment offers. An ordinary misdemeanor crime of prostitution with a sex offender status and other criminal sanctions must be taken out of laws that condone these types of catastrophic life-long sentences.

**Healthcare:** Sex workers are often mistreated when seeking medical care after being brutalized by state actors and non-state actors. State agents in the United States deny sex workers access to emergency health care. Sex workers who approach police with severe injuries from violence perpetrated against them are routinely belittled and blamed for the attacks against them and are not escorted, or even referred, to emergency rooms. Individuals in medical facilities seeking care for injuries sustained from attacks against them who are profiled as sex workers have been questioned by police prior to receiving medical care. During arrests and while detained sex workers are denied access to healthcare.

### **Conclusion**

Sex workers live in every community and are often the economic engine that keeps low income families afloat. Yet, as illustrated above, sex workers are harmed by attempts to criminalize their work and stigmatize their work. Efforts to promote gender equality in poverty and financing initiatives must address and combat the marginalization of sex workers. Furthermore, all systems working for gender equality in social protection systems, access to public services and sustainable infrastructure, should acknowledge sex workers as key voices in ending poverty, and keeping communities strong during economic, health and environmental crises.

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