

## Race, Sex Work, and Stereotyping

The criminalization of consensual adult sex work fails to protect trafficking survivors, compromises access to resources, endangers public health, and allows violence against sex workers to go unchecked. Due to intersectional vulnerabilities and racial profiling, these harms are exacerbated in communities of color. People of color, particularly women, are the primary subjects of violence and prosecution against individuals perceived as sex workers.<sup>1</sup>

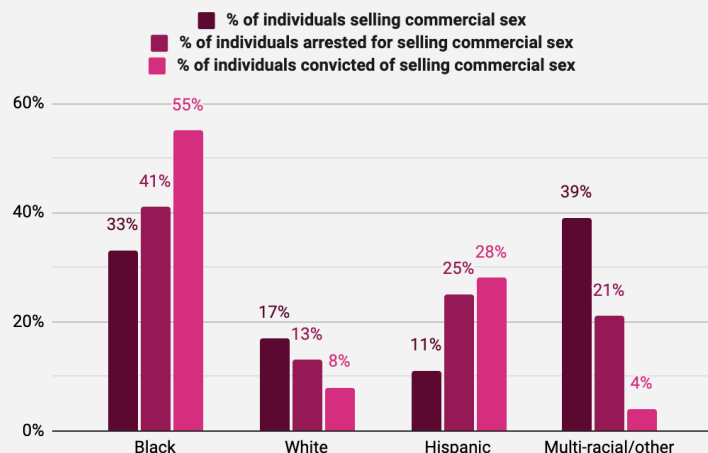
Many different kinds of people sell sex for many different reasons. However, Black and Brown women are overwhelmingly arrested and jailed for sex work (see fig. 1).<sup>2</sup> Racially coded stereotypes portray white women participating in commercial sex as victims, while Black, Brown, and Asian American women are criminalized for the same behavior. The resulting harms of criminalization – psychological and physical trauma, discrimination in housing and employment, and social stigma – are borne disproportionately by people of color.

### Racial disparities in the arrest and sentencing of those involved in sex work are a result of:

1. Systemic discrimination in the U.S. criminal justice system, utilizing policing tactics to target communities of color as “high risk” and persistently arresting individuals in those neighborhoods en masse for low-level crimes.
2. Intersectional socio-political barriers that discriminate against people of color and transgender or gender-nonconforming individuals in “mainstream” labor markets, blocking access to the same economic opportunities and relief structures available to white and cisgender individuals.<sup>3</sup>

**Figure 1. Demographics of sex work criminalization in New York City between 2008 and 2018.**

Source: New York State Division of Criminal Justice Services



<sup>1</sup>Jasmine Sankofa, “From Margin to Center: Sex Work Decriminalization Is a Racial Justice Issue,” Amnesty International, December 12, 2016, [https://www.amnestyusa.org/from-margin-to-center-sex-work-decriminalization-is-a-racial-justice-issue/#\\_ftn1](https://www.amnestyusa.org/from-margin-to-center-sex-work-decriminalization-is-a-racial-justice-issue/#_ftn1).

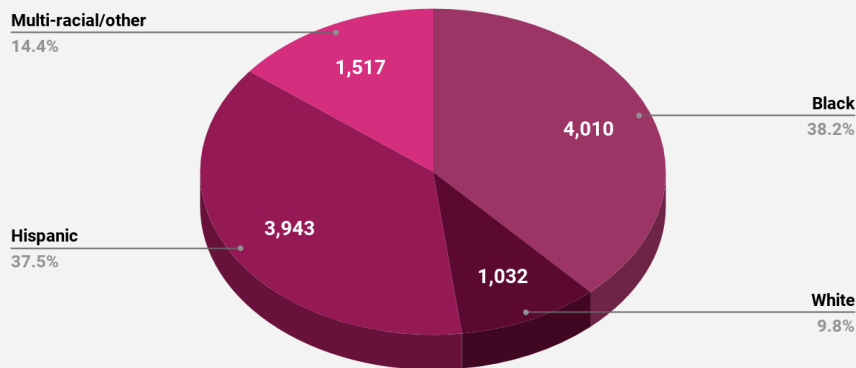
<sup>2</sup>New York State Division of Criminal Justice Services, Computerized Criminal History File, last modified December 20, 2019.

<sup>3</sup>Erin Fitzgerald, MPA, Sarah Elspeth Patterson, M.Ed., Darby Hickey, et al., “Meaningful Work: Transgender Experiences in the Sex Trade,” National Center for Transgender Equality, December 2015: 16, [https://www.transequality.org/sites/default/files/Meaningful%20Work-Full%20Report\\_FINAL\\_3.pdf](https://www.transequality.org/sites/default/files/Meaningful%20Work-Full%20Report_FINAL_3.pdf). According to this report, “43.4% of people of color who had experience in the sex trade reported having a household income of less than \$10,000, while only 16.3% of white respondents reported the same,” and only 13.3% of individuals outside the sex trade report an income as low.

- The conflation of the terms “sex work” and “trafficking,” which erases the agency of sex workers from narratives, and focuses on abolishing commercial sex rather than examining the structural inequality that drives the need for sexual labor.

**Figure 2. Demographics of individuals arrested for purchasing the services of a prostitute in New York City between 2009 and 2018 (10,502 total arrests).**

Source: New York State Division of Criminal Justice Services



The same racial biases exist for those purchasing sex. Only 15% of individuals purchasing sex are non-white,<sup>4</sup> but people of color make up the vast majority of individuals arrested (see fig. 2).<sup>5</sup>

Sex workers are targets of police violence and harassment, including profiling, strip searches, assault, and sexual extortion.<sup>6</sup> Crimes committed against sex workers are rarely reported, and when they are, fail to be taken seriously. Black women selling sexual services have historically been the targets of violent criminals. Police are

often perpetrators of violence themselves,<sup>7</sup> or they turn a blind eye, labeling the crimes as “NHI” (“no humans involved”).<sup>8</sup>

The criminalization of consensual adult sex work perpetuates racialized systems of control and subjugation. It leaves women of color unprotected from violence, trafficking, and extortion, and justifies excluding people of color from harm-reduction services.

The survival strategies of those at the margins cannot be treated as pathologies if we want to address the root causes of socio-political vulnerability. Sex worker rights need to be adopted as part of the broader racial justice platform.

<sup>4</sup>“Racial & Gender Disparities in the Sex Trade,” rights4Girls, 2017, <https://rights4girls.org/wp-content/uploads/r4g/2016/08/Racial-Disparities-Fact-Sheet-11.2017.pdf>.

<sup>5</sup>New York State Division of Criminal Justice Services, Computerized Criminal History File, last modified December 20, 2019.

<sup>6</sup>Jasmine Sankofa, “Mapping the Blank: Centering Black Women’s Vulnerability to Police Sexual Violence to Upend Mainstream Police Reform,” *Howard Law Journal*, forthcoming, September 1, 2016, <https://ssrn.com/abstract=2828422>.

<sup>7</sup>Sankofa, “Mapping the Blank.” Sankofa notes that 23% of Black transgender individuals will experience physical or sexual assault by police because they are perceived as transgender and involved in sex work.

<sup>8</sup>Zachary Wigon, “The L.A.P.D. Didn’t Catch an Alleged Serial Killer For 30 Years. Is It Because the Victims Were Black?,” *Vanity Fair*, December 18, 2014, <https://www.vanityfair.com/hollywood/2014/12/tales-of-the-grim-sleeper-nick-broomfield>.