

**Erotic Service Providers Legal Education and Research Project  
(ESPLER Project, Inc.)  
Policy Agenda**



This Policy Agenda sets out a roadmap of legislative steps that policy makers should address when considering laws and regulations around all aspects of sex work - so that any such legislation addresses the criminalization, discrimination and stigmatization that affects our community.

It centers a rights based approach, whereby consenting adults in the sex industry are neither perpetrators in need of punishment nor victims in need of rescue, but rather individuals with rights who are free to make their own choices about their sexual behavior.

# Foreword

Sex work (in all its evolving legal and criminalized aspects) is interconnected with wider human and constitutional rights, including the right to privacy and bodily autonomy, the right to equal protection under the law, the right to personal safety, and the right to choose our work and be paid fairly for that work.

In the past century, most forms of sex work have been criminalized (see [Criminalizing Prostitution: Background](#)). But criminalization does not stop sex work. It only serves to drive sex workers and their clients underground, and makes everyone substantially less safe (again see [Criminalizing Prostitution: Background](#)).

Criminalizing adult, voluntary, consensual sex is incompatible with the human right to privacy and bodily autonomy. In short - it is not the role of the government to tell consenting adults who they can have sex with and on what terms.

Decriminalization of sex work (i.e., the repeal of all laws criminalizing prostitution and all associated activities) is supported by a long list of reputable international organizations including [Amnesty International](#), the [Global Alliance Against Trafficking in Women](#), the [Global Commission on HIV and the Law](#), [UNAIDS](#), the [UN Working Group on discrimination against women and girls](#), [Human Rights Watch](#), and the [World Health Organization](#).

In the United States, the following organizations have adopted explicit policy positions supporting the decriminalization of sex work: [ACLU](#), [AIDS United](#), [Center for HIV Law and Policy](#), [Lambda Legal](#), [National Center for Lesbian Rights \(NCLR\)](#), [National Center for Transgender Equality](#), [Transgender Law Center](#), and [Woodhull Freedom Foundation](#).

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# Executive Summary

The relationship between sex workers and their clients is criminalized (see [Definitions](#)). As a result, sex workers and clients are subject to significant social and economic stigma and discrimination.

Current policies for sex work are failed policies based on faulty definitions. They are going in precisely the opposite direction of the growing global consensus on the human rights of erotic service providers.

Therefore, this Policy Agenda sets out the following legislative steps to enfranchise all aspects of sex work and address the discrimination and stigmatization which affects the sex worker community.

This Policy Agenda is based in part on the significant work of the Scarlet Alliance in Australia.<sup>1,2</sup>

1. [Decriminalize sex work](#)
2. [Establish reparations programs](#)
3. [Repeal “Anti Trafficking” Legislation](#)
4. [Prohibit discrimination against erotic service providers, clients and support staff](#)
5. [Grant immunity from prosecution for prostitution offenses when report crimes](#)
6. [Prohibit gender identity, sexual orientation and racial profiling of sex workers](#)
7. [Decriminalize HIV status](#)
8. [Implement monitoring of publicly funded anti-trafficking or anti-prostitution groups](#)
9. [Implement a grievance process for publicly funded anti-trafficking or anti-prostitution groups](#)
10. [Implement oversight of law enforcement agencies that make prostitution and human trafficking arrests](#)
11. [Expand privacy laws](#)
12. [Expand protections for exotic dancers](#)
13. [Establish regulations restricting prosecutorial misconduct](#)
14. [Prohibit sexual contact by law enforcement](#)
15. [All legislation should include automatic, retrospective ‘Vacatur’ provisions](#)

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<sup>1</sup> “Scarlet Alliance: Publications Library“, <https://scarletalliance.org.au/library/>

<sup>2</sup> “The Principles for Model Sex Work Legislation“, [https://scarletalliance.org.au/wp-content/uploads/2022/07/principles\\_2014.pdf](https://scarletalliance.org.au/wp-content/uploads/2022/07/principles_2014.pdf)

## Definitions

We define an **erotic service provider** (aka **sex worker**) as anyone who earns a living from their erotic labor, including prostitutes (whether working in brothels, in their homes or hotels, or outdoors on the street), exotic dancers, strippers, adult film performers, online adult content creators, escorts, courtesans, dominatrixes / doms, submissives, phone sex operators, sex texters, and webcam performers.

We include sex trafficking survivors as erotic service providers, as they have worked in the sex trade under coercion.

We do not assume the gender of any erotic service provider. They may identify as female, male, trans, or non-binary.

We use the terms erotic service provider and sex worker interchangeably in this document.

A **client** is anyone who consensually engages the services of an erotic service provider. A client is not a “trafficker”, not an “exploiter”, and not a “john” (a slang term that is sexist and derogatory).

**Support staff** are those hired by erotic service providers in capacities such as receptionists, agents, managers, drivers, warehouse workers, security, photographers, and even janitors in adult clubs.

Beyond support staff, there are also **third parties** such as website owners and operators, hairdressers, makeup artists, dance club workers, gym owners and personal trainers, taxi and rideshare providers, and even hospitality industry staff who work in the hotels and other establishments used by erotic service providers and their clients.

We consider **our community** to be anyone who is an erotic service provider or who knowingly and consensually hires, pays, or provides support to an erotic service provider. This includes our friends and family members who support us (whether in a formal or informal capacity).

**Criminalization** refers to criminal laws that prohibit the consensual selling and/or buying of sex by adults. It also refers to laws that are either applied in a discriminatory way against people involved in sex work, and/or have a disproportionate impact on sex workers (such as vagrancy or loitering laws). Similarly, immigration laws can be applied in a discriminatory way against sex workers – such as using a conviction as grounds for deportation. Criminalization also has a negative effect on other human rights, including chilling assembly, the right to health and safety, and the right of equal protection under the law. Criminalization exposes sex workers and clients to abuse and exploitation by law enforcement; and, under the guise of investigating prostitution, law enforcement enacts sweeping privacy violations impacting all civilians.

**Decriminalization** is the removal of all laws targeted at sex workers, clients or associated individuals.<sup>3</sup> In this approach, sex work is recognized as legitimate work, and is treated as any other service sector, with labor rights, income tax, etc. Most sex workers want full decriminalization rather than legalization, regulation, or asymmetric decriminalization (see below). The case for decriminalization was eloquently expressed by John Oliver in a 2022 episode of [Last Week Tonight](https://www.youtube.com/watch?v=8v3o3v3v3v3).

**Prohibition** seeks to substantially reduce or eradicate all forms of compensated consensual sex through the enforcement of criminal and other laws.

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<sup>3</sup> “The Principles for Model Sex Work Legislation”, [https://scarlettalliance.org.au/wp-content/uploads/2022/07/principles\\_2014.pdf](https://scarlettalliance.org.au/wp-content/uploads/2022/07/principles_2014.pdf)

**Legalization or Regulation** is where sex work is controlled by the state and/or local jurisdictions under very specific and restrictive conditions. This results in a two-tier system where only a subset of sex workers have the means to comply with the restrictive regulations, and those sex workers who cannot comply remain criminalized and targets for law enforcement.

Various forms of legalization or regulation are in force in Nevada (in the US), Greece, the Netherlands, and Germany (amongst others).

For example, sex work is legal in some rural counties in Nevada, but with restrictions on the number and location of sex work premises, sex workers have to purchase a license, and pay for invasive medical checks before a license is issued. Nevada brothels have limited space for workers and are located in outlying, hard-to-access rural counties with populations under 700,000, creating additional barriers for workers and clients.

In the Netherlands advocates observed that the registration scheme "has created an environment that hampers those workers' ability to independently drive economic growth and development. ... The new legislation looks to be more of an obstacle to the legal process than it is a help."<sup>4</sup>

**Asymmetric Criminalization**, often rebranded as the "**Nordic model**", "**End Demand**", or "**Anti-Equity**", is still a form of **Criminalization**. In this model, selling sex is (supposedly) legal, but buying sex is not, and other activities associated with sex work are criminalized, including "promotion of prostitution" and letting premises be used for selling sex.

Asymmetric Decriminalization is the current legal framework in Canada, Ireland, Scotland, France, and [Sweden](#) (among others).

Numerous studies in multiple countries have found that this approach makes sex workers less safe.<sup>5,6,7,8</sup> It stigmatizes and marginalizes sex workers and leaves them vulnerable to violence and abuse. And it makes it hard for sex workers to:

- find safe places to work
- work together, support and protect one another
- advocate for their rights
- work with third parties, such as drivers, security, and social media content creators without fear that constitutes "promotion of prostitution"
- rent premises without fear of eviction
- safely use social media
- open and operate a business bank account.

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<sup>4</sup> "The Audacity of Tolerance: A Critical Analysis of Legalized Prostitution in Amsterdam's Red Light District", [https://humanityinaction.org/knowledge\\_detail/the-audacity-of-tolerance-a-critical-analysis-of-legalized-prostitution-in-amsterdam-red-light-district/](https://humanityinaction.org/knowledge_detail/the-audacity-of-tolerance-a-critical-analysis-of-legalized-prostitution-in-amsterdam-red-light-district/)

<sup>5</sup> "The Human Cost of Crushing the Market: Criminalization of Sex Work in Norway", <https://www.amnestyusa.org/reports/the-human-cost-of-crushing-the-market-criminalization-of-sex-work-in-norway/>

<sup>6</sup> "Attacking Demand, Escalating Violence: The Impact of Twenty Years of End Demand Implementation on People who Trade Sex", September 2021, [https://esplerp.org/wp-content/uploads/2024/08/621bfa3425df027c84ad4460\\_ImpactofEndDemand\\_Final\\_0921.pdf](https://esplerp.org/wp-content/uploads/2024/08/621bfa3425df027c84ad4460_ImpactofEndDemand_Final_0921.pdf)

<sup>7</sup> "How client criminalization under end-demand sex work laws shapes the occupational health and safety of sex workers in Metro Vancouver, Canada: a qualitative study", <https://pmc.ncbi.nlm.nih.gov/articles/PMC9685237/>

<sup>8</sup> "On the "Swedish model" by Jesper Bryngemark", [https://archive.scarletalliance.org.au/library/jesperbryngemark\\_06.pdf](https://archive.scarletalliance.org.au/library/jesperbryngemark_06.pdf)

# Criminalizing Prostitution: Background

[Sex work in the United States has a history as long as the country itself](#), yet laws regulating the sale of sex are relatively new. In the 18th century, prostitution was a deeply rooted part of society from Louisiana to San Francisco. Even then, laws against lewdness and [sodomy](#) were used in an attempt to regulate sex work, taking particular aim at LGBTQIA+ people, people of color, and the poor.

In the early 20th century, campaigners looking to abolish prostitution [promoted new laws](#) focused on businesses where prostitution took place, such as saloons and brothels. In 1910 the [Mann Act](#), or "White Slave Traffic Act", became the first federal law making it a crime to cross state lines for prostitution. Many of these laws are still in place and [still in use](#).

Criminalization does nothing to diminish the existence of sex work; it only serves to drive sex workers and their clients underground and make society at large substantially less safe:

- Criminalization exposes sex workers to abuse and exploitation by law enforcement. In criminalized environments, law enforcement routinely harass sex workers, extort bribes, [physically and verbally abuse them](#), and even rape or coerce sex from them. For example, in just one case among many, in November 2024 eleven Texas police officers were disciplined for misconduct related to prostitution stings at massage parlors.<sup>9</sup>
- Criminalization makes sex workers (and those perceived to be sex workers) more vulnerable to violence, including rape, assault, and murder, by attackers who see sex workers as easy targets, because they are stigmatized and unlikely to receive help from law enforcement.<sup>10,11,12,13,14</sup> When serial killer Gary Ridgway, aka the Green River Killer in Seattle WA, was arrested, he told police he had picked prostitutes as victims because they were "the easiest targets" and that "no one would miss them".<sup>15</sup>
- Criminalization undermines sex workers' ability to seek justice for crimes against them. Even when they report crimes, sex workers may not be willing to testify in court against their assailants and rapists for fear of facing sanctions or further abuse because of their work and status.
- [UNAIDS](#), the [UN Working Group on discrimination against women and girls](#), [public health experts](#), [sex worker organizations](#), and other [human rights organizations](#) have found that criminalization of sex work also has a negative effect on sex workers' right to health. For example, sex workers are reluctant to carry condoms for fear of arrest, leading them to engage in sex without protection and putting them at heightened risk of contracting HIV and other sexually transmitted diseases.

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<sup>9</sup> "Texas Cops Fired for 'Inappropriate' Sexual Contact With Massage Workers", <https://reason.com/2024/11/13/texas-cops-fired-for-inappropriate-sexual-contact-with-massage-workers/>

<sup>10</sup> "DNA links 1986 murder of California woman to convicted serial killer", Tue 13 Aug 2024, <https://www.theguardian.com/us-news/article/2024/aug/13/california-1986-murder-dna-serial-killer>

<sup>11</sup> "Man charged in three 1970s California murders after DNA match", Fri 9 Aug 2024, <https://www.theguardian.com/us-news/article/2024/aug/09/california-strangulation-deaths-suspect-arrest-1977>

<sup>12</sup> "Gilgo Beach serial killings: suspect charged with murder of seventh victim", <https://www.theguardian.com/us-news/2024/dec/17/gilgo-serial-killer-new-victim>

<sup>13</sup> "Defending the Less Dead: Using the Decriminalization of Sex Work to Combat the High Incidence of Serial Homicide of Street-Based Sex Workers", <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1593&context=wmjowl>

<sup>14</sup> "Attorney forced clients into prostitution, hired people to kill former client", KNOE News, 2025 <https://www.knoe.com/2025/02/07/attorney-forced-clients-into-prostitution-hired-people-kill-former-client-police-say/>

<sup>15</sup> "Gary Ridgway", [https://en.wikipedia.org/wiki/Gary\\_Ridgway](https://en.wikipedia.org/wiki/Gary_Ridgway)



- Criminalization has a negative effect on other human rights. In countries that ban sex work, sex workers are less able to organize as workers, less able to advocate for their rights, and less able to work together to support and protect themselves.

Criminalization also empowers law enforcement to commit violence against sex workers by

- harassing them – the [Urban Justice Center](#) found that 30% of street-based sex workers in New York had been threatened by police, and 27% had experienced violence from police;
- conducting massive privacy violations using [data scraping, surveillance, and other technological monitoring](#) of sex workers and the general population<sup>16,17</sup>;
- arresting them — and then labeling arrested workers as sex trafficking victims<sup>18</sup>;
- victimizing them during incarceration — by guards and other inmates and guards, and disrupting their livelihoods and families;
- denying them access to support services, legal advocacy and safe space shelter;
- fining them, subjecting them to probation, forcing them to do community service, and/or saddling them with a criminal record;
- forcing arrested workers into “diversion services”, which offer few real services;
- forcing legal erotic service providers to register and/or obtain performance IDs, opening them up to harassment and stalking.

[Amnesty International has called on governments](#) to reject using criminal sanctions to implement public health goals and “refrain from implementing repressive policies” in the name of public health.<sup>19</sup> Likewise, in a landmark UN Report calling for sex work decriminalization, the UN Working Group on discrimination against women and girls said it “considers that it is high time for discrimination, marginalization and stigmatization of sex workers to be addressed by human rights bodies so that their human rights are protected”. The Working Group proposes full decriminalization of adult voluntary sex work from a human rights perspective, as it holds the greatest promise to address systemic discrimination and violence and the impunity for the violations of sex workers’ rights”.<sup>20,21</sup>

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<sup>16</sup> “Californians For Privacy:How The War On Sex Work Is Stripping Your Privacy Rights”,<https://bit.ly/ESPLERreport>

<sup>17</sup> “New Surveillance Units Are Going Up in San Francisco. Neighbors Have Mixed Reviews”,  
<https://www.kqed.org/news/12006900/new-surveillance-units-are-going-up-in-san-francisco-neighbors-have-mixed-review>

<sup>18</sup> “How the Paris Olympics is impacting sex workers in the city”,  
[www.dazeddigital.com/life-culture/article/63254/1/how-the-paris-olympics-2024-impacting-sex-workers](http://www.dazeddigital.com/life-culture/article/63254/1/how-the-paris-olympics-2024-impacting-sex-workers)

<sup>19</sup> “COVID-19 Measures Magnified the Wars on Drugs and Sex Work”,  
<https://reason.com/2022/06/02/covid-19-measures-magnified-the-wars-on-drugs-and-sex-work/>

<sup>20</sup> “Landmark UN Report Calls for Sex Work Decriminalization”,  
<https://www.hrw.org/news/2023/11/28/landmark-un-report-calls-sex-work-decriminalization>

<sup>21</sup> “Global: Experts back decriminalization as the best means to enhance the rights of sex workers”,  
<https://www.amnesty.org/en/latest/news/2023/09/united-nations-experts-this-week-said-that-that-full-decriminalization-of-adult-voluntary-sex-work-holds-the-greatest-promise-to-address-the-systemic-discrimination-and-violence-sex-workers-frequently/>

# The War On Sex

From the 1890's onwards, there has been a moral panic about sex work - from "[white slavery](#)" to "sex trafficking"<sup>22</sup>. But over the past few decades, there has been an exponential increase in "anti trafficking" rhetoric, funding, and legislation - part of an anti-sex and anti-prostitution crusade by [Christian "abolitionists"](#) and [anti-sex feminists](#). Renaming workers as 'sex trafficking victims' and clients as 'sex traffickers' has resulted in severe jail penalties and fines, and even extends to governments rebranding sex workers and sex worker activists as 'terrorists'.

In 2015, Reason Magazine declared that "[The War on Sex Trafficking Is the New War on Drugs](#)". In effect, the "War on Sex Trafficking" is a war on adults (sex workers and their clients) who consensually exchange sex for money. As in the War on Drugs, public resources are systematically rerouted to support misdemeanor prostitution sting operations by national, state, and local law enforcement agencies under the guise of rescuing sex trafficking victims<sup>23</sup>. These operations arrest both sex workers and sex trafficking victims as well as clients and prospective clients. Those arrested receive criminal prosecutions and then are routed into shame based, sex negative, anti trafficking non profits run by current or former law enforcement personnel or dubious religious charities.<sup>24</sup>

Anti-trafficking non-profits and law enforcement alike go to great lengths to inflate "sex trafficking" numbers, and to promote "[human trafficking](#)" [stories that are then revealed to be hoaxes](#), to bolster their case for funding and additional legislation.<sup>25,26</sup>

Researching any underground economy clearly presents barriers, but as sociologist Ronald Weitzer argues in a [2011 Journal of Criminal Law and Criminology paper](#), "a huge disparity between the two [sets of figures] should at least raise questions about the alleged scale of victimization."

Evidence from a wide variety of sources demonstrates that the "anti trafficking" rhetoric is almost wholly manufactured. For example, in 2024, the Department of Justice's Bureau of Justice Statistics released its annual data on "human trafficking". The report lumps all of sex/labor trafficking, peonage, slavery, and forced labor into one category - for which there are a total of 203 cases. This is not a major crime category. And this is in a context where some states' sex trafficking laws have become so broad as to criminalize independent sex workers for sex trafficking themselves.<sup>27</sup>

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<sup>22</sup> "White Slavery, Whorehouse Riots, Venereal Disease, and Saving Women: Historical Context of Prostitution Interventions and Harm Reduction in New York City during the Progressive Era", <https://pmc.ncbi.nlm.nih.gov/articles/PMC3703872/>

<sup>23</sup> "'Human Trafficking' Sting Yields 547 Arrests, but Only 1 for Human Trafficking", <https://reason.com/2025/02/05/human-trafficking-sting-yields-547-arrests-but-only-1-for-human-trafficking/>

<sup>24</sup> "Scottish councils reject SNP proposals to partner with religious charity that says sex workers are "possessed by demons""", <https://nationaluglymugs.org/2024/10/28/news-scottish-councils-reject-snp-proposals-to-partner-with-religious-charity-that-says-sex-workers-are-possessed-by-demons>

<sup>25</sup> "Using Non-Criminal Definitions of Sex Trafficking to Count Sex Trafficking Cases", <https://taraburns.substack.com/p/using-non-criminal-definitions-of>

<sup>26</sup> "Retired Cop Sues American Airlines After Accusation Of Trafficking His Own Wife On Honeymoon Flight", <https://viewfromthewing.com/retired-cop-sues-american-airlines-after-accusation-of-trafficking-his-own-wife-on-honeymoon-flight/>

<sup>27</sup> "Human Trafficking Data Collection Activities, 2024", <https://bjs.ojp.gov/library/publications/human-trafficking-data-collection-activities-2024>



Despite this disconnect, and despite the uncertainty about the data, vast state and federal investments in “anti trafficking” organizations have created a massive, federally sustained multi-sector industry - in 2024 to the tune of ~\$105 million.<sup>28</sup> [In 2015, Truthout](#) reported that “50 of the most prominent anti-trafficking organizations in the United States are estimated to share around \$686 million – an amount that would place them approximately 184th on the UN’s ranking of nations by GDP, right above Samoa”. This funding stream attracts bids from an ever-increasing swathe of would-be service providers. But, while some anti-trafficking organizations are actually crisis centers for domestic violence, others are simply scams<sup>29</sup>.

Even among “legitimate” nonprofits, [these vast sums do not benefit actual victims of sex trafficking](#). In their required IRS 501(c)(3) filings, it appears that the overwhelming majority of “anti trafficking” organizations funding goes to executive salaries, office costs, and “awareness” (fearmongering campaigns designed to whip up hysteria and obtain further funding)<sup>30</sup>. These highly profitable self-sustaining scams [cause immense harm to our community](#) and are a huge drain on public funds.

The “anti trafficking” rhetoric is also used to justify high profile law enforcement prostitution sting operations masquerading as “rescue” operations. For example, during the run up to Super Bowl LVI 2022 in Los Angeles, the Los Angeles County Sheriff’s Department (LASD), together with the FBI, Homeland Security, and the [National Center on Sexual Exploitation \(a conservative values group formerly known as Morality in Media, which aims to eradicate all sex work\)](#) mounted “Operation Reclaim and Rebuild” with its claimed mission as “combating human trafficking.” Then in the week after the Super Bowl, Los Angeles County Sheriff Alex Villanueva trotted out a slew of misleading claims about his department’s (imagined) “success” in stopping “trafficking”. However, according to [data released by LASD](#) itself, the vast majority of arrests were of sex workers and clients – mainly misdemeanor cases of either loitering for prostitution or attempting to purchase sex. At the end of the week, 214 people were arrested for allegedly selling sex and 201 people were arrested for allegedly trying to pay for sex. Many arrests were miles away in Santa Barbara or San Bernardino, or at the other end of California in San Francisco or Fresno – arrests completely unconnected with the Super Bowl.

Old-school vice stings have been renamed “human trafficking operations” or “sex trafficking stings” - and legislators, reporters and content creators repeat this language. For example, a recent [announcement](#) from California Attorney General Rob Bonta alleged that “sex traffickers capitalize on large events like Comic-Con to exploit victims” (despite the fact that these sorts of [claims around major events](#) have been repeatedly debunked), and bragged that “an investigation by the San Diego Human Trafficking Task Force” led to “14 individuals [being] arrested.” But then, in a subsequent press release, it becomes clear that the 14 individuals were actually arrested for soliciting sex from undercover cops - none were arrested on sex trafficking charges.<sup>31</sup>

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<sup>28</sup> “Human Trafficking: Grants & Funding”, Dept. of Justice OVC, <https://ovc.ojp.gov/program/human-trafficking/grants-funding>

<sup>29</sup> “‘Project Rescue Children’ Exposed as Latest in Series of Human-Trafficking Hoaxes”, <https://reason.com/2024/07/22/project-rescue-children-exposed-as-latest-in-series-of-human-trafficking-hoaxes/>

<sup>30</sup> “‘Child Trafficking’ Sting Video Turns Out To Be Toy Drive”, <https://reason.com/2024/12/19/child-trafficking-sting-video-turns-out-to-be-toy-drive/>

<sup>31</sup> “Attorney General Rob Bonta, San Diego Human Trafficking Task Force Target Human Traffickers at Comic Convention in San Diego”, <https://oag.ca.gov/news/press-releases/attorney-general-rob-bonta-san-diego-human-trafficking-task-force-target-human>

One under-reported consequence of renaming sex work as sex trafficking is civil forfeiture.<sup>32</sup> Under civil forfeiture policies, law enforcement is empowered to seize property without due process – even if the property owner is never charged with a crime. Civil forfeiture results in untraceable profit for law enforcement agencies and their non-profit collaborators. For example, in 2015, [the Department of Homeland Security seized assets and \\$1.4 million in cash from Rentboy.com](#), leaving no record where the money went. Cash rewards like these incentivize theft from erotic service providers while dispensing with due process.<sup>33</sup>

## Problematic “Anti Trafficking” Legislation

Using “save the children” rhetoric to arrest and prosecute sex workers and victims of sex trafficking alike, the “anti trafficking” hysteria feedback loop has encouraged Congress and state legislatures to pass a series of “anti-trafficking” laws. These laws have only served to further criminalize and harm the erotic service provider community, our clients, victims of sex trafficking, and the general public.

Congress continues to consider bad legislation that undermines privacy on the internet under the guise of identifying those involved in forced labor in the sex industry. President Donald Trump’s Project 2025 proposes to ban adult film from the ‘back door’ – pun apparently intended.<sup>34</sup>

The following are just some examples of this kind of legislation.

### **FOSTA (aka Allow States and Victims to Fight Online Sex Trafficking Act)**

FOSTA, signed into federal law in April 2018, carved out an exception to the Communications Decency Act Section 230 to make Internet platforms liable for “sex trafficking” content, but without differentiating between consensual sex work and sex trafficking. In effect, FOSTA compelled Internet platforms to off-board us, excluding us from online spaces where we could vet clients for safety risks and engage in harm preventive information exchanges.<sup>35,36</sup> FOSTA forced many of us to engage in more dangerous street work – spaces where we are at risk of violence and, ironically, more at risk of being trafficked.<sup>37</sup>

In 2021, the federal General Accounting Office (GAO) produced a report summarizing some of the effects of FOSTA<sup>38</sup>. The report is carefully written, presumably to avoid the admission that FOSTA has been a flop. The report fails to address harms brought on sex workers by FOSTA, which include abuse and even death. But the report does reveal that prosecutors have only used FOSTA once in a prosecutorial setting, and that they had better success using pre-existing laws. For example, the shutdown of Backpage, and the seizure of its funds, was prosecuted under pre-FOSTA legislation.

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<sup>32</sup> “Civil Forfeiture: Last Week Tonight with John Oliver (HBO)”, <https://www.youtube.com/watch?v=3kEpZWGgJks>

<sup>33</sup> “Spa Owner In Pawtucket Prostitution Sting To Forfeit \$650K”, <https://patch.com/rhode-island/pawtucket/spa-owner-pawtucket-prostitution-sting-forfeit-650k>

<sup>34</sup> “Republican Platform, Project 2025 Co-Author Admits Pornography Ban Will Be Done ‘From the Back Door’”, <https://www.xbiz.com/news/283356/republican-platform-project-2025-co-author-admits-pornography-ban-will-be-done-from-the-back-door>

<sup>35</sup> “Deplatforming Doesn’t Make Sex Work Safer”, <https://reason.com/2024/09/04/deplatforming-doesnt-make-sex-work-safer/>

<sup>36</sup> “440 Sex Workers Cannot Be Wrong: Engaging and Negotiating Online Platform Power”, <https://www.mdpi.com/2076-0760/13/7/337>

<sup>37</sup> “Anti-Sex-Trafficking Advocates Say New Law Cripples Efforts to Save Victims”, <https://www.rollingstone.com/culture/culture-features/anti-sex-trafficking-advocates-say-new-law-cripples-efforts-to-save-victims-629081/>

<sup>38</sup> “Sex Trafficking: Online Platforms and Federal Prosecutions”, GAO-21-385, June 21 2021, <https://www.gao.gov/products/gao-21-385>

Another study, “Four years of FOSTA” found that “FOSTA increased force, fraud, and coercion against sex workers from other actors within the sex trade, and violence from clients and perpetrators posing as clients. At the same time, FOSTA created more vulnerability to violence by reducing income, increasing homelessness, decreasing peer support, and decreasing access to safety information.”<sup>39</sup>

## **Trafficking Victims Protection Act (TVPA)**

The 2000 Trafficking Victims Protection Act (TVPA), the [Trafficking Victims Prevention and Protection Reauthorization Act of 2022 \(TVPA\)](#), the [Trafficking Victims Prevention and Protection Reauthorization Act of 2023 \(TVPA\)](#), and California’s Proposition 35 contain overly broad definitions which define our everyday personal and professional relationships as criminal associations, essentially defining our spouses and partners, roommates, landlords, support staff, and others, as “sex traffickers” who may be forced to register as “sex offenders”. While the TVPA fails to address trafficking (of any kind), it does empower law enforcement to mount prostitution “stings” or “sweeps”.

The USC Gould Human Rights Institute report [Over-Policing Sex Trafficking: How U.S. Law Enforcement Should Reform Operation](#) executive summary says, “Based on literature and our qualitative and quantitative research, we conclude that (anti-sex trafficking law enforcement) operations are a form of over-policing that re-traumatizes victims, perpetuates systemic racism, and undermines the aims of the TVPA.”

The 2022 reauthorisation added provisions that target U.S. citizens living overseas and creates a *global database of historic criminal convictions* without any rules governing its use and distribution worldwide. This far-reaching, unregulated database undermines due process world-wide, placing every American with a conviction predating *Lawrence v Texas* (2003) on a global list of dangerous 'sex tourists'.

## **Safe Harbor Laws**

“Safe Harbor” laws are intended to identify youth as victims – implying that no charges of prostitution should result even when no “trafficker” is identified. However, both federal and state approaches remand underaged people involved in transactional sex into “protective custody”, where they are often held in “witness protection” until they testify against someone. Laws like [California SB1322](#) that mandate law enforcement to transfer such youth to “welfare services” violates their right to due process.

## **EARN IT Act**

In 2020, 2022, and 2023, Congress made multiple attempts to pass the EARN IT Act, a [bill](#) that has faced [overwhelming opposition](#). This act would pave the way for a massive new surveillance system that would roll back some of the most important privacy and security features in technology used by people around the globe. EARN IT has the potential to be a FOSTA version 2, incentivizing social media platforms to ban sex workers, our clients, and our community based on our speech.

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<sup>39</sup> “Four years of FOSTA: The survey”, Coyote RI, 24 October 2022, <https://legalifeukraine.com/en/articles/four-years-of-fosta-the-survey/>

## Age Verification Laws

[Congress](#) and numerous state legislatures have also introduced age verification laws. These bills [do not increase safety measures for children](#), but rather [crack down on pornography, sex work, and LGBTQIA+ content](#). However technological approaches that purport to verify age are easily circumvented, and have fundamental issues with cybersecurity, privacy, First Amendment concerns, and governmental abuse.<sup>40,41</sup> If lawmakers were really concerned about online safety they should pass a federal data privacy law.

## Responses to “Anti-Trafficking” Legislation

Among sex workers, scholars, and advocates, there is consensus that these “anti-trafficking” laws do not help sex trafficking victims or sex workers live and work safely (see for example [Albright and D’Adamo 2017](#); [Amnesty International 2015, 2016](#); [Decker et al. 2015](#)). [De-platforming has similarly negative effects](#).

COYOTE RI’s groundbreaking book “[Sex Work Policy: Participatory Action Research By and For Sex Workers and Sex Trafficking Survivors](#)” draws on participatory action research to analyze the harms of conflating trafficking laws with sex work and sex trafficking victims. Notably, it contains before and after surveys tracking the effects of the passing of FOSTA/SESTA.

These laws put the lives of both coerced victims and consenting erotic service providers in danger by maintaining an underground economy which attracts violence and creates unsafe working conditions.<sup>42</sup> In contrast to a focus on law enforcement solutions, [research shows that funding long term necessities](#) (safe housing, employment, education, food, and direct funds) is a far more effective approach to reducing both sex trafficking and street-based sex work.

## Decriminalization (International)

Quite a few international jurisdictions have made progress in decriminalizing sex work - with positive results.

### New Zealand

[New Zealand decriminalized sex work in 2003](#), via the [Prostitution Reform Act \(PRA\)](#). In New Zealand, any citizen over 18 years old may sell sexual services without criminal or legal consequences. It continues to be illegal to hire anyone under 18 for sexual services. Street-based sex work is decriminalized, brothels are regulated businesses, and sex workers’ rights are guaranteed through employment and [human rights legislation](#). Five years after its introduction, the [Prostitution Law Review Committee](#) found:

*The sex industry has not increased in size, and many of the social evils predicted by some who opposed the decriminalization of the sex industry have not been experienced. On the whole, the PRA has been effective in achieving its purpose, and the Committee is confident that the vast majority of people involved in the sex industry are better off under the PRA than they were previously.*

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<sup>40</sup> “The Fundamental Problems with Social Media Age-Verification Legislation”, <https://www.rstreet.org/commentary/the-fundamental-problems-with-social-media-age-verification-legislation/>

<sup>41</sup> “Internet trade group wins new injunction against California’s kids privacy law”, March 13, 2025, <https://www.courthousenews.com/internet-trade-group-wins-new-injunction-against-californias-kids-privacy-law/>

<sup>42</sup> “Sex Workers Too: Summary of Evidence for VAWG 2020-24 Consultation”, [http://nationaluglymugs.org/wp-content/uploads/2021/06/Sex-Workers-Too\\_NUM\\_ECP\\_UL\\_VAWG\\_Consultation\\_Submitted\\_19022021.pdf](http://nationaluglymugs.org/wp-content/uploads/2021/06/Sex-Workers-Too_NUM_ECP_UL_VAWG_Consultation_Submitted_19022021.pdf)

The review committee also tasked the Christchurch School of Medicine with carrying out an [independent review](#). Quantitative and qualitative investigative methods found that over 90 percent of sex workers believed the PRA gave them improved employment, legal, health, and safety rights; 64 percent found it easier to refuse bad clients; 57 percent said police attitudes to sex workers changed for the better.

### **Australia: New South Wales**

New South Wales (NSW) in Australia has passed a series of laws with some major elements of decriminalization.<sup>43</sup> Any citizen over 18 years old may sell sexual services without criminal or legal consequences. It continues to be illegal to hire anyone under 18 for sexual services. Street-based sex work is decriminalized and brothels are regulated. Some activities are still criminalized, such as living on the earnings of a prostitute (although persons who own or manage a brothel are exempt), causing or inducing prostitution, advertising that a premise is used for prostitution, and advertising for prostitutes.

This limited decriminalization only applies to citizens, with the result that immigrants are excluded from equal protection under the law.

Meanwhile, NSW sex worker groups continue to fight for the repeal of sex work offences in the Summary Offences Act, and for anti-discrimination protections, which are still not in place despite most aspects of sex work being decriminalized in the 1990s.

### **Australia: Queensland**

After decades of tireless advocacy by sex worker activists, organizations and allies<sup>44</sup>, Queensland decriminalized sex work in August 2024.<sup>45</sup> With decriminalization, the Prostitution Enforcement Taskforce and the Prostitution Licensing Authority (PLA) have been shut down, and the Queensland Police Service (QPS) will no longer have a role in regulating sex work. In addition, many laws criminalizing sex work have been repealed, including the Prostitution Act (Qld) 1999 (licensing), the Criminal Code 1899, Chapter 22a (individual sex workers), the Police Powers and Responsibilities Act 2000. Police are no longer allowed to pretend to be clients to entrap sex workers. Regular workplace laws and rights now apply to sex work, and Workplace Health and Safety Queensland (WHS) laws apply to every workplace.

### **Australia: Victoria**

In February 2022, the Australian state of Victoria passed the [Sex Work Decriminalisation Act 2022](#). This law recognizes that sex work is legitimate work and is better regulated through standard business laws. The first stage commenced on May 10, 2022, introducing the decriminalization of street-based sex work in most locations; the repeal of offenses for working with a sexually transmitted infection and requirements to undergo regular STI testing; the repeal of offenses for individual sex workers not using safer sex practices; the repeal of the small owner-operator sex work service provider register; changes to advertising controls applicable to the sex work industry; and amendments to the Equal Opportunity Act 2010.

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<sup>43</sup> "New South Wales Sex Work Laws", <https://scarletalliance.org.au/resources/laws/nsw/>

<sup>44</sup> "Submission to Criminal Code (Decriminalizing Sex Work) and Other Legislation Amendment Bill 2024", <https://scarletalliance.org.au/library/submission-to-criminal-code-decriminalizing-sex-work-and-other-legislation-amendment-bill-2024/>

<sup>45</sup> <https://www.abc.net.au/news/2024-02-15/qld-new-laws-to-decriminalize-sex-work-before-parliament/103467110>

In December 2023, the second stage abolished the sex work service provider licensing system, changed planning controls to treat sex service businesses like other businesses, established appropriate liquor controls for the sex work industry, and repealed brothel and escort agency provisions in the Public Health and Wellbeing Act 2008 to remove specific sex work industry controls. Unfortunately, a number of criminal offenses still apply to street-based sex workers.<sup>46</sup>

As in NSW, the Victoria decriminalization process only applies to citizens, with the result that immigrants are excluded from equal protection under the law.

## **Belgium**

Belgium decriminalized sex work in March 2022.<sup>47</sup> Federal Justice Minister Vincent Van Quickenborne said in a statement, "...this is a historic reform. It ensures that sex workers are no longer stigmatised, exploited and made dependent on others. Belgium is the first country in Europe to decriminalize sex work." Under the new law, "sex workers will also be able to work under an employment contract, thus gaining access to social security: pension, unemployment, health insurance, family benefits, annual vacation, maternity leave". At the same time, the law ensures that sex workers in the workplace are protected against job-related risks and conditions are imposed on employers.<sup>48,49</sup>

## **Mexico**

In Mexico City, sex work was legally recognized as unpaid work in 2013 and decriminalized in 2019 after three decades of protests against police harassment and abuse by organized crime.<sup>50</sup> Workers say these two legal victories haven't brought safer working conditions.<sup>51</sup>

## **Spain**

Sex work was decriminalized in Spain in 1995.<sup>52</sup> Yet there are no laws directly addressing the issue, leaving women in the industry in a legal vacuum. Sex work is tolerated, but not regulated. Women won't be prosecuted for soliciting sex, but they're also not protected from the exploitation that can accompany the trade. They don't receive government-mandated benefits, nor are they guaranteed a minimum wage; all they're guaranteed is the ability to work without being penalized.

Recently, the Spanish government failed in an attempt to re-criminalize sex work via the Nordic Model, as part of a proposed "Only Yes Means Yes" consent law.<sup>53</sup>

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<sup>46</sup> "Sex work laws have changed", <https://vixen.org.au/infohub/>

<sup>47</sup> "Belgium Decriminalizes Prostitution", <https://reason.com/2022/03/23/belgium-decriminalizes-prostitution/>

<sup>48</sup> "Belgian Sex Workers Gain Access to Paid Leave, Right To Refuse Sex Acts", <https://reason.com/2024/12/02/belgian-sex-workers-gain-access-to-paid-leave-right-to-refuse-sex-acts/>

<sup>49</sup> "Belgian labor law for sex workers: what and how?", <https://www.utsopi.be/our-work/decriminalization/cadre-du-travail>

<sup>50</sup> "Sex Work, Law and Police in Mexico City", <https://revista.drclas.harvard.edu/sex-work-law-and-police-in-mexico-city/>

<sup>51</sup> "Mexico sex workers seek worker rights", <https://www.context.news/socioeconomic-inclusion/online-or-on-the-street-mexico-sex-workers-seek-worker-rights>

<sup>52</sup> "Decriminalizing Sex Work In Spain", <https://brighthemag.com/legalizing-sex-work-spain-prostitution-human-rights-trafficking-immigration-gender-78b96c05e6fa>

<sup>53</sup> "Spain's Government Fails in Attempt to Recriminalize, 'Abolish' Sex Work", <https://www.xbiz.com/news/281708/spains-government-fails-in-attempt-to-recriminalize-abolish-sex-work>



## Proposed Decriminalization (United States)

Some state legislatures have proposed bills to decriminalize sex work. As of 2024, the following bills have progressed but have not passed. But their introduction indicates that moving forward with such legislation is politically possible. For example:

- In 2017, New Hampshire [House Bill 287](#) proposed establishing a committee to study decriminalizing sex work. The bill was heard in the Criminal Justice and Public Safety committee, then shelved.
- In 2019, Washington D.C.'s [Community Safety and Health Amendment Act](#) would have substantially decriminalized sex work. After a contentious 14-hour hearing in the Judiciary and Public Safety Committee the bill was never brought before the full Council.<sup>54</sup>
- In 2020, Vermont introduced [H569](#) and [H568](#). H569 protects anyone reporting a serious crime (such as sexual assault, trafficking, robbery, domestic violence) from being charged with misdemeanor prostitution. H568 creates a panel to make recommendations on modernizing Vermont's prostitution laws. Both bills were read for the first time and referred to the Committee on Judiciary, but do not appear to have progressed.
- The New York State Stop Violence Against the Sex Trade Act ([SB 3075](#) / [AB 849](#)) would repeal statutes that criminalize sex work between consenting adults, but keep laws relating to minors or trafficking. It would also provide for criminal record relief for people convicted of prostitution related crimes. The bills stalled in committee in 2021. But in May 2024, sex worker rights advocates announced plans to re-introduce them.<sup>55</sup>
- In 2021, Louisiana [HB 67](#) proposed the decriminalization of sex work. It was eventually deferred in committee during that legislative session.
- In 2021, Oregon introduced [House Bill 3088](#) to repeal the state's prostitution law. After being considered in committee, the bill won't be able to be heard again until 2023, where it will have to be reintroduced – which its sponsors have vowed to ensure.
- In 2021 in Rhode Island, after three years of advocacy efforts by COYOTE RI and its collaborators, H5250<sup>56</sup> established a commission to study the effects of the criminalization of sex work. The commission's effectiveness was undermined by anti sex work members, and the final report was written by those members without any input permitted by other members of the commission.
- In 2025 Rhode Island legislators introduced a decriminalization bill (S 0810), which would repeal all state laws regulating "Commercial Sexual Activity". The bill is currently "held for further study" in the Judiciary Committee.<sup>57</sup>

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<sup>54</sup> "Panel Testimony on D.C. sex work Decrim B23-0318 10/17/2019", [https://www.youtube.com/watch?v=b5B\\_Pjusb6U](https://www.youtube.com/watch?v=b5B_Pjusb6U)

<sup>55</sup> "Activists, lawmakers mount fresh push to decriminalize sex work in New York", <https://maketheroadny.org/activists-lawmakers-mount-fresh-push-to-decriminalize-sex-work-in-new-york/>

<sup>56</sup> "RI H5250 | 2021 | Regular Session", <https://legiscan.com/RI/bill/H5250/2021>

<sup>57</sup> "RI S0810 | 2025 | Regular Session", <https://legiscan.com/RI/bill/S0810/2025>

- In January 2025, a group of Illinois lawmakers, in collaboration with the Sex Worker Advisory Group (a coalition of diverse current or former sex workers), proposed a bill of rights for Illinois sex workers, which would fully decriminalize sex work in the state.<sup>58</sup> The bill would repeal outdated criminal statutes, codify law enforcement practices, and remove criminal penalties and conviction records for sex workers.

## Harm Reduction Legislation (United States)

While not yet addressing decriminalization, some US legislatures have made progress in addressing discrimination against our community. The following are examples by category and state.

### Immunity From Prosecution - Timeline

Since 2016, at least 8 states have introduced laws providing sex workers with immunity from prosecution when reporting serious crimes.

- **Alaska 2016**  
In 2016, Alaska SB 21 provided immunity from prosecution for people alleged to have engaged in prostitution if reporting a more serious crime and cooperating with law enforcement.<sup>59</sup>
- **California 2019**  
In 2019, the California state legislature passed [SB233](#), which protects anyone reporting a serious crime (such as sexual assault, trafficking, robbery, domestic violence) from being charged with misdemeanor prostitution, and also removes condoms as probable cause for prostitution arrests.
- **Pennsylvania 2021**  
In 2021, Pennsylvania considered [House Bill 1381](#) which would provide amnesty to sex workers, sexually exploited children, and victims of human trafficking reporting a crime of violence. The bill has not moved beyond the Judiciary Committee.
- **Utah 2019**  
Utah [House Bill 0040](#) grants immunity from criminal charges of solicitation and prostitution - generally misdemeanor offenses - for those who report crimes like rape, extortion or aggravated robbery. The bill was signed into law in 2019.
- **Oregon 2020**  
Oregon [Senate Bill 596](#) provides that if a person reports a felony, then evidence of prostitution or attempted prostitution obtained as a result of making that report may not be used against them. It became law in January 2020.

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<sup>58</sup> "Illinois Democratic lawmakers propose 'Bill of Rights' for sex workers", <https://www.wcia.com/news/illinois-democratic-lawmakers-propose-bill-of-rights-for-sex-workers/>

<sup>59</sup> "An Act relating to immunity from prosecution for the crime of prostitution.", <https://trackbill.com/bill/alaska-senate-bill-21-prostitution-immunity-from-prosecution/766631/>

- **Montana 2021**

Montana House Bill 520<sup>60</sup> expands Montana's Good Samaritan law to give sex workers who report sexual assault immunity against prostitution charges. It was signed into law in April 2021.

- **New Hampshire 2021**

New Hampshire House Bill 123<sup>61</sup> grants immunity from prosecution for prostitution to a person reporting a sexual assault. It was signed into law in June 2021.

- **Colorado 2022**

Colorado [HB22-1288](#) grants sex workers immunity from prostitution charges when reporting any of about two dozen crimes, including human trafficking, murder, manslaughter, assault, false imprisonment and stalking. It was signed into law in May 2022.

## Repeal of "Loitering for Prostitution" - Timeline

Since 2016, at least 2 states have passed legislation removing [outdated and discriminatory "loitering for prostitution" legislation](#).

- **New York 2021**

New York State repealed its long-standing law that criminalized "loitering for the purposes of prostitution". [SB2253](#) was signed into law in 2021.

- **California 2022**

In July 2022, the legislature passed [Senate Bill 357](#) to repeal California Penal Code §653.22, which had criminalized loitering for the intent to engage in prostitution.

## HIV Decriminalization - Timeline

Since 2014, at least 15 states have modernized or repealed their HIV criminalization laws to make them align with current scientific evidence. But in many cases, even in those states, discriminatory legislation remains the law. We support the progress so far, but we need legislation to go further and [decriminalize HIV status](#) altogether.

- **Iowa 2014**

In 2014, State File 2297 modernized Iowa's discriminatory HIV law so that it was no longer HIV specific, and converted sentencing into a tiered system.<sup>62</sup>

- **Colorado 2016**

In 2016, Colorado Senate Bill (SB) 146 [repealed two HIV criminalization statutes](#) and modernized statutory language addressing sexually transmitted infections (STIs) including HIV. It also eliminated felony offenses and mandatory testing for someone accused of engaging in sex work with HIV.<sup>63</sup>

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<sup>60</sup> "MT HB520 | 2021 | Regular Session", <https://legiscan.com/MT/bill/HB520/2021>

<sup>61</sup> "NH HB123 | 2021 | Regular Session", <https://legiscan.com/NH/bill/HB123/2021>

<sup>62</sup> "Iowa State File 2297", 2014, <https://www.legis.iowa.gov/docs/publications/LGE/85/SF2297.pdf>

<sup>63</sup> "SENATE BILL 16-146", 2016, [https://www.leg.state.co.us/clics/clics2016a/csl.nsf/fsbillcont3/1160859E5A43CEAB87257F2400640ED8?open&file=146\\_rer.pdf](https://www.leg.state.co.us/clics/clics2016a/csl.nsf/fsbillcont3/1160859E5A43CEAB87257F2400640ED8?open&file=146_rer.pdf)

- **California 2017**

In 2017, California Senate Bill (SB) 239 updated California criminal law to treat transmission of HIV in the same way as transmission of other serious communicable diseases. It (amongst others) reduced penalties for intentional exposure, solicitation, and performing sex work while HIV positive from felonies to misdemeanors, and provided privacy protections for people living with HIV (PLHIV) when charged.<sup>64</sup>

- **Michigan 2018**

In 2018, Michigan House Bill 6018 modernized Michigan's HIV law to (amongst others) remove types of physical contact not likely to transmit HIV, reduce reckless exposure without transmission to a misdemeanor, and allow a defense of being virally suppressed for at least six months.<sup>65</sup>

- **North Carolina 2018**

Although there is no specific HIV-related criminal statute in North Carolina, in 2018 the North Carolina Commission for Public Health issued a new rule that modernized the state's HIV control measures. Under the rule, if a person living with HIV is virally suppressed for six months or longer, they do not have to disclose their status to sexual partners or use a condom. And if their partner is taking pre-exposure prophylaxis (PrEP), the person does not have to use a condom. In addition, a person living with HIV does not have to use a condom during sex if their sexual partner is also living with HIV. In regards to organ donation, people living with HIV can donate organs to other people with HIV.

- **Louisiana 2018**

In 2018, Louisiana House Bill 275 made changes to existing HIV law.<sup>66</sup> It replaced language erroneously conflating AIDS with HIV, and it added an affirmative defence of disclosure in certain circumstances. Although the addition of an affirmative defence is a positive, albeit minor step, this was a misguided attempt at reform as it makes the use of effective measures to prevent transmission, such as the use of condoms or adherence to medical treatment, conditional on the disclosure of status.

- **Indiana 2020-2021**

In 2020 and 2021, Indiana House Bills 1182 and 1340 eliminated stigmatizing and outdated HIV language in the public health code, and limited prosecution to situations in which a person living with HIV or HBV failed to inform a sexual or needle sharing partner of their health status prior to engaging in behavior that is considered a high-risk activity.<sup>67,68</sup> They also allowed the use of condoms and viral suppression as affirmative defenses.

- **Washington 2020**

In 2020, Washington State House Bill 1551 repealed certain HIV exposure laws and amended others.<sup>69</sup> Under the law, intentional transmission of HIV is a simple misdemeanor. But if a person misrepresents their HIV status, then it is a gross misdemeanor. It is a defense if the PLHIV tried to prevent transmission or if HIV was not in fact transmitted. The bill also eliminates sex offender registration except in cases of transmission to a child or "vulnerable adult".

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<sup>64</sup> "SB-239 Infectious and communicable diseases: HIV and AIDS: criminal penalties", [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180SB239](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB239)

<sup>65</sup> "House Bill 6018", <https://www.legislature.mi.gov/documents/2017-2018/billintroduced/House/pdf/2018-HIB-6018.pdf>

<sup>66</sup> "House Bill 275", <https://legiscan.com/LA/bill/HB275/2018>

<sup>67</sup> "House Bill 1182", <https://iga.in.gov/legislative/2020/bills/house/1182/details>

<sup>68</sup> "House Bill 1340", <https://iga.in.gov/legislative/2021/bills/house/1340/details>

<sup>69</sup> "House Bill 1551", <https://app.leg.wa.gov/billssummary/?billNumber=1551&year=2020>

- **Illinois 2021**

In 2021, Indiana [Senate Bill 655](#) repealed its HIV criminal laws.<sup>70</sup> It should be noted that the repeal of the HIV statute did not expunge the records of individuals previously found guilty of the offenses under the 1989 Illinois Criminal Transmission of HIV statute.

- **Missouri 2021**

In 2021, Missouri Senate Bill 53 downgraded “reckless exposure” of someone to HIV from a Class D felony from a Class B felony, and increased the burden of proof for prosecutors, who now must prove someone “knowingly” exposed another person to the virus.<sup>71</sup> It also avoided singling out HIV as a uniquely dangerous or transmissible disease, which reflected current science rather than the AIDS panic of the 1980s. However, it left in place harsh penalty enhancement for sex workers living with HIV.

- **Nevada 2021**

In 2021 Nevada Senate Bill 275 (amongst others) downgraded HIV-specific criminal offenses to misdemeanor public health code offenses, allowed for informed consent or the use of condoms and viral suppression as affirmative defenses, repealed the category B felony of engaging in or soliciting prostitution after a positive HIV test, repealed provisions requiring HIV testing for individuals arrested for prostitution, and prohibited an individual’s HIV status from being used for a different offense.<sup>72</sup>

- **Virginia 2021**

In 2021, Virginia Senate Bill 1138 reclassified HIV, AIDS, syphilis and hepatitis B as “sexually transmitted infections”, implemented federal guidelines for PLHIV donating blood or organs, and replaced mandatory HIV and hepatitis C testing of convicted sex workers and injection drug users with optional STI testing.<sup>73</sup>

- **Georgia 2022**

In 2022, Senate Bill 164 modernized some aspects of Georgia’s rules around HIV-status disclosure.<sup>74</sup> The bill (amongst others) introduced a requirement that any prosecution of a PLHIV has to show intent to transmit HIV during an act that has a significant risk of transmission, and that PLHIV will not be prosecuted for sharing needles or syringes, or donating blood or organs without disclosing their status.

- **2022: New Jersey**

In 2022, Senate Bill 3707 fully repealed New Jersey’s HIV-specific criminal law, as well as the sexually transmittable infections offence contained within the same provision.<sup>75</sup> However, it did not eliminate the possibility of perceived HIV ‘exposure’ cases being prosecuted - for example under the state’s criminal endangerment law, which criminalises acts that carry a ‘substantial risk’ of bodily harm.

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<sup>70</sup> “House Bill 1063”, <https://legiscan.com/IL/bill/HB1063/2021>

<sup>71</sup> “SB 53: Modifies provisions relating to the administration of justice”, [https://www.senate.mo.gov/21info/BTS\\_Web/Bill.aspx?SessionType=R&BillID=54105455](https://www.senate.mo.gov/21info/BTS_Web/Bill.aspx?SessionType=R&BillID=54105455)

<sup>72</sup> “Senate Bill 275”, <https://silverstateequality.org/news/sb275-intro/>

<sup>73</sup> “Senate Bill 1138”, <https://legacylis.virginia.gov/cgi-bin/legp604.exe?212+ful+SB1138S1>

<sup>74</sup> “Senate Bill 164”, <https://www.legis.ga.gov/legislation/59624>

<sup>75</sup> “Senate Bill 3707”, [https://pub.njleg.gov/bills/2020/S4000/3707\\_R2.PDF](https://pub.njleg.gov/bills/2020/S4000/3707_R2.PDF)

- **Tennessee 2023**

In December 2023, the Department of Justice announced that Tennessee’s aggravated prostitution law violates the Americans with Disabilities Act by imposing harsher criminal penalties on people living with HIV.<sup>76</sup> In May 2024, the DOJ announced that Shelby County would stop prosecuting people living with HIV under the aggravated prostitution law.

## Law Enforcement Sexual Contact - Timeline

Since 2014, 2 states have moved to [stop law enforcement sexual contact with sex workers](#).

- **Hawaii 2014**

In 2014 Hawaii passed HB 1926, which revoked an exemption that permitted police, in the course and scope of their duties, to have sexual contact with sex workers.<sup>77</sup>

- **Michigan 2018**

In 2018 Michigan passed SB 275 and HB 4355, which revoked an exemption that permitted police, in the performance of their duties, to have sexual contact with sex workers.<sup>78,79</sup>

## Dancers’ Rights - Timeline

So far, only Washington State has passed landmark legislation to protect workers in adult entertainment clubs.

- **Washington**

Workers in adult entertainment clubs need the same kinds of protections all workers need, but the stigma surrounding sex work mean existing legislation makes that work more dangerous or difficult.<sup>80</sup> In April 2019 Washington State passed HB 1756, which aimed to improve safety for workers in adult entertainment clubs. HB 1756 required clubs to install panic buttons in secluded areas, including VIP rooms; required clubs to record workers’ reports of violence by customers; required clubs to make every effort to identify violent customers and keep those records for five years; and required the Department of Labor and Industries to create a new training developed with input from workers.<sup>81</sup>

HB 1756 also created an “adult entertainment advisory committee”, composed of at least 50% workers, to consider additional steps that could be taken to improve safety, health, and security for dancers.

In June 2024, SB 6105 (the Strippers Bill of Rights) legalized alcohol service in clubs; eliminated back rent practices (indebting dancers to clubs); regulated high dancer house fees; required mandatory training for club employees; set minimum security staffing requirements in clubs; introduced anti-discrimination protections; and decriminalized nudity / distance to customers while performing.<sup>82</sup>

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<sup>76</sup> “Justice Department Finds that Enforcement of Tennessee State Law Discriminates Against People with HIV”, <https://www.justice.gov/archives/opa/pr/justice-department-finds-enforcement-tennessee-state-law-discriminates-against-people-hiv>

<sup>77</sup> “HI HB1926 | 2014 | Regular Session”, <https://legiscan.com/HI/bill/HB1926/2014>

<sup>78</sup> “Bill Texts: MI SB0275 | 2017-2018 | 99th Legislature”, <https://legiscan.com/MI/drafts/SB0275/2018>

<sup>79</sup> “MI HB4355 | 2017-2018 | 99th Legislature”, <https://legiscan.com/MI/bill/HB4355/2018>

<sup>80</sup> “Seeing is Believing: Where Do California Strippers Land? (Part 2/2)”, <https://knock-la.com/seeing-is-believing-where-do-california-strippers-land-part-2-2/>

<sup>81</sup> “HB 1756 - 2019-20”, <https://app.leg.wa.gov/billsummary/?BillNumber=1756&Year=2019>

<sup>82</sup> “SB 6105 - 2023-24”, <https://app.leg.wa.gov/billsummary?BillNumber=6105&Year=2024>



# Ballot Initiatives

Over the years sex worker rights advocates have tried to advance their civil rights via the Ballot Initiative process.

- The [2004 Berkeley Measure Q](#) proposed an ordinance that would 1) make enforcement of prostitution laws the lowest priority; 2) oppose state laws making prostitution a crime; and 3) require semi-annual reporting of prostitution-related Berkeley Police Department law enforcement activities. This qualified as a Citizen Initiative, which required a simple majority approval. Measure Q was defeated with 18,504 / 36.5% Yes votes versus 32,208 / 63.5% No votes.
- The [2008 San Francisco Proposition K](#) was designed to
  - prohibit the San Francisco Police Department (SFPD) from using public resources to investigate and prosecute prostitution
  - prohibit the SFPD from using public resources to deprive sex workers their right to negotiate for fair wages and safe work conditions
  - require the SFPD and San Francisco District Attorney (DA) to enforce existing laws, including the "consistent and rigorous enforcement against coercion, extortion, battery, rape, and other violent crimes," regardless of a person's status as a sex worker
  - require the SFPD and DA to "practice full disclosure in the investigation and prosecution of charges of rape, extortion, sexual assault, and battery against sex workers, exotic dancers or erotic service providers"
  - prohibit the city's law enforcement agencies from applying for and receiving federal or state funds that institute racial profiling "as a means of targeting alleged trafficked victims under the guise of enforcing the abatement of prostitution laws".

This qualified as a Citizen Initiative, which required a simple majority approval. Proposition K was defeated with 140,185 / 40.94% Yes votes versus 202,235 / 59.06% No votes.

- In November 2021, the [Oregon Decriminalization of Commercial Sexual Solicitation Initiative](#) was filed for the November 2022 ballot. The proposed law would have decriminalized commercial sexual solicitation; enacted health and safety standards to regulate commercial sex work businesses; and, protected an individual who was or is a "sex worker, client, or third-party facilitator" or an individual who has a conviction for prostitution, commercial sexual solicitation, or promoting prostitution, from future employment discrimination. The initiative was refiled with modified language in January 2022, and in May 2022, [the initiative was withdrawn without explanation](#).

## ESPLERP v Gascon

A major part of our work is impact litigation. As a prime example of that, in March 2015, ESPLERP filed a complaint in United States Federal District Court - ESPLERP v Gascon [case 16-15927] (<https://esplerp.org/case3-esplerp-vs-gascon/>), which challenged California's anti-prostitution law, Penal Code 647(b), arguing for the decriminalization of sex work.

Our case largely relied on *Lawrence v Texas*, the 2003 Supreme Court landmark decision that held that intimate consensual sexual conduct was protected by the privacy provisions of 14th Amendment.

After the case was dismissed in District Court, we appealed to the Ninth Circuit. Our appeal case was supported by a historic coalition of thirty civil rights and LGBTQ organizations, with [amicus briefs](#) from (amongst others) the ACLU, Lambda Legal, the Free Speech Coalition, and the Transgender Law Center.

One of the more memorable moments [during oral arguments at the Ninth Circuit](#) was when one of the judges mentioned a George Carlin quote from our brief:

*“I don’t understand why prostitution is illegal. Selling is legal, [sex] is legal. So, why isn’t it legal to sell [sex]? Why should it be illegal to sell something that’s legal to give away?”*

Similarly, the California State counsel, when questioned by the judges about the state’s legitimate interest in criminalization, said that it was up to the state legislature to decide what aspects of sex work should be criminalized or not – and referred to recent changes in 647(b) (the statute in question). The judges seemed inclined to agree. In other words, the State of California (and other jurisdictions) could decriminalize sex work if they so wished – as some legislative bodies have already done (see [Decriminalisation \(International\)](#)).

In February 2018, the Ninth Circuit dismissed our case. In May 2018, they declined to allow an “en banc” hearing (before a larger 11 judge panel). Shortly afterwards, Justice Kennedy announced his retirement - and was replaced by Brett Kavanaugh. At that point, we concluded that there was no benefit in appealing to a Supreme Court that was becoming, and has since become even more so, hostile to civil rights.

Over the course of events, the case received increasingly [positive coverage](#) in major outlets like the New York Times, CBS, Fox News, the San Francisco Chronicle, and the UK Independent. This coverage recognized that our position – that sex work should not be criminalized – is sensible and constitutionally sound, confirming that [public opinion is shifting in our favor](#).<sup>83</sup>

Our case also contributed to the public discourse about sex work and criminalization, particularly through raising the voices of our plaintiffs. A few short years later, we see many civil rights, religious, and LGBTQIA+ groups taking a more balanced and progressive view of sex work.

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<sup>83</sup> “Is There a Constitutional Right to Sex Work?”, <https://www.bostonreview.net/articles/is-there-a-constitutional-right-to-sex-work/>

# Policy Agenda - Legislative Steps

The criminalization of consensual sex creates a system with multiple levels of social and institutional discrimination. We therefore call for a rights-based approach which recognizes consenting adults in the sex industry as neither perpetrators in need of punishment nor victims in need of rescue, but rather individuals with rights and agency who deserve to be free to make their own choices about their bodies and their sexual relations.

We propose the following legislative steps toward ensuring greater safety and enfranchisement for erotic service providers. [While these recommendations have a USA focus, many of the proposed legislative steps could be applied similarly in other national jurisdictions.]

## 1. Decriminalize sex work

We recommend that all states start a legislative dialog with sex workers (including ESPLERP) based on the recommendations in this Policy Agenda, with the eventual goal of decriminalization of sex work (and all forms of erotic service provision): the removal of all criminal penalties for consensual adult sex work, without creating regulations restricting that work.

Decriminalization should be retroactive so that people currently serving time in jails and prisons for sex work related offenses are released, without requiring that individuals undergo a complicated, onerous, expensive legal process (such as a court based process).

The decriminalization process should start with prosecutors declining to pursue charges related to consensual sex work to create a safe space where sex workers can actively contribute to the legislative process.

In parallel with the decriminalization process, state and federal legislatures should establish reparations programs (see #2 below).

Examples of successful legislative approaches are listed above, including [New Zealand](#), [Belgium](#), and the Australian states of [New South Wales](#), [Queensland](#) and [Victoria](#). But note that those legislative successes were based on decades of non enforcement of prostitution laws, which then paved the way for sex worker advocates to contribute to the legislative process.

## 2. Establish reparations programs

We recommend that, in parallel with the decriminalization process (see #1 above), all states establish reparations programs to identify violations of human rights suffered by our community as a result of the criminalization of sex work. These programs should also provide a mechanism for legislators, law enforcement, and anti-prostitution organizations to take responsibility for those human rights violations, and would determine appropriate restitution, compensation, rehabilitation, and guarantees of non-repetition.

Over many decades the criminalization of sex work has greatly harmed our community - both through the legal system and incarceration, and through discrimination in housing, employment, privacy, and civil rights in general - as described extensively in this document.

The concept of reparation for victims of violations of human rights is non-derogable and a fundamental principle of international law.<sup>84,85</sup>

There are many examples of reparations programs - both internationally (in South Africa, Canada, Chile, Japan Morocco, Italy) and in the US - which address historical human rights violations.<sup>86</sup>

### 3. Repeal Anti Trafficking” Legislation

We recommend that Congress repeal [FOSTA](#), [TVPA](#), [Safe Harbor laws](#), and all similar “anti trafficking” legislation. We also recommend that all states repeal similar “anti trafficking” legislation.

All these laws are ostensibly ostensibly targeted at online “sex trafficking”, but do not differentiate between consensual adult sex work and sex trafficking, and often criminalize the very victims they purport to protect.<sup>87</sup> While they have had no measurable impact on sex trafficking, they have had a massive and deleterious impact on the health and safety of the erotic service provider community.<sup>88</sup> Instead, sex workers and sex trafficking survivors should be enfranchised to report to police and access the equal protections of the criminal justice system if we are victims or witnesses of crimes like rape, assault, kidnapping, or extortion.

### 4. Grant immunity from prosecution for prostitution offenses when reporting crimes

We recommend that states enact legislation that protects anyone reporting a serious crime (such as sexual assault, trafficking, or domestic violence) from being charged with misdemeanor prostitution.

The criminalization of prostitution discourages erotic service providers, our clients, and support staff from reporting serious crimes. California [SB233](#) is an example of legislation that enhances the safety of the erotic service provider community as well as society at large. SB233 protects anyone reporting a serious crime (such as sexual assault, trafficking, or domestic violence) from being charged with misdemeanor prostitution, and removes condoms as probable cause for prostitution arrests.

SB233 means our community can help law enforcement investigate and prosecute the small number of actual sex traffickers, corrupt law enforcement officers, and coercive third parties without penalty.

Decriminalizing condoms is also a critical element in protecting public health. While sexually transmitted diseases and unplanned pregnancies result in massive human and medical costs to the healthcare system, ending the HIV/AIDS epidemic alone has become standard policy in most states and countries. For example, California has a [‘Getting To Zero’ campaign](#) for HIV, which means that immunity from arrest when carrying condoms supports safe sex in line with the state’s stated policy.

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<sup>84</sup> “The Practical Guide to Humanitarian Law”,  
<https://guide-humanitarian-law.org/content/article/3/reparation-compensation/>

<sup>85</sup> “United Nations General Assembly Resolution 60/147”,  
[https://en.wikipedia.org/wiki/United\\_Nations\\_General\\_Assembly\\_Resolution\\_60/147](https://en.wikipedia.org/wiki/United_Nations_General_Assembly_Resolution_60/147)

<sup>86</sup> “Reparations (transitional justice)”,  
[https://en.wikipedia.org/wiki/Reparations\\_\(transitional\\_justice\)#Examples\\_of\\_reparations\\_programs](https://en.wikipedia.org/wiki/Reparations_(transitional_justice)#Examples_of_reparations_programs)

<sup>87</sup> “United States Advisory Council on Human Trafficking Annual Report 2024”,  
<https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2024/>

<sup>88</sup> “Four Years of FOSTA: The Survey”, <https://coyoteri.org/wp/wp-content/uploads/2022/09/FourYearsOfFosta.pdf>

## 5. Prohibit discrimination against erotic service providers, clients and support staff

### a. Repeal moral turpitude laws

We recommend that Congress and/or state legislatures repeal moral turpitude laws that specifically mention prostitution.

Moral turpitude laws limit the ability of people to gain employment after a prostitution arrest. Even non-criminalized erotic service providers such as exotic dancers, adult film performers, and webcam performers may be subject to discrimination.<sup>89</sup>

### Prohibit discrimination in access to publicly funded services

We recommend that Congress and state legislatures introduce non-discrimination legislation to prevent discrimination against sex workers, their clients, and associates in access to publicly funded services.

In its 2020 [Universal Periodic Review of Human Rights](#), the State Department affirmed United Nations Recommendation #86, stating, “We agree that no one should face violence or discrimination in access to public services based on sexual orientation or their status as a person in prostitution”.

Nevertheless, an unaddressed patchwork of state laws and regulations remain in place that continue to facilitate discrimination against our community. Oregon College recently lost a court case in which it had discriminated against a student who had previously worked as an adult film performer.<sup>90</sup> The fact that a suit was brought by a person of ordinary means indicates the ubiquity of such practices.

Discrimination in access to publicly funded services can have life-threatening impacts.<sup>91</sup> As recently as 2013, the California Victims Compensation Fund barred those who were injured in the course of a prostitution transaction from receiving benefits. Language singling out people who work or have worked in pornography and/or prostitution as a non-protected class in the case of physical or sexual assault is victim-blaming as well as a grossly inappropriate lens for viewing of victims of assault.

A model of amending non-discrimination legislation was recently passed by the Queensland (Australia) legislature.<sup>92</sup>

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<sup>89</sup> <http://crypticphilosopher.com/wp-content/uploads/2013/05/120680877-Stacie-Halas-decision.pdf>

<sup>90</sup> “9th Circuit Upholds Verdict Against Oregon College for Discriminating Against Former Adult Performer”, <https://www.xbiz.com/news/281444/9th-circuit-upholds-verdict-against-oregon-college-for-discriminating-against-former-adult-performer>

<sup>91</sup> “Questions and answers on California's sex worker victim compensation rules, proposed changes”, <https://www.foxnews.com/us/questions-and-answers-on-californias-sex-worker-victim-compensation-rules-proposed-changes>

<sup>92</sup> “Criminal Code (Decriminalizing Sex Work) and Other Legislation Amendment Bill 2024”, <https://documents.parliament.qld.gov.au/tp/2024/5724T205-9F6E.pdf>

**b. Prohibit discrimination in judicial proceedings**

We recommend changes to the “Code of Conduct for United States Judges”<sup>93</sup>, and in the training of judges (at all levels) to prohibit discrimination against sex workers, their clients, and associates in judicial proceedings.

Erotic service providers are frequently and unfairly treated unfavorably in family court hearings. For example, Jessica Hernandez lost custody to an abusive partner, who subsequently killed the child, when [the judge discriminated against her based on her legal occupation as a stripper](#).

**c. Prohibit the use of sex worker status as grounds for discrimination**

We recommend that Congress and all state legislatures introduce non-discrimination legislation to prevent discrimination against sex workers, their clients, and associates in access to housing<sup>94</sup>, education, or employment.

For example, Oakland California’s 2014 “nuisance ordinance” targets prostitutes, and allows for the eviction of tenants due to their perceived status. Similarly, an adult film performer was [discriminated against by their university](#) based on their previous employment. Not only is prejudicial treatment in housing unconstitutional, such laws also invite profiling and other forms of discrimination against low-income tenants, transgender residents, people of color, and other marginalized populations who are at risk of prejudicial targeting with outcomes including homelessness.

A model of amending non-discrimination legislation was recently passed by the Queensland (Australia) legislature<sup>95</sup>

**d. Prohibit the use of sex worker status as grounds for financial discrimination**

We recommend that Congress and state legislatures introduce non-discrimination legislation to prevent discrimination against sex workers, their clients, and associates in access to financial services.

The stigma of sex work has a significant impact on the ability of [sex workers to access basic financial services](#), which in turn impacts their safety, inclusion, support, ability to fully participate in society. It is vital that financial institutions end their practices of discriminating against sex worker access to a basic human right.

**6. Prohibit gender identity, sexual orientation, and racial profiling of sex workers**

We recommend that Congress enact legislation prohibiting discrimination against sex workers on the basis of gender identity, sexual orientation, or race.

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<sup>93</sup> “Code of Conduct for United States Judges”,  
<https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>

<sup>94</sup> “Juanita quit her job at a Melbourne brothel to work from home. Now she’s being evicted”,  
<https://www.theguardian.com/society/2024/dec/01/i-have-done-nothing-wrong-juanita-quit-her-job-at-a-melbourne-brothel-to-work-from-home-now-shes-being-evicted>

<sup>95</sup> “Criminal Code (Decriminalizing Sex Work) and Other Legislation Amendment Bill 2024”,  
<https://documents.parliament.qld.gov.au/tp/2024/5724T205-9F6E.pdf>



As the [ACLU argued in its supporting amicus brief for ESPLERP v Gascon](#), legislation criminalizing sex workers, their clients, and support staff, is “discriminatorily enforced against women (transgender and cisgender) and people who are LGBTQ and gender non conforming”. Women of color, transgender women and LGBTQIA+ youth should not have to fear being arrested for prostitution just [because a law enforcement officer considers their appearance indicative of prostitution](#).

ESPLERP’s recently published two-year study of California law enforcement’s technological surveillance of sex workers included a review of statewide officer training materials, which were found to teach profiling of gender identity, sexual orientation, race, and sex work status, and are ripe for investigation and overhaul by decision-makers.<sup>96</sup>

## **7. Decriminalize HIV status**

We recommend that states enact legislation decriminalizing HIV status. New medical advances against HIV mean that state coercion against people with compromised immune systems is inappropriate.

## **8. Implement monitoring of publicly funded anti-trafficking or anti-prostitution groups**

We recommend that states introduce proper monitoring of anti-trafficking groups, anti-prostitution groups, rape crisis centers, and diversion programs in receipt of public funds.

These groups are in receipt of significant public funds without any requirement for transparency and accountability as to how those funds are used, or any independent ethics oversight.

For example Sacramento’s [Community Against Sexual Harm \(CASH\)](#) claims it serves women who are or have been commercially sexually exploited, sex-trafficked, or involved in prostitution, but CASH is conflating very different populations: Survivors of sexual assault, people who have been forced into working in the sex industry, and people who have been arrested for consensual adult sex work. This practice generates funding by profiting from the criminalization of sex work.

Organizations like CASH claim to serve sex workers while imposing anti-prostitution rhetoric on those served and/or insisting that all sex workers are victims of trafficking; this creates an invalidating, hostile environment for sex workers. CASH does not report details of how its funds are used and/or who the funds benefit.

Another typical anti-trafficking grantee, [Bay Area Women Against Rape](#), employed a male counselor who accompanied law enforcement on anti-prostitution sting operations claiming to rescue trafficked victims (specifically minors) and then presented himself as the organization’s primary “peer” counselor for the “rescued” minors. An adult man counseling a minor is not a peer-to-peer counselor, and such arrangements are ripe with abuse, manipulation, self dealing, conflicts of interest, and ultimately civil rights violations.

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<sup>96</sup> “How The War On Sex Work Is Stripping Your Privacy Rights” page50, <https://esplerp.org/wp-content/uploads/2023/02/Consumer-Privacy-Final.pdf>

## **9. Implement a grievance process for publicly funded anti-trafficking or anti-prostitution groups**

We recommend establishing a requirement for nonprofits and NGOs that provide services to prostitutes or trafficking victims, in particular rape crisis centers and domestic violence shelters, to inform all clients of the grievance process in advance of rendering services.

Providing this baseline will empower clients to file complaints with third party organizations if services do not align with public-facing process documentation. This recommendation includes that states maintain records of all such complaints and make them available to the public. A periodic review process would result in designating bad actors (nonprofits or NGOs that show consistently poor user satisfaction or engage in unacceptable practices) ineligible for public funding.

## **10. Implement oversight of law enforcement agencies that make prostitution and human trafficking arrests**

We recommend that law enforcement agencies that perform prostitution and human trafficking arrests, incarcerations and convictions be subject to federal, state, county or city oversight.

Current law enforcement agencies' approach to prostitution and human trafficking operations, arrests, incarcerations and convictions operate with a near complete absence of transparency. These organizations should be subject to federal, state, county or city oversight, including requirements to:

- a. make all meetings open to the public
- b. publish names, roles, and affiliations of task force members
- c. publish annual audits with all agency costs, including overtime pay as well as costs incurred by participating non-profits
- d. publish anonymised details of arrests and convictions, together with demographic data (gender, age, race) on the people who have been arrested and/or convicted
- e. publish all Memoranda of Understanding between task forces, law enforcement agencies, non-profits, and other agencies
- f. implement public reporting requirements for publicly-funded non-profits and NGOs that provide services related to prostitution or human trafficking
- g. be responsive (at no cost) to public records requests.<sup>97</sup>

## **11. Expand Privacy Laws**

We recommend that Congress and states enact legislation to expand privacy laws. Suitable models might be the proposed American Data Privacy and Protection Act (ADPPA)<sup>98</sup>, or the European Union General Data Protection Regulation (GDPR).<sup>99</sup> In particular legislation should prohibit images being scraped from public sites and published in databases and other online sites without permission.<sup>100,101</sup>

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<sup>97</sup> “How The War On Sex Work Is Stripping Your Privacy Rights” page 12, <https://esplerp.org/wp-content/uploads/2023/02/Consumer-Privacy-Final.pdf>

<sup>98</sup> “American Data Privacy and Protection Act (ADPPA)”, [https://en.wikipedia.org/wiki/American\\_Data\\_Privacy\\_and\\_Protection\\_Act](https://en.wikipedia.org/wiki/American_Data_Privacy_and_Protection_Act)

<sup>99</sup> “European Union General Data Protection Regulation”, [https://en.wikipedia.org/wiki/General\\_Data\\_Protection\\_Regulation](https://en.wikipedia.org/wiki/General_Data_Protection_Regulation)

<sup>100</sup> <https://www.404media.co/laws-about-deepfakes-cant-leave-sex-workers-behind/>

<sup>101</sup> “Cops’ favorite face image search engine fined \$33M for privacy violation”, <https://arstechnica.com/tech-policy/2024/09/clearview-ai-fined-33m-for-building-illegal-database-of-face-images/>

We also recommend developing legislation to protect the privacy of erotic service providers, clients, and support staff during undercover sting or surveillance operations. That legislation should also prohibit law enforcement and media publicizing names of those arrested (which creates a permanent searchable association and leads to discrimination in housing, employment, education, parental custody rights and access to financial institutions and products).

Basic civil and human rights require laws that protect the digital privacy of erotic service providers. The USA has signed on to the [UN Treaty on International Covenant on Civil and Political Rights](#), but there are many ways in which developments in surveillance have preemptively violated our privacy.

ESPLERP's 2023 report, "[How the War on Sex Work Is Stripping Your Privacy Rights](#)" shows how law enforcement agencies use technology to systematically and pervasively violate civil liberties and privacy rights, using the pretext of preventing human trafficking. The following are examples of invasive and unregulated surveillance technologies.

- a. Stingray devices (also known as [International Mobile Subscriber Identity](#) (IMSI) catchers) were initially developed for the military and intelligence community, but are now in widespread use by local and state law enforcement agencies<sup>102</sup>, which use them to violate the privacy of erotic service providers.
- b. Automated license plate readers and pole cameras (which not only capture images of vehicles and their occupants, but also file date, time, and location information without consent).<sup>103,104</sup>
- c. Phone ripping (the extraction and analysis of data pulled from an individual's cell phone), and CellHawk (software that analyzes vast amounts of data collected by cell phone towers).
- d. Technology companies like Palantir, Thorn, and Google (which donated [\\$11.5 million](#) to anti-trafficking organizations in 2011 alone) now use facial recognition technology to [identify "sex trafficking victims" by scanning escort online ads](#) and building databases of adult consensual workers.
- e. Data scraping by law enforcement is warrantless mass surveillance, wherein posting a photo online results in your face and identity being cataloged and maintained in an unregulated database – and anyone else willing to pay for the service.
- f. Social networks like Facebook, Snapchat, and Twitter, use AI and other automated technology to 'shadow ban' workers, and use their Terms of Service to deplatform sex workers, which causes social death and loss of livelihood. As social media companies' discriminatory business practices continue to expand, impacting a rapidly growing number of content creators, the time has come for legislators to bring balance and reparations to these unfair business practices.<sup>105</sup>
- g. Legalization measures, including [license schemes, that expose erotic service providers to harassment and discrimination](#), such as requiring our legal names, date of birth, and social security numbers, and requiring us to submit to criminal background checks; a privacy watchdog in the Netherlands found that [compulsory registration of sex workers breached privacy rights](#).
- h. Law enforcement agencies inviting journalists/media or members of nonprofits to accompany them on operations targeting the erotic service provider community and empowering these third parties to film or record people caught up in these operations as they are arrested or brought

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<sup>102</sup> <https://www.wired.com/story/dnc-hidden-signal-hunt/>

<sup>103</sup> "Prostitution Surveillance Tower Goes Up in San Diego",

<https://reason.com/2024/08/05/prostitution-surveillance-tower-goes-up-in-san-diego/>

<sup>104</sup> "How Law Enforcement Around the Country Buys Cell Phone Location Data Wholesale",

<https://www.eff.org/deeplinks/2022/08/how-law-enforcement-around-country-buys-cell-phone-location-data-wholesale>

<sup>105</sup> "The Practical Guide to Humanitarian Law",

<https://guide-humanitarian-law.org/content/article/3/reparation-compensation/>

into custody – without the consent of those filmed.

## 12. Expand protections for exotic dancers

Erotic service providers, such as exotic dancers and strippers, working in adult entertainment clubs are legal workers. But, the stigma surrounding sex work means existing legislation makes that work more dangerous or difficult. They need the same kinds of protections all workers need.

We recommend that states enact legislation to protect erotic service workers (of all kinds) in adult entertainment clubs. Suitable models are the bills passed in [Washington State](#) - HB 1756<sup>106</sup> (in 2019) and SB 6105<sup>107</sup> (in 2024). These bills improve safety for workers in adult entertainment clubs by:

- a. requiring clubs to install panic buttons in secluded areas, including VIP rooms
- b. requiring clubs to record workers' reports of violence by customers
- c. requiring clubs to make every effort to identify violent customers and keep those records for five years
- d. decoupling alcohol licensing schemes from exotic dancers' activities
- e. eliminating back rent practices (indebting dancers to clubs)
- f. regulating high dancer house fees
- g. removing binding arbitration clauses from dancers' contracts
- h. requiring mandatory training for club employees
- i. setting minimum security staffing requirements in clubs
- j. introducing anti-discrimination protections
- k. decriminalizing worker nudity and distance to customers while performing
- l. creating an "adult entertainment advisory committee" (which must be composed of at least 50% workers) to consider additional steps that could be taken to improve safety, health, and security for dancers, and provide feedback to the state on how well the regulations are working.

## 13. Establish regulations restricting prosecutorial misconduct

It is unacceptable for prosecutors to coerce defendants in sex trafficking and prostitution cases into giving up their rights to due process and their day in court by threatening to go after them with draconian charges if they don't accept plea bargains. There is a growing movement calling for [limitations on prosecutors' ability](#) to force defendants to plea to charges they may not have committed. States should establish strong penalties for such misconduct to deter prosecutors from abusing their power.

## 14. Prohibit sexual contact by law enforcement

We recommend that states prohibit sexual contact by law enforcement in the course and scope of their duties. The relevant state police officer standards body should also update their standards and training to make it clear that this behavior is sexual misconduct and grounds for decertification. And the legislation should also make it clear that any such contact will be prosecuted as a criminal sexual assault offense with restitution obtainable in civil courts.

In most U.S. states, with the sole current exception of [Hawaii](#) and [Michigan](#), law enforcement officers

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<sup>106</sup> "HB 1756 - 2019-20", <https://app.leg.wa.gov/billsummary/?BillNumber=1756&Year=2019>

<sup>107</sup> "SB 6105 - 2023-24", <https://app.leg.wa.gov/billsummary/?BillNumber=6105&Year=2024>

routinely engage in coerced sexual contact with erotic service providers, both in undercover stings, during overt arrests or under threat of arrest.<sup>108,109,110</sup>

Sexual assault by law enforcement officers violates the right to bodily integrity and runs afoul of the Fourteenth Amendment's Due Process Clause.<sup>111</sup> It also likely constitutes an unreasonable seizure.

## 15. All legislation should include automatic, retrospective 'Vacatur' provisions

We recommend that any and all legislation passed to address items in this Policy Agenda include a 'Vacatur' provision whereby prostitution convictions and arrests are automatically and completely expunged with retrospective effect from criminal and public records, without requiring that individuals undergo a complicated, onerous, expensive legal process (such as a court based process).

## Conclusion

In conclusion, the criminalization of sex workers and their clients subjects them to significant social and economic stigma and discrimination. This contributes to the disenfranchisement of our community.

This disenfranchisement, and a lack of public accountability in law enforcement, state agencies, and nonprofits, misallocates precious taxpayer resources and deters reports from community members who have been actual victims of rape, robbery, theft, coercion, battery, assault, stalking, or murder.

Continuing failed policies based on faulty definitions is going in precisely the opposite direction to the growing global consensus on the human rights of erotic service providers. It puts members of our community at risk - and undermines public safety.

## ESPLER Project Mission

The Erotic Service Providers Legal, Education and Research Project (ESPLER Project) is a diverse community-based erotic service provider led group which seeks to advance sexual privacy rights through impact legislation, legal advocacy, education, and research.

In our legal advocacy we create change through impact litigation and policy statements. This involves education activities for policy makers and the public.

In our research work, [our evaluation tool](#) helps the public and academics maintain ethically and scientifically rigorous standards.

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<sup>108</sup> "Police decertification in CT must include sexual misconduct as a specific ground", <https://ctmirror.org/2023/06/20/ct-police-sexual-abuse-misconduct-post-decertification/>

<sup>109</sup> "Feds find Worcester, Massachusetts police used force, had sexual contact with women", <https://www.usatoday.com/story/news/nation/2024/12/09/worcester-police-justice-department-excessive-force/76864523007/>

<sup>110</sup> "Former California Police Officer Convicted on Eight Counts of Sexually Assaulting Women While on Duty", <https://www.justice.gov/opa/pr/former-california-police-officer-convicted-eight-counts-sexually-assaulting-women-while-duty>

<sup>111</sup> Cnty. of Sacramento v. Lewis, 523 U.S. 833, 846 (1998); Rogers v. City of Little Rock 152 F.3d 790, 797 (8th Cir. 1998); Martinez v. Cui, 608 F.3d 54, 63–64 (1st Cir. 2010); see Hess v. Garcia, 72 F.4th 753, 756, 767 (7th Cir. 2023)