

Current New York State Bills

The **Stop Violence in the Sex Trades Act (S3075)** would repeal N.Y.P.L. §230.00, which names “prostitution” as a Class B misdemeanor, as well as §230.20 and §230.25, two statutes criminalizing the “promot[ion] of prostitution.” The bill also includes a retroactive relief measure: sex workers with convictions under any of the statutes that the bill would repeal could apply to the courts to vacate these judgments.

Another bill, the **Sex Trade Survivors Justice and Equality Act (S6040A)**, has been introduced in the state senate that would partially decriminalize sex work. In stark contrast to the Stop Violence in the Sex Trades Act, however, this bill targets and criminalizes demand for sex work. It imposes fines on those who “promot[e] prostitution” or “profit from prostitution.”

New York Community Organizations

Red Canary Song began their organizing in a fight for justice and police accountability after the death of Flushing massage worker, Yang Song, who was killed during a police raid in November 2017. Now they are a grassroots massage worker coalition that also organizes transnationally with Asian sex workers across the diaspora in Toronto, Paris, and Hong Kong.



Survived & Punished (S&P) is a coalition of defense campaigns and grassroots groups committed to eradicating the criminalization of survivors of domestic and sexual violence and the culture of violence that contributes to it. The all-volunteer organization includes community organizers, survivor advocates, legal experts, and policy advocates including currently and formerly incarcerated survivors.

Make the Road New York organizes impactful community-led campaigns that make tangible changes in our people’s lives and sustain broader movements for dignity and justice. They organize in local neighborhoods while helping to lead statewide and national movements for immigration reform, workers rights and more.



Decriminalize Sex Work is a national organization pursuing a state-by-state strategy to end the prohibition of consensual adult prostitution in the United States. They work with local organizations, advocates, and lobbyists to build community support and convince legislators to stop prostitution-related arrests. Evidence shows that decriminalizing sex work will help end human trafficking, improve public health, and promote community safety. Scan here to read their explainer of the Stop Violence in the Sex Trades Act.

Further Reading

"Cash/Consent: The War on Sex Work," by Lorelei Lee, n+1 magazine, Fall 2019 (content warning for rape):



"In the radical narrative, all sex trading is understood as trafficking and our ability to consent does not exist. In the competing liberal-libertarian narrative, those of us who have been publicly described as having 'consented' to our work are categorically characterized as 'empowered,' as 'choice feminists.' Under these constructs, we have only two options: to be victims, which means we need to be rescued from our work—even if that rescue happens in handcuffs—or to be empowered sex workers, which means saying we've never experienced violence or constrained choice, that we love our jobs all day every day, and to be free we only need access to the free market. (As the activist Kaya Lin has said, 'If you are a sex worker, you can't have bad days.') In terms of policy, these positions translate quite literally into the threat of being jailed versus the possibility of surviving using the methods we already use. The threat of further criminalization has pushed many people to publicly embrace the latter—to say, 'I love doing sex work. I only want the state to leave me alone.' Often that seems like the most we could hope for."



"A New Sex Positive Dichotomy," by suprihmbé a.k.a. heauxthots, LPE Project Blog, September 19, 2019:

"So yes, there is a false (and neoliberal) distinction implied in the feminist distinction between the 'agency/empowerment' of sex work and the 'oppression/coercion' of sex trafficking. As I've described elsewhere, those 'feminists who believe that sex work in all its forms is inherently exploitative to women ... conflate sex work (a profession) and sexual violence and exploitation. Doing this obscures the very real issues with each of these — sex work and sex trafficking — and prevents anything actually being solved."

"Sex Work and Immigration: When Criminalization is Disguised as Protection," by Gilda Merlot, LPE Project Blog, September 17, 2019:



"Undocumented immigrants work in the U.S., and they often work alongside legal immigrants and citizens. All workers are exploited and expected to work for wages for basic living expenses. Despite this, only the work of undocumented immigrants is viewed as inherently exploitative. The solution is never to make us equal but instead to criminalize our ability to work. Our criminalization justifies our persecution, our higher rates of abuse, and maintains a hierarchy of immigration status. A similar dynamic exists around sex work."

Additional Resources

Books

Revoluting Prostitutes: The Fight for Sex Workers' Rights

by Juno Mac and Molly Smith
Verso Books
2018

Playing the Whore: The Work of Sex Work

by Melissa Gira Grant
Verso Books
2014

heauxthots: On Terminology, and Other [Un]Important Things

by suprihmbé
Bbydoll Press
2019

\$SPREAD: The Best of the Magazine that Illuminated the Sex Industry and Started a Media Revolution

edited by Rachel Aimee, Eliyanna Kaiser, and Audacia Ray
The Feminist Press
2015

Essays (all available online)

As a Sex Worker With a Chronic Illness, FOSTA Means Losing My Medical Care

by Zia Moon
Vice
June 18, 2018

Your Mother Is A Whore: On Sex Work And Motherhood

by Jessie Sage
The Establishment
July 18, 2018

The Stripper's Dilemma

by Reese Piper
The Queer Majority

It's International Whores' Day. Let's Talk About Why Strippers Need Better Labor Laws

by Susan Elizabeth Shepard
Vox
June 2, 2018

The Decriminalization of Sex Work

April 24, 2023 at 12:45 p.m.

Hosted by If/When/How and Brooklyn Law and Political Economy Collective



Jennifer Orellana (Jennifer St. Cartier), trans woman.

Born in July 1972 in the town of Trujillo Alto, Puerto Rico, Jennifer graduated as a professional nurse (RN) in the '90s and became unemployed as a nurse in the year 2000, after beginning her transition. Since 2013, Jennifer has been working voluntarily for various organizations such as Colectivo Intercultural Transgrediendo, founded by Lorena Borja, RIP, and is a member and leader of the group Trans Immigrant Project (TRIP), a part of Make the Road and Make the Road Action, working in public policy. She is currently a member of the coalition #DECIMNY seeking the decriminalization, destigmatization, and decarceration of sex workers in the state of New York. Jennifer was the creator of the Trans Goofy Games initiative that began in July 2017 in Queens, which sought to promote interaction between members of the LGBTQI community and allies. In 2019, this event was transferred to Puerto Rico, where it was proclaimed Puerto Rico Trans Pride Day by two different administrations of the municipality of San Juan Capital of Puerto Rico. Jennifer was the subject of a documentary called Caer ("Caught") about the adversities that trans sex workers face in their lives, such as police abuse, social abuse and traumas caused by the police arrests in NYC. Jennifer is currently working with Ivana Fred on her new project called Colectivo Educa-T y Mas, an initiative they created after the intensification of

problems faced by trans people in Puerto Rico, including the lack of housing security, education, health resources, and the need to reduce the risks of sexually transmitted infections, which led them to the #EndingEpidemic hashtag. She currently works as a health educator about the prevention and risks of sexually transmitted infections in the health clinics of the NYU Langone Hospital Prevention Department.



Yves Tong Nguyen (they/she/he) is a queer and disabled Vietnamese cultural worker and sex worker whose organizing home is with Survived & Punished NY and Red Canary Song. Yves is personally concerned with supporting survivors of all forms of violence through organizing and informal community support.



Kate Mogulescu is a Professor of Clinical Law at Brooklyn Law School. She directs the Criminal Defense & Advocacy Clinic, which she launched in 2017. Her work and scholarship focus largely on gender, sentencing and reentry issues in the criminal legal system, with a focus on gender-based violence, intimate partner abuse, sex work and human trafficking. Before starting the Clinic, Kate worked as a public defender at The Legal Aid Society for 14 years.

Kate has founded several projects, including the Exploitation Intervention Project (2011), the Survivor Reentry Project (2016) and the Survivors Justice Project (2020). She offers critical analysis of carceral approaches to violence and harm and advocates extensively against the criminalization of vulnerable and exploited people. Kate received her J.D. from Yale Law School and B.A. from the State University of New York at Binghamton.

Special thanks to **Mateo Guerrero** from Make the Road NY for interpreting

Discussion Moderated by **Bianca Li**

whose student note, *Toward "The Most Freedom": Connecting Housing Discrimination to the Criminalization of Sex Work in New York City* is forthcoming in Volume 32, Issue 1 of the Brooklyn Journal of Law & Policy