

COVID19, Racism, Police Brutality and Human Rights Violations of Sex Workers, People in the Sex Trades, and People Profiled as Such, for the 2020 Universal Periodic Review of the U.S.A.

CONTRIBUTORS: New Jersey Red Umbrella Alliance, Desiree Alliance, The Outlaw Project, Best Practices Policy Project and the Black Sex Worker Collective

In the US criminalization and stigmatization of sex workers, and those profiled as such, prevents our communities from exercising our human rights. Violations include: violence perpetrated by law enforcement and ICE; cruel, inhuman or degrading treatment during incarceration; denial of due process and protection in the justice system; denial of rights to housing, healthcare, reproductive rights, education, income, employment and economic justice. People of color, transgender people, migrants, street based sex workers, homeless, youth, and people living with HIV/AIDS bear a high burden of these violations. The US government has engaged in a sustained campaign to roll back the rights of transgender people. Transgender people are assumed to be sex workers by the authorities, leading to incarceration and immigration detention, where they are harmed, highly vulnerable to sexual assaults, and killed.

The impact of COVID19 illustrates the failure of the US Government to respond to protect our fundamental human rights. This pandemic has hit Black, Hispanic (especially migrant workers), and Indigenous peoples especially hard due to structural racism. In this context, sex workers face the same issues as many others frontline workers such as domestic workers, restaurant workers, and cleaning staff in hospitals. Workers are having to work without harm reduction materials and without personal protective equipment (PPE). Many have lost their jobs due to closures. Yet, sex workers are denied benefits, such as the economic stimulus package, as are undocumented immigrant workers.

In 2018, the U.S. passed rights violating restrictions via the Stop Enabling Sex Traffickers Act (SESTA) and Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) limiting the sharing of vital safety information for sex workers online and causing economic harm and social marginalization. The US government is now rushing through new legislation but we cannot advocate for our human rights due to restrictions because of COVID19. Sex worker rights advocates are denied access to counter hastily drafted legislation such as the pending Eliminating Abusive and Rampant Neglect of Interactive Technologies Act EARN IT ACT 2020 that will further impact our ability to communicate online.

The United States is facing a crisis in terms of police violence against Black communities and, as this occurs, the crisis at the border continues. Policing and stings against our communities continue even in the context of the pandemic. Sex workers who live in border towns are not safe. The unregulated power border patrol agents go unchecked and give free reign to violence as evidenced by the serial murders of three sex workers in Laredo Texas, and a fourth narrowly escaping with her life from U.S. Border Agent Juan David Ortiz.

Previous UN Body Recommendations: In prior UPR process, the U.S. accepted Recommendation 86, requiring it to “[u]ndertake awareness-raising campaigns for combating stereotypes and violence against [LGBT people] and ensure access to public services, paying attention to the special vulnerability of sex workers to violence and human rights abuses.” The U.S has pursued policies that directly contradict this commitment, putting sex workers at heightened risk of human rights abuses. In 2014, the UN Human Rights Committee challenged the U.S. Justice Department’s claim that arresting people for sex work is a

humane or effective way to fight trafficking, and called on the U.S. to align its anti-trafficking initiatives with human rights norms, which reject criminalizing sex workers.

Key Recommendations

The above coalition recommends that the United States of America:

- End the criminalization of sex workers lives by repealing federal laws, federal, state, and local laws that criminalize sex work, and eliminate anti-prostitution policies that undermine protection for human rights of sex workers. At a minimum, the US should immediately stop arresting and incarcerating people in sex trades.
- Repeal legislative barriers, including FOSTA/SESTA, that violate the freedom of assembly and association of sex workers so that they may organize in defense of their health and rights. Stop the passage of the EARN IT ACT.
- Vigorously investigate and put an end to policing practices targeting transgender people.
- Cease the racist profiling of Black people, vigorously investigate police misconduct and put an end to policing practices targeting Black sex workers.
- Address the atrocities of current immigration and migration border policies in the United States that impact all immigrants including sex workers at the border. Remove “participation in prostitution” as grounds for removal from the country, from the category of “crimes of moral turpitude” and as grounds for denying visas/legal status to individuals seeking to visit, reside in, or become citizens of the United States.
- Demilitarize and defund police, border agents, and other state agents who are using military grade armaments against vulnerable populations such as sex workers, immigrants and transgender people, and protestors.
- Provide COVID19 relief to everyone in the US, including sex workers and undocumented immigrants.
- Provide comprehensive health care services for the communities most impacted by COVID19, such as African Americans, Indigenous communities and incarcerated people, including sex workers.
- Protect health by releasing anyone who has been detained or incarcerated for prostitution related offences or because of anti-trafficking statutes that have targeted sex workers, transgender people, immigrants, Black women and youth.

Contact: BestPracticesPolicyProject@gmail.com and 917-8170324 (Penelope Saunders)

Our full report is available at
www.bestpracticespolicy.org/wp-content/uploads/2019/10/SWCoalition_UPR36_USA_2019.pdf