

Urban Justice Center

Sex Workers' rights and Human Trafficking

<https://www.urbanjustice.org/2019/07/18/these-transgender-latinas-want-new-york-state-to-decriminalize-sex-work/>

Public Facing Advocacy Writing

SEARCH

Police brutality, aggressive clients, family stigma: Trans Latina sex workers reveal why they are backing DecrimNY, a campaign to decriminalize sex work in New York State.

Patricia waited for her client dressed in party clothes. It was a December evening in 2010 and she had plans to go out. However, this first-time client had insisted on seeing her. He also wanted to know if she could get him bags of cocaine. Her answer, she said, was that if he wanted drugs he'd have to bring them himself.

Something about him made Patricia feel uneasy. His voice was tense, he asked strange questions, recalled the Ecuadorian woman in Spanish.

As soon as Patricia buzzed him in, she knew she had made a mistake. The man wasn't a client but a police informant. He opened the door and let the police into the apartment, with no further explanations.

They told me to lay on the floor facing down, she said. A policeman stepped on my head four times. He then turned me around, grabbed my testicles and twisted them.

The officers arrested Patricia for [obstructing governmental administration](#), and charged her with a misdemeanor for resisting arrest. She also faced another charge for prostitution, according to the arrests paperwork.

There was blood all over the apartment. Patricia said that before the police left, they took a mop and some paper towels to remove the traces of it. (A police spokesperson told The Daily Beast said they wouldn't comment on an incident that happened during a different mayoral administration.)

Patricia, who at the time was undocumented, was taken to the 115th precinct in Jackson Heights, Queens, the heart of the sex commerce in the New York Tri-State Area. She had a broken nose, broken facial bones, and a broken tooth. The police officers never offered her a translator or allowed her to make a call.

She was then transferred to the Vernon C. Bain Correctional Center in The Bronx, a prison barge known as [The Boat](#), off the coast of Hunts Point. She was then denied any form of communication with her family, friends or lawyer, during her three-day stay at the facility.

Thirty-six hours after her arrest, Patricia was taken to the hospital for medical attention. There, she said, she managed to get a hold of a pen and paper, where she wrote her roommate's phone number. Back at The Boat, an inmate called Patricia's roommate for help, and he paid her \$750 bail.

That was the last time she engaged in prostitution.

On June 10 of this year, a group of Democratic lawmakers and LGBTQ activists introduced [The Stop Violence in the Sex Trades Act](#) to the New York State Legislature.

The bill's language repeals the current legal framework for prostitution charges by redefining sex work as a sexual interaction between consenting adults, involving the exchange of money.

The bill failed to be addressed by the Senate's cut-off date of June 19. However, the [Steering Committee at Decrim NY](#), the coalition driving this initiative, believes that the bill is the first step in getting a motion rolling in the state Senate.

One of the goals [of this bill] is to start the educational process explained Richard Senz, Senior Attorney at LGBTQ advocacy group Lambda Legal. That is going to be necessary to be successful in getting the bill passed.

If passed in the next Senate's term, Decrim NY would decriminalize sex work statewide, making it the first of its kind in the nation.

Transgender Latinas make up 52 percent of LGBTQ Latinos in the U.S. that turn to sex work; as opposed to 5 percent of non-binary people marked as male on their birth certificate and 1 percent of crossdressers, according to the [U.S. Transgender Survey](#) from 2015.

LGBTQ, black and brown, immigrant and disabled communities engage in sex work at higher rates because they are locked out of jobs in the formal economy, New York Sens. Jessica Ramos, who represents the 13th District (Queens), and Julia Salazar, who represents the 18th District (Brooklyn), [wrote](#) in an op-ed for the *Daily News* earlier this year.

For many transgender Latinas, Decrim NY is their only hope to make ends meet outside the shadow of stigma. The bill would mean sex work is no longer illegal, but rather an informal job that the state cannot persecute or regulate.

Senator Salazar and Senator Ramos, alongside a group of Democratic legislators, [sponsor the bill](#), which was drafted in collaboration with the Decrim NY coalition.

Rebecca in Queens.

Rebeca, a 44-year-old transwoman from Mexico who has been engaged in prostitution for over 10 years, said that a sex-worker encounters three enemies at the job: the thieves, the police, and the clients. One day, the latter almost killed her.

I was wearing trousers, he ripped off the button trying to take them off. I told him I could take them off myself, explained Rebeca. This man seemed very nice when he approached her in his car on Roosevelt Avenue. After settling on an hour of service for \$100, she took him home. Once they were in her bedroom things changed.

He took me by the throat, he wouldn't let me get up. He started slapping me. He violently grabbed me and began giving me oral sex, he didn't wait for me to put on a condom, he was hurting my penis, said Rebeca.

She fled her room and scared him off with a kitchen knife. Once he was gone, the only person who cared about her safety was her landlord, who lived upstairs from her basement apartment.

Who was I going to report this to? I couldn't file a crime or anything because I know sex work is illegal. So that was that, she said.

Rebeca didn't trust the police would not go against her, even if she was the victim of the attack. Neither did Patricia. (Both Rebeca and Patricia said they see Ramos as an ally. They wore Ramos shirts and volunteered to give out flyers on Sundays during her election campaign last fall.)

Rebecca in Queens.

In 2013, the New York City Council passed the Community Safety Act, which amended the City's Human Rights Law to ban bias-based profiling, according to the 2016 Pride, Prejudice and Policing report by the Civilian Complaint Review Board of the city.

A spokesperson for the NYPD said that The NYPD has carefully designed and implemented policies, training protocols, outreach initiatives, and disciplinary processes in collaboration with the LGBTQ community.

Additionally, the NYPD said that they are constantly seeking out feedback from the community through the LGBTQ Community Advisory Board.

By the time of the publication of this article, the NYPD had not answered if transgender Latinas were part of this board, how it is training officers to reduce bias-based profiling during prostitution-related arrests, and how it is measuring the success of the Community Safety Act.

The trans community has taken this issue into their hands and made it personal, said [Cecilia Gentili](#), an Argentinian transgender activist and one of the main organizers of Decrim NY. For her, decriminalization of sex work would offer a safety net to transgender Latinas against social aggression and stigma.

Historically, the trans community hasn't had the chance to participate in society the same way other people would, due to the lack of opportunities, said Gentili.

Gentili goes on to list family neglect, gender-violence, and employment and housing discrimination against the trans community as some of the reasons why trans women have to rely on sex work as their main source of income.

Feminists like Gloria Steinem and Sonia Ossorio, president of the National Organization for Women in New York City, have warned that if Decrim passes, New York could become [the Vegas of the north-east](#).

They argue that this initiative would validate sex work and benefit pimps and third-party profiteers to further abuse sex workers. It would also, they claim, perpetuate the patriarchal sexualization of the female body.

With trans Latina sex workers, you're also looking at a gender-based violent situation, gender-based inequality, said Taina Bien-Aim, executive director of the Coalition Against Trafficking for Women (CATW). Their vulnerabilities are different. The way that law enforcement identifies and addresses their exploitation is different and needs to be addressed.

[CATW is an NGO that strongly opposes DecrimNY](#) because it stands by the belief that women engaging in sex work are victims of abuse or human trafficking.

You don't need a gun to your head, you don't need a lock on the door; you are so broken already, you are in debt, you are psychologically coerced every second of your day, Bien-Aim explained.

However, Rebeca has never been locked in by a pimp, but rather by her clients. And Patricia, who had a pimp for her first two weeks as a sex worker at a prostitution house, was allegedly assaulted by officials at her own apartment.

According to an article from the [American Medical Association](#), written by Kate Dadamo, a sex workers rights advocate at Woodhall Freedom Foundation, and Erin Albright, Visiting Fellow with the U.S. Department of Justice Office for Victims of Crime, it is criminalization that creates conditions of impunity and enhances sex-workers vulnerabilities to violence and exploitation, including trafficking.

Additionally, they state that criminalization reinforces stigma, which perpetuates sex-workers marginalization.

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With the help of Lorena Borjas, former sex worker and founder of [Colectivo TRANSgrediendo](#), and other trans Latina activists, Rebeca found both a refuge and a focus. In hopes to push Decrim forward, Rebeca takes pictures of the rallies, marches and community events. Photography is what she likes to do best.

Borjas encourages the trans women in her network to participate in the rallies and public appearances of DecrimNY. She said that it is their duty to be vocal about the dangers they are exposed to when sex work is criminalized because most of them have done sex work at a point of their lives.

In the U.S., the illegal nature of prostitution increases sex-workers vulnerabilities to clients aggressions and, in the case of undocumented workers fears of deportation.

It is this vulnerability that haunts Rebeca, who has never mentioned sex work to her family. I help them out with money, but I tell them that I dance at a bar, she explained.

When I told them I liked to dress as a woman, they didnt quite get it at first, but I think they began to understand when I started sending them money.

Tears rolled down her face, her voice cracked. I dont think they would take the money if they knew where it came from. Because despite everything, they taught me values and I feel I have failed them.

For many women like Rebeca, the decriminalization of prostitution would mean a step forward. They would feel relieved to work without the constant fear of getting caught or suffer violence they are unable to report.

Jessica Pearanda is director of movement building at the Sex Workers Project. An advocate of Decrim NY, she said there is still plenty to be done. Until we can have fair wages, affordable housing, and a welfare system, society will continue to punish sex-workers. There are so many things to do to bring every part of the system together as a community.

This is a key element Patricia thinks has been left out of the conversation around Decrim NY.

All the efforts to pass Decrim wont mean much unless we set up a pathway that allows career training, said Patricia.

As we spoke to her, Rebecas phone rang but she didnt answer. A client, she explained. It rang again twice as she grabbed her bag. I dont know if Ill see him tonight. I want to be fresh tomorrow morning. Im taking a photography class.

**Patricia asked for her name to be changed for this story because she had signed a settlement five years after her encounter with the police, which included a non-disclosure agreement. Rebeca asked for her name to be changed because she didnt want her family to find out she does sex work.*

**Patricia, Rebeca, Cecilia Gentili and Lorena Borjas were interviewed in Spanish.*