



Urban Justice Center

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**COUNCIL OF THE CITY OF NEW YORK
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Sexual Violence Against Women and Girls in NYC: What's Being Done?
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The Sex Workers Project¹ at the Urban Justice Center thanks you for this opportunity to present our testimony on the issue of sexual violence against women and girls in New York City. We applaud the efforts of the City Council to address this problem. It is critical that the City address the problems of trafficking in persons and violence against sex workers.

Trafficking in Persons

Many trafficked persons are immigrant and undocumented, and a large number of them come into the U.S. as a result of their need to support their families in their countries of origin. The traffickers may threaten victims, take their passports, and limit their contact with the outside world. In addition, traffickers coerce them into numerous industries in the underground economy, including restaurant, sex, domestic, and agricultural work.

The U.S. Department of State estimates that 14,500-17,500 people are trafficked into the U.S. every year;² many of the them are from Eastern Europe, China and Southeast Asia, and Mexico. With its large immigrant population, New York City is a major destination and hub for trafficking in persons. Trafficked persons need a variety of services, particularly housing, mental health, language training, job skills, and legal services. The Trafficking Victims Protection Act³ (TVPA) created the T visa, which offers work authorization and the possibility of adjustment to permanent resident status to "victim[s] of a severe form of trafficking," most often to victims who

¹ The Sex Workers Project (SWP) is the first program in New York City and in the country to focus on the provision of legal services, legal training, documentation, and policy advocacy for sex workers. Using a harm reduction and human rights model, the SWP protects the rights and safety of sex workers who by choice, circumstance, or coercion remain in the industry.

² U.S. Department of State, *Trafficking in Persons Report* (2004) at 23. The State Department did not offer updated numbers of persons trafficked into the U.S. in its 2005 report.

³ Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386 Division A, 114 Stat. 1464 (2000) (codified as amended in scattered sections of the U.S.C.) [*hereinafter* TVPA].

assist with prosecutions. Many people who have been trafficked are unaware of their legal rights and are afraid to seek help and assistance for fear they will be harmed, or deported to their country of origin.

- The City of New York must commit to training law enforcement and community members to identify trafficked persons and to assist them appropriately, respecting their human rights.
- The City must also commit to funding appropriate services for trafficked persons.

With other members of the NY Anti-Trafficking Network, we are currently working with the New York State Legislature to create comprehensive and effective state legislation to address trafficking in persons. Comprehensive and targeted state legislation is important, for the following reasons:

- Current New York State Penal Code does not include sections which properly cover the crime of trafficking in persons, especially with respect to trafficking into sectors such as domestic work, agricultural work, and sweatshop labor. **Trafficking is a crime primarily defined by subtle coercion—a net of innuendo, threats of force, and abuse of legal process—essentially, a climate of fear that clearly informs the victim that harm will befall him or her if he or she leaves the trafficker. This coercion is used against victims who often do not know the language or prevailing social and legal customs in this country;**
- Many trafficking cases are discovered by members of local immigrant communities whose first instinct is to call local police rather than federal law enforcement—in fact, members of these communities will not contact federal law enforcement because of fear of harassment or removal;
- Many trafficking cases are unearthed by local police and law enforcement, who often do not recognize these cases as trafficking and need to receive more training and information in order to properly assist victims; and
- Federal law enforcement does not have the resources to provide certification for all trafficked persons who are willing to come forward and cooperate with law enforcement—without state and local law enforcement being aware of the need for these certifications and being mandated to provide them when appropriate, it is extremely difficult for trafficked persons to obtain the immigration status and benefits to which they have a right under the law.⁴

Violence Against Sex Workers

Prostitution in any form is illegal in New York City. Women who work on the streets have a great deal of contact with police. Police and sex workers in New York engage in a cat and mouse dynamic, in which the police seek to control the activities of sex workers, and sex workers respond by trying to avoid them. Our 2003 report *Revolving Door* examines the impact of current law enforcement approaches to street-based sex work in New York City.¹ The report is based on interviews conducted with thirty street-based sex workers who were arrested in 2002 or had a high number of arrests. We also released a 2005 report, *Behind Closed Doors*, which is based on interviews of 52 sex workers who worked indoors and examines the effects of current City policies.

⁴ See TVPA Reauthorization § 4(a)(3) (“In making the certification...with respect to the assistance to investigation or prosecution...the Secretary of Health and Human Services shall consider statements from State and local law enforcement officials that the person...has been willing to assist in every reasonable way with respect to the investigation and prosecution of State and local crimes...”); TVPA Reauthorization § 4(b)(2)(B) (“In making a determination...statements from State and local law enforcement officials that the alien has complied with any reasonable request for assistance in the investigation or prosecution of crimes...where severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000) appear to have been involved, shall be considered.”)

Current law enforcement approaches for sex workers take the form of arrests. However, this police strategy often results in harassment and false arrest of sex workers. Furthermore, the vast majority of sex workers whom we interviewed, 98%, received no substantive services as a result of their arrests, meaning that they received more than a two-hour health class or community service. **Whatever one thinks of prostitution, it is clear that as a result of these arrest-based policies, most sex workers who have faced violence do not view the police and courts as a resource. This problem is compounded by the fact that police do not always respond to the complaints of sex workers.**

Police Violence and Sexual Situations

Respondents in both reports reported harassment including sexual situations, violence and threats of violence, intimidation and false arrests. Sexual situations include inappropriate touching, extortion of sex (sometimes in exchange for not making an arrest) and even rape.

- 30% of street-based sex workers interviewed told researchers that they had been threatened with violence by police officers.
- 27% of street-based sex workers interviewed reported having experienced violence at the hands of police.
- 14% (7 of 51) of indoor sex workers interviewed experienced incidents of police violence, and victims of such violence felt they had no recourse.
- 16% (8 of 51) of indoor sex workers interviewed have been involved in sexual situations with the police.

Street-based sex workers reported more extreme harassment and abuse than those who worked indoors. One of these women reported having been raped by a police officer. Sexual harassment included officers intimating that they would give warnings about police sweeps on the street or cigarettes to arrested women in exchange for sex. "There are times when someone says: 'It's hot tonight, it's a sweep, you should get out of here, now what can you do for me?'" One woman reported stalking behavior by a police officer. Transgender women described similar issues with harassment, but also specific differences relating to officers checking their genitals and making comments about their gender. Some reported that police were frequent clients, but not always harmless clients: "I had a date and got paid, and then the guy pulled out his badge."

An indoor worker named Leticia⁵ said, "Just find a way to help us with the police. You have lots of women that have nobody to help them. We don't need lawyers, we need somebody to protect us when we get beat up, when police mess with us. Around here, they don't arrest you, they just mess with you like they own you."

It is important to note that it is not just women who are involved in sex work and who experience violence. When Bryan was hustling on the street, he was slammed against a wall by police. This happened to him two times— they pulled his hair, sprayed him with mace, and slammed him against a wall.

Violence and Robbery From Customers

- 80% of street-based sex workers interviewed experienced either violence or threats in the course of their work.
- 60% of street-based sex workers interviewed had experiences with clients who became violent or tried to force them to do things they did not want to do. These problems include rape, assault and robbery.
- 46% (24 of 52) of indoor sex workers interviewed have been forced by a client to do something he or she did not want to do.
- 42% (22 of 52) of indoor sex workers interviewed have been threatened or beaten for being a sex worker.

⁵ All names have been changed to protect identities of respondents.

- 31% (16 of 52) of indoor sex workers interviewed have been robbed by a client.

The sex workers described high rates of violence. Violence here means being forced to do something that the respondent did not want to do; having been threatened or beaten because the respondent was a sex worker; and/or having been robbed by a client. For example, Sara described a client “who came in and had a knife... I was cornered and I was about to be attacked and raped...I didn’t go to the police because it would be coming out about what I’ve been doing.”

Reporting Violent Incidents to the Police

- 23% of street-based sex workers interviewed reported that they had positive experiences with police, but only related to domestic violence cases. When they went to the police as sex workers who were victims of violence, they did not receive appropriate help.
- 16% (8 of 51) of indoor sex workers interviewed had gone to the police for help, as a sex worker, and found the police to be helpful.
- 43% percent (22 of 51) of indoor sex workers interviewed stated that they were open to the idea of asking police for assistance. However, many of these same people also worried about how helpful police might be, and ultimately thought of the police as unhelpful and untrustworthy.

Consistent and unpleasant interactions with law enforcement lead sex workers to attempt to avoid the police as much as possible. The desire to do so is so strong that most sex workers interviewed do not report serious and violent crimes committed against them. Even when violence is reported, these crimes usually go unpunished because violence against sex workers is tacitly accepted.

Street-based sex workers described enormous difficulties in their attempts to report prostitution-related violence to the police, including rape, assault and robbery. Many respondents in that report laughed and said ‘no’ or ‘of course not!’ when researchers asked whether they had gone to the police for help. Others who attempted to report violent crimes, including rape, were told by the police that their complaints would not be accepted, that this is what they should expect, and that they deserve all that they get. One person said: “I went to the cops who told me we didn’t have a right being in that area because we know it’s a prostitution area, and whatever came our way, we deserved it.”

Another added: “I went to the police one time when I got raped and they said ‘you shouldn’t have been out there in the first place.’” When these women experienced further violence, they did not turn to the police: “If I call them, they don’t come. If I have a situation in the street, forget it – [they would say] ‘Nobody told you to be in the street’. After a girl was gang-raped, they said ‘Forget it, she works in the street’.”

Tacit acceptance of such violence is not only deplorable in itself but actually encourages such violence. Sixty percent of street-based respondents had experiences with male clients who became violent or tried to force them to do things they did not want to do. Such a percentage among any other population or group would prompt strong public response.

It is critical to note that not all sex worker-police interactions are negative. However, indoor sex workers were more likely to experience these positive interactions. For example, one indoor sex worker reported a good experience with the police following violence at the hands of a client. The woman’s statement was taken seriously and was investigated. She was able to recruit three sex workers who had been attacked by the same person to testify against him, resulting in the conviction of this man who had preyed upon indoor sex workers for more than a decade.

Positive encounters such as this one can help police write guidelines for best practices when assisting sex workers who come to them for help. Police who see sex workers as legitimate members of society are more likely to be helpful offer the same level of assistance that they would offer another person. They are also more likely to follow through on the steps taken in response to violence against sex workers. Unfortunately, this understanding that a sex worker may be a crime victim appears to be the result of enlightenment or understanding on the part of individual officers, and not the result of training and best practices issued by the police department.

Recommendations

- Experiences that respondents viewed as positive included instances that other civilians would take for granted, such as police taking reports of violent acts and following up on these reports.
- Complaints by sex workers should be met with the same respect and regard that would be given to any other crime victims, and complaints should be addressed and investigated without penalty to these victims of violence. It is critical that police assure sex workers that they will not be investigated or arrested for illegal behavior if they come forward to report violence.
- Special attention must be given to police officers who commit violence or other crimes against sex workers. These acts include sexual assault or abuse, sexual harassment, theft, and offering not to make an arrest in exchange for sex. Police leadership must make it known that they take such exploitation seriously. Police and the courts must aggressively investigate and punish police officers who harass or commit violence of any kind against sex workers.
- It is imperative that proper police training occurs for dealing with violence against sex workers. The involvement of advocates, service providers, and community-based organizations is crucial. Beyond needs assessment and advocacy, they should act as liaisons to place sex workers' complaints. To ensure that sex workers are treated with dignity, it is critical for advocates, service providers, and community-based organizations to become productive partners with police through sensitivity training and awareness campaigns.
- Policymakers should carefully consider the extent to which they make prostitution a criminal justice priority. Sex workers often engage in prostitution earn money for themselves and their families, and sex workers could benefit from substantive services and assistance rather than arrest.
- Local police and government agencies must keep arrest and violence statistics relating to sex workers and make these available, so policymakers and advocates can examine criminal justice trends.