



**Urban Justice Center**

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**The New York City Council**

***WOMEN'S ISSUES COMMITTEE AND JUVENILE JUSTICE COMMITTEE  
PUBLIC HEARING***

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The Sex Workers Project at the Urban Justice Center thanks you for this opportunity to present our recommendations for the New York City Council's support of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007.

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. The SWP's program on trafficking in persons advises and represents trafficking victims in legal cases; informs and educates immigrant communities about the issue of trafficking and possible legal options; and trains attorneys on this issue. The SWP also coordinates with various law enforcement agencies to better identify victims of trafficking, and to ensure that trafficked persons who cooperate with law enforcement are protected through the legal process. Finally, we collaborate with other non-governmental organizations to advocate for trafficking-related policies that focus on the human rights of trafficked persons and respect

their dignity. The SWP is a member of the national Freedom Network and the NYC Anti-Trafficking Network (Co-Chair, Policy & Advocacy Committee; Member, Steering and Legal Committees).

The SWP applauds the efforts of the New York City Council to address the problem of human trafficking at the local level. Given that New York City is a hub for this severe violation of human rights, it is critical that all trafficked persons here receive much needed services outlined and expanded in the **Senate Bill 3061, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007.**

Based on experience working directly with over 100 trafficked persons and through long-term relationships with them, SWP encourages the New York City Council to **SUPPORT Senate Bill 3061** and to **OPPOSE House Bill 3887.**

## I. ENHANCED PROTECTIONS UNDER SENATE BILL 3061

We encourage the New York City Council to support Senate Bill 3061 as the included provisions greatly enhance protections for human trafficking victims and strengthen the government's ability to prevent and prosecute cases. The enhanced provisions include broadening continued presence protections for family members and those victims seeking civil actions, waiving the good moral character bar, providing resources and protection to those sponsored by diplomats, and excepting the requirement of cooperation for victims who experience severe trauma. **Most importantly, Senate Bill 3061 ensures that the definition of human trafficking is protected and that it will continue to focus on the horrific crime of trafficking rather than on state-level prostitution.**

## II. PROBLEMATIC PROVISIONS IN HOUSE BILL 3887

The Sex Workers Project strongly encourages the New York City Council to actively oppose House Bill 3887 as it unnecessarily broadens the federal Mann Act thus inaccurately equating every instance of adult prostitution to a form of modern-day slavery. In moving "sex trafficking" into the Mann Act, H.R. 3887 shifts the focus of the federal government from prosecution of 13<sup>th</sup> amendment related crimes, such as peonage, slavery, and trafficking in persons, to prostitution offenses where individuals can leave their situation and do not see themselves as victims of a crime.

As written, H.R. 3887 alters the definition of what constitutes human trafficking in a way that is drastically different than current federal and international laws and norms by eliminating force, fraud or coercion as elements of trafficking. Creating a new definition of trafficking that eliminates force, fraud or coercion does not protect victims by minimizing their testimonial burdens. In fact, the Department of Justice (DOJ), and service providers can attest to this, state that the main difficulty is not proving elements of force, fraud or coercion but rather securing witness testimony. In working with victims, SWP has found that many trafficked persons, once stabilized with housing, medical care, work authorization and the elimination of the threat of deportation, are willing to participate in the investigation and prosecution of the traffickers and do wish to seek justice as part of the healing process.

Furthermore, H.R. 3887 drains already overtaxed resources of the DOJ. Currently, even though trafficked persons working with the Sex Workers Project are willing to cooperate and seek justice, federal law enforcement has been unable to investigate and prosecute these cases due to the large volume of victim

reports. Including consensual adult prostitution as a crime that DOJ must focus on while already covered by state law enforcement, dilutes already scarce prosecutorial resources and makes the current lack of opportunities for trafficked persons to seek justice even worse.

Lastly, increased criminalization of the sex industry by the federal government will exacerbate the violation of human rights against US citizens and migrants, including those persons in the sex industry due to circumstance for lack of livable economic options and trafficked persons. Mandating the federal government to enforce prostitution offenses will result in more arrests of people who are trafficked – the very people this law intended to protect. Already, state law enforcement, in their efforts to “rescue” trafficked persons in the sex industry, raid brothels that culminate in detaining many trafficked persons who are terrified to speak out against their abusers for fear of retribution and keep silent due to grave mistrust of U.S. law enforcement. Requiring federal law enforcement to build-upon ineffective local raids will only lead to the exacerbation of victims being arrested as criminals instead of being rescued and directed to social services.

### **III. ALLIES IN OPPOSITION TO HOUSE BILL 3887**

The Sex Workers Project stands firm in our opposition of H.R. 3887 with the following allies: Department of Justice, Fraternal Order of Police, National Association of Attorneys General, National District Attorney’s Association, New York Anti-Trafficking Network, Freedom Network and the National Asian Pacific American Women’s Forum.

### **IV. CONCLUDING REMARKS**

In, conclusion, the Sex Workers Project of the Urban Justice Center encourages members of the New York City Council to support Senate Bill 3061 and actively oppose House Bill 3887. Policies and laws, such as H.R. 3887, that are created based on misinformed ideologies that do not reflect the realities on the ground must not be supported. SWP urges the New York City Council to stand against anti-prostitution measures that couch themselves as anti-trafficking. This type of advocacy only serves to harm trafficked persons in the sex industry and in the general labor sectors where a majority of persons are trafficked.

Your support of Senate Bill 3061 of the reauthorization of TVPRA will directly and positively affect trafficked persons in New York City and enable them to access much needed services without scarce resources being re-directed to persons who are not victims of trafficking.

Thank you for offering advocates such as the Sex Workers Project and other members of the NY Anti-Trafficking Network an opportunity to share our expertise and our concerns with you as you consider supporting the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007.