

April 22, 2005

Senator John Cornyn
517 Hart Senate Office Bldg.
Washington, DC 20510

Fax: 202-228-2856

Dear Senator Cornyn:

The undersigned organizations provide services to, and advocate for the rights of, trafficking survivors in the United States and are also members of the Freedom Network (USA), a coalition of 24 non-governmental anti-trafficking organizations. Since enactment of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Freedom Network (USA) members have worked closely with, and provided assistance to, trafficked persons to ensure that they are able to access all of the benefits and services available to them under the VTVPA. Members have extensive experience in a wide variety of trafficking cases in the US and also with the VTVPA.

We applaud your leadership efforts to combat trafficking in persons. We particularly appreciate the 2004 Senate Resolution (S. Res. 414), which calls for states to adopt legislation on trafficking, and points out the need for more federal and local support for prosecuting traffickers. The Freedom Network (USA) welcomed and responded to your call to action by drafting a model state anti-trafficking law for use by state legislators.

We are writing to address certain elements of the proposed legislation, "End Demand for Sex Trafficking Act of 2005." It is important that all efforts to combat trafficking are as effective and successful as possible and, drawing upon our practical experience in working with clients who have been trafficked into the sex sector, we would like to take this opportunity to point out several key areas of concern in the proposed bill.

- **Title of bill should more clearly reflect bill content.** Despite its title, the bill does not address trafficking in persons. Instead, it focuses on state-level prosecutions of persons involved in commercial sex acts, services for people engaged in commercial sex acts and research on commercial sex acts. While some people may be trafficked into the commercial sex sector, many adults work voluntarily and/or legally in the sex sector and so the bill will only impact a very small number of the potential victims of trafficking into the commercial sex sector.
- **Some findings unsupported by research.** Some of the findings assert, as matters of proven fact, a number of statements that, given the state of information on both trafficking and prostitution worldwide, are unsupported or unproven by valid research methods and data. We are deeply concerned that Congress might pass this legislation based on inaccuracies that do not reflect the true experience of trafficked persons in the United States. Legislation that does not appropriately target the problem of human trafficking is potentially damaging to on-going global efforts to prevent trafficking and protect the rights of trafficked persons. The bill's findings have the potential to move policy away from assessing actual factors and evidence towards programs based on presumed associations that have yet to be determined to be correct.

- **Need to increase focus on prevention.** The bill concentrates heavily on prosecutions as a means to reduce the incidence of commercial sex acts. While prosecutions are important and necessary, if the main purpose of the bill is to reduce the number of people who enter into the commercial sex sector and to help people transition out of working in the commercial sex sector (some of whom may also be vulnerable to being trafficked), the bill should target funding on programs and research directed at prevention. Based on our experience working with hundreds of trafficked persons, it is clear that the majority of persons who were vulnerable to being trafficked would not have become victims if they had had alternatives available, such as safe shelter, education, training and social support. Only one-third of the appropriations authorized under the bill are targeted to services and support; two-thirds will go to law enforcement activities. A decrease in the number of people in the unlawful commercial sex sector, including those who are trafficked, can only be achieved with an increase in services to vulnerable groups and victims, and in research on causes and prevention methods.
- **Lack of criteria and flexibility in selecting grantees.** We are concerned about the lack of objective criteria for organizations to be selected as “qualified NGOs”. We would prefer a competitive environment in which NGOs can compete for funding based upon their expertise. Federal agencies are well qualified to manage the competition for funding and so we believe it is unnecessary for Congress to limit the flexibility of expert agencies in selecting funding grantees.
- **Undefined or unclear terminology.** Finally, some of the language and definitions in the bill are undefined, unclear or inconsistent, leading to several confusing or illogical outcomes. For example, the definition of a ‘victim of a commercial sex act’ includes people engaging in lawful commercial sex acts and the term ‘commercial sexual activities’ is used throughout without a definition.

On behalf of our clients, we appreciate your ongoing commitment to the protection of trafficked persons. We look forward to working with you on this important legislation.

Ann Jordan
Global Rights
Washington, DC
202-822-4600
annj@globalrights.org

Christa Stewart
The Door
New York, NY
212-941-9090
christa@door.org

Juhu Thukral
Urban Justice Center
New York, NY
646-602-5690
jthukral@urbanjustice.org

Kathleen Kim
Lawyers’ Committee for Civil Rights
San Francisco, CA
415-543-9444 ext 213
kkim@lccr.com

Alison Boak
International Organization for Adolescents
Brooklyn, NY
718-222-5802
aboak@iofa.org