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THE SEX WORKERS PROJECT WELCOMES INCREASED PROTECTIONS FOR TRAFFICKED PERSONS

NEW YORK CITY (December 12, 2008) – This Wednesday, in the waning days of the 110th Congress, the House and Senate passed the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, a bill which increases protections for people coerced into all forms of labor, including sex work.

“The bill will ensure better protection and assistance for immigrant victims of trafficking into labor and commercial sex, and will facilitate reunification with their families,” said Sapna Patel, a staff attorney at the Sex Workers Project. “It softens some of the burdensome requirements that trafficking victims must meet to obtain immigration status, making it easier for them to stay in the U.S. free from harm if they choose to.”

“We hope that the next Congress will take additional steps to promote and protect the rights of trafficked persons,” added Andrea Ritchie, the Project’s Director. “For instance, victims of trafficking still cannot access benefits and services unless they first prove that they have ‘cooperated with law enforcement’ in the prosecution of their trafficker(s). Subjecting victims to traumatizing encounters with law enforcement under the threat of deportation prioritizes prosecution over the healing, empowerment and security of trafficking survivors, and often places trafficking survivors and their family members at risk of retaliation.”

The Sex Workers Project played a critical role, as part of a broad coalition of feminists, service providers working closely with trafficked persons, and advocates for sex workers, in limiting the inclusion of provisions that would have adversely impacted the human rights of trafficked persons and sex workers alike.

“We are pleased that the Act maintains a definition of human trafficking that extends protection to all victims of human trafficking, including those forced, defrauded, or coerced into domestic work, agricultural, construction, and service sectors, rather than adopting one that focuses exclusively on trafficking into the sex industry,” said Sienna Baskin of the Sex Workers Project.

“We are also relieved that the Act does not create a new federal crime under the Mann Act which would have penalized all ‘inducement’ into sex work, even where there is no force, fraud or coercion.”

Advocates were concerned that such a provision, which was among proposals under consideration, would be enforced against sex workers themselves, many of whom participate in networks of mutual aid to protect their safety and promote their rights. They were equally concerned that it would have further redirected scarce anti-trafficking resources away from human trafficking, ignoring those who are actually coerced and forced into all forms of labor while federal agencies pursued prostitution.

Despite these victories, more remains to be done. For instance, the legislation passed still requires all those who provide services with federal dollars to sign the infamous “Anti-Prostitution Pledge.” Advocates are also concerned the model state anti-prostitution laws the Department of Justice is mandated to develop under the statute will lead to increased violations of the rights of both sex workers and trafficked persons.