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PILOT PROJECT PAVES THE WAY FOR SURVIVORS OF HUMAN TRAFFICKING TO CLEAR THEIR CRIMINAL RECORDS

*Following 2010 Legislation, Appellate Defense Organizations Will
Assist Trafficking Survivors in Bringing Motions to Clear Their
Criminal Records*

NEW YORK— Today a City and court-approved Pilot Project will begin providing free counsel to survivors of human trafficking in order to clear their records of convictions resulting from their trafficking. In coordination with the Courts and approved by the City, NYC Criminal Court judges will be able to appoint appellate public defenders as counsel to victims for the purpose of bringing vacatur motions that will clear their criminal records. The Sex Workers Project at the Urban Justice Center, which conceived the Pilot Project with the Center for Appellate Litigation, will screen and identify eligible individuals. The goal is to bring 60 motions on behalf of survivors of human trafficking across all five boroughs in the first year. Since 2010, the Vacating Convictions for Trafficked Persons law has permitted the motions, but few have been brought before courts due to a lack of resources.

The Sex Workers Project at the Urban Justice Center, a leading authority on service provision, policy, and litigation related to sex workers and survivors of human trafficking, co-authored the Vacating Convictions for Trafficked Persons law, and has been one of few legal service providers to bring motions under the new law. The Sex Workers Project and the Center for Appellate Litigation conceived of a way to have the consortium of public defender organizations that have expertise in post-conviction litigation assist survivors of human trafficking by requesting appointment by the courts. These organizations include Legal Aid Society, Center for Appellate

Litigation, Appellate Advocates, and Office of the Appellate Defender. Legal Aid Society also brings specialized experience to the project in that it's Trafficking Victims Advocacy Project, the first anti-trafficking project to be implemented by a public defender organization, has successfully litigated many of the first trafficking-related vacatur motions and has provided training and technical assistance to a variety of other organizations on this subject.

“Our clients regularly confront the dilemma of having to disclose their criminal history to employers and others, which can be painful, stigmatizing, and serve as a roadblock to employment, immigration, and other life goals. We are very excited to begin this Pilot Project to ensure that many more survivors of trafficking receive the highest quality legal representation and are able to move forward with their lives. Also, although Vacating Laws have been passed in 16 states, survivors outside of New York have even less access to this type of remedy. We hope this Pilot Project can create a national model to ensure wider access to important legal resources,” **said Melissa Broudo, Senior Staff Attorney at the Sex Workers Project.**

When the vacating convictions law was passed in 2010, the state legislature recognized the barriers imposed on survivors of trafficking by criminal records. “Victims of sex trafficking who are forced into prostitution often are saddled with a criminal record,” **said Assembly Member Richard N. Gottfried, the bill's sponsor,** when the bill passed. “Even after they escape from trafficking, that criminal record blocks them from decent jobs and a chance to rebuild their lives.”

Collateral consequences of these convictions can be severe and can include deportation, employment and housing discrimination, among others. Expanding the access to legal redress for survivors of human trafficking is an important step in rectifying the unfairness of criminalizing activities stemming from coercion and abuse, as well as the stigmatization victims suffer long after they escape from their trafficking situations. The criminalization of trafficking victims has been recently recognized as a human rights abuse by the Commission on Human Rights.

Hon. Barry Kamins, Chief of Policy and Planning for New York State Courts said, “The Courts are pleased to be part of this pilot program and remain fully committed to providing meaningful access to the courts. This program is an extension of the broader goals of the Human Trafficking Intervention Courts and will offer survivors the opportunity and ability to overcome their past abuse by eliminating the stigma of a criminal conviction.”

“The Mayor’s Office is proud to provide the funding for these important legal services. This project will give more sex trafficking survivors access to the legal assistance they need to overcome the obstacle of a criminal record resulting from their victimization,” **said Elizabeth Glazer, Director of the Mayor’s Office of Criminal Justice.**

Individuals who believe that they have convictions resulting from having been forced or coerced into sex work or prostitution can get services through the Pilot Project by calling the Sex Workers Project at (646) 602-5617 or emailing swp@urbanjustice.org. The Sex Workers Project serves all individuals with experience in sex work with non-judgmental, harm reduction based social and legal services. All information shared will be kept confidential and under seal in any motion filed.