



Urban Justice Center

123 William Street, 16th floor, New York, NY 10038
Tel: (646) 602-5600 • Fax: (212) 533-4598
www.urbanjustice.org

Board of Directors

Mitchell A. Lowenthal, Esq.
Chairman
Partner
Cleary Gottlieb Steen & Hamilton LLP

Felipe Aransaenz
Managing Director
York Stockbrokers

Michael A. Barasch, Esq.
Partner
Barasch McGarry Salzman & Penson

Pat Budziak
Member
i2 Foundation

Peter Cicchino, Esq.
In Memoriam (1960-2000)

Jonathan Cole, Ph. D.
J.M. Mason Professor of the University
Provost & Dean of Faculties, *Emeritus*
Columbia University

Marc Falcone, Esq.
Partner
Paul, Weiss, Rifkind, Wharton & Garrison LLP

Jeffrey D. Haroldson, Esq.
President
HDG Mansur Capital Group, LLC

Helen Hershkoff, Esq.
Professor
New York University School of Law

Raquiba LaBrie, Esq.
Program Director
Open Society Institute

Stephen Loffredo, Esq.
Professor
CUNY Law School

Christopher J. Meade, Esq.
Partner
WilmerHale

Arnold B. Peinado, III, Esq.
Partner
Milbank, Tweed, Hadley & McCloy LLP

David A. Singleton, Esq.
Executive Director
Ohio Justice and Policy Center

Christopher K. Tahbaz, Esq.
Partner
Debevoise & Plimpton LLP

David Tobis, Ph.D.
Executive Director
Fund for Social Change

Executive Director
Douglas Lasdon, Esq.

Memorandum in Support-----

A7670, Introduced by Assemblymember Gottfried

S4429, Introduced by Senator Duane

AN ACT to enable persons whose convictions for prostitution-related offenses were related to coerced involvement in the sex trades or some other form of trafficking in persons to vacate such convictions.

STATEMENT IN SUPPORT:

Formed in December 2001, shortly after the passage of the federal Trafficking Victims Protection Act of 2000, the Sex Workers Project at the Urban Justice Center (SWP) provides essential legal and social services to victims of trafficking into prostitution. As part of a coalition of anti-trafficking advocates and service providers, SWP played a critical role in policy advocacy surrounding the drafting and passage of New York State's anti-trafficking legislation. In addition to our experience working with hundreds of trafficking clients over the past seven years, we draw on the results of three comprehensive human rights documentation projects conducted by SWP in conjunction with respected scholars in the field to provide unique and critical information and practical recommendations for addressing issues relating to trafficking and sex work at the local, state, federal and international levels.

As advocates for survivors of human trafficking, we urge you to support this bill. Many trafficking victims are forced to engage in criminalized conduct, including prostitution and other commercial sexual exchanges, against their will. Unfortunately, when people are trafficked into prostitution, they are also often arrested and convicted of prostitution-related offenses – without the police or courts recognizing that they need help. If enacted, this legislation would allow people who have been trafficked into sex work to clear their records of criminal convictions arising from coerced involvement in the sex trades.

Our recently released research report, *Kicking Down the Door: The Use of Raids to Fight Trafficking in Persons* (available at <http://www.urbanjustice.org/ujc/publications/sex.html>) summarizes findings from interviews with 46 people with experience of law enforcement actions against indoor sex venues, including service providers who have worked with hundreds of trafficking victims, law enforcement personnel, and 15 immigrant women who have been trafficked.

Trafficked women reported that they were repeatedly arrested, in some cases up to ten times, in police raids on brothels and other sex work venues, convicted of prostitution, and even sentenced to jail without ever being identified as trafficked. The experiences of the trafficking victims we spoke with were corroborated by interviews with service providers who had worked with hundreds of trafficking victims over the years. Service providers reported that law enforcement actions aimed at enforcing anti-prostitution laws more often than not resulted in the arrest, detention, and deportation of trafficking victims.

Unfortunately, even once they are able to leave coercive situations, in addition to the ongoing scars and impacts of trauma resulting from their abuse, trafficking victims who were coerced into prostitution often carry with them the burden of a prostitution conviction, leaving them with significantly fewer options for legal employment, potentially shut out of public housing, vulnerable to eviction from private housing, and at risk of loss of custody of their children. For immigrants, a record of prostitution can be fatal to an application for residency or citizenship.

What victims of trafficking most need is the stability that housing, employment, and legal immigration status provide. They should not suffer ongoing punishment, in the form of the widespread collateral consequences of a prostitution conviction, for acts they committed unwillingly under coercion. This bill would give victims of human trafficking a desperately needed second chance. For these reasons, the Sex Workers Project of the Urban Justice Center respectfully requests your support of this legislation.