

SWANK

Sex Workers' Action New York
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SWOP-NYC

Sex Workers Outreach Project - NYC
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Sex Workers Action New York (SWANK) and the Sex Workers Outreach Project-NYC (SWOP-NYC) is a collective of current and former sex workers and allies, working to offer support, end stigma, fight oppressive laws and advocate for the health, safety and other human rights of sex workers.

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:

As sex worker advocacy and support organizations, SWANK (Sex Workers Action New York) and SWOP-NYC (Sex Workers Outreach Project - New York City) support the rights of sex workers to work safely no matter what form of sex work they are engaged in and to enjoy their civil and human rights. In our efforts to support safety, health and human rights, we are firmly opposed to trafficking in persons, whether the trafficking occurs into forced prostitution, restaurant work, agricultural work or any other sector. Members of our group have experienced abuse and coercion in the context of sex work so we know firsthand the importance of fighting force, fraud, and coercion in the sex industry. We also strongly believe that trafficking is not synonymous with sex work and does not describe the experiences of an enormous number of people working in sex work. However, having noted the distinction between trafficking in persons and sex work, SWOP-NYC and SWANK are resolute that defending well-planned, rights-based actions to improve the lives of trafficked persons is an essential part of our work.

There are an estimated 14,500 to 17,500 people trafficked into the United States each year¹, and many more people made to work within the United States have been subjected to force, fraud, or coercion (the federal standard for trafficking), so any act that affects the rights of these victims has an enormous impact on many peoples' lives. Surviving the trauma of trafficking and forced prostitution is an arduous process, from an emotional as well as economic standpoint. Sadly, there are many obstacles in the path of trafficking victims, such as the abuse and threats received

1 "Between 14,500 and 17,500 women and children are trafficked into the United States each year." Department of Justice, Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons Fiscal Year 2005, May 2006.

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from their captors, and a lack of support or understanding from the law enforcement and criminal justice systems, which often do not recognize trafficking victims in initial interactions.

Often, where trafficked persons have overcome all of these issues, they rarely have a clean slate in order to begin their lives anew. People who have been trafficked into forced prostitution frequently have criminal records for prostitution charges by the time they are able to escape from coercive situations. This places even more barriers in their paths; prostitution convictions hinder individuals from many mainstream avenues of living. With a conviction of prostitution, an individual is denied public housing, may be denied or evicted from private housing, and has a greater challenge in finding a legal job. These charges may also lead to a denial of U.S. citizenship, or the loss of child custody.

Placing additional social difficulties and stigma upon the already challenging and daunting task of reconstructing life after an experience of trafficking is antithetical to a human rights approach. Without the ability to provide for oneself through safe housing and a legal job, a trafficking victim has too small of a chance to survive or flourish in the United States. If adopted, this bill will remove some of the barriers that trafficking victims face by vacating convictions for prostitution that they have received during the time they were trafficked. This in turn will give each victim a better chance at developing a safe and successful life here.

For the safety and well-being of victims of trafficking, we at SWANK and SWOP-NYC strongly urge legislators to support this bill. By doing so, you will be helping to improve the lives of many strong individuals who have faced undue hardship and abuse.