



**The New York City Council
Committee on Immigration and Committee on Civil Rights**

Hearing RE: Resolution calling on the New York State Legislature to pass and the Governor to sign A.2736/S.1379, which would prohibit possession of a condom from being used as evidence of prostitution and certain other offenses.

**Testimony of Lynly Egyes, Esq.
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250 Broadway, 16th FL, New York, NY 10007

Good morning, members of the Committee on Immigration and Committee on Civil Rights.

The Sex Workers Project at the Urban Justice Center very much appreciates the opportunity to offer comment on this proposed resolution. My name is Lynly Egyes and I am an attorney at the Sex Workers Project where I primarily represent victims of trafficking. I'm here today to illustrate to you why this resolution is so important in the fight against in human trafficking and more importantly why this resolution will protect victims of trafficking.

The best way to explain how important this resolution is to victims of trafficking is to tell you about Allison. Allison was brought into the United States by a large trafficking ring. On daily a basis, she was beaten, starved and humiliated by traffickers. In my office, she told me her trafficker gave her only five condoms a day, but she was forced to have sex with up to twenty five people a day. After her five condoms were used, she was forced to have sex without a condom. One of Allison's greatest fears was that she might have contracted a life-threatening disease while being trafficked. Even after her escape, she tells me that she is so scared for the other girls that she left behind - she knows they are being denied access to condoms just as she was. She asked me, "Do you think that I wasn't allowed to have condoms because they are used as evidence?" I didn't know what to tell her but to be honest, I was scared. I know the trafficking

ring that Allison was part of and I know they are still in existence. At that moment I thought to myself, these traffickers know that condoms are being used as evidence and that means more and more victims are going to be denied access to condoms.

My client Sarah met her trafficker here in the United States when she was fifteen years old. For nine years he forced her through physical violence and threats to work in prostitution. She was arrested many times. Sarah told me that she plead guilty every time because her trafficker would beat her more if she had to go back to court or if she was sent to jail. Sarah was lucky in the sense that she escaped her trafficker over ten years ago and while she was being trafficked she had access to condoms. But I wonder what would have happened if Sarah's trafficker knew that condoms could be used as evidence of prostitution and trafficking. Do you think fifteen year old Sarah would have been allowed to carry condoms?

It is because of Allison, Sarah and so many other victims of trafficking that I consider this resolution calling on the New York State Legislature to pass the No Condoms As Evidence bill to be a revolutionary moment in the anti-trafficking movement. This resolution is calling for passage of legislation that is about trying to protect victims while they are being trafficked. It is about saying to them while they are being forced into prostitution we might not be able to reach you now, but at least we are going to arm you with condoms. We are not going to give a trafficker any excuse to deny you condoms because we believe you deserve to be safe and that you should have access to condoms. It is about reaching victims while they are being victimized and providing them with a little bit of safety while they are being forced into prostitution. It would also give them a fighting chance once they are able to escape.

Now, I have heard some say that we need to be able to use condoms as evidence to prosecute traffickers but I challenge that notion. Condoms are not evidence of trafficking. Successful trafficking prosecutions need evidence that a person was subject to coercion and force – often through victim statements. I am often asked by federal law enforcement officers, how can we make a victim feel more safe, how can we make a victim trust us more so that we can help find the people who hurt them. A victim that was denied condoms by their trafficker, contracted an STI, or had a forced abortion because of the lack of access to condoms will be much more traumatized and probably less likely to be able to contribute to an investigation. Now imagine that victim finds out that it is the policy of New York that led to them being denied access to condoms. How cooperative do you think that victim will be?

But if we pass this resolution and legislation, we can send a loud and clear message. The lawmakers and the law enforcers of New York care about the health and safety of sex workers and victims of trafficking. What a powerful statement that makes to victims, and to those who would exploit them.

Allison was given only five condoms a day, and she is only one of many victims but there are still other victims out there being made to risk their lives every day because their traffickers won't allow them access to condoms. I am only here today because I care about trafficking victims, those who are my clients and those who have not yet escaped. I care about victims' safety because I know what happens when they are denied access to condoms. I am asking you to care about them too. Please don't leave victims of trafficking behind.