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Trafficking Victims Protection Reauthorization Act of 2003: Dangerous Restriction of Funding for Harm Reduction and Human Rights Programs

The Trafficking Victims Protection Reauthorization Act of 2003¹ (TVPRA) allows for continued funding to organizations that have assisted countless trafficked persons. However, through its inclusion of language which prohibits use of funds to “promote, support, or advocate the legalization or practice of prostitution,” the law threatens the loss of necessary funding for anti-trafficking advocates who hold a neutral position on prostitution, and who espouse a harm reduction or human rights position on the problems which face sex workers. The language flies in the face of the original Trafficking Victims Protection Act of 2000,² which was originally conceived as a bipartisan effort to combat the evils of human trafficking without ideological divisions.

This language is mirrored in U.S. policies that set forth the standards for distributing federal funding in the international arena, particularly USAID funding for international anti-trafficking programs and international funding for HIV/AIDS programs. Such language exhibits an alarming trend toward limiting the methods available to address the severe problems associated with trafficking in persons, especially for persons who are trafficked into the sex industry.

The proposed language appears to target programs and organizations that subscribe to and practice a harm reduction philosophy. Within the context of the sex industry, harm reduction is a pragmatic and humanistic approach to diminishing the individual and social harms associated with sex work, placing an emphasis on human rights, common sense, and public health. Organizations provide assistance to those who are ready to leave sex work behind, and assist them with finding new opportunities. However, harm reduction advocates recognize that not every person is ready to leave, for a myriad of reasons, including: fear; lack of trust; lack of economic opportunities; and/or substance dependence. For people who are not ready to leave the sex industry, these organizations and programs aim to reduce the harm and danger associated with sex work, including labor exploitation/trafficking, transmission of HIV and other STIs, and violence.

Under the TVPRA, organizations that support a harm reduction or human rights philosophy face the danger of being characterized as supporting, promoting, or advocating the legalization or practice of prostitution, when in fact, they are providing pragmatic and necessary care and information to trafficked persons. This language prevents advocates and service providers from assisting vulnerable and marginalized clients who may not be ready to make a change, but who still desperately need help. There is no guarantee that programs and organizations that practice valid and respected harm reduction methods will not be targeted as inappropriate for funding under this law.

Finally, organizations and programs that serve prostitutes and sex workers who have not been trafficked may advocate the legalization of prostitution as a means of reducing violence against prostitutes, which is often ignored because of both stigma against sex workers, and the unlawful nature of prostitution. These organizations should have the flexibility to serve and advocate on behalf of their target populations while utilizing their know-how to address the problems of trafficking in persons. The proposed language only serves to alienate victims who will only trust organizations whom they feel are not judging them, and will only serve to neglect the real needs of this vulnerable population.

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¹ Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875 (2003).

² Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386 Division A, 114 Stat. 1464 (2000).