

Human Trafficking and Sex Work

Too often, anti-trafficking laws make it impossible for victims and witnesses to report exploitation without risking prosecution. When lawmakers conflate human trafficking with consensual adult sex work, innocent people are arrested and prosecuted, victims face barriers to services, and exploitation proliferates in the black market.

Sex work is when adults choose to offer sexual services in exchange for something of value, usually money. People engage in sex work for numerous reasons. Many feel empowered by their work and participate even when other options are available to them. Others turn to sex work because of poverty, family circumstances, immigration status, drug use, or discrimination.¹

Human trafficking is when an individual or group uses force, fraud, or coercion to compel another into some kind of labor, including commercial sex acts.² Human trafficking is an egregious abuse of human rights and a critical public health issue that causes long-term harm to individuals and communities.³

The majority of individuals involved in the sex trade are consenting adults. Nearly 90% of the federal government's \$24 million "trafficking prevention" budget was used to arrest consensual adult sex workers rather than to detect traffickers or assist victims.⁴ In 2020, prostitution related offenses outnumbered those related to trafficking in the sex trade 38 to 1.⁵

Trafficking victims are routinely arrested and prosecuted as criminals.

- Trafficking victims are often prosecuted for crimes that they were forced to commit. Convictions for these crimes prevent survivors from accessing critical social resources when attempting to recover from being exploited.⁶
- In a 2009 study, trafficking victims reported being arrested an average of seven times during their exploitation. Encounters with the police are often cited as one of the most traumatizing experiences survivors endure.⁷
- Seventy-five percent of victims of sexual labor trafficking are foreign nationals who risk deportation if they are charged with a crime they were forced to commit.⁸

¹"Human Trafficking and Sex Workers Rights," Freedom Network USA, April 2015, <https://freedomnetworkusa.org/app/uploads/2016/12/HT-and-Sex-Workers-Rights.pdf>.

²Any commercial sexual activity involving a minor, even without the use of force, fraud, or coercion, is considered trafficking as underage individuals are unable to consent under law.

³"Sex Trafficking," Centers for Disease Control and Prevention, last modified January 30, 2020, <https://www.cdc.gov/violenceprevention/sexualviolence/trafficking.html>.

⁴Office on Trafficking in Persons, "Budget," U.S. Department of Health and Human Services, last modified February 12, 2020, <https://www.acf.hhs.gov/otip/about/budget>.

⁵FBI's 2020 [Uniform Crime Report](#) (UCR).

⁶"The Use of Raids to Fight Trafficking in Persons," Sex Workers Project, January 9, 2009, 8, <https://sexworkersproject.org/downloads/swp-2009-raids-and-trafficking-exec-summary.pdf>.

⁷"Raids to Fight Trafficking," Sex Workers Project, 5.

⁸"Global Estimates of Modern Slavery: Forced Labour and Forced Marriage," International Labour Office, September 19, 2017, 30, https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf.

The U.S. government has failed to address non-sex-work-related labor trafficking and increased the obstacles faced by foreign nationals in securing victim protections.⁹ Adults and children trapped in abusive working situations are ignored and receive little support or protection.¹⁰ **Arrests of adults engaged in consensual sex work grossly inflate the perceived rate of sex trafficking, denying resources to the vast majority of victims who are trafficked into other industries.**

Eighty percent of trafficking victims worldwide are exploited into service, agriculture, and other labor sectors outside of sex work.¹¹ Yet advocates have noted that when labor trafficking cases are reported to U.S. law enforcement, they often fail to investigate or prosecute. In 2018, only 4% of trafficking prosecutions in the U.S. involved labor trafficking primarily, while 96% of resources were devoted to sex trafficking prosecutions.¹² As previously noted, nearly 90% of those cases are, in reality, cases of consensual adult sex work.

To end human trafficking, we must decriminalize consensual adult sex work.

- People in the sex industry are less likely to report crimes they experience or witness due to fear of arrest.¹³
- Where sex work has been decriminalized, sex workers and trafficking survivors are afforded human rights. Trafficking, exploitation, and violence against women decrease sharply.¹⁴
- New Zealand decriminalized sex work in 2003. The Prostitution Reform Act has successfully empowered people in the sex industry to report violence against them and others. Since sex work was decriminalized, there have been no reports of trafficking among New Zealand citizens within the sex industry.¹⁵
- Amnesty International, Human Rights Watch, UNAIDS, the Global Alliance Against Traffic in Women, the UN Special Rapporteur on the Right to Health, the World Health Organization, and many other human rights groups have come out in support of the decriminalization of consensual sex work in order to address human trafficking worldwide.¹⁶

⁹Office to Monitor and Combat Trafficking in Persons, "Trafficking in Persons Report," U.S. Department of State, June 2020, 514, <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

¹⁰"Sex Work and Trafficking: A Donor-Activist Dialogue on Rights and Funding; Report from the December 2008 Conference," Open Society Foundations, December 11, 2008, 14-15, https://www.opensocietyfoundations.org/uploads/bbc0122d-8c17-4cae-b0ad-338d7d485b7f/dndreport_2009.pdf.

¹¹"Global Estimates of Modern Slavery," International Labour Office, 27.

¹²Office to Monitor and Combat Trafficking in Persons, "Trafficking in Persons Report," 516-17.

¹³"Why Sex Work Should Be Decriminalized: Questions and Answers," Human Rights Watch, August 7, 2019, <https://www.hrw.org/news/2019/08/07/why-sex-work-should-be-decriminalized>.

¹⁴"Why Sex Work Should Be Decriminalized," Human Rights Watch.

¹⁵Fraser Crichton, "Decriminalising Sex Work in New Zealand: Its History and Impact," *openDemocracy*, August 21, 2015, <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/decriminalising-sex-work-in-new-zealand-its-history-and-impact/>. Migrant sex work was not decriminalized in New Zealand and immigrants continue to face exploitation – a policy that must be revisited.

¹⁶"Amnesty International Publishes Policy and Research on Protection of Sex Workers' Rights," Amnesty International, May 26, 2016, <https://www.amnesty.org/en/latest/news/2016/05/amnesty-international-publishes-policy-and-research-on-protection-of-sex-workers-rights/>.