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## Massachusetts Supreme Court Ruling Reinforces Key Distinction Between Sex Work and Human Trafficking

BOSTON, MA (May 6, 2025) – A recent ruling by the Massachusetts Supreme Judicial Court has clarified an important distinction in the state's laws: responding to an advertisement for sexual services does not constitute human trafficking. [The decision in \*Commonwealth v. Garafalo\*](#) reinforces that trafficking laws are intended to target those who coerce, exploit, or manipulate others into commercial sex, not adults who voluntarily choose to engage in it.

This ruling is a crucial step in addressing the long-standing confusion between consensual adult sex work and trafficking. While human trafficking involves force, fraud, or coercion, consensual adult sex work is chosen freely by individuals. This distinction must be recognized to ensure that both trafficking victims and sex workers can receive the protection and justice they deserve.

"The decision is a major step forward in separating fact from fiction," said Ariela Moscovitz, director of communications at Decriminalize Sex Work. "We cannot continue to treat all sex workers as victims or criminals, regardless of their circumstances. Trafficking is a serious crime, and consensual adult sex work is not the same thing. This ruling clarifies the law and brings us closer to a more just and effective approach."

When sex work is criminalized, sex workers are pushed into the shadows, making them more vulnerable to violence, abuse, and exploitation. This harms both voluntary workers and [trafficking victims](#) by discouraging people from coming forward, seeking help, or reporting abuse due to fear of arrest. Decriminalizing consensual adult sex work would allow individuals to work more safely, access healthcare, and report abuse without the fear of legal repercussions.

"We must focus on prosecuting traffickers — those who prey on vulnerable individuals, using force, fraud, or coercion — not those engaged in a consensual transaction," Moscovitz continued. "The law needs to reflect the difference between coercion and choice. This ruling makes that distinction clear, and it's a necessary step for public policy reform."

Advocates are calling on policymakers to follow the lead of the Massachusetts Supreme Judicial Court and address the critical issue of how the law treats sex work. Decriminalization, they argue, will ensure that sex workers are treated like legitimate workers, entitled to the same rights and protections as anyone else in the labor force. Where sex work has been decriminalized, sex workers and trafficking survivors are afforded human rights. Trafficking, exploitation, and violence against women decrease sharply. By separating sex work from trafficking, the law can focus on the real criminals — traffickers — while protecting the safety and rights of consensual adult sex workers.

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### **Decriminalize Sex Work**

*Decriminalize Sex Work is a national organization pursuing a state-by-state strategy to end the prohibition of consensual, adult prostitution in the United States. We work with local organizations, advocates, and lobbyists to build community support and convince legislators to stop prostitution-related arrests. Evidence shows that decriminalizing sex work will help end human trafficking, improve public health, and promote community safety.*

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