MEMORANDUM IN SUPPORT

**A07069 (Hunter)/S6040 (Krueger)**

*Enacts the sex trade survivors justice and equality act*

Covenant House New York (CHNY) has served young people experiencing homelessness in New York City since our formation in 1972. During this past year, CHNY served over 1,600 young people in our residential programs, as well as through our aftercare and outreach efforts. On a nightly basis, we provide shelter to approximately 300 young people, including, LGBTQ youth and pregnant women and mothers with their children as well as survivors of human trafficking/commercial sexual exploitation. Our internal Legal and Advocacy Department, along with our Social Service and Residential programs, directly serve our homeless youth to help them create stable environments with the goal of ensuring that their homelessness will not dictate a future path of powerlessness. Rather, our services, programming and staff motivate and inspire youth to find their place in society and to thrive within it. We are proud to be part of an international federation that serves children and youth experiencing homelessness and trafficking across the Americas.

**The Relationship between Homelessness, Commercial Sex and Human Trafficking by the Numbers**

A significant number of the young people experiencing homelessness served by the Covenant House federation have had experiences that fit both the New York State and US federal definitions of human trafficking/severe forms of human trafficking. In fact, recent studies of our young people across 14 cities by researchers at Fordham University, the University of Pennsylvania’s Field Center for Children’s Policy, Practice and Research, and Loyola University of New Orleans have found that on average between 14 and 19% of our young people have had experiences that fit the federal definition of severe forms of trafficking. Another 9-19%, while not fitting the federal definition of severe forms of human trafficking, have at least one point in their life felt so desperate that they believed they had no choice but to trade sex for something of value.[[1]](#footnote-1)[[2]](#footnote-2)[[3]](#footnote-3) All studies found that our LGBTQ youth were at especially high risk.

**People in the Sex Trade Need Housing/Social Services not Handcuffs**

People in the sex trade are almost always either a survivor of human trafficking or a vulnerable or marginalized person. It is in no one’s best interest to arrest and prosecute people who are simply trying to survive. Instead, people in the sex trade need access to housing, medical and mental health care, case management services, legal services and job training and education. S6040/A7069 would stop the draconian practice of criminalizing individuals in the sex trade and instead offer them social services to enable them to leave the sex trade if they so choose. Additionally, criminal records from time spent in the sex trade make it even more difficult for one to leave the sex trade behind. We are therefore extremely pleased to see that S6040/A7069 allows individuals who have prior convictions as a result of trafficking victimization to vacate or expunge those judgments, thereby enabling them to access employment opportunities that would have previously been denied to them due to their criminal records.

**Maintaining Accountability against Sex Buyers, Pimps, Recruiters and Promoters**

Sex buyers, recruiters and promoters/pimps do not target people with privilege or lay in wait outside of college campuses. Instead, they lure in the most vulnerable among us, including people who have been previously sexually abused, have had experiences with the child welfare system and those who have mental health and substance abuse disorders. Young people who are experiencing homelessness are a primary target of pimps and other exploiters. The young people we work with at CHNY tell us how they pass pimps every single day who tell them that the youth shelters are full, (even when they are not), and ask “Where are you going to go? Why don’t you come with me?” These pimps offer free food, a place to stay, complements and empty affection. Often, they pretend to be romantically interested in the youth and do not let on that they are a pimp.

During the COVID 19 pandemic, there have been exploiters in at least two vehicles, parked near CHNY’s main shelter in mid-town Manhattan, who have tried to lure in our young people, primarily young adults ages 18-20, into commercial sex. In 2013, one pimp was so brazen that he took out an ad in Craigslist specifically targeting Covenant House young people. Fortunately, in all of these cases, CHNY was able to work closely with law enforcement who did their best to keep these exploiters away from our young people. However, if criminal penalties are removed against sex buyers, recruiters and promoters/pimps, there would be nothing that law enforcement could do when a pimp sets up shop across the street from any of our seven NYC shelters trying to recruit every youth who walks by. In fact, it would be perfectly legal for them to pass out brochures and locate a recruitment center right across from our shelters. CHNY therefore wholeheartedly endorses S6040/A7069 because it decriminalizes the vulnerable but maintains accountability against those who use their privilege to exploit others for their own personal or financial satisfaction.

**Difficulty of Separating Consensual and non-Consensual Commercial Sex**

Those who oppose S6040/A7069 because it maintains current criminal penalties against sex buyers, recruiters, promoters and pimps seem to believe it is possible to draw a distinct line between consensual commercial sex and sex trafficking under New York law (commercial sex while underage and/or obtained through force fraud or coercion.) They frequently claim that “sex work is work” like any other.

In our years working with young people who have experienced homelessness and human trafficking, we have found that that line between trafficking and consensual commercial sex is extremely fluid and almost impossible to draw. CHNY’s dedicated mental health and anti-trafficking teams have seen few differences in the mental health needs of those who are survivors of sex trafficking and those who self-identify as consensual “sex workers.” The PTSD, (with all of its nightmares, insomnia and flashbacks,) anxiety, depression and low self-esteem seem to not differentiate between those who have engaged in commercial sex without a third-party exploiter and those have been trafficked. Many of the survivors of the sex trade we have served have told us that they needed to dissociate, whether with substances or psychologically, to get through the day. We have also seen how young people in both groups begin to feel that there is nothing that they are good for other than commercial sex and have trouble envisioning themselves in a healthy, non-exploitive romantic/sexual relationship. Additionally, a large number of the young people we work with who have engaged in the sex trade report being sexually abused as children prior to their entry into the sex trade. All of this experience makes us question, if sex work is indeed work like any other.

Occasionally some of our young people will tell us while they are in the midst of ‘the life’ of prostitution/commercial sex that it is their choice and that they are engaging in commercial sex willingly. However, frequently that same young person will later came back to our offices stating that they are a victim of exploitation. Many times, this was because the young person initially engaged in commercial sex due to pressure from a boyfriend/girlfriend or family member. Only later did they understand that their “loved one” was exploiting them for profit.

Finally, many of the young adults we serve, between the ages of 18-20, who tell us that they are engaging in commercial sex of their own choice, entered the sex trade as children who were trafficked. By their 18th birthday, the sex trade is all they know and all they believe they can do to survive. It is nonsensical to us how a child who was a victim of sex trafficking can suddenly turn into a consenting adult in the sex trade on their 18th birthday.

**The full decriminalization of prostitution will create more buyers and increase exploitation**

Removing criminal consequences for sex buyers will undoubtedly lead to an increase in the buying of sex with a corresponding massive increase in the money to be made by pimps/promoters and other exploiters. This is a primary reason why pimps/promoters and their supporters, and anyone else who will profit from the sale of sex, oppose any legislation like S6040/A7069 which maintains current penalties against sex buyers and promoters. It is sadly simple: the more buyers that exist, the more profits and incentive for pimps to lure vulnerable young people like those we serve at CHNY into the sex trade.

CHNY applauds S6040/A7069 as legislation that will ensure that survivors of trafficking and the sex trade receive the services they need instead of the stigma that current law casts on them through its criminalization of those in the sex trade. Yet, at the same time S6040/A7069 will ensure that those who victimize the most vulnerable among us continue to be held accountable.

1. L.T. Murphy, R. Taylor, C.L. Bolden **Trafficking and exploitative labor among homeless youth in New Orleans** Modern Slavery Research Project and Covenant House (2015) [↑](#footnote-ref-1)
2. 2. Bigelsen, S. Vuotto **Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York** Covenant House (2013) Available at :<https://humantraffickinghotline.org/sites/default/files/Homelessness%2C%20Survival%20Sex%2C%20and%20Human%20Trafficking%20-%20Covenant%20House%20NY.pdf> [↑](#footnote-ref-2)
3. Greeson JKP, Treglia D, Wolfe DS, Wasch S, Gelles RJ. Child welfare characteristics in a simple of youth involved in commercial sex: an exploratory study. Child Abuse & Neglect. 2019;94(1):1-11. Available at: <https://doi.org/10.1016/j.chiabu.2019.104038> [↑](#footnote-ref-3)