

September 17, 2021

Sen. Bob Menendez, Chair Senate Committee on Foreign Relations 423 Dirksen Senate Office Building Washington, DC 20515	Rep. Gregory Meeks, Chair House Foreign Relations Committee 2170 Rayburn House Office Building Washington, DC 20515
Sen. James Risch, Ranking Member Senate Committee on Foreign Relations	Rep. Michael McCaul, Ranking Member House Foreign Relations Committee

Dear Chairmen Menendez and Meeks, and Ranking Members Risch and McCaul:

We write to express deep concern about terminology used by the U.S. State Department’s Trafficking in Persons Office (J/TIP Office), language that supports the legalization and decriminalization of the sex trade—against US policy. Because your committee oversees the State Department, we believe this matter deserves your immediate attention.

Collectively, we the undersigned are frontline service providers, survivors of human trafficking and the sex trade, women’s rights and human rights advocates, children’s rights advocates, faith-based groups, members of the LGBTQ community and feminists, all leaders in the movement to end human trafficking and exploitation. Most of us have collaborated with your respective offices for decades in our shared vision to prevent, suppress, and prosecute trafficking in persons and support survivors in the difficult journey to rebuild their lives.

On July 1, 2021, at the virtual launch of the 2021 Trafficking in Persons Report (TIP Report), Secretary of State Antony Blinken offered remarks, with the strong promise that the United States will continue to lead in creating a world in which every human being can live in safety and dignity without trafficking and related exploitation. In Secretary Blinken’s otherwise welcome address, when discussing trafficking victims, he stated that “many are compelled into commercial sex work.”ⁱ

The term “sex work” is a euphemism for the sex trade and the system of prostitution. It is not defined under federal, state, or international laws, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, which the U.S. has ratified.

Coined in the 1970s by a movement with financial and political interests in promoting the sex trade, the term “sex work” is designed to mainstream and normalize the harms of prostitution and erase its inextricable links to trafficking for purposes of sexual exploitation.ⁱⁱ The term is used to advance the theory that prostitutionⁱⁱⁱ is a job like any other, and a call for laws that legalize and decriminalize the sex trade,^{iv} including acts of pimping, brothel owning, sex buying, and “sex tourism.”

Studies show that in jurisdictions where the sex trade is legalized or decriminalized, a higher incidence of sex trafficking occurs.^v Basic economics explain this phenomenon: if a government sanctions the demand for commercial sex acts (patronizing), traffickers^{vi} and other exploiters will meet that demand by recruiting and abusing our most vulnerable populations—especially poor

and disenfranchised women, girls, and transgender and gender non-conforming youth—for commercial sexual exploitation.

The phrase “sex work” also has a detrimental effect on public understanding of the complex mechanics of human trafficking for purposes of sexual exploitation. It lays the groundwork for the perpetuation of harmful cultural attitudes that view the commodification of human beings, primarily of women of color, and the purchase of commercial sexual acts, as acceptable and benign.

As survivors have repeatedly made clear, prostitution and commercial sex acts are neither sex, nor work, but the causes and consequences of an exploitive system based on gender-based violence, discrimination, and socio-economic inequalities related to sex, gender, race, ethnicity, and poverty.^{vii} As Secretary Blinken stated in his remarks, “enduring discriminatory policies and practices have a disproportionate effect on individuals already oppressed by other injustices. These challenges further compound existing vulnerabilities to exploitation.”^{viii}

The U.S. Government is clear in its opposition to prostitution, including pimping, pandering, or maintaining commercial sex establishments, stating that “it should not be regulated as a legitimate form of work for any human being.”^{ix} The National Security Presidential Directive 22 (NSPD 22) further states, “Prostitution and related activities, which are inherently harmful and dehumanizing, contribute to the phenomenon of trafficking in persons, as does sex tourism.”^x

A significant number of this letter’s signatories are survivors of sex trafficking and the sex trade, which the 2021 TIP Report duly salutes. These survivors testify to the unspeakable violence, suffering, and degradation they have endured, especially at the hands of the men who purchased them for sexual acts. **Each of the undersigned and our allies reject the term “sex work,” as an inaccurate portrayal of the crimes and sexual violence perpetuated with impunity and for the profit of the multi-billion-dollar global sex trade.**^{xi} The term “sex work” is far more than an objectionable description of the sex trade; it is a misstatement of fact. Sexual abuse, even when paid for, is not labor.

While we commend the J/TIP office for its comprehensive 2021 TIP Report and its outstanding achievements despite the immense challenges presented during the COVID-19 pandemic, we are shocked by the inclusion of the term “sex work” in the TIP Report to describe the sexual exploitation that trafficking victims have experienced. In particular, in the section highlighting Bangladesh, it says: “Other women reported they had grown up in brothels because their mothers were engaged in commercial sex, and brothel owners forced them into *sex work when they were children.*” (*emphasis added*) (p.109). Under both U.S. federal and international law, any person under the age of 18 in the sex trade is by definition a sex trafficked child.^{xii}

Neither the State Department nor the J/TIP office must promote, support, or endorse the legalization and decriminalization of the sex trade or characterize sex trafficked children as “sex workers.” Doing so undermines the intent and scope of federal and international laws and conventions, U.S. Government policies, and human rights principles.

We hope you will join us in urging the Secretary of State, State Department, and J/TIP office to ensure that the term “sex work” is never again used in oral and written statements, reports, and other official documentation.

207 Advocates and Organizations including 77 Survivor Leaders from all 50 states + DC:

SURVIVOR LEADERS:

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Traffick Refuge
MT

Joyclyn Bell, Survivor Leader & Founding Member
Northwest Survivors Alliance
OR

Nicole Bell, Survivor Leader & CEO
Living in Freedom Together (LIFT)
MA

Rebecca Bender, Founder & CEO
Elevate Academy
TX

Alisa Bernard, Survivor Leader & Director of Public Policy and Advocacy
Thistle Farms
DC

Tammy Bitanga, Advocate/Survivor
Ho’ola Na Pua
HI

Lucy Bloom, Survivor & Executive Director
Veronica’s Voice
KS

Kathy Bryan, Survivor Leader and Consultant
AR

Tiffany Buell, Survivor Leader
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Autumn Burris, Founder & Director
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Christine Cesa, Survivor Leader
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Angela Conn, Survivor Leader & Director
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Cheri Crider, Survivor Leader
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In Our Backyard
OR

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Lori-Anne DePasquale, Survivor Leader
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Christine Desjardins, Survivor Leader
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Nikki Doyle, Survivor Leader
MA

Penelope Duncan, Survivor Leader
Meet Me at the Well & Restoration Now
DE

Gina Dvorak, Survivor Leader
Treasured Lives
SD

Cristian Eduardo, Sex and Labor Trafficking Survivor
NY

Amy Engle, Survivor Leader
AZ

Esperanza Fonseca, Survivor Leader
CA

Amanda Forest, Survivor Leader & Founder
H.E.R. Ocean
ID

Terry Forliti, Survivor Leader & Executive Director
Breaking Free
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Kaylee Fratt, Survivor Leader
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Les Glauner, Survivor Leader
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Trisha Grant, Survivor Leader
If Only 1, Founder
Amirah, Community Engagement Manager
ME & CT

Jaclyn Greer, Survivor Leader
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Jessica Halling, Survivor Leader
I am Jessica Kay
NV

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Ursel Hughes, Survivor Leader
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Bishop Donna Hubbard, Survivor Leader & Founder
Women At the Well Transition Center
GA

Miranda Kwon, Survivor Leader
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Erin Lacombe, Survivor Leader
CT

Bennett Langston, Survivor Leader
The Underground
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**Purple Hearts Missions Possible &
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Sylvia Cabrera, National Organizing
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Olivia Canlas, National Education Director
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Laurie Swink, Co-Founder
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Congresswoman Linda Smith (1995-1999),
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Crystal Perry, Human Trafficking Advocacy Coordinator
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Sharon Stevens, Education Coordinator
Zoe Ministries
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ⁱ U.S. Department of State Secretary Antony J. Blinken at the 2021 Trafficking in Persons Report Launch Ceremony, <https://www.state.gov/secretary-antony-j-blinken-at-the-2021-trafficking-in-persons-report-launch-ceremony/>

ⁱⁱ COYOTE (Call Off Your Old and Tired Ethics) reportedly first coined the term “sex work.” Margo St. James, the founder of COYOTE, was arrested and convicted of running a brothel. Lachapelle, Lily; Schneider, Clare; Shapiro,

Melanie; and Hughes, Donna M. (2019) "Does the Decriminalization of Prostitution Reduce Rape and Sexually Transmitted Disease? A Review of Cunningham and Shah Findings," *Dignity: A Journal on Sexual Exploitation and Violence*: Vol. 4: Iss. 3, Article 6. DOI: 10.23860/dignity.2019.04.03.06, "Margo St. James was arrested and convicted in San Francisco in 1962 for "soliciting and keeping a disorderly house in November 1962" by her own admission (Beatty, 1996,

p.9).<https://digitalcommons.uri.edu/dignity/vol4/iss3/6><https://digitalcommons.uri.edu/dignity/vol4/iss3/6and>; Miller, Heather Lee. "COYOTE". *Encyclopedia Britannica*, 8 Jan. 2019, <https://www.britannica.com/topic/COYOTE-organization>.

ⁱⁱⁱ Prostitution and commercial sex establishments, online and offline, include, but are not limited to, street prostitution, video-camming, dominatrix activities, escort services, brothels, illicit "massage parlors," pornography, strip clubs, "sugar dating," sex tourism operators, "hobby boards" (sex buyers' online platforms). See "Trafficking, Prostitution, and Inequality," Catharine A. MacKinnon, *Harvard Civil Rights-Civil Liberties Law Review*, Vol. 46, 2009, 2010, 2011, <https://harvardcrcl.org/wp-content/uploads/sites/10/2011/08/MacKinnon.pdf>; Mathieson, Ane; Branam, Easton; and Noble, Anya (2016) "Prostitution Policy: Legalization, Decriminalization and the Nordic Model," *Seattle Journal for Social Justice*: Vol. 14 : Iss. 2, Article 10, Available at: <https://digitalcommons.law.seattleu.edu/sjsj/vol14/iss2/10>

^{iv} The legal frameworks of legalization and decriminalization are highly similar in intent and impact. See "Germany and New Zealand: A Comparison of Prostitution Laws, 2002-2017, Coalition Against Trafficking in Women, 2021, <https://catwinternational.org/wp-content/uploads/2021/06/Germany-New-Zealand-A-Comparison-in-Prostitution-Law-FINAL.pdf>

^v Cho, Seo-Young and Dreher, Axel and Neumayer, Eric, Does Legalized Prostitution Increase Human Trafficking? (January 16, 2012). *World Development*, 41 (1), 2013, pp. 67-82, Available at SSRN: <https://ssrn.com/abstract=1986065> or <http://dx.doi.org/10.2139/ssrn.1986065>

^{vi} The Trafficking Victims Protection Act defines sex trafficking as "the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act." ^{vi} *Trafficking Victims Protection Act of 2000, Div. A of Pub. L. No. 106-386, § 108, as amended.*

^{vii} Racial & Gender Disparities in the Sex Trade Rights4Girls, <https://rights4girls.org/wp-content/uploads/2019/05/Racial-Disparties-FactSheet- Jan-2021.pdf>

^{viii} <https://ctip.defense.gov/Portals/12/Documents/NSPD-22.pdf>

^{ix} www.combat-trafficking.army.mil/documents/policy/NSPD-22.pdf;

^x Trafficking in Persons National Security Presidential Directive, December 16, 2002, <https://fas.org/irp/offdocs/nspd/trafpers.html>

^{xi} For example, one of the survivors featured in the 2021 TIP Report, once said: "There is no such thing as 'sex work.' It is really damaging to a survivor and all survivors worldwide to use this terminology. You are implying that there is something about it that is regular work. If you keep the harms of prostitution right up front what you come out with is that it's not a job. 'Sex work' has nothing to do with work. It has everything to do with harm." Autumn Burris, Founder and CEO of Survivors for Solutions.

^{xii} At an unknown date in recent weeks, this passage was edited in the online version of the 2021 TIP Report. However, the new language continues to normalize and sanitize prostitution.