

# FREEDOM NETWORK <sup>USA</sup>

## TO EMPOWER TRAFFICKED AND ENSLAVED PERSONS

June 9, 2014

To: Rhode Island House of Representatives  
RE: SB 14-S 2602/ HB 14-H 7612

Dear Representative;

**The Freedom Network (USA)**, which was established in 2001, is a coalition of 40 non-governmental organizations and individual experts that provide services to, and advocate for the rights of, trafficking survivors across the United States. Since the enactment of the Trafficking Victims Protection Act of 2000 (TVPA), Freedom Network (USA) members have worked closely with trafficked people to ensure that they receive necessary services guaranteed under the TVPA and have also been engaged in ensuring effective implementation of the law. The Freedom Network, through its members, has served a large percentage of individuals certified by the Department of Health and Human Services (HHS) as victims of a severe form of trafficking in persons. Freedom Network members also have also successfully advocated for justice on behalf of trafficking survivors through immigration relief, civil litigation, and other forms of legal relief. We are recognized experts on the scourge of human trafficking and for 13 years have held annual national conferences for service providers, policy advocates, government officials, and law enforcement to share resources and information and to collectively formulate strategies to combat human trafficking. The Freedom Network has adopted a rights-based framework, which our members apply to their anti-trafficking services, outreach, collaborations, and trainings. As such, the Freedom Network is uniquely positioned to speak to the real-life impact of policy approaches to human trafficking throughout the United States.

As a network of direct service providers and experts on human trafficking, we wish to voice our adamant objections to S-2602 and H-7612, legislation sponsored by the Attorney General that would deeply undermine the state's anti-trafficking law.

As written, this legislation equates every instance of adult prostitution to a form of modern-day slavery, whether these individuals are free to leave or not. This is a radical departure from federal and international laws and norms. The Trafficking Victims Protection Act of 2000 and every subsequent reauthorization define a severe form of trafficking to include only commercial sex acts where the victim is under the age of 18 or that the elements of force, fraud, or coercion is present.<sup>1</sup> The United Nations' definition of human trafficking also requires that "threat", "force" or "other forms of coercion" be present.<sup>2</sup> Human trafficking is about individuals who are forced into exploitative labor, debt bondage, and peonage, offending our historic prohibition against slavery.

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<sup>1</sup>18 U.S.C. § 1591.

<sup>2</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Article 3, paragraph (a).

Changing the definition of human trafficking to include all prostitution would have extremely harmful consequences. It would shift focus and scarce resources from prosecution of real human trafficking. Even more disturbingly, this new definition of human trafficking casts a wide net over actions that sex workers and survivors do to increase their safety, or ensure their survival. Homeless youth who engage in sex work to survive in peer networks that share resources or safety tips; a trusted friend who transports a sex worker and watches out for her safety; the child, spouse, parent or grandparent of a sex worker who makes use of some of her proceeds – all of these individuals; under this legislation, would be subject to the same criminal penalties as a person who force women into prostitution by beating and raping them, threatening them or their loved ones, by confiscating their passports, or by locking them in rooms. Sex workers themselves who help “transport” or “harbor” other sex workers would be “human traffickers” as well under this bill, and would face twenty years in prison for their “crime.”

We understand that the Attorney General rejected a simple amendment that would have addressed any possible ambiguity in the trafficking law that supposedly prompted this bill, while preserving the critical distinction between prostitution offenses and trafficking crimes. Without this amendment, we strongly urge rejection of this bill by the House of Representatives.

As service providers that witnesses the toll modern day slavery takes on its victims and their families each day and for years to come – even after they have escaped from the abuse—we urge you to ensure that the definition of human trafficking focuses on prosecution of the perpetrators of forced labor and sexual exploitation, preventing such acts from occurring, and protecting all victims of modern day slavery. As written, S-2602 and H-7612 trivialize the slavery and exploitation, while placing all women and men involved in the sex trade – as well as others who assist them – at serious risk.

Thank you for your consideration of these comments. Please contact the Freedom Network at [info@freedomnetworkusa.org](mailto:info@freedomnetworkusa.org) or (646) 504-9602 if you have any questions. See a full list of members of the Freedom Network at [www.freedomnetworkusa.org](http://www.freedomnetworkusa.org).

Sincerely,

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