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WE WILL CONTINUE TO BROADEN THE NARRATIVE: A STATEMENT IN RESPONSE TO THE FINAL REPORT OF THE UN SPECIAL RAPPORTEUR ON TRAFFICKING IN PERSONS VISIT TO THE US

Last December Maria Grazia Giammarinaro, the UN Special Rapporteur on Trafficking in Persons especially women and children, conducted an official country visit to the United States. [US Human Rights Network](#) (USHRN) staff, members, and partners participated in the visit with an intention of broadening the narrative on human rights and anti-trafficking to stop the conflation of sex work and trafficking, reject criminalization as an anti-trafficking strategy, and to center solutions rooted human rights for all workers and survivors of all forms of trafficking.

As Ms. Giammarinaro writes in [her final report](#) on the US visit that she presents to the UN Human Rights Council during its 35th session today: *"The absence of "vacatur" and "safe harbour" laws in some states as well as the criminalisation of prostitution also contribute to vulnerabilities to human trafficking. Economic inequalities and social exclusion, discrimination and insufficient labour protections create a favourable environment for traffickers in the country....On that basis, the Special Rapporteur makes a number of recommendations to the Government, aimed at addressing remaining gaps on prevention, prosecution and victim protection, including: addressing root causes such as poverty and economic inequalities, gender and minorities discrimination, inadequate labour protections and restrictive immigration policies."*

[The US Human Rights Network](#) celebrates that the report pays attention to other forms of trafficking than trafficking into sex work and acknowledges the disparity of attention given, raises criminalization as an issue, and makes clear that the rights of migrants and all workers must be ensured.

Monica Jones, founder of [The Outlaw Project](#) and USHRN member said, *"I hope this report will be a way to have dialogue about sex work in a way that does not conflate sex work with human trafficking. It's very important that we move towards decriminalization of sex work so the mass incarceration of individuals engaging in sex work will end, especially for cis and trans women of color communities who face a high level of incarceration. We can look to New South Wales, Australia as an example where where sex work is decriminalized and has programs that are designed to help migrant, trans, HIV-positive and indigenous sex workers."*

Sienna Baskin, Director of the Anti-Trafficking Fund at [NEO Philanthropy](#) said, *"This report highlights many of the most salient and urgent issues in the fight against human trafficking in the US. We should be rightly proud of progress made, but too many workers are still vulnerable to the worst forms of exploitation. From the flawed temporary work visa system, to the exclusion of domestic and farm workers from labor protections, to the criminalization of sex workers, our laws and government practices are often the problem rather than the solution."*

Juhu Thukral of the [NY Anti-Trafficking Network](#) and a partner with USHRN said, *"The NY Anti-Trafficking Network applauds the Special Rapporteur for recognizing that 'criminalisation of prostitution also*

contribute(s) to vulnerabilities to human trafficking' and recognizes the need for vacatur of criminal convictions. Arrest is never an appropriate way to try to help someone who may be a trafficking survivor, as it only further drives them into vulnerable situations, creates trauma and chaos in a person's life, and adds an additional layer of complex legal consequences to their already complicated and difficult situation."

USHRN shares the Special Rapporteur's concerns about migrant workers with H2A visas being denied labor protections and the denial of bargaining rights and labor protections for public sector employees, agricultural workers and domestic workers under the National Labor Relations Act. We also agree with her recommendation that the national framework to address trafficking in persons must ensure the human rights of all workers to fair employment.

Jean Bruggeman, Executive Director of [Freedom Network USA](#) and USHRN partner said, *"As identified by the Special Rapporteur, it is the lack of adequate worker protections that allow labor trafficking to flourish in a range of industries from agriculture to home health care in the US. We applaud the recommendations to strengthen labor laws and protections for migrants as necessary actions to prevent human trafficking."*

While there is room for improvement in the report, specifically concerning sex workers' rights (for example: using "trafficking into sex work" in place of "sex trafficking, calling for the full decriminalization of sex work, and ending the arrests of people profiled as sex workers, too) USHRN sees the report as a positive development, raising the standards for US anti-trafficking work to align with human rights.

"The Best Practices Policy Project welcomes the Special Rapporteur's acknowledgement that the criminalization of prostitution is problematic and is extremely pleased that the issue is raised alongside statements on the impact of restrictive immigration policies and violations of migrant and worker rights. However, the report falls far short of being the needed response to the violation of sex workers' rights under the guise of ending trafficking: much of which happens under efforts to 'end demand' and the so-called Swedish model," said Penelope Saunders, coordinator of [Best Practices Policy Project](#), a member organization of USHRN.

Janet Duran of the [New Jersey Red Umbrella Alliance](#) and a member of the USHRN International Mechanisms Coordinating Committee said, *"Our presence at these hearings is an important first step in the right direction for the recognition of sex workers' rights abuses, a recognition that sex workers should be afforded the same rights and protections as all other vulnerable populations. Although we are disheartened to see they came in favor of the Swedish model -- because without full decriminalization we will continue to be left vulnerable to human rights abuses -- we were pleased to see that the Special Rapporteur recognized that the US focuses its initiatives on trafficking into sex work when it's clear that most occurs in labor & agriculture. That disparity in focus only leads to the fact that we are truly most in danger in the hands of law enforcement and anti-trafficking groups, who often conflate trafficking with sex work."*

"This is what becomes possible through the US Human Rights Network staff, members, and partners connect across movement sectors and center a human rights approach," said Colette Pichon Battle, Esq., Executive Director of the [US Human Rights Network](#). *"We are able to broaden the narrative of the issue at hand while working to uplift the leadership and voices of directly impacted people. We must ensure that every worker - in every industry - has the right to live free from labor exploitation and with all of their human rights respected."*

USHRN is thankful for the leadership and participation of civil society leaders in the movements for sex worker, domestic worker, restaurant worker, and farmworker rights as well as human rights centered anti-trafficking leaders in the cities that the Special Rapporteur visited.

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ABOUT THE US HUMAN RIGHTS NETWORK

The US Human Rights Network (USHRN) is a national network of organizations and individuals working to strengthen a human rights movement and culture within the United States led by the people most directly impacted by human rights violations. It is a network of over 300 organizational members that is working to popularize human rights in communities across the United States in order to secure dignity and justice for all. www.ushrnetwork.org