

TRAFFICKING PREVENTION BY THE U.S. GOVERNMENT

Submission to the United Nations Universal Periodic Review of the
United States of America, Fourth Cycle, November 2025,
Fiftieth Session of the UPR, Human Rights Council

Submitted on April 7, 2025, by:

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Decriminalize Sex Work California

The Disabled Sex Workers Coalition, founded in 2020, is a coalition of disabled people with experience trading sex through choice, circumstance, or coercion. Within each of our capacities, we provide each other with mutual aid and solidarity, while always working toward our core ethic of intentional nonproductivity and the devalorization of capitalist labor, especially as a source of identity.

Cornell Law School's Gender Justice Clinic is a law school course and public interest law firm founded in 2014, in which students work under faculty supervision on cases and projects that contribute to local, national, global, and transnational efforts to address gender-based violence and discrimination.

The Free Speech Coalition is the non-partisan nonprofit trade association for the adult industry, founded in 1991. Our mission is to protect the rights and freedoms of the adult industry. Our vision is of a world in which body sovereignty is recognized, sexual expression is destigmatized, and sex work is decriminalized.

Decriminalize Sex Work California (DecrimSexWorkCA) is a coalition of current and former sex workers, organizers, and allies who use political education, advocacy, and community outreach to promote the human rights, health, safety, and well-being of people in the sex trade.

I. Introduction

1. We are a group of sex workers, sex trafficking survivors, and sex working survivors, writing with the support of law students and faculty in Cornell Law School's Gender Justice Clinic. Although the Clinic is serving as the main submitting organization for this report, the submission was primarily and collaboratively authored by members of the other three submitting coalitions, all people whose human rights are significantly impacted by United States' anti-trafficking policies.¹ Our experience as people who have been trafficked—or are at a heightened risk of being trafficked due to our survival through criminalized labor—demonstrates that the United States not only fails to engage in real trafficking prevention, but also violates our human rights through its misguided anti-trafficking practices and policies. The United States surveils, arrests, and detains trafficking survivors, people profiled as sex workers, and actual sex workers, despite its acknowledgement in law and policy that people in the sex trades are vulnerable to trafficking. The U.S. government funds and conducts traumatizing raids on our workplaces and profiling based on our race, ethnicity, citizenship status, clothing, economic class, gender, and location. Our government also encourages and incentivizes discrimination against us, limiting our access to banking, financial services, higher education, public services and benefits programs, migration and domestic movement, and public accommodations.
2. The United States has a responsibility to acknowledge that policing, which primarily happens after we've already been harmed, is not prevention, and that mitigating vulnerabilities is actual, evidence-based prevention. The United States must recognize that its aggressive criminalization of our communities and families and its failure to provide sufficient social security, especially in cases of disability and chronic poverty, only make us more vulnerable to trafficking and exploitation. The United States must take the necessary, proactive steps toward trafficking prevention: most urgently, it must 1) fully decriminalize all forms of sex work including the removal of laws criminalizing our landlords, criminalizing our romantic partners, and diminishing our parental rights, and 2) create a robust social safety net that ensures our access to survival resources such as food, clean water, clothing, and shelter.

II. The United States Should Decriminalize All Forms of Sex Work.

A. Sex Work Criminalization Impedes Trafficking Prevention and Discriminates Against Sex Workers.

3. One of the most significant barriers to trafficking prevention is the ongoing criminalization of sex work.² Such criminalization occurs through anti-"prostitution" laws as well as through laws against loitering, "stop-and-frisk" police actions, and the

closure of physical spaces where sex workers work indoors. It also occurs through FBI closures of websites such as Backpage that allowed low-income workers to advertise for free and reduce their risk of harm by initiating contact with clients online through an internet-mediated “interview” format rather than negotiating with them face-to-face and in rushed secrecy outdoors or in a club. We are further profiled, arrested, and detained on the basis of where we live (i.e. poor neighborhoods face increased policing and government surveillance as to neighborhoods that are primarily non-white), on the basis of mental health status (several of us have been detained by police and sent to locked psychiatric wards in part due to our trading sex), and on the basis of our race, class, gender, or sexual orientation.

4. Because we are criminalized, sex workers are profiled and discriminated against by public accommodations such as bars, restaurants, and banks; in non-sex work forms of employment; when trying to work collectively or advocate for ourselves in state and federal legislatures; in higher education; in housing applications; and even in trying to access the public services, healthcare, food stamps, and other public aid that might enable us to move from survival work toward higher-paying forms of employment.³ We are left feeling discarded, with no safe options when denied access to housing, education, employment, health care, and any number of other services. Because the work is categorized as criminal activity, sex workers are significantly less likely to report incidents of violence and abuse.⁴ Non-citizen sex workers are placed at risk of being deported, especially during the current Trump administration.⁵ Sex workers with children are in danger of losing custody.⁶ Each of these risks are direct consequences of placing criminal penalties on the livelihoods of sex workers. Another often-overlooked barrier to preventing trafficking is when sex workers’ personal banking and other financial accounts are shut down due to our being profiled as criminals, which occurs regardless of whether our work is actually criminalized. For example, a number of the authors of this report have had accounts shut down when they were doing work in adult film or other legalized forms of sex work. One of this report’s authors had their access to an online payment app denied when they were raising funds to support their political work organizing a bus of sex workers to attend the Women’s March in Washington, DC in January 2017. When our financial accounts are shut down and we have no access to our own funds, we then become increasingly vulnerable to harm, coercion and manipulation from third parties. This could be an abusive spouse or partner or an outside party that forces cooperation through threats of financial harm.
5. Partial decriminalization yields the same results.⁷ Under common partial decriminalization models, paying for sex and managing or organizing sex workers would remain illegal, but sex workers could not be prosecuted for selling sex.⁸ In theory, this would result in protections for vulnerable sex workers and penalties for those who benefit from “exploiting” sex workers. However, in practice, partial decriminalization models

such as these can have disastrous consequences for sex workers.⁹ In a comprehensive study, the ACLU found that sex workers are at a heightened risk of violence when any component of sex work is criminalized.¹⁰ Partial decriminalization of sex work limits sex workers' ability to negotiate their working conditions.¹¹ This model also results in an inevitable increased level of interaction with police, as opposed to a full decriminalization model. Sex workers, particularly those who are black and transgender, are at an increased risk of experiencing violence during police interactions.¹² One study in Baltimore, Maryland found that 78% of surveyed sex workers had experienced "at least one abusive encounter with police."¹³ Whether fully or partially criminalized, increasing police interactions and forcing sex work into the shadows can only result in more violence and harm towards sex workers.

6. Criminalization and its accompanying stigmas also make the voluntary transition out of sex work extremely difficult. Past convictions place limits on many trafficking survivors gaining employment in the formal economy. Because there are no federal protections for sex workers in employment, employers can legally fire someone for being a sex worker or trafficking survivor under federal law. Losing a job this way means that we are funneled right back into the sex trades. Criminalization restricts sex workers' access to healthcare, housing, and legal services. Criminalization deters sex workers, for example, from filing a police report if we are assaulted or robbed, or from filing an order of protection if we are stalked or harassed. Reporting a crime is particularly dangerous because law-enforcement officers themselves are often our rapists and even our traffickers, and use the power imbalance between us to coerce, intimidate, and manipulate us. If a sex worker is going to a hospital emergency room after a work-related assault, it is very uncomfortable—and even dangerous—to give details about on the identity of the assailant or the meeting. A rape kit could put a sex worker in danger of being outed or even arrested. Moreover, because enforcement relies on police intervention, many sex workers end up with criminal records for offenses like prostitution or loitering, making it nearly impossible to secure stable employment or housing. This cycle of arrest and release traps individuals in survival sex work rather than offering pathways out. Diversion programs, often faith-based and contingent on stable housing or income, further exclude those of us most in need, reinforcing systemic barriers.¹⁴

B. Third Party Laws Cause Externalized Harm.

7. The so-called anti-trafficking laws not only harm victims but also create more victims of trafficking and place anyone who associates with those in the sex trades at risk of arrest. Federal law criminalizes those with websites that "promote or facilitate" sex trafficking, which has resulted in many crucial resources for people in the sex trades that exist on the internet to be shut down.¹⁵ People in the sex trades receive an added layer of protection through the ability to advertise online grants. We can screen clients and interact with

others online to share safety information. Additionally, we are able to decide when and how to work, which is crucial for those of us who may be disabled and unable to work traditional hours, as well as those who are students, and parents of young children. Federal policies that shut down anything which falls under the broad definition of “facilitation” makes people in the sex trades more susceptible to violence and other forms of harm.

8. Many U.S. states have laws that criminalize receiving support from the proceeds of sex work,¹⁶ living with or providing housing to someone in the sex trades,¹⁷ or organizing or collaborating with people in the sex trades.¹⁸ These laws threaten anyone who may come into contact with people in the sex trades, including partners, roommates, landlords, adult dependents, friends, security guards, and even drivers. Because these laws often criminalize collaboration among sex workers, those of us working in groups may be less likely to report violence due to the risk of prosecution. The extremely broad language of third-party laws limits our access to basic human rights, such as shelter and healthcare. These laws do not make anyone safer, but instead isolate people in the sex trades.
9. A few days after Backpage.com (hereinafter Backpage) was shut down by US federal authorities in April 2018, Public Law 115-164, better known as FOSTA-SESTA, became US law. The Stop Enabling Sex Traffickers Act (SESTA) offers one example of how third-party laws make people *more* vulnerable to sex trafficking.¹⁹ Its stated goal of reducing human trafficking and holding Internet platforms accountable for user content has actually put increased pressure on these platforms to censor their users. As a result, it has increased sex workers’ exposure to violence and reduced tools that workers typically use for safety. SESTA restricts sex workers’ communication of important information about our work with other sex workers and clients. Increased isolation makes us more vulnerable to violence. Because we cannot discuss details with clients via text or email, there is increased propensity for miscommunications, which easily can escalate to violence. When a sex worker cannot freely communicate beforehand to a client which services they can provide, misunderstandings often arise, increasing the risk of anger, threats, or violence. The risk of prosecution also prevents sex workers from communicating important safety information with one another. Since SESTA, there has been a sharp decrease in the number of clients willing to undergo screening and a sharp increase in clients who are more violent and exploitative. This is due to the fact that many “good” clients—clients who respect us and treat us fairly—have been deterred by the increased crackdown on adult, consensual sex work. This has especially been the case since Backpage was shut down in 2018. Backpage was a market leader in commercial sex advertising. A minority of ads were used for trafficking; however, Backpage had a record of helping law enforcement to identify such ads and use them to track down victims and prosecute their traffickers.²⁰ Almost overnight, many sex workers became homeless due to being forced off the site, leaving us even more vulnerable to exploitation and violence.

III. The United States Needs to Create a Robust Social Safety Net.

10. The United States needs to facilitate an environment that allows sex trafficking survivors and sex workers to survive, as well as to thrive, by creating a robust social safety net free of discrimination for all people, including those from marginalized identities. The United States has previously relied on its allocation of funding to direct services for sex trafficking survivors as an excuse for not taking the necessary, holistic approach of considering the actual needs of sex trafficking survivors and sex workers. As a consequence of the government's refusal to listen to us, fundamental social services often remain inaccessible to all of us with experience in the sex trades – whether by choice, circumstance, or coercion. Sex trafficking survivors, for example, must submit to a public official with discretionary authority to access services, and often must agree to assist in law enforcement investigations before receiving and support—exacerbating pre-existing barriers.

A. Deficient Social Welfare Policies

11. Poverty and systemic inequality²¹ drive trafficking, while income equality and access to social welfare benefits reduce vulnerability to it. The United States has more income inequality than any other industrialized nation.²² Lack of universal healthcare and a collective American medical debt²³ of 220 billion dollars, mean that poverty, fueled by historical racism, is impossible to get out from under.
12. Funding exists for federal and state welfare programs to provide meaningful support to families, but existing programs and their implementation are marred by greed and misspending,²⁴ and welfare recipients often have much less than any person or family could actually survive on, and much less than could be allocated. The degree of social and income inequality and the absurd impossibility of uplifting oneself out of poverty sets people in poverty up for force, fraud, and coercion right out of the gate. Though sex trafficking can happen to anyone regardless of demographics, being in poverty and having fewer options for survival put us at greater risk of trafficking.
13. For example, one of the largest populations that experience trafficking in the U.S. are homeless youth.²⁵ Kids and teens run away from bad situations such as poverty, neglect, and abuse in their families of origin to try to create a better life. Many end up on the streets and homeless without access to work in the formal economy. Once there, they face the heightened risk of violence and exploitation attached to criminalized labor. This is just one community for whom greater access to social welfare, rather than more punitive anti-trafficking law, would improve outcomes.

B. Financial Discrimination

14. Financial discrimination against sex workers is more prevalent than ever in the United States.²⁶ Banks, credit cards, and online payment platforms target and ban sex workers of all kinds, regardless of whether our work is criminalized.²⁷ In 2013, the U.S. Department of Justice's Operation Check Point pressured banks to shut down the accounts of sex workers.²⁸ PayPal, Chase, Mastercard, and countless other prominent financial entities have frozen and eliminated the accounts of sex workers specifically for engaging in sex work.²⁹ In December of 2020, Mastercard and Visa announced that they would no longer process payments on Pornhub, a platform upon which thousands of sex workers depend for their livelihoods.³⁰ According to a 2023 poll from the Free Speech Coalition, 62% of sex workers have lost a bank account or financial tool.³¹ While these measures are rooted in a desire to end sex trafficking, they are misguided. Sex work and sex trafficking are not synonymous.³² By equating the two, organizations like PayPal and Mastercard deny sex workers the right to control and live our own lives, often forcing us into a state of financial ruin in the process. In addition to direct deplatforming by payment processing platforms, sex workers also face discrimination from social media platforms, which often freeze or delete sex worker's profiles out of fear that payment processors will terminate relationships with the social media company if the profiles are left up.
15. Further, financial discrimination can force sex workers to rely on other individuals to hold and thereby control our finances, exposing us to the exploitation that the government claims we seek to avoid.³³ One way this can happen is when a bank shuts down a sex worker's account without notice. When this happens, a sex worker might need to give control of our finances to a third party who can then exploit and traffic us. Another example is when a sex worker divorces their spouse. During divorce proceedings, a sex worker is often hesitant to admit their sex work on court forms and has no other way to prove they earned some of the shared assets. This results in the divorced spouse controlling the sex worker's earned assets, which the divorced spouse can then use to traffic the sex worker spouse, essentially creating a pimping relationship.
16. In addition to private companies policing all forms of sex work, distributors of public resources also engage in financial discrimination.³⁴ To obtain public financial support through services like Medicaid, recipients must interact with a federal or state agency or a privatized organization that receives public money. Throughout this process, service providers have discretion. Stigma towards sex workers often results in our being denied this type of assistance.³⁵ Further, many sex workers do not feel safe applying for social safety net programs like SNAP, Social Security Disability Insurance, or Medicaid because we fear listing our occupation on a federal form and the investigation of our backgrounds that such applications threaten. We even self-censor due to these threats, never applying at all and so increasing our reliance on criminalized labor. Thus, through

both private and public means, sex workers experience financial discrimination in every facet of life.

C. Lack of Privacy

17. Privacy is integral to the safety and security of sex workers. For sex workers, privacy and safety are one and the same.³⁶ The U.S. government and non-profits use an array of mechanisms to “identify” sex trafficking victims. These mechanisms include keeping lists of suspected trafficking victims and attempting to spot trafficking victims through certain traits.³⁷ A primary mechanism for detecting trafficking is conflating sex work with trafficking, which allows the federal government to justify violating the privacy rights of sex workers. Law enforcement is also using private technologies at increasing rates to spot and stop suspected trafficking.³⁸ Amazon and Ring, for instance, currently boast about providing police with neighborhood footage without warrants.³⁹
18. But measures meant to protect people from sex trafficking often harm more than help survivors.⁴⁰ Pervasive stigma surrounding sex work necessarily means that a lack of privacy can destroy—and even end—sex workers’ lives. Sex workers who are outed without our consent face stigma as well as physical, financial, and blackmail-style threats from family, friends, classmates, clients, and acquaintances which limits opportunities and threatens our very survival. Revealing the identity of a sex worker can also help stalkers, abusers, and traffickers locate us. Sex workers are hesitant to report stalking and assault to law enforcement because law enforcement is reluctant to do anything to protect us. Supposed “anti-trafficking” measures focused on identifying and exposing victims also take away survivors’ agency, often forcing us to take an unchosen course of action. Sex workers with non-sex work jobs face termination if our employer learns about our participation in sex work. This in turn can force us to rely primarily on sex work to support ourselves, trapping us in sex work even if we do want to leave. Because of these dangers, disregarding privacy in the name of safety should be treated with suspicion and caution.

D. Inadequate Child Welfare Policies and Foster Care System

19. People in the sex trades who are also parents often have our work held against us when under surveillance of child welfare systems and in custody cases. The stigma surrounding sex work makes judges and government employees more likely to view parents who participate in the sex trades as unfit parents, denying us one of the most basic human rights of being able to parent our children. At the same time, child welfare systems often treat issues related to poverty, such as our inability to provide our children with groceries due to the government’s refusal to reasonably fund food-access programs, as grounds for removing children from their families, placing children in group homes and foster care

systems – what is often referred to as a “pipeline for prostitution.”⁴¹ Rather than provide families with the tools to parent effectively, child welfare systems subject families to surveillance and punishment.

20. The foster care system causes trauma for both children and their families. Young people who are placed in the foster care system often desire stability and are thus vulnerable to grooming. When young people in the foster care system turn 18, they age out of the system and are exposed to hazards such as homelessness and a lack of viable employment, which creates a heightened risk of being trafficked. Rather than protecting child welfare, the foster care system makes young people particularly vulnerable to sex trafficking.

E. Insufficient Access to Higher Education

21. Sex trafficking survivors and sex workers have insufficient access to higher education, limiting our advancement and increasing our vulnerability to sex trafficking. Estimates suggest that an estimated 2.1% to 7% of college students engage in sex work.⁴² The cost of higher education in the United States has increased by 169% between 1980 and 2020, while earnings for workers aged 22 to 27 only increased by 19% in the same period.⁴³
22. Wages earned from campus jobs do not pay the tens of thousands of dollars required for tuition, housing, books, and other costs of living. With student discounts offered at websites like Seeking Arrangements, and the rising popularity of sites like OnlyFans which allow students to work remotely with flexible hours, sex work can present the only option for students to cover higher education costs. The costs of college along with the social stigma surrounding sex work then can lead to harassment or discrimination against students who engage in sex work. At the same time, for people without higher education who work in the sex trades for survival, the stigma, the danger of being outed, and the discrimination that causes higher learning institutions and scholarship programs to reject known sex workers outright, prevents many of us from matriculating or from seeking out higher education in the first place.

F. Lack of Access to Comprehensive Health Care

23. The criminalization of sex work impedes sex workers’ ability to protect our physical and mental health and to access comprehensive healthcare.⁴⁴ As federal policies actively target and censor online communities of sex workers, as seen with the abrupt shutdown of Stripperweb in 2023, sex workers lose access to crucial connections and information. The inability to receive health, safety, and professional advice from other sex workers or to negotiate working conditions places workers at heightened risk of undergoing repeated traumatic experiences. As noted above, criminalization and stigma also limit workers’

access to comprehensive health services. Further, as the U.S. government continuously narrows its definition of “pornography,” careers in sexual health education and intimacy coaching may also fall under the category of “sex work,” attacking vital resources for sexual health, mental health, and overall well-being.

IV. The United States Should Consider the Agency of Trafficking Survivors and Sex Workers.

24. Current federal policies force survivors and victims of sex trafficking to fit our identities and experiences into one homogenous experience that is most palatable to the dominant culture. As a result, sex trafficking victims are often in a double bind. Due to the entrenched binaries in sex work and trafficking narratives, women are categorized as either deviant or virtuous, with sex workers at the extreme end of deviance, and trafficking victims at the opposite end.⁴⁵ Although there is no perfect victim and there is no one way to be a victim, individuals in the sex trades are forced to masquerade as likable, weak, and deserving victims due to the discretionary allocation of publicly-funded service benefits. The stigma that exists against those in the sex trades means we must appeal to the broader culture’s viewpoints on how we should look and act in order to receive services. Federal funding for first services for victims and survivors does not currently use neutral and inclusive language. In order to prevent trafficking, survivors need to be able to identify ourselves and honestly describe our experiences, including those of us with experiences of violence, coercion, and intimate partner violence. Anti-trafficking laws also fail to center the needs and wants of people in the sex trades by assuming that all survivors want to go through the trauma of a legal proceeding to incarcerate our trafficker, through a criminal legal system that has never been worthy of our trust.
25. Much of the conversation surrounding sex trafficking rests on a false binary that one is either a sex worker out of complete free will or a trafficking victim.⁴⁶ In fact, the Department of States’ annual *Trafficking in Persons* [hereafter TIP] report contains victim and offender narratives which present sex trafficking as a crime committed against idealized victims.⁴⁷ Victims of sex trafficking within the TIP Reports are consistently depicted as innocent young women or girls deceived into sexual labor. This construction of sex work as a universally involuntary behavior disempowers victims seeking to work within the commercial sex industry.⁴⁸ There is so much debate surrounding the definition of trafficking that it is unreasonable to force those in the sex trades to identify as victims or survivors.
26. Further, anti-trafficking laws are deeply intertwined with broader attitudes toward criminalization, often positioning sex workers in opposition to anti-trafficking advocates. These laws disproportionately target sex work, reinforcing stigma rather than directly

addressing trafficking. In fact, numerous local and state prostitution statutes, which are intended to decrease trafficking rates, have unintended consequences that also affect sex workers.⁴⁹ The use of the phrase “anything of value” in these statutes result in overly broad applications which extend far beyond their intended scope.⁵⁰ A more nuanced legal framework is necessary to avoid laws that, while aiming to address trafficking, further criminalize sex work and incentivize profiling.⁵¹

V. Legal Framework

27. According to the Office of the High Commissioner for Human Rights, “both the Charter of the United Nations and the Universal Declaration of Human Rights confirm that rights are universal: they apply to everyone, irrespective of their race, sex, ethnic origin or other distinction. Trafficked persons are entitled to the full range of human rights.”⁵² This protection also extends to sex workers.⁵³ The United States’ systemic failure to prevent and respond to human trafficking and protect the rights of sex workers violates multiple human rights instruments and treaties, including, among others, the Universal Declaration of Human Rights,⁵⁴ the International Covenant on Civil and Political Rights (ICCPR),⁵⁵ Convention Against Torture (CAT),⁵⁶ and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),⁵⁷ which the U.S. has ratified; and the International Covenant on Economic, Social, and Cultural Rights (ICESCR),⁵⁸ Convention on the Rights of the Child (CRC),⁵⁹ and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),⁶⁰ which the U.S. has not ratified but has signed, creating obligations not to take actions that would defeat the object and purposes of the treaties.⁶¹

VI. Conclusion

28. The United States is misallocating resources and implementing the wrong approach to ending sex trafficking, resulting in the suffering of trafficking survivors and sex workers. Decriminalizing prostitution and ensuring access to resources are key to trafficking prevention. In contrast, criminalization alienates people in the sex trade, whether by choice or force, making it harder for us to seek help. Inadequate access to social services and poverty prevention programs creates a web of policy failures that predisposes certain individuals to exploitation and violence. Efforts to prevent human trafficking should focus on addressing and correcting these systemic failures. The United States needs to take responsibility for and remedy its deficient social welfare policies, rampant financial discrimination, lack of privacy, inadequate parental care policies and foster care system, insufficient access to higher education, and lack of access to comprehensive health care.

VII. Recommendations

29. We propose the following recommendations to the United States as a part of the Human Rights Council's Universal Periodic Review:

1. Engage directly with sex workers, survivors, and marginalized groups in policy-making discussions to ensure that anti-trafficking measures do not inadvertently harm those they aim to protect.
 - i. Focus on policies that provide genuine safety, autonomy, and rights protection for all individuals involved.
 - ii. Redirect efforts and resources towards comprehensive, evidence-based strategies for preventing trafficking that prioritize the health, safety, and rights of sex workers and survivors over punitive measures.
2. Fully decriminalize sex work to remove barriers that prevent sex workers from accessing legal protections, healthcare, and other critical services.
 - i. Implement community-based policing strategies that focus on safety and harm reduction rather than criminalization.
 - ii. Amend or repeal laws that criminalize third-party associations and online platforms that facilitate safer working conditions for sex workers. Encourage policies that promote transparency and safety in the digital spaces where sex work is advertised and coordinated.
3. Facilitate a comprehensive social safety net.
 - i. Increase funding and access to comprehensive social welfare programs that address the root causes of vulnerability, such as poverty and lack of education, which lead to trafficking.
 - ii. Enforce regulations against discriminatory practices by financial institutions and digital payment platforms that target sex workers. Ensure that sex workers can access banking and financial services without discrimination.
 - iii. Strengthen privacy protections for all individuals, including those involved in sex work, to prevent discrimination and enable access to necessary services without fear of exposure or retaliation.
 - iv. Reform foster care systems to focus on family support and prevention of homelessness among youth, reducing their vulnerability to trafficking.
 - v. Increase access to affordable education and support services for students, including those who may engage in sex work to finance their education.
 - vi. Ensure universal health care access that includes sexual and reproductive health services without stigma or barriers for sex workers.
 - vii. Implement comprehensive parental and child welfare policies that support all parents, including those involved in sex work, with adequate parental leave, healthcare, and childcare options.

4. Adopt a more nuanced approach to trafficking and sex work, recognizing the spectrum of experiences and the agency of those involved. Provide survivor-centered services that respect individual choices and needs without forcing survivors into predefined roles or recovery paths.

Endnotes

¹ Directly impacted authors contributed to this report through writing, editing, conversations, and interviews that took place in August 2023, March 2025, and April 2025. Where the report shares information without specific citation, that information is drawn from the knowledge, insights, and experiences of these contributors.

² Freedom Network USA, *FNUSA Position Paper: Preventing Sex Trafficking Requires the Full Decriminalization of Sex Work* (2021), <https://freedomnetworkusa.org/app/uploads/2021/09/FNUSAStatementDecrimSept2021.pdf>.

³ See Special Rapporteur on the right of everyone to the highest standard of physical and mental health (SR health), the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI), and the UN Working Group on discrimination against women and girls (WGDAWG), *A Guide on the Human Rights of Sex Workers* (Mar. 2024), <https://www.ohchr.org/sites/default/files/2024-03/2024-march-sex-work-guide-un-report-short.pdf> (“The Human Rights Committee listed sex workers as among a group of marginalized communities that face discrimination in access to education, employment, health, and housing.”) [hereinafter *A Guide on the Human Rights of Sex Workers*].

⁴ See Erin Albright & Kate D’Adamo, *Decreasing Human Trafficking through Sex Work Decriminalization*, 19 AMA J. ETHICS 122 (2017), <https://journalofethics.ama-assn.org/article/decreasing-human-trafficking-through-sex-work-decriminalization/2017-01>.

⁵ See Working Group on Discrimination against Women and Girls, *Guidance Document: Eliminating discrimination against sex workers and securing their human rights* 1 (Dec. 7, 2023), UN Doc. A/HRC/WG.11/39/1, [https://www.ohchr.org/en/documents/tools-and-resources/guidance-document-working-group-discrimination-against-women-and-
see also Prostitutes Collective, *Sex Workers Rights Against Deportation* \(2021\), <https://prostitutescollective.net/wp-content/uploads/2021/12/Sex-Workers-Rights-Against-Deportation.pdf>](https://www.ohchr.org/en/documents/tools-and-resources/guidance-document-working-group-discrimination-against-women-and-)

⁶ See Erin Albright & Kate D’Adamo, *supra* note 4.

⁷ See Susan Nemhard et al., *Partial Decriminalization of Sex Work Could Cause More Harm Than Good*, URBAN INST. (Apr. 15, 2021), <https://www.urban.org/urban-wire/partial-decriminalization-sex-work-could-cause-more-harm-good>.

⁸ See *id.*

⁹ American Civil Liberties Union, *Is Sex Work Decriminalization the Answer: What the Research Tells Us* (Oct. 16, 2020), <https://www.aclu.org/publications/sex-work-decriminalization-answer-what-research-tells-us>.

¹⁰ See *id.* at 5-7.

¹¹ See *id.* at 5-6.

¹² See Linda S. Anderson, *Let’s Talk About Sex (Work): The Irony of Partial Decriminalization of Sex Work*, 26 U. PA. J. L. SOC. CHANGE 1, 17-21 (2022), <https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1278&context=jlasc>.

¹³ See *id.* at 20.

¹⁴ *Id.*

¹⁵ 18 U.S.C. § 2421A.

¹⁶ See e.g. Mass. Gen. Laws Ann. ch. 272, § 7 (West).

¹⁷ See e.g. Fla. Stat. Ann. § 796.06 (West); N.Y. Penal Law § 230.40 (McKinney).

¹⁸ See e.g. Cal. Penal Code § 653.23 (West).

¹⁹ D. Blunt and A. Wolf, *‘Erased: The Impact of FOSTA/SESTA and the Removal of Backpage on Sex Workers*, 26(1) ANTI-TRAFFICKING REVIEW (2020), at 117-121, <https://doi.org/10.14197/atr.201220148>.

²⁰ Mike Masnick, *New Government Documents Reveal That Backpage Was Actively Helping Law Enforcement Track Down Traffickers*, TECHDIRT, <https://www.techdirt.com/2019/08/28/new-government-documents-reveal-that-backpage-was-actively-helping-law-enforcement-track-down-traffickers/>

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