**SEX WORK AND TRAFFICKING**

**HUMAN TRAFFICKING**

Defined in Connecticut State law as the compulsion or inducement, by means of "force, fraud, or coercion" into one or more acts of sexual conduct, or of labor into any other sector. All individuals under 18 who exchange sex for money or anything of value are considered trafficking victims. [4]

**SEX WORK**

The exchange of sexual services for money or goods, including food, housing, drugs and other informal forms of health care, or other basic necessities. [5]

• Although some people who sell sex are victims of trafficking, the majority of sex workers are not trafficked. [6] [7] Sex work and trafficking into the sex trades are often dangerously equated, ignoring the many experiences of people who trade sex along the spectrum of choice, circumstances, and coercion. Conflating sex work and trafficking also invisibilizes labor trafficking. [5]

• The crime of trafficking at the federal and state level formally includes individuals trafficked into both sex and other labor sectors; however, popular and governmental responses to trafficking often focus only on trafficking into the sex trades. [8] [9] For example, although Connecticut's vacatur law is based on the definition of trafficking by Connecticut State law, which includes trafficking into both sex and labor sector, until 2021 the law required applicants to have a prostitution conviction to be eligible for vacatur. [1] [2]
The Limits of Vacatur for Sex Worker Rights

The limits of vacatur for sex worker rights make it harder to secure housing, access social services or public benefits, or find employment. In many states, convictions can leave people unable to vote, serve on criminal juries, hold public office, qualify for financial aid or college admission, or get professional licenses. These long-term consequences affect people’s livelihoods and exacerbate racial and gender inequality. [10]

Expanding vacatur laws could be one important step to mitigate some of the harms of criminalization on sex workers’ lives. Vacatur could serve this goal in two ways:

Some people in sex work may directly benefit from the passage of H.B 6657. Some sex workers may be in trafficking situations at some point in their lives, but not in others. Sex workers who have experienced trafficking in the sex trades may be able to benefit from the expansions of vacatur by being able to vacate charges accrued as a result of having been trafficked.

The rationale for vacatur acknowledges the harms caused by criminal records. Police surveillance, arrests, incarceration, and criminal records harm trafficking victims and sex workers alike. The campaign for vacatur created an awareness of the impact of the harms of criminal records on the lives of trafficking victims; this may be a starting point to expand the conversation in the future to consider the harms of criminalization for sex workers who have not experienced trafficking as well.

The Benefits of Vacatur for Sex Workers

Criminal convictions faced by many in the sex trades due to the criminalization of sex work make it harder to secure housing, access social services or public benefits, or find employment. In many states, convictions can leave people unable to vote, serve on criminal juries, hold public office, qualify for financial aid or college admission, or get professional licenses. These long-term consequences affect people’s livelihoods and exacerbate racial and gender inequality. [10]

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The Limits of Vacatur for Sex Worker Rights

Trafficking concerns acts induced by force, fraud, and coercion: individuals who are marginalized, vulnerable, or exploited, but do not meet the legal definition of trafficking, cannot have their criminal convictions vacated under this bill. [11]

Vacatur requires that judges and prosecutors recognize an individual as trafficked and understand the nature and scope of compulsion faced by a trafficked person. This process opens the potential for disparate application, especially as racial minorities and transgender individuals are more likely to be viewed as criminals than as trafficking victims by the criminal legal system. [9] [12]
• Even if some sex workers are able to avail themselves of vacatur relief, the law was not designed to lift the burdens of criminal penalties for non-trafficked sex workers. The rationale for vacatur risks implicitly supporting narratives that legitimize the criminalization of non-trafficked sex workers by offering relief for criminal convictions only to trafficking victims.

• Trafficking itself is a class A felony in Connecticut, and thus cannot be vacated under this current proposal. Sex workers with trafficking convictions due to having been involved in recruiting others while being trafficked themselves would have no recourse for the conviction. [13, 14]

THE HARMs OF CONTINUED CRIMINALIZATION

• Even under H.B. 6657, trafficking victims in the sex sector and sex workers still risk future arrest, prosecution, and conviction on prostitution charges. Retrospective relief through vacatur does not undo the physical, mental, and material harms already caused by being or having been arrested or convicted for persons in any sector, and does not prevent the surveillance, stigmatization, overpolicing, and criminalization that makes life in the sex trades less safe for all and undermine sex workers’ ability to organize and fight exploitation. Indeed, it requires further engagement with the criminal legal system.

• In addition to the vacatur provisions, other elements of H.B. 6657 increase the scope of the criminalization of clients, by broadening the definition of the crime of “patronizing a prostitute” from the payment of a fee to the exchange of anything of value in return for sexual conduct. [15] The coupling of these reforms is troubling; research shows that the “End Demand” or “Equality” model, which criminalizes buyers rather than sellers of sex, does not eliminate the stigmatizing and traumatizing effects of criminal-legal intervention into sex workers’ lives. Ongoing criminalization of the sex trade still forces sex workers into unsafe working conditions and impedes access to essential services. [16] Anti-trafficking advocates should seek to reduce the criminalization of the sex trade, not expand it. as labor rights, access to social services, and sex worker organizing have been proved to better protect against coercion, exploitation, and other crimes in the sex trade.

• The criminalization of sex work places undocumented sex workers in contact with the criminal legal system, as does the vacatur process, so any immigration-related harms of the that contact persist.

• Ultimately, only full decriminalization of sex work can prevent criminalization and promote agency for sex workers and trafficking victims alike. [3] Advocates interested in continuing to improve the lives of individuals who sell sex can productively work toward this goal. [17]