



NATIONAL CENTER ON SEXUAL EXPLOITATION

February 27, 2025

The Honorable Andy Biggs, Chairman
Ranking Member Lucy McBath
Subcommittee on Crime and Federal Government Surveillance
House Judiciary Committee
2141 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Biggs and Ranking Member McBath:

Thank you for holding today's hearing "Protecting Victims of Human Trafficking and Online Exploitation." Since its inception in 1962, the nonpartisan National Center on Sexual Exploitation (NCOSE) has worked to advance public policy confronting insidious forms of abuse and exploitation, currently thriving online. In this spirit, **we write to protest the inclusion at today's hearing of an organization actively undermining U.S. human trafficking policy: Freedom Network** advocates for the full decriminalization of the commercial sex trade,¹ a misguided policy prescription because it causes *an increase* in sex trafficking markets. As the attached screenshot from Freedom Network's website makes clear, its support for "decriminalization of prostitution" includes "sex workers, **buyers, or facilitators**," i.e. pimps and traffickers.

In December 2002, President George W. Bush signed National Security Presidential Directive 22 (NSPD 22)² "Combatting Trafficking in Persons," as part of implementation of the landmark "Trafficking Victims Protection Act," passed by Congress in 2000. NSPD 22 is still in force. It describes the inherent connection between prostitution and sex trafficking:

The United States Government opposes prostitution and any related activity, including pimping, pandering [sex buying], or maintaining brothels, as contributing to the phenomena of trafficking in persons. These activities are inherently harmful and dehumanizing. The USG's position is that these activities should not be regulated as a legitimate form of work for any human being.

Every victim of sex trafficking is trafficked into prostitution. The two are inextricably connected.

NSPD 22 acknowledges the reality of violence in the commercial sex trade³ and the impossibility of distinguishing "willing" versus coerced prostitution since traffickers routinely pressure victims to claim they "choose" to prostitute. **Promoting the legalization or full decriminalization of commercial sex does two terrible things:** 1) it expands the trade, thereby expanding the demand for more prostitution, typically satisfied by manipulating vulnerable people, including youth and those experiencing poverty, homelessness, addiction, and undocumented status; and 2) it prevents law enforcement from being able to identify sex trafficking victims, including minors.

This isn't theoretical. In 2021-22, Freedom Network supported passage of SB 357⁴ in California, a bill preventing law enforcement from disrupting street-level demand for prostitution. Called the "Safer Streets for All" bill, it was ostensibly needed to prevent "police harassment and arrest of sex

workers.”⁵ Predictably, soon after it went into effect, California experienced an explosion of street prostitution as described in extensive media coverage.⁶ As a district attorney in San Diego bemoaned, “Did you know that the traffickers and the buyers were boasting on social media because of the new law that they can openly sell human beings for sex on our streets?”⁷ As an LA police commander explained, 95% of the women now on LA streets have pimps tied to street gangs.⁸

As a longtime recipient of federal funding, **Freedom Network is emboldened by being financed by U.S. taxpayers.** For example, Freedom Network has a grant from Department of Justice’s Office of Victims of Crime (OVC) to provide “training and technical assistance” to organizations providing residential services to human trafficking victims.⁹ NCOSE has been contacted by several direct service providers **aghast** that Freedom Network tells them to allow beneficiaries to continue using drugs and continue to “make dates” (i.e., prostitute) while living in federally funded housing. Called the “housing first” policy, it wreaks havoc for programs committed to sobriety and puts at risk houses rented from landlords who forbid onsite drug usage.

Finally, Freedom Network **peddles misinformation to oppose anti-trafficking laws** passed by the US Congress. In 2018, Congress overwhelmingly passed a bill, SESTA-FOSTA, clarifying that it never intended online platforms to facilitate human trafficking. Freedom Network has worked to undermine FOSTA-SESTA, claiming it “resulted in substantial harm to sex workers,”¹⁰ but a 2022 academic study by Carnegie Mellon University found the law did not increase violence against women, although it did fracture the prostitution advertising monopoly that Backpage dominated.¹¹

NCOSE strongly supports free speech but giving a congressional platform to an organization that: a) undermines USG policy with taxpayer money; and b) promotes disinformation in order to block congressional efforts to curb online sex trafficking is not worthy of consuming oxygen as a witness before a congressional subcommittee. The philosophy and actions of Freedom Network is fundamentally antithetical to both the letter and the spirit of the TVPA and international law on human trafficking.¹²

Sincerely,



Marcel Van der Watt, PhD, President



Eleanor Kennelly Gaetan, PhD, Vice President & Director of Public Policy

¹ See ATTACHED website screenshot of Freedom Network’s position, officially taken in 2021 according to: “Can an American NGO Survive Calling for the Decriminalization of Sex Work? Freedom Network USA was nervous when it called for the US to decriminalize sex work. Two years on, their fine.” OpenDemocrat.net, October 23, 2023, <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/freedom-network-usa-supported-sex-work-decriminalization-what-happened-next/>. Other examples of this stand can be found on the website, freedomnetworkusa.org, for example: “Freedom Network USA Executive Director Jean Bruggeman adds that decriminalization frees up resources for people who need service, support and options...Freedom Network USA salutes Amnesty International’s policy and report release, and stands in support of the decriminalization of consensual sex work,” in the article “A Closer Look: Amnesty International’s Policy on Decriminalizing Consensual Sex Work,” <https://freedomnetworkusa.org/2016/06/30/a-closer-look-amnesty-international-policy-on-decriminalizing-consensual-sex-work/>. Since no federal or state law in the US uses the term “sex work,” this is an endorsement of prostitution. NOTE: Amnesty International adopted this misguided policy in 2015 at the behest of the Open Society Foundation; numerous Soros-funded and associated groups followed suit, including ACLU and Freedom Network.

² National Security Presidential Directive 22, “Combatting Trafficking in Persons (SBU),” December 16, 2002, <https://ctip.defense.gov/Portals/12/Documents/NSPD-22.pdf>. ATTACHED.

³ Farley, Melissa; Banks, Martha E.; Ackerman, Rosalie J.; and Golding, Jacqueline M. (2018) "Screening for Traumatic Brain Injury in Prostituted Women," *Dignity: A Journal of Analysis of Exploitation and Violence*: Vol. 3: Iss. 2, Article 5. <https://doi.org/10.23860/dignity.2018.03.02.05>

⁴ The Sex Workers Project of the Urban Justice Center, “California Lawmakers Must Pass SB 357,” Urban Justice Center, September 14, 2021, https://swp.urbanjustice.org/wp-content/uploads/sites/14/2021/09/Pass-SB-357-in-California_SWP-Statement.pdf. ATTACHED.

⁵ Ibid.

⁶ A few examples: JW August, “New California Law Decriminalizing Loitering Led to ‘Explosion’ in Prostitution,” *Times of San Diego*, April 10, 2023, <https://timesofsandiego.com/crime/2023/04/10/a-new-california-law-decriminalizing-loitering-has-led-to-more-prostitution/>; Emma Colton, “Nearly Naked Prostitutes Prowl Streets in Broad Daylight, but California law ties police hands: Mayor,” Fox News, October 11, 2023, <https://www.foxnews.com/us/nearly-naked-prostitutes-prowl-streets-broad-daylight-california-law-ties-cops-hands-mayor>; Marjorie Hernandez, “Inside LA’s Brazen Sex Market, Where Women Sell Themselves in Broad Daylight—Emboldened by California’s New Laws,” NY Post, Oct 23, 2023, <https://nypost.com/2023/10/23/inside-los-angeles-sex-market-where-women-sell-sex-for-40/>.

⁷ Stephanie Sierra, “Officials Say CA Sex Trafficking Operations Are ‘Out of Control,’ Call for Repeal of Loitering Law,” ABC 7 News, <https://abc7news.com/ca-loitering-law-sex-trafficking-sb-357-workers/12910562/>.

⁸ Marjorie Hernandez, “Inside LA’s Brazen Sex Market, Where Women Sell Themselves in Broad Daylight—Emboldened by California’s New Laws,” NY Post, Oct 23, 2023, <https://nypost.com/2023/10/23/inside-los-angeles-sex-market-where-women-sell-sex-for-40/>.

⁹ “Freedom Network Training Institute: Housing Project Training and Technical Assistance, Sponsor: Office of Victims of Crime,” Rural Community Toolbox, <https://www.ruralcommunitytoolbox.org/resources/727>.

¹⁰ “Supporting Online Safety Policies that Protect Everyone,” freedomnetworkusa.org, February 27, 2024, <https://freedomnetworkusa.org/2024/02/27/supporting-online-safety-policies-that-protect-everyone/>.

¹¹ Helen Shuxuan Zeng, Brett Danaher, Michael D. Smith (2022) Internet Governance Through Site Shutdowns: The Impact of Shutting Down Two Major Commercial Sex Advertising Sites. *Management Science* 68(11):8234-8248. <https://doi.org/10.1287/mnsc.2022.4498>

¹² United Nations. (2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime. General Assembly Resolution 55/25 Of 15 November 2000: Retrieved from: <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

Current Advocacy Efforts

Decriminalization of Prostitution

The Freedom Network USA stands in support of the decriminalization of consensual sex work, as the most effective approach to protecting the human rights of both sex workers and victims of human trafficking. Criminalization, whether of sex workers, buyers, or facilitators, harms everyone in the sex trade and diverts resources from supporting survivors or investing in effective anti-trafficking efforts. It makes law enforcement an adversary instead of an option, creating vulnerability and marginalization instead of protection and support.

Increasing Access to Continued Presence

Freedom Network USA has provided the Department of Homeland Security with information and examples of the continuing barriers in accessing Continued Presence (a temporary immigration status for human trafficking survivors) and provided recommendations for immediate change. We continue to communicate with DHS to ensure safety and support for all survivors.

THE WHITE HOUSE

WASHINGTON

December 16, 2002

NATIONAL SECURITY PRESIDENTIAL DIRECTIVE/NSPD-22

MEMORANDUM FOR THE VICE PRESIDENT

THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF LABOR
THE SECRETARY OF HEALTH AND HUMAN SERVICES
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF HOMELAND SECURITY
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
ASSISTANT TO THE PRESIDENT FOR HOMELAND
SECURITY
COUNSEL TO THE PRESIDENT
DIRECTOR OF CENTRAL INTELLIGENCE
ADMINISTRATOR, AGENCY FOR INTERNATIONAL
DEVELOPMENT
COMMANDANT, U.S. COAST GUARD
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
DIRECTOR, NATIONAL SECURITY AGENCY
COMMISSIONER, U.S. CUSTOMS SERVICE

SUBJECT: Combating Trafficking in Persons (U)

This National Security Presidential Directive instructs federal agencies to strengthen their collective efforts, capabilities, and coordination to support the policy to combat trafficking in persons. (U)

Policy Principles

The policy of the United States is to attack vigorously the worldwide problem of trafficking in persons, using law enforcement efforts, diplomacy, and all other appropriate tools. Trafficking in persons is a transnational threat, involves grave violations of human rights, and is an affront to human dignity and the principles for which this country stands. We must combat this trafficking and protect and assist its victims both domestically and globally. (U)

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It is important that all relevant agencies in the United States Government work together to address this worldwide problem. Trafficking in persons is often linked to organized crime, and profits from trafficking enterprises help fuel other illegal activity. The growth of vast transnational criminal networks supported in part by trafficking in persons fosters official corruption and threatens the rule of law. Trafficking in persons can have a destabilizing effect on nations, particularly vulnerable less-developed countries where erosion of the rule of law and decreased foreign investment can lead to increased poverty, violence, and other negative societal consequences. Our commitment to eradicate trafficking in persons reflects our values and our responsibility to defend human rights; it is, therefore, a critical element of the foreign policy of the United States. (U)

Our policy must include:

- Vigorously enforcing the law against all those who traffic in persons, including recruiters, transporters, harborers, buyers, and sellers, and including members of international criminal cartels and networks;
- Raising awareness at home and abroad about this unacceptable practice and how it can be eradicated;
- Identifying, protecting, and assisting those exploited by trafficking;
- Reducing the vulnerability of individuals to trafficking through increased education, economic opportunity, and protection of human rights; and
- Employing diplomacy and foreign policy tools to encourage other nations to work with us to combat this crime and hold accountable those who are engaged in it. (U)

Our policy is based on an abolitionist approach to trafficking in persons, and our efforts must involve a comprehensive attack on such trafficking, which is a modern day form of slavery. In this regard, the United States Government opposes prostitution and any related activities, including pimping, pandering, or maintaining brothels, as contributing to the phenomenon of trafficking in persons. These activities are inherently harmful and dehumanizing. The United States Government's position is

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that these activities should not be regulated as a legitimate form of work for any human being. (U)

The policy of the United States is to treat trafficked people as victims. To that end, we will support initiatives that provide education and employment opportunities to victims of trafficking, as well as shelter and services as these victims rebuild their lives. We will also support initiatives to help prevent trafficking, particularly among vulnerable populations such as women and children, including effective educational campaigns to warn them of the dangers posed by traffickers. (U)

Structure

Given the transnational nature of this problem, strong coordination among agencies working on domestic and foreign policy is crucial. I have established the President's Interagency Task Force to Monitor and Combat Trafficking in Persons to coordinate domestic and international implementation of our policies to combat trafficking in persons in accordance with Executive Order 13257. The Task Force shall oversee the development of strategy, planning, and implementation in accordance with Executive Order 13257 of the United States Government policies on this issue, supported by a Senior Policy Advisory Group under the Democracy, Human Rights, and International Operations Policy Coordination Committee (PCC). (U)

Through the Senior Policy Advisory Group of the PCC, the Department of State, Department of Justice, Department of Labor, Department of Homeland Security, Department of Health and Human Services, Department of Defense, Department of the Treasury, U.S. Agency for International Development (USAID), Central Intelligence Agency, Office of Management and Budget, and others shall work together as needed to develop a coordinated strategy for active diplomatic engagement, marshalling law enforcement resources, gathering and sharing intelligence, obtaining international cooperation, and providing specialized law enforcement training as necessary to combat trafficking in persons. Under the direction of the Secretary of State, the Office to Monitor and Combat Trafficking in Persons in the Department of State will assist the Secretary, the Task Force, and the Senior Policy Advisory Group of the PCC with advice in the implementation of the Trafficking Victims Protection Act of 2000 (Division A of Public Law 106-386) and Task Force initiatives. (U)

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Definitions

This directive adopts the definitions contained in the Trafficking Victims Protection Act of 2000 (Division A of Public Law 106-386). (U)

Plan of Action

1. Implementing Training in United States Government Agencies

Departments and agencies shall ensure that all of the appropriate offices within their jurisdiction are fully trained to carry out their specific responsibilities to combat trafficking. This includes interagency cooperation and coordination on the investigation and prosecution of trafficking. At a minimum, the following Department of Justice components shall have training programs in place: the Federal Bureau of Investigation, the Civil Rights Division, the Criminal Division, the Office of Justice Programs, and the U.S. Marshals Service. In addition, the Departments of Homeland Security, State, Defense, Labor, and Health and Human Services, and other departments and agencies, as necessary, shall develop and implement training programs. (U)

The United States hereby adopts a "zero tolerance" policy regarding United States Government employees and contractor personnel representing the United States abroad who engage in trafficking in persons. Departments and agencies shall adopt policies and procedures to educate, as appropriate, personnel and contract employees on assignment or official travel abroad about trafficking in persons, to investigate, as appropriate, any allegations of involvement in trafficking by such personnel, and to punish, as appropriate, those personnel who engage in trafficking in persons. To the extent permitted by law, punishment may include disciplinary actions for United States Government personnel, and civil remedies such as debarment and suspension procedures for United States Government contractors engaged in trafficking. (U)

3. Developing Cooperation with State and Local Law Enforcement in the United States

To combat trafficking throughout the country, interagency and inter-jurisdictional cooperation is essential. Federal, State, and local law enforcement will need to take the initiative in investigations and prosecution. (U)

Local law enforcement officers play a crucial role in identifying trafficking in their jurisdictions. The Departments of Labor, Justice, Homeland Security, and Health and Human Services shall coordinate and offer specialized training and assistance to State and local law enforcement, as appropriate, to assist them in recognizing those exploited by trafficking and in combating trafficking rings and perpetrators. (U)

In addition, the training shall help law enforcement to distinguish between trafficking in persons and migrant smuggling and recognize efforts to abuse the immigration system for trafficking purposes. (U)

The Department of Health and Human Services, in conjunction with the Departments of Justice and Homeland Security, and other departments and agencies, as appropriate, shall develop a strategy to better identify and assist those adults and minors who have been victims of a severe form of trafficking. (U)

Strengthening Law Enforcement Cooperation: The Departments of Justice and State, and USAID, in consultation with other departments and agencies, shall continue to educate international visitors to the United States on U.S. anti-trafficking activities, and to provide expertise and assistance in training prosecutors, police, legislators, and judges overseas to combat human trafficking. Cooperation on investigations and prosecutions should be pursued as appropriate. (U)

Strengthening the Role of Civil Society Institutions: The Departments of State, Justice, Health and Human Services, USAID and others shall continue to support efforts to develop civil society institutions to promote the human rights of victims and populations vulnerable to trafficking, support law enforcement, and provide victims with services and protection. Our efforts to support the role of civil society will also help strengthen the rule of law, improve economic well-being, fight corruption, and generally help to promote democratic principles. These actions in support of civil society will help eliminate the conditions in which traffickers thrive. (U)

Use of International Instruments: The Department of State in consultation with relevant departments and agencies shall conduct a review of current U.S. treaty obligations and treaties to which the United States is not a party with a view toward strengthening international tools against trafficking. (U)

Diplomacy and the Use of the Trafficking in Persons Report: The Department of State shall continue to refine the methodology for gathering and analyzing information in order to produce its annual Trafficking in Persons Report. Its goals must be to make the Report as effective an instrument as possible for expanding dialogue with those countries interested in fighting trafficking and to highlight governments that have the weakest record with respect to fighting trafficking. The Department of State may draw on all available sources of information in order to prepare the most complete report. (U)

The Department of State shall use bilateral diplomatic efforts to heighten the awareness of a country's efforts, or lack thereof, to combat trafficking, to explain their specific placement on one of three tiers in the Trafficking in Persons Report, and to advocate specific steps for improving national and regional efforts to combat trafficking. (U)

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Strengthening the Work of Regional and International Organizations to Prevent and Combat Trafficking: The Department of State in conjunction with the Departments of Justice, Health and Human Services, Homeland Security, and Labor, and USAID shall, through the Senior Policy Advisory Group, develop priorities and objectives for combating trafficking in persons through multilateral institutions, including the United Nations, the G-8, the Organization for Security and Cooperation in Europe (OSCE), the Association of Southeast Asian Nations, the African Union, and the Organization of American States. (U)

5. Integrating and Coordinating International Programs


There are a variety of new and existing foreign assistance tools, including domestic and international grant-making

programs, contracts and sub-contracts, Memorandum of Understanding, technical assistance agreements, other funding mechanisms, public awareness campaigns, and other activities, that have been or can be used to combat trafficking in persons. (U)

Departments and agencies shall coordinate U.S. foreign assistance programs, including those that provide funding to governmental or non-governmental organizations, bilaterally, multilaterally, or through international organizations, and public awareness programs to combat trafficking in persons. Departments and agencies will seek to ensure that contractors receiving U.S. funding are not engaged in trafficking or activities intended to further trafficking. Departments and agencies will ensure that their priorities are consistent with the policy set forth in this Directive as well as the Department of State's annual Trafficking in Persons Report tier classifications. Departments and agencies will develop a consensus, through interagency consultations and in consultation with United States Missions overseas, on the highest priority countries to receive anti-trafficking assistance. (U)

Implementation

Department and agency heads shall expedite implementation of this Presidential Directive. Agencies shall review their internal structures, personnel requirements, capabilities, information systems, professional education programs, training procedures, legislative authorities, and budgets to accommodate the provisions of this Directive. The Democracy, Human Rights, and International Operations PCC shall monitor agency implementation of this Directive and advise Deputies on any actions needed to improve implementation. Department and agency heads shall, within 90 days of the effective date of this Directive, promulgate plans to implement this Directive. Plans should be submitted to and coordinated with the Senior Policy Advisory Group of the Democracy, Human Rights, and International Operations PCC. (U)

A large, stylized handwritten signature in black ink, appearing to read 'G. R. H.', is located at the bottom center of the page. To the right of the signature, there is a large, hand-drawn bracket-like shape that encompasses the signature and extends upwards towards the 'Implementation' section.



Sex
Workers
Project

The Sex Workers Project of the Urban Justice Center

California Lawmakers Must Pass SB-357

California lawmakers must pass [SB-357](#) to repeal [penal code 653.22](#), a harmful law that hurts some of the state's most marginalized community members. This bill, introduced by Senator Scott Wiener (District 11), would repeal the state's archaic "loitering for the purpose of engaging in a prostitution offense." This law leads to police harassment and arrest of both sex workers and people profiled as sex workers. In practice, we see that Black cisgender and transgender women along with individuals within the LGBTQ community are disproportionately targeted and charged under this law, regardless of their involvement in sex work.

Under the current system, individuals involved in or suspected of involvement in the sex trades are endangered by this law, whether their involvement is through choice, economic necessity, or the range of abuses identified as human trafficking. The loitering law that must be repealed gives police undue power to surveil communities of color and saddle individuals with a criminal record. The experience of arrest is traumatic and living with a criminal record compounds systemic barriers to employment along with access to housing, education, and medical care. These barriers most often target BIPOC, LGBTQ, migrant, and low-income communities, denying them the enjoyment of their human rights.

With the laws as they are, these communities are under constant threat of harmful and potentially deadly police interactions. And while a few opponents of this effort to make these communities safer argue that the current laws must remain to address human trafficking, the exact opposite is true. In fact, groups in California at the forefront of anti-trafficking work, including [CAST \(Coalition to Abolish Slavery and Trafficking\)](#), are supporters of SB 357. Such discriminatory laws and arrests of people in the sex trades or people profiled as such, increases vulnerability to exploitation and trafficking, a reality agreed upon by local, national, and international human rights organizations, including Positive Women's Network – USA, St. James Infirmary, Sex Workers Outreach Project-LA, Trans Latin@ Coalition, Asian Pacific Islander Legal Outreach, Equality California, ACLU California, Freedom Network USA, the Sex Workers Project of the Urban Justice Center, Human Rights Watch, Amnesty International, the Global Alliance Against Traffic in Women, the World Health Organization, and UNAIDS, to name just a few. Pass SB-357 and make California a safer state for all.

To learn more about SWP's support of SB-357 and the local groups leading the campaign in California, contact Mariah Grant, Director of Research and Advocacy: MGrant@urbanjustice.org.