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CBA Committee on Human Trafficking

In SUPPORT of

HB7399, AAC Legal Protections for The Victims Of Human Trafficking And The  
Protection Of Minors From Cyber Exploitation.”

Judiciary Committee

#### Background

This legislation is long overdue. One of the biggest barriers to reentry faced by survivors of trafficking is their criminal records, which prevent them from obtaining employment, accessing housing, educational opportunities, etc. A 2016 survey by National Survivor Network (NSN) found that 91 percent of 130 trafficking survivor respondents reported having been arrested; forty-two percent reported that they were arrested as minors, and over 40 percent reported being arrested 9 times or more. See <https://polarisproject.org/criminal-record-relief-laws-survivors-human-trafficking>.

For a time, Connecticut seemed to lead the nation in anti-trafficking efforts; just last month, however, Connecticut received an “F” (or a score of 45) in a survey of state laws providing criminal record relief to survivors of trafficking. See id. Raised House Bill 7399 would move Connecticut forward by addressing some of these concerns, at least with respect to minor victims of trafficking.

#### Support for Amended Affirmative Defense Provision.

In the U.S., efforts to fight trafficking in persons incorporate what are known as the “3 Ps”: prosecution of traffickers, protection of victims, and prevention. Prosecution and victim protection are inextricably linked; it takes months—sometimes years—of therapy and support for most trafficking victims to be ready, willing, and able to come forward and assist in the prosecution of their traffickers. Because of the severity of their trauma, some victims may never be ready; this can be especially true of child victims.

The best witnesses are those who come forward voluntarily to assist in the prosecution of their traffickers. In theory, a just and effective system would provide these child survivors with the support they need to heal—which necessarily includes therapy with counselors they can trust—and thus prioritize recovery, even if motivated in part by the increased prospects of prosecution. The “3 Ps” approach recognizes that successful prosecutions of traffickers should not, need not, and, in most cases, cannot be achieved at the expense of victims, especially when those victims are minors. Frightened and unwilling children should not be coerced into cooperating against their traffickers using threats of prosecution.

For the aforementioned reasons, and especially in light of recent support from Office of the Chief State’s Attorney, the CBA Committee on Human Trafficking now gives its support to the newly amended affirmative defense provision.

Support for Confidential Communication Provision.

The proposed confidentiality provision addresses a gap in the existing legal regime. Currently, public defenders who represent child victims of trafficking in criminal cases must prohibit their clients from speaking to trafficking counselors because of the risk that such communications will be discoverable in a criminal case. This prohibition can have disastrous consequences for child trafficking victims who would otherwise benefit from therapy with anti-trafficking counselors—therapy which, in turn, arguably increases the likelihood that these victims will one day be ready and willing to assist in the prosecution of their traffickers.

**Propose Amending the definition of trafficking.**

The state definition of trafficking—or specifically “commercial sexual exploitation of a minor”—should be amended to conform to the federal definition. Accordingly, the word “fee” in Section 10a should be deleted and replaced with the phrase “anything of value.”

In deciding to support this legislation, our Committee has listened to experts who work with child victims of human trafficking—specifically, Love 146 and members of DCF’s HART Team—who staunchly support this legislation. We urge the Judiciary Committee to do likewise and support this legislation.