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Committee on Judiciary

Testimony in support of HB 6657, An Act Concerning Human Trafficking

Testimony in support of SB 6, An Act Concerning Domestic Violence and Criminal Justice

Testimony in support of SB 1069, An Act Concerning Female Genital Mutilation

Good day, Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Fishbein and members of the Judiciary Committee. I am the Director of Policy and Public Relations at the Connecticut Alliance to End Sexual Violence, the statewide coalition of Connecticut's nine community-based sexual assault crisis services centers. Our mission is to create communities free of sexual violence and to provide culturally affirming trauma-informed advocacy and prevention centered on the voices of survivors. I am testifying in support of four bills today, three of which are recorded here. They are HB 6657, An Act Concerning Human Trafficking, SB 1069, An Act Concerning Female Genital Mutilation and SB 6, An Act Concerning Domestic Violence and Criminal Justice.

Support: HB 6657, An Act Concerning Human Trafficking

The bill, supported by the Trafficking in Persons Council which The Alliance sits on, increases membership on the Council in order that all parties who may work with trafficked persons are representing such as members from the Judicial Department and other stakeholders, includes much-needed improvements to the definition of human trafficking that puts it more in line with the federal standard, and introduces an affirmative defense for minors who were trafficking and are charged with trafficking and allows for the vacatur of criminal charges if proven to stem from them being a trafficked.

Human trafficking is devastating and an often overlooked crime. Yvette Young reported that in 2018, 210 kids were identified by DCF as being a victim of trafficking or being at high risk for victimization, over 60% of which continued to live at home during their victimization, and number is likely underreported. This statistic doesn't include the number of children from Connecticut who are moved out of state by their traffickers, nor adult survivors. The bill adds that a person is guilty of trafficking if the "knowingly" compel or induce conduct involving sexual contact in exchange for anything of value, tightening the current language in CGS 53a-192.

Traffickers use force, fraud, and coercion to target and isolate their victims in order to manipulate and control them. Trafficking victims are given drugs to get them addicted, are raped as punishment, or threats

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against friends and families are used to solidify the control over the victims, so they do what they are told to do to survive. Trauma bonding is a tool used by traffickers to control those their victims. The ongoing abuse creates dependency by the victim with the trafficker.

In order to avoid criminal liability traffickers use their victims to engage in illegal activity and then threaten to report them to law enforcement to keep them in line. Criminal activities for the traffickers benefit include forgery, larceny, burglary, loitering, vagrancy, disorderly conduct, assault, and resisting arrest. When victims are charged and sentenced for those crimes when arrested and there is no defense of being under the control of a trafficker. As trafficking survivors struggle to rebuild their lives, their criminal records severely limit access to employment, housing, education, and other building blocks of civic life. When survivors face barriers from criminal convictions they continue to be at risk of continued control by their traffickers ensuring added difficulty for survivors seeking ways out of their situation.

Under Connecticut's current statute, only victims with prostitution convictions are eligible to apply for the reversal of their criminal charges. Since its passage in 2013, only a single trafficking survivor has invoked the statute to vacate her prostitution. The proposed legislation expands allows the court to vacate charges if the defendant proves that their participation was due to trafficking and may vacate other related convictions that are related to the trafficking. This is critical for victims of trafficking to regain their control and life.

In 2016 the National Survivor Network surveyed 130 survivors of human trafficking. Of those, 91% reported having been arrested during a situation related to their victimization, with 60% having been arrested for crimes other than prostitution.¹ In addition, 73% of survivors reported either losing their job or being unable to find employment and 58% reportedly faced barriers accessing safe and affordable housing due to their criminal convictions². These barriers create vulnerabilities that open the door for survivors to be further exploited or feel as though they are unable to live free from violence.

The destructive bonds between traffickers and their victims cause confusion and feelings of self-blame, as well as an inability to feel as though they could leave their situations. Those who did leave often faced homelessness because their criminal records made them ineligible for many of the services that the state and local agencies provided, leading them to further risk of exploitation. If they had children, many would be taken away as a result of their inability to care for them due to their victimization. The many systems aimed at helping those most in need would blame survivors for their circumstances without ever asking the reasons behind their criminal record. It is critical that victims for trafficking are given the chance to take back what was taken from them.

The Connecticut Alliance to End Sexual Violence strongly supports HB 6657 as written and would like to thank you for the continued efforts in supporting survivors of human trafficking by continually addressing raised concerns.

Support SB 6 An Act Concerning Domestic Violence and Criminal Justice

The Alliance supports SB 6 An Act Concerning Domestic Violence and Criminal Justice, comprehensive legislation supported by the Connecticut Coalition Against Domestic Violence (CCADV). The

¹ <https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf>

² <https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf>

legislation incorporates into the family violence restraining order statute language to address coercive control or non-physical behaviors from which victims seek relief and allows for a fully online process for restraining orders for all victims.

Connecticut's family violence restraining order statute relies heavily on the presence of or the threat of physical violence and is not reflective of the most common forms of domestic violence, coercive control. Coercive control is a pattern of ongoing oppression and basic deprivation of basic resources needed to be independent and entails types of abusive behavior such as financial abuse, emotional and psychological abuse, and technological abuse. Coercive control often is used to isolate, humiliate, intimidate, dominate and create fear for the victim of family violence keeping them trapped and dependent on their abuser.

In order to be more inclusive of the issues victims of family violence face including coercive control offers an important tool for victims to provide court-ordered relief without the necessity of seeking police intervention, which may not be safe for the victim and their children. Defining language in the bill defines the behaviors that abusers use and hold them accountable even when those behaviors do not leave bruises. By including coercive control in the family violence restraining order the state can begin to provide relief from the many aspects of domestic violence that victims face, many of which are not physical, validating the victim's experience and the ability to seek help.

The Alliance also supports the addition of language defining expeditiously in subdivision (5) of subsection (g) of section 46b-38b meaning not later than sixty days after the date of receipt of the request for certification of helpfulness, or not later than fourteen days after the date of receipt of such request if (I) the victim is in federal immigration removal proceedings or detained, or (II) the victim's child, parents or siblings would become ineligible for an immigration benefit by virtue of the victim or the sibling of such victim attaining the age of eighteen years, or the victim's child attaining the age of twenty-one years.

Requiring expeditious processing of certification requests for U visa cases will make a huge difference for survivors. Right now, processing times vary from department to department, ranging from days to months. The Victim's Rights Center of CT (VRCCT), The Alliance's legal arm saw a client who client received an electronic copy of the signed U visa certification within 5 business days of requesting it yet in another case with a different department, it took over 6 months just to receive a response to the request, despite multiple follow-ups.

A U visa case cannot be submitted without certification, so slow processing times for certification requests directly impact when a survivor is eligible to file for relief. To illustrate, despite the fact that the second client retained our services over a month before the first client, the second client is still waiting to file her U visa case because of how long it has taken to get the certification, whereas the first client was able to file hers in January of this year.

These provisions in the bill are important to protecting the safety of victims of family violence and The Alliance fully supports the passage of the bill with language provided by CCADV.

Support: SB 1069, An Act Concerning Female Genital Mutilation

The Alliance supports SB 1069, An Act Concerning Female Genital Mutilation. Female Genital Mutilation (FGM) involves the partial or total removal of external female genitalia or other injury to the female genital organs for non-medical reasons performed on girls from newborn to age 15. It is a harmful practice, a form of sexual violence, and most important a violation of girls and women's human rights and health. There are no health reasons for its practice, but it is a cultural practice that can be eliminated through transparency. There have been attempts throughout the world, to end the practice, including criminalization of the practice and community intervention including education.

The reasons why female genital mutilations are performed include a mix of sociocultural factors within families and communities. FGM is often motivated by beliefs about what is considered acceptable sexual behavior and many communities believed to reduce a woman's libido and therefore believed to help her resist extramarital sexual acts. Where it is believed that being cut increases marriageability, FGM is more likely to be carried out. Local structures of power and authority, such as community leaders, religious leaders, circumcisers, and even some medical personnel can contribute to upholding the practice. Likewise, when informed, they can be effective advocates for abandonment of FGM. In most societies, where FGM is practiced, it is considered a cultural tradition, which is often used as an argument for its continuation.

It is clear is that community interventions and education have a far better success eradicating the practice. Education is one of the most powerful tools in changing behaviors. Given the reasons for its practice outline above community interventions that are participatory as opposed to lecturing are successful. Research shows that “an increased knowledge of the negative health effects stimulate reflection and critical thinking, leading the reduce the approval of, and eventually to the abandonment of, FGM.”

When the practice is criminalized it has adverse consequences as it drives the practice underground and in the shadows as it entrenches is as a taboo subject, medical practitioners may not report due to fear of prosecution and it disproportionately hurts women and girls who are responsible for maintaining the practice within families and communities.

For these reasons, The Alliance supports the legislation for DPH and The Woman’s Center at the UConn Health Center to study of female gentile mutilation in the state and looking at an public health interventions that might result in elimination of the procedure. The study would include a look at interventions available and to also look at the effects of banning FGM/C in the state. The most common approaches that have undergone some form of evaluation include health risk approaches, conversion of those who practice FGM, training of health professionals as change agents, alternative rituals, community-led approaches, public statements, and legal measures. It is our hope that the study will investigate all of these approaches.

Thank you.