



Urban Justice Center

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To: National Conference of Commissioners on Uniform State Law

Re: Comments on the Uniform Act on Prevention of and Remedies for Human Trafficking

Dear Commissioners:

The Sex Workers Project at the Urban Justice Center provides client-centered legal and social services to individuals who engage in commercial sex, regardless of whether they do so by choice, circumstance, or coercion. We write to submit comments before the final reading of the Uniform Act on Prevention of and Remedies for Human Trafficking. We are recognized experts on human trafficking and commercial sex in the United States.

We submitted suggestions and feedback in September, and are glad to see many of our suggestions incorporated. We are especially gratified to see that victims of trafficking into commercial sex will be eligible for restitution from their traffickers, and also that there is a clear definition of human trafficking, to which remedies and penalties attach. We support the robust protections for victims' rights and the emphasis on services for victims. In general, we believe the proposed Uniform Act embraces an effective approach to human trafficking that will elevate and clarify state responses to this egregious crime. We respectfully offer a few additional suggestions and comments to strengthen the Act.

- In Section 2, where forms of coercion are enumerated, we suggest adding "or threat of" to subsections B, C, D, E, and F. In our experience, coercion is often experienced as the threat of some form of harm, not the harm itself.
- In Section 17, to make this remedy accessible and effective for victims of trafficking:
 1. Ensure that if a survivor meets the requisites of the law, the judge **MUST** vacate the prior conviction(s), dismiss the accusatory instrument, and seal the record.
 2. Ensure the victim confidentiality provisions in Section 13 apply to these motions as well, by allowing for initials or "Jane Doe" designations to be used in court filings.

- To preserve this Uniform Act's clear focus on the crime of human trafficking, we support restraint in targeting patrons of commercial sex who do not have knowledge that they are patronizing a victim of trafficking or a minor. In Section 7(a)(2), we support at least a recklessness standard be applied as to the age of the minor.
- The severity of penalties under Section 6 and 7 seems to be in reverse proportion to the culpability of the individual. We would support an individual who knowingly patronizes a minor victim of trafficking to have a higher penalty imposed than an individual who unknowingly patronizes a minor.

We understand that some advocates would enlarge the focus on patrons to include heightened penalties for even patrons of adult, non-trafficked sex workers. We note that patronizing prostitution is already a crime in every state where prostitution is illegal. Human trafficking is most effectively reduced by prosecuting traffickers, supporting and empowering those vulnerable to victimization, and reducing the social conditions that pave the way for trafficking and child sexual exploitation. There is no evidence that increasing penalties for persons who patronize consensual adult sex workers causes any decrease in trafficking. We are concerned that including such penalties in this Uniform Act will encourage states to expend energy and resources better spent fighting human trafficking.

For more information, please see:

- *Moving Beyond 'Supply and Demand' Catchphrases: Assessing the Uses and Limitations of Demand-Based Approaches in Anti-trafficking* (2011), by Global Alliance Against Traffic in Women, available at http://www.gaatw.org/publications/MovingBeyond_SupplyandDemand_GAATW2011.pdf; and
- *Is Trafficking in Human Beings Demand-Driven? A Multi-Country Pilot Study* (2003), by International Organization for Migration, available at http://www.childtrafficking.com/Docs/anderson___o_connell_dauids1.pdf.

We thank you for taking our comments into consideration. If you have any questions, please do not hesitate to contact us for further information.

Sincerely,



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