

**Testimony of**  
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RE: House Bill 14-1273 “Human Trafficking”  
DT: 11 March 2014

Judiciary Committee

Introduction:

My name is Claude d'Estrée (pronounced: klōd des-TRAY). I am a professor at the Josef Korbel School of International Studies, the Director of the Human Trafficking Center at the University of Denver, and a Special Rapporteur on human trafficking to the United Nations Global Initiative to Fight Human Trafficking (aka, UN.GIFT)

I have been working on human trafficking issues since 1999 when I was a Supervisor in Asset Forfeiture at the U.S. Attorney's Office in Washington, DC.

The Human Trafficking Center (HTC) was begun in 2002 at the University of Denver when I put together the DU Task Force on Human Trafficking and Modern Slavery. It is the only two-year, graduate level training program in forced labor, human trafficking, and international labor migration issues in the U.S. The Human Trafficking Center is dedicated to sound research methodology and reliable and transparent data for use by lawmakers and policymakers, law enforcement, non-governmental organizations, international organizations and government agencies.

Presently we have 20 Associates, four Faculty Fellows, and five Research Fellows. I am joined today by my colleagues Stephanie Kenner, Associate Director for Research and Jennifer Hankel, Research and Advocacy Associate.

First let me give my thanks to the efforts of Representatives McCann and Wright and Senators Newell, Schwartz and Kefalas in putting forward this legislation. I would also like to offer my thanks to my colleagues at the Laboratory to Combat Human Trafficking, Prax(us), the Colorado Organization for Victims Assistance, Colorado Legal Services, the members of the Front Range Anti-Trafficking Coalition, and the Denver Anti-Trafficking Alliance for their hard work and leadership in fighting this old scourge of slavery.

Critique:

The Human Trafficking Center would like to offer some points that concern us in the current draft of House Bill 14-1273.

In general the Bill is solid but is significantly lacking in resources. But I will save this issue for last.

SECTION 1

18-3-502 – Definitions:

18-3-502 (3) – The definition of “commercial sexual activity” is very vague and too inclusive.

18-3-502 (4) – (a) and (b) should be reversed. While it may seem to be mostly cosmetic the continual appearance of sex trafficking as the primary issue is misleading. While not diminishing the significant issues surrounding sex trafficking and the emotional reaction to it, labor trafficking is a much more significant problem.

18-3-503 and 18-3-504 – Human Trafficking for involuntary servitude and human trafficking for sexual servitude:

The language of 18-3-504 (c) (I), (II), (II) should also be applied to 18-3-503.

18-3-504 (3) – Is it the intent of this subsection to make all “john’s,” or purchasers of commercial sex into “traffickers” by law?

18-3-505-Human trafficking council

While the idea of the council is very commendable the size, 26, is far too large and unwieldy. The attempt is to be very inclusive with fairly equal representation between government agencies and non-governmental agencies. It has been my experience that committees of this size, however well-intended, often accomplish very little.

18-3-505(e) – Strike...”particularly for the prevention of child sex trafficking.” There is no reason for singling out this particular group. In fact, most of the resources already are focused on this particular issue (e.g. the Innocence Lost Task Force)

18-3-505(f) – Who will collect this data and what resources will be made available to collect this data?

## SECTION 2

18-1.3-603 – Assessment of restitution – corrective orders

We are adamantly opposed to the idea that all restitution for human trafficking including labor and sex trafficking that is unclaimed by the victim be given to the Prostitution Enforcement Cash Fund. I can think of many other places this funding could go, but the logical place within this Bill is the Human Trafficking Council as created in 18-3-505.

## SECTION 19

19-1-306 – Expungement of juvenile delinquent records

(a) There is an internal inconsistency in this section. Minors engaging in prostitution are already considered victims of human trafficking and, by logic, ought not to be charged with prostitution to begin with.

(b) If we are going to state that minors engaging in prostitution or other commercial sexual activity do not have to show force, coercion, or fraud because they lack agency, then minors who are trafficked and engage in other illegal activity such as forced drug dealing, forced mugging, forced breaking and entry, forced shop-lifting, and the like, also ought to have their juvenile delinquent records expunged.

(c) This section also raises the issue of Safe Harbor laws. I am glad that Safe Harbor was not included in this legislation as much more research needs to be done to understand how other States have implemented these laws. As of this date there are 12 States who have fully implemented Safe Harbor laws and 6 in which it has been partially implemented. There are significant problems and unintended consequences that have become quite evident. Lauren Jekowsky, a Research Associate in the Human Trafficking has written a “Comprehensive Evaluation of Safe Harbor” dated November 2013 and recently published “Un-Safe Harbor: Why U.S. State Legislation is failing to Address Sex Trafficking in Minors” in the Human Trafficking Center’s blog at <http://humantraffickingcenter.org/blog>. I presume that future legislation will address Safe Harbor and I am happy to make the report and the blog available as well as the research resources of the Human Trafficking Center.

## SECTION 24

24-72-308.7 – Sealing of criminal conviction records information for offences committed by victims of human trafficking

24-72-308.7(2) – “Sealing” should be changed to “Expunging.” It is logically inconsistent to have minor victims of sex trafficking have their records expunged, but not adult victims of sex trafficking.

Finally, I would briefly like to return to my first point. I have been working on the issue of forced labor and human trafficking for over 15 years. In that time I have seen the slow acceptance of human trafficking as an important issue and its increased appearances in journalism, television and movies and substantial state, federal and international legislation. Indeed, human trafficking has become a *cause célèbre* with an explosion of local, national and international organizations giving voice to the issues. The rhetoric has greatly expanded, but not the resources. Human trafficking crosses the aisle easily with Democrats and Republicans, liberals and conservatives agreeing on the horrors of human trafficking and modern slavery. At first I was delighted, but over time I have become very concerned. There is a deepening gap between rhetoric and resources. It has become easy, even fashionable, to condemn human trafficking. It seems to be increasingly difficult to be willing to spend the funds necessary to truly understand the problem through research and apply the corrective measure to begin to eradicate forced labor and human trafficking. This Bill, unfortunately, shows signs of that problem. It is high in rhetoric and very low in committing resources. I think it is long past time to apply to adage of “putting your money where your mouth is.”

Thank you.

