



May 16, 2011

Senator Cynthia Stone Creem, Chair
Joint Committee on the Judiciary
State House Room 405
Boston, MA 02133

Representative Eugene L. O'Flaherty, Chair
Joint Committee on the Judiciary
State House Room 136
Boston, MA 02133

RE: An act relative to the sexual exploitation of people (S827/H2850) and
An act relative to the protection of children under the age of 18 who have been subject
to sexual exploitation (H2277/S55)

Dear Senator Creem, Representative O'Flaherty and Members of the Judiciary Committee:

I am writing today to ask you to favorably report out of committee and support the passage of S827/H2850, "An act relative to the sexual exploitation of people" and H2277/S55, "An act relative to the protection of children under the age of 18 who have been subject to sexual exploitation." Jane Doe Inc., the Massachusetts Coalition Against Sexual Assault and Domestic Violence, is a social change organization committed to addressing the root causes of sexual and domestic violence, and promoting justice, safety and healing for survivors. On behalf of our membership of 60 community-based sexual assault and domestic violence programs that provide direct services to victims and survivors of sexual and domestic violence, we are proud to affirm our support for this legislation.

Jane Doe Inc. supports this legislation because it will provide criminal justice responses to traffickers and others who exploit human beings as well as services and support for victims of this violent crime. By creating trafficking felony statutes and increasing penalties for "Johns", Massachusetts takes seriously the crime of human slavery and provides prosecutors with more tools. Human trafficking exists in a market of high profits (because of high demand) with low risk. This legislation increases risks for traffickers, shifts the focus away from criminalizing victims and moves it toward decreasing the demand for and benefits of trafficking and prostitution.

Historically, incidence and prevalence of human trafficking has been historically difficult to assess. It is an under-reported crime, which relies on the tactics of force, fraud and coercion. Traffickers use power, control, violence and threats of violence to keep victims from reporting their victimization or seeking help. Victims of this crime are often vulnerable, with limited resources, which is why they are sought out by traffickers. They report high rates of assaults, rapes and other violent crimes at the hands of pimps and johns (2009 Child Welfare League of America). In addition to violence, they experience the threat of violence to themselves and their families and the very real possibility of arrest. For those who may be able to leave a trafficking situation, options may be few—to live on the streets or to go back to an unsafe home situation. The impacts of such sustained violence and devastating stress can include depression, suicide, substance use/abuse, serious physical injuries and death (2001 Inter-American Commission of Women).

H2277/S55 acknowledges that the most vulnerable of trafficking victims are, in fact, victims and not criminals. By creating a “safe harbor” for victims in which youth are immune from prosecution as “prostitutes” and services are offered, individuals may feel safer in coming forward to report their victimization and seek help. Appropriate services to be provided must be well researched and victim-centric to address the specific needs and vulnerabilities of trafficked persons who may not adapt to traditional youth service provision.

Finally, if there is created an inter-agency task force on human trafficking, its focus should be two-fold. One, to better understand the unique aspects of trafficking across the Commonwealth, and two, to develop comprehensive, multidisciplinary, victim-centered responses and services to victims that support individuals’ health and safety. This task force must include victim advocacy agencies as core members.

Jane Doe Inc. member programs across the Commonwealth are encountering victims of human trafficking seeking services. They do not always identify themselves immediately as being trafficked, but they display many of the trauma symptoms of those traumatized by sexual and domestic violence. The work of sexual and domestic violence programs to provide trauma informed care to all of those who need it can only be enhanced by increased awareness and response to human trafficking in their communities.

Together, these two bills are a first step to recognizing and valuing the lives of individuals in Massachusetts who are exploited for the commercial gain and “pleasure” of others. The Federal Trafficking Victims Protection Act has been in place since 2000 and all but 5 states have state trafficking legislation. I ask you to strongly oppose all forms of violence by giving a favorable recommendation for passage of this legislation without delay.

Sincerely,

A handwritten signature in cursive script that reads "Mary R. Lauby".

Mary R. Lauby, Executive Director