

Dear Sirs

I write in response to your proposed Human Trafficking and Exploitation Bill, specifically section 6. While I agree completely that human trafficking and exploitation are heinous acts, I submit the opinion that section 6 will work in opposition to the goal of stopping these practices.

Suppose the client of a sex worker suspects that human trafficking is going on. A responsible, law-abiding citizen would report their suspicions to the authorities. Now suppose that this citizen knows that by reporting their concerns, they will make themselves liable for arrest. The rational course of action would be to preserve themselves. An immediate report with a credible witness becomes much more unlikely

Suppose an otherwise law abiding citizen who previously used the services of sex workers continued to do so under the provisions of this act. even such a person who scrupulously insisted on ensuring that they did not interact with a trafficked person will under this law become a criminal. Thus, where no offense existed before, you will have created a new class of criminals. Some folks will chose to alter their behavior in response to this law and they are exactly those for whom obeying the law is important. Thus, the clientele for sex workers will come from a smaller group in which the negative elements of society that previously existed have not diminished and those who were previously law-abiding have been reclassified as criminals. For women at the margin for whom the choice to enter prostitution seems their best chance, the element of personal danger will be increased by the persecution of their clients. None of this aids society in addressing the problem of human trafficking. If your goal is to decrease prostitution on moral grounds then you ought to state it as such rather than conflating consensual act between adults with trafficking and slavery. It seems illogical that an act - consensual sex - which will remain legal under this law will become illegal because there is an economic exchange. Nearly all of our actions as human beings are undertaken because we perceive some advantage for ourselves and the business of selling sex will not disappear because of legislation. Instead, sex work becomes more dangerous for those who are providers. They, by the way, are uniquely situated to help ferret out illicit competition, a result which gives them an economic boost and provides the state with another avenue of discovering trafficking victims. By further marginalizing them, you drive away potential allies.

I note with alarm the provision that the Department must raise awareness of this offense within a year. I suspect this will be effected by a series of arrests and subsequent publicity rather than a campaign of public service announcements on the radio and at town meetings. The need to conduct raids and operate stings will make it possible for the police to ask for more personnel, but the reason that more of them will be needed is because you will have legislated into existence a new class of criminals who have nothing to do with your stated intentions in passing this law.

I am surprised that there are not already laws on your books to prevent these crimes. In fact, I rather suspect that proper enforcement of existing statutes would be sufficient except that it is not politically expedient. I urge the removal of this clause and I wish you all the success in the world in catching kidnappers who abuse their victims.

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