

Minnesota anti-trafficking model inspires federal legislation

Minnesota passed the [Safe Harbor for Sexually Exploited Youth Act](#) in 2011, laying the groundwork for a victim-centered response to sexually exploited children and those at risk of sexual exploitation. The Advocates for Human Rights knew when we drafted the Safe Harbor Act that it marked a sea change in how sexually exploited youth are treated in Minnesota by identifying these kids as victims of crimes, rather than criminal perpetrators.

What we didn't imagine was how quickly real change would happen.

We now rightly (albeit not often enough) question the assumptions that permit prostitution to exist: that prostitution is a consensual transaction between willing participants and that men have a right to have sex. These assumptions were put so succinctly by Michael Smirconish in his [2011 syndicated column](#) pushing for the legalization of prostitution (or what he calls "fleeting, consensual physical companionship") when he asked "what's the difference between passing a cosmo down the bar and handing over a Ben Franklin when the aim is to get someone in the sack?" "Aren't the Quasimodos among us entitled to a little happiness?" he goes on to ask.

When I read that column I wanted to scream. Or cry. Prostitution isn't sex between consenting adults. It is the exploitation of women and children for the profit of the pimp and the pleasure of the john.

But we are making progress. The language of human trafficking has had a powerful impact. In just few short years, Minnesotans have fundamentally changed how we think about prostitution.

Today we no longer hear juvenile prosecutors ask "how will we get her to testify if we can't threaten her with juvenile delinquency prostitution charges?" Instead, as last week's Star Tribune feature on the issue of sex trafficking illustrated, police and county attorneys tout the benefits of treating prostituted children as crime victims in securing convictions against human traffickers.

In 2011 objections to including 16 and 17 year olds in Safe Harbors' protection against prosecution, largely out of fear that the girls who "voluntarily" engage in prostitution could escape punishment, were deeply entrenched 2011. Those objections had essentially evaporated by the 2013 legislative session.

The [victim-centered response](#) whose outline was mandated in the 2011 legislation is under construction as we speak with the hiring of the State's first [Safe Harbor director](#) at the Minnesota Department of Health.

And soon we may have federal legislation that requires states to adopt Safe Harbor models if they wish to continue receiving certain federal funding. Earlier this month, Senator Amy Klobuchar and Representative Erik Paulsen each introduced bi-partisan legislation that encourages Safe Harbor nationwide. Both bills are known as the *Stop Exploitation Through Trafficking Act* and were introduced as [S. 1733](#) and [H.R. 3610](#).

When introducing their legislation, both [Senator Klobuchar](#) and [Representative Paulsen](#) said the *Stop Exploitation Through Trafficking Act* is modeled after Minnesota's "safe harbor" laws which

help ensure minors who are sold for sex aren't prosecuted as defendants, but rather are treated as victims.

We have a long way to go in the fight against human trafficking. First and foremost, we need to recognize that pimp-controlled prostitution is by its nature coercive, violent and in every way lives up to the definition of human trafficking.

But thanks to Minnesota's vision, we are on the right path.

Read the story of how Minnesota's Safe Harbor law came into being at [Safe Harbor: Fulfilling Minnesota's Promise to Protect Sexually Exploited Youth](#)

By: Michele Garnett McKenzie, director of advocacy, The Advocates for Human Rights a non-profit organization headquartered in Minneapolis, celebrating its 30th year of working locally and globally to fight injustice, restore peace, save lives, and build the human rights movement.