

The New York State Anti-Trafficking Coalition

Coalition Against Trafficking in Women ♦ Equality Now ♦ GEMS ♦ inMotion
My Sisters' Place ♦ National Organization for Women–NYC ♦ Sanctuary For Families

Sen. Charles E. Schumer
757 Third Avenue
Suite 17-02
New York, NY 10017

June 5, 2008

Dear Senator Schumer,

We are writing to you as the Steering Committee of the New York State Anti-Trafficking Coalition, which was formed and worked for the passage of a strong state law against human trafficking, which came into force in New York last year. The Coalition included 80 different and diverse organizations, and an Advisory Board with many well-known and respected New Yorkers, including Gloria Steinem, Governor Mario Cuomo, Manhattan Borough President Scott Stringer, Meryl Streep, and Deputy Mayor Carol Robles-Roman. We are very proud of the law that was passed last year. We believe this law to be the strongest state anti-trafficking law in the country. We also believe that it reflects the concern of New Yorkers with both the problem of human trafficking and the role of New York as a port of entry, transfer and destination for trafficking victims.

We have reconvened at the request of some of our members, who have been working to strengthen federal anti-trafficking legislation. We are working to address some of the weaknesses in the Trafficking Victim Protection Act that was passed in 2000 (TVPA) and is currently being reauthorized by legislative action. Senators Biden and Brownback have recently introduced a bill in the Senate that does not include many of the strongest provisions in the reauthorization bill that passed the House in December 2007, the William Wilberforce Trafficking Victims Protection Reauthorization Act, by a vote of 405-2 (H.R. 3887).

Recently a meeting was held involving several members of the New York City Council and various advocacy groups. The focus of the meeting was the severity of the problem of human trafficking, and the need for stronger federal legislation to support the state law already in place. City Council Members have introduced a resolution reflecting the concern of the City of New York with the problem of human trafficking. The resolution states their support for H.R. 3887, which includes criminal justice provisions that address the challenges of using the TVPA for sex trafficking prosecutions, largely because it requires proof of “force, fraud or coercion” for a trafficking conviction. This element is extremely difficult to prove, because it usually depends on testimony by the victims, who are offered little protection by the law against retaliation by their traffickers. In addition to direct threats and intimidation, the victims may be subject to threats against family members in their home countries. These tactics and other types of coercive pressure often prevent the victims from testifying.

The difficulties of using the TVPA to prosecute sex traffickers are reflected in the low number of convictions: less than 70 in the past six years. The states that have

adopted legislation based on the Department of Justice model have similarly low numbers of convictions. Most sex trafficking prosecutions are in fact brought under the Mann Act, which only requires proof that the victim has been transported across state lines. H.R. 3887 makes force, fraud or coercion an element of aggravated trafficking, rather than a requirement for all convictions. It also incorporates the Mann Act into the TVPA, replacing the requirement for interstate transport with a requirement that the criminal activity be “in or affecting interstate commerce.” H.R. 3887 creates a coherent and comprehensive legal framework that reflects the reality of sex trafficking.

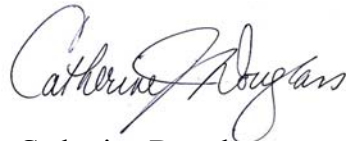
We believe that the two provisions mentioned above are critical to the effectiveness of the legislation as tool for holding sex traffickers criminally accountable for their actions. New Yorkers have made it clear that they want comprehensive legislation on trafficking, as demonstrated by the passage of a strong state law and the proposed City Council resolution. In light of your strong support for related legislation such as the Violence Against Women Act and the establishment of the U-Visa for victims of domestic violence, sexual assault and related crimes, we are hoping that you will take on a leadership role in ensuring that the Senate bill creates strong and effective anti-trafficking legislation at the federal level.

We would welcome an opportunity to meet with you to discuss anti-trafficking legislation, and the possibility of introducing an amendment to the Senate bill in order to incorporate the key criminal justice provisions of H.R. 3887 discussed above.

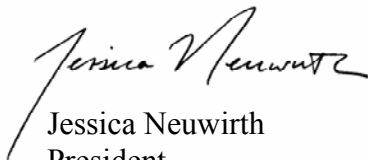
Sincerely,



Norma Ramos
Executive Director
Coalition Against Trafficking in Women



Catherine Douglass
Executive Director
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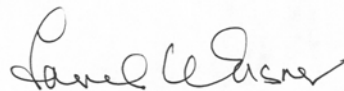
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