



October 25, 2010

Via First-Class Mail

Secretary Hillary Rodham Clinton
United States Secretary of State
Under Secretary Maria Otero
Under Secretary, Democracy and Global Affairs
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Re: Acknowledgement of 2010 Trafficking in Persons Report

Dear Secretary Clinton,

We write to commend you and the Trafficking in Persons office of the Department of State, and to express appreciation for your efforts on the 2010 Trafficking in Persons (TIP) Report. The New York Anti-Trafficking Network (NYATN) is a network of diverse service providers and advocates in New York dedicated to ending human trafficking and coordinating resources for trafficked persons. NYATN has provided direct services to over 300 survivors of trafficking and advocated on issues of trafficking in persons since 2002. As the first coalition in New York to engage in advocacy on issues relating to trafficked persons in New York, the Network aims to bring together the voices of those who have first-hand experience of the injustices of human trafficking, who work consistently to meet the needs of trafficked persons, and who advocate for a more humane and responsive policy towards trafficked persons. Our membership currently includes over 90 organizations and individuals advocating on behalf of survivors of trafficking and other forms of violence.

NYATN applauds you for including and evaluating the United States in this year's report for the very first time, and after years of such requests from the domestic and international community of anti-trafficking advocates. The United States has made considerable strides in combating human trafficking within its borders over the past decade. However, this progress does not diminish the necessity that reports like these evaluate our effectiveness alongside efforts of other countries. This report allows us to improve our policies and take further steps to combat trafficking in the U.S., and it advances our nation's credibility.

The TIP report did find areas for improvement in our government's anti-trafficking efforts. The report indicates that the current infrastructure and U.S. policies have led to higher rates of investigations and prosecutions into trafficking into the sex sector over trafficking into labor sectors. One reason for this imbalance is the use by law enforcement agencies of local vice units to identify trafficking offenses and the allocation of resources towards cases involving larger numbers of victims. These strategies have contributed to more investigations and prosecutions of trafficking offenses that occur in the sex sector. We applaud the acknowledgement of this discrepancy in the TIP report, as it demonstrates recognition by the government that this disparity requires attention.

We are also extremely pleased that the TIP report includes a recommendation to mandate victim identification training for immigration, detention, and removal officers and immigration services officers. Such training would address the inherent delays in identifying victims that occur as a result of these arrest and detention practices. Trafficking victims continue to be arrested and detained under criminal and immigration laws, creating distrust of law enforcement and government investigators on the part of possible victims.

We appreciate the attention to labor trafficking detailed in the report and were gratified to note the inclusion of data from the International Labor Organization (ILO). Our own experience and data collection confirm that the majority of trafficking cases involve trafficking into labor sectors other than the sex industry. This in no way diminishes the importance of cases of trafficking for commercial sexual exploitation, which is of grave concern to us. But the ILO data offers a more accurate and comprehensive picture of the trafficking of all men, women, and children. However, we are deeply concerned that recently, the DOS-TIP fact sheet that included the ILO statistics was removed from the Department of State's website. We believe that it is important that TIP documents are consistent with the 2010 report. More importantly, it is absolutely crucial that the 2010 TIP report, and reports going forward, include data from the ILO, which is a respected and trusted international entity. This is of particular importance, given the difficulty of establishing strong and credible data on trafficking issues.

NYATN praises you for addressing the trafficking and exploitation of domestic workers on A-3 and G-5 visas by their diplomat employers. We also appreciate your acknowledgement that the U.S. Department of Labor identified trafficking violations involving the H2B foreign labor certification program. Workers whose immigration status ties them to the sponsors of their employment-based visa are extremely vulnerable to exploitation. We are grateful to you for highlighting this issue.

In conclusion, we appreciate the U.S. Department of State's significant efforts to improve U.S. efforts to combat trafficking in persons. We are hopeful that your careful evaluation will lead to improved policies and efforts in the United States. As a New York-based network whose members are involved directly with cases of human trafficking on a daily basis, we hope that our firsthand experiences will continue to be helpful to you and Ambassador Luis CdeBaca's work combating human trafficking.

Sincerely,

NYATN Steering Committee

Florrie Burke
florrie.burke@gmail.com

Ivy O. Suriyopas
isuriyopas@aaldef.org

Crystal DeBoise
cdeboise@urbanjustice.org

Juhu Thukral
juhuthukral@gmail.com

Jennifer Dreher
jdreher@safehorizon.org

Suzanne Tomatore
stomatore@nycbar.org

Suzanne Seltzer
sseltzer@klaskolaw.com

Gabriela Villareal
napawfnycr@gmail.com

cc: Amb. Luis CdeBaca, Ambassador-at-Large, Ofc. to Monitor and Combat Trafficking in Persons