



Legislation Text

File #: Res 1156-2011, **Version:** *

Res. No. 1156

Resolution calling on the New York State Legislature to pass and the Governor to sign legislation to protect human trafficking victims by creating a separate private right of action to allow victims to sue perpetrators, to increase the penalties for sex trafficking and labor trafficking, and to provide funding for law enforcement training, public awareness campaigns, and additional social services for victims of human trafficking.

By Council Members Dromm, Barron, Brewer, Cabrera, Chin, Crowley, Dickens, Ferreras, Fidler, James, Koppell, Lander, Levin, Mark-Viverito, Mendez, Palma, Recchia, Reyna, Rose, Vacca, Williams, Wills, Lappin, Rodriguez, Vallone and Ulrich

Whereas, Human trafficking is the illegal trade of human beings for such purposes as commercial sexual exploitation or forced labor, and has been described as a modern day form of slavery; and

Whereas, The federal Trafficking Victims Protection Act (TVPA) of 2000 and its subsequent reauthorizations in 2003, 2005, and 2008 state that human trafficking has occurred if a person was induced to perform labor or a commercial sex act through force, fraud, or coercion; and

Whereas, Any person under the age of 18 who performs a commercial sex act is considered a victim of human trafficking, regardless of whether force, fraud, or coercion was present; and

Whereas, The Bureau of Justice Statistics (BJS), within the United States Department of Justice, recently released a summary report containing data collected from the Human Trafficking Reporting System (HTRS) that documented more than 2,500 alleged incidents of human trafficking in the U.S. between January 2008 and June 2010; and

Whereas, The BJS report showed that the percentages of suspected incidents of human trafficking investigated during this time that involved allegations of adult prostitution and the prostitution or sexual exploitation of a child were at 48 percent and 40 percent respectively; and

Whereas, Victims of trafficking have little civil recourse against their perpetrators; and

Whereas, Criminal prosecutions often fail because prosecutors are reluctant to file such cases due to insufficient evidence of fraud or coercion; and

Whereas, Under New York State Law, civil remedies for victims of trafficking can include the return of property or financial penalties commensurate with the proceeds of the crime, pursuant to Section 1311 of the New York Civil Practice Rules and Laws; however, these are insufficient penalties for the heinous offense committed; and

Whereas, The New York State Anti-Trafficking statute enacted on June 6, 2007 (Chapter 74 of the Laws of 2007) combines tough law enforcement sanctions against traffickers and restores the dignity of the trafficked person through coordinated and varied service provisions; and

Whereas, According to the Northeastern University Human Trafficking Data Collection and Reporting Project, proposed laws in several states - Arizona, Minnesota, Nevada, New Mexico, Oklahoma, and Texas - include a private right of action that allows trafficking victims to recover damages, including punitive damages; and

Whereas, There is insufficient public awareness of the warning signs of human trafficking to assist police and prosecutors, and additional training programs are needed for such law enforcement personnel to differentiate between sex trafficking, prostitution, and labor trafficking; and

Whereas, Social services are vital to helping human trafficking victims adjust, cope, and reacclimate to society; now, therefore be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation to protect human trafficking victims by creating a separate private right of action to allow victims to sue perpetrators, to increase the penalties for sex trafficking and labor trafficking, and to provide funding for law enforcement training, public awareness campaigns, and additional social services for victims of human trafficking.

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