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# PATH TO FREEDOM

A Presidential Agenda for Abolishing  
Modern Slavery and Human Trafficking



Alliance To End  
Slavery & Trafficking

A Project Of Humanity United



DEC  
2012

## ABOUT **ATEST**

The Alliance to End Slavery and Trafficking (ATEST) is a coalition of U.S.-based human rights organizations working to end modern-day slavery and human trafficking in the United States and around the world. We advocate for lasting solutions to prevent labor and sex trafficking, hold perpetrators accountable, ensure justice for victims and empower survivors with tools for recovery.

Our collective experience implementing programs at home and abroad provides our coalition an unparalleled breadth and depth of expertise. Together, we are committed to ensuring that:

- Corporations and government supply chains are free from human trafficking, forced labor and other forms of modern slavery.
- Corporations or governments that recruit and hire workers, directly or through labor brokers, do so ethically.
- Federal, state and local governments do not treat victims as criminals and instead, provide survivors with comprehensive services and access to justice.

### CONTACT

#### **David Abramowitz**

*Vice President, Policy and  
Government Relations*

Humanity United

[dabramowitz@humanityunited.org](mailto:dabramowitz@humanityunited.org)

#### **Cory Smith**

ATEST

[csmithhu@gmail.com](mailto:csmithhu@gmail.com)

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1700 Pennsylvania Ave, NW  
Suite 520

Washington, D.C.

Tel: 202-503-3200

[info@endslaveryandtrafficking.org](mailto:info@endslaveryandtrafficking.org)

[www.endslaveryandtrafficking.org](http://www.endslaveryandtrafficking.org)



# TABLE OF CONTENTS

Introduction.....	1
Executive Summary .....	3
<b>RECOMMENDATIONS</b>	
<b>I.</b> Develop a National Action Plan To Combat Human Trafficking and Modern-Day Slavery .....	7
<b>II.</b> Promote Key Federal Legislation and Funding .....	7
<b>III.</b> Support Transparency and Accountability in Supply Chains, in Government and the Private Sector .....	10
<b>IV.</b> Promote Increased Efforts by Federal Agencies.....	11
<b>V.</b> Support New Collaborations Between the Federal and State Governments .....	19
Appendix A: Administration and Agency Priorities .....	21
Appendix B: Acronyms .....	28

## Acknowledgement

The Alliance to End Slavery and Trafficking extends a special thanks to Leah Greenberg for her invaluable assistance and dedication in producing this report.

Humanity United, a foundation dedicated to building peace and advancing human freedom, founded ATEST in 2007, initially as a pilot project to strengthen U.S. laws and increase federal resources dedicated to anti-trafficking efforts. ATEST formalized its alliance in 2009 with a broadened mission, and has expanded to include 12 organizations.



# INTRODUCTION

One hundred and fifty years ago President Lincoln signed the Emancipation Proclamation. Tragically, an estimated twenty-seven million men, women and children around the world are still enslaved today—toiling in factories and fields, in mines and in brothels, on ships and on the streets. Illegal everywhere, human trafficking, forced labor, and other forms of modern-day slavery exist worldwide, including here in the United States. As President Obama indicated in his speech at the Clinton Global Initiative in September 2012, the existence of this injustice is “a debasement of our common humanity,” which “must be called by its true name—modern slavery.”

Human trafficking is a grave human rights challenge and a source of immense profit that fuels illicit networks around the world. The United Nations Office on Drugs and Crime estimates that human trafficking reaps \$32 billion in profits for criminal gangs, undermining stability and the rule of law in the countries where they operate. Human trafficking, forced labor, and other forms of modern-day slavery are also sources of immense profit for unscrupulous and corrupt businesses and employers.

The United States has recognized that it has a unique and critical role in leading the fight against human trafficking and modern-day slavery and has made significant advances in combating this scourge, protecting victims of trafficking, prosecuting offenders, and improving awareness and prevention efforts. However, serious challenges remain. This report by the Alliance to End Slavery and Trafficking (ATEST)—a coalition of twelve U.S.-based human rights organizations with anti-trafficking and anti-slavery programs in the United States and around the world—is a road map for the Obama Administration as it begins its second term. Most importantly, the Administration must:

- Develop a National Action Plan based on a “whole of government approach” that coordinates all available resources and tools instead of providing piecemeal solutions;
- Back up its commitment to fighting human trafficking and modern-day slavery with an FY14 budget request that fully funds critical initiatives;
- Begin immediately to work with Republicans and Democrats in Congress to reauthorize the lapsed Trafficking Victims Protection Act (TVPA), which provides critical resources and new tools in the fight against human trafficking and modern-day slavery; and

## THE ROLE OF SURVIVORS IN COMBATING TRAFFICKING AND SLAVERY

Survivors of human trafficking and modern-day slavery must play an essential role in any government or agency action plan to combat modern-day slavery. As survivors of this crime they are one of the best resources to understand how the U.S. government can ensure a victim-centered approach to addressing modern-day slavery and prevent this crime from occurring in the first place. Too often, survivor voices remain absent from important discussions and decisions concerning promising practices, protocols for services, and other tools to combat modern-day slavery.

- Survivors should be treated as stakeholders. Survivors are more than just a story; they need to be viewed as important participants in discussions on human trafficking.
- Survivors should be invited to and included in planning high-level meetings and conferences on human trafficking.
- Survivors should review and provide feedback on government-developed trainings.
- Survivor-led organizations should be supported.
- Survivors should be encouraged to develop or invited to provide input and feedback on promising practices and protocols for services.
- All types of survivor voices should be represented, including foreign national and U.S citizen survivors of sex and labor trafficking.

- Partner with willing countries to create innovative, focused and comprehensive approaches to combat human trafficking, forced labor, and other forms of modern-day slavery around the world.

In 2015, the United States will commemorate the 150th year since the 13th Amendment to the United States Constitution was adopted by a bipartisan majority in Congress, and ratified by the states, legally abolishing slavery in the United States forever. It is time to make this commitment a reality, not only in the United States but around the world.



# EXECUTIVE SUMMARY

## RECOMMENDATIONS

➤ **THE PRESIDENT SHOULD COMMIT TO DRAFTING A U.S. NATIONAL ACTION PLAN ON HUMAN TRAFFICKING AND MODERN-DAY SLAVERY IN THE NEXT 12 MONTHS.**

The complexity of the government's response to human trafficking, forced labor, and other forms of modern-day slavery requires a comprehensive strategy that engages the government on every level and ensures that policies, laws, and implementing agencies are properly coordinated. Drawing from the initiatives already announced by the President earlier this year, the plan should include specific directives on victim assistance, investigation and prosecution, research and data collection, training and implementation, and corporate and public engagement. To make sure that this plan is both formulated and implemented, the President should promote a high level of White House staff engagement. Continuing action out of the White House will ensure that international and domestic agencies are accountable for making progress on these issues. This engagement should include a designated staff person who is responsible and accountable on domestic issues and who will improve coordination both within the White House and between agencies.

➤ **THE PRESIDENT SHOULD MAKE REAUTHORIZATION OF THE TRAFFICKING VICTIMS PROTECTION ACT (TVPRA) A PRIORITY FOR HIS LEGISLATIVE AGENDA.**

The TVPRA has strong bipartisan support and provides critical resources and new tools in the fight against human trafficking and modern-day slavery. It should be reauthorized immediately.

➤ **THE PRESIDENT SHOULD SUBMIT AN FY2014 BUDGET REQUEST TO CONGRESS THAT FUNDS FEDERAL ANTI-TRAFFICKING PROGRAMS AT NO LESS THAN THE LEVELS AUTHORIZED BY THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2008.**

Congress has set levels for funding for a wide range of federal agencies, both for domestic and international programs, below authorized levels. The President should request at a minimum the amount authorized for the last applicable year of the TVPRA. ATEST specifically requests the fully authorized funding for the Anti-Trafficking in Persons program at the Department of Health and Human Services (HHS) and the State Department Office to Monitor and Combat Human Trafficking (J/TIP) as these entities are central to addressing international and domestic human trafficking.

➤ **THE UNITED STATES SHOULD EMBRACE AN INNOVATIVE, FOCUSED AND COMPREHENSIVE APPROACH TO COMBATING HUMAN TRAFFICKING, FORCED LABOR, AND OTHER FORMS OF MODERN-DAY SLAVERY AROUND THE WORLD.**

ATEST recommends that the President designate 15 focus countries, in consultation with local and international anti-trafficking organizations and national governments, to innovate comprehensive strategies to secure relief for victims, deter and prosecute perpetrators, provide care and reintegration, and sustainably and measurably eradicate the crime of trafficking. The Departments of State and Labor, United States Agency for International Development (USAID) and other relevant agencies should all have a role in implementing this focus strategy, including funding complementary prevention strategies.

Angela was enslaved for 7 years in Saudi Arabia. When the family she worked for brought her to the United States, she received a pamphlet from the consulate office. Three days after she arrived in the United States she was finally able to escape from the abuse of her traffickers by calling the number on the pamphlet for help.

- **THE ADMINISTRATION SHOULD CONTINUE TO PROMOTE TRANSPARENCY AND ACCOUNTABILITY IN GOVERNMENT AND PRIVATE SECTOR SUPPLY CHAINS AND OTHER BUSINESS OPERATIONS.** The Administration should work expeditiously to effectively implement the recently signed Executive Order titled Strengthening Protections Against Trafficking in Persons in Federal Contracts, including supporting ongoing efforts to pass legislative authority to complement this initiative. The Administration should also support legislation that would require companies to disclose steps they are taking to eliminate human trafficking and modern-day slavery within their supply chains, and should enforce requirements for business transparency in relation to conflict minerals from the Democratic Republic of Congo as set forth in new rules promulgated by the Securities and Exchange Commission (SEC). The President should also convene business leaders, worker or union representatives, and other experts to encourage further examination of transparency in corporate and government supply chains, and should support the development of projects that provide consumers with information on modern-day slavery, forced labor and human trafficking in supply chains.
- **THE PRESIDENT SHOULD SUPPORT EFFORTS TO IMPROVE SERVICES FOR VICTIMS OF HUMAN TRAFFICKING FOUND IN THE UNITED STATES.** The Administration should increase resources available to victims while refining its approach to victim services. This includes increasing funding to meet the long-term, comprehensive needs of survivors, while ensuring that all victims of trafficking are treated equally and receive the services that they need. It also requires adopting a consistently victim-centered approach across government in order to ensure that victims of human trafficking are not arrested, charged, prosecuted, or deported because of criminal or administrative violations incident to their trafficking situations, and that there is proper coordination among agencies involved in providing services to survivors. These recommendations should be reflected in the interagency strategic action plan on victim services announced by the President in his September 2012 speech, and implemented by a standing victim services working group in the Senior Policy Operating Group (SPOG).
- **THE ADMINISTRATION SHOULD UNDERTAKE A COMPREHENSIVE ANNUAL COUNT OF HUMAN TRAFFICKING VICTIMS IDENTIFIED IN THE UNITED STATES.** There is currently no comprehensive mechanism for counting all trafficking victims in the U.S in a consistent and uniform manner. This lack of data continues to hamper the formation of an effective anti-trafficking response. The President, acting through the President's Interagency Task Force (PITF), should develop a plan to achieve an accurate annual count of all victims of human trafficking identified in the United States that takes into account current data collection occurring in various government agencies and pursuant to 22 USC §7103(d)(3). Such an effort could be supplemented by federally funded academic surveys to determine prevalence in key hot spots or nationwide. This is a significant undertaking and would require appropriate funding.
- **THE ADMINISTRATION SHOULD DESIGNATE THE HHS-FUNDED NATIONAL HUMAN TRAFFICKING RESOURCE CENTER (NHTRC) HOTLINE AS THE PRIMARY HUMAN TRAFFICKING NATIONAL HOTLINE FOR THE UNITED STATES.** Several agencies and departments currently have their own human trafficking-specific hotlines, which creates confusion and hinders coordination. Establishing a single government-supported national hotline would eliminate duplication of efforts, increase efficiency



and streamline the government response to human trafficking. Federal agencies should use a single hotline to access victim services, training and technical assistance, and comprehensive anti-trafficking tools; and to connect with federal, state, and local law enforcement, government agencies, services providers, and other key stakeholders regarding victims and cases.

- **THE ADMINISTRATION SHOULD IMPROVE PREVENTION AND SCREENING EFFORTS ACROSS GOVERNMENT.** This includes instituting agency-wide training for relevant agencies such as the Departments of Justice, Labor, and HHS, expanding on successful efforts like the State Department’s ‘Know Your Rights’ campaign, and developing guidance on screening for signs of human trafficking in high-risk populations, such as runaway and homeless youth and immigrant/migrant workers. It also means reexamining visa programs in which human trafficking is known or suspected to have occurred, and increasing screening for worker rights violations, to ensure that legitimate visa programs are not used for human trafficking.
- **THE ADMINISTRATION SHOULD PROTECT MIGRANT WORKERS FROM HUMAN TRAFFICKING BY FOREIGN LABOR RECRUITERS.** This includes implementation of the Executive Order, issuing revised regulations pertaining to key visa categories, and supporting legislation that ensures oversight and accountability of foreign labor recruiters to prevent human trafficking, the elimination of all recruitment fees, and provides information to workers to make them less vulnerable to exploitation and abuse, either in the TVPA reauthorization or as stand-alone legislation.
- **THE ADMINISTRATION SHOULD LEVERAGE THE GROWING NATIONAL MOMENTUM AROUND THE ISSUE OF CHILD TRAFFICKING IN THE UNITED STATES TO COMMENCE A NATIONAL DIALOGUE ON THE TOPIC WITH STATE CHILD WELFARE ADMINISTRATORS, JUVENILE JUSTICE OFFICIALS, AND OTHER IMPORTANT STAKEHOLDERS.** This conversation should include promising practices for preventing and serving child trafficking victims in the child welfare system, guidelines for shelter facilities for trafficked children, and the need for trauma informed training and assessment tools for child welfare officials and all HHS grantees working with this at-risk population in order to better identify and serve human trafficking cases.

Eighteen workers from the Philippines, both men and women, entered the United States lawfully on H-2B visas. They were told that if they left their employer they would be hunted down by the police and blacklisted. When someone did escape, a wanted poster was posted in the house where the workers were kept and workers were told that the man who escaped was in jail. Workers were terrified to report what had happened to anyone because they had taken out huge loans from labor recruiters in their home country and knew they would lose their family’s homes and property because of this debt.



# THE PATH TO FREEDOM

## A PRESIDENTIAL AGENDA FOR ABOLISHING MODERN SLAVERY AND HUMAN TRAFFICKING

### I. Develop a National Action Plan To Combat Human Trafficking and Modern-Day Slavery

The recommendations outlined in this memorandum touch upon many of the roles that the federal government plays in the fight against human trafficking, forced labor, and other forms of modern-day slavery. They also demonstrate the need for an integrated, comprehensive whole of government strategy that ensures that policies, laws, regulations and implementing agencies complement each other and maximize impact. Therefore, the President should direct the President's Interagency Task Force (PITF) to develop within the next twelve months a comprehensive National Action Plan on Human Trafficking and Modern-Day Slavery. This plan should include specific directives on coordination among foreign affairs and domestic agencies on victim assistance, investigation and prosecution, research and data, training and implementation, and corporate and public engagement.

One important element of developing a National Action Plan and implementing the initiatives announced in September 2012 will be coordination between the White House and the existing interagency structure. To make sure that this plan is both formulated and implemented, the President should promote a continued high level of White House engagement. Continuing action out of the White House will ensure that international and domestic agencies are accountable for making progress on these issues. To this end, the White House should designate a staff person who is responsible and accountable on domestic trafficking issues to improve coordination both within the White House and between agencies. Representatives of the White House from both the national security and domestic side should continue to participate in the Senior Policy Operating Group (SPOG), chaired by the Ambassador-at-Large to Combat Trafficking in Persons, to ensure cooperation with that body in the lead up to the annual PITF meeting, and the White House should continue to use the interagency process to support the SPOG and the PITF as appropriate.

### II. Promote Key Federal Legislation and Funding

#### A. *Reauthorize the Trafficking Victims Protection Act (TVPA)*

It has been over a year since the expiration of the most recent authorization of the TVPA in 2008. As the President indicated in this September 2012 speech, reauthorizing the TVPA is critical and should be a bipartisan “no-brainer.” Congress’s continued failure to reauthorize the TVPA leaves critical anti-trafficking programs vulnerable to cuts and the U.S. government without the new

tools and resources it needs to fight this constantly adapting crime, and undermines U.S. leadership internationally. The President should make reauthorization of the TVPA, which has wide bipartisan support, a priority for his legislative agenda.

### **B. *Support the Full Funding of All Authorized Accounts in the 2008 TVPRA***

The President should submit a FY2014 Budget Request to Congress that funds federal anti-trafficking programs at no less than the levels authorized by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. Congress has set levels for funding for a wide range of federal agencies, both for domestic and international programs, and the President should request at a minimum the amount authorized for the last applicable year of that Act. Full funding for victim services, law enforcement activities, international diplomacy and grants, and awareness and prevention activities across the full range of federal agencies involved are critical to a truly whole of government approach.

At the same time, the amounts authorized in the TVPRA are modest relative to the scale of the problem. To truly address this issue in the United States and abroad, the White House must develop a long-term plan to support generous increases in funding levels to combat modern-day slavery.

### **C. *Launch an Innovative Focus Country Approach to Combating Trafficking***

Human trafficking is a critical emergency for each victim suffering from it, as well as an urgent issue for U.S. national security. Human trafficking and slavery are destabilizing forces, empowering transnational criminal groups and unscrupulous and corrupt employers while undermining governments' legitimacy and rule of law. Human trafficking is the second largest criminal industry in the world, second only to drug trafficking. Yet, for every \$32 a human trafficker earns, the U.S. government spends only ten cents fighting them. If the Administration is serious about eradicating slavery today, it needs to commit the resources and attention necessary to truly make a difference.

ATEST recommends that in his second term, the President adopt an innovative approach to fighting modern-day slavery and human trafficking abroad, based on the 'focus country' model used to successfully bring to scale treatment, care, and prevention of HIV/AIDS. The President should designate 5-15 focus countries, in consultation with international development organizations and financial institutions, national governments (both potential donors who can join this effort and potential beneficiary countries), and local civil society in potential beneficiary countries. Focus country approaches would be designed to develop innovative comprehensive strategies to secure relief from human trafficking, slavery and forced labor for victims; bring perpetrators to justice; provide care and reintegration and help potential victims and at-risk communities to protect themselves and returning survivors; and ultimately to sustainably and measurably eradicate the crime of human trafficking. This approach would demonstrate that the U.S. government, acting in partnership with international organizations, foreign governments and civil society, can measurably reduce the incidence of human trafficking in a country or region.

Under this approach, funding would be granted to governments that have demonstrated political will to address human trafficking, forced labor, and other forms of modern-day slavery, but lack the resources and infrastructure to eradicate it. Funding would depend on an agree-



ment between the U.S. and the beneficiary country on appropriate strategies, benchmarks, and fiscal transparency, much like the Millennium Challenge Corporation compacts. In order to bring to scale successful eradication strategies, this approach should provide 3-5 year funding for serious investments in prevention, care, and perpetrator accountability. Agreements between the U.S. and each focus country, and, as appropriate, other donor governments and international organizations, should include specific targets for local communities that have successfully built protective and preventive response systems, victim identification and assistance programs, perpetrator accountability mechanisms, including convictions with sentences carried out, and survivor aftercare services.

In order to take a comprehensive approach, the U.S. government and other participants should first map capacity and fund baseline studies, test strategies, and collect data in these focus countries, including past or ongoing anti-trafficking and pro-poor development initiatives. The U.S. would then scale up and replicate human trafficking and modern-day slavery eradication efforts that are found to be effective. Focus countries should be selected on the basis of demonstrated will to address the full range of trafficking issues, including trafficking for both sex and labor, in multiple sectors (e.g. manufacturing, agriculture, domestic work, fishing, etc.). This assistance will increase cooperation between the United States and countries that show a commitment to end human trafficking and modern-day slavery within their borders, while pioneering new strategies that can be scaled up and replicated.

The Department of State should take the lead on administering this focus country approach; other agencies, including the Department of Labor and USAID, could opt in to participating or work with State to support focused complementary preventive initiatives. The Department of State's Trafficking in Persons Office and regional bureaus have years of experience in developing action plans and the key mechanisms to support them. The Department of Labor similarly has been programming for years and has developed important learning, particularly in the area of combatting the worst forms of child labor. In addition, in 2012, USAID issued a new, comprehensive Counter-Trafficking in Persons Strategy that sets its own past programming within an expanded framework. Finally, the Department of Agriculture (USDA), through the work of the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products, has set new guidelines for suppliers and is now in the process of making grants to implement these guidelines. All of these agencies, working together at the headquarters and mission level, can play an important role in implementing a focus country strategy approach. Funding for this focus country program should not come at the expense of already-funded programs, which play a critical role in supporting anti-trafficking and anti-slavery efforts around the world.



Kay Chernush for the U.S. State Department.

This desperate mother traveled from her village in Nepal to Mumbai, India, hoping to find and rescue her teenage daughter who was trafficked into an Indian brothel. Nepalese girls are prized for their fair skin and are lured with promises of a "good" job and the chance to improve their lives. "I will stay in Mumbai," said the mother, "Until I find my daughter or die. I am not leaving here without her."

### III. Support Transparency and Accountability in Supply Chains, in Government and the Private Sector

Increasing transparency is an essential step towards addressing human trafficking, forced labor and other forms of modern-day slavery in corporate and government supply chains. In its latest List of Goods Produced by Child Labor or Forced Labor, the Department of Labor identified 134 products from 74 countries. Yet the majority of companies remain ignorant of what items within their supply chain have been produced using trafficked or forced labor, and how their other business operations may touch human trafficking. Indeed, major U.S. companies often do not know who their suppliers are beyond their first or second tier suppliers, creating a severe lack of accountability for supplier abuses. As high-volume buyers, U.S.-based companies hold the keys to a solution.

In its first term, the Administration took important steps to support the move towards transparency and accountability, both in its own contracts and the actions of the private sector. ATEST recommends that the Administration take the following steps to advance these goals in the second term:

#### A. *Effectively Implement the Executive Order Strengthening Protections Against Trafficking in Persons in Federal Contracts*

This initiative shows that the United States can be a model for how companies can address issues in their supply chains, and generate pressure on all sectors to improve practices. The Executive Order requires timely and effective implementation. It must not be stranded as a laudatory effort, as past initiatives have been. Indeed, there have been a number of efforts to improve this process, but so far, they have not fulfilled their promise because of the ambiguity of the commitment or the failure to implement requirements down to the level of the federal contracting officer. The Executive Order and its implementation represent a new opportunity to ensure that the federal government becomes the model it should be.

#### B. *Support Legislation to Encourage Corporate Transparency*

The President should encourage greater corporate transparency by supporting the reintroduction and passage of the “Business Transparency on Trafficking and Slavery Act” (formerly H.R. 2759 in the 112th Congress), a bipartisan bill that would require very large businesses to disclose what steps, if any, they are taking to eliminate these human rights abuses within their supply chains, labor recruitment practices, and use of goods and services. The President should also continue to convene companies to encourage further examination of their supply chains, from the factory level to the raw material level, and should examine opportunities to create procurement advantages for companies who demonstrate due diligence throughout their supply chains.

#### C. *Enforce Disclosure Requirements for DRC Conflict Minerals*

Recent progress has been made on requiring business transparency in the context of conflict minerals from the Democratic Republic of Congo (DRC). Now that the Securities and Exchange Commission (SEC) has issued the final rule under the DRC Conflict Minerals disclosure provision (Section 1502 of the Dodd-Frank Act), enforcement actions should ensure that disclosure of due diligence by companies includes an examination of policies to end forced labor and child labor.

The Organization for Economic Co-operation and Development's due diligence guidelines, which SEC staff have acknowledged contain the relevant standard, include a Model Supply Chain Policy for A Responsible Global Supply Chain of Minerals from Conflict-Affected or High-Risk Areas. Under the policy, a company sourcing from conflict-affected areas commits to "neither tolerate nor by any means profit from, contribute to, assist with or facilitate the commission by any party of... any forms of forced or compulsory labor; [or] the worst forms of child labor...." Enforcement actions should take into account this model policy. The Administration must ensure that, after issuing regulations more than a year after legislatively required, it does not allow a recently launched lawsuit to further postpone actions that could save children and adults from slavery in the DRC.

#### **D. *Address Use of Child or Forced Labor in Imported Agricultural Products***

The United States should follow through with its efforts to ensure that imported agricultural products do not involve child or forced labor. To model the best behavior by the federal government, the United States should commit to joining the Fair Food Initiative in its procurement of certain agricultural products in the United States.

#### **E. *Support Consumer Information Initiatives on Transparency***

Greater transparency is also critical to helping consumers take action to support a world without human trafficking and modern-day slavery. To accomplish this, the President should continue to support projects like Slavery Footprint, Free2Work and Made in a Free World, which help provide consumers with information on human trafficking, forced labor and other forms of modern-day slavery so that they can make educated purchasing decisions.

#### **F. *Support the Department of Labor List of Goods Produced by Child Labor or Forced Labor***

This is a critical tool that should be enhanced and regularly updated. Promising practices on eliminating forced or child labor in supply chains should be produced, as required by the Trafficking Victims Protection Reauthorization Act of 2003. The additional research required to enhance this report will require increased resources for the Department of Labor's Bureau of International Labor Assistance (ILAB).

### **IV. Promote Increased Efforts by Federal Agencies**

#### **A. *Enhanced Diplomacy to Monitor and Combat Human Trafficking***

The State Department Trafficking in Persons Office (J/TIP) plays an essential role in raising the visibility of human trafficking and modern-day slavery around the world and identifying specific gaps and weaknesses for foreign governments to address. The annual Trafficking in Persons Report, prepared by J/TIP, is a thorough and credible resource for all who follow this issue, and the Tier ranking system has contributed substantially to encouraging government reforms in many countries.

The President and the Secretary of State should ensure greater cohesion among J/TIP, regional bureaus and U.S. diplomatic missions around the world to guarantee a candid assessment of the

failings of foreign government and improve the chances of success of J/TIP diplomacy. Honest assignment of Tier rankings is a source of intra- and interagency conflict. “Grade inflation” in the tier ranking is clearly occurring for countries where the U.S. has key national security interests. ATEST is particularly concerned about the requirement that no country remain on the Tier 2 Watchlist for more than two years. Originally intended to prevent the Watchlist from becoming a ‘parking lot,’ this requirement may lead to poorly performing countries instead being prematurely upgraded. The current ranking system places the U.S. in grave danger of losing its most effective diplomatic tool for slavery eradication.

ATEST recommends the following:

- The Secretary of State should raise the status of the J/TIP office and support the Trafficking in Persons Report as a critical tool in the fight against human trafficking;
- The Secretary of State should ensure that when senior officials travel, particularly at the Under Secretary level, such officials raise TIP issues with the foreign government; and
- J/TIP’s grants program should be expanded to help governments foster change, particularly with respect to evaluating trafficking prevalence and determining effective interventions.

### **B. *Improve Services for Victims of Human Trafficking in the United States***

Victim services in the United States are in serious need of increased resources, coordination, and high-level attention. The President has taken an important step by announcing the development of an interagency strategic action plan for victim services. ATEST recommends that the Administration take the following steps in order to improve victim services further:

Carpet weavers like this family are usually Dalits or “Untouchables,” the lowest caste in South Asian society. In many instances, the children are helping a family member, or someone else in their village who has fallen into debt. An offer is made to place a loom in their hut so they can pay off their debt, but this only ensures their enslavement, sometimes for generations.



Kay Chernush for the U.S. State Department.



## 1) INCREASE VICTIM SERVICES FUNDING

Over the past decade, funding for victim services has stagnated while the need for services has dramatically increased. The need to serve more human trafficking victims with the same amount of funding has led to shorter periods of victim services per victim, challenging survivors' ability to recover and to participate in federal prosecutions. Resources for victims services have been further squeezed because the Department of Justice's Office for Victims of Crime (OVC) has used funds designated for victim services in order to fund law enforcement human trafficking task forces. The lack of sufficient funding has led the Department of State to recommend repeatedly in its Trafficking in Persons Report that the U.S. government increase funding for victim services.

In order to provide victims of human trafficking with the comprehensive services that are critical to their recovery, ATEST recommends that the President's FY2014 Presidential Budget Request include full funding of all authorized accounts for victim services, training, and law enforcement efforts in the 2008 TVPRA, including the funding authorized under the TVPRA that has yet to be appropriated, such as the \$5 million in funding to serve child victims of human trafficking in desperate need of safe shelter. Other funding mechanisms to increase victim services should be seriously explored, including designating funding from the Department of Homeland Security (DHS)'s Blue Campaign for victim services or providing funding for training and victim services through the Department of Labor, which has \$10 million in authorized funding under the TVPA that has never been appropriated.

Moreover, the Administration should secure additional HHS funding for specialized programs to serve human trafficking victims, in particular an additional \$5 million in funding for legal services. Victims of trafficking have complex immigration, criminal, and civil legal needs, and greater funding is needed to ensure that legal support is available to them. Funding for legal services and for attorneys who specialize in assisting human trafficking cases will ensure that victims can seek justice, compensation, and protection in the United States for the crimes committed against them. Additionally, this network of specialized attorneys who are experts in human trafficking issues is needed to support a wide range of pro bono efforts to address this issue as ongoing technical support, training, and consistent, long-term supervision is needed for pro bono attorneys to handle these complex, specialized legal matters.

Finally, federal funding for intensive case management needs to account for the long-term recovery needs of victims. Intensive case management needs to be extended, and management for child victims of trafficking, which is often unavailable, needs to be enhanced.

ATEST also recommends that the Administration create emergency funds for unexpected needs of human trafficking survivors in the United States. This funding could be tapped by service providers and law enforcement to meet emergency needs such as shelter, interpretation, legal services, medical care, and the specialized needs of trafficked children, so that survivors have access to basic protections and service providers and law enforcement are not overwhelmed by unexpected costs or needs, especially those that arise in larger cases.

## 2) DIRECT ALL FEDERAL AGENCIES TO ENSURE EQUAL ACCESS, SUPPORT, AND ATTENTION TO ALL VICTIMS OF HUMAN TRAFFICKING

Between all U.S. government agencies, all survivors must have access to comprehensive services. The President should issue a statement directing all government agencies combating human trafficking to consider all types of potential victims in their programming, including:

men and women, adults and children, foreign nationals and U.S. citizens, and victims of sex trafficking and labor trafficking. ATEST recommends that the President work with DOJ and HHS to review and promulgate new policies and procedures to comprehensively address the needs of all human trafficking victims through the administration of victim assistance programs as authorized by 22 USC 7105(f)(1).

Moreover, funding authorized by the Trafficking Victims Protection Act of 2000 and subsequent reauthorizations in 2003, 2005, and 2008 has segregated funding streams for victim services based on the type of victim and the type of trafficking. This approach does little to recognize that all victims need long-term comprehensive services for identification and relief. Therefore, ATEST strongly recommends that the President include robust funding for victim services for all types of trafficking victims, including U.S. citizen victims, in the FY2014 Presidential Budget Request, in order to ensure that federal victim services programs provide for adequate shelter, legal services and extended case management services for all victims of trafficking.

### 3) ENSURE A CONSISTENT VICTIM-CENTERED APPROACH

Reports from service providers throughout the U.S. reveal that human trafficking victims are not always treated solely as victims. The White House should work with DOJ, DHS, and DOL to ensure that no trafficking victim is detained, arrested, charged, prosecuted or deported for an immigration violation or a criminal offense as a result of their situation as a human trafficking victim. The Administration should also take steps to ensure protections for whistleblowers in these cases.

In order to ensure that federal agencies investigating and prosecuting human trafficking cases treat victims fairly and consistently, ATEST recommends DOJ and HHS, in coordination with the SPOG, promulgate new policies to address the treatment of victims in active federal investigations and prosecutions. These policies should be disseminated to and adopted by DHS, the FBI, DOL Wage & Hour, the EEOC, and DOS Diplomatic Security Services. The Administration should ensure there are proper resources in place in each of these agencies to effectively implement these policies and procedures for all victims and share this information with state agency partners.

Furthermore, in order to ensure that the U.S. government adopts a consistently victim-centered approach, the President should also direct the Attorney General to assign a senior-level Assistant U.S. Attorney (AUSA) in each U.S. Attorney's Office to coordinate law enforcement activity on human trafficking, regardless of whether there is a formal task force operating in their district. This individual should also liaise with relevant state authorities, such as the State Attorney General, to coordinate local and state law enforcement efforts. Where an anti-trafficking task force exists, the AUSA should play a leadership role and actively engage in the task force efforts, if they are not already doing so. If no local task force is in place, the U.S. Attorney should be directed to identify and partner with local service providers to ensure supportive services for victims. Finally, the designated AUSA in each Attorney's office should be directed to refer all identified human trafficking victims for legal services immediately, as trafficking victims have complex legal issues that are often not addressed merely by prosecution of cases. Currently, many AUSA offices are not providing such legal referrals for victims.



#### 4) ESTABLISH A VICTIM SERVICES WORKING GROUP FOR THE SPOG

In addition to developing a strategic action plan on victim services, the President should direct the SPOG to establish a victim services working group, co-chaired by DOJ and HHS, in order to properly develop and implement the plan and these recommendations. This working group could coordinate service initiatives across government, including data collection, training, assessment of options for shelter, and other relevant issues. It could also provide policy guidance on complex victim assistance issues and actively seek out address concerns raised by service providers and survivor communities. The working group should include participants from HHS, DHS, DOJ, DOL, DOS, USDA, and the EEOC.

#### **C. *Announce a Directive to Undertake an Annual National Count of All Victims of Human Trafficking Identified in the United States***

The United States government has never published a statistic indicating how many people are exploited as human trafficking victims at any given time in the United States. The last number the government published on those trafficked into the United States was in the 2006 TIP report, over seven years ago. Currently, there is no government-wide process for counting all victims that have been discovered in a given year, and the HHS-administered “certification” process only counts a sub-set of foreign national immigrant victims.

The lack of data on trafficking victims in the United States and lack of uniform use of the TVPA’s human trafficking definition continues to hamper the formation of an effective anti-trafficking response. To address this, the President should work with the PITF to develop a plan to achieve an accurate annual count of all victims of human trafficking identified in the United States that takes into account current data collection occurring in various government agencies and pursuant to 22 USC §7103(d)(3) and addresses the lack of uniformity. This new counting procedure will help to inform total prevalence estimates.

It is also critical that all federally funded hotlines that receive calls on human trafficking coordinate the method of identification of calls and the classification of said data.

#### **D. *Establish a Single National, Government Hotline and Support State and Local Hotlines***

The President should designate the HHS-funded National Human Trafficking Resource Center (NHTRC) hotline as the primary national hotline for the United States on the issue of human trafficking. Currently, several agencies support different hotlines, leading to confusion and duplication of effort. Designating the NHTRC as the primary hotline would improve efficiency and help streamline the federal response to human trafficking.

A single national trafficking hotline would assure agencies that wish to make direct reports to federal law enforcement would be routed to the appropriate law enforcement agency or agent. This would also help confirm that all federal agencies are using the hotline to access victim services, training and technical assistance, and comprehensive anti-trafficking tools; and to connect with federal, state, and local law enforcement, government agencies, services providers, and other key stakeholders regarding human trafficking victims and cases. The President should support the NHTRC as the venue for the general public, faith-based communities, and the anti-trafficking field to report potential human trafficking tips and access information.

Widespread use and promotion of the NHTRC hotline by the federal government through the “Fulfilling the Promise” initiative will likely lead to an exponential increase in hotline calls and needed services for victims. The Administration should explore ways in which the primary federal stakeholder agencies could share in the cost of funding the hotline and needed services for victims.

The President should also explore supporting state and local hotlines to better connect victims to services and appropriate law enforcement in a particular state. On the ground expertise and experience is often needed to provide the proper referrals to local law enforcement and victim services.

### **E. Improve Prevention and Screening Efforts**

ATEST recommends that the Administration take the following steps to improve prevention and screening efforts:

#### 1) EXPAND THE “KNOW YOUR RIGHTS” EFFORTS

The State Department’s “Know Your Rights” pamphlet, which informs education- and employment-based visa holders about the risks of human trafficking and resources available to assist them, has been highly successful. Since this brochure was published, the NHTRC has received more than 2,175 calls attributable to its dissemination. The Administration should build on this success by convening a working group to discuss the expansion of the preventative concept behind the campaign with DOS, DOJ, DHS, DOL, and HHS. This working group could identify similar opportunities for the “Know Your Rights” prevention message to be distributed to other vulnerable populations.

#### 2) INSTITUTE AGENCY-WIDE TRAINING ON DETECTING AND RESPONDING TO HUMAN TRAFFICKING

As President Obama noted in his speech on human trafficking at the 2012 Clinton Global Initiative (CGI), in order to strengthen government efforts to combat human trafficking, federal government agencies must provide training to help staff better detect this crime and protect survivors. Proper training should be provided to law enforcement, labor and health inspectors, social service providers and other government officials responsible for investigating or prosecuting these cases or those likely to encounter human trafficking victims in their line of work. In the United States and overseas, numerous federal and state agencies, nongovernmental organizations (NGOs), trade unions, and international organizations have recognized this need and have started training government employees and other stakeholders to identify and respond to human trafficking situations.

DHS, DOJ, DOL, the EEOC, DOS Diplomatic Security Service all bear responsibility for the investigation of cases of human trafficking. To date, DHS is the only federal law enforcement agency that has developed and instituted agency-wide training for agents most likely to encounter human trafficking. Before the close of 2013, the Administration should ensure that DOJ, DOL, EEOC and DOS begun to develop and roll out agency-wide trainings. Similarly, HHS should also ensure that any social service personnel likely to encounter victims or survivors of trafficking are trained regarding prevention, identification and appropriate response.

The President should carefully consider whether DHS and other law enforcement agencies are the appropriate leaders for government training efforts, given that victims often do not report

human trafficking cases out of fear of law enforcement instilled by their traffickers. The federal government should consider alternatives to the law enforcement-focused approach to training and also enlist other types of first responders including medical professionals, hotel industry leaders, those providing transportation services, and faith-based, ethnic and community groups.

3) **SCREEN HIGH-RISK CHILDREN FOR HUMAN TRAFFICKING**

The President should direct DOJ to develop guidance for state attorneys general and other state and local law enforcement on screening individuals under the age of 18 detained for criminal offenses including, but not limited to, loitering, disorderly conduct and prostitution, and for status offenses including, but not limited to, truancy and curfew violations. These children should be screened to determine whether they may be human trafficking victims in need of protection and assistance, rather than detention.

HHS should also ensure the screening foster children and runaway and homeless youth being served through HHS-funded programs via trauma-informed assessments to determine whether these individuals are human trafficking victims in need of protection and assistance.

4) **SCREEN HIGH-RISK ADULTS FOR HUMAN TRAFFICKING**

The President should direct DOJ to develop guidance for state attorneys general and other state and local law enforcement on screening adults arrested and detained for certain criminal offenses, such as prostitution, to determine whether they may be human trafficking victims in need of protection and assistance. Laudable national law enforcement operations to rescue child victims of trafficking have encountered adults in prostitution, some of whom were likely victims of a horrific combination of sex trafficking and domestic violence. Apparently, those adults were turned over to local enforcement simply to be released or even prosecuted for prostitution, without consistent screening—inadvertently reinforcing many traffickers’ message to victims that law enforcement will not help them.

5) **PREVENT HUMAN TRAFFICKING OF DOMESTIC AND AGRICULTURAL WORKERS**

The President should direct DOL, DHS, and USDA to review programs that involve the employment of foreign nationals, legal residents and U.S. citizens in domestic and agricultural work. These programs should be refined administratively in order to engage and align the involved industry sectors as interested partners in the effort to prevent human trafficking by addressing the market forces that foster or tolerate its existence.

6) **ENSURE CERTAIN VISA CATEGORIES ARE NOT EXPLOITED BY TRAFFICKERS**

Human traffickers have used legitimate visa channels to bring foreign nationals into the U.S. and subject them to human trafficking situations. Trafficking victims have been found or



Kay Chernush for the U.S. State Department.

Children like this young girl are prized in the carpet industry for their small, fast fingers. Defenseless, they do what they’re told, toiling in cramped, dark, airless village huts from sunrise until well into the night.

alleged in the following legitimate visa categories: H1, H-2A, H-2B, J-1, A-3, and G-5. Working with the DOS, DOL, and DHS, as well as with NGO service providers, labor unions, worker and immigrant rights groups, and the relevant private industry sectors, the President should direct a review and refinement of the requirements of these visa categories to ensure that they cannot be used to support human trafficking. Special attention should be paid to the exploitative role of labor recruiters in these visa programs, the elimination of recruitment fees, whistleblower and immigration protections for victims, and the non-portability of certain visas as a risk for exploitation.

Young men sew beads and sequins in intricate patterns onto saris and shawls at a “zari” workshop in Mumbai, India. The boys, who arrive by train from impoverished villages across India, often work from six in the morning until two in the morning the next day. Some sleep on the floor of the workshop. If they make the smallest mistake, they might be beaten. All say they work to send money back to their families, but some employers are known to withhold their meager pay.

## **F. Support Stronger Regulation of Foreign Labor Recruiters**

Foreign labor recruiters have been complicit or directly involved in the trafficking of workers to the U.S., exploiting and misusing U.S. visa programs such as the H-2A, H-2B, H-1, and J-1. These recruiters, who operate in a climate of impunity, lure impoverished and desperate foreign workers to the United States with the promise of lucrative jobs. Recruiters and contractors rely on coercive tactics, falsifying documents, and deceiving workers about their terms and conditions of work, and charging temporary or guest workers exorbitant illegal fees that often force the workers to stay in abusive or exploitative working conditions under debt bondage or other forms of modern-day slavery.

Stricter regulation of labor recruiters is needed to protect documented workers entering the United States through regular channels from human trafficking and other abuses. Stronger legal safeguards will also ensure the integrity of the American economy, which is undermined when unregulated actors conspire to fraudulently deceive workers about the terms and conditions of work. It will also help to fix some of the structural failures in U.S. nonimmigrant visa programs that foreign labor recruiters now exploit.



*Kay Chernush for the U.S. State Department.*

While President Obama's Executive Order related to government contracting includes important provisions that call for no fees in the recruitment process, more needs to be done to ensure that labor recruiters do not exploit workers. The Administration working through DOL and DHS, should develop stronger regulations that: 1) ensure that workers are given full disclosure about the terms and conditions of work, 2) enforce a strict no fees policy, 3) require the registration and listing of all foreign labor recruiters or contractors, 4) hold employers accountable for the recruiters that they hire, 5) allow visa portability (de-linking immigrant workers from a particular employer), and 6) provide administrative, civil and criminal remedies for exploited workers (including whistleblower and immigration protections).

The Administration should also implement a system so that trafficked workers deported from the United States or their family members have a uniform way of reporting these crimes that occurred in the United States from their countries of origin. This will help prevent future cases of human trafficking in the United States and assist with effective criminal prosecution.

## **V. Support New Collaborations Between the Federal and State Governments**

### **A. *Provide State and Local Law Enforcement with Full Range of Tools to Combat Human Trafficking***

The Administration should work with state and local law enforcement officials and civil society organizations, beginning with California, Texas, Illinois and New York, to further the establishment of intelligence-driven and evidencebased investigations and related collaboration to assist in better understanding and responding to human trafficking and modern-day slavery in the United States. In California, the State Attorney General, with the collaboration of the California Police Chiefs Association and the California State Sheriffs Association, is working with the Fusion Center established after the terrorist attacks of September 11. These centers, created to share information on combating terrorism threats, can utilize counter-terrorism methodologies, increasing education, and creating and widening networks. They may foster more intensive collaboration among law enforcement and civil society to:

- Better understand the scope and diversity of the human trafficking problem;
- Increase recognition of the indicators of human trafficking, and better understand the profiles of human trafficking victims and perpetrators; and
- Increase individual and community capacity and resources to investigate and respond to identified and suspected human trafficking incidents.

### **B. *Prevent Child Trafficking Among Foster Youth***

Reports show that 60-80% of child sex trafficking survivors and an unknown number of child labor trafficking survivors are already under the care and protection of state child welfare agencies when they become victims of human trafficking. Youth are not only being exploited, but instead of receiving the supportive services they so desperately need, are being arrested and detained for crimes their traffickers force them to commit. The President should facilitate a national dialogue to encourage state child welfare agencies to better address this problem.

The president should direct HHS to develop and publish: 1) promising practices for training child welfare employees and court employees on identifying all forms of child trafficking; 2) recommendations for how state welfare agencies can prevent human trafficking; and 3) licensing guidelines for residential facilities with regard to child trafficking victims. The Administration should ensure that any work in this area targets all trafficked children—including sex- and labor-trafficked children, foreign national and U.S. citizens.

More uniform data collection is a critical element of this conversation given the lack of integration and coordination among federal data-gathering systems, including the National Child Abuse and Neglect Data System, the Law Enforcement National Data Exchange, and the Runaway and Homeless Youth Management Information System. HHS should also develop a protocol for collecting data on child trafficking from state child welfare agencies and promising practices being developed at the state level. These measures will ensure that the federal government is utilizing existing resources and reporting frameworks and working toward creating a coordinated national and state response to best serve trafficked children in need and to prevent such exploitation from happening in the first place.





# APPENDIX A

## ADMINISTRATION AND AGENCY PRIORITIES

### ADMINISTRATION

#### The White House and the Office of Management and Budget

- › Ensure the development of a National Action Plan to Combat Human Trafficking and Modern-Day Slavery.
- › Designate a staff person who is responsible and accountable on domestic trafficking issues to improve coordination both within the White House and between agencies.
- › Ensure that staff from the Domestic Policy Council and National Security Staff participate actively in the SPOG.
- › Ensure resources for increased efforts in the agencies, particularly HHS (for survivor assistance), DOL (for the List and standards that have yet to be promulgated), State (for additional personnel for J/TIP, as recommended by the Office of the Inspector General), and for the agencies to implement the international focus area strategy discussed in this memorandum.
- › Convene a Roundtable Conversation with State Governors and Attorney's General to discuss their approach to combating human trafficking, forced labor and other forms of modern-day slavery in their states and encourage further action on this issue.
- › Encourage all federal agencies to designate a Point of Contact for the issue of human trafficking.
- › Designate the HHS-funded National Human Trafficking Resource Center (NHTRC) hotline as the primary national hotline for the United States on the issue of human trafficking.
- › Discuss human trafficking, forced labor and other forms of modern-day slavery in diverse venues including comments made before the United Nations General Assembly.
- › Mention the issue of human trafficking in the State of the Union Address and/or invite survivors of human trafficking to attend as honored guests.

### AGENCIES

#### Department of Agriculture

- › Participate in the Fair Food Initiative for procurement of certain agricultural products in the United States.
- › Participate in the Victim Services Working Group led by HHS and DOJ.
- › Participate in the review of requirements and regulations of worker visa programs in which trafficking victims have been found or alleged, including the H-1, H-2A, H-2B, J-1, A-3, and G-5 visas.

## Department of Defense

- › Establish a more formal and independent Counter-Trafficking in Persons (C-TIP) office within DOD, including appropriate funding, additional staff, resources, and training.
- › Increase training for inspector generals and law enforcement to identify and appropriately respond to situations.
- › Mandate human trafficking training for leadership and/or at officer candidate schools.
- › Mandate points of contacts at all military bases, facilities, forward operating bases, etc. tasked with responding to complaints and passing them to appropriate investigators.
- › Review the Uniform Code of Military Justice to evaluate whether existing penalties are sufficient for traffickers and facilitators involved in the crime of human trafficking.
- › Encourage better coordination with the NHTRC for CONUS military bases in order to report tips involving DOD military personnel, civilians, and contractors.
- › Encourage CONUS military bases to participate in task forces in their area of responsibility in order to share intelligence, best practices, and current investigations that may involve DOD personnel.

## Department of Health and Human Services

- › Co-establish a Victim Services Working Group with DOJ under the SPOG to coordinate service initiatives across government, including data collection, training, assessment of options for shelter, and other relevant issues.
- › Review and promulgate new policies and procedures to comprehensively address the needs of all human trafficking victims through the administration of victim assistance programs as authorized by 22 USC 7105(f)(1).
- › Designate specialized funding for trafficking victims, particularly for legal services and shelter.
- › Support the inclusion of robust funding for victim services for all types of trafficking victims in the FY 2014 Presidential Budget Request.
- › Create emergency funds available for the unexpected needs of human trafficking survivors occurring in the United States which can be tapped by service providers and law enforcement to meet emergency needs such as shelter, interpretation, legal services, medical care, and the specialized needs of trafficked children, so that survivors have access to basic protections and service providers and law enforcement are not overwhelmed by unexpected costs or needs, especially those that arise in larger cases.
- › Develop training programs to ensure that any HHS social service staff likely to encounter victims or survivors of human trafficking are trained regarding prevention, identification and appropriate response.
- › Develop guidance on human trafficking for state child welfare administrators and runaway and homeless youth (RHY) programs to ensure that all youth being served through HHS-funded programs are also being properly screened for human trafficking.
- › Work with DOJ and DHS to develop a plan to achieve an accurate annual count of all victims of human trafficking identified in the United States that takes into account current data collection occurring in various government agencies and pursuant to 22 USC §7103(d)(3).

## Department of Homeland Security

- › Designate specific monies from the \$10 million DHS blue campaign for victim services.
- › Review existing regulations, policies, and procedures regarding treatment of victims of trafficking, and promulgate new policies and procedures as necessary to fully embody a victim-centered approach to human trafficking victims discovered in the United States.
- › Participate in the Victim Services Working Group led by HHS and DOJ.
- › Work with DOJ and HHS to develop a plan to achieve an accurate annual count of all victims of human trafficking identified in the United States that takes into account current data collection occurring in various government agencies and pursuant to 22 USC §7103(d)(3).
- › Continue to develop and promote agency-wide training for agents most likely to encounter human trafficking.
- › Review the requirements and regulations of visa programs in which trafficking victims have been found or alleged, including the H-1, H-2A, H-2B, J-1, A-3, and G-5 visas, in order to ensure traffickers are not using legitimate visa programs to support human trafficking.
- › Work with DOL to ensure that the Wage and Hour division can make certification necessary for the T-Visa process and related survivor benefits.
- › Work with DOL to review existing regulations, policies, and procedures and recommend protections to encourage workers to report abusive employers directly or indirectly engaged in human trafficking and ensure that these workers are not deported or punished for reporting such abuse.
- › Ensure that agents uniformly and in time sensitive manner request continued presence for potential cases of trafficking cooperating in an investigation, and that family members of victims facing retaliation by their traffickers are brought quickly to the United States.

## Department of the Interior

- › Encourage training for DOI investigators and special agents working on reservations and tribal lands on human trafficking.
- › Establish policies and points of contacts to address any identified or reported trafficking situations.
- › Collaborate more closely with the FBI and HSI in terms of intelligence sharing, best practices, and ongoing investigations.
- › Coordinate with the NHTRC in order to report tips involving reservations and tribal lands.

## Department of Justice

- › Co-establish a Victim Services Working Group with HHS under the SPOG to coordinate service initiatives across government, including data collection, training, assessment of options for shelter, and other relevant issues.
- › Review and promulgate new policies and procedures to comprehensively address the needs of all human trafficking victims through the administration of victim assistance programs as authorized by 22 USC 7105(f)(1).

- › Work with HHS and DHS to develop a plan to achieve an accurate annual count of all victims of human trafficking identified in the United States that takes into account current data collection occurring in various government agencies and pursuant to 22 USC §7103(d)(3).
- › Review existing regulations, policies, and procedures regarding treatment of victims of trafficking, and promulgate new policies and procedures as necessary to fully embody a victim-centered approach to human trafficking victims discovered in the United States.
- › Ensure that every federally funded human trafficking taskforces, including the ACCTS Innocence Lost, the Bureau of Justice Assistance-funded human trafficking task forces, and Internet Crimes Against Children task forces have a funded victim-service provider counterpart, even if this funding stems from taskforce designated monies.
- › Ensure that every AUSA office understands the need for legal services for all victims of trafficking and provides appropriate and immediate referrals for legal services in both trafficking and child PROTECT Act cases.
- › Assign a senior-level AUSA in each U.S. Attorney Office to coordinate law enforcement activity on human trafficking, regardless of whether there is a formal task force operating in their District. This individual should also be directed to liaise with relevant state authorities, such as the State Attorney General, to coordinate local and state law enforcement efforts.
- › Develop guidance for State Attorney's General and other state and local law enforcement on screening individuals under the age of 18 detained for criminal offenses including, but not limited to, loitering, disorderly conduct and prostitution, and on status offenses including, but not limited to, truancy and curfew violations to determine whether these individuals may be human trafficking victims in need of protection and assistance.
- › Develop guidance for State Attorney's General and other state and local law enforcement on screening adults arrested and detained for certain criminal offenses, such as prostitution, to determine whether they may be human trafficking victims in need of protection and assistance.
- › Charge traffickers or criminal enterprises under the Racketeer Influenced and Corrupt Organizations Act (RICO) in addition to human trafficking and other related offenses. DOJ should provide guidance to state attorney's general for expanded use of state RICO statutes to combat human trafficking. RICO conspiracy provisions allow prosecutors to charge individuals who knew about or participated in the trafficking enterprise even if he or she did not commit the act necessary to trigger application of the state human trafficking law.
- › Improve coordination with IRS Criminal Investigations and the Department of Treasury Financial Crimes Enforcement Network (FinCEN) to investigate the profits of human traffickers.
- › Expand the Human Trafficking Prosecution Unit (HTPU) within DOJ, providing more personnel and funding to allow for more specialized prosecutors who can provide more support to the USAOs nationwide on human trafficking cases. DOJ should also provide resources for HTPU to conduct more technical assistance and trainings for both federal and state/local law enforcement and other criminal justice professionals (e.g. judges, prosecutors, etc.). HTPU should continue or expand prosecutions for forced labor, debt bondage, and TIP violations in worker visa programs.
- › Lead the development of advanced human trafficking training for ICE, FBI, DSS, U.S. Marshals, DEA, U.S. Military Police and Investigators, DOL labor inspectors, and other relevant federal law enforcement. DOJ should evaluate existing human trafficking trainings at academies as well as in-service training of law enforcement. Incorporate more rigorous and mandatory training for law enforcement that also provide action steps, protocols, and points of contacts.



- › Develop a coordinated effort to review and study all NHTRC tips in possession of the U.S. government.
- › Require all FBI field offices to report human trafficking offenses to Uniform Crime Reports/ National Incident-Based Reporting System (UCR/NIBRS). Encourage states to host trainings in 2012 for state points of contacts for UCR/NIBRS and train them on how to report human trafficking into UCR/NIBRS. Encourage and provide funding for states to move to the NIBRS system that provides more qualitative data that can be used by law enforcement.
- › Support the training of federal judges on human trafficking, particularly for courts where human trafficking cases are most likely to be referred. DOJ should also encourage increased and sustained training for federal prosecutors on human trafficking and have them connect more regularly with the Human Trafficking Prosecution Unit.
- › Require or highly encourage training for the juvenile justice system to identify victims through intake assessments, provide appropriate services for victims, and review existing protocols and procedures to include human trafficking, and a victim-centered approach, for the juvenile justice system.

## Department of Labor/Equal Employment Opportunity Commission

- › Review the requirements and regulations of worker visa programs in which trafficking victims have been found or alleged, including the H-1, H-2A, H-2B, J-1, A-3, and G-5 visas, in order to ensure traffickers are not using legitimate visa programs to support human trafficking.
- › Issue the standard set of practices that will reduce the likelihood that goods will be produced using forced labor or the worst forms of child labor, as required by the TVPRA of 2005 (22 U.S.C. 7112).
- › Continue to update the List of Goods made with forced labor or the worst forms of child labor, and enhance these lists to include key companies that use such labor to produce such goods and expand it to the United States.
- › Work to ensure a consistent national protocol so that the Wage & Hour division can make certification necessary for the T-Visa process and related survivor benefits, similar to the national protocol developed by DOL for U-visa certification.
- › Participate in an interagency working group to expand the ‘Know Your Rights’ campaign.
- › Develop and institute agency-wide trainings on detecting and responding to trafficking, with a particular focus on labor and health inspectors who may come into contact with trafficking in the course of performing their duties.
- › Designate funding for training and victim services.
- › Work with DHS to review existing regulations, policies, and procedures and recommend protections to encourage workers to report abusive employers directly or indirectly engaged in human trafficking and ensure that these workers are not deported or punished for reporting such abuse.
- › Work with the White House to prioritize the regulation of foreign labor recruiters for all visa programs through legislation and agency rules.

## Department of State

- › Designate 5-15 countries as focus countries for targeted, long-term (3-5 year) investment in fighting human trafficking, forced labor and other forms of modern-day slavery.
- › Raise the status of the J/TIP office and ensure that the Trafficking in Persons report continues to be supported as a vital tool in the fight against trafficking.
- › Ensure that when senior officials travel, particularly at the Under Secretary level, such officials raise TIP issues with the foreign government.
- › Provide J/TIP with additional resources and increase the number of personnel to keep up with increasing responsibilities, as recommended by the DOS Office of the Inspector General.
- › Ensure that all chiefs of mission and political, labor and economic officers receive training on TIP before they begin their tours, where possible.
- › Develop a distance-learning course for any officers in the field responsible for TIP, both in terms of officers who have not received training before assignment and as refresher courses as the officers carry out their responsibilities.
- › Provide J/TIP with the ability, with the concurrence of the regional bureaus, to assign positions related to TIP at overseas missions.
- › Ensure that the Consular Affairs Bureau and U.S. embassies abroad work to increase education of visa holders before they depart their country, and are able to receive information about instances of trafficking by individuals who are in or return to their country of origin.

## United States Agency for International Development

- › Fully implement USAID's 2012 Counter-Trafficking in Persons Policy (C-TIP policy).
- › Fully integrate efforts to combat human trafficking into USAID rule of law, human rights, good governance, livelihoods, poverty reduction, social protection, gender equality, and other relevant programs, including proper funding and full implementation of Programming Objective One of the CTIP policy (relating to integrating C-TIP programs into other USAID initiatives and programs).
- › Consider awarding points for proposals that integrate human trafficking; and incorporating evaluation of the added impact of programs that integrate human trafficking.
- › Participate in efforts to identify and make additional investments in focus countries consistent with Programming Objective Four of the C-TIP policy (relating to augmenting C-TIP investments in critical TIP challenge countries).
- › Complete and roll out the C-TIP Policy Field Manual to assist missions in the implementation of the five programming objectives of the C-TIP policy, consult civil society experts on human trafficking on the content, where feasible.
- › Provide training for USAID personnel in Washington D.C. and in the field to ensure meaningful integration of C-TIP programs.

- › Support interagency collaboration at the mission level.
- › Encourage regional cooperation between host governments and U.S. agencies, and work with other donors to maximize impact in focus countries.
- › Support hands-on training for host government officials and frontline workers in focus countries.

## U.S. Securities and Exchange Commission

- › Begin vigorous enforcement of the Rule implementing Section 1502 of the Dodd-Frank Act (the DRC Conflict Minerals provision), with attention to due diligence requirements addressing forced and child labor.



# APPENDIX B

## ACRONYMS

**AUSA:** Assistant U.S. Attorney

**DOD:** Department of Defense

**DHS:** Department of Homeland Security

**DOI:** Department of the Interior

**DOJ:** Department of Justice

**DOL:** Department of Labor

**DOS:** Department of State

**EEOC:** Equal Employment Opportunity Commission

**FINCEN:** Financial Crimes Enforcement Network

**HHS:** Department of Health and Human Services

**HSI:** Homeland Security Investigations

**HTPU:** Human Trafficking Prosecution Unit

**ILAB:** Bureau of International Labor Assistance

**J/TIP:** Office to Monitor and Combat Trafficking in Persons

**NHTRC:** National Human Trafficking Resource Center

**OMB:** Office of Management and Budget

**OVC:** Office for Victims of Crime

**PITF:** President's Interagency Task Force

**RICO:** Racketeer Influenced and Corrupt Organizations Act

**SEC:** U.S. Securities and Exchange Commission

**SPOG:** Senior Policy Operating Group

**TIP:** Trafficking in Persons

**TVPA:** Trafficking Victims Protection Act, reauthorized in 2003, 2005, 2008

**UCR/NIBRS:** Uniform Crime Reports/National Incident-Based Reporting System

**USAO:** U.S. Attorneys' Office

**USAID:** U.S. Agency for International Development

**USDA:** U.S. Department of Agriculture



**Alliance to End Slavery and Trafficking (ATEST)**

**Coalition to Abolish Slavery and Trafficking**

Stephanie Richard, *Policy & Legal Services Director*  
stephanie@castla.org

**Coalition of Immokalee Workers**

Steve Hitov, *General Counsel*  
stevehitov@ciw-online.org

**ECPAT-USA**

Marina Colby, *Director, Public Policy and Government Relations*  
mcolby@ecpatusa.org

**Free the Slaves**

Karen Stauss, *Director of Programs*  
karen.stauss@freetheslaves.net

**International Justice Mission**

Holly Burkhalter, *Vice President, Government Relations*  
hburkhalter@ijm.org

**Not For Sale**

Jill Morris, *Managing Director*  
jill@notforsalecampaign.org

**Polaris Project**

Mary Ellison, *Director of Policy*  
mellison@polarisproject.org

**Safe Horizon**

Keeli Sorensen, *Director Training and Advocacy Anti-Trafficking Program*  
keeli.sorensen@safehorizon.org

**Solidarity Center**

Neha Misra, *Senior Specialist Migration & Human Trafficking*  
Nmisra@solidaritycenter.org

**Verité**

Shawn MacDonald, *Senior Advisor*  
smacdonald@verite.org

**Vital Voices Global Partnership**

Melysa Sperber, *Senior Program Officer, Human Rights*  
melysasperber@vitalvoices.org

**World Vision**

Jesse Eaves, *Senior Policy Advisor, Children In Crisis*  
jeaves@worldvision.org



**Alliance to End Slavery  
and Trafficking (ATEST)**

[www.endslaveryandtrafficking.org](http://www.endslaveryandtrafficking.org)

**Humanity United**

1700 Pennsylvania Avenue, NW, Suite 520  
Washington, DC 20006

[www.humanityunited.org](http://www.humanityunited.org)



**Alliance To End  
Slavery & Trafficking**

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