

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



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## **About The Alliance to End Slavery and Trafficking (ATEST)**

The Alliance to End Slavery and Trafficking (ATEST) is a U.S.-based coalition that advocates for solutions to prevent and end all forms of human trafficking and modern slavery 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.

This report is endorsed by the following members of the Alliance to End Slavery and Trafficking (ATEST): Coalition to Abolish Slavery & Trafficking (CAST), End Child Prostitution and Trafficking – USA (ECPAT-USA), Free the Slaves, Futures Without Violence, International Justice Mission (IJM), National Network for Youth (NN4Y), Polaris, Safe Horizon, Solidarity Center, Verité, and Vital Voices Global Partnership.

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# INTRODUCTION

Trafficking in Persons (TIP) represents a grave affront to the U.S.' security, economy, and national values, degrading and reducing human beings to commodities that can be exploited for commercial sex acts or labor. The Administration of Donald J. Trump is taking office at a pivotal moment in the fight against TIP. The President-elect has a historic opportunity to chart a course towards a new age of liberty—bringing freedom, empowerment, and justice to millions of people around the world while safeguarding the jobs, rights, and security of all Americans here at home.

The battle against TIP has been bipartisan, with champions driven by a shared moral and national security imperative. While progress has been made in recent decades, human trafficking remains a \$150 billion global criminal business with a conservative estimate of more than 21 million people ensnared in conditions of forced labor at any one time.

Trafficking victims are children, women, and men—U.S. citizens and foreign nationals—who are exploited for both sex and labor. Trafficking victims come from urban and rural communities. They are both undocumented and documented immigrant workers. They are not only victimized overseas, but also throughout the United States. Traffickers exploit weak law enforcement regimes and abuse legal structures and institutions, and they target the most vulnerable in society. This often includes runaway and homeless youth; the lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) community; Native Americans; Asian Americans and Pacific Islanders; migrant workers (including non-Spanish speaking migrants from Central America who have not benefited from Spanish language outreach and engagement); youth of color; children; low literacy or numeracy individuals; and those with disabilities.

TIP is a complex, multi-layered issue. First and foremost, it is a crime. Law enforcement plays a crucial role in combating TIP, fighting traffickers who operate locally and also those who operate transnationally. Holding traffickers accountable promotes the rule of law and engenders critical trust in our justice system. TIP is also an economic issue: forced labor degrades work conditions in the United States and around the world, artificially suppressing wages and fueling unfair competition on the basis of human exploitation. This happens when domestic or foreign competitors of law-abiding American businesses undercut labor costs by trafficking workers in other countries.

Challenging the crime of human trafficking in the United States and around the world will require new and smarter strategic investments and engagement by the United States Government (USG), continuing and deepening a survivor-informed and survivor-centered approach. The current levels of USG investment in fighting trafficking are orders of magnitude below the levels needed to make a significant difference. Labor and sex trafficking generates hundreds of millions of dollars in illicit revenue for traffickers, who make 1,000 times more in profits than the USG invests to stop them.

The members of ATEST write this report with an urgent call for the President-elect and his team to undertake a deliberate, forward leaning, and strategic initiative to combat human trafficking. We urge the President-elect to reject half-measures in fighting this moral outrage and national security threat, as too many politicians in the past have done. We urge him instead to set the United States on a course to abolish human trafficking.



Elizabeth (24, Nigerian) was a victim of human trafficking. She is pictured holding the bible. “In 2001 my father introduced me to a woman who said she would take me to Italy to be a hairdresser. When I arrived I was taken to a house with a few other Nigerian girls. I kept asking where I was going to learn hairdressing. Instead, some of the girls in the house, who were all dressed up, gave me some revealing clothes and told me to put some make-up on and go out to work with them. I started screaming and crying because I realised my father had sold me into prostitution.” Elizabeth escaped to the UK where she is under threat of deportation back to Nigeria. She is afraid of the consequences, because she ran away from her traffickers before she had paid her ‘debt’ to them. Photo ©Karen Robinson / Panos



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# EXECUTIVE SUMMARY

This report is organized into two sections: an introduction and overview of the issue and a set of key recommendations. The order of the key recommendations does not reflect their priority. Instead, they are listed in four conceptual categories, as detailed below:

## **I. Protect Workers Through Trade Policy and Enforcement of Core Labor Laws**

Recommendation #1: To Stop Human Trafficking, Use Trade Policy and Trade Enforcement to Protect American Business and Workers.

Recommendation #2: Enforce Core Labor Standards to Prevent Human Trafficking, Protect the Livelihoods of All Workers, and Create a Level Playing Field for American Business.

## **II. Protect Trafficking Survivors and Populations Vulnerable to Trafficking**

Recommendation #3: Expand Access to Victim Services and Empower Survivors.

Recommendation #4: Increase Services For and Outreach To Vulnerable Populations.

Recommendation #5: Address Root Causes of Trafficking and Focus on Prevention Efforts.

Recommendation #6: Expand Employment, Training, and Entrepreneurship Opportunities for Survivors of Trafficking.

Recommendation #7: Promote a Meaningful Role for Survivors in Policy Development.

## **III. Promote Effective, Victim-Responsive Law Enforcement**

Recommendation #8: Support Tested Efforts to Increase Victim Identification.

Recommendation #9: Ensure Law Enforcement Efforts are Victim-Centered.

Recommendation #10: Help Obtain Restitution for Victims.

Recommendation #11: Ensure the USG Coordinates Human Trafficking-Related Investigations and Prosecutions.

Recommendation #12: Separate Immigration Enforcement from Labor Enforcement.

Recommendation #13: Prevent Fraud in Foreign Labor Contracting.

Recommendation #14: Devote Additional Resources and Attention to Labor Trafficking Cases.

## **IV. Build a More Efficient Government Response to Human Trafficking**

Recommendation #15: Promote Research and Data Collection to Maximize USG Investments.

Recommendation #16: Ensure the Integrity of the State Department's Annual TIP Report.

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**Recommendation #17: Integrate Anti-Trafficking Policies and Activities into Development Programs to Maximize the Impact of Foreign Assistance.**

**Recommendation #18: Leverage U.S. Global Leadership to Fight Human Trafficking.**

**Recommendation #19: Engage with Civil Society and Congress to Reauthorize the Trafficking Victims Protection Act.**

**Recommendation #20: Stop Traffickers from Profiting Off Taxpayer Dollars.**

AATEST looks forward to engaging directly with the Administration on ways to operationalize and implement these recommendations in the months and years ahead.

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# HUMAN TRAFFICKING DEFINED

The United States took two critical steps to lead the world in ending human trafficking in the early 2000s: The first was the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol) to supplement the 2000 Convention against Transnational Organized Crime. The second was the bipartisan passage of the Trafficking Victims Protection Act (TVPA), a landmark bill that established the basic architecture of the U.S.' coordinated response to this heinous crime.



“The Trafficking Victims Protection Act of 2000 launched a bold, comprehensive public-private sector strategy that included sheltering, political asylum, and other protections for the victims, long jail sentences and asset confiscations for the traffickers, and a myriad of preventative initiatives and tough sanctions for governments that failed to meet minimum standards prescribed by the Trafficking Victims Protection Act.”

-Congressman Chris Smith<sup>1</sup>

The TVPA defines two severe forms of human trafficking: sex trafficking and labor trafficking. Labor trafficking occurs through the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of some form of compelled service such as involuntary servitude, debt bondage, forced labor, or slavery-like practices. Sex trafficking occurs when a person is induced to engage in a commercial sex act through force, fraud, or coercion. There is, however, no requirement to prove force, fraud, or coercion for children under the age of 18 being exploited for commercial sex. A victim need not be physically transported from one location to another for the crime to fall within these definitions.

The causes of human trafficking are rooted in interrelated and mutually reinforcing conditions of human vulnerability to exploitation associated with poverty, sexual abuse, lack of decent work, natural disasters, violent conflict, weak labor protections, unsafe migration dynamics, gender, religious and ethnic discrimination, and many more. Moreover, children, often because of their age, experience heightened vulnerability to this crime.



“Many of us don't realize it until we see firsthand that people who are poor—people who are powerless—do not have access to justice.”

-Senator Bob Corker<sup>2</sup>

TIP manifests itself in myriad ways in our society, from the isolated migrant worker trapped in forced labor on a trawler far from shore fishing for seafood to be exported to the United States to the exploited child and her mother in a brothel that caters to sex tourists, to the runaway youth trapped through poverty and social isolation as part of an unpaid sales crew traveling across the American heartland.

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<sup>1</sup> U.S. Congress. House of Representatives. Committee on Foreign Affairs. Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations. Accountability Over Politics: Scrutinizing the Trafficking in Persons Report. 114th Cong., 2nd sess., July 12, 2016. <http://docs.house.gov/meetings/FA/FA16/20160712/105189/HHRG-114-FA16-Transcript-20160712.pdf>.

<sup>2</sup> Joel Ebert. “Corker Helps Launch Human Trafficking Awareness Effort.” Tennessean, February 22, 2016. <http://www.tennessean.com/story/news/politics/2016/02/22/corker-helps-launch-human-trafficking-awareness-effort/80757720/>.



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Labor trafficking is prevalent in industries with low-income workforces that are more vulnerable to exploitation, including agriculture, construction, manufacturing, hospitality, landscaping, building maintenance, and domestic work, among others. Although there have been cases, even in the United States, of professional workers like teachers and nurses being trafficked by labor recruiters through temporary work visa programs, low-income migrant workers are particularly vulnerable to labor trafficking. Sex trafficking also occurs in a wide variety of venues, including city streets, truck stops, strip clubs, hotels and motels, residential brothels, through escort services, and online classified services. The victimization is often complex, as some victims form trauma bonds with their traffickers who force or trap them in prostitution. Others are lured in with false promises of a job, such as modeling or dancing. And, there are those who are forced to sell sex by their parents or other family members.

Experts agree that both sex and labor trafficking are underreported. According to international estimates, of the approximately 20.9 million people in forced labor around the world, 18.7 million are exploited by private individuals or businesses while 2.2 million are exploited by states or rebel groups. Of those exploited in the private sector, 14.2 million are estimated to be victims of forced labor exploitation, and 4.5 million are estimated to be victims of forced sexual exploitation.

Despite nearly two decades of progress, major challenges remain to ending human trafficking, including, among others, the following:

- Weak worker protections have increased workers' vulnerability to TIP and have eroded working conditions and wages for all workers, including the American working class.
- Concrete actions to eliminate human trafficking in supply chains remain weak, despite growing awareness by businesses of the risks of such abuse.
- Victims and survivors of trafficking too often cannot access the services and protections to which they are entitled and are not deeply enough involved in fashioning solutions.
- Children are still being arrested for crimes rather than offered services as victims.
- Prosecutions for TIP offenses are low, especially in cases of forced labor and debt bondage, relative to the taxpayer investment in criminal law enforcement.
- USG agencies do not always effectively coordinate their efforts or invest their resources wisely, leaving gaps in programs and priorities.
- Limited resources are devoted to prevention and eradicating root causes.
- Political and special interests have damaged the standing of the TIP Report.
- Despite the growing awareness of the crime of human trafficking, prevalence data on the magnitude of the problem in the United States does not exist.

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# KEY RECOMMENDATIONS

## I. Protect Workers Through Trade Policy and Enforcement of Core Labor Laws

### **Recommendation #1—To Stop Human Trafficking, Use Trade Policy and Trade Enforcement to Protect American Business and Workers.**

Responsible U.S. businesses deserve a fair global marketplace where countries that trade with the United States are held to the highest standards. In direct conflict with this principle is the weak enforcement of existing U.S. law designed to keep products made with forced labor from entering the U.S. market. Compounding the problem by allowing overseas competitors to use labor trafficking to illegally and artificially reduce labor costs is the inclusion of inadequate labor standards in existing free trade agreements, which consistently fail to correct foreign governments' lax enforcement of anti-trafficking measures.

American consumers are increasingly demanding transparency in supply chains, demonstrating a preference for products free of forced or child labor and holding companies responsible for exploitation throughout their supply chains. U.S. trade policy and trade enforcement should similarly prioritize the prevention of human trafficking and related exploitative practices abroad and in the flow of commerce to the United States. To restrict the importation of products made with forced labor, the USG should make effective use of Section 307 of the Tariff Act, which empowers Customs and Border Protection (CBP) to stop shipments of goods produced with forced labor at our borders. The Administration should also direct CBP and Immigration and Customs Enforcement (ICE) to self-initiate investigations into products potentially made with forced labor and to continue robust consultation with civil society, which often provides the evidence and leads for forced labor investigations.

ATEST further recommends that the USG include strong labor rights provisions, including the protection of the fundamental rights of workers in new or renegotiated trade agreements, support capacity building programs in trading partner countries to address root causes of labor trafficking, and adoption of a position in the World Trade Organization (WTO) that the export of goods made with forced labor represents a trade barrier.

### **Recommendation #2—Enforce Core Labor Standards to Prevent Human Trafficking, Protect the Livelihoods of All Workers, and Create a Level Playing Field for American Business.**

All workers in the United States have the right under the law to a workplace free from exploitation, discrimination, and preventable hazards to their health and safety. Too many workers have seen their livelihoods eroded by weak enforcement of these basic protections. Inadequate enforcement of labor law rewards the least scrupulous employers and allows TIP to flourish in the shadows, disadvantaging businesses that operate within the law and driving down wages and conditions for all workers.

One of the most important things the President-elect and his team can do to improve the livelihoods and working conditions of American workers is to enforce labor laws and core labor standards. Strong enforcement will have a critical impact on workers' vulnerability to human trafficking. It will also allow businesses that currently have to face competitors undercutting them on labor costs to compete on a level playing field. In particular, we call attention to the urgent needs of domestic workers accompanying foreign diplomats or employees of multinational organizations and to



Children work inside an Aluminium pot factory in Dhaka, Bangladesh on June 11, 2016. According to ILO more than 168 million children are trapped in child labour. More than half of them, 85 million, are in hazardous work. Photo by Zakir Hossain Chowdhury/ NurPhoto via Getty Images

## **MODERN SLAVERY EXISTS IN COMMUNITIES ACROSS AMERICA**

It is hard to believe that the person serving you dinner, pumping gas, or selling you a carton of milk in the local convenience store might be a victim of human trafficking. That's part of what makes stopping this crime so difficult.

Modern slavery is almost invisible, yet it exists in communities across America.

More than a decade ago, I moved to Cincinnati, believing my future employer had legally arranged a visa for me to work as a manager for a manufacturing company. The promised job fit my postgraduate education and professional experience in India, and paid well.

Instead, the man picked us up from the airport, took our money and personal documents for "safekeeping," and brought us to a restaurant where we would spend the next 19 months working 15 hours a day, seven days a week—unpaid, and sleeping nearby on the floor of an unfurnished apartment.

With no papers, no knowledge of culture or law, limited English, and under threat of deportation, legal action, and violence, it took more than one and a half years before we were able to escape.

Today, I am fortunate to be a voice for human trafficking victims and survivors as a member of the United States Advisory Council on Human Trafficking. I use my voice to advocate for stronger prevention policies and greater awareness of human trafficking so that someone else might recognize the signs of bonded labor sooner—for themselves or for someone else.

**Harold D'Souza, Co-Chair, United States Advisory Council on Human Trafficking**



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internationally recruited workers who come to the United States under temporary work visas like the H-2A, H-2B, and J-1 programs. Enforcing protections under labor law for these categories of workers is critical because they lack the ability to change employers or exercise their rights without facing retaliation, making them particularly vulnerable to exploitation.

## II. Protect Trafficking Survivors and Populations Vulnerable to Trafficking

### Recommendation #3—Expand Access to Victim Services and Empower Survivors.

The USG has a moral duty and a core national interest in providing effective, trauma-informed, long-term, and comprehensive services to all victims of TIP in the United States. The sad truth is that investment in victim services at the federal, state, and local levels falls drastically short of the funding and level of policy priority needed to make good on this obligation.

Greater investment is urgently needed to expand the reach of housing services and trauma-informed care available for trafficking victims and those vulnerable to trafficking. Too many victim service providers are unable to provide critical housing needs for the population they serve. Housing is one of the core primary services that victims require to meet their immediate needs and is currently one of the most difficult to address. Beyond housing, survivors of trafficking need the opportunity to heal. The Administration should support trauma-informed services to ensure that victims recover in a safe and healthy way.

Trafficking victims also often carry with them, in the words of one survivor, “...the invisible bonds of criminal convictions,” even after they are freed. Victims are frequently ensnared in the criminal justice system because of the activities and situations they are forced into by their traffickers. This impacts their ability to find gainful employment, housing, public benefits, and other support systems. To ensure that survivors do not carry the unfair burden of criminal records incurred through no fault of their own, ATEST urges the Administration to support state and federal vacatur legislation.



“When a survivor escapes, the individual needs to receive a range of services to help cross the bridge from victim to survivor. These services should be comprehensive and focused on the whole individual, not only on the physical wellbeing, but also on the psychological, emotional, and holistic wellbeing. These services should include, but not be limited to, medical, dental, vision, mental health, housing, family, job training and placement, substance abuse, and family reunification. These services should be individualized and sensitive to cultural and religious beliefs. Additionally, the housing needs of survivors of human trafficking are immense. Survivors need access to emergency, transitional, and long-term housing to establish a safe place to live, far away from their traffickers if needed, especially if they are escaping from their trafficker. Survivors of human trafficking need services that empower social justice and inclusion and provide the tools needed to succeed.”

*-United States Advisory Council on Human Trafficking<sup>3</sup>*

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## **Recommendation #4—Increase Services for and Outreach to Vulnerable Populations.**

Populations vulnerable to TIP need more and better services. Vulnerable populations include runaway and homeless youth, the LGBTIQ community, Native Americans, Asian Americans and Pacific Islanders, Latinos, migrant workers (including non-Spanish speaking migrants who have not benefited from Spanish language outreach and engagement), youth of color, children, low literacy or numeracy individuals, and those with disabilities. To reach vulnerable populations to better identify victims, the Administration should direct federal agencies to take advantage of the scale and reach of the National Human Trafficking Hotline and the National Runaway Safeline by promoting them in all federal outreach efforts.

Traffickers adeptly exploit vulnerable populations by taking advantage of their weaknesses. For example, traffickers exploit runaway and homeless youth's lack of access to basic needs as well as the challenges that caused them to be homeless in the first place. Programs funded by the Runaway and Homeless Youth Act (RHYA) are embedded in local communities across the country and help prevent trafficking and other forms of exploitation. Stable housing and support services get children off our streets where they are, according to survivor advocate Holly Austin Smith, "walking prey". ATEST recommends that the Administration actively engage civil society and work with Congress to ensure prompt passage of the Runaway and Homeless Youth and Trafficking Prevention Act (RHYTPA), which would reauthorize RHYA.



**“ Many survivors, including myself, agree that policies on prevention should be one of our highest priorities, which is why it should also be a priority for policymakers.”**

*-Holly Austin Smith, Author<sup>4</sup>*

## **Recommendation #5—Address Root Causes of Trafficking and Focus on Prevention Efforts.**

Efforts designed to prevent human trafficking must address the intersection of conditions, experiences, and social dynamics that contribute to vulnerability. Those who face discrimination and marginalization on the basis of gender, sexuality, race, ethnicity, nationality, religion, and disability carry greater risks of being successfully targeted by traffickers. An effective response to human trafficking must recognize the interplay of institutional and identity-based violence with human trafficking. To end human trafficking, our efforts must dismantle systemic discrimination on the basis of gender, sexuality, race, ethnicity, nationality, religion, and disability.

Addressing the role of gender-based violence (GBV) is critical to efforts to prevent TIP because many of the factors that create vulnerability to GBV are also root causes of TIP. GBV is often used as a tool to manipulate and control women, children, and men at home and in the workplace. Since close to 70 percent of those trafficked are women and girls, this nexus cannot be ignored. Comprehensive efforts to end human trafficking and provide services to victims must include efforts to prevent and respond to GBV, including programs aimed at engaging men and boys.

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<sup>4</sup> U.S. Congress. Senate. Committee on the Judiciary. Human Trafficking in the United States: Protecting the Victims. 114th Cong., 1st sess., February 24, 2015. <https://www.judiciary.senate.gov/imo/media/doc/02-24-15%20Smith%20Testimony.pdf>.



## HOMELESS YOUTH BECOME EASY TARGETS TO HUMAN TRAFFICKERS

I was 15 when I first became homeless. Tensions ran high in the home, and eventually I found that leaving was my only viable option for survival. I began spending my time split between friends' couches and abandoned houses because I had nowhere else to go.

Today I am employed by Youth Care in Seattle, and every day I work with young people whose stories vary greatly, but all have the same underlying basic needs for survival. The longer young folks stay disconnected from shelter and other services, the chances that they will fall victim to physical violence and sex and labor trafficking grow exponentially.

By being so visible, young folks become easy targets to traffickers. My best friend was approached by another youth in the homeless community, reporting that he had guaranteed work for the both of them. The friend had met a man who stated all they had to do was drive out to Indiana with him and sell magazines door to door. After a month of peddling papers my friend still had not seen a single paycheck. The man who had driven him to Indiana paid for a motel room for him and his friend for a month. . . at the end of the month period, the man disappeared and these two young people were now homeless in a state where they knew no one, had no resources, and not a penny to their name.

Homeless young people need safe places to go and youth-appropriate transitional living situations. I speak from personal experience and from what I've observed at YouthCare, when I say that many youth would rather sleep outside under a bridge or on a street corner than brave an adult shelter. These radiant, resourceful, and talented young people need practical support that will help them become self-sustaining adults—it's unrealistic to expect anyone to succeed without the right tools.

**Silas Follendorf, Street Outreach and Data Entry Worker, YouthWorks**



“ This year’s [TIP] report focuses especially on preventing modern slavery. This is important and needs to be part of substantially increasing international efforts to end modern slavery, which this committee unanimously supports and hopefully will come to fruition very quickly.”

-Senator Bob Corker<sup>5</sup>

### **Recommendation #6—Expand Employment, Training, and Entrepreneurship Opportunities for Survivors of Trafficking.**

The ability to achieve gainful employment or to start a small business is vital for survivors. Because the lack of decent work is one of the key drivers of their vulnerability, employment and training services represent a critical element to preventing re-victimization and represent the best way to empower survivors. Creating pathways to skills training and entrepreneurship also helps survivors leverage their experience, strength of character, courage, and resilience to contribute to our economy and build new jobs for others. Unfortunately, federally funded victim service providers do not have expertise in this area, while those funded through the Public Workforce System lack the experience necessary to work with survivors. The USG needs to provide better services to survivors in this space and engage new players among federal agencies in this effort.

### **Recommendation #7—Promote a Meaningful Role for Survivors in Policy Development.**

Programs and policies often designed to benefit survivors are implemented without their expertise and feedback. Survivors must be understood as key stakeholders for consultations and treated as leaders in the anti-trafficking movement with valuable insights and expertise. As a result of the Justice for Victims of Trafficking Act (JVTA), a bipartisan law, survivors have an increased voice in government policy through the United States Advisory Council on Human Trafficking. The White House must clearly communicate the value of survivor engagement by providing support for adequate resources and an enhanced role for the United States Advisory Council on Human Trafficking.

## **III. Promote Effective, Victim-Responsive Law Enforcement**

### **Recommendation #8—Support Innovative Efforts to Increase Victim Identification.**

One recent study found that 88 percent of victims reported having had contact with a health care provider while still in their trafficking situation. Training for healthcare workers on how to identify a potential trafficking victim represents an opportunity to increase victim identification and connect victims with the services necessary to help them recover. The Administration should support the Department of Health and Human Services’ (HHS) SOAR to Health and Wellness program, which trains healthcare professionals to better identify and assist trafficking victims.

### **Recommendation #9—Ensure Law Enforcement Efforts are Victim-Centered.**

Too often, when engaging with government programs and personnel, victims and survivors of trafficking have deeply negative and even harmful experiences. Cultural backgrounds, the effects of trauma, and linguistic differences are not properly recognized or understood. The misplaced

<sup>5</sup> U.S. Congress. Senate. Committee on Foreign Relations. Review of the 2016 Trafficking in Persons Report. 114th Cong., 2nd sess., July 12, 2016. <http://www.foreign.senate.gov/press/chair/release/corker-opening-statement-at-hearing-on-review-of-the-2016-trafficking-in-persons-report>.

## A LIFE SENTENCE FOR THE “CRIME” OF BEING A HUMAN TRAFFICKING VICTIM

Today, men and women trafficked in the sex trade are regularly tried and convicted in America’s courtrooms. I know, because I’m one of those trafficking victims, and for more than 20 years I have been living an absurd reality in which I am a criminal in the eyes of the law.

I have advocated for state and federal policies that would vacate convictions when it is acknowledged that a victim was subjected to force, fraud, or coercion that allowed someone to rape, hold hostage, and abuse them for another’s monetary gain. I cannot overstate how important this is to empowering a trafficking victim to put their life back together following a trauma most people can scarcely begin to understand.

For example, I am required to tell prospective employers about prostitution-related charges filed against me—in the state of Arizona, I am required to do this for 99 years. I have been handed a life sentence for the “crime” of being a human trafficking victim.

What isn’t in my record is the story of a naïve 16-year-old runaway who was “befriended” by a trafficker, drugged, robbed, beaten, raped, taken to another state and stripped of my name and identity. For six years, my life as a trafficked youth was a daily oppression involving rape and routine beatings. My goal was simply to survive, and when I thought of escape it was only as a dangerous and far-fetched dream.

As a result of my record—and despite the fact that I’ve obtained a degree in social work and launched a career helping women get out of the sex industry—I have been fired from and denied jobs because of criminal charges that should be considered victimization.

It’s time to enact policies that remove the absurdity from an already-horrific situation, destigmatize trafficking victims, stop the life sentencing, and provide victims with the compassion and liberties they deserve.

**Beth Jacobs, Founder, Willow Way**

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emphasis on institutional and government interests above those of victims and survivors also undermines the role survivors can play in furthering law enforcement efforts. To better support victims, the Administration should prevent the treatment of victims as criminals through enhanced law enforcement training.

### **Recommendation #10—Help Obtain Restitution for Victims.**

Rather than being the norm, as mandated by law, the award of restitution is the exception, particularly in sex trafficking cases. Whether a prosecutor requests restitution is a key determinant in whether it is received. Thus, the Administration must better train U.S. Attorney's offices on the importance of requesting restitution. The Administration should also explore innovative mechanisms to promote and enhance the collection and provision of restitution to survivors.

### **Recommendation #11—Ensure the USG Coordinates Human Trafficking Related Investigations and Prosecutions.**

The complexity of human trafficking demands that law enforcement agencies devote substantial resources to launching investigations and planning prosecutions. The cases are time consuming, complicated, and often require collaboration among federal, state, and local officials. ATEST encourages the new Administration to improve coordination across government, to support coordination between law enforcement and victim service organizations, and to pursue cross-border initiatives that incentivize coordination on human trafficking. To strengthen coordination efforts, the Administration should direct the DOJ to continue supporting the Enhanced Collaborative Task Force model. These DOJ-supported task forces integrate federal, state, and local law enforcement with prosecutorial and victim service organizations. The goal of these task forces is to provide the broadest range of services and resources for victims and the most diverse range of investigation and prosecution options.

To better coordinate international efforts and resources to combat trafficking in North America, the Administration should lead the development and implementation of a regional strategic approach to human trafficking. TIP is often characterized by networks of traffickers that extend across international borders and by victims whom are moved across jurisdictions. Governments and non-governmental organizations must work together to build and execute multi-layered strategies. DOJ's Human Trafficking Prosecution Unit has worked effectively with its counterpart in Mexico to tackle the sex trafficking networks that extend throughout North America. The President-elect should work with the Mexican and Canadian governments to develop a victim-centered and coordinated response to stop the international trafficking of persons between borders.

### **Recommendation #12—Separate Immigration Enforcement from Labor Enforcement.**

Vulnerability to human trafficking is rooted in the ability of some employers to underpay and mistreat immigrant workers and temporary foreign guestworkers who come to this country to fill labor shortages. Such practices depress wages and job opportunities for U.S.-born workers who employers cannot as easily exploit. Given these dynamics, it is critically important that labor enforcement policies and practices are separated from immigration enforcement. This approach will protect migrant workers, whether documented or undocumented, who are whistleblowers or report abuses from detention and deportation. Further, DHS-ICE should implement policies that discourage retaliation against workers who report abuse because law enforcement relies on these reports to identify areas of heightened risk to human trafficking.

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## Recommendation #13—Prevent Fraud in Foreign Labor Contracting.

Foreign labor contractors facilitate the movement of migrant workers across borders and are increasingly relied on to provide the migrant workforce needed in a range of industries in the United States. They may engage in direct recruitment or subcontract with other labor recruiters. All of these individuals profit handsomely from serving as middlemen, but the worst of them contribute to the abuse of our immigration laws for human trafficking. Unscrupulous recruiters often charge exorbitant fees, forcing workers into debt bondage (a form of TIP), falsifying documents, and deceiving workers about wages and working conditions. Recruiters (sometimes called foreign labor contractors) defraud U.S. immigration and labor processes by misclassifying workers on employment and visa applications or lying about the jobs that they plan to place workers in. In some cases, traffickers acting as labor recruiters have used U.S. temporary work visa programs to coerce workers into forced prostitution or other forms of sexual exploitation.

While regulations in the guestworker visa programs, notably H-2A and H-2B, prohibit recruitment fees and other recruitment violations, the enforcement is difficult because the government's capacity to enforce these laws is low. Moreover, there is a disincentive to report fraud: if a worker reports to authorities that she paid a recruitment fee (often going into debt to do so), it may result in the revocation of her visa. Meanwhile, the employer, who may not be aware of the recruiter's unlawful acts, will lose the worker it needed. The only actor to escape penalty is the recruiter that acted unlawfully in the first place.

To prevent fraud in labor contracting, the Administration should:

- Ensure the integrity of the visa system by creating a mechanism to notify employers about recruiters that charge workers unlawful fees and to ensure all fees and costs are reimbursed to workers.
- Allocate additional resources for the DHS ICE/HSI and DOL to bolster enforcement against visa fraud in origin countries;
- Better coordinate enforcement actions and oversight authority over the practices of foreign labor recruiters across all categories of visas;
- Support enactment of federal legislation providing stricter regulations, information and protection for workers, and enforcement mechanisms; and,
- Work with Congress to pass beneficial ownership legislation so that unscrupulous labor recruiters cannot evade law enforcement by hiding behind anonymous companies.



“We call for greater scrutiny of overseas labor contractors to prevent abuses against temporary foreign workers brought to the United States.”

-Republican Party Platform<sup>6</sup>

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<sup>6</sup> Committee on Arrangements for the 2016 Republican National Convention. Republican Platform 2016. Page 53. [https://prod-static-ngop-pbl.s3.amazonaws.com/media/documents/DRAFT\\_12\\_FINAL\[1\]-ben\\_1468872234.pdf](https://prod-static-ngop-pbl.s3.amazonaws.com/media/documents/DRAFT_12_FINAL[1]-ben_1468872234.pdf).





A fisherman gets his boat ready before heading out to sea at the port in Songkhla on January 31, 2016. Around 100 people have been arrested by authorities in a recent crackdown on labor abuses involving Thailand's multi-billion dollar seafood industry. Photo by Paula Bronstein/ Getty Images



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## IV. Build a More Efficient Government Response to Human Trafficking

### **Recommendation #15—Promote Research and Data Collection to Maximize USG Investments.**

The USG and the anti-trafficking movement need better data to ensure American tax dollars are used most efficiently. Researchers still lack a common methodology for understanding the scope and nature of this crime, and practitioners do not share common variables and indicators to compare information across the datasets of often incompatible systems. We urge the President-elect to direct his team to:

- Develop and test a methodology to determine the prevalence of human trafficking in and into the United States;
- Promote data sharing across agencies (including between law enforcement and service providers), better data collection, and more robust analysis of existing data; and
- Fund international research and data collection on the dynamics of human trafficking, including in global supply chains for goods and services, on monitoring and evaluation methodologies, and on measuring the effectiveness of public policy interventions and laws around the world.

### **Recommendation #16—Ensure the Integrity of the State Department’s Annual TIP Report.**

The TIP Report is one of the centerpieces of U.S. foreign policy related to human trafficking, ranking all nations on one of three tiers (with one intermediate “watch-list” category) based on their efforts to fight human trafficking. The integrity and accountability of this report is critical to U.S. credibility when engaging foreign governments on their counter-trafficking efforts and in trade or other diplomatic negotiations.

Past years have seen efforts by some in the USG to tilt the scales of the ranking process so that competing priorities and special interest concerns prevail over the interests of accuracy. In other years, such as in 2013, when China was placed on Tier 3, the Office to Monitor and Combat Trafficking in Persons (J-TIP) successfully held such challenges at bay and maintained appropriate tier rankings in the face of significant pressure. In 2015, the negotiation of the Trans Pacific Partnership negatively influenced tier rankings, resulting in the unjustified upgrade of Malaysia, a party to the treaty, despite disturbing evidence of mass graves of trafficking victims along the border with Thailand. The following year, the United States upgraded Thailand, even though there was little evidence that the government effectively investigated the rampant trafficking along its border nor that it had actually implemented new initiatives related to trafficking of migrant workers on fishing vessels exporting seafood to the United States. Even Thailand’s chief law enforcement officer responsible for investigating the mass graves fled the country in an act of desperation because he lacked confidence in his own government and feared the retribution of traffickers.

To protect the integrity of the TIP report, the Administration should establish a precedent of accurate and impartial tier rankings and establish a process that creates a significantly high bar for other considerations to influence the report. Moreover, because the period between confirmed Ambassadors-at-Large is one of heightened vulnerability to questionable tier rankings, the Administration should quickly nominate and work with the Senate to confirm a strong and well-qualified Ambassador-at-Large to Monitor and Combat Trafficking in Persons.



“The TIP Report was meant to hold countries accountable for their failures to fight human trafficking. It was meant to speak truth to power. It was meant to speak for the trafficking victims waiting, hoping, and praying for relief.”

-Congressman Chris Smith <sup>7</sup>

### **Recommendation #17—Integrate Anti-Trafficking Policies and Activities into Development Programs to Maximize the Impact of Foreign Assistance.**

Building anti-trafficking policies and activities into USG development and humanitarian assistance will enhance the impact of American taxpayer investment and also prevent TIP around the world. Integration allows the USG to address crime prevention and economic development simultaneously.

To maximize the impact of USG investment in development and foreign assistance, the Administration should:

- Implement anti-trafficking activities across assistance programs, with a particular focus on governance and democracy, economic development, public health, and humanitarian response in countries where the prevalence of TIP is highest;
- Prevent humanitarian assistance from inadvertently contributing to vulnerabilities to trafficking, with particular vigilance applied to the transition from humanitarian relief to development assistance; and
- Require better monitoring and evaluation of the impact of USAID programming on TIP.

### **Recommendation #18—Leverage U.S. Global Leadership to Fight Human Trafficking.**

ATEST urges the Administration to leverage the full might and range of U.S. foreign policy, from diplomacy and trade policy to foreign assistance and multilateral engagement, to make a significant impact on human trafficking around the world. One innovative strategy for demonstrating U.S. leadership is the End Modern Slavery Initiative, a new initiative that leverages USG investment, together with private sector and other donor government resources, to address all forms of slavery and trafficking in the areas where it is most prevalent. We encourage the Administration to support this investment in addition to existing anti-trafficking programs that address root causes and other development, humanitarian, and democracy, and governance assistance programs.

ATEST further urges the Administration to support the critical work of the Department of Labor’s International Labor Affairs Bureau (ILAB). ILAB leads USG efforts to eliminate forced and child labor around the world by building the capacity of foreign governments and civil society to better address the social and economic causes of child labor and by providing direct services to almost 2 million vulnerable children and their families in over 90 countries. The critical programs that ILAB funds not only assure better conditions for foreign workers, but also help give American workers an opportunity to effectively compete in global markets and help ensure that products made with forced labor or child labor are not sold to American consumers. In addition to supporting services for children and families, ILAB also produces the congressionally mandated Lists of Goods

<sup>7</sup> U.S. Congress. House of Representatives. Committee on Foreign Affairs. Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations. Get it Right This Time: A Victims-Centered Trafficking in Persons Report. 114th Cong., 2nd sess., March 22, 2016. <http://docs.house.gov/meetings/FA/FA16/20160322/104725/HHRG-114-FA16-Transcript-20160322.pdf>.



Miriam Gonzalez Ramirez and her baby Carlos Jair Gonzalez Ramirez arrive in Mexico after crossing between Guatemala and the Mexico border by boat in April 2015. For women and girls in Honduras, El Salvador, and Guatemala, the dangerous journey north is a calculated risk compared to living in fear of gang violence, which is compounded by high levels of domestic and sexual violence and coercion. Girls face gender discrimination in the justice system, along with weak rule of law, corruption, and lack of access to services – all of which pose tremendous barriers to their safety and security. Photo by Katie Orlinsky

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Produced by Child Labor or Forced Labor, which comprises 139 goods from 75 countries. The List of Goods is an important foreign policy tool that the Administration should leverage. Eliminating exploitative labor is not only good for vulnerable children and families, but it also supports U.S. businesses that are currently disadvantaged when they have to compete with businesses that cut costs by illegally using forced or child labor.

### **Recommendation #19—Engage with Civil Society and Congress to Reauthorize the Trafficking Victims Protection Act.**

Many of the challenges in the fight against human trafficking can only be addressed by working with Congress. The opportunity to enact a reauthorization of the landmark TVPA is one that not every President has, much less at the very outset of his term. This seminal law underpins U.S. efforts at home and abroad, and it is impossible to overstate the importance of keeping its provisions relevant and responsive to the evolving realities on the ground. We urge the Administration to engage actively with civil society and survivors as it works with Congress on this key piece of legislation.

### **Recommendation #20—Stop Traffickers from Profiting Off Taxpayer Dollars.**

Consumers and investors are becoming increasingly aware that many of the goods and services Americans use every day are tainted with human trafficking at some point along vast and often opaque global supply chains. Companies and governments alike have a moral, legal, and practical imperative to understand and address the risks of severe exploitation in their supply chains. The USG in particular, as the largest buyer of goods and services in the world, has the moral, legal, and practical responsibility to understand and address the risks of severe exploitation in its supply chains. The Administration should implement federal procurement policies that deny contracts to companies that do not identify and address the risks of human trafficking in their supply chains. Federal contractors providing goods and services must have strong systems in place that guarantee workplace rights and that demonstrate zero tolerance for forced labor and debt bondage. Compliance systems should include strong mechanisms for enforcement as well as a mechanism to receive and respond to worker complaints that results in timely actions.



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# CONCLUSION: A CALL TO ACTION

The fact that the crime of trading in human beings exists in our modern world as a disturbingly large, highly profitable, illicit industry is unacceptable. Human trafficking represents a fundamental threat to American communities, jobs, security, and values. It damages the fabric of our communities, degrades our work, and taints international trade and the products and services we consume. Ending human trafficking is a challenge that deserves no less than the highest priority of concerted, strategic, momentum-shifting Presidential action, one that can set the United States on a course to abolish human trafficking once and for all.



“ We will use the full force of the law against those who engage in commercial sexual exploitation and forced or bonded labor of men, women, or children; involuntary domestic servitude; trafficking in persons for the purpose of organ removal; and the illegal recruitment and use of child soldiers. Building on the accomplishments of the last Republican administration in implementing the Trafficking Victims Protection Act of 2000, we call for increased diplomatic efforts and accountability for foreign governments to prosecute traffickers, including penalties for any public officials who may be complicit in this devastating crime.

We will highlight the need to stop slave labor, taking steps to prevent overseas labor contractors who exploit foreign workers from supporting military bases abroad or exporting goods to the United States. A Republican administration will strategize with partners around the world to prevent the demand for trafficking victims that makes exploitation lucrative and will prosecute sex tourists and domestic buyers to the fullest extent of the law.

We will work at home and abroad to ensure that trafficking victims are identified among migrants, refugees, and our own citizens so they receive the rehabilitative care needed to heal and thrive. America’s continuing participation in the international campaign against human trafficking merits our support.”

*-Republican Party Platform<sup>8</sup>*

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## **ABOUT ATEST**

The Alliance to End Slavery and Trafficking is a U.S.-based coalition that advocates for solutions to prevent and end all forms of human trafficking and modern slavery around the world. ATEST member organizations include: Coalition to Abolish Slavery and Trafficking (CAST), Coalition of Immokalee Workers (CIW), ECPAT-USA, Free the Slaves, Futures Without Violence (FUTURES), International Justice Mission, National Domestic Workers Alliance (NDWA), National Network for Youth (NN4Y), Polaris, Safe Horizon, Solidarity Center, Verité, and Vital Voices Global Partnership. ATEST is supported by Humanity United and Humanity United Action.

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