

Testimony by Melysa Sperber  
Director of the Alliance to End Slavery & Trafficking  
Humanity United  
Before the Subcommittee on Africa, Global Health,  
Global Human Rights, and International Organizations  
House Committee on Foreign Affairs  
Of the United States House of Representatives  
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**Winning the Fight Against Human Trafficking: The Frederick Douglass  
Trafficking Victims Prevention and Protection Reauthorization Act**

Mr. Chairman, Ranking Member Bass, and other distinguished members of the Subcommittee, thank you for holding this hearing on one of the most intractable human rights abuses of our times—the crime of human trafficking. And thank you for the opportunity to testify today.

Mr. Chairman, I am the Director of the Alliance to End Slavery and Trafficking (ATEST). 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.

ATEST member organizations include: Coalition of Immokalee Workers (CIW), Coalition to Abolish Slavery and Trafficking (CAST), End Child Prostitution and Trafficking–USA (ECPAT-USA), Free the Slaves, Futures Without Violence, International Justice Mission (IJM), 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, U.S.-based nonprofits dedicated to bringing new solutions to global problems that have long been considered intractable. To combat human trafficking, Humanity United and Humanity United Action each have their unique approaches, some of which include:

- Working in places where the problem is greatest, with a particular focus on South Asia, starting with Nepal;
- Engaging corporations to address modern-day slavery in supply chains; and
- Advancing U.S. leadership in the fight against modern slavery, including supporting ATEST.

ATEST welcomes the introduction of the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act (FDTVPPRA), and we are particularly pleased with the bill’s emphasis on prevention. Nearly two decades after the enactment of the landmark Trafficking Victims Protection Act, we have made considerable progress, particularly in mobilizing political will to *prosecute* traffickers and *protect* victims of all forms of trafficking. Progress is lagging, however, on *prevention*, the neglected “P” in our three “P” framework, and we commend its sponsors for taking up this challenge.

### **The Imperative of Prevention**

I started understanding the importance of prevention when I began my first anti-trafficking job – I just did not know it was an anti-trafficking job at the time. I worked for a faith-based organization serving runaway and homeless youth in New

York City—children exiting the foster care system, LGBTQI youth fleeing abusive situations, young men and women of color caught in an unforgiving criminal justice system. All of them were marginalized, all of them were desperate to survive, and all of them were at risk of human trafficking. It was disheartening to see that nearly one in five of 911 young people interviewed for two recent studies<sup>1</sup> by Covenant House revealed they were victims of trafficking.

But I saw that if they had their basic needs covered, access to specialized services and the promise of opportunity, the young people I met were unstoppable. They were resilient and remarkable. And because they were receiving services, they were less at risk to human trafficking and other forms of exploitation. That agency was preventing trafficking.

Later, I worked as an attorney representing immigrant women who survived being trafficked into the U.S. for labor and sexual exploitation. All of my clients pointed to moments in their lives when—had there been services and resources available—the vulnerability they faced could have been alleviated.

The message these women conveyed was straightforward: their suffering could have been prevented. Their reason for sharing the message was also straightforward: they wanted to prevent someone else's suffering. My clients certainly taught me the importance of prevention, but they also left me with a more valuable lesson: survivors are the experts. They know the most about this crime—how to prevent it, how to recover from it, how to thrive as a survivor of it.

I later joined an international women's organization, where we worked with local partners to implement anti-trafficking programs supported by the Office to Monitor and Combat Trafficking In Persons at the U.S. State Department. I met girls whose mothers had been trafficked into local brothels. These girls knew even at the early age of 9 or 10 that this would have been their future if not for incredible programs that took them off the streets, provided a safe place, an education, and a way out of abject poverty and vulnerability.

In nearly every region of the world, I also met with law enforcement, prosecutors, and judges who worked to prosecute trafficking cases. They unequivocally pointed to prevention as the greatest priority. They also stressed the simultaneous challenge of finding resources and mobilizing attention on the proven ways to prevent exploitation. These strategies include:

- Providing children and families with access to education, livelihood and social protection programs;
- Strengthening rule of law and reducing corruption; and
- Ensuring survivors, vulnerable youth, and workers inform the development and implementation of anti-trafficking policy.

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<sup>1</sup> *Labor and Sex Trafficking Among Homeless Youth*, Covenant House, (2017).  
[http://covenanthousestudy.org/?\\_ga=1.14865264.797313370.1493471507](http://covenanthousestudy.org/?_ga=1.14865264.797313370.1493471507)

At Humanity United, preventing the risk of human trafficking is a critical element of our strategy. Whether it is working alongside companies to identify and address trafficking in their supply chains, advocating for the enforcement of the Tariff Act's prohibition on the importation of slave-made goods, or learning from survivors' critical expertise, we know that solutions to trafficking begin and end with preventing this crime from occurring in the first place.

## **Where and how are we winning the fight against human trafficking?**

### *The Scope of the Problem*

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. While progress has been made in recent decades, the ILO estimates that 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. Labor and sex trafficking generate 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.

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.

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 much more. Children, often because of their age, experience heightened vulnerability to this crime.

TIP manifests itself in myriad ways in our society, from the isolated migrant worker trapped in forced labor in the tomato fields of Mexico, or 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.

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 end 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.

Many of these views are represented in ATEST's *Presidential Agenda for Abolishing Modern Slavery and Human Trafficking*, which I ask to be made part of the record.<sup>2</sup>

### *Bright Spots in the Fight Against Human Trafficking*

The challenges that remain are daunting but they must not eclipse the progress we have achieved in combatting human trafficking worldwide. There are bright spots that illuminate how to push the needle further.

Importantly, as the anti-trafficking field has matured, we have implemented more refined methodologies to monitor and evaluate our impact on all forms of human trafficking. We must test our assumptions about and approaches to trafficking and vulnerability. In other words, to uncover bright spots, we need to devote substantial resources to learning and then share and apply the lessons learned as we move forward.

#### ➤ Criminalization of Human Trafficking

Great strides have been made to strengthen legal frameworks on human trafficking. Nearly all countries worldwide have criminalized most forms of human trafficking as set out in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Trafficking in Persons Protocol ("Palermo Protocol")<sup>3</sup>, which has been ratified by 170 countries.<sup>4</sup> According to the United Nations Office on Drugs and Crime

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<sup>2</sup> *A Presidential Agenda For Abolishing Modern Slavery and Human Trafficking, Alliance to End Slavery and Trafficking (2017)*. [https://endslaveryandtrafficking.org/wp-content/uploads/2017/01/TransitionReport\\_2017-01-19.pdf](https://endslaveryandtrafficking.org/wp-content/uploads/2017/01/TransitionReport_2017-01-19.pdf)

<sup>3</sup> *Protocol to Prevent, Suppress and Punish Trafficking in Person Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,*

(UNODC)'s 2016 *Global Report on Trafficking in Persons*, the number of countries that criminalized most forms of human trafficking increased from 33 in 2003 to 158 in 2016 (out of 179 countries).<sup>5</sup>

The UNODC's analysis shows that since the end of 2003, 124 of the 179 countries adopted legislation that criminalizes all aspects of trafficking in persons and 16 (or 9 percent) of the 179 countries have legislation that criminalizes only certain aspects of trafficking in persons.<sup>6</sup> Of the approximately 105 countries that did not consider trafficking in persons a crime in 2003, only five remain today.<sup>7</sup> UNODC projects that these gaps in legislation leave at least two billion people (of a total population of 7.5 billion) around the world without adequate legal protection.<sup>8</sup>

The widespread adoption of anti-trafficking legislation has not translated into high conviction rates. However, UNODC's findings show that there is a close correlation between the length of time a trafficking law has been enacted and the conviction rate.<sup>9</sup> This is evidence that the U.S. Government's critical investments in anti-trafficking efforts that strengthen law enforcement's capacity are worthwhile and will achieve a high return on investment.

➤ Awareness of Human Trafficking

The widespread ratification of the Palermo Protocol and subsequent implementation through national legislation criminalizing human trafficking has undoubtedly raised public awareness of the issue. Further, non-governmental organizations, like the Coalition of Immokalee Workers, sometimes in partnership with private sector actors, have engaged in campaigns to raise awareness about how to identify, respond to, and ultimately prevent trafficking in persons. The U.S. Department of Homeland Security Blue Campaign has successfully brought governmental, non-governmental and private sector partners together to air PSA campaigns, distribute posters and other materials in U.S. airports, and create and share tools for law enforcement, educators, judges, healthcare professionals, and

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OHCHR (2000).

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>

<sup>4</sup> *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, United Nations Treaty Collections (2000).

[https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=en)

<sup>5</sup> *Global Report on Trafficking in Persons*, UNODC (2016), 48.

[https://www.unodc.org/documents/data-and-analysis/glotip/2016\\_Global\\_Report\\_on\\_Trafficking\\_in\\_Persons.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf)

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid., 50.

<sup>9</sup> Ibid., 19.

others to help key professionals and the public recognize and report indicators of human trafficking.<sup>10</sup>

In the U.S., the National Human Trafficking Hotline serves as a proxy indicator for improved public awareness of human trafficking. Polaris, which operates the National Hotline, reported that between December 7, 2007, and December 31, 2016, the Department of Health and Human Service's National Human Trafficking Hotline and Polaris' BeFree Text Line received 32,208 cases of potential human trafficking and 10,085 potential cases of labor exploitation in the United States.<sup>11</sup> Anti-trafficking service providers similarly report increasing caseloads and waitlists, another indicator that we have awareness of this crime. This demonstrates that when we raise awareness, there will be an increased demand for services. The government must be responsive to ensure anti-trafficking organizations not only have the resources but also the training and capacity necessary to respond to survivors in need.

Hotline data only tells us part of the story. For example, only 16 percent of the cases identified on the National Human Trafficking Hotline and the BeFree Text Line involved labor trafficking even though forced labor is more prevalent than sex trafficking. Polaris projects that labor trafficking cases in the U.S. are chronically underreported due to a lack of awareness about the issue and a lack of recognition of the significant vulnerability of workers in many U.S. labor sectors.<sup>12</sup> We must correct the imbalance so sex trafficking is no longer more recognized and visible than labor trafficking as a form of modern slavery in the U.S.

➤ Mobilization of Political Will to Combat Human Trafficking

ATEST believes an important measure of the strength of anti-trafficking policies is the resources governments devote to implementing the legal framework aimed at preventing and ending human trafficking. By this measure, the U.S. government has achieved considerable progress:

- Between FY09 and FY15, funding for Department of Justice grants for Victims Services and Task Forces quadrupled, rising from \$10 million in FY09 to \$42.3 million in FY15.
- Between FY09 and FY15, funding for the Human Trafficking Prosecution Unit rose by more than 50 percent (from \$3.5 million in FY09 to \$5.3 million in FY15).

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<sup>10</sup> *DHS Blue Campaign Five Year Milestone*, DHS (2015).

<https://www.dhs.gov/blog/2015/07/22/dhs-blue-campaign-five-year-milestone>

<sup>11</sup> *The Typology of Modern Slavery: Defining Sex and Labor Trafficking in the United States*, Polaris Project (2017). <https://polarisproject.org/sites/default/files/Polaris-Typology-of-Modern-Slavery.pdf>

<sup>12</sup> *Ibid.*



- Between FY09 and FY15, funding increased by a more than 60 percent for Department of Health and Human Services grants to victims (from \$9.8 million in FY09 to \$15.8 million in FY15).
- Since its inception, the Department of State's Office to Monitor and Combat Trafficking in Persons has secured more than a 66 percent increase in funding.

As a further measure of our progress, we have seen trafficking in persons emerge as a priority across the federal government. This is indicated by:

- The number of Appropriations bills that actively address the human trafficking problem has more than doubled.
- The number of Departments and independent Agencies that are actively working on anti-trafficking programs, as outlined in their annual appropriations, has nearly tripled.
- The number of bills in Congress that refer to human trafficking and have funding needs imposed on the Appropriations Committees has nearly tripled. In the 114th Congress, we had 114 bills.

Despite these laudable gains, current levels of USG investment in fighting trafficking are orders of magnitude below the levels needed to make a significant difference, and there remains an imbalance favoring investments in prosecution over protection and, to an even greater extent, prevention.

The USG has a moral duty and a core national interest in prioritizing prevention programs and 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 and prevention programs 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. For example, 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.

### *What's Working in the Fight Against Human Trafficking*

#### ➤ TIP Report as Credible Tool

Reports by governments and press can lead to positive change. In 2014, the TIP Report pointed to abuses in the seafood sector in Thailand. This helped spur business to action. And yet reports are only as useful as they are accurate and ATEST has been dismayed by the State Department's unwarranted tier ranking upgrades for certain countries. We believe the State Department has tarnished the credibility of the TIP Report in recent years by politicizing tier rankings of key

countries, including Malaysia in the 2015 report<sup>13</sup> and Thailand in 2016<sup>14</sup>. By our assessment, neither country's government had demonstrated significant or effective effort to combat human trafficking, particularly forced labor and sexual exploitation. When the State Department upgraded Thailand there was little evidence that the government effectively investigated the rampant trafficking along its border. 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.<sup>15</sup>

The TIP Report should prioritize a country's enforcement of laws that prohibit all forms of trafficking in persons, rather than the enactment of legislation or stated commitments that fail to substantively change the situation of trafficking victims on the ground. While legislation and public commitments are important procedural steps, it is implementation of those laws that protect vulnerable populations and hold perpetrators accountable for their crimes and makes the greatest difference in ending modern slavery globally.

The TIP Report's influence rests on its integrity. That is why we applaud the provisions in the FDTVPPRA that address the TIP Report. We look forward to working with the Committee to improve these provisions by incorporating key elements of the TIP Report Integrity Restoration Act (TRIRA) of 2017 (S. 377), a complementary bill introduced earlier this year by Senators Menendez (D-NJ) and Rubio (R-FL). The TRIRA takes an innovative approach by promoting the integration of anti-trafficking analysis into the work of multilateral development banks like the World Bank Group. ATEST urges the Committee to consider adding those TRIRA provisions that would encourage multilateral banks to include anti-trafficking risk assessments and analysis in project planning and that would mandate that multilateral banks oppose loans to countries that fail to meet minimum standards in the fight against trafficking. This is a smart approach to leveraging multilateral financial institutions' sizable investments to tackle the problem of human trafficking and poverty alleviation in tandem.

Passing this reauthorization bill with the improvements we recommend would strengthen the usefulness of the TIP report as a diplomatic tool to combat modern-slavery globally, and provide the Department of State with support to base report rankings on evidence on the ground—linked to concrete actions and impact—not political considerations.

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<sup>13</sup> *ATEST Expresses Strong Support for and Integrity of State Department's TIP Report*, Alliance to End Slavery and Trafficking (2015) <https://endslaveryandtrafficking.org/atest-expresses-strong-support-integrity-state-departments-tip-report/>

<sup>14</sup> *ATEST Urges Secretary Kerry to Maintain the Integrity of the TIP Report*, Alliance to End Slavery and Trafficking (2016). <https://endslaveryandtrafficking.org/atest-urges-secretary-kerry-maintain-integrity-tip-report/>

<sup>15</sup> Ramzy, Austin. "Fleeing Thailand, Top Investigator of Human Trafficking Says He Fears for His Safety." *The New York Times*, December 10, 2015

➤ Investments in Programs with Measurable Impact

The Achilles heel of the anti-trafficking field is a striking lack of data. We can change that if we devote resources to rigorous monitoring and evaluation of our programs and policies. The U.S. wins when it invests in programs that achieve measurable impact. When we measure outcomes, we not only know our resources are positively impacting lives in the U.S. and overseas, we also know what works, how well it is working, and whether it can be replicated and scaled.

As the FDTVPPRA recognizes, programs implemented by the Department of Labor (DOL) play a critical role in preventing and protecting children from the worst forms of child labor, including human trafficking, as well as in helping other federal agencies from preventing the importation of goods made with child and forced labor. The Bureau of International Labor Affairs (ILAB) at DOL 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. Since 1995, ILAB has worked with partners in 94 countries to directly impact the lives of nearly 2 million children vulnerable to exploitative labor. ILAB is part of a global effort that has seen the number of children subjected to hazardous labor cut in half since 2000 (from 170 million to 85 million) and seen the number of children engaged in child labor reduced by one-third (from 246 million to 168 million).<sup>16</sup>

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 by 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 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 new Administration should leverage.

The gains made in combating the worst forms of child labor support anti-trafficking efforts worldwide because the same vulnerabilities underlie both phenomena. Additionally, ILAB's technical assistance to address labor conditions in countries where the U.S. has trade agreements or preference programs also supports anti-trafficking outcomes. ILAB has enabled organizations to build the capacity of the private sector to address child labor, forced labor, and worker rights issues, including companies working in tobacco, rubber, tea, cocoa, sugarcane, and cotton, all sectors where human trafficking is a significant risk.

One of the most promising attributes of the newly authorized End Modern Slavery Initiative (EMSI) is that it aims to focus investments in programs with a measurable

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<sup>16</sup> Bureau of International Affairs, InterAction (2017). <https://www.interaction.org/choose-to-invest-2018/bureau-international-labor-affairs>

impact in reducing the prevalence of human trafficking. The bipartisan initiative was introduced by Senators Bob Corker (R-TN) and Robert Menendez (D-NJ) and authorized within the FY17 National Defense Authorization Act. ATEST believes EMSI is a significant step forward in eradicating human trafficking because it will leverage the U.S. Government's investment, together with private sector and other donor government resources, to address all forms of human trafficking in the areas where it is most prevalent.

➤ U.S. Advisory Council on Human Trafficking

We can only achieve sustainable social change if we work alongside those who have been or are on the front lines. We are set up to fail if we design and implement programs and policies to benefit survivors 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 (Advisory Council). Late last year, the Advisory Council issued its 2016 Annual Report that includes recommendations for the Senior Policy Operating Group and the President's Interagency Task Force to Monitor and Combat Human Trafficking (PITF). The Trump Administration should work together with the Advisory Council to consider the recommendations.

ATEST urges Congress and the new Administration to clearly communicate the value of survivor engagement by providing support for adequate resources and an enhanced role for the Advisory Council and welcomes any initiative that provides such support. We encourage Congress to continue to engage survivors and workers, and to invest more in programs in which survivors and workers are central to monitoring exploitation and promoting enforcement of legal protections against modern slavery.

### **The Neglected "P": Prevention**

There are many good reasons why human trafficking is the issue du jour. Traffickers' profits are soaring, their evasive tactics are evolving, and the root causes of men, women and children's vulnerability to being trafficked remain largely unabated. But attention and progress are not necessarily correlated, and, despite the hype, we have left a critical element of anti-trafficking policy unfinished: prevention.

The risk of disproportionately focusing on law enforcement tactics is that other, more promising opportunities to prevent trafficking before it starts will continue to be ignored. Of course, law enforcement is critical to ending trafficking. Without a doubt, we need informed and capable partners in law enforcement working across jurisdictions and borders to overcome the vicious cycle of human trafficking. But law enforcement is just one piece of the puzzle. While prosecution and harsh

penalties *may* be a deterrent, human trafficking survivors and others of us in the field know that ending this human rights scourge is achievable only if we can prevent would-be sex and labor traffickers from targeting vulnerable men, women, and children in the first place.

### *Recommendations to Prevent All Forms of Human Trafficking*

If Congress and the Administration are serious about tackling human trafficking, they must address the very real gap in U.S. anti-trafficking policy and practice that enables vulnerable men, women, and children to be lured into trafficking. Importantly, prevention is more than raising awareness about human trafficking; rather, effective prevention is the implementation of evidence-based approaches that address the root causes of modern slavery and alleviate the vulnerabilities that arise from them.

Here are recommendations that would strengthen U.S. leadership on preventing human trafficking:

1. Congress should appropriate robust foreign assistance to address the root causes of human trafficking.

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.

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. This is partly owing to what we call the “freedom dividend” whereby communities that are freed from conditions of slavery are better able to participate economically and otherwise benefit from development assistance. This means that dollars invested in integrated counter-trafficking and development programs lead to better development outcomes as well as counter-trafficking outcomes.

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

- Direct USAID to 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.

We commend the bill's sponsors for including measures in the FDTVPPRA that improve transparency about USAID's anti-trafficking expenditures. We look forward to working with the Committee to include additional language that would institutionalize the integration of counter-trafficking policy integration at USAID and ensure that foreign assistance efforts do not inadvertently leave vulnerable community members behind or even increase their vulnerability.

ATEST believes the U.S. Government can and should strengthen its leadership to combat human trafficking around the world by resourcing efforts to prevent this crime and provide comprehensive services to those who are victimized. ATEST also believes strongly that ending human trafficking is tied directly to progress on public health, rule of law, universal education, environmental protection, decent work opportunities, and gender equity. We are deeply concerned about the Trump Administration's proposed cuts to foreign assistance, which we believe could have a significant impact on our anti-trafficking efforts.

2. Secretary Tillerson should recommit to leveraging all foreign policy tools to advance an anti-trafficking agenda.

ATEST believes the U.S. Government must 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.

The Administration needs to ensure continued high-level support for U.S. diplomacy on trafficking issues. Making a difference in the most intractable cases and in the industries and sectors facing the greatest risk of trafficking will require high-level diplomatic intervention from Secretary Tillerson on down the chain of command. This Committee has an important role in this effort. Every subcommittee should ensure that human trafficking is raised when assistant secretaries from regional bureaus come to testify before them so that those responsible for the day-to-day relations in the Department are sensitized to the importance of this issue.

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. CBP and Immigration and Customs

Enforcement (ICE) should 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.

We commend this Committee for spurring multiple Administrations to use the full range of foreign policy tools to combat this scourge and urge that you continue to do so as the Administration's transition continues.

### 3. Vulnerable populations need greater access to services and protections.

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.

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. ATEST recommends Congress ensure prompt passage of the Runaway and Homeless Youth and Trafficking Prevention Act (RHYTPA), which would reauthorize RHYA.

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. The FDTVPPRA takes an important first step by establishing the Human Trafficking Victims Reintegration Through Employment Program (Employment Program) at the Department of Health and Human Services. If enacted, the Employment Program would offer victims of all forms of trafficking services such as vocational training, resume creation, job counseling, and other programs to support survivors' professional development.

Though ATEST advocates that anti-trafficking efforts remain comprehensive, we recognize that some policy interventions may be tailored to a specific form of trafficking. On the prevention of labor trafficking specifically, one of the most

important things Congress and the new Administration can do is to enforce labor laws and core labor standards. Strong enforcement will have a critical impact on workers' vulnerability to human trafficking. ATEST commends the sponsors of the FDTVPPRA for including measures that strengthen protections for domestic workers accompanying foreign diplomats or employees of multinational organizations. Domestic workers' vulnerability is compounded by the immunity that shields their employers from liability so it is critical to strengthen labor protections for them.

#### 4. Regulate Unscrupulous Labor Contractors.

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. 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 human trafficking.

Unscrupulous recruiters often charge exorbitant fees, forcing workers into debt bondage (a form of human trafficking), 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. Given the threat posed by unscrupulous labor contractors, for many years ATEST has called attention to the urgent needs of domestic workers and other internationally recruited workers who come to the U.S. under temporary work visas.

Prosecutions against fraud in foreign labor contracting are difficult because most governments' capacity to enforce these laws is low. Often, workers and employers suffer the consequence of recruitment fraud while the only actor to escape penalty is the recruiter that had acted unlawfully in the first place.

To prevent fraud in labor contracting, we urge the Committee to support enactment of federal legislation providing stricter regulations, information and protection for workers, and enforcement mechanisms. Further, we also support the passage of beneficial ownership legislation so that unscrupulous labor recruiters cannot evade law enforcement by hiding behind anonymous companies.

#### 5. Demonstrate U.S. Leadership in Reducing the Risk of Human Trafficking in Global Supply Chains.

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.

As noted in an earlier recommendation, ATEST strongly encourages Congress to consider how to leverage trade policy and trade enforcement to prevent human trafficking and related exploitative practices abroad and in the flow of commerce to the United States. The enactment of the Trade Facilitation and Trade Enforcement Act effectively closed the “consumptive demand” loophole to the prohibition on the importation of goods made with forced labor contained in the Tariff Act of 1930. Building an effective approach to implementation of this newly robust prohibition could have a tremendous impact around the world. This loophole has for decades prevented the US government from implementing a long-standing policy to ban importation of goods made with forced, child, and/or prison labor. This milestone is a significant symbolic and practical step in the fight against forced labor in the supply chains of American companies and of the federal government.

CBP and ICE will need a clear path forward to create and implement a process by which they could ramp up investigations; determine appropriate methodologies for linking shipments of imported goods to specific perpetrators of forced labor, forced child labor, and prison labor; and engage with and leverage existing and emerging supply chain tracing and compliance processes. This very promising policy tool will not live up to its potential unless ICE is provided a jolt of ideas, energy, partnerships, funding, and other resources to design an enforcement strategy and procedures that are equal to the challenge. The FDTVPPRA takes an important first step toward a clear path forward in calling for a study on the enforcement of the Tariff Act’s ban on the importation of goods made with forced labor.

Ultimately, human trafficking is an economic crime. People engage in it because they can make a great deal of money doing so. But as the Fair Food Program of the Coalition of Immokalee Workers has taught us, you can prevent forced labor from happening in the first place by rearranging the economics of the supply chain so that trafficking doesn’t pay. The Fair Food Program has accomplished this by getting 14 of the world’s largest corporations to suspend produce purchases from any farm upon which forced labor has been found. This simple step has instantly aligned the interests of the farms with those of the workers in ensuring that forced labor does not occur, and the Fair Food Program has been so uniquely successful that the United Nations’ Special Rapporteur in Trafficking in Persons recently concluded that it must be considered an “international benchmark” in fighting forced labor.

The USG, of course, is the largest buyer of goods and services in the world, and it can accomplish similar results by adopting a true zero tolerance policy for forced labor, one that, like the Fair Food Program, does not recognize or brook exceptions. Indeed, the USG has the moral, legal, and practical responsibility to understand and address the risks of severe exploitation in its supply chains. The new 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 result in timely actions.

Finally, we know that access to banking is essential for human traffickers' business models as they rely on banks to launder money and generate profits. Finding ways to work with the financial industry to target these criminals is a critical tool in addressing human trafficking at home and abroad. ATEST welcomes the introduction of the End Banking for Human Traffickers Act (EBHTA) (S. 952 #, H.R. 2219). Introduced by Senators Warren (D-MA) and Rubio (R-FL) and Representatives Royce (R-CA), Keating (D-MA), Love (R-UT), and Maloney (D-NY), the EBHTA would better equip the financial industry and financial regulators to combat human trafficking.

6. Protect fundamental human rights of trafficking survivors, vulnerable populations, workers, and all victims of crime.

Human trafficking is a grave human rights violation. It represents a fundamental threat to our values, our security, and our socio-economic wellbeing. ATEST has long advocated for the highest prioritization of concerted, strategic action to eradicate human trafficking.

ATEST is deeply concerned that the new Administration's policies will undermine the progress we have achieved. A number of the Executive Orders issued by the Administration will have a detrimental effect on anti-trafficking efforts and, therefore, should be viewed as essentially counterproductive to any comprehensive attempt to tackle this horrific crime. Specifically, we believe the Executive Order on Enhancing Public Safety in the Interior of the United States (Executive Order on Public Safety), issued on January 25, 2017, and the Executive Order on Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking (Executive Order on International Trafficking), issued on February 10, 2017, fall short of the comprehensive and victim-centered approach needed to end modern forms of slavery.

Under the Executive Order on Public Safety, anti-trafficking service providers risk penalties for serving undocumented immigrant victims of crime, including trafficking survivors. Not only is it contrary to our values to force service providers to risk punishment for serving crime victims, it will impede law enforcement's ability to work with trafficking survivors; as a result traffickers will act with impunity. In addition to serious constitutional concerns raised by the Executive Order on Public Safety's threat to withhold federal funding from local jurisdictions that have established local policies that limit their role in federal immigration enforcement, withholding federal funding from so-called sanctuary jurisdictions will devastate victim services agencies and mean that life-saving services are no longer

available to victims and survivors. If domestic violence programs, immigrant rights programs, and faith-based social service programs face funding cuts or restrictions are placed on immigrants' eligibility for programs, the impact on trafficking survivors will be devastating. There could simply be nowhere for immigrant trafficking victims to turn for basic necessities like food, shelter and access to medical services after fleeing from trafficking.

A strong law enforcement response is a critical and necessary component of combating human trafficking; however, the framing of the Executive Order on International Trafficking represents a significant departure from the long-standing victim-centered approach that is enshrined in existing law. For nearly two decades, the U.S. has implemented a strategy centered on protection of victims, prevention of the conditions that allow trafficking to flourish, prosecution of perpetrators, and partnership with civil society and the private sector. By only focusing on human trafficking from a law enforcement perspective, the Executive Order on International Trafficking undermines this proven approach and jeopardizes U.S. leadership on combating this horrific crime.

The U.S. has until now leveraged the full might and range of its resources and capacity to make a significant impact on human trafficking around the world and at home. The Executive Orders on Public Safety and International Trafficking are an egregious departure from the impactful approach the U.S. has adopted and promoted worldwide. The Administration's policies will undermine victims' confidence in those local, state and federal institutions whose core mission is to prevent crime and protect victims. Further, they will damage the whole of government approach that underlies the legal framework established by the original TVPA and its reauthorizations, including the FDTVPPRA.

We urge this Committee to consider the implications of these measures to efforts to combat trafficking and bring justice to survivors. While we do not expect federal agencies to act in violation of their responsibilities, implementation of these Executive Orders needs to be fashioned in a manner that minimizes the risk of human trafficking.

## **Conclusion**

We must not rest on the mistaken assumption that our work is complete. It is time for Congress and the Administration to get serious about anti-trafficking prevention legislation that can truly transform vulnerability into hope. The FDTVPPRA is an important step forward. ATEST believes the reauthorization bill would bolster our efforts to prevent human trafficking from happening in the first place. This bill does that in ways such as:

- Enhancing the integrity of the U.S. State Department's Trafficking In Persons Report;

- Enabling schools to educate children about how to avoid all forms of trafficking;
- Ensuring that U.S. government procurement does not fund human trafficking;
- Bolstering protections for domestic workers employed by diplomats; and
- Reauthorizing critical anti-trafficking programs across the U.S. Government.

ATEST looks forward to working with the bill's sponsors and all members of the House to seek ways to strengthen the bill even further and move it forward with strong bipartisan support. We also urge you to oppose deep and disproportionate cuts to the International Affairs Budget in both the FY17 and FY18 spending bills. If realized, the cuts would be devastating for anti-trafficking prevention efforts worldwide.

Nearly two decades ago, this committee demonstrated historic and bipartisan leadership, leading efforts to pass the TVPA. Thank you, Mr. Chairman, and members of the committee, for all the work you have done to ensure the U.S. Government continues to be a leader in the fight to end human trafficking worldwide.