



# Alliance To End Slavery & Trafficking

## Alliance to End Slavery and Trafficking (ATEST) Comments to USAID on CTIP Policy Update

### **Comment One: Postpone Release of Policy Rewrite to Allow for Thorough Stakeholder Engagement and Adequate Public Comment Period.**

We urge you to develop a more comprehensive and holistic engagement plan in the development of the updated USAID Counter-Trafficking in Persons (C-TIP) policy. We are deeply concerned that USAID did not engage in necessary stakeholder consultations prior to the release of the draft policy and is now providing only five (5) days for public comment. This limited review period, scheduled when many Americans are planning to take year-end/holiday leave, does not meet USAID's principles of partnership and will result in a less comprehensive, effective policy.

The Alliance to End Slavery and Trafficking (ATEST) is a leading U.S.-based coalition that advocates for solutions to prevent and end all forms of human trafficking and forced labor around the world. We promote lasting solutions to prevent forced 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 gives us an unparalleled breadth and depth of expertise. ATEST members also engage with partners and stakeholders from countries in every region of the world. We urge you to delay the planned January launch date for the updated policy to provide stakeholders like ATEST adequate time to review the draft and provide meaningful feedback.

The ATEST coalition believes foreign assistance is a pivotal and underutilized avenue for U.S. government impact on preventing and ending human trafficking overseas and protecting and supporting victims of this crime. Effective integration of a robust USAID C-TIP policy and concrete C-TIP activities across the range of assistance programs is critical, with a particular focus on programs directed at the promotion of governance and democracy, economic development, public health and humanitarian response. ATEST has consistently advocated to Congress for resources and support for USAID C-TIP Integration initiatives in foreign assistance.

We see the effective integration of a robust C-TIP Policy across the range of assistance programs, issue areas, Bureaus and Missions to be of critical importance. Such integration can a) ensure that foreign assistance efforts do not inadvertently leave vulnerable community members behind, or even increase their vulnerability; b) generate new avenues and opportunities to maximize the impact on trafficking issues of U.S. interventions, budgetary investment and activities, and enhance the impact of existing interventions; and c) help reinforce and support broader development objectives. Foreign assistance programs relating to humanitarian assistance, food security, poverty reduction, social and economic growth and development, education, gender-based violence, and democracy and governance contribute to decreasing vulnerability to or prevalence of forced labor and other forms of human trafficking.

Given the crucial role of the USAID C-TIP policy, we urge you to implement a more thoughtful and participatory process for stakeholder input that includes a series of consultations with diverse stakeholders (including USAID implementers and leading anti-trafficking, human rights and development organizations with expertise in these areas). We request that you delay the launch of the policy by three months. We also ask that you extend the time for the public comment period on the draft policy until January 30, 2021. A participatory process must provide sufficient time for all stakeholders to review and comment on a draft policy.

### **Comment Two: Strengthen Survivor Involvement**

It is welcome news to see improved survivor engagement, but it must be clearer that these must be decision-making and not advisory survivor engagements, and the survivors should be compensated for their expertise. The footnote in the survivor engagement section allowing for no survivor involvement in certain circumstances is vague and needs further clarification. The timeline of up to four years to implement some of the survivor engagement procedures is too long. Will this policy itself be vetted with survivors both inside the U.S. and inside the regions and countries where USAID works? A survivor-informed policy must include meaningful survivor engagement in the drafting and review. USAID should postpone the launch of the policy and spend more time doing outreach to stakeholders, including ATEST, the U.S. Advisory Council on Human Trafficking and other survivor groups, to get more clarity and feedback on this crucial issue.

### **Comment Three: Cross-border Trafficking Coordination and Coordination Among Missions**

Transnational trafficking is a significant portion of the global forced labor problem, but the policy does not mandate nor create procedures for missions to coordinate their interventions. It is vital to coordinate origin and destination activities, including the establishment of standards for voluntary repatriation services for survivors. Workers who cross borders - whether documented or undocumented - have a particular vulnerability to trafficking in persons and this must be recognized more clearly in the policy. Greater detail is needed in the policy to socialize this level of coordination between missions. USAID should postpone the launch of the policy and spend more time doing outreach to stakeholders, including ATEST, to get more clarity and feedback on this crucial issue.

### **Comment Four: Procurement Regulations and Due Diligence Requirements**

The prohibition on services and products tainted by forced labor need to be more specific in the policy, rather than footnoted. In particular, Executive Order 13627 on preventing trafficking in government contracting needs to be more explicitly detailed in the policy rather than referenced in a hyperlink. USAID missions must create standards and procedures and conduct due diligence to ensure it is not purchasing products tainted by forced labor. USAID should postpone the launch of the policy and spend more time doing outreach to stakeholders, including ATEST, to get more clarity and feedback on this crucial issue.

### **Comment Five: Risk Assessment**

Procedures should be established in this policy to ensure that USAID-funded activities do not increase human trafficking nor increase the risk of individuals being trafficked. A trafficking-impact assessment requirement should be required in all projects, and mitigation activities should be mandatory when that assessment indicates a risk is present. This is especially important in economic development projects where increased economic activity has the possibility to increase forced labor in that industry or sector.

### **Comment Six: Interagency and U.N. coordination**

The new policy does not do enough to ensure a coordinated, whole-of-government response to trafficking, and it does little to foster multilateralism including policies to build effective strategic partnerships with the United Nations, nor to foster stronger alignment between the other hub of C-TIP coordination taking place between the Department of Labor and the International Labor Organization (ILO).

### **Comment Seven: Definitions**

We recommend cutting the first sentence in the definitions of trafficking in persons section and keeping this section in line with U.S. law and international standards. Trafficking does not require the “acquisition” of a person and it is unhelpful to frame it this way. The policy also omits key provisions to work towards building global consensus on how child labor, forced labor, and trafficking are understood or defined, which is crucial to prevent trafficking and provide an effective response.

### **Comment Eight: Marginalized Persons**

The updated policy does not have enough of a focus on marginalized persons, including marginalized workers and others who have a particular vulnerability to human trafficking: migrant/immigrant workers, LGBTQ+ persons, the disabled, men and boys in certain categories, ethnic and racial minorities, etc.

The feedback above represents preliminary comments from ATEST member organizations. We reiterate that there was absolutely not enough time to thoroughly review the draft policy. We have serious concerns about the process leading up to the policy, and several provisions or omissions within the draft policy. We urge you to delay the launch of the policy and engage in a more thoughtful and comprehensive feedback process with stakeholders in keeping with USAID’s stated goal of partnership.

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December 18, 2020

*ATEST member organizations include: Coalition to Abolish Slavery & Trafficking (CAST), Coalition of Immokalee Workers (CIW), Free the Slaves, HEAL Trafficking, Human Trafficking Institute, Humanity United Action (HUA), McCain Institute for International Leadership, National Network for Youth (NN4Y), Polaris, Safe Horizon, Solidarity Center, T’ruah: The Rabbinic Call for Human Rights, United Way Worldwide, Verité and Vital Voices Global Partnership.*