



Recommendations for Fighting Human Trafficking in the United States and Abroad

Transition Report for the Next Presidential Administration

Respectfully submitted by The Action Group To End Human Trafficking and Modern-Day Slavery
November 2008

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About The Action Group

The Action Group to End Human Trafficking and Modern-Day Slavery respectfully submits this transition memorandum for the consideration of the new administration. The Action Group is comprised of: the Alliance to Stop Slavery and End Trafficking, Coalition to Abolish Slavery & Trafficking, Free the Slaves, International Justice Mission, Not For Sale Campaign, Polaris Project, Ricky Martin Foundation, Solidarity Center, and Vital Voices Global Partnership. The Action Group is a U.S.-based, non-partisan group of complementary organizations dedicated to abolishing modern-day slavery and human trafficking. The group of committed organizations and individuals first convened in March 2007 and is facilitated and managed by The Sheridan Group and underwritten by Humanity United. This memorandum and its recommendations for the next Administration draws heavily on numerous reports and studies along with in-depth discussions among the Action Group members.

The Action Group is joined by the following organizations that support this report:

- As You Sow
- Ayuda
- Boat People SOS, Inc.
- CASA de Maryland
- Center for Human Rights and Constitutional Law
- Daughters of Mary and Joseph
- Fair Fund
- Florida Coalition Against Human Trafficking
- HIV & AIDS Legal Services Alliance
- National MultiCultural Institute
- One Voice, One Soul
- The Protection Project (Johns Hopkins University School of Advanced International Studies)
- Religious Sisters of Charity Committed to the Abolition of Human Trafficking (Hawaii)
- Sisters of St. Joseph of Carondelet
- Sisters of Notre Dame, California Province
- Sisters of the Sorrowful Mother
- The Emancipation Network
- The Task Force on Modern Slavery & Human Trafficking (University of Denver Josef Korbel School of International Studies)

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Glossary of Terms

ACF: Administration for Children and Families is an office with Health and Human Services that handles case management and provides services for victims of trafficking in the United States.

ATIP: Anti-Trafficking in Persons Division is currently located within the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services and provides comprehensive support services to victims of human trafficking (HHS->ACF->ORR->ATIP).

Certification: Process involving the application of certain criteria to assess eligibility of human trafficking victims for T or U Visas.

Civil Rights Division: Located within DOJ, the Criminal Section of the Civil Rights Division has enforcement responsibility for involuntary servitude and peonage statutes.

Council of Europe Convention: The Council of Europe Convention is an anti-human trafficking treaty that focuses on the protection of victims and their rights. This treaty also seeks to prevent trafficking and prosecute its perpetrators. It was fully ratified in February 2008.

CEOS: Within DOJ, the Criminal Division's Child Exploitation and Obscenity Section is responsible for prosecuting child sex trafficking.

CRS: Congressional Research Service is the public policy research section of the U.S. government. CRS publishes annual reports on the status of anti-trafficking efforts within the U.S. government.

DHS: U.S. Department of Homeland Security.

DOD: U.S. Department of Defense.

DOJ: U.S. Department of Justice.

DOL: U.S. Department of Labor.

DPC: Domestic Policy Council is the coordinating body for domestic policy-making within the White House. The Council advises the President on policy and ensures that policy efforts are coordinated throughout all federal agencies. DPC also supervises implementation of domestic policy.

DRL: Bureau of Democracy, Human Rights and Labor is one of the four bureaus in the Office of the Under Secretary for Global Affairs. DRL is responsible for creating and coordinating U.S. human rights policies.

ESA/Wage and Hour: This office is located within the Department of Labor and is responsible for enforcing federal labor laws.

ETA: The Department of Labor's Employment and Training Administration provides job training, employment, and labor market information.

EEOC: Equal Employment Opportunity Commission.

EU: European Union is the political and economic union of twenty-seven countries located in Europe.

FBI: Federal Bureau of Investigation, located within DOJ, participates in DOJ's taskforces and investigates and prosecutes trafficking and other federal crimes.

G-8: The Group of Eight is an international meeting for the governments of the United States, Canada, the United Kingdom, Russia, Japan, Italy, France, and Germany.

GAO: Government Accountability Office is the audit, evaluation, and investigation portion of the U.S. Congress.

G/TIP: Office to Monitor and Combat Trafficking in Persons is located within the Department of State.

HIPC: Heavily Indebted Poor Countries are a group of 37 developing countries that are eligible for special assistance from the International Monetary Fund (IMF) and the World Bank because of their high levels of poverty and debt.

HHS: U.S. Department of Health and Human Services.

Human Rights Council's Special Rapporteur on Trafficking: The UN Council on Human Rights appoints the Special Rapporteur on Trafficking for a three year period. The Special Rapporteur is required to submit annual reports to the Council that include recommendations to protect the rights of trafficking victims.

HSTU: The Human Smuggling and Trafficking Unit located within DHS and responsible for carrying out TVPA requirements.

HTPU: The Human Trafficking Protection Unit located within DOJ's Civil Rights Division.

ICE: Immigration and Customs Enforcement was created in 2003 by combining the Immigration and Naturalization Service (INS) and U.S. Customs Service. ICE is the largest investigative branch of DHS.

IFC: The International Finance Corporation is a member of the World Bank and IFC provides investments and advisory services to build the private sector in developing countries.

IFIs: International Financial Institutions. (Examples of IFIs: the World Bank, the International Monetary Fund and various development banks).

ILAB: The Bureau of International Labor Affairs, within the Department of Labor, carries out the international responsibilities for the Department by conducting research and formulating international economic, trade, and labor policies in collaboration with other U.S. Government agencies and providing international technical assistance in support of U.S. foreign labor policy objectives.

ILO: The International Labor Organization is the tripartite UN agency that brings together governments, employers and workers of its member states in common action to promote decent work throughout the world, through in particular, the drafting and monitoring of international labor standards.

IOM: The International Organization for Migration's main purpose is to encourage economic and social development through migration and promote the rights of migrants.

NSC: National Security Council's role is to advise and aid the President on national security and international policy. The Council also helps coordinate policies of different government agencies.

NLRB: The National Labor Relations Board is an independent agency of the U.S. Government responsible for running elections for labor union representation and in charge of investigating and resolving unfair labor practices.

OPDAT: Overseas Prosecutorial Development, Assistance and Training located within DOJ which develops and administers technical assistance designed to enhance the capabilities of foreign justice sector institutions and their law enforcement personnel, so they can effectively partner with the Department of Justice in combating terrorism, trafficking in persons, organized crime, corruption, and financial crimes.

ORR: The Office for Refugee Resettlement is located within HHS and offers services and case management for refugees and foreign national trafficking victims.

OSCE: Organization for Security and Cooperation in Europe is an intergovernmental organization with 56 participating states. It is mandated to address issues of human rights, which include human trafficking.

OVC: The Office for Victims of Crime within DOJ, oversees programs to benefit victims of crime, including victims of trafficking. This office also works on victim identification and protection.

Palermo Protocol: Signed by the U.S. in 2000, The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime provides the international framework to combat trafficking globally. The Trafficking Protocol entered into force in December 2003. By 2006 the protocol had been signed by 117 states, and ratified by 110. The protocol falls under the jurisdiction of the UNODC.

PITF: The President's Interagency Task Force is a cabinet-level interagency group established to coordinate the U.S. government's efforts to combat trafficking. This task force is headed by the Secretary of State.

Presidential Directives: Presidential Directives are a form of an Executive Order that are implemented by the President in consultation with the National Security Council. These Directives have the effect of law.

PRM: Bureau of Population, Refugees and Migration within the State Department.

PRSPs: Poverty Reduction Strategy Papers are prepared by governments in low-income countries through a participatory process involving domestic stakeholders and external development partners, including the IMF and the World Bank.

Public Private Partnership: describes a government service or private business venture which is funded and operated through a partnership of government and one or more private sector companies and/or NGOs. These schemes are sometimes referred to as PPP.

SPOG: a Senior Policy Operating Group, created by the President's Task Force, to implement its human trafficking policies. The SPOG meets quarterly and consists of senior officials from ten federal agencies.

Tier 2 Watch List: A list of countries in the TIP Report that receive special scrutiny based on criteria established by the State Department.

TIP Report: Annual Trafficking in Persons report published by the G/TIP office within DOS, which evaluates the progress of foreign governments' efforts to eliminate human trafficking. This assessment involves the placement of these countries into one of four different Tier designations.

TVPA: Trafficking Victims Protection Act strengthens the ability of the federal government to combat trafficking in persons by providing explicit protections to victims, including immigration status, social service benefits, and specific legal rights.

TVPRA: Trafficking Victims Protection Reauthorization Acts of 2003 and 2005 added additional requirements, capacities and funding to TVPA 2000.

T-Visa: A visa allowing certain victims of human trafficking to remain in the United States if they agree to assist law enforcement in investigating the crime.

UNODC: United Nations Office on Drugs and Crime is mandated to assist member states in the struggle against illicit drugs, crime and terrorism.

UNICEF: The United Nations Children's Fund works for children's rights, their survival, development and protection.

UNDP: United Nations Development Program is the UN's global development network, an organization advocating for change and connecting countries to knowledge, experience and resources.

USAID: United States Agency for International Development.

USCCB: United States Conference of Catholic Bishops.

U-Visa: The U visa was created by the Victims of Trafficking and Violence Prevention Act, enacted in October 2000. It is available to noncitizens that 1) have suffered substantial physical or mental abuse resulting from a wide range of criminal activity, and 2) have been helpful, are being helpful or are likely to be helpful with the investigation or prosecution of the crime. The U visa provides eligible immigrants with authorized stay in the United States and employment authorization.

WHO: The World Health Organization is the coordinating agency of the UN that works in public health.

Preamble

Human trafficking¹ is an egregious violation of the human rights of women, men, and children for purposes of sexual exploitation, or forced labor as well as other forms of exploitive labor.² As both a national and transnational crime, trafficking and modern-day slavery occur within and across borders. They affect economies, political stability, law enforcement, and public health - particularly HIV/AIDS. Victims in the United States include U.S. citizens as well as foreign born nationals. The illicit commercialization of humanity is one of the largest criminal industries in the world, and the selling of children is the fastest growing global crime.

The devastating toll of human trafficking, a form of modern-day slavery, urgently demands a renewal of American leadership, both at home and abroad. This global scourge offers the incoming Administration a compelling opportunity to exercise leadership on human rights, enhance America's image abroad, seriously address transnational crime, and advance progress on a range of issues from poverty alleviation and HIV/AIDS to corruption and violence against women.

For more than a decade, U.S. leadership in fighting human trafficking and modern-day slavery has garnered international attention and respect as one of our most effective and positive international policy initiatives.

The Clinton Administration's policies established a foundation for combating human trafficking based on the "Three P's": prevention, protection of trafficking victims and prosecution of perpetrators. President Clinton formally launched the U.S. Government's global efforts to address the trafficking in human beings on Women's Day in March 1998, when he issued a Presidential Directive containing the original framework for Executive Branch action. Since that time, the United States has become a world leader in combating human trafficking. In 2000, Congress passed and President Clinton signed into law the Trafficking Victims Protection Act (TVPA), including the first funding authorizations, based upon this strategic and operational framework.

President Bush and his administration have supported and significantly expanded America's commitment to end human trafficking. The U.S. Government's efforts, including the annual Department of State's Trafficking in Persons' Report, steady diplomatic engagement, and over \$300 million in funding of anti-trafficking programs since 2001, have earned the grudging respect of even the harshest critics of U.S. human rights policies.

1 As defined in the Trafficking Victims Protection Act of 2000, the legal definition of "severe forms of trafficking in persons" is:

- a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- b) 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 subjection to involuntary servitude, peonage, debt bondage, or slavery.

2 Exploitive labor trafficking is common in agriculture, domestic work, construction, manufacturing/sweat shops and other forms of manual labor.



A 9-year-old girl toils under the hot sun, making bricks from morning to night, seven days a week. She was trafficked with her entire family from Bihar, one of the poorest and most underdeveloped states in India, and sold to the owner of a brick-making factory. With no means of escape, and unable to speak the local language, the family is isolated and lives in terrible conditions. © Kay Chernush for the U.S. State Department.

Although U.S. policy leadership has achieved several key goals- raised global awareness, created a governmental structure and begun to advance understanding of the problem and effective responses - serious challenges remain if the U.S. is to effectively tackle human trafficking both domestically and abroad. The next President needs to understand the complex nature of these challenges and the critical importance of all three elements of the framework for combating human trafficking: prevention, protection and prosecution.

As a nation, we must expand this legacy of engagement by improving our existing governance structures. To properly protect the victims of human trafficking - the women, men and children who in search of a better life find themselves entrapped as slaves - and to properly address this heinous and dynamic crime, the United States must reassert its role as a champion of human rights and commit anew to the abolishment of modern-day slavery. We must also acknowledge and lead the world in addressing the underlying causes of human trafficking – in particular the economic forces that make children, women and men vulnerable to exploitation and human trafficking. Poverty, unemployment, and the forces that push and pull workers to migrate must be analyzed in terms of their impact on the vulnerability of populations to trafficking.

In order to address these challenges we must focus on prevention strategies, acknowledging the root causes of trafficking and addressing related economic needs. We must look again at protection policies to improve victim identification and services. We must forge more effective, collaborative relationships among law enforcement, victim service

providers and community groups. Finally, we must enhance prosecution of perpetrators with more coordination domestically and internationally, through data collection, shared intelligence and law enforcement collaboration. Moreover, prosecution of traffickers must place an emphasis on the rule of law. Efforts to prosecute traffickers will only succeed in an atmosphere that respects the rule of law. The U.S. must work to support the legal, democratic, economic, and social structures that create this enabling environment.

Most importantly, it must be noted that these three critical policy areas are not mutually exclusive. They must be implemented and supported simultaneously. In fact, they are interdependent elements of a comprehensive and holistic strategic framework, and if one falters the others will surely be compromised. Finally, we must approach all anti-human trafficking initiatives through a rights-based approach, placing human rights, worker rights, and the rights of victims at the forefront of all policies and programs.

Countries of origin, transit, and destination for human trafficking share a mutual interest in combating this terrible crime. In a number of countries, especially post-conflict states and emerging democracies, the convergence of organized crime and official corruption in human trafficking have a destabilizing effect on democratic institutions, the rule of law, and respect for human rights. The U.S. recognizes that the stability of other countries is critical to our economy, our foreign policy, and ultimately, our national security. Slavery and human trafficking are a threat to international order, and combating it around the world must remain a priority for the new Administration. Additionally, our economic and trade policies have the potential to increase or reduce the amount of slavery and trafficking throughout the world. For that reason economic and trade policies need careful review to ensure that they support and maintain human rights.

In order to best fight this global scourge, the U.S. must ensure that its policies, laws, and implementing government agencies are properly coordinated in an integrated framework to combat human trafficking worldwide. This report provides recommendations to achieve this goal.

Executive Summary

The current United States government's infrastructure for the creation and implementation of anti-trafficking laws and policy requires improvement.

The lack of coordination among agencies with statutorily mandated roles and responsibilities has resulted in a failure to establish, achieve and monitor coherent goals, objectives and timetables. GAO and CRS reports and independent studies have repeatedly highlighted a lack of overall strategy and coordination and have uniformly urged the need for leadership to address these serious deficiencies. The next Administration must confront and resolve these issues to ensure that the three policy touchstones of prevention, protection and prosecution are adequately addressed.

Improved Interagency Coordination

No single department or agency is capable of wielding the authority necessary to bring together the full range of anti-trafficking actors and activities across the Executive Branch. Securing effective interagency coordination to combat human trafficking at home and overseas continues to be a central challenge for the U.S. government.

- **United States Government Interagency Oversight should reside in the White House.** The President needs to take an active and informed leadership role to improve interagency collaboration and provide oversight and accountability because of the broad and complex interagency jurisdictional nature of this issue. The relevant agencies – despite coordinating task forces – do not work optimally absent direction and leadership from the White House.
- **The next President should communicate Administration strategy, policy directives and accountability to all executive branch agencies.** A Presidential Directive should set forth strategic frameworks for Executive Branch actors. In order to improve coordination of U.S. efforts to combat human trafficking in the U.S. and abroad, the White House, through designated senior staff on the National Security Council and Domestic Policy Council working collaboratively, should facilitate and enforce coordinated strategies among agencies and departments that regard themselves as co-equal with one another. The White House would provide critical oversight and direction to ensure

that the work of the Senior Policy Operating Group (SPOG) is incorporated into the President's Interagency Task Force (PITF) coordination and that the agencies are carrying out the President's policies and strategies.

- **The next President should direct that senior White House officials, both from the National Security Council (NSC) and the Domestic Policy Council (DPC), be vested with the responsibility for human trafficking and work collaboratively to facilitate implementation of effective, coordinated anti-trafficking strategies and initiatives among agencies and departments.** Human trafficking should be incorporated into the respective portfolios of the NSC and DPC. This would ensure more effective coordination, especially in instances where existing interagency coordinating structures prove insufficient to implement coordinated domestic and international anti-trafficking efforts. An enhanced DPC/NSC role would ensure that the White House provides significant leadership on human trafficking.

Improved Strategic Planning

The U.S. must continue to develop and elaborate a comprehensive strategic plan which reflects an integrated approach to addressing prevention, protection and prosecution. Activities and initiatives in the U.S. and worldwide could be placed within this comprehensive plan.

KEY RECOMMENDATIONS RELATING TO THE PREVENTION OF HUMAN TRAFFICKING:

- **The next Administration should prioritize implementation of targeted and tailored prevention initiatives that address core contributing factors to trafficking in persons.** These initiatives should place a particular emphasis on economic development strategies that help individuals to find and hold viable jobs in communities and countries of origin.
- **The next Administration should convene multi-party discussions between businesses, workers' organizations (trade unions), non-governmental organizations and governments to develop anti-trafficking policies, programs and initiatives domestically and internationally.** As part of this effort, the next President should work with the private sector and workers' organizations to develop joint strategies to address trafficking in corporate supply chains, prevent all forms of worker exploitation, and promote adherence to core international labor standards (including freedom from forced and child labor, freedom from discrimination, and the freedom of association and right to organize and collectively bargain).
- **The next Administration should consider ways that the U.S. might learn from, and build on, the example of Brazil in combating trafficking in supply chains.** Brazil's National Plan for the Eradication of Slave Labor is widely recognized as a useful model for addressing forced labor in supply chains. It rests on a foundation of federal enforce-

ment activity, extensive supply chain research, and corporate education and engagement. Entities found to be using forced labor are subject to civil sanction and oversight; companies pledge through the counterpart National Pact not to source from these entities. The ILO has played a key role in shaping this initiative, work that the U.S. has supported. Building on the Brazil model could include, among other initiatives, continued support for the ILO's work, sensitizing U.S. companies to the issue and raising awareness about the program, encouraging U.S. corporate adoption and implementation of ILO training tools and materials, and U.S. corporate participation in Brazil's National Pact as appropriate.

- **The next President should direct State/DRL and Labor/ILAB to work with and through the ILO, and its partners, to promote awareness of and adoption of ILO tools and programs to address forced labor in global supply chains among its tripartite partners (business, trade unions, and governments).** The ILO has decades of experience on the issue, demonstrated expertise in technical cooperation, and the capacity to foster business engagement and monitor results.
- **The State Department's Tier 2 Watch List should be the focus of an array of innovative initiatives to help move countries from failure to improved responsiveness and capacity in combating human trafficking.**
- **The next Administration should improve the Oversight of Government Contractors and Procurement Regulations as they relate to human trafficking.** Currently, anti-trafficking provisions require contractors to notify employees of the zero tolerance policy and to specify what actions will be taken against employees violating the policy. However, self-regulation does not ensure the accountability necessary to prevent trafficking, and staff training is virtually non-existent.

KEY RECOMMENDATIONS FOR THE PROTECTION OF VICTIMS OF HUMAN TRAFFICKING:

- **The next Administration must improve the identification and protection of victims of human trafficking, both in the United States and abroad.** To help with identification and referral of human trafficking victims in the U.S., the next President should call upon Executive Branch entities to develop systematic and coordinated training programs for the range of local first responders associated with each agency's anti-trafficking work.
- **All relevant Executive Branch departments/agencies, such as DOJ and HHS, should be directed to develop educational and training materials/programs for state and local law enforcement.** These programs will improve cooperation between local, state, and federal government officials in finding and supporting potential victims of trafficking.
- **The next Administration should ensure, to the greatest extent possible by Executive Action, that the provision of services for victims of trafficking is de-linked from cooperation with law enforcement.** Currently, a TVPA provision requires victims of

trafficking to cooperate with law enforcement in order to be eligible for needed protection services. Victims should be entitled to protection services solely because they are victims of trafficking.

- **The next Administration should explore all legal mechanisms to allow trafficking victims to remain safely in the U.S. through the adjudication process.**
- **The next President should call upon relevant departments and agencies to review issues with respect to the protection of “minor” victims of trafficking.** Currently minors who are recognized by federal law as victims of trafficking are often unjustly charged and processed within the juvenile offenders system.
- **The next Administration must ensure that victims of trafficking receive comprehensive and appropriate services.** Housing is among the most urgent and consistently needed services for survivors of human trafficking. The next President should direct that federal agencies with custody of trafficking victims place them in appropriate housing options where their special needs can be addressed. Increased funding for human trafficking shelters should not impact funding for domestic violence or other shelters. Moreover, the President should ensure that quality legal services are provided to trafficking survivors. The need for quality case management for all trafficking survivors in the U.S. is also essential and must be ensured. Finally, the next Administration should ensure that those trafficking victims who require long-term recovery support receive appropriate services.
- **The next President should call for reducing bureaucratic burdens on providers of services to victims of trafficking.** The President should also institute an administration-wide system to track the expenditures on victim services by federal grantees.
- **The next President should strengthen protection of domestic workers employed by diplomats.** This can be accomplished by directing relevant Executive Branch departments and other entities to work with NGOs and others to develop and institute a system that includes check-ins and information sessions for the domestic workers to ensure they are aware of their rights and have access to appropriate resources.

KEY RECOMMENDATIONS FOR THE PROSECUTION OF HUMAN TRAFFICKERS:

The next Administration needs to seek full resources for federal investigation and prosecution efforts against traffickers and promote the importance of the role of state and local law enforcement in addressing trafficking in persons. The federal government should take steps to help establish this crime as a priority for state and local law enforcement. It should strengthen institutional processes and procedures to ensure seamless cooperation and collaboration among law enforcement at all levels of government in identifying, investigating and prosecuting human trafficking cases, while concurrently assisting and protecting the victims of human trafficking.

- **The next President should direct Executive Branch departments to support the strengthening of training for all levels of state and local law enforcement to increase capability to identify and investigate human trafficking cases.**
- **The next President needs to ensure that DOJ's Human Trafficking Protection Unit (HTPU) receives adequate funds to execute its expanded role and responsibilities.**
- **The next President and his Administration should work with state and local law enforcement associations to mobilize state and local law enforcement attention on anti-trafficking measures.**
- **The U.S. Government must request that foreign missions waive criminal and/or civil immunity for diplomats or family members of diplomats who abuse domestic workers. It should negotiate restitution for the victims and penalize foreign governments that fail to cooperate in cases of human trafficking and/or abuse of domestic workers.**

Improved International Coordination

The next President should exercise U.S. leadership to coordinate effective international responses to trafficking. These responses must establish the fundamental balance between human rights and law enforcement responses to trafficking. The White House should charge the NSC, in concert with the Department of State to improve coordination with multilateral institutions to more effectively combat human trafficking. To advance both human rights interests and law enforcement will require the U.S. to ensure that its international cooperative efforts engage actors that individually and collectively help to achieve this objective.

- **The U.S.** should urge the UN Secretary General to establish a coordinating office on human trafficking, accountable to the SG, to foster a more effective response and the integration of efforts by all relevant UN agencies.
- **The next Administration should encourage regional anti-trafficking accords with strong victim protection measures.** The Council of Europe Convention is a good model for regional agreements.
- **The next Administration needs to ensure a more effective integration of anti-trafficking efforts with international labor and migration policies.** The Department of Labor, the State Department's TIP office, and the DRL should engage with the ILO on strategies to address forced labor among transnational migrant workers, indigenous populations, and child labor.



Former United Nations Secretary-General Kofi Annan addresses the 2005 World Summit. The summit affirmed governments have the responsibility to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. ©UN Photo/Paulo Filgueiras

- **The next Administration should take an active approach in steering the existing IOM “Colombo Process” into a dialogue on labor migration that promotes human rights and protects migrant workers from trafficking.** Moreover, anti-trafficking goals should be included in the context of general international labor negotiations or discussions, and in regional or international exchanges on migration policies.
- **The U.S. should exert its leadership to drive anti-trafficking initiatives and programs and improve coordination among bilateral, regional and multilateral donors, such as the G-8 agenda and the development banks.** The next President should also work with other donor countries to incorporate anti-trafficking and slavery conditionality in future debt forgiveness for Heavily Indebted Poor Countries (HIPC).

Performance, Assessment and Data Collection

If the U.S. is to mount a more effective anti-trafficking effort, intelligence and data on human trafficking must be better integrated with and among all federal agencies.

- **A central entity, possibly the Center for Trafficking and Smuggling, must be vested with the resources and authority to provide leadership on the inter-agency development of a coherent approach to collecting and analyzing data that can be used to**

inform anti-trafficking responses. Raw data alone is not useful. A process and understanding needs to be organized within the federal government to collect and analyze the data needed to achieve a better understanding of the problem and craft effective responses.

- **The next President must ensure that the Center for Human Smuggling and Trafficking is significantly restructured with appropriate staff and direction to carry out its intended mission to address human trafficking.**
- **The next Administration should support in-depth research that can be applied to improve practical anti-trafficking responses and produce more effective results.** The Administration should also evaluate funded anti-trafficking programs for evidence of anti-trafficking impact.

Responsibilities of Federal Agencies

Several Federal Agencies are mandated under the law with responsibilities for combating human trafficking. These include the Department of Justice, Department of State, Department of Labor, Department of Defense and Department of Homeland Security.

This report contains additional recommendations for these respective agencies. It also includes key examples of authorized priority programs within certain agencies that have yet to be fully funded.

The body of this report identifies a number of specific steps that need to be taken by the new Administration to achieve these important strategic objectives and to improve the effectiveness of this country's anti-trafficking initiatives in the United States and around the world.

Legal and Policy Background

Anti-trafficking legislation has enjoyed robust bipartisan support during the last two administrations. Significant progress can be claimed, but even more work is required to eradicate slavery. A brief historical overview will reflect key efforts to date.

The breakthrough 2000 Trafficking Victims Protection Act (TVPA) legislation framed initial policies and responsibilities. As previously mentioned this legislation emphasizes the need to focus on three keystones: Prevention, Protection of victims, and Prosecution of traffickers. The law strengthened the ability of the federal government to combat trafficking in persons by providing explicit protections to victims, including immigration status, social service benefits, and specific legal rights. The TVPA also created new crimes and mandates forfeiture of trafficking assets and restitution for victims. The comprehensive provisions of the TVPA therefore addressed the multifaceted concerns of trafficking victims and acknowledged that prosecution alone is not enough to combat this problem effectively.



Burmese migrants who are often trafficked onto fishing ships are kept at sea for months and even years at a time. If they protest and ask to be put ashore, they may be threatened at gunpoint and locked in containers, or fired and not paid for their work. © Kay Chernush for the U.S. State Department.

- 3 2000 Act, Section 5 (d) Support for the Task Force - The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be administered by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this Act and may have additional responsibilities as determined by the Secretary. The Director shall consult with domestic, international, nongovernmental and intergovernmental organizations and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by any other means. The Office is authorized to retain staff members from agencies represented on the Task Force.
- 4 2003 reauthorization of the Act, the Director was upgraded to Ambassador at large, and the SPOG was created within the Task Force, to include senior officials designated as representatives of the Task Force appointees. The SPOG's duties, as set out in Section 6(c)(3) of the House bill, included coordinating activities of Federal departments and agencies "regarding policies (including grants and the grant policies) involving the international trafficking in persons and the implementation of this division." The subsequent subsection required federal departments and agencies to share information, and contemplated regulations to implement the section. The bill as enacted gave GTIP the chair of the SPOG.

Additionally, the TVPA provides for the President to establish an Interagency Task Force (PITF), chaired by the Secretary of State and comprised of cabinet members and other officials as designated by the President. The TVPA also authorized the Secretary of State to establish an Office to Monitor and Combat Trafficking in Persons within the Department of State to support the Task Force as well as the Secretary of State. The Act also authorized staffing the Office from the various Task Force agencies.³

The Office was created in 2002 by Executive Order and is located in the Under Secretariat for Democracy and Global Affairs, and is called G/TIP (The Office to Monitor and Combat Trafficking in Persons). The G/TIP Office Director reports to the Undersecretary for Democracy and Global Affairs. In the 2003 reauthorization of the TVPA, the Director was upgraded to Ambassador at Large. The Senior Policy Operating Group (SPOG) was created within the Task Force. The SPOG was be chaired by the Ambassador at Large and include senior officials from various U.S. Departments (such as DOJ, HHS, DOS, and DOL) designated as representatives of the Task Force appointees. SPOG duties include, among others, coordinating activities of Federal departments and agencies.⁴

The 2003 and 2005 reauthorizations of the TVPA added additional requirements, responsibilities, funding, and protections for victims. Under these laws key agencies have been vested with the authority to act as well as to provide grants for a myriad of assistance programs both in the United States and abroad.

In 2000, the U.S. signed the United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime (also known as the Palermo Protocol). The U.S. subsequently became a member to the protocol on December 3, 2005 following Senate ratification. This protocol serves as the international framework to combat trafficking. The United States has viewed the 2000 Trafficking Bill and the UN Protocol as the two principal documents, both domestically and internationally, which form the foundation of policy to combat trafficking and develop the necessary infrastructure and legal tools to enforce these policies.

Governance

Although the United States government, on its face, appears⁵ to have created a sound and viable infrastructure to create and implement anti-trafficking laws and policy, the current governance model has produced both positive and negative results. While it has had substantial achievements, outlined in the July 2008 PITF report⁵, there are important policy goals that are not being met and improvements that must be made.

Specifically, the lack of coordination among agencies with statutorily-mandated roles and responsibilities has resulted in a failure to establish, achieve and monitor coherent goals, objectives and timetables. At the same time, no baselines or credible indicators of meaningful outcomes, rather than outputs, have been developed. Therefore, activities can be described but anti-trafficking results cannot be documented. In combination, these critical gaps have resulted in inadequate implementation of the legislation and a vacuum in understanding of the impact (positive or negative) U.S. efforts and investments are making. Numerous GAO and CRS reports and independent studies have highlighted this lack of overall strategy and coordination, and have uniformly urged the need for leadership to address these serious deficiencies. The next Administration must confront and resolve these issues to ensure that the three policy touchstones of prevention, protection and prosecution of traffickers are adequately addressed.

The recommendations provided in the following pages are intended to support the next administration's stewardship of this issue by addressing the shortcomings involved in three key areas: interagency coordination, strategic planning and performance assessments.

1. IMPROVED INTERAGENCY COORDINATION

(See Appendix A – Individual Agency Recommendations for Improvement - for more information on specific agencies)

No single department or agency is capable of wielding the interagency authority necessary to bring together the full range of anti-trafficking actors and activities across the Executive Branch adequately. Securing effective interagency coordination to combat human trafficking has not yet been accomplished and continues to be a central challenge to ensure that the “whole of government” is working together. The following recommendations will improve interagency coordination:

⁵ The President's Interagency Task Force to Combat Trafficking in Persons, Declaration of Achievements 2001- 2008, July 11, 2008.

- **United States Government Interagency Oversight should reside in the White House.** The Office of the President needs to take an active and informed leadership role to improve interagency collaboration, provide oversight, and ensure accountability because of the broad and complex interagency jurisdictional nature of this issue. Despite legislative initiatives establishing the President’s Interagency Task Force (PITF) and Senior Policy Operating Ground (SPOG), past performance has shown that relevant agencies all too often do not work well together absent direction and leadership from the White House. Instead they have frequently functioned as independent actors, failing to maximize the U.S. investment of resources in this issue and too often working at cross-purposes.
- **The next President should communicate Administration strategy, policy directives, and accountability to all executive branch agencies.** For instance, a Presidential Directive could set forth strategic frameworks for Executive Branch actors taking aim at a number of important issues such as: targeting root causes of human trafficking including fostering greater economic opportunities for women worldwide focusing on the particular vulnerability of migrant workers to human trafficking, or addressing family violence in targeted countries, improving victim identification and services. We should encourage international and domestic cooperation to increase the prosecution of traffickers as well as encourage interagency cooperation to ensure protection for trafficking survivors in the United States.
- **The next President should direct senior White House officials, both from the National Security Council (NSC) and the Domestic Policy Council (DPC), to work collaboratively to facilitate and ensure implementation of effective, coordinated anti-trafficking strategies and initiatives among agencies and departments.** Human trafficking should be incorporated into the respective portfolios of the NSC and DPC. This would ensure more effective coordination across government, especially in instances when existing interagency coordinating structures prove insufficient or unable to resolve and implement coordinated domestic and international anti-trafficking efforts. An enhanced DPC/NSC role would ensure that the White House would provide significant leadership on human trafficking in the next Administration.

2. IMPROVED STRATEGIC PLANNING

The next President should reinforce the complete implementation of the 3Ps while simultaneously overhauling the coordination of all strategic directives concerning human trafficking. Current anti-trafficking efforts have been criticized by the GAO and independent observers as uncoordinated and ad hoc. The GAO concluded that current anti-trafficking efforts have not placed activities within a coherent strategic vision.⁶ A complex and inte-

⁶ See GAO, A Strategic Framework Could Help Enhance the Interagency Collaboration Needed to Effectively Combat Trafficking Crimes, GAO-07-915 (Washington, D.C.: July 2007)

grated strategy is required to combat a dynamic and complicated problem. From international aid and domestic funding to local law enforcement training, victim identification and services, and prosecution, the United States must continue to develop and elaborate a comprehensive strategic plan. The plan must reflect an integrated approach to addressing prevention, protection and prosecution activities and initiatives in the U.S. and worldwide.

Prevention: A range of root causes and contributing factors have been identified as creating vulnerabilities that heighten the likelihood of trafficking in persons. Among them, economic deprivation and disparities are pre-eminent. The inability to financially support oneself and one's family in one's home community or country is a common factor in the personal history of most victims of trafficking. Consequently, while the range of contributing factors needs to be addressed, at a minimum, preventing trafficking practically translates to reducing vulnerability to enslavement by ensuring that people have viable economic alternatives. The particular vulnerability of migrant workers to trafficking, including economic forces that push or pull workers to migrate, must also be addressed. The following recommendations are examples of actionable prevention strategies:

- **The next Administration should prioritize implementation of targeted and tailored prevention initiatives that address core contributing factors to trafficking in persons.** These should emphasize economic development strategies that help individuals to find and hold economically viable jobs locally in countries and communities of origin. Moreover, all integrated strategies should reflect that women and children living in poverty and conflict are especially vulnerable to the threat of trafficking. Domestic violence and child abuse should not be overlooked as contributing factors leading to vulnerability. For example, U.S.-born human trafficking victims are frequently run-away children.
- **The next Administration should convene multi-party discussions between businesses, workers' organizations (trade unions), non-governmental organizations and governments to develop anti-trafficking policies, programs and initiatives domestically and internationally.** As part of this effort, the next President should work with the private sector and workers' organizations to develop joint strategies to address trafficking in corporate supply chains, prevent all forms of worker exploitation, and promote adherence to core international labor standards (including freedom from forced and child labor, freedom from discrimination, and the freedom of association and right to organize and collectively bargain). The business community, in collaboration with workers organizations, has an important role to play. The White House should also facilitate government sponsored forums where best practices and other successful models can be discussed. For example, Brazil's National Pact for the Eradication of Slave Labor, which was launched in 2005, is a potential model for future agreements. The National Pact was signed by trade unions, other members of civil society, government and entrepreneurs / business. The Pact promotes the rejection of "suppliers whose better prices are related to labor exploitation."

- **The next Administration should consider ways that the U.S. might learn from, and build on, the example of Brazil's National Plan for the Eradication of Slave Labor,** which is widely recognized as a useful model for addressing forced labor in supply chains. Brazil's plan rests on a foundation of federal enforcement activity, extensive and detailed supply chain research, and corporate education and engagement. Entities found to be using forced labor are subject to civil sanction and oversight; companies pledge through the counterpart National Pact not to source from these entities. The ILO has played a key role in shaping this initiative, work that the U.S. has supported. This could include, among other initiatives, continued support for the ILO's work, sensitizing U.S. companies to the issue and raising awareness about the program, encouraging U.S. corporate adoption and implementation of ILO training tools and materials, and U.S. corporate participation in Brazil's National Pact as appropriate.
- **The next President should direct State/DRL and Labor/ILAB to work with and through the ILO, and its partners, to promote awareness of and adoption of ILO tools and programs to address forced labor in global supply chains among its tripartite partners (business, trade unions, and governments).** The ILO has decades of experience on the issue, demonstrated expertise in technical cooperation, and the capacity to foster business engagement and monitor results.
- **Businesses should be encouraged to play a role in reducing the exploitation and abuse of adults and children in the commercial sex industry.** This includes the entertainment and tourism sectors as well as any business whose employees may be generating a targeted demand for sex trafficking victims.
- **The State Department's Tier 2 Watch List should be the focus of an array of innovative initiatives to help move countries from failure to greater responsiveness and capacity in combating human trafficking.** The U.S. should adopt a more targeted approach, tailored to the unique circumstances of each country, incorporating U.S. government assistance programs, diplomatic efforts, and the participation of the private sector in addressing economic challenges. Bringing stakeholders together to address human trafficking should be encouraged.
- **The next Administration must provide greater attention and resources to support the efforts of non-governmental organizations (NGOs).** These organizations are essential to global anti-trafficking efforts. Their leadership in the community, their effective collaboration with governments, their assistance and expertise in the formulation of policy and legislation, and their provision of services to trafficking victims are all crucial. Without NGOs in the mix, any government, including the U.S., would not be able to adequately address this issue. In fact, it was NGOs both in the U.S. and overseas who originally brought the problem of trafficking to the attention of U.S. government officials.

- **The next Administration should improve the Oversight of Government Contractors and Procurement Regulations to ensure that anti-trafficking regulations are overhauled, implemented, and applied uniformly.** Comprehensive enforcement of anti-trafficking procurement regulations should be in place across the military as well as in civilian populations. The offices of Inspector General within relevant agencies must be trained properly on these regulations. Currently, contractors are required to notify employees of the zero tolerance policy and to specify what actions will be taken against employees violating the policy. Accountability for this policy of self-regulation and staff training is non-existent.

Protection: A priority for the next Administration must be to improve the identification and protection of victims of human trafficking both in the United States and abroad. “Protection” refers both to providing support for victims of trafficking, in a holistic manner so they can begin rebuilding their lives in a healthy manner as well as protection for their physical safety from traffickers. More effective measures to support and restore victims need to be adopted. The intent of the TVPA 2000 was to establish a victim oriented approach to anti-trafficking efforts so that all anti-trafficking activities, most especially protection activities, are consistent with advancing the long-term recovery of victims of trafficking. The following actionable recommendations will enhance protection of victims:

- **The next President should call upon Executive Branch entities, through Presidential Memorandum and/or other appropriate means, to develop systematic and coordinated training programs for the range of local first responders associated with each respective entity’s anti-trafficking work and to help with identification and referral of human trafficking victims in the United States.**
- **The next President should direct relevant Executive Branch departments/agencies such as DOJ and HHS, to develop educational and training materials/programs for state and local law enforcement on cooperating with federal government officials concerning assisting potential victims of trafficking to establish benefits, eligibility, and certification and on cooperating with NGOs and state agencies to access appropriate services for victims.**
- **The next Administration should delink cooperation with law enforcement and eligibility for services to foreign and national victims of trafficking.** This should be achieved to the greatest extent possible by Executive action. The current protection paradigm links victim cooperation with law enforcement to access to services. Conditions of this sort should not be placed upon traumatized victims of trafficking who have escaped or been rescued to be eligible to receive assistance that they need to recover. The next President should ensure that victims are entitled to protection services solely because they are victims of trafficking. Any such obstacles to eligibility by victims to obtain assistance should be reversed by Executive action, or by seeking legislative reform if necessary.

- **To improve the identification and certification of trafficking victims, all legal mechanisms should be explored to allow trafficking victims to remain safely and legally in the U.S.** through the adjudication process. All mechanisms (witness protection, the T Visa and U Visa) should be utilized appropriately to provide trafficking victims the protection to which they are entitled.
- **The next President should call upon relevant departments and agencies to review issues with respect to the protection of “minor” victims of trafficking.** There continue to be many issues that require attention involving the appropriate treatment of minors who are or may be victims of trafficking. In particular, U.S. federal law recognizes that minors exploited in the commercial sex industry are victims of trafficking. However, states may detain these children with juvenile offenders or charge them with prostitution crimes rather than treating them as victims of a horrific sex crime. The President should provide leadership in ending the anomalous situation whereby child victims of sex trafficking are treated as criminals rather than victims. The federal government must provide state systems with leadership as well as the resources and training needed to correct this travesty by ensuring that minors in the commercial sex industry are not criminalized.
- **The next Administration should take steps to address and resolve issues associated with whether any minor who has engaged in a commercial sex act is a victim of trafficking.** This issue remains unresolved in practice in the field and has important implications for eligibility for assistance programs (which are based on funding limited to cases involving trafficking in persons), as well as data collection and analysis, among other things.
- **The President should ensure that authorized programs to serve U.S. citizen and foreign national victims of human trafficking are created and funded.** While the TVPA authorizes specialized services to all victims of human trafficking, to date there has been no funding for programs created to assist U.S. citizen victims of human trafficking, including the large number of commercially sexually exploited children. Likewise, funding for foreign nationals has not been sufficient to meet their needs.
- **The Administration needs to prioritize dedicating resources to establish a network of housing options across the country to serve trafficking victims.** It is well documented that housing is among the most urgent and most consistently needed services for survivors of human trafficking. Yet, this is an area that has received less attention than any other in regards to funding, model development, and evaluation. For adults and children there are currently not enough shelter options addressing the special needs of trafficking victims. Additionally, the next President should direct, by Presidential Memorandum or other appropriate means, that federal officials with custody of trafficking victims place those individuals in culturally and linguistically appropriate housing options to the maximum extent possible. Increased funding for human trafficking shelters should not impact funding for domestic violence or other shelters.

- **The next President should ensure, by Presidential Memorandum or other appropriate means, that all trafficking survivors in the United States receive quality case management.** The quality of client care is currently being impacted by the lack of funding for case management for social services. Current funding structures in place or lack of funding have resulted in fewer case managers to respond to highly intensive client needs. At the same time, outreach efforts are growing and leading to increased numbers of victims identified. It should be noted that quality case management for human trafficking survivors may involve complex legal issues including immigration services, criminal victim-witness advocacy, criminal defense, family law and assistance seeking legal remedies. Survivors need immediate access to legal assistance from lawyers who are able to fully assist them with their complex legal needs.
- **The next President should strengthen protection of domestic workers employed by diplomats by directing relevant Executive Branch departments, agencies and other entities to work with NGOs and others to develop and institute a system that includes check-ins and information sessions for the domestic workers to ensure they are aware of their rights and have access to appropriate resources and services.** Consular offices should also inform diplomat employers of diplomatic sanctions that the U.S. government can take against employers who are forcing or coercing laborers to work.⁷ The new Administration may wish to consider recommending that countries that are ranked on the Tier 2 Watch List or lower are ineligible for such visas pending the conclusion of a joint MOU or other agreement setting forth safeguards against abuse. It may also consider recommending denial of visas to any country previously implicated in abuse, pending either some waiting period and/or remedial plan that the diplomatic mission adopts.
- **The next President should call, by Presidential Memorandum or other directive, for reducing bureaucratic burdens on providers of services to victims of trafficking while also instituting an administration-wide system to track the expenditures on victim services by federal grantees.** Current reporting requirements are so cumbersome and ineffective that questions have been raised about their utility. The administrative obligations have a negative impact on the ability of caseworkers to adequately assist victims, particularly in smaller service organizations. However, the government must also have a clear tracking and accountability system to determine how much is being spent on actual services for victims.⁸
- **In international and U.S. based programs, the next Administration should focus on shortcomings in strategies to assist those victims of trafficking who require long-term recovery support.** Most assistance currently is short-term in nature and therefore not sufficient to help more severely harmed victims.

Prosecution: The next Administration needs to seek full resourcing for federal investigation and prosecution efforts against traffickers and promote the role of state and local law enforcement in addressing trafficking in persons effectively and appropriately. The

⁷ See GAO, *U.S. Government's Efforts to Address Alleged Abuse of Household Workers by Foreign Diplomats with Immunity Could be Strengthened*, GAO-08-892 (Washington, D.C.: July 2008)

⁸ Per the U.S. Department of Justice Office of the Inspector General Audit Division, "Management of the Office of Justice Programs' Grant Programs for Trafficking Victims". Audit Report 08-26. July 2008, Millions of dollars have been spent on victim protection services, but there is no clear tracking system to determine what is specifically being spent on actual services.

Executive Branch must strengthen institutional processes and procedures to ensure seamless cooperation and collaboration among law enforcement at all levels of government in identifying, investigating and prosecuting human trafficking cases, while concurrently providing assistance and protection for victims. In the U.S. federal system, the bulk of police, prosecution and social service resources exist at the local level. Therefore, an effective strategy must focus on local law enforcement. Unfortunately, trafficking has not been made a priority at this level. Police departments around the country have dedicated and trained personnel to address the homicide epidemic but no such resources have been allocated to fight human trafficking. The anti-trafficking effort to date has been largely concentrated in the federal government.

According to the July 2008 Declaration of Achievement submitted by the PITE, 156 prosecutions of traffickers have been pursued from 2001-2007 (additional prosecutions do occur under other criminal statutes and prosecution initiatives). Regardless, the final number is clearly not adequate given the extent of the problem. The following recommendations provide actionable measures to enhance prosecution efforts:

- **The next President should direct Executive Branch departments, agencies and other relevant entities to support strengthening of training for all levels of state and local law enforcement to increase the capability to identify and investigate human trafficking cases.** A recent report by Northeastern University highlighted the dramatic connection between training and law enforcement investigation of human trafficking, finding that “agencies with a special unit, protocols or training are 2 to 3 times more likely to identify cases of human trafficking than those without such preparations.”⁹ The Office of Justice programs can play an important role in disseminating best practices, training curricula and grants in order to normalize the fight against human trafficking as part of the day-to-day mission of all law enforcement and service providers.
- **The next President needs to ensure that DOJ’s Human Trafficking Protection Unit (HTPU) receives adequate funds to perform its expanding role and increasing responsibilities.** Since its inception, this unit has not had the necessary funding to increase staffing of attorneys who specifically focus on trafficking prosecutions, despite an increase in identified cases.
- **The next President and his Administration should work with the National Governor’s Association, the National Association of Attorneys General, the National District Attorneys Association, the International Association of Chiefs of Police, and other state and local law enforcement groups to mobilize state and local law enforcement attention on anti-trafficking measures.** The Governors must also be encouraged to aggressively advocate for their state’s legislatures to pass comprehensive anti-trafficking legal provisions that can support and supplement federal efforts.

⁹ See Northeastern University’s *Understanding and Improving Law Enforcement Responses to Human Trafficking*, June 2008, pg. 107.

- **The next Administration should review the use of pro-active investigative tools, particularly those that lead to lessening reliance upon victim-witness testimony, to ensure greater success in the number of traffickers identified and prosecuted.** Trafficking investigations tend to rely heavily on victim testimony and should utilize other sources of information which could corroborate victim and witness testimony such as tracing employer records, money trails, or other forms of documentation. Further, more traditional law enforcement investigative tools developed for infiltrating drug networks, such as surveillance, undercover investigations, and the use of confidential informants, would ensure greater success in the prosecution of traffickers.
- **The U.S. government must request that foreign missions waive criminal and/or civil immunity of diplomats or their family members who traffic their workers, negotiate restitution for victims, and penalize foreign governments that fail to cooperate in cases of human trafficking and/or abuse of domestic workers.** A recent GAO report¹⁰ notes the need to address the egregious problems associated with foreign diplomats' abuse of household workers in the United States. In order to effectively prosecute these crimes, DOS and DOJ need to devise a functional interagency system in order to avoid the delays that typically plague this type of investigation.

Improve International Coordination: The following actionable recommendations involve improving prevention, prosecution, and protection at the international level.

- **The next President should exercise U.S. leadership to establish the fundamental balance between law enforcement and human rights responses to human trafficking.**
 - The U.S. should charge NSC, in concert with DOS, to improve coordination with the multilateral institutions like NATO, OSCE, OAS, ASEAN and the United Nations (e.g., UNODC, UNICEF, UNDP, UNIFEM, WHO, Human Rights Council's Special Rapporteur on Trafficking, and the ILO) to more effectively combat human trafficking. These agencies are active on a range of activities focusing on the global human trafficking challenge, each with different, but important, points of emphasis in addressing the issue. The U.S. should also support greater efforts by the UN High Commissioner on Human Rights and other multilateral organizations that specifically advance human rights issues and anti-trafficking reforms.
 - The U.S. must ensure that its international cooperative efforts engage actors to individually and collectively advance both law enforcement and human rights interests. For example, in the UN context, the United Nations Office on Drugs and Crime (UNODC) is often viewed as the lead UN agency in the fight against human trafficking because it is the "guardian of the UN Protocol on Trafficking." However, the emphasis of UNODC's mission is on the criminalization of trafficking and punishment of traffickers, which the Protocol mandates, and it does not have a comparable mandate to ensure that countries enact victim protection or support the rights that underscore these concerns. This has

¹⁰ See GAO, *U.S. Government's Efforts to Address Alleged Abuse of Household Workers by Foreign Diplomats with Immunity Could be Strengthened*, GAO-08-892 (Washington, D.C.: July 2008)

helped perpetuate an imbalance between law enforcement and human rights interests in anti-trafficking efforts which sometimes leads to serious unintended consequences internationally. It has, for instance, resulted in some governments restricting movement (or migration) of female citizens to “prevent” trafficking and allowed repressive governments to punish undocumented emigrants and immigrants -- and ironically heighten vulnerabilities for trafficking -- in the name of addressing trafficking. Consequently, as the U.S. strengthens its international partnerships and collaborations on this issue, it should make sure to engage organizations that focus on human rights and the victim-centered perspective as well as those focusing primarily or exclusively on the criminal justice perspective. In working with the UN, this means engaging the broad range of UN agencies and offices that work in the field of human trafficking, such as the UN Office of the High Commissioner for Human Rights, UNHCR, UNICEF, as well as IOM and ILO and others to marshal and strengthen their potential for advancing the victim-centered perspective in concrete ways in anti-trafficking work around the world.

- The Administration should promote the role of the ILO and the international ratification of ILO conventions to help end human trafficking. The International Labor Organization (ILO) has a key role to play in combating human trafficking around the world. As a tripartite membership organization, the ILO has influence with governments, workers organizations (trade unions), and employers/business. In addition, the ILO has international conventions that are negotiated and ratified by countries, binding them to certain principles that are key to fighting human trafficking, such as conventions regarding forced labor, discrimination and protecting vulnerable workers, such as immigrant or migrant workers.
- The U.S. should urge the UN Secretary General to establish a coordinating office on human trafficking, accountable to the Secretary General, to foster a more effective response and integration of efforts by all the relevant UN agencies.
- The next Administration should encourage regional anti-trafficking accords. For example, the Council of Europe Convention is a good model with strong victim protection measures.
- **The next President and his Administration need to more effectively integrate anti-trafficking efforts with international labor and migration policies.** Currently, anti-trafficking objectives are pursued largely independent of international labor and migration policies. There is a need for the U.S. to be active in discussing the phenomenon of unprecedented global labor migration and the need for standards to protect migrants from forced labor trafficking.
- The next President should ensure that the Department of Labor and State Department’s TIP office and DRL join in engaging the ILO on strategies to address forced labor among transnational migrant workers and indigenous populations, as well as child labor.

- The next President should ensure that the relevant agencies/offices form a U.S. government approach to the ILO and IOM in steering the existing IOM “Colombo Process” into a dialogue on labor migration that promotes human rights and protects migrant workers from trafficking.
- The next President should ensure that anti-trafficking goals (incorporating both enforcement and human rights perspectives) are included and pursued in the context of general international labor negotiations or discussions (for example, in the ILO’s Governing Body) and in regional or international exchanges on migration policies (for example, the Global Forum on Migration and Development).
- **The United States should exert its leadership to drive anti-trafficking initiatives, programs, and greater coordination among bi-lateral, regional and multilateral donors, such as the G-8 agenda, EU, the African and Asian Development Banks, and the World Bank.** Moreover, both U.S. aid policy and advocacy relating to multilateral financial institutions like the World Bank should include trafficking considerations. The U.S. should marshal its information and experience and work with other IFI member countries to determine what gaps need filling, such as research, and how IFIs might best help. Similarly, the U.S. should focus on ensuring that IFI’s understand the relationship between vulnerability to trafficking and poverty, lack of identity, lack of economic opportunity, risk of HIV and AIDS, etc. This understanding should inform IFI country and regional strategies, including but not limited to building government capacity for service delivery, governance and anti-corruption efforts. Labor standards in IFC loan conditionality are an effective means to address some of these vulnerabilities to human trafficking. World Bank country strategies must include core labor standards.
- **The next President should work with donor countries to incorporate anti-trafficking and slavery conditionality in future debt forgiveness to Heavily Indebted Poor Countries (HIPC).** In addition, the Treasury Department should exercise its influence over the World Bank and IMF, both of which are responsible for determining the eligibility of countries for debt relief. Applicants to the World Bank and IMF should be urged to incorporate slavery eradication as a priority in Poverty Reduction Strategy Papers (PRSPs). Clearly, incorporating anti-trafficking considerations into debt forgiveness strategies should be part of a broader understanding that trafficking is a reflection of pervasive poverty, economic underdevelopment, and, often, weak governance. Debt relief initiatives should be grounded in remedial programs that address these core challenges - and thereby alleviate vulnerabilities that fuel trafficking.

3. PERFORMANCE ASSESSMENT AND DATA COLLECTION

Intelligence and data on human trafficking must be integrated with and among all Federal Agencies if the U.S. Government is to mount an effective anti-trafficking effort. Currently, the lack of field data results in superficial conclusions and ineffective responses by policy makers. Moreover, the lack of independent project evaluations impedes opportunities to improve projects and make better use of limited resources. The quality of data collection and the government's ability to make policy decisions based on such data are often questioned. According to a GAO report¹¹, the U.S. Government has no projects funded to systematically measure and analyze trafficking information received by individual agencies. While agencies/departments are spending a lot of money to actively collect data, it is important to determine, to the extent possible, the effectiveness of the efforts undertaken. This requires support for in-depth quality research and objective evaluation. The following recommendations reflect actionable steps for enhanced performance assessment:

- **The next President needs to re-examine the U.S. data collection effort.**¹² The collection of raw data alone is not useful. What is needed is a process and understanding to take the data and analyze it in order to achieve a better appreciation of the problem and obtain practical results. The Federal government is currently collecting at least 9 different data sets that are directly related to human trafficking.¹³ Unfortunately, many of these collection efforts are not using the same definitions, measures or categories of variables. In addition, many of these disparate efforts do not have regular or consistent interaction with one another.
- **The next administration must create a central entity with the resources and authority to provide leadership on the inter-agency development of a coherent and feasible approach to collecting and analyzing data that can be used to inform anti-trafficking responses.** This entity may or may not be the Center for Human Smuggling and Trafficking. A one-time meta-analysis of existing data sets for patterns of trafficking could inform current policy and action and has considerable merit. Meta-analysis could combine data sets from all agencies and make possible a deeper understanding of the incidence and trends of human trafficking, thus helping to improve intervention methods.
- **The next President must ensure that the Center for Human Smuggling and Trafficking is significantly restructured, with appropriate staff and direction to carry out its intended mission to address human trafficking.** Since its inception in 2004, the Center has not played a useful role in combating trafficking, focusing mainly on smuggling and terrorist funding and travel. The Center should be significantly restructured, with clear directives on fighting human trafficking, and staffed with a cadre of experienced professionals who are up to the task. If this is accomplished, then the Center has the potential to become an effective information-gathering center for human trafficking.

11 See GAO, *Better Data, Strategy, and Reporting Needed to Enhance U.S. Anti-trafficking Efforts Abroad*. GAO 06-825. (Washington, D.C.: July 2006)

12 Before starting any data collection efforts, it is critical to figure out first whether all information and data should and can be consolidated or whether certain data sets should and can be separate.

13 DOJ-OJP-BJS-Northeastern University's Human Trafficking Reporting System (HTRS), DOJ-OJP-NIJ-NORC's National Survey Research, DOJ-OJP-OVC-Trafficking Information Management System (TIMS), DOJ-FBI Crimes Against Children (CAC) – National Child Prostitution and Domestic Sex Trafficking Database, HHS-ACF-ORR-ATIP-USCCB Per Capita System, HHS-ACF-ORR-ATIP-US Domestic TIP Notification Pilot Study, HHS-ACF-ORR-ATIP-Certification Numbers, HHS-ACF-ORR-ATIP-National Hotline/Polaris Project and Human Trafficking and Smuggling Center (HTSC).

- The next Administration should evaluate anti-trafficking programs funded by the U.S. Government for evidence of anti-trafficking results.
- The next Administration should support in-depth research that can be applied to improve practical anti-trafficking responses and produce more effective results.
- The DOJ should strengthen strategies, procedures and approaches to national data collection to improve analysis of the nature of trafficking in persons in the United States. This can be accomplished, in part, by disaggregating and analyzing data currently collected, in varying degrees, in other overlapping crime data categories (for example, aggregated prostitution-related arrest data) in ways that may advance our understanding of human trafficking. This should include, for example, further disaggregation of data in the FBI Uniform Crime Reports (UCRs) into more detailed categories determined by the potential value for analysis of the nature of trafficking in persons in the United States. Similarly, DOJ should develop ways to capture data nationally involving the use of state criminal statutes (beyond state anti-trafficking laws) in cases factually tantamount to trafficking in persons (for example, the crime in Texas and elsewhere of “compelled prostitution”).



This sign, outside a Hong Kong club, reads: “Young, fresh Hong Kong girls; White, clean Malaysian girls; Beijing women; Luxurious ghost girls from Russia.” According to U.S. Government statistics, the majority of victims of human trafficking moved across international borders - about 65% - are trafficked for the purpose of sexual exploitation. © Kay Chernush for the U.S. State Department.

Appendix A

INDIVIDUAL AGENCY RECOMMENDATIONS FOR IMPROVEMENT

DEPARTMENT OF JUSTICE

DOJ is responsible for prosecuting traffickers, assisting state and local officials in identifying victims of trafficking, protecting victims and providing services to certain victims. The Bureau of Justice Assistance has coordinated with the Office for Victims of Crime to establish law enforcement taskforces in 43 major metropolitan areas to most effectively identify as many victims as possible. OVC also provides support to victims before certification. The Civil Rights Division's Criminal Section has the primary responsibility for forced labor, sex trafficking of adults, involuntary servitude and peonage statutes. The Criminal Division's Child Exploitation and Obscenity Section (CEOS) prosecutes cases of child sex trafficking and sexual exploitation. Both sections work closely with the FBI, DHS/ICE and other federal and local law enforcement agencies. The U.S. Attorneys' Offices also prosecute human trafficking and worker exploitation cases. The Civil Rights Division funds a national trafficking complaint line where victims or their legal representatives can report cases of human trafficking.

The FBI determines region-specific threat assessments - the scope of trafficking in each region. Its field offices participate in anti-trafficking task forces, establishing relationships with NGOs, conducting victim-centered investigations, and reporting major case developments to its Civil Right Unit (CRU). The FBI participates in a majority of the BJA-funded trafficking task forces. CRU investigates trafficking in the U.S., while FBI Legal Attaches at U.S. Embassies around the world work on investigations with international connections. There is also coordination with agents in the Organized Crime and Crimes Against Children Units to make sure that cases related to smuggling, Internet crimes against children, or sex tourism are properly handled. The FBI's Innocence Lost National Initiative combats the commercial sexual exploitation of children within the U.S. This program was started in 2003 and by FY 2007 it had founded 23 task forces/working groups and opened 125 investigations. The task forces work to identify victims, provide services, and prosecute offenders. In 2007, the FBI opened 120 trafficking investigations. The Bureau of Justice Statistics and the National Institute of Justice conducts trafficking research.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides grants for research and for programs to address the commercial sexual exploitation of children. OJJDP also funds Internet-Facilitated Crimes Against Children (ICAC) task forces which address sex trafficking of children.

The U.S. Department of Justice (DOJ) has adopted a multi-disciplinary, victim-centered approach to achieving its primary trafficking-related mission of investigating and prosecuting human trafficking. Therefore, its various branches play a wide array of roles, including investigating and prosecuting human trafficking crimes, researching trafficking and trafficking-related crimes, coordinating multi-disciplinary human trafficking task forces and providing services to victims.

The Civil Rights Division is responsible for conducting and assisting with human trafficking prosecutions, generally through its Human Trafficking Prosecution Unit.

The Criminal Division is responsible for conducting and assisting with human trafficking prosecutions related to sexual exploitation of children, through its Child Exploitation and Obscenities Section.

The following are actionable recommendations:

- **The next Administration should focus on the interplay between trafficking and worker exploitation/abuse in the labor arena.** All too frequently, harmful tensions exist between the various law enforcement areas, such as immigration enforcement. For example, when the Agri-processors plant in Iowa was raided on May 12, 2008, allegations of worker exploitation were evidently ignored by ICE because they did not rise to the level of trafficking but considered a labor violation. Accordingly, the inter-agency operational working group – the National Trafficking In Persons and Worker Exploitation Task Force – should be revived, chaired by the Assistant Attorney General for the Civil Rights Division (CRT) and the Solicitor of Labor, and including operational entities such as FBI, ICE, DOL, EEOC, and DSS.
- **The next Administration must ensure that all potential trafficking cases are investigated and charged along the continuum of abuse, in both sex and labor arenas.** All potential cases should be considered under the task forces' purview (that is, cross-reporting and notification of cases, so that the trafficking specialists can act as a kind of ombudspersons when enforcement actions are planned).
- **The next Administration must ensure that DOJ requires coordination between the two major law enforcement task forces' players, BJA's anti-trafficking task forces and the FBI's Innocence Lost Initiative, in order to maximize investigations and prosecutions.**

- **The next Administration should meet a goal of fully funding not only the task forces, but the respective litigating sections (the Criminal Section of Civil Rights Division and the Child Exploitation and Obscenity Section of the Criminal Division).** More attorneys are needed to prosecute cases and to supervise the task forces (in particular, it is recommended that the total appropriation to the Civil Rights Division be increased, with a request that \$1.713 million of those funds be designated for additional attorneys and support personnel to investigate and prosecute human trafficking crimes). In addition, adequate funding is needed for the Civil Rights Division (CRT) and the Criminal Division's Overseas Prosecutorial Development, Assistance and Training (OPDAT) to ensure that trafficking experts are available for international law enforcement linkages and training in the U.S. model. OPDAT should be modified so that former prosecutors and other consultants could be hired and posted overseas.
- **The next Administration should recommend increasing the line item for OJP's programs to serve human trafficking victims and new programs authorized under the TVPRA 2005, including important research priorities, to \$15 million.**
- **The next Administration should seek increased budgets and flexibility for prosecutors to be involved in international training.**
- **The next Administration should encourage the use of multi-agency task forces to increase the chances of successfully identifying cases and prosecuting them.** Although state and local law enforcement agencies are well situated to identify trafficking cases, the complex nature of these cases presents significant challenges. Agencies participating in federally funded task forces are more likely to have training, policies and specialized personnel than other agencies and are much more likely to identify and investigate cases of human trafficking than non-task force agencies.¹⁴
- **The next Administration should direct the Department of Justice to use the full range of available prosecutorial tools, including tax enforcement, Mann Act crimes, and labor and employment law violations to prosecute trafficking offenders.** Leadership, training, and other assistance should also be provided to the states to prosecute traffickers to the fullest extent of their laws.

DEPARTMENT OF STATE

Under the authority granted in the TVPA, the Secretary of State chairs the President's Interagency Task Force and was authorized to establish an Office to Monitor and Combat Trafficking within the Department of State to support the Task Force as well as the Secretary of State. This Act also authorized staffing the Office from the various Task Force agencies. The Office was created in 2002 by Executive Order and is located in the Under Secretariat for Democracy and Global Affairs, and is called G/TIP (Office to Monitor and Combat Trafficking in Persons). The Office Director reports to the Undersecretary for Democracy and Global Affairs. In the 2003 reauthorization of the 2000 TVPA, the

¹⁴ See Northeastern University's *Understanding and Improving Law Enforcement Responses to Human Trafficking*, June 2008.

Director was upgraded to Ambassador at large, and the Senior Policy Operating Group (SPOG) was created within the Task Force, to include senior officials designated as representatives of the Task Force appointees. SPOG duties include, among others, coordinating activities of Federal departments and agencies. The Ambassador at Large is the chair of the SPOG, and confers with non-governmental organization, multilateral organizations, and victims.¹⁵

Each year, the Secretary must submit a report to Congress detailing the status of trafficking in persons. This report must include a list of countries that fully comply with standards to eliminate trafficking, countries that are making significant efforts but do not yet comply and finally countries that do not comply and are not making any efforts to change. The 2005 TVPRA required TIP Reports to include information on actions to prevent the involvement of employees, contract personnel, and peacekeeping forces in trafficking by the UN, the Organization for Security and Cooperation in Europe, NATO, and other appropriate multilateral organizations in which the U.S. participates.

More broadly, the entire State Department, in addition to the Department of Justice, is responsible for training appropriate personnel in victim identification and protection. Working with USAID, the Secretary of State was mandated to establish programs and initiatives in foreign countries to help victims with reintegration and resettlement. According to the 2000 TVPA, victims must have access to adequate living facilities and medical care, and they are to be protected from their traffickers.

Before a vote on creating or reauthorizing a UN, NATO or other multilateral peacekeeping mission, the Secretary of State should submit to the Committee on International Relations of the Senate (or any other appropriate congressional committee) a report that describes measures taken by the organization to prevent personnel involved in the peace-keeping mission from contributing to trafficking in persons. The department is also mandated to specifically enhance anti-trafficking protection in post-conflict and humanitarian emergency assistance programs.

The following are actionable recommendations:

- **The next Administration should ensure that DOS retains the TIP office as the focal point for all trafficking activities within State but require other relevant bureaus to actively engage, relevant to their responsibilities, in international trafficking programs.** This would include bureaus such as the Senior Coordinator of International Women's Affairs, as well as the Bureau of International Organizations (IO), the regional bureaus and the U.S. Mission to the United Nations. For example, DRL should continue its effective role in promoting public- private partnerships by bringing private sector stakeholders to the table with workers' organizations (trade unions) and NGOs to broker discussions around forced labor challenges and to create a framework for ongoing discussions. DRL should continue to have appropriate staff dedicated to ensuring its engagement in such activities.

¹⁵ TVPA 2000, sec. 105(f); TVPRA 2003, sec.6(a)(G)

- **The next Administration should encourage DOS, in coordination with the Commerce International Office in the Department of Labor, to reach out to U.S. businesses and U.S. contractors overseas to address the issue of human trafficking.** Appropriate materials should be developed for distribution to U.S. businesses and contractors overseas.
- **The next Administration should require that DOS develop and use appropriate modules on human trafficking in all consular officers' training; particularly information focused on trafficking and visa issues.** Consular offices should also inform diplomat employers of diplomatic sanctions that the U.S. government can take against employers who are forcing laborers to work.
- **The next Administration should examine the appropriateness, feasibility and desirability of opening up eligibility to seek funding from the Population, Refugee and Migration Bureau (PRM) for anti-trafficking initiatives to a broader range of potential recipients.**
- **The next Administration should acknowledge the important roles of U.S. embassies in U.S. anti-trafficking work, from contributing to the content of the TIP report to participating in the selection and supervision of in-country projects funded by the U.S.** Training for ambassadors and embassy staff posted overseas, including multi-lateral organizations, should include information on these important roles.
- **DOS should promote cooperation between states through multi-lateral / regional agreements or frameworks to advance anti-trafficking objectives, protect migrant workers from human trafficking and labor exploitation, and develop standards for labor migration, to include the core ILO standards.**
- **The next Administration should be encouraged to extend full funding for the G/TIP office both administratively and programmatically.** Additional resources would allow G/TIP to develop and fund more projects to combat forced labor slavery and scale up the few forced labor prevention, protection, and prosecution programs that do exist. Full funding would also increase emphasis on program monitoring and evaluation to identify the impact of programs, such as training of law enforcement, prosecutors and judges and coordination between government agencies and NGO service providers. Additional resources would also allow G/TIP to tie grant-making more directly to the annual TIP report and target funding to Tier 2 Watch List and Tier 3 countries. This allows G/TIP to use both sticks and carrots in promoting sustainable anti-trafficking strategies.

USAID

USAID funds international anti-trafficking programs that focus on prevention, protection and assistance for victims, and supporting prosecutions by training officials in judicial systems. The programs specifically support economic development, good governance, education, health, and human rights.

The following are actionable recommendations:

- **The next administration should focus on grant assistance coordination to ensure greater impact on ending trafficking for women and children, particularly by increasing economic opportunities in specific problem countries.** For example, USAID could coordinate its grant assistance to focus on DOS Tier 2 Watch List countries to ensure that the funding and the project goals are in harmony and maximize the best results. While retaining flexibility of application, grants should advance initiatives within a coherent strategic vision.
- **The next administration should establish procedures to identify and avoid duplication of existing initiatives and/or reinventing the wheel in countries where funding is directed.**

DEPARTMENT OF LABOR

The Secretary of Labor sits on the Interagency Task Force. The Secretary is responsible for carrying out activities to monitor and combat forced labor and child labor in foreign countries through the Bureau of International Labor Affairs. The Secretary also must monitor the use of forced labor and child labor in violation of international standards. Per the 2000 TVPA, the Secretary must provide information about trafficking in persons for the purpose of forced labor to the Office to Monitor and Combat Trafficking of the Department of State to be included in TIP reports. In addition, the Secretary must work with people involved in production of goods to create a standard set of practices that will reduce the likelihood that such persons will produce goods using forced and child labor. Finally, according to the TVPA, the Secretary must consult with other departments and US agencies to reduce forced and child labor internationally and ensure that products made by either type of labor in violation of international standards are not imported into the US. The Wage and Hour Division investigates labor law violations and plays a crucial role in the identification of victims. Prosecution and law enforcement initiatives must include the Department of Labor, specifically labor inspectors and other DOL law enforcement officers. Occupational Safety & Health inspectors, Wage & Hour Inspectors, and other DOL officers and regulators have an important role to play in identifying victims of trafficking for labor exploitation among immigrant, undocumented and exploited workers

Regarding the funding of certain DOL programs, no money has been appropriated to the Office of Child Labor, Forced Labor and Human Trafficking (OCFT) within the International Labor Affairs Bureau (ILAB) to carry out the mandates under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005.

The following are actionable recommendations:

- **The next Administration should encourage full funding for crucial programs and activities by increasing the total budget request for ILAB to \$91 million, including a request that Congress designate OCFT as the recipient of funds.**

- **The next Administration needs to ensure that DOL replaces the significant numbers of inspectors who have been lost to improve enforcement of current wage and hour laws.**¹⁶ According to a recent GAO report, WHD has inadequately investigated complaints from low-wage and minimum wage workers alleging that employers failed to pay the federal minimum wage, required overtime and failed to pay employees last paychecks.¹⁷ This performance must be improved. Although economic exploitation alone does not amount to trafficking in persons, bolstering the effectiveness of labor inspections is likely to help uncover victims of trafficking in persons.
- **The next Administration needs to ensure that DOL's Office of the Solicitor improves coordination with DOJ to enhance efforts on prosecution of traffickers.** To improve identification of victims, appropriate DOL offices (ESA/Wage and Hour, ILAB, ETO, OSHA and Migrant and Seasonal Initiative) should coordinate their efforts more effectively.
- **The next Administration should address the role of employment agencies and labor recruiters in human trafficking.** Recruitment for work abroad often involves deception about working conditions, work visas tied to a particular employer, and exorbitant recruitment fees leading to debt bondage. Migrant or immigrant workers have a particular vulnerability to human trafficking. In fact, many victims of trafficking start out as persons searching for work. Women, children and men may start out migrating for the promise of well-paid jobs and end up being coerced to work under exploitative conditions rising to the level of human trafficking. Even documented workers or workers who migrate through regular channels may be vulnerable to trafficking. In fact, a number of prosecutions indicate that temporary workers are indeed frequent victims of human trafficking.

EEOC – EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EEOC's mandate derives from Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, or national origin. The U.S. Equal Employment Opportunity Commission (EEOC) enforces these laws. EEOC gets involved in trafficking cases if such cases fall into the purview of their mandate. Since the late 1990's, EEOC has brought several cases against traffickers in the process of bringing cases involving employment discrimination. In such cases, the EEOC has procured and utilized the T Visa or the U Visa to enable victims to remain in the U.S. to testify.

The following are actionable recommendations:

- **The next Administration needs to ensure EEOC's increased participation and coordination in trafficking cases.** EEOC should establish a Memorandum of Understanding (MOU) with ICE, spelling out that ICE will do what is necessary to enable individuals alleging their status as victims of trafficking in persons in EEOC cases victims to remain in the U.S. consistent with the law until adjudication, and will prevent law enforcement agencies from asking about a victim's immigration status to the victim's detriment. According to EEOC, they already have an MOU with DOJ.

¹⁶ See GAO, *Case Studies from Ongoing Work Show Examples in Which Wage and Hour Division Did Not Adequately Pursue Labor Violations*. GAO-08-973T (Washington, D.C.: July 2008)

¹⁷ Ibid.

- **The next Administration needs to ensure that EEOC be included in the senior level task force.** EEOC representatives currently meet regularly with the Homeland Security Immigration task force (which includes DHS/ICE, Labor, Fair Labor, NLRB, DOJ, FBI), but it should be included in all other relevant task force groups.

HEALTH AND HUMAN SERVICES

HHS is the designated agency responsible for helping victims become eligible for benefits and services. The Anti-Trafficking in Persons (ATIP), Administration for Children and Families (ACH), and Office for Refugee Resettlement (ORR) offer services and case management to victims, without regard to immigration status, organize public awareness campaigns, work with coalitions and contractors to build capacity at the local level and provide training and technical assistance to operate the National Human Trafficking Resource Center. The Secretary of HHS sits on the Interagency Task Force to Monitor and Combat Trafficking and contributes to the annual Attorney General's Report on trafficking. Subcontractors that receive grants must report on the effectiveness of the activities carried out with these funds to the Secretary or Attorney General, depending on specific circumstances. The Secretary or Attorney General must then report twice a year on the uses of these grants to Committees on the Judiciary of the House of Representatives and the Senate. Victim certification is given by the Secretary of HHS.

Only \$9.823 million has been appropriated for services to foreign nationals under Administration for Children and Families (ACF), despite \$15 million authorized beginning in 2000 under the Trafficking Victims Protection Act (TVPA). HHS aims to increase the number of certified foreign national trafficking survivors to 800 per year by FY2011. However, even today with the small percentage of trafficking survivors being identified and served, HHS has had to decrease the service eligibility period for certified victims of trafficking from eight to four months.

In addition, no money has been appropriated for services to U.S. citizens and LPRs (Lawful Permanent Residents), despite \$15 million authorized beginning in 2005 under the Trafficking Victims Protection Reauthorization Act (TVPRA). Federal and local law enforcement officials throughout the U.S. have identified the lack of appropriate and available shelter for minor victims of trafficking as the single greatest obstacle to pursuing investigations and to the children's recovery.

The following are actionable recommendations:

- **The next Administration should strongly recommend funding HHS to the full authorization levels for its programs addressing trafficking, which would involve \$15 million for foreign national victims and \$15 million for U.S. citizen and LPRs.**

- **The next Administration must ensure that HHS provides necessary coordination and conducts intra-agency trainings for its field offices, Office of Refugees and Resettlement (ORR), Family and Youth, Health Resources, Women's Health, Head Start, Substance Abuse, Children's Bureau, Development Disabilities, Native Americans since these offices are likely to come in contact with trafficking victims.** The lack of such coordination and training has resulted in inadequate (or non-existent) services to trafficking victims. This lack of coordination also has a serious effect on the research that HHS conducts.
- **To make the role of HHS more effective, the next Administration may consider whether the location of the anti-trafficking programs should remain in the Office of Refugees and Resettlement.** It may be more effective if the trafficking program were located with its own office in the Administration for Children and Families.

HOMELAND SECURITY/ICE

Immigration and Customs Enforcement are charged with dismantling domestic and international criminal organizations involved in trafficking by forming a unified global enforcement response. Responsibility for carrying out TVPA requirements lies in the Human Smuggling and Trafficking Unit (HSTU) in the Office of Investigations and the Global Trafficking in Persons Program within the Office of International Affairs. ICE agents also coordinate with DOJ's Civil Rights Division and CEOS when appropriate. Too often traffickers have been held and arrested for immigration violations instead of being charged with human trafficking crimes.¹⁸ ICE must refer cases to other agencies such as EEOC or state-level agencies if DOJ and USAO decline to prosecute.

Departments within DHS hold anti-trafficking training programs to educate federal, state, local and foreign law enforcement agencies. ICE also works on victim protection and identification.

The following are actionable recommendations:

- **The next Administration must ensure that the Center for Trafficking and Smuggling is significantly restructured, with appropriate staff and direction to carry out its intended mission to address human trafficking.** Since its inception in 2004, the Center has not played a useful role in combating trafficking, focusing instead mainly on smuggling (which it conflates with trafficking), terrorist funding and travel. If significantly restructured with clear directives on fighting human trafficking and a cadre of professionals with the right experiences and up to the task, the Center has the potential to become an effective information-gathering center for human trafficking.
- **The next Administration needs to ensure that DHS/ICE increases coordination with major task force players, particularly DOJ, to identify trafficking victims correctly and enhance the prosecution of traffickers.**

¹⁸ See *Attorney General's Report to Congress and Assessment of the U.S. Government Activities to Combat Trafficking in Persons*, May 2008, Pg. 23

- ICE should adopt a policy not to place potential victims in removal proceedings unless their applications have been finally adjudicated.
- ICE investigative agents should receive better training on when and how to provide assistance with accessing various forms of immigration relief.

DEPARTMENT OF DEFENSE

The Secretary of Defense sits on the President's Interagency Task Force. The following are actionable recommendations:

- **The next Administration needs to ensure that DOD coordinates trafficking issues within the Department.** A number of recommendations have been made over the years to ensure that civilian and military personnel, including contractors, are not engaged in activities that further exploit women trafficked into brothels or use exploited workers; however little, if anything has been done to correct the situation.¹⁹ To that end, an office within DOD directed by DOD Secretary or Deputy should be established to ensure that policy development, oversight, and implementation take place.
- **The next Administration needs to consider establishing an external advisory panel of experts with a budget to support its work which should oversee DOD policy implementation.**
- **The next Administration needs to ensure that DOD provide training to all levels of military and civilian contractors to make clear that engagement in human trafficking will not be tolerated and to spell out the appropriate policies.** DOD should also conduct awareness campaigns with military and civilian contractors.
- **The next Administration needs to ensure that DOD provides adequate training to all military and civilian personnel.** The training modules need to be improved and DOD needs to ensure that all military personally receive relevant training. There are many officers who have been deployed to Afghanistan and Iraq, for example, who have not received training.
- **The next Administration needs to ensure that DOD calls for and assists in the prosecution of all personnel engaged in trafficking, including military and civilian personnel at all levels, as well as contractors' and subcontractors' personnel.** Currently, DOD can only prosecute military members charged with trafficking offenses and certain civilian contractors; DOD currently assists DOJ when needed on TIP cases.
- **The next Administration needs to ensure that collection of data regarding human trafficking is a key objective of military intelligence and is coordinated with data collected on drugs and arms trafficking.**

¹⁹ The Center for Strategic & International Studies (CSIS), *Barracks and Brothels*, 2005, pp75-76.

Appendix B



ACTION GROUP MEMBER PROFILES

ALLIANCE TO STOP SLAVERY AND END TRAFFICKING (ASSET)

Contact: Alison Friedman 310 699 3332

Founded by Julia Ormond, the United Nations Office on Drugs and Crime's (UNODC) Goodwill Ambassador against Slavery and Human Trafficking, the Alliance to Stop Slavery and End Trafficking (ASSET) works to address the causes of slavery and trafficking at their source. Through its focus on supply chains, ASSET helps corporations, NGOs, and governments work together to innovate and implement best practices for removing the economic impetus for slavery.



COALITION TO ABOLISH SLAVERY & TRAFFICKING (CAST)

Contact: Kay Buck 213 365 1906 x 101

The Coalition to Abolish Slavery & Trafficking (CAST), established in 1998, has been a pioneer in the anti-trafficking movement in the United States and works exclusively with trafficked persons. CAST is a multi-ethnic human rights organization whose mission is to assist persons trafficked for the purpose of forced labor and slavery-like practices and to work toward ending all instances of such human rights violations. CAST's programs include Social Services, Legal Services, and Training & Advocacy and have assisted over 200 victims of trafficking in some of the most well known cases in the U.S. CAST has also opened the first shelter for trafficked women in the U.S., a model for the development of services to victims of trafficking.



FREE THE SLAVES

Contact: Jolene Smith 202 638 1865

Free the Slaves was formed in response to Dr. Kevin Bales' groundbreaking book, Disposable People. Free the Slaves liberates slaves around the world, helps them rebuild their lives and researches real world solutions to eradicate slavery forever. We use world class research and compelling stories from the frontlines of slavery to convince the powerful and the powerless that we can end slavery.

HUMANITY UNITED

Contact: Lori Bishop 650 587 2012



Humanity United is an independent grantmaking organization committed to building a world where modern-day slavery and mass atrocities are no longer possible. Humanity United invests in the power of ideas and individuals, bringing together the best in research, policy, and advocacy to activate local and global solutions to alleviate human suffering on a broad scale. We support efforts that empower affected communities and address the root causes of conflict and modern-day slavery to build lasting peace. Learn more at www.humanityunited.org.

INTERNATIONAL JUSTICE MISSION

Contact: Holly Burkhalter 703 740 9945



International Justice Mission is a human rights agency that secures justice for victims of slavery, sexual exploitation and other forms of violent oppression. IJM lawyers, investigators and aftercare professionals work with local officials to ensure immediate victim rescue and aftercare, to prosecute perpetrators and to promote functioning public justice systems.

NOT FOR SALE CAMPAIGN

Contact: David Batstone 415 422 6660



The Not For Sale Campaign bridges knowledge to action. Within the United States we work to raise awareness, advocate for victims, and expose trafficking rings through combining intellectual capital, abolitionist groups, and a growing network of individuals. Internationally, we create and assist innovative programs to prevent and support victims of trafficking.

POLARIS PROJECT

Contact: Brad Myles 202 745 1001



Named after the North Star that guided slaves towards freedom along the Underground Railroad, Polaris Project has been using a comprehensive approach to combat human trafficking and modern-day slavery since 2002. Polaris Project was founded in Washington, DC where early activities included providing outreach, shelter, and client services to victims of human trafficking, and has since then has grown into a national leader in the anti-trafficking field. Polaris Project now operates several national programs including a U.S. Policy Program on federal and state policy, a Public Outreach and Mass Communications Program, and was selected by the U.S. Department of Health and Human Services to operate the National Human Trafficking Resource Center (NHTRC), providing the national 24-hour, toll-free hotline for the human trafficking field and acting as a central resource for providing crisis interventions for victims, tip processing on trafficking cases, and training and technical assistance. In addition to national programs, Polaris Project also operates local programs in Washington, DC; Denver, CO; Newark, NJ; and Tokyo, Japan.

RICKY MARTIN FOUNDATION

Contact: Angel Saltos 202 320 6600

The Ricky Martin Foundation advocates for the well being of children around the globe in critical areas such as social justice, education and health. People for Children was launched in 2004 to combat human trafficking, with special emphasis on children's exploitation, Ricky Martin Foundation has positioned itself among the global community as a respected and influential voice to denounce this abominable crime where 1.2 million children fall victim of this global nightmare, year after year. We serve as catalysts for awareness-raising efforts on the grave issues regarding child exploitation and human trafficking.



SOLIDARITY CENTER

Contact: Neha Misra 202 974 8337

The Solidarity Center is a non-profit organization that assists workers around the world to build democratic and independent trade unions. We work with unions, NGOs, community groups and governments worldwide to achieve equitable, sustainable, democratic development through capacity building for workers to enable them to exercise their rights and improve their living and working conditions. The Solidarity Center uses its expertise to support the creation of an environment of worker awareness providing education, training, access to legal assistance, and other tools for migrant workers. Through innovative programs designed to address human trafficking for labor exploitation we are able to serve vulnerable populations in both countries of origin and countries of destination.



VITAL VOICES GLOBAL PARTNERSHIP

Contact: Melanne Verveer 202 861 2625

Vital Voices—a global NGO—believes in the transformative value of women's participation in society. We invest in emerging women leaders around the world who are advancing economic opportunity, increasing political participation and safeguarding human rights, especially in combating human trafficking. We build women's leadership capacity to tackle the tough trafficking challenges and connect them to a powerful network of leaders around the globe who mentor and support them. We believe that the global scourge of human trafficking requires government, civil society and the business sector working together to develop and implement innovative strategies to end human trafficking at the national, regional and international level. We advance a multi-stakeholder approach in all of our anti-trafficking programs.

The Action Group to End Human Trafficking and Modern-Day Slavery is a U.S.-based, non-partisan legislative coalition of complementary organizations dedicated to developing a specific and time-bound policy agenda for abolishing slavery and human trafficking. The current member organizations come from various sectors including non-governmental, foundational, and corporate.

