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ENDING MODERN DAY SLAVERY: THE ROLE OF U.S. LEADERSHIP

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

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Under Secretary of State for Civilian Security, Democracy, and Human Rights

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Before the
U.S. Senate Committee on Foreign Relations
Hearing on
Ending Modern Slavery: The Role of U.S. Leadership

February 11, 2015

Chairman Corker,
Senator Menendez,
Members of the Committee,
Ladies and Gentlemen,

Thank you, Mr. Chairman and members of the committee, for your leadership in combating trafficking in persons. On behalf of the State Department, I look forward to working closely with you to tackle this terrible crime and human rights abuse. This issue is a policy priority for the Administration and Secretary Kerry, in particular, and I thank you for the opportunity to speak today.

What do we, in the U.S. government, mean when we talk about human trafficking? Under the Trafficking Victims Protection Act (or TVPA), trafficking in persons includes forced labor, forced prostitution of adults, and the prostitution of children. The term human trafficking describes acts of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion, although inducing minors into the commercial sex trade is considered trafficking even if no force, fraud or coercion is involved. It can include, but does not require, movement of individuals.

Trafficking in persons harms people and corrodes communities. It corrupts labor markets and global supply chains that are essential to a thriving global economy. It undermines rule of law and stability. Fighting trafficking in persons is the smart thing to do, and it is the right thing to do. As President Obama has said, “Our fight against human trafficking is one of the great human rights causes of our time, and the United States will continue to lead it.” It is our responsibility as a country and as individuals to protect the universal values of liberty and freedom.

There is a lot that we as individuals can do to join this struggle against modern slavery. I recently went to SlaveryFootprint.org and took a survey to learn how my consumption habits are connected to modern-day slavery. It was a stark reminder – many of the products I use on a daily basis, the battery in my cell phone, the chocolate I eat, the cotton clothes I wear, may have been produced from the work of dozens of slaves. Slavery Footprint, a project seed-funded by the State Department, has reached millions of consumers globally and given them a voice to insist that the food we eat and the products we buy are made free of forced labor.

Let me begin by discussing what the U.S. government is doing here at home. Federal agencies have been going the extra mile, spurred by President Obama's March 2012 direction to his Cabinet to redouble the Administration's efforts to combat human trafficking. The President's Interagency Task Force to Monitor and Combat and Trafficking in Persons, which Congress established and Secretary Kerry currently chairs, has strengthened its collaborative work, including developing and implementing the nation's first-ever *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States*. Government agencies are enabling law enforcement and service providers to deploy resources more effectively and raising public awareness both at home and abroad.

Federal agencies are also working to expand partnerships with civil society and the private sector to bring more resources to bear in fighting this injustice. The Treasury Department's Financial Crimes Enforcement Network issued an advisory last September to financial institutions on recognizing "red flags" that may indicate financial activity related to human trafficking as well as the distinct crime of human smuggling. The advisory provides common terms that financial institutions may use when reporting activity related to these crimes that will assist law enforcement in better identifying possible cases of human trafficking.

As the largest single purchaser of goods and services both in the United States and around the world, the U.S. government must set the highest standards for our own business practices. With Executive Order 13627, the President committed the federal government to strengthen protections against human trafficking in federal contracting. Just over a week ago, the Federal Acquisition Regulatory Council published updates to the Federal Acquisition Regulation, as required by this Executive Order and related requirements in the Ending Trafficking in Government Contracting Act (set forth in the National Defense Authorization Act for 2013), establishing a number of new and important anti-trafficking safeguards. In addition, the State Department funded Verité, an award-winning labor rights NGO, to develop a range of tools and resources for all businesses – not just federal

contractors – committed to preventing trafficking. As part of this initiative, Verité just published a report entitled *Strengthening Protections Against Trafficking in Persons in Federal and Corporate Supply Chains*, which details the risks of human trafficking in 11 key sectors where federal procurement is significant. This type of supply chain risk analysis can help federal contractors, other businesses, and consumers identify and mitigate human trafficking.

Here in the United States, we have modern-day heroes who are changing how we do business. The members of the Coalition of Immokalee Workers have transformed Florida tomato fields from a place of wide-spread egregious exploitation into one where workers' rights are not only respected, but prioritized. They demanded that the large restaurant and supermarket chains purchase tomatoes at a fair price. On January 29, in front of leaders from the private sector, civil society, and the Federal government assembled for a White House Forum on Combating Trafficking in Persons in Supply Chains, Secretary Kerry presented the Coalition with the 2015 *Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons*. Among the accomplishments for which the Coalition was recognized is its Fair Foods Program, a highly successful worker-based social responsibility model that leverages the market power of major corporate buyers, coupled with strong consumer awareness, worker training, and robust enforcement mechanisms to end labor trafficking, enhance wages, and promote workplace rights.

Congress and the American people also have much to be proud of. This year marks the 15th anniversary of the Trafficking Victims Protection Act, as well as the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, known as the Palermo Protocol. We have come a long way in the past 15 years: 166 states are now party to the Palermo Protocol. Human trafficking has moved from a misunderstood issue to an international priority. More than one hundred countries have passed anti-trafficking laws and many have established specialized law enforcement units, set up trafficking victim assistance mechanisms, and launched public awareness campaigns aimed at combating this worldwide crime that affects every country.

However, we have a long way to go. Although the International Labor Organization (ILO) estimates there are 21 million victims of forced labor around the world, the 2014 Trafficking in Persons (TIP) Report notes that fewer than 45,000 trafficking victims were identified in 2014. Convictions of traffickers remain woefully insufficient given the magnitude of the crime. This is a troubling trend we must continue working to address. Having adequate anti-trafficking laws

is an important first step for any country, but these laws must be enforced, and traffickers held accountable.

Fueled by the dedication of officers in every bureau of the Department as well as at U.S. missions around the world, the TVPA-mandated TIP Report plays an important role in confronting this lucrative crime. In accordance with the Minimum Standards of the TVPA, the TIP Report assesses the adequacy of national laws in prohibiting and punishing the crime and evaluates government actions to prosecute suspects and protect victims. Countries and territories are ranked by tiers based on these standards. Tier 1 countries fully comply with the Minimum Standards. Tier 2 and Tier 2 Watch List countries do not, but are making significant efforts to do so. Tier 3 countries are not making significant efforts to fully comply with the Minimum Standards. These rankings help hold governments accountable in their efforts to fight human trafficking. They motivate governments to develop policies and structures to fight this serious crime. In fact, researchers have documented the correlation between tier ranking downgrades and states' subsequent enactment of anti-trafficking legislation.

The TIP Report includes specific recommendations for how each country can better prevent this crime, prosecute its suspected perpetrators, and assist its victims. These recommendations are the heart of the Report. They guide U.S. diplomacy and engagement on human trafficking issues – both publicly and privately. They also serve as a roadmap to better address the problem – not for the sake of improving a tier ranking, but to make institutional changes that will put additional traffickers behind bars, help victims get assistance, and prevent exploitation of the vulnerable.

A key element to the TIP Report is identifying and documenting trends in types of exploitation, in criminal strategies, and in raising awareness and cracking down on the crime. For example, over time we have seen more governments recognize the important contributions of NGOs in this fight and improved cooperation, especially in the areas of victim identification and victim services. Many countries are beginning to grapple with the extent and challenges of detecting forced labor. While we have seen an increase in the detection of forced labor cases, there is still a large disparity in government efforts to address forced labor, which is considered to be more prevalent globally than sex trafficking. In victim identification and services, women and girls appear to comprise the vast majority of identified victims of sex trafficking and are also a substantial portion of labor trafficking victims. In addition, we have seen links in regional and trans-regional human

trafficking to economic disparity and migration flows, the presence of organized crime, conflicts and political instability, official corruption and weak rule of law.

The State Department and USAID have sought to combine anti-trafficking and labor rights diplomacy with complementary programming to help countries achieve results. The State Department's Trafficking in Persons (TIP) Office is currently overseeing 98 projects worth over \$59 million in 71 countries around the world. The TIP Office's foreign assistance targets both sex trafficking and labor trafficking through implementation of the "3P" paradigm of prevention, protection of victims, and prosecution of suspected traffickers. A fourth "P" for partnership, is also a critical element in the majority of programs. Along with funding NGOs that offer services to trafficking victims, much of our anti-trafficking assistance is designed to help partner governments build their own capacity to fight human trafficking. In the last two years, Botswana, Haiti, Maldives, Papua New Guinea, and Seychelles all passed anti-trafficking laws, and Morocco and Namibia have drafted anti-trafficking legislation. In March 2014, the Bahamas secured its first conviction for human trafficking. Maldives also saw its first trafficking conviction.

Successful programs often work in close partnership with host country governments and key stakeholders to encourage a comprehensive response to trafficking. For example, in Afghanistan, a State Department grantee partnered with the Ministry of Women's Affairs to establish an advocacy council comprised of local non-governmental organizations and relevant government agencies to enhance protection measures for victims of human trafficking. The council and government coalition partners have adopted minimum standards of care for trafficking victims and provide training and capacity-building assistance. The TIP Office is currently funding a global project that integrates survivors of trafficking into a six-month vocational and educational program in the hotel service industry. The project provides survivors and at-risk youth with life skills and vocational training through a combination of training and practical instruction in coordination with leading hotels. This project has already demonstrated successes in Mexico and Vietnam and was recently expanded to India and Ethiopia.

Labor programming from the State Department's Bureau of Democracy, Human Rights, and Labor (DRL) targets forced labor through strengthening the organizational and technical capacity of worker rights organizations, providing socio-economic support and alternative livelihood opportunities to exploited workers, and strengthening systems to promote identification and remediation of labor law violations in a variety of sectors at the local, regional, and international

levels. DRL's grants are designed to bolster civil society and labor's capacity to play a role in migration policymaking. The Department makes an effort to ensure that trade and investment policies, agreements, and preference programs consistently address work conditions for both national and foreign migrant workers. In collaboration with the State Department's Economic Bureau and the Department of Commerce, DRL partners with multinational corporations, business councils, and American Chambers of Commerce to convey expectations on labor rights both to host governments and to companies within their supply chains.

The State Department's Bureau of Population, Refugees, and Migration funds eight regional migration programs that build government and civil society capacity to identify and protect vulnerable migrants, including victims of human trafficking. The bureau also funds a program that facilitates the family reunification of foreign trafficking victims identified in the United States and contributes to a global fund that helps stranded trafficking victims voluntarily return home.

Corruption and an environment of impunity are significant factors contributing to the practice of human trafficking. The Bureau of International Narcotics and Law Enforcement Affairs has some of the Department's strongest tools for strengthening rule of law and helping governments prevent and combat corruption. Its anti-corruption and law enforcement programming provides training to law enforcement officers and the judiciary on investigating human trafficking and corruption cases and address the linkages among human trafficking, corruption, and organized crime.

Interagency training at U.S. missions overseas, including Brazil, Cambodia, the Philippines, Togo, the Dominican Republic, and Hong Kong, will enable State Department, DHS, and FBI agents to pursue trafficking cases in the U.S. through international cooperation and engagement in foreign countries. These agencies have trained some 2,000 law enforcement and consular officers, as well as locally employed staff, at embassies and consulates around the world. Closer to home on our border with Mexico, the Departments of Justice and Homeland Security have collaborated with Mexican law enforcement counterparts to exchange leads and evidence, assist victims, and develop high-impact prosecutions under both U.S. and Mexican law.

USAID is one of the largest donors engaged in efforts to counter human trafficking. Since 2001, USAID has programed approximately \$180 million in anti-trafficking activities in over 70 countries and regional missions. Throughout all of its work, USAID seeks to address the root causes of exploitation and

vulnerability, such as gender and ethnic discrimination, lack of educational and employment opportunities, weak rule of law, and the absence of social welfare safety nets. In Jordan, USAID has integrated counter-trafficking activities into a broader human rights program combating sexual and gender based violence, early marriage, and child labor among Syrian refugees and host communities affected by the Syrian crisis. With State Department funding, the International Centre for Migration Policy Development is assessing the impact of the Syrian war on trafficking in persons in Syria and the surrounding region (Iraq, Jordan, Lebanon, and Turkey).

In Bangladesh, along with providing training and technical assistance to a range of government officials, USAID has worked to improve community awareness of the risks of human trafficking throughout the country. Local government officials, teachers, parents, students, and community leaders have learned how to prevent human trafficking and support the needs of survivors. USAID also has helped prospective migrant workers protect themselves from deception and abuse through awareness campaigns and trainings on the overseas recruitment process, worker registration, and other risks they may face. USAID continues to train media professionals, NGOs and independent journalists on investigative reporting, story development, and human rights with a focus on migrant worker rights. Complementary TIP Office programming has supported the development and distribution of an anti-trafficking law enforcement training toolkit and hands-on training for 45 Bangladeshi law enforcement officials on the toolkit's practical application. In Dhaka, Bogra, and Jessore, 258 trafficking survivors so far have received State Department supported shelter, rehabilitation, and reintegration services.

In 2013, Congress gave the State Department a new innovative tool to combat trafficking of children, the Child Protection Compacts (CPC). The compacts can help build sustainable and effective systems of justice, prevention, and protection. I am pleased to tell you that the TIP Office is moving forward to propose the first Child Protection Compact Partnership – to be developed and implemented jointly with the Government of Ghana. This Compact Partnership will include developing a collaborative plan to implement new and more effective policies and programs to reduce child trafficking and improve child protection in Ghana. Several strong civil society organizations are currently working to address child sex trafficking and forced labor in Ghana and, in addition to the Ghanaian government, the TIP Office expects to engage multiple partners to fulfill the promise of this first Partnership.

Our international partners – including civil society, other governments, and international organizations – play an essential role in making each step forward possible. In the Asia-Pacific region, Australia has taken on a leadership role with its Australia-Asia Program to Combat Trafficking in Persons, a five-year AUD50 million program to support the Association of Southeast Asian Nations (ASEAN) and seven Southeast Asian countries in developing and implementing criminal justice responses to trafficking in persons. In addition, Australian police regularly conduct trainings to combat child sex tourism and other forms of human trafficking across the Asia-Pacific region. ASEAN under the Government of Burma’s chairmanship chose to highlight anti-trafficking priorities in 2014.

The European Union is strengthening anti-trafficking efforts across its member states through the issuance and enforcement of its 2011 anti-trafficking directive, as well as the 2012 directive establishing minimum standards of support to victims of crime. Sweden has allocated millions of dollars in anti-trafficking funds in recent years, including in grants to international organizations such as UNICEF and the International Organization for Migration. The Government of the United Kingdom has committed to increase anti-trafficking engagement in select countries around the world and will build on current anti-trafficking programming including “Work in Freedom” – a five-year, approximately \$15 million initiative implemented by the ILO to prevent trafficking for labor exploitation of 100,000 women and girls in South Asia by targeting known routes used for the trafficking of migrant workers from South Asia to the Gulf States.

In December, with U.S. support, the Organization for Security and Co-operation in Europe (OSCE) launched its *Handbook on Preventing Domestic Servitude in Diplomatic Households*, which is relevant for all international organizations and reaches beyond the OSCE region. Also in December of last year, member states of the Organization of American States revised the organization’s *Work Plan to Combat Trafficking in Persons in the Western Hemisphere* for the 2015-2018 timeframe. The revised, robust plan includes awareness training for diplomatic personnel, protections against trafficking in government procurement of goods and services, greater oversight of recruitment and placement agencies, and inclusion of trafficking survivors’ input in the development of victim assistance policies and programs.

Civilian security and human rights are closely interwoven, and promoting security is often a key means of supporting human rights. Crises increase vulnerabilities to trafficking, as people are displaced, lose income sources and community support systems, and seek physical and economic security for themselves and their

families. The breakdown of social and government structures leaves populations defenseless as protections are reduced and options for recourse disappear. In the fight against human trafficking, the State Department looks at the challenge from a holistic foreign policy perspective. We are increasingly mainstreaming anti-trafficking elements into other foreign assistance programs. Our anti-trafficking programs rely on broader U.S. supported reforms in rule of law, community security, and conflict prevention.

The reality is that conflicts and ineffective states give rise to trafficking and allow it to persist. We must address these underlying causes to win this fight. This is a critical component of the State Department and USAID's work. The U.S. government works diligently to prevent and stabilize conflicts, and, where it cannot, to help refugees and the internally displaced. These activities complement our strategic efforts in fighting human trafficking. Where the United States, foreign partners, and civil society can help address state weakness, we provide a more stable and effective platform for protecting citizens. Poor enforcement of labor laws, discrimination, corruption, and restrictions on freedom of association and on other human and labor rights leave people at risk of exploitation, including trafficking. The struggle against modern slavery is one of interconnected threats and opportunities. I am proud of the leading role the United States has played, with strong leadership from Congress, in elevating the global profile of this issue, helping free individuals from modern slavery, and galvanizing the work of others to join in to this critical effort. The road is long in our battle against human trafficking, but working with our global partners, the United States will not relent in our multipronged approach to combat this scourge. We welcome Congress's interest and partnership in overcoming this global challenge.

Thank you and I look forward to your questions.