

# COMBATING GLOBAL HUMAN TRAFFICKING

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## HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,  
AND GLOBAL HUMAN RIGHTS

OF THE

COMMITTEE ON FOREIGN AFFAIRS

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

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**COMBATING GLOBAL HUMAN TRAFFICKING**  
**Wednesday, October 27, 2021**

HOUSE OF REPRESENTATIVES  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND  
GLOBAL HUMAN RIGHTS  
COMMITTEE ON FOREIGN AFFAIRS  
*Washington, DC.*

The subcommittee met, pursuant to call at 10:05 a.m., in room 2172, Rayburn House Office Building and Cisco Webex, Hon. Karen Bass [chairwoman of the Subcommittee] presiding.

Ms. BASS. The Subcommittee on Africa Global Health and Global Human Rights will come to order. Without objection, the chair is authorized to declare a recess of the subcommittee at any point. All members will have 5 days to submit statements, extraneous materials, and questions for the record subject to the length, limitation, and the rules. To insert something into the record, please have your staff contact the subcommittee staff. As a reminder to members, please keep your video function on at all times, even when you are not recognized by the chair. Members are responsible for muting and unmuting themselves and please remember to mute yourself after you finish speaking. Consistent with H. Res 8 and the accompanying regulations, staff will only mute members and witnesses as appropriate when they are not under recognition to eliminate background noise. I see that we have a quorum and we will now—and I will now recognize myself for opening remarks.

Pursuant to notice, we are holding a hearing entitled, Combating Global Human Trafficking. Today we are here to highlight and hear recommendations on what Congress can do to help combat human trafficking around the world and at home. We have a panel of expert witnesses who will give us an overview of the new TIP Report, Trafficking in Persons, tell us about challenges facing anti-trafficking efforts, and how the COVID-19 pandemic is being exploited to benefit traffickers.

As the global community looks to create a comprehensive strategy to address human trafficking, we must take a hard look at some of its root causes including socioeconomic our political limitations that traffickers prey on. One common misperception of human trafficking is that it requires movement across borders. But anyone can be trafficked anywhere, including right here in our own backyard.

So, today, I want to highlight and ask our experts, specifically, around the U.S. I will tell you that when I read the U.S. report, I know we grade ourselves as Tier 1, but with major limitations. And this report indicates a tremendous backsliding in the United States on multiple accounts. One, in terms of the situation at our border and people who were trafficked. Clearly, sexually trafficked

or trafficked for labor who were deported or not given an opportunity to even make their case. To cases here in the United States. Domestic sex trafficking and labor trafficking. And so, the last few years, we have had tremendous backsliding. I appreciate that the report documents that backsliding, but I think it also should raise questions about really the strength of Tier 1. And does our current Tier 1 ranking comply with the statutory provision of the Trafficking Victims Protection Reauthorization Act Tier 1 status?

So, beyond this, I want our experts to expand and answer with transparency when it comes to reporting on U.S. trafficking cases, U.S. investigative measures and prosecuting of labor trafficking cases, and how is our government increasing efforts to secure criminal restitution in all human trafficking cases? One area of backsliding that the report mentions in terms of the U.S. is the prosecution and arrest of victims of trafficking, where it is clear that the victim was required to engage in illegal activity because of the person trafficking them, but yet, they were still arrested.

I know in many States, in my State and my county, for example, in Los Angeles, especially when it comes to minors, we say a child, especially under the age of 16, cannot be a prostitute. That is inconsistent with the law because if you cannot legally consent to sex, how could you possibly be a prostitute? So, we do not arrest children. But that is not the case, you know, throughout the country. In some States that is an issue.

So, I would like one of the speakers to address the backsliding in the United States and what we need to do to maintain our Tier 1 status because one could raise a question as to whether or not we even deserve that ranking. So, I am co-leading along with Representative Smith, the Frederick Douglass Trafficking Victims Prevention and Protection Act. And it is a bipartisan bill that we are going to work very hard, as soon as the infrastructure bill gets done, we are going to work very hard to get this bill on President Biden's desk.

And when I wrap up, let me just say that I really want to acknowledge the role of the Ranking Member, Mr. Chris Smith, who really is the reason why we have the TIP Report to begin with. And every year, we do this report and I wanted to—we did not last year, right? Because last year we were all trying to figure out how to go on with life. But I just want to acknowledge his role in creating the TIP Report. To begin with that, Ranking Member, Mr. Smith.

Mr. SMITH. Thank you very much, Chairwoman Bass, for convening today's very important hearing on a topic that is near and dear to both of our hearts, combating sex and labor trafficking. And, of course, we have so many other Members of Congress, House and Senate, who believe as we do that this is one of the most heinous crimes. It is being committed in our backyard. It is being committed all around the world.

You and I have worked closely together on fighting the scourge of modern-day slavery with the original Frederick Douglass Trafficking Prevention and Protection Reauthorization Act of 2018. And what a great partnership that has been and we got that bill passed and signed into law. And now we are working on the reauthorization which we introduced together with Kenneth Morris, the great,

great grandson—we had a press conference with him that was just extraordinary—of Frederick Douglass. And he has helped us write this bill.

As many of you know, tomorrow marks the 21st year anniversary of the signing of the Trafficking Victims Protection Act, or the TVPA. A bipartisan law that I authored to protect some of the most vulnerable people in our society. Victims of human trafficking and to hold traffickers and countries and groups and organizations, anyone who is complicit with these barbaric crimes, accountable for their egregious abuses of human rights. The TVPA's decisive condemnation of modern slavery reflects our society's recognition that human trafficking is fundamentally incompatible with the values of any nation that aspires toward the ideals of freedom, human rights, and the rule of law.

The passage of the law marked a significant turning point to spark two decades of rapid expansion of U.S. efforts and partnerships because countries all around the world now have laws that look a whole lot like ours. And as the special representative for the OSCE Parliamentary Assembly on human trafficking, I work with each of the 57 countries, 57 including ours, that are trying to combat it in Europe, in Russia, the Stans, and but all of Eastern and Central and Western Europe.

According to the 2021 Trafficking in Persons Report, global law enforcement reporting indicates an increase of about 2.5 times and identified victims of human trafficking worldwide. You got to identify them, to help them, to assist them, to rescue them. So, there is a major effort underway and that is between 2014 and 2020. However, prosecutions and convictions experienced an unsteady increase from 2014 to 2019 with a dip in 2020, likely from the pandemic. The 2021 U.S. Department of State's Trafficking in Persons Report confirms that the COVID-19 pandemic has resulted in a diversion of resources to combat trafficking, while vulnerabilities increase and law enforcement and survivor support have significantly declined leading to a dramatic increase in trafficking and even re-trafficking of victims who had found gainful employment and then that employment disappeared and now are, again, vulnerable to the traffickers.

Women and girls continue to be disproportionately affected by this crime, while 1 in 5 victims of commercial sexual exploitation is a child. Disturbingly, the circumstances surrounding the pandemic have led to increases in child vulnerability to online child sexual exploitation. To further combat this crime and to address these gaps, I am so proud to say that Karen and I have introduced the Reauthorization of the Frederick Douglass Trafficking Victims Prevention and Protection Act. We did it on September 3d of this year, 2021. And we did it on the 183d anniversary of Frederick Douglass' escape from slavery.

The bill ramps up prevention and protection efforts against trafficking, particularly for children, a population that has experienced increased victimization, as I said and as we all know, because of the pandemic and the isolation where the predators are online grooming these children for exploitation. And exploiting them online as well. But there is also a need to strengthen the International Megan's Law, and that is embedded in our bill as well, to

require where feasible, that countries participating in the visa waiver program reciprocate U.S. efforts and share their list of covered sex offenders to ensure that sex offenders returning to the U.S. after living in foreign countries, register upon their return. And to require sex offenders to have passport identifiers even if they move or reside outside the U.S. The bill goes further to create the protection of confidentiality for survivors and their families.

I would note, parenthetically, that the Angel Watch program in the International Megan's Law is what that is all about. Reports that over 6,000 convicted child sex offenders have been denied entry, have been made inadmissible into other nations as a result of the International Megan's Law. And about 15,000, almost 16,000 have been notified. So, taking the secrecy out of these child sex tourism trips is already resulting in protections for children and so, hopefully, that number increases, particularly as people travel more. It has only been in effect for a few years, and we expect travel to spike as COVID dissipates.

Throughout these 21 years, we have seen a growth in best practices. More victim-centered trauma informed and survivor informed approaches. Our Frederick Douglass bill, Karen and I's, is also survivor informed. And as these approaches, while removing the sunset on the survivor-led U.S. Advisory Council on Human Trafficking, thereby making it a permanent part of the U.S. Government's commitment to survivor informed policy.

In keeping with the legacy of Frederick Douglass, our bill also focuses very, very profoundly on education, including scholarships named after Frederick Douglass. Educating and training children, adults, parents, teachers, and law enforcement, healthcare professionals, and social service providers to identify and respond to the crime while also caring for the victim are key parts of the bill. Situational awareness so that our young people in an age-appropriate manner will know what it looks like before they become victimized themselves. As Frederick Douglass' great, great grandson, Kenneth Morris, once said about the importance of education, he said, knowledge makes a man unfit to be a slave. Mr. Morris also made very incisive remarks at our press conference that it is easier to build strong children than to repair broken men and women.

Frederick Douglass himself escaped slavery when he was 20, and spent his entire life, entire life working to abolish slavery and then after emancipation, to ending the Jim Crow laws while struggling for full equality for African Americans. As we all know, he was gifted orator. I read one of his books, his autobiography, author, editor, Statesman, and as I pointed out at our press conference, he was a Republican.

Frederick Douglass Trafficking Victims Protection Act further incorporates anti-trafficking activities into foreign assistance programs, priorities, and efforts at USAID, in project designs, and monitoring, and evaluation. And ensures programming and age-appropriate linguistically accessible, culturally responsive and survivor and trauma informed. It also amends the Foreign Assistance Act to include effective countertrafficking in persons policies and programs and ensures our provisions do not contribute to increasing human trafficking, especially where there are natural and man-made disasters.



It does also improve the minimum standards for the TIP Report, which is a focus of today's hearing. This bill clarifies the language for countries bouncing between Tier 2 and watchlists, Tier 2 watchlists and Tier 3, I mean. And back again and modifies minimum standards to include the purchase of commercial sex, reducing sex tourism.

Our bill also tries to ensure that entities that are complicit in trafficking are always held accountable and are sanctioned by the U.S. Government through the Global Magnitsky Human Rights Accountability Act. It requires that U.S. executive directors at each multilateral development bank vote against any Tier 3 country projects that do not include countertrafficking strategies, assessments, and mitigation efforts.

There is so much more to this bill. And without objection, I would ask that my full statement be made a part of the record because I have much more to go, but I would rather that we just get to the hearing and to the witnesses. But I would point out, you know, these hearings annually and even twice a year, sometimes three times a year, on TIP Report, both before when it happens as well as after the fact, I think, help, you know, it is good that the Administration, whether it be Bush first, then, of course, Obama, and then Trump, and now President Biden, that they hear from us. You now, we are a good sounding board. We do have our ears to the ground. And there have been many times in each Administration where there was conflict within the regional bureaus, the TIP office, saying, oh, do not put them on. Don't put Malaysia on. Remember that hearing we had in 2015? Malaysia again was one of those that were artificially upgraded. And what does that say to Thailand and all the others in that region, especially? We got to be absolutely honest, speak truth to power. How we sanction part two of our TVPA, you know, is really discretionary at the Administration's call, but they should not be in any way doctoring the documents. So, we need to have it absolutely correct to the best of our ability. So, thank you, Karen, for having this hearing.

Ms. BASS. Absolutely, and I appreciate that quote from Frederick Douglass, knowledge makes a person unfit to be a slave. In fact, during the 250 years of enslavement in the United States, it was illegal to teach anybody that was enslaved to read. And I think one of the fundamental differences when we talk about modern day slavery versus what happened here and what happened throughout the Americas is that slavery was actually a legal institution, a fundamental part of our economy. And in the Emancipation Hall there is a statute dedicated to Frederick Douglass and also a monument dedicated to the enslaved Americans who literally built the Capitol. The U.S. Government rented enslaved Americans from plantations surrounding the Capitol to get the building built. So, I think it is important that we make a distinction between what happened in the past and what is happening today.

With that, I want to introduce our panelists and then I will have to exit and turn the hearing over to our Vice Chair, Representative Ilhan Omar, as I have a markup in another committee. So, we appreciate for the witnesses, all of you being here today and look forward to your testimony. And let me remind the witnesses that your written statements will appear in the hearing record and under

committee rule 6, each witness should limit their oral presentation to a brief summary of their written statement. And you will see the clock, which I believe that you can see, for 5 minutes. And know that you will have opportunities to speak in the Q&A.

Alex Thier is the CEO of the Global Fund to End Modern Slavery, a multi donor fund working to eradicate forced labor and human trafficking around the world. Alex was appointed by President Obama as the Chief of Policy Planning and Learning at USAID where he served from 2010 to 2015. And he was the Executive Director of the Overseas Development Institute, a think tank in London focused on economic development, climate, and conflict.

Representative—I am sorry—Mrs. Catherine Chen—you want to run for Congress? She is the CEO of Polaris, a leading anti-trafficking organization in the U.S. She is a veteran anti-trafficking strategist, who has spent nearly two decades building innovative social justice programs to address the systemic failures and inequities there at the root of sex and labor trafficking. Previously, as Polaris' Chief Program Officer, she spearheaded their 10-year vision for reducing and preventing trafficking at the magnitude of the problem. Prior to Polaris, she spent 7 years at Humanity United and led the foundation's Human Trafficking and Labor Mitigation team as the Director of Investments. Catherine brings a deep commitment to racial and gender justice as a first generation Chinese American and economic equity and has a long track record of building up leaders who have lived experience.

Mrs. Evelyn Chumbow is a survivor of child labor trafficking turned anti-trafficking activist and public speaker who focuses her life's work on ending modern-day slavery. Today, she works tirelessly to raise awareness in communities and to create employment opportunities for trafficking survivors. She currently serves on the Board of Directors for the Human Trafficking Legal Center and Free the Slaves. She has been invited to brief government agencies about human trafficking from a survivor's perspective, including the Department of Homeland Security, FBI, State Department, and the Department of Justice.

Mr. Peter Williams serves as the International Justice Mission's principal advisor on modern slavery. He is responsible for the Centers of Excellence in addressing slavery, developing globally applicable best practices from extensive program experience worldwide. Most recently, he has served as the country director in Cambodia where he led the development of the new program to address cross-border labor trafficking within recruiting corridors in the Greater Mekong Subregion, leading to the conviction of more than 30 traffickers in 3 years. He has also served as the field office director in India, where he developed a team of lawyers, social workers, investigators, and advocacy professionals to expand counter bonded labor programming in the region.

I want to welcome our witnesses. And at this point, I will turn the gavel over to Representative Omar.

Ms. OMAR. We will start with Mr. Thier.

**STATEMENT OF ALEX THIER, CHIEF EXECUTIVE OFFICER,  
GLOBAL FUND TO END MODERN SLAVERY**

Mr. THIER. Thank you. I am Alex Thier, the CEO of the Global Fund to End Modern Slavery. And I would like to thank Chairwoman Bass, Ranking Member Smith, and the members of the subcommittee for providing us with this opportunity. Your leadership is essential and I am proud to be here with you and these other terrific leaders beside me today.

As we meet here, the global fight to end modern slavery, human trafficking, and forced labor stands at a crossroads. In one direction, we face a global crisis, over 40 million people living in conditions of modern slavery deprived of their fundamental rights, dignities, and freedoms. More than 70 percent are women and girls, a quarter, children. And despite significant commitments and investments, I come before you today with a stark truth. The number of people living in modern slavery is rising, not falling. Pandemic, climate change, corruption, rising authoritarianism, all contribute. Despite being illegal everywhere, modern day slavery persists almost everywhere. It happens on construction sites and in factories, on farms, fishing boats, and private homes. Tens of billions of dollars' worth of everyday goods that make up our diets and daily routines from coffee to chocolate to cell phones to the clothes we wear, are tainted with forced labor. It persists because millions of people, due to poverty, conflict, or inequality, lack viable alternatives. It persists because it is profitable, producing an estimated \$150 billion annually to organized crime and traffickers fueling corruption and the breakdown of rule of law.

Yet, despite these terrible trends, I am also here to say that there is hope. For, in the other direction at this crossroads, we see the potential for serious progress. We have evidence that we can break the cycles of vulnerability, profit, and impunity that perpetuate human trafficking.

So, what does progress look like? The Global Fund to End Modern Slavery is charting a new course. U.S. investment in 2017 matched by the U.K. and other governments, private sector partners and foundations, has allowed us to demonstrate what significant progress can look like in a few short years. In the Philippines, for example, millions of women leave every year looking for decent work as domestic workers and in hospitality. Of these, tens of thousands find themselves in bondage, in debt unpaid, abused in homes, and forced into brothels. Our integrated efforts there have supported legal reform, have helped victims and survivors seek justice against their perpetrators, including a landmark case where eight traffickers were convicted in a Bahraini court and imprisoned.

Through this work, we have helped thousands avoid debt bondage and saved millions of dollars in fees that they can provide to their homes and families. This effort demonstrates what an integrated systems-wide approach can achieve. Our work in Vietnam supporting the first ever reintegration of survivors of sex trafficking near China's borders was recently highlighted in the U.S. State Department's 2021 TIP Trafficking in Persons Report. We have also created an award-winning supply chain tracing tool to protect vulnerable workers in global supply chains and to help both

governments and companies identify high-risk factories. We are also working to deanonymize cryptocurrency transactions to provide identifying information to law enforcement about rising online sexual exploitation.

So, even as the incidence of modern slavery is rising globally, I believe that there is a powerful set of trends, if harnessed, that could produce significant progress. So, we have to ask ourselves what must be done now, today, to create the virtuous cycle that will result in breakthrough progress in the next few years? We have spelled out seven recommendations in detail in my written testimony. But let me just highlight a few with the remaining minute I have.

Our first recommendation is that we must seize the opportunity for renewed U.S. and global leadership amidst rapid changes. U.S. leadership at home and abroad is critically needed to galvanize the world to a new level of ambition and action in the global fight. And the U.S. Congress, as we have already heard, has a critical opportunity to act to reauthorize the program to end modern slavery and to authorize future direct participation by the U.S. Government in the global fund.

Second, we need a coherent global strategy on human trafficking to produce real breakthroughs by 2030. The scale of this challenge requires comprehensive long-term strategy with broad support, burden sharing, and measurable, and achievable goals.

Third, we must increase support for survivors and survivor leadership. GFEMS believes that this is essential in the fight against modern slavery that survivors are engaged as leaders and experts at every level of this endeavor. Fourth, the G7 has made new commitments by its leadership to eradicate forced labor from supply chains. We must hold those leaders to account to follow through.

I know that I am out of time now, so, I will hopefully speak about the other recommendations that we have later in the hearing. Thank you.

[The information referred to follows:]

Testimony of Alex Thier  
Chief Executive Officer  
Global Fund to End Modern Slavery

Hearing on “Combating Global Human Trafficking”  
U.S. House of Representatives  
House Foreign Affairs Committee  
Subcommittee on Africa, Global Health, and Global Human Rights

October 27, 2021

## **I. Introduction**

I would like to thank Chairwoman Bass, Ranking Member Smith, and members of the Subcommittee for providing the opportunity to speak on this critical issue.

The global fight to end modern slavery, human trafficking, and forced labor stands at a crossroads.

In one direction, we face a reality that continues to shock the conscience. There are over forty million people living in modern slavery, deprived of their fundamental rights, dignity, and freedoms. More than 70% are women and girls; one in four is a child.<sup>1</sup> It is a global crisis - among the largest-scale and most savage human rights problems in the world. And despite significant commitments and agreements and investments, we now know that the number of people living in conditions of modern slavery is rising.

In 2020, global estimates showed 160 million children in child labor, the first increase in two decades.<sup>2</sup> For those already at risk of exploitation, the COVID-19 pandemic has drastically heightened their vulnerability and has introduced new risks. Climate change is creating conditions of heat, flooding, and food insecurity that create significant vulnerability and drive risky migration. Rising authoritarianism and corruption are increasing repression and impunity and the rise of state-imposed forced labor.

Despite being illegal everywhere, modern slavery persists almost everywhere, encompassing various forms of exploitation and abuse: human trafficking, forced labor and forced child labor,

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<sup>1</sup> International Labor Organization (ILO) and Walk Free Foundation. “Global Estimates of Modern Slavery: Forced Labor and Forced Marriage,” 2017.

[http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms\\_575479.pdf](http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf)

<sup>2</sup> ILO & UNICEF. “Child Labor: Global Estimates 2020, Trends and the Road Forward,” 2021.

[https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_800090/lang-en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_800090/lang-en/index.htm)

debt bondage, forced marriage, and commercial sexual exploitation. It happens on construction sites, in clandestine factories, on farms and fishing boats, and in private households. Tens of billions of dollars worth of everyday goods that make up our diets and daily routines, from coffee and chocolate to cell phones and the clothes we wear, are tainted by forced labor.

It persists because millions of people, due to poverty, conflict, or inequality, lack viable alternatives. It persists because it is profitable, producing an estimated \$150 billion per year in profits to organized crime and traffickers, fueling corruption and breakdown of the rule of law.<sup>3</sup> It persists because existing laws and legal frameworks are not strong enough to stop it. Traffickers act with impunity, undeterred by weak law enforcement and criminal justice systems.

Human trafficking has enormous long term economic and social consequences for its victims and enormous costs for society. It robs the economic contributions of millions, often creating a lifetime of trauma, underemployment, and socio-economic hurdles. It disproportionately affects women and girls, overwhelmingly the victims of commercial sexual exploitation and other major areas like domestic work. Women in forced labor are often subjected to sexual violence even when not forced into sex trafficking. The long-term costs to society in dealing with trafficking - from prosecution, to corruption, to lost taxes, to psycho-social care are significant - and far higher per person than the cost of preventing trafficking. Human trafficking is also enormously costly to the environment. Many industries with a high prevalence of forced labor are among the most environmentally destructive, while several industries that are key to addressing climate change are also exposed to forced labor. Climate change is becoming a major driver of vulnerability and migration, and it will lead to many more being exploited by traffickers.

In the other direction at this crossroads, we see the potential for serious progress in the passion and creativity of a global movement of people, governments, civil society, and companies.

## **II. The Impact of the Fund**

### **What does progress look like?**

The work of the Global Fund and its partners is demonstrating significant results in charting a new course to combat modern slavery.

The Global Fund to End Modern Slavery was designed to marshal unprecedented resources and build and execute a coherent global strategy to dismantle the systems that perpetuate modern slavery. Conceived in 2012 by a group of anti-slavery leaders, GFEMS was established in 2017 as a result of a bold act of the U.S. Congress with strong bi-partisan support. This coalition,

<sup>3</sup> ILO. "Profits and Poverty: The Economics of Forced Labor," 2014. [http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS\\_243391/lang--en/index.htm](http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_243391/lang--en/index.htm)

recognizing the need for a multi-donor global fund, worked with the U.S. Congress to get \$150 million in new funding authorized for the Program to End Modern Slavery (PEMS). In 2017, GFEMS received \$25 million of PEMS funding through a competitive process run by the U.S. State Department Office of Trafficking in Persons (TIP), and secured a matching pledge of \$25 million from the UK government. Since then, the Fund has successfully leveraged nearly \$40 million more from the U.S. and other governments, private sector partners, and foundations. Our efforts are closely aligned with the approaches and priorities of our largest funder, the U.S. State Department's TIP Office, with whom we have co-designed many of our programs.

With these investments and government and private partnerships, we have made significant progress in a few short years. GFEMS co-created a robust set of interventions and invested with dozens of partners in nine countries. Beyond mobilizing significant resources, GFEMS is focused on working with partners to transform the systems that perpetuate these crimes. We target geographies and sectors with the highest prevalence where there is political will to act, and we invest in projects with the greatest potential for replication and impact at scale.

GFEMS creates integrated approaches to solve the complex challenges of human trafficking. We work with governments to build and strengthen legal regimes that combat trafficking; engage with industry to change practices that increase exploitation; support survivors to achieve sustained freedom and lead change; engage with highly-susceptible communities to prevent trafficking; pilot and scale innovative approaches and tools; undertake and disseminate best-in-class evidence, research, and learning; and build strong local, national, and international coalitions to elevate the fight against slavery on the global agenda. While this integrated and holistic approach is necessary to dismantle systems of exploitation, our programs are making a real difference in the lives of survivors and those most vulnerable to abuse across the globe.

As of June 2021, GFEMS has reached over 50,000 individuals to address vulnerabilities that put them at risk of modern slavery, including supporting access to government entitlements, vocational programs, and cash and food transfers during the pandemic, thus helping build a safety net to protect against exploitation. We have supported nearly 3,000 victims and survivors to receive holistic and trauma-informed reintegration and rehabilitation support. This includes legal support for victims pursuing justice against their perpetrators. Our programs empower survivors to build sustainable lives of freedom and dignity.

Ending modern slavery requires a holistic approach and coordination and collaboration at a global scale. It requires significant investment and resources if we are to tip the scale towards eradication. Systems change may seem an ambitious target, but it is the only way we can achieve sustainable and meaningful progress in the fight to end modern slavery. Our programs are showing that it is possible.

Spurring Systems Change with Ethically Recruited Migrant Labor

Too often, exploitation begins with the process of recruitment. Traffickers offer good jobs with good wages, but then use deception and threats to transform work opportunities into debt bondage and forced labor. Transforming the recruitment process from one that preys on the vulnerable to one that protects and supports workers is critical as migration for labor increases, and is a key systemic change that GFEMS has invested heavily in.

The Fund developed a portfolio of programs to prevent the exploitation of overseas Filipino domestic workers. The Philippines government estimates that Filipina women comprise 25% of the 11.5 million migrant domestic workers in the world, and evidence shows that the domestic service industry accounts for nearly 25% of all forced labor.<sup>4</sup> Domestic workers are especially vulnerable to abuse as they are employed in private households, their labor unseen and therefore unregulated. Nearly 80% of domestic workers are women.<sup>5</sup>

GFEMS worked with the Fair Employment Foundation (FEF) to protect and empower migrant workers with end-to-end migration support, providing fee-free comprehensive training to prepare migrants for work and life overseas, and supporting them to avoid the traps that lead to slave-like conditions. This effort has placed more than 2,500 overseas Filipina domestic workers in safe jobs. None of these workers was charged a fee, saving them an estimated \$3.75 million in recruitment debt and making them less vulnerable to exploitation. Moreover, FEF is now a self-sustaining entity—proving that ethical behavior can be profitable.

At the same time, GFEMS worked with the Blas F. Ople Policy Center and Training Institute in the Philippines to strengthen the criminal justice response to trafficking and abuse of overseas Filipino workers. The Ople Center was instrumental in establishing a specialized task force to address trafficking of migrant workers within the Inter-Agency Council Against Trafficking. The task force assisted 2,339 repatriated Filipino domestic workers who experienced exploitation. The task force also played a critical role in the investigation of a suspected sex slavery ring in Bahrain that had targeted and exploited Filipinas. In a landmark case, eight traffickers were convicted by a Bahraini court and imprisoned, and the Bahraini government awarded each survivor \$3,000 in restitution. The Ople Center supported and guided the women who filed suit throughout a lengthy legal process.

<sup>4</sup> Corinne Redfern. "I want to go home": Filipina domestic workers face exploitative conditions." *The Guardian*. January 27, 2021. <https://www.theguardian.com/world/2021/jan/27/domestic-workers-philippines-coronavirus-conditions>; ILO, "Global Estimates."

<sup>5</sup> ILO, "Global Estimates."



By combining law reform, law enforcement, support for survivors, and the private sector, GFEMS has created safer pathways to prevent exploitation and remediate harm. This effort demonstrates what an integrated, systems-wide approach can achieve.

#### Delivering Justice and Compensation for Survivors

In Ha Giang province in northern Vietnam, migration is a way of life. High poverty rates and reliance on low-margin agriculture spur migrants to cross the border into China, but these conditions also leave many vulnerable to trafficking and exploitation. Research indicates that risks are exacerbated by a general lack of awareness of trafficking across the province. Awareness-raising is key to prevention, but it is only one step in changing systems of exploitation. To effect real change that is sustainable, interventions must deter traffickers, support survivors, and strengthen local systems.

Prior to GFEMS' partnership with Blue Dragon Children's Foundation, no trafficking survivors reported receiving reintegration support despite the heightened risk of trafficking in Ha Giang province. The Fund's investment strengthened channels of coordination and information-sharing between government officials and various stakeholder groups. As a result, Ha Giang authorities referred or directly provided reintegration support to 35 survivors *for the first time*; moreover, the mechanisms put in place will ensure many future survivors receive the resources and support they need. This project was recently highlighted in the US State Department's 2021 Trafficking in Persons Report for its success in strengthening referral and support for survivors.

#### Supporting the Most Vulnerable During COVID

For those already at risk of exploitation, COVID-19 has drastically heightened vulnerability. At the same time, it has introduced new risks. For example, national lockdowns forced millions of migrant workers to repatriate, pushing many to work longer hours, accept lower wages, and take on debt, thus increasing their risk of falling into forced labor conditions.<sup>6</sup>

Workers at the bottom of global supply chains - those working in informal factories and often subsisting on daily wages - are also confronting dire situations. A survey of worker households in Bangladesh's informal apparel industry, conducted in summer 2020, revealed that most had less than one week of food supplies in their home. Only 3% of those surveyed had received any aid, either through government or NGOs.<sup>7</sup>

<sup>6</sup> NORC at the University of Chicago via GFEMS South Asia Prevalence Estimation Research Program. "Ripped at the Seams: RMG Sector Workers During a Global Pandemic," December 2020. <https://www.gfems.org/reports/ripped-at-the-seams-ready-made-garment-sector-workers-in-a-global-pandemic/>

<sup>7</sup> GFEMS. "Understanding the Effect of the COVID-19 Pandemic on Informal Apparel Workers in Bangladesh," March 2021. [https://www.gfems.org/wp-content/uploads/2021/06/21.02.23\\_GFEMS\\_COVID\\_V31.pdf](https://www.gfems.org/wp-content/uploads/2021/06/21.02.23_GFEMS_COVID_V31.pdf)

Children too are at increased risk of exploitation as school closures have prompted a massive shift to online services and communications. Children are especially vulnerable to online exploitation as traffickers are increasingly using social media and other online platforms to prey on new victims and profiting from the surging demand for online sexual exploitation materials. At the same time, police and government resources are being diverted to COVID relief instead of investigation into these crimes.

COVID also caused severe disruptions to our own programs as research, training, service delivery, and other in-person activities had to be suspended or immediately adapted to an online platform. With partner networks in place, we were able to provide emergency relief to thousands of vulnerable individuals and households. BRAC, our partner in Bangladesh, provided cash transfers and COVID-19 prevention materials (PPE, hygiene kits, etc.) to 1,500 highly vulnerable apparel worker households and 104 unregistered, high-risk apparel factories. In India, our partner Jan Sahas provided rations to 1,000 migrant households to protect against food insecurity. In Vietnam, our partner Blue Dragon collaborated with government partners to distribute sanitation and hygiene supplies to eight schools, enabling 3,200 students to return safely to school and alleviating the burden on families facing food shortages.

However, even now, as economies and societies begin to reopen, the risk of exploitation remains. Returnees who found little reintegration support will take advantage of reopened borders to migrate again, but through riskier channels. As buyers and suppliers look to regain lost profits and return to “business as usual”, those laboring in factories with little oversight will experience the consequences. Schools may be opening again, but children will continue to go online where traffickers continue to operate.

What COVID has revealed in the starkest terms is that exploitation and modern slavery will persist until we change the systems that enable it. As the already-vulnerable- migrant workers, informal apparel workers, children- have become more vulnerable, COVID has exposed existing inequalities. Our investment in interventions to support safe migration practices, to protect workers, and ensure the safety of children will be even more vital as we move forward.

#### Generating Actionable Evidence

Modern slavery exists everywhere yet we still lack a true understanding of the scale and scope of the problem. By design, victims of modern slavery are hidden, thus making data collection a notoriously difficult task. Without comprehensive, reliable, and accurate data to inform programs and policies, gaps in local, national, and global responses will remain.

GFEMS is building a robust evidence base, enabling us to build better programs and support policymakers and other stakeholders to take informed action. We invest heavily in research to better understand prevalence and risk factors for modern slavery. We also prioritize rigorous and comprehensive evaluation so that we can identify what works to bring it to scale. GFEMS conducts modern slavery prevalence studies in the geographies and sectors in which we operate and, with our research partners, we adapt novel research methods to improve data collection among hard-to-reach populations.

Prevalence studies not only provide us with an understanding of the size of the issue but also unpack important characteristics of modern slavery that inform our programming and that of the wider anti-trafficking community. In northern Uganda, for example, GFEMS-supported research revealed that boys in the region are just as likely to be victims of commercial sexual exploitation as girls. From this research, we are working with our partners in northern Uganda to promote open and frank community discussion on this previously neglected issue and ensure males experiencing sexual exploitation can access services and support to achieve sustainable recovery and reintegration.

In addition to prevalence studies, GFEMS invests in rigorous and comprehensive methods of evaluation that take into account the nature of project activities, local context and feasibility, ethical considerations, and the specific research questions. GFEMS utilizes evaluation methods that can credibly contribute to our understanding of how interventions can reduce individual and systems-level vulnerabilities. From this understanding, we can build, strengthen, and replicate interventions that make the biggest impact.

#### Using Innovation to Combat Supply Chain Risk and Online Exploitation

As the world continues its digital transition, technology can be a true force-multiplier in ending modern slavery. Accordingly, GFEMS invests in innovations that reduce vulnerability and mitigate demand for cheap goods and services.

In Bangladesh, we developed SafeStep, a digital tool to promote safe migration. Installed on any digital device, the SafeStep application empowers migrants with the knowledge and resources to avoid debt bondage and make informed decisions about their migration journeys. The potential of this tool to reduce forced labor among overseas migrants has secured new investment from private sector donors for expansion into Malaysia, the fourth largest destination country for Bangladeshi migrant workers.

We are also investing in digital solutions to protect vulnerable workers in global supply chains. Despite a recent push for socially responsible goods, detecting forced labor remains a challenge as companies and buyers often lose visibility on supply chains beyond first-tier suppliers. When labor is unseen, there is little oversight or accountability.

GFEMS has built several tools to help companies identify high-risk factories and prioritize where to intervene. GFEMS funded a predictive analytics tool to detect unauthorized subcontracting (which often includes exploitation) in apparel supply chains. The tool was built using 40,000 data points, including 1,000 audits. In a recent pilot, the tool successfully detected cases of unauthorized subcontracting in a major U.S. brand's supply chain, helping the brand make improvements in the identified factories. The Fund also created an award-winning, scalable machine learning tool that can generate risk profiles for firms from publicly available data, predicting forced labor at the company level with nearly 84% accuracy. These tools can be used by investors, banks, buyers, or others to narrow down the areas of risk in their portfolios or supply chains in line with advancing regulations and consumer demand.

Finally, recognizing the increased use of cryptocurrencies in fueling online sexual exploitation of children, GFEMS is working to de-anonymize cryptocurrency transactions to provide identifying information for law enforcement. The project will result in guidance for law enforcement stakeholders on how to evolve current enforcement systems to account for and track crypto-based transactions by traffickers.

### **III. The Way Forward**

Even as incidence of modern slavery is rising globally, there is a set of powerful trends that, if harnessed, could produce significant progress. These include: fresh political momentum; new laws in key markets; rising concern about integrity of supply chains; a rising wave of citizen and investor demand for ethical products and services; innovation; and intersections with key geopolitical issues including global economic recovery, climate change, gender, rising authoritarianism, and migration. To take advantage of this moment of opportunity, U.S. leadership will be essential in increasing the scale of global leadership, commitments, and resources that are going to this fight.

In June of this year, G7 leaders pledged to “ensure that global supply chains are free from the use of forced labor.” GFEMS has been coordinating global anti-slavery leaders to articulate the practical steps needed to make leaders fulfill their commitment to “work together including through our own available domestic means and multilateral institutions” and to “identify areas for strengthened cooperation and collective efforts.”<sup>8</sup>

At the same time, there is a powerful and growing set of national legislative and enforcement efforts under way, including the U.S.'s robust use of import bans for goods made with forced labor, Canada's passage of a similar law, and the EU's proposal for one. The UK and Australia

<sup>8</sup> “Carbis Bay G7 Summit Communiqué.” June 13, 2021. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/13/carbis-bay-g7-summit-communicue/>

have passed Modern Slavery Acts to require industry reporting, while Canada has proposed a similar law. Germany has a new mandatory human rights due diligence law requiring companies to take steps to prevent human rights violations in their supply chains. This creates a significant opportunity and requirement for international cooperation to make these legal regimes effective.

We at the Global Fund are working to galvanize the global anti-slavery community around a coherent strategy to create breakthrough progress, bolstered by renewed commitments and partnerships. By 2030, these scaled up resources will generate game-changing breakthroughs, observable tipping points to eliminate slavery in specific industries and geographies to serve as a model for how we can mobilize the international community and end modern slavery globally.

*So we must ask ourselves: what must be done now, today, to create the virtuous cycle that will result in breakthrough progress in the next few years?*

**Recommendation 1: Seize the opportunity for renewed U.S. and global leadership amidst rapid changes**

U.S. leadership at home and abroad is critically needed to lead the world to a new level of ambition and action in the global fight against human trafficking.

The U.S. Congress, at this moment, has a critical opportunity to act. The authorization for the Program to End Modern Slavery housed at the U.S. State Department expired in 2020. New legislation is needed that reauthorizes PEMS, and Congress should take this opportunity to significantly increase the U.S. investment in global programs to combat modern slavery. The current annual appropriation of \$25 million for PEMS represents less than one-tenth of 1 percent of U.S. foreign assistance and is far too small to achieve impact at scale to curb modern slavery. Congress also should authorize future participation by the U.S. government in the Global Fund to End Modern Slavery. This will send a critical signal to allies and will significantly increase burden-sharing and help solidify a shared strategy. As we have seen with other multi-donor funds, there is no replacement for U.S. leadership, and when the U.S. acts boldly, our allies and partners follow suit.

The American people have demonstrated deep and enduring concern about the persistence of modern slavery and human trafficking. The right to fundamental freedoms, justice, and dignity is at the very core of our democracy. The perpetuation of slavery, through forced labor, child labor, human trafficking and commercial sexual exploitation of over 25 million people is an affront to all.<sup>9</sup> The desire to address injustice, corruption, and rising authoritarianism is strong, and we

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<sup>9</sup> The ILO estimates 40 million people are victims of modern slavery. This includes 25 million people in forced labour and 15 million people in forced marriage. See ILO, "Global Estimates."

need mechanisms to harness the energy of democracies to work together and deliver results. The Global Fund is such a mechanism.

With proven institutions and approaches to make real progress, we now need to boost the level of resources going to ending modern slavery. The U.S. can also use its diplomatic efforts to increase the level of financial commitments to ending modern slavery by investing in multi-donor efforts like the Global Fund, and encouraging others to share the burden. In addition, the U.S. should use its position in the UN, World Bank, and other multi-lateral and regional institutions to elevate the issue of human trafficking on the agenda, and ensure those institutions are using their power - including purchasing power - to address it.

If we compare the resources going to ending modern slavery to many comparable challenges, the gap between what we are doing and what we need to do becomes most apparent. Currently, we estimate annual donor investment to combat modern slavery at under 500 million. In comparison, the total population of refugees in the world is 26 million and the annual budget of the UN High Commission on Refugees in 2020 was 9 times larger at \$8.6 billion.

**Recommendation 2: Create a coherent global strategy on modern slavery to produce breakthroughs by 2030**

A challenge of this scale requires a comprehensive, long-term strategy with broad support and measurable and achievable goals. It is time for a broad coalition of stakeholders, from governments to private sector actors, survivors and civil society leaders, to come together to collaboratively create a shared strategy for breakthrough progress by 2030. Demonstrating shared ambition and understanding of what it will take to make progress will be key to galvanizing greater support for these efforts. To be legitimate, the strategy must be developed in a collaborative, inclusive, and representative manner, including elevating the leadership of survivors and actors from all global regions in its creation.

**Recommendation 3: Increase support for survivor leadership in combating modern slavery and human trafficking**

There are millions of survivors of modern slavery, and there will be tens of millions who regain their freedom if our combined efforts succeed in the years ahead. GFEMS believes that it is essential for the success of the fight against modern slavery that survivors are engaged as leaders and experts at every level. This will ensure that policies and approaches are informed by lived experience, and that those most affected are seated at the table.

Survivors of modern slavery face enormous economic and health challenges. Reintegration into society can be extremely difficult. Survivors' needs are complex: in addition to immediate

requirements such as shelter and healthcare, many survivors require psychosocial counselling to recover from trauma. It is common for survivors to struggle with economic reintegration, particularly where they find themselves stigmatized upon return to their communities-- a phenomenon especially common in the case of escape from commercial sexual exploitation. Financial vulnerability undermines successful reintegration, limits recovery, and increases risk of re-trafficking. Survivors of modern slavery frequently experience re-trafficking after exiting a trafficking situation.

Financial inclusion can be profoundly transformative for sustainable empowerment - helping survivors permanently escape poverty, vulnerability, and exploitation. GFEMS therefore recommends significant new effort and investment to boost compensation and financial inclusion for survivors, creating a vehicle to expand and scale recognition, digital identity, and financial products for survivors of modern slavery around the world. These efforts should build on initial public-private efforts by the financial sector, including HSBC and Liechtenstein's Finance Against Slavery and Trafficking (FAST) Initiative, and government mechanisms around the world identifying survivors.

**Recommendation 4: The G7 should follow through on its commitments to eradicate forced labor from global supply chains**

Supply chains are the lifeblood of modern economies. Unless made more ethical, sustainable, and secure, they are also a source of enormous human misery, environmental destruction, and political and economic instability. The existence and prevalence of forced labor in U.S. and global supply chains is intolerable, and causes vulnerability to disruptions in our critical supply chains from solar panels to medical gloves to batteries.

Last June, at the G7 summit in Carbis Bay, leaders committed to work together to “protect individuals from forced labor and to ensure that global supply chains are free from the use of forced labor”. The G7 trade ministers were then tasked by their leaders to “identify areas for strengthened cooperation and collective efforts towards eradicating the use of all forms of forced labor in global supply chains.”

In order to achieve this, G7 countries must work together to agree legal frameworks that are complementary and collaborative. They should harmonize minimum legal and regulatory standards on forced labor. This should include all members prohibiting the import, export or internal sale of goods and merchandise made or transported wholly or in part by forced labor, as well as mandating that companies operating in their jurisdiction conduct human rights and environmental due diligence in their operations and supply chains, in line with UN guiding principles.

Second, G7 countries should agree that any future trade agreement, trade preference program or other trade tools must contain provisions specifically prohibiting the use of forced labor, and also include punishment for violations. To ensure that our lower-income trading partners can be part of the solution, G7 nations should provide support to partners to help achieve these standards and facilitate trade that remains free of forced labor.

Third, the G7 should commit to recognizing that any forced labor-related import, export or internal sale prohibition imposed by one member country is applied across all member countries. Such a step would dramatically lower the costs and barriers to effective and timely action. This bold move will require the creation and strengthening of mechanisms for robust information and data-sharing, as well as the development of common criteria and methods based on best practices.

Fourth, G7 nations should use all available instruments, including public procurement policies and their leadership in multilateral institutions, to prevent forced labor in global supply chains, including within the digital economy.

Fifth, the G7 must make additional commitments to assist people who have been victimized by forced labor, whether at home or abroad. These programs must be designed with the meaningful input of affected workers and survivors and should be based on common principles for assisting those who have been harmed, including for rehabilitation and remediation purposes.

**Recommendation 5: Harness the revolution in investor and corporate social responsibility and accountability**

There is enormous growing demand for corporate and investor accountability on a wide range of issues often captured as environmental, social, and governance (ESG) criteria. The use of these standards requiring ethical and sustainable business and investment practices has risen dramatically in the last decade. In 2011, 20 percent of S&P companies reported on ESG criteria. By 2021, this number had risen to 90 percent.

The “S” criteria (social) are regarded as the weakest of the three, and reporting standards and verifiable data for forced labor and human trafficking require improvement. There are a number of such efforts underway, but full adoption - and the data and compliance tools to support it- are still far off. Meanwhile, forced labor is increasingly a material risk for investors - due to reputational risks as well as potential disruptions from growing import bans and due diligence laws.

We recommend that governments, regulators, and legislators work closely with the business and investment community to strengthen, deepen, and enforce the largely voluntary ESG compliance



standards on forced labor, investing resources necessary to ensure that real data is available and reported and verified for compliance.

**Recommendation 6: Step up innovation in digital, financial, detection, and communication tools to fight trafficking**

The prospects for innovation of technology and approaches in the field of human trafficking are enormous. GFEMS has been able to demonstrate through development of the SafeStep migration platform, machine learning based supply-chain tracing tools, crypto-currency deanonymization, and creation of fiscally sustainable ethical recruitment agencies that there is both under-investment in yet huge application and tremendous potential for innovation.

We believe that new investment and partnerships are needed to conceive, design, and build innovations in detection, communication, finance, and monitoring to prevent, detect, and prosecute traffickers. A stronger development, investment, and scaling pipeline needs to be collaboratively created, to avoid a proliferation of small pilots, apps, and tools without the resources and collaboration necessary to ensure that successful efforts are more widely adopted.

**Recommendation 7: Strengthen focus on the intersection between human trafficking and major inter-related issues including climate, gender, corruption, and migration**

Human trafficking occurs at the intersection of vulnerability and exploitation. It exists in most countries and many industries. Unsurprisingly, many of the factors that increase risks of vulnerability and exploitation - climate, gender, corruption and rising authoritarianism, and migration - are also at the top of the global agenda given their far-reaching impacts on society.

Given historical discrimination, it is no surprise that 70% of trafficking victims are women and girls. An estimated 99 percent of sex trafficking victims are female. Women have a harder time accessing economic opportunity and justice systems. Lost educational and economic opportunities are a cause of inequality and wage gaps. These things are dramatically increased by the impact and long-term trauma of trafficking. An agenda dedicated to addressing gender inequality must speak to the 28 million women currently in conditions of modern slavery, and it must also be intensively focused on prevention to ensure millions more don't suffer these crimes.

The ills of environmental destruction, global warming, and human trafficking are deeply intertwined, and so must be their solutions. Many industries with a high prevalence of forced labor are also among the most environmentally destructive. For example, an estimated 40 percent of deforestation is conducted with forced labor, and often the agriculture that emerges from deforestation - for coffee, palm oil, cattle, shrimp farming - also uses significant amounts of

forced labor.<sup>10</sup> We must address the corruption, organized crime, and impunity that allow both to persist. Several industries that are key to addressing climate change are also exposed to forced labor- for example, solar panels and coltan mining for use in electronics and batteries. In addition, global warming is creating increased vulnerability and migration - two traits very likely to increase the prevalence of trafficking. As we work on climate plans and environmentally sustainable business practices, we must increase focus on how to address the related causes and consequences of modern slavery.

As we stand at the crossroads, we know which path we must choose. We cannot let the moment pass that we knew the scale of the problem, we knew how to dramatically reduce it, and we did not do enough.

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<sup>10</sup> U.S. Department of Labor. "2020 List of Goods Produced by Child Labor or Forced Labor," 2020. [2020\\_TVPRAList\\_Online\\_Final.pdf](#)

Ms. OMAR. Thank you, Mr. Thier. Now, we will hear from Ms. Chen.

**STATEMENT OF CATHERINE CHEN, CHIEF EXECUTIVE  
OFFICER, POLARIS**

Ms. CHEN. Chair Bass, Vice Chair Omar, Ranking Member Smith, and distinguished members of the committee, thank you for the opportunity to testify today. Your leadership today and over the last two decades is critical to preventing and responding to sex and labor trafficking in the United States and around the world. I want to particularly thank Chair Bass and Ranking Member Smith for your continued bipartisan commitment to reauthorizing the landmark Trafficking Victims Protection Act.

I am the CEO of Polaris. Polaris' mission is to eradicate human trafficking and restore freedom to survivors. We do this in two main ways. We provide immediate response to victims and survivors through operation of the U.S. National Human Trafficking Hotline, 24-hours a day, 7 days a week, 365 days a year. The National Human Trafficking Hotline connects victims and survivors with services and support to get help and stay safe, and is funded, in part, by the U.S. Department of Health and Human Services. Additionally, we take the knowledge and insight gained over 20 years of operations to prevent human trafficking by making long-term structural change to the underlying systems that enable it to flourish. Our work is survivor-centered, justice and equity driven, and technology enabled.

Informed by Polaris' data driven expertise, I have several recommendations to accelerate the next phase of the U.S. Government's efforts. These recommendations are described in detail in my written testimony. So, I am just going to focus on a few areas today.

First, focus on prevention. The root causes of vulnerability are often consistent across borders. They include lack of safe and affordable places to live, lack of quality employment opportunities, policies and practices that purposefully discriminate or mistakenly marginalize certain groups, and much more. To truly meet the challenge of reducing human trafficking at the scale of the problem, we must address these root causes and prevent trafficking before it starts. The international community has long prioritized prevention through programs that tackle poverty, expand child protection, protect women's rights, fight corruption, and more.

By contrast, the U.S. response has focused on a largely criminal justice approach to disrupt and deter trafficking. And while successful prosecutions are essential to ensure victims get justice, we now have an opportunity to broaden our definition of anti-trafficking programs to tackle the underlying vulnerabilities that enable it to happen in the first place. For instance, migrant workers experience specific vulnerabilities to trafficking that can be prevented. Holders of H-2A and B temporary work visas are disproportionately represented amongst victims of labor trafficking who contact the National Human Trafficking Hotline. Our data shows that during the first 6 months of the COVID-19 pandemic, there was a 70 percent increase in labor trafficking victims with H-2A visas. And nearly 100 percent of victims reported fraud in re-

cruitment. The most effective way to address the vulnerabilities faced by migrant workers is to implement reforms that protect them from exploitation before it happens. And there is consensus in the global business and human rights community to end forced labor in supply chains, enforce a ban on recruitment fees charged to migrant workers. Congress can put an end to labor trafficking in the U.S. temporary visa system by regulating foreign labor recruitment, banning recruitment fees, and exploring options to allow migrant workers to leave abusive employers without fear of deportation or retaliation.

Second, equip the global financial sector and prioritize financial inclusion for survivors. At its core, trafficking is a commercial enterprise. For this reason, the global financial sector is uniquely positioned to play a role. The U.S. anti-money laundering framework provides a path to decrease traffickers' profits while increasing accountability for trafficking and supporting survivors to receive restitution. Polaris partners with leading financial institutions like PayPal and we have seen great engagement from the financial services industry in recent years. But for this approach to succeed, we need key government actors like the Financial Crimes Enforcement Network to be appropriately resourced.

In January, Congress passed important anti-money laundering reforms and assigned a number of additional responsibilities to FinCEN. We urge Congress to realize the full potential of these reforms and increase FinCEN's budget by 50 percent in Fiscal Year 2022.

Third, commit to survivor leadership. Since 2015, Polaris has directly connected more than 17,800 victims and survivors to the help they need through the National Human Trafficking Hotline. There are now tens of thousands of courageous survivors in the United States and around the world who can and should be driving the anti-trafficking field forward. If the movement is to meaningfully evolve and build on the work of the past 20 years, the vision, tenacity, and expertise of survivors are critical. That means proactively transforming the anti-trafficking field so that survivors lead the agenda and the organizations driving this movement.

We must invest now to ensure that survivors are supported throughout their recovery and are fairly compensated for their expertise. The U.S. Advisory Council on Human Trafficking is a Presidentially appointed body of trafficking survivors who advise Federal agencies. Last year, Congress passed a provision that allowed the Department of State to compensate council members and Congress must now ensure that this provision is implemented.

And finally, we urge Congress to work with the Administration to ensure a strong experienced nominee is appointed as Ambassador at large to monitor and combat trafficking in persons as soon as possible.

[The information referred to follows:]

**Testimony of Catherine Chen**  
Chief Executive Officer  
Polaris

Hearing on “Combating Global Human Trafficking”  
U.S. House of Representatives  
House Foreign Affairs Committee  
Subcommittee on Africa, Global Health, and Global Human Rights  
October 27, 2021

Chair Bass, Ranking Member Smith, and distinguished Members of the Committee, thank you for the invitation to testify about efforts to combat human trafficking globally. Your leadership on this issue, both today and over the last two decades, is critical to preventing and responding to sex and labor trafficking in the United States and around the world. I want to particularly thank Chair Bass and Ranking Member Smith for your continued commitment and efforts to reauthorize the landmark Trafficking Victims Protection Act.

I am the Chief Executive Officer of Polaris. Established in 2002, Polaris’s mission is to eradicate human trafficking and restore freedom to survivors. We do this in two main ways. First, we provide immediate response to victims and survivors of human trafficking through our operation of the U.S. National Human Trafficking Hotline. The National Human Trafficking Hotline, which is funded in part by the U.S. Department of Health and Human Services, connects victims and survivors of sex and labor trafficking with services and support to get help and stay safe. Second, we take the knowledge and insight that we have gained over 20 years of operations to prevent human trafficking by making long-term structural change to the underlying systems that enable it to flourish. Our work is survivor-centered, justice and equity driven, and technology enabled.

At Polaris, we work to combat all forms of human trafficking — sex and labor trafficking, trafficking of children and adults, no matter what gender identity they hold, no matter what citizenship they hold. We developed a classification system that identifies 25 types of human trafficking in the U.S., each with its own business model, trafficker profiles, recruitment strategies, victim profiles, and methods of control that facilitate human trafficking.<sup>1</sup> While we work locally, we also have global reach through our development and operation of the Global Modern Slavery Directory, which compiles information about more than 2,600 organizations in nearly 200 countries worldwide that are responding to human trafficking and can provide support to victims and survivors across the globe.<sup>2</sup> Our mission is focused in North America, but the global leadership role of the United States in the fight against human trafficking means that many of the lessons we have learned and ways we work are applicable in the global context.

For two decades, I have dedicated my career to the fight against human trafficking. I have had the unique privilege of working on sex trafficking and labor trafficking of adults and children around the world and in the United States. I have worked to combat child sex trafficking in the brothels of Southeast Asia;

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<sup>1</sup> Polaris. (2017). *The Typology of Modern Slavery: Defining Sex and Labor Trafficking in the United States*. <https://polarisproject.org/wp-content/uploads/2019/09/Polaris-Typology-of-Modern-Slavery-1.pdf>

<sup>2</sup> For more information on the Global Modern Slavery Directory, see: <https://globalmodernslavery.org/>

developed new approaches to protecting children trafficked for domestic work; campaigned for migrant worker rights in Qatar ahead of the 2022 World Cup; led a national training program for U.S. Department of Justice-funded anti-trafficking task forces around the country; and developed a public-private partnership between federal agencies, private philanthropy, technology companies, and city governments to spur innovation in the anti-trafficking field.

Informed by this expertise and Polaris's 20-year history in this movement, I have five recommendations that will be integral to accelerating the next phase of the U.S. government's efforts to combat human trafficking both globally and domestically:

1. Increase quality data on human trafficking;
2. Focus on prevention;
3. Equip the global financial sector and prioritize financial inclusion for survivors;
4. Commit to survivor leadership; and
5. Continue U.S. leadership through appointment of an Ambassador-At-Large.

#### **1. Increase quality data on human trafficking**

Through our operation of the National Human Trafficking Hotline, Polaris has built the largest dataset on human trafficking in North America. This allows us to build a data-driven, evidence-based understanding of how trafficking happens, who is vulnerable, who is responsible, and where there are gaps in response. We also use this data to identify timely insights so the field can respond to human trafficking better and faster as the crime itself changes. This kind of analysis is contributing to a much-needed shift toward identifying and implementing evidence-based practices.

For instance, analysis of data from the National Human Trafficking Hotline revealed critical trends in human trafficking during the COVID-19 pandemic in the United States. The anti-trafficking field experienced a shrinking ecosystem, with fewer service providers and more limited capacity, at the same time there was a spike in urgency and need. In March 2020, we conducted a survey of service providers to whom we actively refer crisis cases; of the 80 providers that responded, 50 percent were either considering or already implementing measures that would limit their capacity to respond. At the same time, the number of crisis trafficking situations handled by hotline advocates, in which assistance is needed within 24 hours, increased by more than 40 percent in April 2020. The number of situations in which people needed immediate emergency shelter nearly doubled.<sup>3</sup> These findings led us to call on government partners to ensure safe, stable housing for vulnerable communities in the immediate term through eviction moratoria, rent and mortgage assistance, support with utility payments, and temporary housing, and in the longer term for those on the precipice of becoming homeless, such as young people aging out of the child welfare or foster care system.

Additional analysis also revealed the ways in which human trafficking changed during the pandemic. In the first six months of the pandemic we identified a shift in venues from street-based prostitution, escorts, or brothels to online pornography, webcamming, and the like.<sup>4</sup> It is often more challenging to reach victims of sex trafficking situations involving online sexual exploitation with exit services and support.

<sup>3</sup> Polaris. (2020). *Crisis in Human Trafficking During the Pandemic: A Snapshot: April 2020*. <https://polarisproject.org/wp-content/uploads/2020/06/Crisis-in-Human-Trafficking-During-the-Pandemic.pdf>

<sup>4</sup> Polaris. (2021). *Sexual Exploitation During the Pandemic: A Snapshot: April 2021*. <https://polarisproject.org/wp-content/uploads/2021/07/Sexual-Exploitation-During-the-Pandemic.pdf>

Identifying the traffickers in online platforms can also be more difficult because the platforms provide them with the capabilities to hide their identities and locations. As data reveals shifts in trafficking trends, our response must also shift.

In this same six-month period, labor trafficking of migrant agricultural workers legally in the U.S. on H-2A temporary agricultural visas also changed. Even as these workers were deemed essential by the U.S. government, they were not protected from significant trafficking and abuse. The pandemic exacerbated systemic problems inherent in the temporary visa system. These include lack of oversight of the recruitment process that takes place in workers' countries of origin and visas that are tied to a single employer, making it incredibly difficult for workers to leave abusive situations. According to our analysis, the daily number of labor trafficking and exploitation situations reported to the National Human Trafficking Hotline that had at least one victim on an H-2A visa doubled in the first six months of the pandemic. Among reported labor trafficking victims during that time period, there was more than a 70 percent increase in those who held H-2A visas. More than one third of victims on H-2A visas reported being denied medical care, despite their classification as essential workers.<sup>5</sup> Increased enforcement of existing worker protections, regulation of foreign labor recruitment, and allowing workers to more easily change employers were already necessary and critical reforms to protect workers on H-2A visas. The pandemic made them even more urgent.

Rigorous data collection, research, and analysis that also ensure confidentiality and data security for victims and survivors should be standard in the human trafficking field and should guide U.S. government response and investments both domestically and around the world. But for this type of learning to become commonplace, it must be funded; this includes funding NGOs to increase their data collection, analysis and security, as well as ensuring that government agencies are investing in quality research and data collection to inform the field.

## **2. Focus on prevention**

At its core, human trafficking happens when the powerful are able to exploit the vulnerable for profit. Whether by force, by fraud, or by coercion, this dynamic happens every day around the world and here in the United States. The root causes of vulnerability are often consistent across borders. They include lack of safe and affordable places to live, lack of quality employment opportunities, policies and practices that purposefully discriminate or mistakenly marginalize certain groups, and much more. To truly meet the challenge of reducing human trafficking at the scale of the problem, there must be an increased focus on addressing these root causes and preventing trafficking before it starts.

The international community has long prioritized preventing human trafficking, recognizing that programs that tackle poverty, improve access to education, protect women's rights, expand child protection, and fight corruption are essential to reduce vulnerability to exploitation. For the first two decades of the anti-trafficking movement, the U.S. response has focused on a largely criminal justice approach to disrupt and deter trafficking. While successful prosecutions are essential to ensure victims get justice, in the third decade of this movement, we have an opportunity to broaden our definition of

<sup>5</sup> Polaris. (2021). *Labor Exploitation and Trafficking of Agricultural Workers During the Pandemic: A Snapshot: June 2021*. [https://polarisproject.org/wp-content/uploads/2021/06/Polaris\\_Labor\\_Exploitation\\_and\\_Trafficking\\_of\\_Agricultural\\_Workers\\_During\\_the\\_Pandemic.pdf](https://polarisproject.org/wp-content/uploads/2021/06/Polaris_Labor_Exploitation_and_Trafficking_of_Agricultural_Workers_During_the_Pandemic.pdf)

anti-trafficking programs to tackle the underlying vulnerabilities that enable it to flourish. We are just beginning to see a more holistic federal agency response that incorporates prevention domestically, predominantly through the Department of Health and Human Services and the Department of Housing and Urban Development, and reflected in Chair Bass and Ranking Member Smith's TVPA reauthorization. Congress should increase funding for these agencies to support robust prevention efforts.

As stated above, quality data is necessary to inform a prevention approach. For instance, data from the National Human Trafficking Hotline has consistently shown housing instability to be a key risk factor for trafficking. This is compounded for young people. Two studies that together interviewed 911 young people ages 17 to 25 experiencing homelessness showed that nearly one in five (19.4 percent) had been victims of sex and/or labor trafficking.<sup>6,7</sup> When people do not have a safe place to call home, traffickers step in to offer that safety and stability. Preventing evictions, especially at times of crisis, stabilizing the most economically vulnerable among us, and expanding support for runaway and homeless youth and youth aging out of foster care are all trafficking prevention priorities.

Migrant workers also experience specific vulnerabilities to forced labor and trafficking that can be prevented. Between January 1, 2015, to December 31, 2019, more than 3,600 victims of labor trafficking who held legal, temporary work visas were reported to the National Human Trafficking Hotline. Approximately 87 percent of these individuals held H-2A or H-2B visas.<sup>8</sup> Among the most common forms of force, fraud, and coercion were fraud in recruitment and threats to report to immigration enforcement agencies as a method to control workers.

Labor trafficking of migrant workers occurs in roughly two steps: recruitment and ongoing control during employment. Abuses against workers during the recruitment process typically include substantial illegal recruitment fees, failure to reimburse visa and travel expenses incurred by workers, false promises about employment conditions, and lack of employment contracts.<sup>9</sup> For migrant workers in the U.S., particularly those on H-2A and H-2B visas, current rules and fee requirements make it impossible for temporary workers to change employers, which emboldens abusive employers. H-2 visas only include authorization to work for a particular employer for the length of the visa. If the worker quits his or her job, the visa is null and void — and the worker becomes unauthorized.

The most effective way to address the vulnerabilities faced by migrant workers is to implement reforms that protect workers from exploitation before it happens. In the U.S. temporary visa system, this includes regulating foreign labor recruitment through elements like rigorous enforcement of the ban on recruitment fees and holding employers accountable for the recruiters and contracts they use. Bipartisan legislation

<sup>6</sup> Murphy, L. (2016). *Labor and Sex Trafficking Among Homeless Youth: A Ten-City Study*. Loyola University New Orleans Modern Slavery Research Project.

<sup>7</sup> <https://www.covenanthouse.org/sites/default/files/inline-files/Loyola%20Multi-City%20Executive%20Summary%20FINAL.pdf>  
<sup>7</sup> Wolfe, D.S., Greeson, J., Wasch, S., and Treglia, D. (2018). *Human Trafficking Prevalence and Child Welfare Risk Factors Among Homeless Youth: A Multi-City Study*. The Field Center for Children's Policy, Practice & Research, University of Pennsylvania.  
<https://www.covenanthouse.org/sites/default/files/inline-files/Field%20Center%20Full%20Report%20on%20Human%20Trafficking%20Prevalence.pdf>

<sup>8</sup> Polaris. (2019). *Human Trafficking on Temporary Work Visas: A Data Analysis 2015-2017*.

<https://polarisproject.org/wp-content/uploads/2019/01/Human-Trafficking-on-Temporary-Work-Visas.pdf>

<sup>9</sup> Centro De Los Derechos Del Migrante, Inc. (2018). *Recruitment revealed: Fundamental flaws in the H-2 temporary worker program and recommendations for change*. [https://edmigrante.org/wp-content/uploads/2018/02/Recruitment\\_Revealed.pdf](https://edmigrante.org/wp-content/uploads/2018/02/Recruitment_Revealed.pdf).



has passed both the House and Senate during different sessions in past years to regulate foreign labor recruitment, and we urge Congress to pass similar legislation immediately. Eradicating recruitment fees paid by migrant workers is widely recognized by the global business and human rights community as an essential element of ending forced labor globally.<sup>10</sup>

To effectively protect workers in their places of employment, Congress should ensure sufficient resources for the Department of Labor to enforce Wage and Hour and OSHA violations, making it clear to employers that trafficking and exploitation are priority areas for enforcement.

Finally, we ask Congress to explore options to allow migrant workers to leave abusive employers without fear of deportation or retaliation; meaningful visa portability must give workers the ability and information to control their own movement. Together, these reforms will prevent labor trafficking from happening in the U.S. temporary visa system and help protect workers and their families in their countries of origin.

### **3. Equip the global financial sector and prioritize financial inclusion for survivors**

Human trafficking is a diverse crime, often perpetrated through complex psychological manipulations, the exploitation of economic desperation, or taking advantage of emotional need. But behind all the complexity, human trafficking is, inherently, a commercial enterprise. For this reason, the global financial sector is uniquely positioned to play a role. Financial services companies can help identify trafficking operations through their financial footprints and support criminal cases that mitigate the burden placed on victims to participate. These businesses can facilitate the financial restitution process to support survivors and bolster financial resiliency of vulnerable populations through financial inclusion initiatives. As such, financial system intervention in human trafficking has the potential to increase the risk for traffickers, reduce the profitability of trafficking, and reduce vulnerability to trafficking.

Polaris partners with the financial services industry to implement a comprehensive and industry-wide strategy to intervene in the crime of human trafficking. Built in partnership with PayPal, Polaris's Financial Intelligence Unit serves as an innovation engine, generating new insights through a combination of in-house research and collaborative efforts with the financial services industry, survivors, law enforcement, and others in the anti-trafficking field. Polaris also helped to establish the Survivor Inclusion Initiative,<sup>11</sup> a project of Finance Against Slavery and Trafficking (FAST), designed to help survivors of human trafficking access safe financial services and products — such as checking and savings accounts — a key first step in building a solid financial future. Through this work, we have seen significant progress made to utilize financial systems to address human trafficking and can point to three key areas where further action is needed.

First, through the use of targeted human rights economic sanctions and asset forfeiture processes, the U.S. government can utilize the global financial system to disrupt trafficking operations and bring accountability to bad actors operating from jurisdictions without strong rule of law. The Global Magnitsky

<sup>10</sup> Responsible Business Alliance. (2021.) Code of Conduct Version 7.0. [http://www.responsiblebusiness.org/media/docs/RBACodeofConduct7.0\\_English.pdf](http://www.responsiblebusiness.org/media/docs/RBACodeofConduct7.0_English.pdf)

<sup>11</sup> For more information on the Survivor Inclusion Initiative, see: <https://www.fastinitiative.org/implementation/survivor-inclusion/>

Sanctions program (“GloMag”) is one such tool. GloMag allows the U.S. government to impose financial sanctions and visa restrictions on persons determined to have engaged in serious human rights abuses and/or corrupt acts.<sup>12</sup> Explicitly naming individuals convicted of a severe form of human trafficking in the criteria for GloMag sanctions, as proposed in Chair Bass and Ranking Member Smith’s TVPA reauthorization, is one step toward expanding the financial tools available to combat trafficking.

Second, while the U.S. anti-money laundering (AML) framework is, on the whole, strong, there are opportunities to make this system more effective. As part of the fiscal year 2021 National Defense Authorization Act, Congress passed important reforms to the AML system, including the requirement for the U.S. Department of the Treasury Financial Crimes Enforcement Network (FinCEN) to develop and administer a national beneficial ownership database. Traffickers use shell companies to avoid detection, making it hard for law enforcement to trace trafficking networks and target the people actually benefiting. This new law is a crucial step but came without additional funding for FinCEN to actually implement it. We support the Treasury Department’s request to increase FinCEN’s budget by 50 percent to \$190.5 million in fiscal year 2022.

Finally, a growing body of evidence suggests that lack of access to safe and legitimate financial services increases vulnerability to human trafficking.<sup>13,14,15,16</sup> According to FAST, “This lack of access reduces resilience to financial shocks and prevents capital accumulation, both of which push people and households into risky borrowing, labor and migration practices and increasing their vulnerability to modern slavery and human trafficking.”<sup>17</sup>

Just as being denied access to legitimate financial services may stymie a business, lack of access to financial institutions negatively impacts individuals and can push them into participating in illegal or unregulated parts of the economy where opportunities for exploitation are particularly high risk. There are a range of opportunities to improve the financial security of trafficking survivors and other vulnerable populations through financial inclusion, financial literacy, and social financing initiatives. Survivors of trafficking are among those who are unbanked and underbanked, which can create significant obstacles and make them vulnerable to re-exploitation.

Within the existing regulatory landscape both in the U.S. and globally, financial institutions have the opportunity to enable broader financial inclusion, and some have taken the lead to do so. The Survivor Inclusion Initiative is demonstrative of this potential. The initiative was launched in the U.S., United Kingdom, and Canada, with plans to expand to additional jurisdictions. The U.S. government should

<sup>12</sup> U.S. Department of the Treasury. (2017). FAQ: Global Magnitsky Sanctions. [https://home.treasury.gov/system/files/126/12212017\\_glomag\\_faqs.pdf](https://home.treasury.gov/system/files/126/12212017_glomag_faqs.pdf)

<sup>13</sup> Larsen and Diego-Rossel. (2018). *Modelling the Risk of Modern Slavery* (Delta 8.7, Symposium: Modelling the Risk of Modern Slavery, December 2018). <https://delta87.org/2018/12/symposium-modelling-modern-slavery-risk/>

<sup>14</sup> Guarcello, L., Mealli, F., and Rosati, F.C. (2010). Household vulnerability and child labor: the effect of shocks, credit rationing, and insurance. *Journal of Population Economics* 23, 169–198. pp. 169–198.

<sup>15</sup> Duryea, S., Lam, D., and Levison, D. (2007). Effects of Economic Shocks on Children’s Employment and Schooling in Brazil. *Journal of Development Economics* 84(1), pp. 188–214.

<sup>16</sup> Blanco, F. and Valdivia, C.A. (2006). *Child Labour in Venezuela: children’s vulnerability to macroeconomic shocks*. Understanding Children’s Work (UCW Project).

<https://documents1.worldbank.org/curated/en/523151468339119267/pdf/440050WP0Box321R0VENEZUELA01PUBLI01.pdf>

<sup>17</sup> FAST Initiative. (2019). *A Blueprint for Mobilizing Finance Against Slavery and Trafficking*. <https://www.fastinitiative.org/wp-content/uploads/3blueprint-DIGITAL-3.pdf>

similarly engage with financial institutions, advocates, and survivors to increase financial inclusion and stability. Domestically, that includes passing legislation like the Debt Bondage Repair Act (H.R.2332/S.2040), which aims to help survivors of human trafficking repair their credit scores, and supporting dedicated efforts within the Department of the Treasury to support survivors in resolving tax, credit, and financial issues. The U.S. government could also share lessons learned, support coordination efforts in partner countries, and provide resources to initiatives that work to increase access to safe and legitimate financial services globally.

#### **4. Commit to survivor leadership**

Survivors of human trafficking drive innovation and true progress in our field. Over the last six years, Polaris has directly connected more than 17,800 victims and survivors to the help they need through the National Human Trafficking Hotline. Two decades ago, we may not have known where to find trafficking survivors. Now there are tens of thousands of courageous survivors in the United States who can and should be driving the anti-trafficking field forward.

If the movement is to meaningfully evolve and build on the work of the past 20 years, the vision, tenacity, and expertise of survivors are critical. That means supporting and proactively transforming the anti-trafficking field so that survivors lead and drive the agenda and the organizations leading this movement.

We must invest now to ensure that survivors are supported throughout their recovery, are fairly compensated for their expertise, and are essential voices at the table. Whether in the U.S. or around the world, sustained and increased investments in holistic services are necessary to help survivors rebuild their lives and avoid revictimization. This includes legal services, housing, health care and mental health services, child care, financial literacy training, and employment training and support. We urge Congress to increase investments in these areas through domestic programs run by the Departments of Health and Human Services, Justice, Housing and Urban Development, and Education, and globally through the Department of State, USAID, and the Department of Labor.

Last year, Congress passed a provision as part of the National Defense Authorization Act that allowed the Department of State to compensate members of the U.S. Advisory Council on Human Trafficking. The Advisory Council is a formal platform for trafficking survivors to advise and make recommendations on anti-trafficking policies to federal government agencies. The passage of this provision was an important step forward, and Congress should work to ensure it is implemented and that members are fairly compensated for their time and expertise.

These types of ongoing financial and other supports for survivors of trafficking are critical to build the community of survivor leaders to drive the anti-trafficking agenda. It is up to those of us already in leadership roles to insist on survivor representation, compensation, and agenda-setting to meaningfully change the leadership of this movement.

#### **5. Continue U.S. leadership through appointment of an Ambassador-At-Large**

For more than 20 years, efforts to combat human trafficking have been bipartisan, supported by both sides of the aisle and championed by both Democratic and Republican presidents. Chair Bass and Ranking

Member Smith exemplify this bipartisanship through your continued partnership to ensure the reauthorization of the TVPA. Perhaps especially today, this makes human trafficking a fairly unique issue here in Washington, and Polaris and many of our partners are committed to ensuring that it remains so.

One facet that is key to preserving this bipartisanship is leadership within the executive branch so human trafficking is prioritized and strategies are coordinated within the many federal agencies that contribute to this work. This leadership is also critical to ensuring accountability and answering to Congress. The Ambassador-at-Large to Monitor and Combat Trafficking in Persons leads the Department of State's Office to Monitor and Combat Trafficking in Persons. In that role, the ambassador helps drive this leadership and coordination in addition to ensuring the U.S. continues to play a leading role globally.

A strong Ambassador-at-Large has the opportunity to drive a consistent agenda across the U.S. government that increases the collection and application of quality data, prioritizes prevention, and commits to survivor-led strategies, particularly through the U.S. Advisory Council for Human Trafficking. In addition, the ambassador plays an important role overseeing the integrity of the annual Trafficking in Persons Report and ensuring it remains a credible tool for combating trafficking around the world.

This position has been vacant since January, and a nominee has not yet been announced. We urge Congress to work with the Administration to ensure a strong, experienced nominee is appointed as Ambassador-at-Large as soon as possible.

**Conclusion**

Thank you again for the opportunity to testify and for the Subcommittee's continued leadership to prevent and combat human trafficking. I am happy to answer any questions you may have.

Ms. OMAR. Thank you. You all can submit your—

Ms. CHEN. Thank you.

Ms. OMAR [continuing]. Comments for the record as well. Now, we will hear from Ms. Chumbow.

**STATEMENT OF EVELYN CHUMBOW, BOARD MEMBER/  
SURVIVOR, FREE THE SLAVES**

Ms. CHUMBOW. OK. Thank you and good morning, Chairman Bass, Vice Member Omar, Ranking Member Smith, and members of the subcommittee. I am honored to be here to testify about human trafficking. I am grateful for the invitation to speak about measures to combat human trafficking. You have probably heard that human trafficking can happen to anyone. That is true. But that is not the whole story.

Trafficking happen when someone is vulnerable socially, economically, and racially. Human trafficking happens too often to immigrants and people of color. Africans are still being sold into modern day slavery. For example, like places like Libya, not long ago there were Africans that were being auctioned off. Traffickers use force for deception, coercion to prey upon the most vulnerable. That was true 400 years ago. It remains true today.

We face a modern form of slavery. The fundamental difference between the illegal slave trade that operates today and the legal slave trade more than a century ago is the context. The State enforced chattel slavery before the Civil rights. Today, is it a crime.

Today, trickery is the trafficking tool. Deception is used to get people to travel voluntarily to America. They arrive with the hope and dream that they will be able to create a better life for themselves and their family members. But once a person is away from their family and their culture, their support system, that they discover they have been lied to. It happens every day.

It happens every day at the airports all around the country. People come to this country with legal visa but find out that they are not going to live the American Dream. Instead, they are threatened violence and the abuse. And that is why I am here today because trafficking happened to me.

Again, for me, it was a dream. I wanted to come to America. I wanted to marry Will Smith because in Cameroon, I was fascinated by so many different television shows like the Fresh Prince of Belair, 90210, Cosby Show. So, I thought America was just like those, you know, TV shows that I saw. So, when I was told that I was coming to America, I got excited. No kidding. I definitely wanted to marry Will Smith. That was my reason for coming to America. Never once did I think that I will come to America and become a victim of modern-day slavery. Something that was abolished, you know, in 1865.

And it was sad. And my trafficker was a woman. I was trafficked from age 10 until 17. No school from age 10 until 17. I did not get to see my family members until age 27, which I reunited with them. And it happens to so many. And, again, just like we Stated, you know, immigrants. I was an immigrant and I did come here illegally. But, you know, regardless of all of that, I did manage to obtain my GED, got my bachelor's degree, and I am an employee

at one of the firm, Baker McKenzie law firm as a project assistant, and also an advocate.

So, just like my colleagues have mentioned, I have six recommendations. And the No. 1 recommendation is prevention. Prevention is very important. We still have to fight to talk about prevention because trafficking goes mostly on time unnoticed. You know, it happens next door. And trafficking is not only sex trafficking. It is labor and sex. And I am a survivor of domestic servitude right here in Silver Spring, Maryland.

And the No. 2 is to invest in survivor trafficking. You know, we need to invest more on survivors. By doing so, when I mean invest, helping them get jobs. You know, try your best not to revictimize them. You know, helping them to get a good education. I got an education. But if we could use some of that Freddy Douglass scholarship, Representative Smith, you know, I will begin my masters right now, you know. So, you know, so, we need that.

And it is a struggle for survivors and I know that I am about to run out of time. I have six, but you have it in my testimony. It is there in details. And I am running out of time. So, I won't talk much.

[The information referred to follows:]

**Evelyn Chumbow**  
**Survivor Activist**

Board Member, The Human Trafficking Legal Center  
Board Member, Free the Slaves  
Former Member, U.S. Advisory Council on Human Trafficking  
Testimony Before the Subcommittee on Africa, Global Health, and  
Global Human Rights  
“Human Trafficking and the Impact of COVID-19”  
October 27, 2021

Chairwoman Bass, Ranking Member Smith, and Members of the Subcommittee,

I am honored to be here today to testify about human trafficking. I am grateful for this invitation to speak about measures to combat human trafficking.

You have probably heard that human trafficking can happen to anyone. That is true. But that is not the whole story. Trafficking happens when someone is vulnerable – socially, economically, or racially.

Human trafficking happens too often to immigrants and people of color. Africans are still being sold into modern day slavery. Traffickers use force, fraud, deception, and coercion to prey upon the most vulnerable. That was true 400 years ago. It remains true today. We face a modern form of slavery. The fundamental difference between the illegal slave trade that operates today and the legal slave trade more than a century ago is the context. The state enforced chattel slavery before the Civil War. Today, it is a crime.

Today, trickery is the trafficker’s tool. Deception is used to get people to travel voluntarily to America. They arrive with hope and a dream that they will be able to create a better life for themselves and their families. But once a person is away from their family, their culture, their support systems, they discover that they have been lied to. It happens, every day, at airports all around the country. People come to this country with a legal visa, but find out they are not going to live the American dream. Instead, they face threats, violence, and abuse.

And that is why I am here today, because trafficking happened to me.

It started with a dream about coming to America. I was 9. The image I had of the U.S. was based completely what I saw on television — you know, “Cosby

Show” and “Fresh Prince of Belair” and “90210.” When I was told that I was going to come to the U.S. to be adopted and get a better education, I was excited. I thought I could marry Will Smith. No kidding.

What I didn’t know was that my uncle in Cameroon had actually sold me to a woman in Maryland who had a home business. I became a modern-day slave just a few miles from the U.S. Capitol. I was cooking and cleaning and caring for my trafficker’s children around the clock.

Every time I asked to go to school, my trafficker said I couldn’t go because I was too stupid. I would go days at a time without eating. Sometimes I would have to stand throughout the whole night. My trafficker would beat me until she was too tired to continue. She whipped me, leaving scars on my back. She would call me “fat” and “ugly” and “dirty.” She said I was so dirty that I wasn’t allowed to sleep on a bed. I had to sleep on the floor. I was never paid.

I ran away when I was 17, and a priest helped me contact the police. They arrested my trafficker, and I was placed in foster care. I was able to earn a degree in Homeland Security from the University of Maryland University College and I now work at the law firm of Baker McKenzie here in Washington, D.C.

Unfortunately, my story is not unique. Millions of people around the world are tricked by traffickers who promise immigrants a good job, only to trap them in forced labor. We need to stop this. We need to eliminate the root causes that make people vulnerable to trafficking: lack of access to education, lack of housing, lack of a living wage, lack of access to healthcare.

#### Tackling the Root Causes of Trafficking: A Focus on Prevention

Trafficking begins with vulnerability. For twenty years, we have poured money into law enforcement and a criminal justice approach. But what if we allotted more funding to oversight by the Department of Labor to enforce labor standards? What if we supported children in foster care? What if we made sure that vulnerable people had access to health care, to education, and to the basic necessities of life? What if we took workers’ rights seriously? All of those investments would prevent trafficking.

If twenty years of enforcement of the Trafficking Victims Protection Act teaches us anything, it is that we will not prosecute our way out of forced labor and



modern-day slavery. While we should not abandon prosecution, we need to rethink this paradigm. We need to listen to survivors. And we need to focus on prevention and eradicate the root causes of human trafficking.

#### Impunity for Forced Labor

During my seven years in slavery, many people could see that I was trapped. Neighbors saw that I never went to school, even though I took my trafficker's children to the bus stop every day. No one said a word. They did nothing.

I mentioned earlier that my story is not unique. But it is unique in one way: my trafficker was prosecuted. That is rare. Impunity is the norm in forced labor cases. According to the 2021 Department of State Trafficking in Persons Report U.S. Chapter, the Department of Justice – that is all federal prosecutors – brought just 15 forced labor cases in all of 2020. In 2019, federal authorities prosecuted just 12 forced labor cases nationwide. The lack of prosecutions in the United States reflects a similar pattern across the globe. In 2020, there were just 1,115 prosecutions for forced labor in the entire world, according to the State Department.

My trafficker went to prison. She was ordered to pay criminal restitution. She has now been released from prison. But she has not paid the restitution. Traffickers steal so much more than money from us. But they do steal money. I am owed seven years of back wages. And federal authorities have made no effort to collect these funds. Mandatory restitution for trafficking victims is so important. But it is only meaningful if it is collected. Federal authorities should place much more emphasis on collecting restitution for survivors. An order alone is not enough.

For those law enforcement personnel who investigate human trafficking, we need training. Officers, deputies, federal agents and direct service responders need tools to provide trauma-informed support when responding to human trafficking. They need to be aware of cultural differences and language barriers. They must use an interpreter when it's needed. These institutions must prioritize to do no further harm to those who have escaped the most horrible experiences of their lives.

#### Investing in Survivors after Trafficking

We need to invest in survivors so that they can rebuild their lives. What happens to someone after they escape human trafficking is just as important as

helping them escape in the first place. We must provide opportunities so they can gain sustainable independence and freedom through education and employment.

Sadly, many trafficking survivors don't have the opportunity to continue their education after they escape, like I did. This needs to change, too. We need to invest in scholarships and educational programs for survivors. Education provides access to employment. And employment provides survivors with stability, access to healthcare, the ability to support themselves and loved ones. Employment allows them to take back control of their lives.

Survivors need jobs. But hiring survivors is not an act of charity. Survivors bring unique strengths to the workplace. Not only can they contribute as professionals and colleagues, they can also use their lived experience to strengthen the workplace. At Baker McKenzie, I use my lived experience to support my colleagues taking on pro bono cases every day. I provide guidance so that their pro bono work is trauma-informed and victim-centered. I even consult with my colleagues on trafficking issues to assist their work on supply chains for clients. I am thrilled to see the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2021 includes resources for survivor employment and education. My fight to have survivors in the workforce is never-ending. But this support will be critical to close the gaps.

#### Trafficking of Domestic Workers by Diplomats

The *Washington Post* Magazine recently published an article by Noy Thupkraew, titled "Sri Yatun's Escape." (<https://www.washingtonpost.com/magazine/2021/10/06/domestic-workers-diplomats/>). I request that this article, along with my testimony today, be placed in the record. The article traces the trafficking, forced labor, and escape of an Indonesian domestic worker after she was trafficked to the United States by an Indonesian diplomat.

The article also references a trafficking case involving a diplomat from Malawi. That diplomat trafficked a domestic worker, also from Malawi, into forced labor for three years. After the allegations of forced labor became public, the diplomat left the United States. Rather than punishing the diplomat for this violation of U.S. law, her government promoted her to serve as Malawi's High Commissioner to Zimbabwe and Botswana. In 2016, a federal court in Maryland issued a civil judgment against the diplomat, Jane Kambalame, for \$1.1 million. That judgment remains unpaid. In 2019, acting on a Congressional mandate, the

State Department suspended Malawi from the visa program that allows diplomats to bring domestic workers into the United States.

But, inexplicably, the State Department has allowed that suspension to lapse. At the moment, the only country that is suspended from the visa program due to allegations of trafficking and forced labor is Cameroon. This is inexcusable. Until the judgment in the civil case, Lipenga v. Kambalame, is satisfied, Malawi should remain on the visa suspension list. Malawi should also be downgraded in the Trafficking in Persons tier rankings. Diplomats posted to the United States who engage in trafficking should not enjoy impunity.

The State Department deserves credit for its efforts to prevent and curb abuse of domestic workers. The Department launched an in-person check-in program to monitor the well-being of domestic workers serving in diplomatic homes. This program put diplomats on notice that the U.S. government is paying attention to the treatment of domestic staff. Reflecting the success of these prevention efforts, reports of human trafficking diplomatic cases have declined. But this program must become a national check-in program; a focus on Washington, D.C. and New York is not enough. And this prevention must be paired with significant efforts to enforce judgments against diplomats such as Jane Kambalame.

#### COVID-19 and Human Trafficking

The COVID-19 pandemic created new stresses on programs that fight human trafficking and address its root causes. The global pandemic has affected so many people in the world, but the people that have been most impacted are survivors and victims of human trafficking. The world should not overlook the real and concrete risks that this unprecedented situation presents for vulnerable individuals and groups, who are not always very visible in our societies. A much-needed focus on alleviating the economic impact of the COVID-19 pandemic should not and must not exclude the disadvantaged and underprivileged. Recovering from the pandemic offers a unique opportunity to look at deeply entrenched inequalities in our economic development model that feed marginalization, gender-based violence, exploitation and trafficking in persons.

COVID-19 revealed and exacerbated the underlying corruption in our global systems: widespread wage theft, systemic racism, rampant discrimination, vast inequality. If anything, COVID-19 created the groundwork for more forced labor,

more human trafficking. Desperate families around the world took out loans to survive during the pandemic. Repayment is coming due. Those debts, I fear, will be repaid with human bondage.

#### The Trafficking Victims Protection Act (TVPA) Reauthorization

I would like to thank you, Chairwoman Bass and Ranking Member Smith, for your leadership on the Trafficking Victims Protection Act (TVPA) and its many reauthorizations. Congressman Smith, you have been a leader on the TVPA for more than two decades. Since the law's passage in 2000, the United States has taken significant steps to support survivors and deter traffickers. But there is more to be done. I make the following recommendations:

- The current TVPA reauthorization contains a provision to increase support for the survivor-led U.S. Advisory Council on Human Trafficking. This is so important. Survivor voices should be at the center of any anti-trafficking work. Survivors' lived experiences must inform the solutions we implement. Survivors are essential if we are to achieve our goal of ending human trafficking. Survivors must be compensated for their time. We must continue to provide leadership positions and space for survivor leaders to be included, meaningfully, in this work.
- The 2003 reauthorization created a private right of action, allowing trafficking survivors to sue their traffickers in U.S. federal courts. For some trafficking survivors, particularly those who suffered forced labor, this is their only chance to have a day in court. Since 2003, trafficking survivors have brought more than 470 cases against their traffickers and those who financially benefit from their exploitation. The proposed Fredrick Douglass TVPRA would make civil awards and criminal restitution tax free. This is an important step to allow trafficking survivors to recover the wages stolen from them. It is also important to make these civil judgments non-dischargeable in bankruptcy.
- Mandatory restitution is essential to trafficking survivors. According to a report by the Human Trafficking Legal Center, an organization on whose Board I serve, only 27% of criminal cases that end in conviction or a plea agreement include restitution orders. But worse than the failure to obtain orders, is the failure to collect funds that are

ordered. The Department of Justice must make significant efforts to recover restitution that has been ordered. And in cases where the U.S. government has forfeited the defendants' assets, the forfeited funds must be used immediately to pay the restitution order.

- Law enforcement officers should not be permitted, under any circumstances, to engage in sexual activity with individuals whom they are investigating or who might be witnesses in a criminal case. Sexual misconduct with trafficking victims by federal officers has derailed prosecutions and harmed victims. This must stop.
- Finally, the Department of State should implement the in-person domestic worker check-in program for workers with A-3/G-5 visas across the entire United States.

Thank you for this opportunity to address the Subcommittee. It is an honor. To everyone here today who works on ending human trafficking and reauthorizing the Trafficking Victims Protection Act, I hope you will keep these recommendations in mind. Prevention and protection are just as important as prosecution. Forced labor must be on the agenda, alongside sex trafficking. And survivors' voices are essential in these policy discussions. As my colleague, survivor-leader Fainness Lipenga, has said, "Nothing about us, without us."

I look forward to your questions.

Ms. OMAR. Thank you. And now, we will hear from Mr. Williams.

**STATEMENT OF PETER WILLIAMS, PRINCIPAL ADVISOR,  
MODERN SLAVERY, INTERNATIONAL JUSTICE MISSION**

Mr. WILLIAMS. Thank you, Vice Chair Omar. Thank you Chairwoman Bass, and Congressman Smith for your leadership on this issue. I particularly want to thank you for your work on the reauthorization of the Trafficking Victims Protection Act this year. International Justice Mission looks forward to working with you on the bill's passage.

IJM has countertrafficking programs in Latin America, Africa, Europe, South Asia, and Southeast Asia. Having led IJM programs in South Asia and Southeast Asia for 10 years, I have overseen more than 100 trafficking cases. I have repeatedly been witness to the power of the U.S. leadership on this issue primarily through the TIP Reports and well-directed grants. And I extend my thanks to the Government of the United States for its continued leadership in combating trafficking in persons.

Let me set before you a vision of what is possible. In a case my team and I worked on in Cambodia a few years ago, four Cambodian farmers had been trafficked onto Thai fishing vessels and exploited in brutal conditions for many years. They'd then been detained in Indonesia as criminals and deported back to Cambodia. But when the men arrived home in Cambodia, things began to change. They were formally identified as victims of trafficking triggering a raft of protective aftercare services, which empowered the men to recover from their trauma and reintegrate into their communities.

These protective services wrapped around the prosecution process. The men were supported to testify against their trafficker at trial in a northern Cambodian court. The judge believed their testimonies and convicted their trafficker. It was one of the first convictions in the region of a source-side trafficking recruiter. His conviction led to a run of subsequent cases that dismantled a trafficking ring that had been exploiting Cambodians for nearly a decade, thus preventing many future crimes from ever happening. Powerfully, the men told me after they had testified, that this was the first time in their lives that someone in authority had believed them.

When government systems respond as they should, word gets out. People begin to trust and use the system more. A virtuous cycle begins, a flywheel of survivor-centered protection, perpetrator accountability, and the prevention of future crimes. You see, the State Department's famous three Ps, protection, prosecution, and prevention, remain as vital today as they were when they were first devised.

This story bears repeating. The world needs to see cases like this repeated time and time again, the three Ps in action, instead of these cases being the exception to the norm. As governments seek to build back stronger from COVID-19, there are three things the U.S. Government can lead on to help scale the most effective interventions in trafficking.

First, encourage better data. It is unlikely these cases from Cambodia were reliably recorded or accounted for by the Cambodian

government. Governments will never know how effective their responses are if they do not commit resources to accurate and transparent data capture. We would like to see this emphasized in future TIP Reports. An assessment of each government's data will encourage a stronger report and more importantly, a more informed government response.

Second, continue to encourage this kind of public justice ownership that we saw in this case. Government to government partnerships like the Child Protection Compacts are excellent models that enable three-way collaboration that includes real ownership from host public justice systems, partnership with civil society, and the sustainable scaleup of effective interventions.

Third, take this opportunity to lead in technological solutions to trafficking. The simple power of video conferencing, now ubiquitous in our work lives, allows survivors to give evidence from the safety of their home countries. We have seen this used in Southeast Asia and recently in Romania, increasingly during the pandemic, but it is not done nearly enough. Greater investment in this simple measure would increase effective survivor friendly prosecutions globally.

Traffickers are using online platforms to sexually exploit young children often for profit. And this form of trafficking has increased during COVID-19 as has already been shared. We must look to technology to prevent the sharing of child sexual abuse material online and to discourage this shocking form of abuse.

As I close, my colleagues and I at IJM believe that those affected by trafficking deserve the best of what the world can offer. They deserve solutions that are proven to bring change and hope. But we do not need to speak for these survivors. They are speaking for themselves and I acknowledge the statement of Ms. Chumbow this morning. And in closing, I commend to you the statement that we have submitted to this committee from the Global Survivor Network, which says, and I quote, "A system that will protect survivors is one that will benefit everyone in the community." Our goal should be to create a system where survivors have the ability to secure justice and protect themselves and their families from past, current, and future exploitation. Thank you.

[The information referred to follows:]



Combating Global Human Trafficking  
 Testimony of Peter Williams, International Justice Mission  
 Before the  
 House Foreign Affairs Committee  
 Subcommittee on Africa, Global Health, and Global Human Rights  
 Wednesday, October 27, 2021

Thank you, Chairwoman Bass and Congressman Smith for inviting me to testify at this important hearing on the state of the global fight against human trafficking. My name is Peter Williams and I serve as Principal Advisor on Modern Slavery for International Justice Mission (IJM). International Justice Mission is a global non-governmental organization (NGO) that protects people in poverty from violence. IJM partners with local authorities in 24 program offices in 14 countries to combat slavery, violence against women and children, and other forms of abuse against people living in poverty. IJM works to rescue and restore victims, hold perpetrators accountable, and help strengthen public justice systems. IJM's over two decades of on-the-ground experience working alongside public justice system actors and in partnership with governments will inform my remarks today.

I appreciate the opportunity to discuss the 2021 Trafficking in Persons (TIP) Report and the impact of the COVID-19 pandemic on trafficking, including the rise in the online sexual exploitation of children (OSEC). The TIP Report continues to be an inestimably important resource in the global fight to end trafficking and slavery. The U.S. Congress's keen interest in the issue, and its bipartisan collaboration to resource the State Department Office to Monitor and Combat Trafficking in Persons (TIP Office) and protect the integrity of the TIP Report have assured its continued relevance, over 20 years since its inception.

The TIP Office has been superbly led during previous administrations – both Republican and Democrat. It is regrettable that the current Administration has not yet nominated someone to lead the office, particularly as a new cycle of research and diplomacy on the 2022 report will begin in just a few months. IJM respectfully calls upon President Biden to announce a nominee to lead the TIP Office, and for the Senate to take up the nomination forthwith.

The TIP Report's usefulness as a tool to combat the crime of trafficking goes beyond the pages of the document itself. The process of U.S. experts developing the narrative, gathering the data, and discussing the findings and tier rankings with officials in 188 countries contributes to improvements; it stimulates authorities to recognize victims and prosecute perpetrators, and it bolsters the efforts of reformers and anti-slavery activists – including the essential work of survivor leaders.

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As a part of my testimony, I request that a statement from the Global Survivor Network (GSN) be accepted into the record. The GSN is an international group of survivor leaders who desire and pursue safe communities through justice systems that protect the most vulnerable. This includes survivors of different forms of violence like modern-day slavery, sex trafficking and bonded labor. The GSN has chapters in nine countries, where many of the local survivor groups in the network have been operating and advocating powerfully for many years in their communities. We strongly believe that survivors are experts on the issues of violence and exploitation that they have suffered and that their collective voices will inspire change. Annex I of this testimony includes the full statement from the GSN.

**TIP Report:** IJM has found that the TIP Report's narratives and tier rankings are closely observed in the countries where we work and influential with government officials. For example, after the TIP Report was released this year, the Interagency Council Against Trafficking (ICAT), the Philippines' central coordinating body that monitors and oversees the implementation of the country's Anti-Human Trafficking Act, convened a special meeting with stakeholders to discuss the TIP Report's recommendations and come up with an action plan.

**Philippines:** This year's TIP Report rightly observes the Philippine Government's continued progress in addressing trafficking. IJM collaborates with the authorities to combat the trafficking of children to produce new child sexual exploitation material (CSEM), including via livestreaming video.

The TIP Report rightly considers the creation of CSEM, including via livestreaming, as a form of sex trafficking. That is consistent with the legal definition set out by the internationally recognized Palermo Protocol and legislation of many countries, including the Philippines. The 2021 TIP Report also helpfully addresses the for-profit production of CSEM, which harms increasingly younger victims, often below the age of 12. This can encourage countries to strengthen their systems and capacity to protect children from this form of sex trafficking. In fact, a recent expert roundtable co-hosted by IJM and the WeProtect Global Alliance observed that "human trafficking attracts more attention, political will and resources globally than online sexual exploitation" and "a political focus on trafficking has led to more police and prosecutorial capability and capacity" in some countries.

Assessing how governments are engaging the technology and financial sectors are not part of the report's prioritized recommendations, although effective legal frameworks are critical in the fight against sex trafficking facilitated online, and the Philippine Government has made efforts to engage them. (IJM recommendations on government engagement with the technology sector are included in Annex II.)

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The TIP Report rightly noted effective child protective solutions by the Philippine Government, such as plea bargains that shorten the legal process and recorded child victim interviews that reduced multiple interviews and re-traumatization of survivors. Reducing victim interviews through a victim-centered approach is something the TIP Report could increasingly address across country reports as a best practice.

**Dominican Republic:** IJM has seen political will and government investment in anti-trafficking increase in the Dominican Republic (DR) when it was downgraded to the Tier 2 Watch List in 2020.

IJM's team in the DR observed that the threat of a Tier 3 ranking and loss of U.S. foreign assistance caught the attention of government officials. In the DR, and many of the countries where IJM works, it can be difficult to make anti-trafficking efforts a priority among full government agendas. The threat of reduced assistance immediately changes the dynamic.

In 2021, the DR was upgraded to Tier 2, and the government's attention and anti-trafficking energy diminished from when Tier 3 was a real possibility. The majority of actions that allowed the Dominican Republic to rise to Tier 2 in 2021 were carried out by civil society. One particularly positive government action was initiating some investigations against public officials involved in crime. IJM encourages the TIP Office to continue pressing the DR authorities to improve and increase investigations into trafficking.

**Cambodia:** This year, as in years past, the TIP Report recommends investment in stronger data disaggregation and more robust reporting. IJM strongly endorses this as a key need in Cambodia. We are advocating similarly in-country and standing by to support the government's efforts in response.

For the sake of clarity, IJM also recommends that the 2022 TIP Report more directly address the need to differentiate between the Cambodian government's anti-trafficking efforts and its basic border security actions. There appears to be some conflation of the two responses in recent government reporting and public statements. Branding actions to stop irregular border crossing as anti-TIP will have the net effect of mischaracterizing many cases and over-stating the extent of the Cambodian government's direct response to counter TIP specific activity.

Additionally, IJM encourages the TIP Office to consider limiting the practice of adding extra 'exemption' years which keep countries on the Tier 2 Watch List beyond report norms (two years). The intention of giving governments more time to address weaknesses in anti-TIP policy and practice may unintentionally result in disengagement by the government and weakened diplomatic power of the report.

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**Ghana:** This year, as in years past, the TIP Report recommends that the legislature of Ghana amend its TIP offence provisions by removing the option of a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim. IJM is concerned about this recommendation, as are most practitioners and government agencies. In some cases, culpable parents of victims engage in the act of trafficking out of desperation and severe vulnerability. Judicial discretion should remain to impose fine-only sentences in this limited category of cases.

**Child Protection Compacts:** IJM would like to take this opportunity to comment on the TIP Office's Child Protection Compact (CPC) Partnerships. These government-to-government agreements ("Child Protection Compacts, CPCs") to address sex and labor trafficking of children have proved to be an effective tool for increasing political will in selected countries and informing strategic disbursement of U.S. foreign assistance to increase government capacity to investigate and prosecute perpetrators of trafficking and restore victims. The approach has been employed by the TIP Office, which has secured CPC agreements in five countries, beginning with Ghana in 2015.

International Justice Mission partners with government officials in two CPC countries: Ghana and the Philippines. (IJM was the designated NGO partner for the CPC in the Philippines. In Ghana, IJM received a grant to implement a post-CPC program.) Based on our positive experience and that of our government partners, IJM recommends the approach for addressing other human rights issues, especially violence against women and children (VAWC).

**Supply chain scrutiny:** The issuance of Withhold Release Orders (WROs) from U.S. Customs and Border Protection has added a powerful new tool to US anti-trafficking policy. IJM encourages U.S. trade negotiators to include the issue of perpetrator accountability in dialogue with local authorities about forced labor in exports. Pervasive forced labor found in agriculture and manufacturing sectors require robust enforcement of anti-trafficking laws, and investigation, arrest, and prosecution of all those who engage in or profit from forced labor. Unless and until criminal deterrence is established, unscrupulous recruiters, managers, owners, and even government officials will exploit those most vulnerable in the workforce: refugees, migrant workers, women, children, and minorities.

**COVID-19 impact on trafficking:** The COVID-19 pandemic created a perfect storm for increases in human trafficking and violence against vulnerable populations. As it relates to online sexual exploitation, experts across multiple domains (including the financial sector, law enforcement, and NGOs such as IJM) documented increases in harm and risk. For instance, Europol reported that live distance child abuse "intensified," while the U.S. Financial Crimes Enforcement Network (FinCEN) issued a [Notice](#) to members due to a 17% increase in suspicious activity reports (SARs) for online sexual exploitation of children, including the production of

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child sexual abuse materials (CSAM).<sup>1</sup> The pandemic has dramatically increased vulnerability to TIP for irregular migrants, children, women in domestic service, and other previously vulnerable groups.

The Philippines Government adjusted to the reality of pandemic lockdowns by conducting videoconferencing court hearings and placing survivors in temporary shelters pending results of COVID-testing. IJM has also supported video testimony in collaboration with the Romanian and UK governments in recent trafficking cases. Having seen this approach effectively applied in jurisdictions from Asia to Eastern Europe in recent months, IJM recommends allowing survivors of cross-border trafficking to provide evidence by video, obviating the need to stay in the country of exploitation, which in many cases can mean preventing months or even years of waiting to return home. Not surprisingly, survivors are reluctant to report crimes or access services if it means lengthy compulsory internment in shelter facilities.

**TVPPRA:** IJM commends the leadership of this Subcommittee, Chairwoman Bass and Congressman Smith, for the development and introduction of the Frederick Douglas Trafficking Victims Prevention and Protection Reauthorization Act, H.R. 5150.

IJM wishes to express IJM's particular appreciation for Section 111: "Preventing unfair sentencing of youthful offenders who have been trafficked, abused, and assaulted." We strongly support the principal of non-prosecution of individuals of any age for crimes committed in the context of their victimization.

IJM also welcomes Section 204, the reauthorization of the Program to End Modern Slavery, which funds innovative anti-trafficking programming with a focus around the reduction of prevalence of the crime.

**Conclusion:** One of the greatest contributions of the TIP Report is its inclusion of government data on victim identification and perpetrator prosecutions. There are some in the anti-trafficking community who feel that the TIP Office's famous "3P" paradigm – prevention, protection, and prosecution – have outlived their usefulness, and the emphasis on prosecution, in particular, is sometimes criticized. We at IJM strongly support the inclusion of justice statistics in the TIP Report and commend the diligence of the TIP Office in promoting accountability for trafficking perpetrators.

Research into criminal deterrence shows the just enforcement of just laws to be highly effective in reducing crime rates. This is especially well documented where a holistic, multi-disciplinary approach to law enforcement and survivor care is taken. Likewise, where victims are well

<sup>1</sup> See Europol's *Serious and Organized Crime Threat Assessment 2021*, p. 41; FinCEN Notice, FIN-2021-NTC3, at <https://www.fincen.gov/sites/default/files/shared/FinCEN%20OCSE%20Notice%20508C.pdf>

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accompanied through a trauma-informed criminal justice process, the legitimacy of local law enforcement grows. A virtuous cycle of victim trust and reliance on criminal justice officials leading to strong perpetrator accountability outcomes contributes to measurable impact on the decision-making of would-be traffickers. We have found this effect to be accelerated in communities where enforcement of anti-trafficking laws has been historically absent, because many traffickers choose to profit from the exploitation of others when the risk of detection and punishment is low. Conversely, they will desist from trafficking when that risk increases.

**Annex I: A Statement from the Global Survivor Network to the United States House Committee on Foreign Affairs Subcommittee on Africa, Global Health, and Global Human Rights**

**Introduction**

Chairwoman Bass and Congressman Smith, thank you for the opportunity to submit this testimony on behalf of the Global Survivor Network on the issue of Combatting Human Trafficking Globally.

The Global Survivor Network<sup>2</sup> is an international group of survivor leaders who desire and pursue safe communities through justice systems that protect the most vulnerable. This includes survivors of different forms of violence like modern-day slavery, sex trafficking and bonded labor. We have chapters in nine countries, where many of the local survivor groups in the network have been operating and advocating powerfully for many years in their communities. The GSN started in 2019 and draws from the learnings and experience of survivors globally. We strongly believe that survivors are experts on the issues of violence and discrimination that we have suffered and that our collective voices will inspire change.

**COVID-19 and Human Trafficking**

In a world without a pandemic, traffickers have often preyed upon the most vulnerable, and those on the margins of society. If you look at the demographics of survivors, we often are ones

<sup>2</sup> <https://globalsurvivornetwork.org/>

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without a proper safety net – whether that is income or protection. The pandemic has only exacerbated the violence experienced by vulnerable populations and has created exploitative opportunities for perpetrators. Due to COVID-19 lockdown measures, many people are at risk of falling victim to human trafficking because of unemployment, lack of stable income, poor access to healthcare, among other vulnerabilities. Traffickers have been quick to exploit both new victims as well as re-exploit others who lost their jobs and are looking for employment. In desperate times like these, it is survivor-led communities who have stepped up to protect and care for the vulnerable. For instance, a local survivor group, the Released Bonded Laborer Association (RBLA) in Chennai, India, distributed well over 3,000 relief kits, food supplies and COVID-19 kits to vulnerable families in the area. In addition, Tamil Nadu was hit by a cyclone in November 2020, and the RBLA stepped in to help restore damaged homes as well as provided them with resources needed for their livelihood.

As the world slowly recovers from the blow that COVID-19 dealt, we should prioritize the well-being of survivors as well as those at risk of exploitation. It requires exploring the issues unique to communities and groups prone to trafficking. Each of these groups might require responses that are unique to their region, but the overarching theme is the same. We need to create economic safety nets that provide stability through regular income and access to opportunities such as education, healthcare and justice. And most importantly, one way that we can end slavery is for traffickers to see that there is a consequence to their crimes. When justice is delivered through the courts, that will send a strong message to others. A system that will protect survivors is one that will benefit everyone in the community. Our goal should be to create a system where survivors have the ability to secure justice and protect themselves and their families from past, current and future exploitation.

#### **Survivor-Informed Interventions**

A way to create this change is by amplifying survivor voices and giving them a seat at the table. We need to shift the narrative and stop viewing survivors as helpless victims of horrific acts of violence committed against them. We need to empower survivors by seeing them as experts on these issues of violence and allowing for their experiences to influence policy. While each survivor has unique experiences and perspectives it is important to note that the theme of violence is common across different countries. It is time to listen to survivors as experts, to pay attention and invite our contributions in the design, methodologies, implementation and assessment of humanitarian programs.

When we do this, we see real change start to happen. For instance, Victoria Nyanjura, founding member of the GSN Leadership Council, was instrumental in coordinating the efforts of more than 500 war-affected women to provide input into the Ugandan government's post-conflict policy and program. Her work resulted in the Parliament of Uganda unanimously passing a

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resolution to address the plight of women survivors of northern Uganda's conflicts, and the adoption of a National Transitional Justice Policy that considers the unique, gendered, justice needs of war-affected women and their children born out of sexual violence.<sup>3</sup>

Another example from the GSN, is its local chapter in Guatemala, called My Story Matters (Mi Historia Importa) and their work with the Victim's Institute (Instituto para la Asistencia y Atención a la Víctima del Delito.) The Institute designed its survivor care model in collaboration with members of "My Story Matters", a movement of adult survivors of child sexual violence that has been advocating for access to justice since 2017. This Institute was established by an act of the Guatemalan Congress and has a legal mandate to represent and serve victims of crime, including homicide and sexual assault. The Institute is responsible for providing free legal assistance, emergency health care, counselling, and accompaniment of victims throughout the criminal justice process. It also serves a case management and case coordination function.

The GSN applauds the 2021 TIP Report which encourages incorporation of survivor voices into trauma-informed practices within organizations. It is crucial for organizations in this line of work to pursue survivor-informed approaches, incorporate survivor feedback and implement change. However, the GSN encourages that we go further and not limit survivors to simply influencing trauma-informed approaches within humanitarian organizations. It is time to view survivors as a collective group of champions in the movement against human trafficking globally.

### **Recommendations**

*Prioritize lived experiences of survivors:* Engage survivors and survivor-led organizations in policy formulation. Empower survivors to share their stories and highlight their lived experiences to influence decision making and policy recommendation.

*Survivor voices to influence policy:* Organizations should shift away from tokenization of survivor stories but give survivors a seat at the table. As donors, fund initiatives that work with survivors. As lawmakers, prioritize survivor informed policy. Survivor groups are struggling and working hard in their communities and you need to put them at the center. By centering survivor groups and initiatives, you are giving survivors a chance to be heard, to be viewed as experts and to contribute to making change.

*Ensure justice for survivors of violence:* Survivors of violence need justice—we want to see those who enslave and abuse people convicted of their crimes. Congress should work on strengthening

<sup>3</sup> <https://magazine.nd.edu/stories/eight-years-a-captive/>



policy that relates to the protection of victims and ensure that justice is swiftly delivered to them.

**Submitted by:** Founding Members of the Global Survivor Network (GSN) Leadership Council

Pachaiyammal Arul, *India*  
 Josephine Aparo, *Uganda*  
 Vanessa Bautista, *USA*  
 M. Raja Ebenezer, *India*  
 David Makara, *Kenya*  
 Jakelin Mayen, *Guatemala*  
 Victoria Nyanjura, *Uganda*  
 Lara (a pseudonym), *India*  
 Charito (a pseudonym), *Philippines*

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**Annex II:** *IJM's recommendations to governments regarding technology sector engagement*

Considering the overwhelming volume of suspected child exploitation reported to the U.S. National Center for Missing & Exploited Children's (NCMEC) CyberTipline by electronic service providers (ESPs) (21.7 million in 2020), and global law enforcement's limited capacity to effectively triage and respond to all of them, reducing demands on investigative resources is essential to efforts to counter these crimes against children. Indeed, harnessing technology to prevent harm before it happens supports local justice system efforts to protect children from ongoing violence and trafficking.

Tech companies' adoption of end-to-end encryption (E2EE) would certainly have the effect of dramatically reducing reports of suspected child exploitation, but that outcome would be achieved by turning a blind eye to such offenses within encrypted environments. A reduced workload resulting from E2EE-induced blindness is not a solution that protects children.

Instead, on-device or "client-side" implementation of technologies to detect and disrupt the creation and distribution of child sexual exploitation material (CSEM) could effectively *prevent* CSEM from being produced in the first place and from ever entering online platforms at all. Image classifying and/or matching technologies could detect suspected CSEM within a device's camera viewfinder or rendered for display on its screen, triggering disruptive and preventative actions such as disabling image capture or recording, obscuring explicit content, or preventing transmission or uploading of the file. If images are never allowed to enter ESPs' servers, they cannot be stored or shared through those platforms, and mandatory reporting obligations (such as under 18 U.S. Code § 2258A) would not be triggered. The use of these solutions to prevent

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certain offenses without triggering mandatory reporting obligations would also mitigate concerns about threats to user privacy, negative consequences of false positives and accuracy thresholds.

In addition to reducing reports and the corresponding demand on already strained investigative resources, solutions that prevent—rather than only detect—reportable offenses also serve a child protection function. Where the solutions are used to detect and block the distribution of known CSEM, survivors will be protected from the ongoing distribution of illegal images and videos depicting their sexual abuse and exploitation. Where image classifiers are used to detect new, first-generation CSEM, children will be protected as perpetrators' attempts to memorialize and even sell abusive acts will be disrupted and frustrated by devices incapable of recording or capturing an exploitative scene.

Companies including SafeToNet, DragonfAI, and Apple have each already developed client-side image detection technologies, although these tools have yet to be broadly deployed. These solutions could be deployed alongside E2EE, preventing CSEM from entering an encrypted environment where it could otherwise be distributed with impunity. That combination offers the privacy of encryption with the safety of CSEM detection and disruption at the device level. Such solutions would prevent sexual abuse and exploitation of children, including in trafficking contexts. Some offenders would be displaced, seeking out devices without the technology or online platforms that refuse to use such preventative measures. Common sense suggests that wide adoption—by device manufactures, operating system developers, and online platform operators—could still significantly reduce reporting by actually reducing CSEM production and distribution. This reduction in workload would free investigators to focus their limited resources on more sophisticated offenders, or—in the case of solutions relying solely on PhotoDNA or known hash value matching—on new CSEM production. And that would make a world of difference to children being sexually abused, exploited, and trafficked today.

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Ms. OMAR. Thank you all for your testimonies. I will now recognize myself for 5 minutes.

Mr. Williams, I do agree with you. We do have to listen to survivors. And it is really such an honor to hear from Ms. Chumbow. I wanted to give you some time to talk about an op-ed you cowrite in June that I found really interesting about racism and the anti-trafficking movement. And I am especially interested in the way those dynamics impact what we as policymakers hear about and work on. Could you tell us a little bit about your findings in that survey and the op-ed and what you think the implications are for policymakers here in the United States?

Ms. CHUMBOW. Thank you, Vice Omar. Yes, so, the survey that we did—so, I have been in this movement for a long time, you know, after I got out of my situation. And being in the movement, I realized that, you know, racism was such a big issue in the movement. And it is sometimes we go unnoticed. We do not talk about it, you know. And when people think of trafficking, most of the time they usually just think of sex trafficking. And if you look at images when you type human trafficking on Google, you mostly going to see young, you know, White women that are blonde, you know, in chains. And it does not portray that trafficking is a diverse issue and affects, you know, people of color a lot. You know, it is never talked about.

So, doing this survey was something that was so powerful. My colleagues and I from the Human Trafficking Legal Center, I did the survey. I reached out to all the survivors that are in the movement how they felt. And they did feel that there that, you know, racism is a big issue in the movement. It is never going unnoticed. You know, and during the former Administration, I just also noticed that when they were asked to talk about trafficking, they only brought up, you know, young White women, you know, that are blonde. And especially as African, it is for me I feel that it is very hard for the world to understand that Africans are still being, you know, sold into slavery. That this issue is affecting them a lot.

And I gave in my testimony I talked a little bit about how Africans were being auctioned in Libya and in the Middle East and the world kind of turned their back on it. The world just shut down. Was it because they were Africans? What was the reason, you know? And we also have to hold the African government accountable of taking responsibility for their citizens.

As an African woman, I was very disappointed that my situation happened and, you know, they did not really handle the situation that it was supposed to. I came to the country illegally. I did not know, again, like I mentioned, my goal was to marry Will Smith. You know, never once did I think that I would come to the U.S. and be a victim of modern-day slavery. And people of color are being affected every day and it is going unnoticed. And it is something that needs to be addressed. Thank you.

Ms. OMAR. I really appreciate that and I think it is important even, you know, the international cases that we do read about in Bahrain or the Emirates or Saudi Arabia. We might hear about the Filipinos or the Pakistanis but we do not hear about the Ethiopian, the Somalian, the Sub-Saharan Africans that are being enslaved in domestic destitute. And so, it is important that we really do under-

stand that there is an element of racism and an element of recognizing certain people for what is happening to them in that.

Mr. Thier, despite significant attention paid to transnational human trafficking, the U.N. Office on Drugs and Crimes Global Report on Trafficking Persons in 2020 found that globally, most detected victims are citizens of the countries they are detected. How if all should anti-trafficking approaches differ when addressing trafficking that is contained in one foreign country as opposed to when it is transnational form of trafficking?

Mr. THIER. Thank you so much, Representative Omar. And I—

Ms. OMAR. And if you could be brief, that would be good.

Mr. THIER. Yes, absolutely. You know, I think that the point that you are making is fundamentally important as several of the stories here have indicated. The work on law enforcement, the work on making sure that information is shared between agencies that this is done both at the national level and at the subnational level is absolutely critical. We actually have a dramatically important and effective program working on combatting sex trafficking in India with IJM that we are working on together. And the thing that we have found, the breakthrough that we have achieved, is by getting the local government, the local law enforcement, and the local community all working together on the same side. And that is something that can only be done by building trust, by having effective law enforcement, not ineffective law enforcement, or harassing law enforcement, and by making sure that it is ultimately the communities where people are coming from that are actually the ones that are engaged ultimately in the solutions. It is not just about the prosecution that is critical. It is also about supporting those victims on a sustainable path out of slavery.

Ms. OMAR. Thank you. I now recognize Ranking Member Smith for 5 minutes.

Mr. SMITH. Thank you very much, Madam Chair. All of your testimonies are outstanding. The recommendations are very, very helpful. Survivor and victim-based input and leadership couldn't be more properly stated. I think we have—you know, when we were having trouble with the original Trafficking Victims Protection Act—pardon me—in the 1990's, and there was a lot of opposition to it, more indifference than opposition, I brought over some—two women that I had met in St. Petersburg, Russia, along with my wife, who MiraMed had saved, an NGO. And they told their stories and that was when we started to see a pivot where people were saying this is a problem and these women talked about how they had been raped every single day, night after night, several times a night. And you could have heard a pin drop when they presented their testimony.

Gary Haugen testified in 1990—let me get this right,—September 14th, and helped us write the bill. And I am always appreciative for his work. He came at one of our hearings and brought pictures of young girls from India who had been, sadly, enslaved. And before the attempt could be made to rescue them, the police were tipped off and moved to another location. So, one of the important parts about TIP and holding governments to account is that wherever that, whether it be law enforcement or judges or politicians, you name it, they need to be sanctioned. And that is

why if we bring in Global Magnitsky more effectively into this effort, we will hold police chiefs and others to account. Because I remember when these young girls came up out of a cellar and all their eyes were adjusting to the light, and it was heartbreaking beyond words to see how they were about to be further exploited and, of course, the police helped to end a rescue and it just—it was just heartbreaking.

You know, with regards to Africa, I have been all over Africa in shelters, several in Nigeria, and I remember going to Rome, Sister Eugenia has a shelter there, and there were a number of Nigerian women and young girls that were there. And one particular woman named Elizabeth told her story as I sat there, again, near tears, how she had been trafficked for 5 years, sex trafficked. She was on the streets in Rome before Sister Eugenia came and rescued her with her van. And she had a little kid, 2 years old, running around, 2-1/2 maybe. And she goes that baby saved my life. You know, I was ready to commit suicide except now I had. So, it just underscored the brokenness and for her, it was a faith journey that helped her get over all of this and certainly the psychological and other helps that she got from that shelter.

So, shelters continue to be extremely important. We need more of them. But just a couple of very quick questions, if I could. And that is, you know, Mr. Thier, you talked about Vietnam. I have been one of those, you know, the first conviction under the TVPA was out of Odawa in American Samoa. And the Vietnamese government never—because they are the complicit in those crimes of forced labor—they have never come through with acknowledgment, but more importantly, with assistance.

You know, Mr. Williams, you talked about and I appreciate you reminding everybody of this of the right of private action that we put into the 2003 act. I wrote the 2003 act, the reauthorization. And everything we missed in the original one, we tried to put in there and in the 2005 act. But the idea of getting that tax free, if there is a successful—maybe you can elaborate on that. Because I think it is so important that the right of private action gives, empowers victims to get into court and to sue the person that has, or persons, or the group, that have so horribly mistreated them.

I know I do not have a whole lot of time, but I just on China, you know, Xinjiang continues to be—I love the way the State Department put it—in Xinjiang, the government is the trafficker. And what they are doing to Uighurs Muslims is genocide. And it is part of that genocide is concentration camps where they make goods for export.

Parenthetically, Frank Wolf and I back in the right after Tiananmen Square, got into Beijing prison No. 1 where they were making jelly shoes and socks for export. How we got in there is still bewildering to me and to him. But we asked for it. We got in. We took those exports and we got, you know, with their exporting samples, and there was a customs action taken. And that gulag actually closed down. But they continue, the Chinese, all across China to utilize forced labor, but nowhere is it more barbaric than against the Muslim Uighurs. What further should we be doing on that, you know?

And finally, I know, again, there is not much time here, but we need a TIP Ambassador at large. We need that person no matter who she or he turns out to be as soon as possible. And I say that for the leadership, but also for the leadership inside the building. You know, every TIP Ambassador has told me here, at hearings, as well as privately, and they have told you as well, that fighting those interests, Ambassadors and others who do not want their country put on the TIP Report as a Tier 3 country, is—so, we need a very strong individual to take up that effort and we need it now. So, I know if I could get just a little bit further to get some answers to those questions, I appreciate that. Thank you.

Mr. THIER. Maybe I can just briefly respond to the point about China and more broadly. We have been involved with a large number of anti-slavery, anti-trafficking organizations in the last 6 months advocating strongly for the G7 to take action against forced labor, which would certainly affect the situation in Xinjiang, as well as globally. And I think that there is a really important movement afoot. Europe right now is considering creating a tariff ban like the U.S. has to block goods. They are considering something called mandatory human rights due diligence, which would put an emphasis on companies having to know whether there is forced labor in their supply chain. Whether it comes from Vietnam or China or wherever it is coming from, they have an obligation to stop it. I believe that a lot of the genesis of these ideas, of course, came from the U.S. The legislation that you have passed, that others have passed, that governments, bipartisan governments, have begun to enforce, and I believe what is needed now is that the U.S. needs to first of all help to fulfill these commitments. Just passing the laws, whether it is in the U.S. or in Europe, is the start of the solution. It is not the end of it.

We need to have enforcement regimes, information sharing, so that when we ban a Malaysian glove manufacturer as we did the other day, that the U.K., also has access to that information so that they can do the same because they rely on those gloves as well. We need to share that information.

We also need to support our partners. We want Bangladesh to succeed. We want Kenya to succeed. We do not want them to fail as a result of enforcement. We want them to come up to standard. And that means we have to support them to become better at enforcing their own laws at having the information that we have access to and making sure that the private sector is also doing its part to detect the forced labor so that we can all make sure that it is eradicated.

Ms. OMAR. Thank you, Mr. Thier. The gentleman is out of time. We will do, hopefully, a second round of questioning. I now recognize Mr. Phillips of Minnesota for 5 minutes.

Mr. PHILLIPS. Thank you, Madam Chair, and heartfelt gratitude to all of our witnesses today to discuss this terribly important topic. I think it is fair to say that human trafficking is analogous to modern day slavery. And it represents the very worst of humanity all around the world. Nobody, absolutely nobody should be forced to enter or remain in unsafe situations against their will, period. And that is exactly why I fought for an amendment to the VAWA, that was passed by the House. My amendment would ensure that no

one is forced to stay in a relationship, an abusive relationship, because of their immigration status. Instead, victims of domestic abuse could apply for independent immigration status and give them the opportunity to escape their abusive arrangements and relationships, unlike so many of the trafficking victims that we have heard about today.

So, my question to you, Ms. Chen, is what other legislative tools can Congress pursue and consider to help protect current and potential trafficking victims and survivors around the world?

Ms. CHEN. Thank you, Congressman. I think that there are several areas that could be of interest to this committee as well as to the larger Congress. First of all, I think when you are talking about the control that abusers have had over victims, I think that there is a really important parallel to the way that labor trafficking victims are treated in the United States. I have raised in my testimony as well as in the written testimony the issue of the temporary guest worker visa in the United States. What we have seen is that a huge proportion of victims who are labor trafficking victims coming into the U.S. are coming from Central America and Mexico. And that the overwhelming majority when they do come in on a temporary guest worker visa, are bound to the control of their employer. So, if they try to leave an abusive employer, they lose their immigration status. And that is an area that we strongly hope that Congress will focus on is to look at whether or not there are new and creative ways for workers to not be tied to their employers. And also, so that any employer that is using the threat of immigration deportation as a mechanism for control of a worker, is held to account for that.

The other area that we continue to want to hope to see happen is ongoing funding for the Department of Labor's Wage and Hour Division. Because truly to end labor trafficking of migrant workers and labor trafficking of anyone in the United States, it is a three-pronged approach. We need to be changing the way that people are recruited. We need to make sure that recruitment fees are banned and labor recruiters are regulated. We need to make sure that enforcement is actually funded. The U.S. Department of Labor's Wage and Hour Division is not sufficiently funded to be able to enforce labor violations. And so often, when people are in trafficking situations, their labor trafficking situation showed up first as a wage and hour violation.

And last, like I said, we need to remove employer control over workers. Overwhelmingly, what we see with labor trafficking victims is that when we examine the data from the U.S. National Human Trafficking Hotline, the way that workers are forced, defrauded, and coerced is through threats of immigration enforcement, even though they are here legally on legal working visas. Thank you.

Mr. PHILLIPS. Thank you, Ms. Chen. Very helpful and I appreciate that. Mr. Thier, a question for you. You know, we know that experts have identified the lack of rule of law, and political oppression, and corruption as common precipitators of human trafficking around the world. As a member of the Counter Hypocrisy Caucus, I am working with colleagues on both sides of the aisle to tackle these very kinds of practices worldwide. So, my question is, what

tools are most effective in your estimation to address the root causes of human trafficking and try to reduce its prevalence around the world?

Mr. THIER. There is no question that corruption, profit are drivers of the persistence of modern slavery and human trafficking. And it is ultimately in our experience, political will, working directly with those authorities, as well as providing the public pressure that is necessary that will get people to act. Where we have found success has almost always been when we have been able to bring together a coalition of government actors, constituencies for reform, those who are pressing to make change together with communities that are affected, together with survivors, together with the private sector. It is that coming together of people that builds pressure, that builds understanding, and that can ultimately make progress. There is not a silver bullet to the problem of corruption, unfortunately. But I think that we have demonstrated the ability to change laws, to get those laws enforced, and to have companies move in the right direction by bringing those forces all together.

Ms. OMAR. The gentleman's time has expired.

Mr. PHILLIPS. Thank you. I yield back. Thank you.

Ms. OMAR. We now recognize Mr. Malinowski of New Jersey for 5 minutes.

Mr. MALINOWSKI. Thank you, Madam Chair, and thanks to the witnesses. Ms. Chen, I wanted to engage you a bit on why an anti-trafficking organization is so interested in seeing an increase in the budget of an obscure agency of the Treasury Department, namely FinCEN. I completely agree with you, but I would like to try to get into a little bit greater depth on that. And I guess, you know, to begin with what you were talking there is that this is a money-making enterprise, human trafficking. And the traffickers then need to hide the profits of this illicit activity. One of the ways in which they do so is through shell companies. Is that correct?

Ms. CHEN. Thank you, Congressman, yes, that is absolutely correct. For about 2 years now, Polaris has been working very closely with PayPal to develop a financial intelligence unit. And what we have been able to do is to take the data from the National Human Trafficking Hotline, combine it with open-source information, and figure out how human trafficking is showing up in bank records.

And this is vitally important because from our perspective, if there is additional tools that do not require survivors to have to testify in front of courts and face their traffickers in court, it is a more survivor-centered way of pursuing justice. The data does not lie and when there are anti-money laundering investigations that show that there has been trafficking, that is another tool that is useful for everyone.

Ultimately, it also changes the dynamic of how criminal justice is enforced because it takes—money laundering investigations take the burden off of street level policing and start to look at the data and look at the pathways and look at the money flows that are actually happening. For that reason, you know, what we have seen is that the Financial Crimes Enforcement Network, FinCEN, which sits inside of treasury, is a vital partner. It is a vital partner for all forms of anti-money laundering enforcement. It is a vital partner as cryptocurrency becomes the currency of du jour. And being

able to make sure that money laundering is not continued to be used, making sure that human trafficking is not continuing to be a high profit and low risk enterprise that this really strikes at the core.

And earlier in 2021, through the National Defense Authorization Act, Congress asked for FinCEN to have additional responsibilities, specifically around creating and maintaining a new national beneficial ownership data base. And establishing national anti-money laundering priorities of which in June, FinCEN said human trafficking was one priority. And so, we really just want to make sure that the agency itself has the kind of funding that it needs. Treasury has asked for a 50 percent increase in FinCEN's budget for Fiscal Year 2022. And that is because I think at last count, we have seen the number of reports going into FinCEN that flagged suspicious activity quadrupled. And funding has not followed. And so, there is a really clear need for FinCEN's capacity to grow. And so, yes, I agree it is obscure, but I think for us, it is an essential partner in making sure that trafficking cannot continue to be high profit.

Mr. MALINOWSKI. Yes, it is super, super important and we, you know, we gave them the new responsibility of being able to crack-down on shell companies used for illicit activity. We need to give them the resources to do it.

But there is, I think, more that needs to be done. I mean, we saw, for example, in the latest Pandora Papers release that those engaged in illicit activity including human trafficking have now moved away from the regular banking system and are using real estate investments, the help of law firms, accounting firms, to try to set up these vehicles. Whether it is a shell company or a trust or other means of hiding their assets. We have a bipartisan bill, the Enablers Act, that would impose due diligence requirements on those kinds of entities. Is that something, based on your research, that would be helpful in the fight against human trafficking?

Ms. CHEN. Yes, absolutely. And I know we are out of time, so, I really look forward to learning more about the legislation that you are working on and we would love to be part of it.

Mr. MALINOWSKI. Fantastic. We will be in touch. I yield back.

Ms. OMAR. Thank you. I now recognize Ms. Jacobs of California for 5 minutes.

Ms. JACOBS. Well, thank you, Madam Vice Chair. And thank you all for being here. And, Ms. Chumbow, thank you for telling your story and continuing to advocate. You shouldn't have to keep telling our story over and over again for us to do something, but I am very grateful that you are doing it. And I am also very grateful that so many of you have talked about how to make sure we have a comprehensive approach to this issue and look at the root causes.

I wanted to get at kind of a particular group that we know is vulnerable, and that is refugees. Often coming from instability or lack of opportunity to a new environment without strong ties tend to be vulnerable to labor exploitation and sexual exploitation. So, for any of you, but Ms. Chen, I was hoping you could start, how can we make sure refugee programs in both camps and other settings are better positioned to provide the necessary services to prevent exploitation? How do we make sure we are providing these services



and resources in an empowering way? And also, making sure that the very people in charge of providing those services are not participating in the exploitation.

Ms. CHEN. Thank you, Congresswoman. I mean, I think that the way to protect recently arrived refugees is the same way that we protect anyone who has recently arrived in the United States. So often, people who are just coming here are not yet connected to support services may not be super clear about what laws apply to them, what rules, what rights they have available. And so, I would certainly start with a fundamental thing which is economic equity and making sure that people who come to the United States as refugees have the right to work. And I would just really kind of stop—start and stop there. I think that there are many services that can be strengthened, of course. But the fundamental thing is that people need the ability to participate meaningfully, legally, and fully in the economy.

Ms. JACOBS. Thank you. Anyone else have thoughts on refugees? Ms. Chumbow?

Ms. CHUMBOW. Thank you. Thank you. I would just like to add that, you know, educating them. Again, because if we do not know our rights as a refugee, if you do not understand even if you are in that camp, it is good to have someone that can teach you about your rights. Because knowing your rights helps you to understand what you are going to face, you know. Especially when it comes—I will also add that we need to talk to embassies to educate people that are coming into the country to understand their rights.

You know, for my case, if I knew what I was going to face here, I do not think I would have wanted to come. And all these embassies need to educate people on that issue. And we also, I think I mentioned earlier, we also need to start holding other country governments accountable for their citizens, you know. They need to help educate their citizens about, you know, the issue of human trafficking. That will also help with the TIP Report. Thank you.

Ms. JACOBS. Thank you. Mr. Williams?

Mr. WILLIAMS. Only to add globally, obviously, the issue of trafficking can mirror the migration flow of people and refugees as well. And what is important is actually cross-border collaboration and mechanisms between countries to support when things do go wrong, to provide that really collaborative joint investigations, joint responses across cross-borders. The work of International Organizations for Migration, IOM, has been phenomenal in this area and IJM has partnered with them globally. But to really understand that actually that dynamic flow of people is challenging for States to address because of State sovereignty, because of borders. And so, there can be networks that arise to combat networks. And so, looking to civil society, looking to international organizations, to help governments to join up their efforts together is a strong response to trafficking within the refugee population.

Mr. THIER. I will just add quickly to reinforce what my colleagues have said and particularly Evelyn's statement, three things. Digital identity. It is absolutely fundamentally that people on the move have the ability to identify who they are and to get access to services and everything as a result of that. The second is access to finance and financial inclusion. We find with the huge

numbers of migrants and refugee populations that we work with that when people have access to banking, access to finance, it enables them both stronger connectivity often back home but also to be able to participate.

And the third one, and it is absolutely essential—and this is what Evelyn was saying—is education, is empowering people who are on the move to understand their rights. To understand the decisions that they are making to help their parents and their families understand the decisions that they are making. One of our most successful programs in this regard is working with large-scale population of Bangladeshi migrants and refugees who are leaving and going to the area. And what we have found that digital inclusion, provision of information is enabling them to make much better and stronger choices for themselves and ultimately if they have to access back to law enforcement and government if they get in trouble.

Ms. JACOBS. Thank you. I think my time has expired. So, I will yield back.

Ms. OMAR. Thank you. I think we will do a second round of questions. Thank you all for your patience. I would like to ask, Ms. Chen, I think you touched on this a little bit in your testimony. Obviously, there is a significant debate around whether the prohibition of sex work helps or hurts victims of human trafficking. One of the significant worries is that it makes criminals out victims and preventing government regulation that could help prevent trafficking. So, I just wanted to see if you would elaborate a little bit more. Do you support or oppose prohibition and why? And do you think the United States should be pushing prohibition in other countries?

Ms. CHEN. Thank you, Vice Chair Omar. I am going to be honest that this is a super fraught area in the U.S. anti-trafficking movement and also globally. And I think it is fraught not only because it is people on all sides and all dimensions of the spectrum that feel very strongly about the issue, but also because people who have experienced prostitution and sexual exploitation are not themselves uniformly in support of one position or another.

Polaris takes the view of support for what we call partial decriminalization. We think that there is a set of impacts that the criminal justice system often has had on survivors who are criminalized as part of their victimization. We have heard from hundreds of trafficking survivors who have experienced limitations to being able to access social services as a result of having interacted with the criminal justice system. However, we have also heard from hundreds of trafficking survivors who say that they want the people who have purchased their services for sex to be held accountable for the exploitation they have faced. And that they see no daylight between the conversations about Me-Too and the rising conversations about holding people accountable for sexual assault with this conversation as one conversation.

And so, I think for us, we are perpetually kind of stuck in this challenging position of very much wanting to be in solidarity with trafficking survivors on what it is that they want to see. And at the same time, recognize that folks are not yet necessarily seeing it from a consistent and uniform perspective. And may not, right?

Because I think everyone's exploitation experience is really different.

The last thing that I will say is—and because you asked the question of Ms. Chumbow about the intersection between racial justice and trafficking is that we also know that overwhelmingly people who are criminalized for sex trafficking are often Black women and girls who are in situations of sexual exploitation and that is something that has to be addressed in the United States.

Ms. OMAR. And I do wonder maybe if you would go a little farther, do you think that there is more focus and maybe that leads to more exploitation on the ones that are exploited and criminalizing them rather than there being a penalty of those that are benefiting from that exploitation, say the johns or the ones that are, you know, doing the trafficking?

Ms. CHEN. Yes, I mean, I think—and this is of course speaking about the U.S. context, right? I think that we have had a focus on criminal justice sort of productivity when it comes to anti-trafficking enforcement. So, we have been equipping vice units and intelligence units for some time now to be able to identify trafficking situations and enforce those trafficking situations. I would say about even back to like a decade ago, the method by which people often tried to prosecute traffickers was to arrest trafficking victims so that they could work with them to pursue cases. And so, I think that that is one of the places where certainly Polaris has been taking a lead. We are also very interested in seeing criminal record relief for trafficking victims who have already been charged.

Ms. OMAR. Wonderful. Thank you. Mr. Thier, in your view, which governments are failing to combat human trafficking? Do you believe that the Tier 3 ranking on the State Department's annual Trafficking in Persons Report accurately reflects these countries? Do you find that foreign governments' failure to combat human trafficking more often relates to lack of capacity or insufficient political will and prioritization? And how effective is the State Department's tier ranking process in combating anti-trafficking efforts? It is a lot of questions, but.

Mr. THIER. No, it is a great list of questions. And first of all, given the prevalence of human trafficking and modern slavery in the world, it is almost all of them, right? We do not have enough time to list the countries that aren't doing enough, including our own. This is a global crisis and we do need to step up global action on these issues. Maybe I will just answer the question by speaking to one specific example which I think is very powerful and that is of Malaysia because it was mentioned before in this hearing. And Malaysia was downgraded to Tier 3 this year. And we have seen multiple, I believe, four enforcement actions by the U.S. Government preventing goods from Malaysia coming in. One as recently as this week, blocking—in a pandemic mind you, which I think is a great sign of political will. In a pandemic blocking medical gloves, which also happened last year.

And the reason that I cite this example is because first of all, I think that the question of Malaysia, as was mentioned, has been fraught. Second, I am certain as we expand our work now into Malaysia, I am certain that this ranking and that the enforcement actions that the U.S. Government has taken are raising global

awareness of the problem, are putting pressure specifically on the Government of Malaysia and in private sector organizations in Malaysia. In other words, it is working. The pressure is working. The recognition is working. And that is causing us and other entities in the Malaysian government and, of course, in the private sector to actually take action so that we see when we align political will with effective action, recognition of the problem, and enforcement alongside actually dealing with the real problem. We are working with Bangladeshi migrants who are the ones that are going to these factories who are being abused. When we work with the survivors and those most affected as well as the governments and put that kind of political pressure, then I think we can see change. But the type of change that we are going to have to see is going to continue that. It means more enforcement of the laws. It means other governments also enforcing these laws and not turning away their eyes. It also means the financial sector. Ultimately, who is financing these businesses that are responsible for carrying on forced labor? They have to also do the due diligence to see where that forced labor is in their investment portfolios, is in their supply chain.

And I think as we strengthen all of those steps, we will see that the markets will respond, governments will respond, and we will have the potential for meaningful impact.

Ms. OMAR. And maybe I will give the rest of the panel to piggyback on that. You know, what approaches do you all believe are most successful in gaining government buy-ins in combating trafficking? I know that it is a source of shame for a lot of countries, including ours. It is hard to even have this conversation. I know that when we are in diplomatic settings, when we are visiting countries, it is hard to bring up the topic. So, what, you know, I am just curious. We will start with Mr. Williams.

Mr. WILLIAMS. Thank you, Vice Chair. Building trust is essential obviously in this global response. And nothing really beats being on the ground and actually working collaboratively side by side government officials as they seek to first—as the first responders are seeking to address the issues, but also as government leaders are prioritizing budgets and setting infrastructural changes. To be actually there and investing time and resources alongside governments in a collaborative way builds that trust over time. And it does take time.

I would say that on the macro scale, the TIP Report itself is an incredibly valuable tool to prompt governments to look at their TIP response in a really, really directed way. It motivates change. It definitely drives policy decisions, action plans on the ground. So, that can be a very powerful tool. It can be misused on the ground. It can be misunderstood, misinterpreted. Responses can be window dressing to try to get an upgrade. So, it is important that there is that deep collaboration. At the same time, we have now as Mr. Thier has mentioned, kind of the imposition of these trade bans through the U.S. Customs and Border Patrol.

So, this also helps to direct attention to resources that government needs to actually strengthen its justice system response. And brings corporations into the conversation. So, then you actually have large multinational corporations motivated in the same way

as host governments can join up with civil society to respond and you create these structures that actually develop sustainable change. So, I think that is, in brief, kind of some of the motivations that exist. Thank you.

Ms. CHUMBOW. Thank you, Vice Chairwoman Omar. So, for me, it would be three things, you know. And the No. 1 like Mr. Williams mentioned, is collaboration. We need to collaborate especially with other countries. And as I mentioned, and particularly countries in Africa, you know. We need the collaboration with that. And No. 2, it would be accountabilities. We need to start holding people accountable for the crime they commit. You know, there are cases and I highlighted in my testimony on diplomats. You know, they need to be hold accountable for bringing domestic servitude here and we need to work, you know, on the visa when you are bringing, you know, a worker to the U.S.

And No. 3, would be, you know, other countries should be encouraged to have survivors like me. You know, one thing I am very much grateful is the fact that the U.S. does allow us survivors to speak and to work on reports. I am here talking to you guys. We are making changes, you know. We need to encourage other countries to have survivor leaders on board. You know, I was very grateful during the Obama Administration to have 11 diverse survivors to be served as advisory council to educate the Administration on trafficking. I think that it would be great if we have other countries follow that suit. Thank you.

Ms. CHEN. Evelyn said it better than anyone can. But I would say the moral leadership of survivors I think that she is absolutely right, that the United States has done this exceptionally well. And in great part because of what is penned in the Trafficking Victims Protection Act. And so, I would very much encourage that as a first step.

The other thing I would say is I think we have to, as a movement, stop thinking of trafficking as a separate thing. Trafficking is the outcome of every other system failing, right? It is the natural thing that happens because we are not protecting migrant workers, because we are not protecting refugees, because we are not protecting the most vulnerable among us. And so, being able to think about trafficking interventions both internationally, as well as domestically, as a target in mind as opposed to a separate set of programs, I think is one way to go about helping other governments also understand that it does not need to be a different wing of an agency.

Ms. OMAR. Did you have anything to add?

Ms. CHUMBOW. I forgot one last important thing.

Ms. OMAR. Go ahead.

Ms. CHUMBOW. We need to stop separating the issue of sex and labor. Because a lot of the times when you talk about combating human trafficking, the focus is always sex. And it hides away from victims, you know, like me, myself, you know. So, separating the issue, I feel, causes more problems and hides the other issue. Human trafficking is labor and sex. But most of the times we only hear about sex trafficking.

Ms. OMAR. Thank you all. And I will now yield to Ranking Member Smith.

Mr. SMITH. Thank you very much, Madam Chair. Ms. Chumbow, you had mentioned in your testimony and talked about the impunity that you had faced during your 7 years of captivity that nobody seemed to recognize you were hiding in plain sight, so to speak. Then you did, I guess, you initiated a prosecution. Who did you go to to get that prosecution begun? And second, you also point out that while the trafficker went to prison, you never got the restitution. And where does that—why has that not happened? And maybe, you know, Mr. Williams, you might want to speak to that. I mean, we are talking about going the next step and making sure it is tax free and all of that. But if the restitution never materializes in the first place, you know, you are so disadvantaged and further hurt.

Ms. CHUMBOW. Thank you, Ranking Member Smith. I appreciate that especially the part on restitution. You know, again, my trafficker was sentenced and my case was in Maryland.

Mr. SMITH. Right.

Ms. CHUMBOW. You know, it was in Maryland. And when my case came to court, my trafficker was also known for embezzling money. And, of course, this is the money—now, they took her money. They took—the government took the money but I was never given a restitution. And that happens a lot. So, you know, to victims, to survivors, they never really get their restitution. And, again, as I mentioned earlier, we do not understand that, the education. Are we supposed to get the restitution? It is never—that is something that we need to strengthen when it comes to the restitution. Explain to us why we cannot get the restitution. Because the order was there.

And just to also give an example, not recently, I was very disappointed because my trafficker was out and I was never notified, you know. And that scares a lot of victims to want to come out and testify or tell their story because they are not sure of their safety. If me, as a survivor leader, I am out there. I am speaking. And my trafficker was released from prison and I was never, you know, informed. That really makes it very painful for a lot of victims to want to want to come and testify. But we definitely need to strengthen more laws when it comes to the restitution because those restitutions do help us. I am sorry, it probably would have helped me to pay off my student loan, you know. So, because I did go to school and I am still paying for that student loan. And we need to find better laws and ways to help enforce this restitution to be paid.

Mr. SMITH. What triggered the prosecution? Was it a larger embezzlement issue and then they found out you were being? And second, did you ever contact Polaris or any other—were you aware of the hotline that is available? Because they, obviously, connect law enforcement to—as well as to support services when somebody reaches out.

Ms. CHUMBOW. Oh, no, so, I have been in this game for a long time, Rep Smith, OK? So, my case came in the 90's. So, back then there wasn't a lot of laws.

Mr. SMITH. Right.

Ms. CHUMBOW. You know.

Mr. SMITH. No laws.

Ms. CHUMBOW. I came to the U.S. in the early 1990's, you know. And I got out of my situation at age 17, going on 19 in the early 2000. So, I went to a church, you know, and that is when I met with a priest. And I shared by story and from there the church—and it was Catholic Charity. You know, they did not have hotline back then. I am one of the people that said, hey, we need numbers. We need a number to call so it was so great that we finally got a hotline number. You know, I was one of the survivors that was advocating in having the hotline number. But back then, we did not have that.

You know, it was very difficult. So, I went to a church. From the church, you know, law enforcement. And I believe my case, if I am not mistaken, my case was probably the one to be investigated all the way back to Cameroon, you know. I shared my experience how I got here. And my trafficker, I believe, used one passport and brought six of us into the United States. So, when we are talking strengthening the borders and illegal immigrants, we definitely—because you cannot talk about trafficking without talking about immigration. You know, it is just there.

Mr. SMITH. Thank you. Mr. Williams?

Mr. WILLIAMS. Thank you, Congressman Smith. Impunity can change very rapidly. Perpetrators are not brave or persistent in the trafficking world. If you increase your convictions, trafficking reduces. It is a simple equation. However, survivors need to be held at the center of that process. They need to be accompanied through that process. It needs to be survivor friendly. And so, the experience expressed by Ms. Chumbow is regrettable in that she wasn't communicated with about what was happening in her case. And that needs to change. There needs to be survivor-centered prosecutions. When that happens, you actually get substantial results in geographic locations.

What I would say second about social protections and restitution, which you have mentioned several times, I agree with you, Congressman. This is very, very important. There are two points to know about restitution. The first is this and other forms of social protection should never be contingent on participation in criminal proceedings. This is a separate matter. Someone who is a victim of trafficking is entitled to those social protections. We should lower the barriers to entry for this. It is not a criminal standard of proof that you need to get these social protections. And the best countries are the ones that have actually instituted survivor funds that can be accessed by those who are identified at a early stage as victims of trafficking, completely separate from the court process. That enables the economic empowerment. It supports survivors through the journey. It shows them that the government's on their side that they are there with them through the journey. Incredibly powerful and I really do think that this is something that should be combined with the approach to survivor-centered prosecutions but know that this is a separate thing. Survivors are entitled to these social protections regardless of their participation in criminal proceedings.

Mr. SMITH. Mr. Williams, thanks for bringing that up because when we did the original Trafficking Victims Protection Act, that was one of the key issues that held up its passage including when

we got into Congress with the Senate. There were those who felt that there had to be a full-scale participation with the prosecutors, which I and others argued, you know, we want to put those, the bad guys, the purveyors, behind bars for as long as we can possibly get them behind bars, but not at the expense of the individual person who has been victimized.

So, a balance was worked out. It took a long time. It held up the conference for weeks and we finally got it resolved that they needed to be helpful to prosecution. But frankly, I have always believed that we want to get the people away from further victimizing, so prosecution is key. But, again, it should not be contingent on the victim being put at further risk of them coming back to say you are the one. I am going to come after you. Or retraumatizing them as they go through the horrific details of what they have been through. So, thank you for that. It is a very, very difficult balance. I believe we prevailed to a large extent, not fully. But there were some who wanted it to be, you know, *quid pro quo*. Participate in the prosecution or else there is the door. And that is not, in my opinion, humane.

You know, I would ask you if you could, any of you have thoughts about what countries that are trending negatively particularly those that are on the watchlist that need very serious scrutiny about being dropped to Tier 3 during this next cycle? Which, obviously, the TIP Report will come out some time in late spring. But I think it is not too soon to be putting countries on notice.

And I say that also, you know, one of the more courageous things that George W. Bush did, he put two of our closest allies, Israel and South Korea, on Tier 3. And when he did it, you know, it enforced the sanctions part could inhibit military and other kinds of aide and cooperation between any country that is on Tier 3 as pursuant to the TVPA. And I met frequently with Ambassadors from both of those countries during that year when they were worried about, well, what happens when the other shoe drops and the penalties are meted out? And they did amazing things to change the situation. The South Koreans passed new laws that looked a lot like ours, but they had some great ideas that they came up with that we could borrow from. And Israel in like manner, began enforcing the huge numbers of women who were being sold into slavery in Tel Aviv and elsewhere and got off Tier 3 the old-fashioned way. They earned it as did South Korea.

I am one of those, and again, I will ask the new Administration as well, please do not pull your punches. You know, make sure you call it out. Because for the victim who is being raped or forced into labor or whatever it might be, or both, because you are right, Ms. Chumbow, about very often the two are closely interrelated. They do not want to say, oh, that is an ally of the United States or not an ally. Who cares? Friends do not let friends commit human rights abuses. And we should be speaking out with equal fervor to both. And that has not happened—the worst time was in 2015 and 2016 as I mentioned earlier when the Reuters reporter said that they politicized the process. And, frankly, there was bipartisan angst against that. I had four hearings on it. I was so angry about it I said, please do not do that. What you do on the sanctions part is



purely your prerogative. But what you do in speaking truth to power, again, should in no way be swayed by the political equation and who we want to curry favor with.

So, are there any countries in your views or do you want to get back to us on that? I do not know if you want to give it some further thought that I happen to believe Vietnam should be dropped down to Tier 3 mostly because of labor trafficking. You know, without objection, I would ask the distinguished chair if she could include in the record Dr. Thang's testimony from Boat People SOS, who has testified before on these issues. As well as——

Ms. OMAR. Without objection.

[The information referred to follows:]

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STATEMENT OF  
NGUYEN DINH THANG, PHD  
CEO & PRESIDENT  
BOAT PEOPLE SOS  
Email: [bpsos@bpsos.org](mailto:bpsos@bpsos.org)

October 27, 2021

HEARING ON  
COMBATING GLOBAL HUMAN TRAFFICKING  
BY

THE SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH AND GLOBAL  
HUMAN RIGHTS  
COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES

Madam Chairman and distinguished members of the Committee,

I applaud your holding this timely and necessary hearing to shine the spotlight on countries that deserve special scrutiny. Vietnam is one such country. This year, Vietnam remains in the Tier 2-Watch List for the third consecutive year instead of being dropped to Tier 3, thanks to a Presidential Waiver. The rationale for the waiver is that “the government [of Vietnam] has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards.”

We have observed a recurring pattern over the past two decades: Whenever on the brink of being ranked Tier 3, Vietnam went through the motions of passing new laws, introducing new regulations, investigating a few insignificant perpetrators, and/or prosecuting a few low-ranking government officials. They have deftly escaped Tier 3 ranking.

Since the late 1990s, Vietnam’s labor export program has sent some 1.5 million Vietnamese workers overseas. Currently there are approximately 400,000 Vietnamese migrant workers in 40 countries. They generate between 3 and 4 billion US dollars in remittance annually. This is big business that the government protects aggressively and by all means.

In 2008, my organization launched Coalition to Abolish Modern-day Slavery in Asia (CAMSA). We have since directly or indirectly rescued some 8,000 Vietnamese labor trafficking victims in 24 countries. In the process, we have identified 40 Vietnamese labor export companies involved in labor trafficking. None has been investigated, let alone prosecuted. Some of them even received awards for excellence in performance year after year. In contrast, victims who spoke out against unscrupulous labor export companies have been threatened with imprisonment or traffic accidents; some were stabbed by strangers or injured in traffic accidents believed to be staged by the police. A handful of targeted victims who fled Vietnam have been recognized as refugees by the UN High Commissioner for Refugees.

In recent years, labor trafficking in Vietnam has gotten worse, not better. The number of labor export companies has exploded, numbering over 400. They are engaged in the same, if not more, exploitative practices. The government continues to defend the trafficking syndicates that take advantage of its labor export program. A close study of the 20,000 Vietnamese maids currently working in Saudi Arabia would test Vietnam's compliance with recommendations from the Department of State's 2021 Trafficking-in-Persons (TIP) report.

### **Prevention**

The TIP report offered no recommendations on prevention, stating that “[t]he government increased efforts to prevent trafficking.” The following cases in point highlight deficiencies.

(1) Since April 2021, CAMSA has identified 40 victims, including four minors, sent to work as domestic servants in Saudi Arabia. Radio Free Asia, Voice of America and our own social media have run stories about these victims. On the other hand, Vietnam's state media – the state controls all official media – have maintained a deafening silence on these cases. Media coverage of such stories would make potential labor export candidates aware of the risks and cautionary measures they must consider.

(2) Of the 29 labor export companies that sent large numbers of maids to Saudi Arabia, we have identified nine (9) that were involved in multiple trafficking cases. See **Appendix 1**. Two of them, COLECTO and Nam Viet, are jointly represented by Ms. Trương Thị Hiền in Saudi Arabia. Many identified victims reported being re-trafficked by her to different employers. The Vietnamese embassy in Riyadh officially lists her as the go-to person for all workers recruited by the said two companies; its Labor Attaché routinely referred to her victims who ended up being re-trafficked.

(3) Due to the ongoing pandemic, labor export to Saudi Arabia has stopped, which gave rise to Vietnamese-run labor trafficking rings operating within Saudi Arabia. They take

advantage of the thousands of domestic workers trapped in the country because of travel restrictions. Even victims already admitted to shelters are not safe. One trafficking ring, run by a former Vietnamese maid by the name Thái Thị Hà, relies on the said Vietnamese Labor Attaché to extract victims from shelters and sell them to employers in remote towns and cities. From October 15, 2020, to March 22, 2021, Mr. Khánh reportedly took some 20 workers from the Khadimat Center and SAKAN Center. Three of these victims who were rescued by the Saudi police on September 19 reported that Mr. Khánh tricked them to check out of the shelter for a repatriation flight later that day. They were instead taken to Ms. Hà's home and later transferred to Najran, a Southern town near the border with Yemen. Their new employer explained that she had bought them for the equivalent of US \$8,000. They were beaten by the employer's henchmen for protesting and forced to sign a two-years contract. The whereabouts of four other women extracted from the same shelter on the same day by Mr. Khánh remains unknown.

Reportedly, Mr. Khánh also sent some victims to two former Vietnamese maids who notoriously ran a commercial sex ring. Yet, he is still listed by the Vietnamese embassy as the official point of contact for workers to sign up with for repatriation. The basic principle in prevention is to block known or suspected perpetrators' access to victims or potential victims.

#### **Protection**

The TIP report concluded that “[t]he government maintained overall efforts to protect victims.” This conclusion certainly does not apply to the large and growing number of victims in Saudi Arabia. None of the victims who reported having come to the Vietnamese embassy for help received any assistance let alone protection.

- (1) Ms. Huỳnh Thi Gám was victim of the trafficking ring run by Ms. Trương Thị Hiền and her Arab companion, known as Aziz. They both worked for the Qmmah Alfalah

Recruitment Office, a local human resource agency. Hiền also represents labor export companies COLECTO and Nam Việt. After four months of exploitation, beating and sexual harassment by her first employer, Gấm wanted to go home. In December 2019, her mother in Vietnam paid the equivalent of US \$3,500 to HAVIMEC, the labor export company that recruited Gấm, for her repatriation. Regardless, Hiền and Aziz sold her to the second and then the third employer. In late July 2020, Gấm escaped and went to the Vietnamese embassy for help; Mr. Khánh, the Labor Attaché, delivered her back to Hiền and Aziz, who sold her to the fourth employer. After two months, this employer dropped her at a local human resource agency, the manager of which raped her and forced her to give him daily body massage, for 20 days. Hiền and Aziz then sent Gấm to the fifth, then the sixth employer, whose daughter frequently and brutally beat her. On May 20, 2021, Gấm successfully escaped and was taken by the Saudi police first to a local shelter and then to the SAKAN Center in Riyadh. Throughout her 25-months ordeal, Gấm repeatedly called HAVIMEC's Executive Director, Hiền and Khánh for help; they all blocked her calls. Only once was she able to talk to Khánh, using a borrowed phone; that was December 2020. He promised to put her on the next flight home. Gấm is still in Saudi Arabia.

(2) We have identified four minors among the victims and have reasons to believe that many more minors are being held captive by their employers in Saudi Arabia. Ms. H'Xuân Siu was only 14 when she was recruited by VINACO, which added seven (7) years to her age on the passport they applied on her behalf. When she died on July 17 this year, she had not reached 18. Before her death, she left multiple voice messages asking for help from VINACO, detailing the beatings she was subjected to by her employer. In her last message, she reported being whipped with a cord until she passed out. Another minor, from H'Xuân's same village, made it home alive. She was also recruited by VINACO and knows of other

minors sent to Saudi Arabia by VINACO, all being from Montagnard Christian families in Dak Lak Province. Responding to news coverage of trafficked minors by Radio Free Asia and Voice of America, on October 7, the spokeswoman of Vietnam's Ministry of Foreign Affairs (MOFA) acknowledged the death of H' Xuân but wrongly affirmed that she was born in 1996 – her correct birth year was 2003. MOFA's spokeswoman did not mention any government efforts to rescue other trafficked minors mentioned in the news stories.

Speaking to reporters on October 16, Mr. Doãn Mậu Diệp, MOLISA's Deputy Minister, downplayed the news stories on RFA and VOA, characterized the problems as occasional irregularities caused by some labor export companies not fully complying with MOLISA regulations, and lauded the Labor Attaché in Saudi Arabia for competently fixing these problems. In reality, of all the trafficked victims who reported calling or coming to the Vietnamese embassy for help, none was referred to the Saudi police for protection.

#### **Prosecution**

The TIP report concluded that “[t]he government increased law enforcement efforts.” We have not observed any law enforcement efforts with regard to the trafficking cases identified by us and brought to the attention of the Vietnamese government by international agencies and foreign diplomatic missions.

1. Four days after H' Xuân Siu died in Saudi Arabia, her mother was told by the District Police to sign an agreement for VINACO, the labor export company, to cremate H' Xuân's remains in Saudi Arabia. At the same time, the broker who recruited H' Xuân and other Montagnard minors for VINACO called H' Xuân's family to persuade them about cremation. Disregarding the mounting pressure, H' Xuân's mother sent off demands for investigation to the Police Department of Dak Lak Province (where H' Xuân's family resides), the Police Department of Gia Lai Province (where VINACO applied for H' Xuân's

passport), the Police Department of Thanh Hoa Province (where VINACO operates), and MOLISA. The police departments of Dak Lak and Gia Lai provinces transmitted her petitions to their Thanh Hoa counterpart, which concluded that there was not sufficient evidence for criminal investigation. There was no response from MOLISA.

2. On November 9, 2020, Khánh, the Labor Attaché, extracted Ms. Y Manh, a 30-years old Montagnard, and two other Vietnamese women from the Khadimat Center. When the labor export company that recruited Y Manh discovered her disappearance, it launched a public search for her. Unable to sell her to any employer, Khánh placed Y Manh with Thái Thị Hà, his accomplice, for four months before taking Y Manh home, where she took care of his newborn and did house chores. As the public search for Y Manh intensified, on September 30, Khánh dropped her at the SAKAN Center. Soon afterwards, the police in Vietnam summoned A Ngoai, a Montagnard Christian who was helping Y Manh's parents with a petition for her repatriation, for interrogation. They questioned A Ngoai about the source of the draft petition. Yesterday, the police resumed their interrogation of A Ngoai.

3. On April 11, 2021, Ms. H'Thai Ayun and eight Vietnamese residents of SAKAN Center went on Facebook to beg the Vietnamese government to bring them home. The following day, Khánh, the Labor Attaché, confronted this group at the SAKAN Center, accusing them of defaming the Vietnamese government and threatening H'Thai with imprisonment for having violated the laws of both Saudi Arabia and Vietnam.

The pattern is clear: no prosecution of the traffickers in Vietnam or Saudi Arabia. Identified brokers that recruited minors, labor export companies that trafficked and/or re-trafficked domestic workers, and members of Vietnamese-run trafficking rings in Saudi Arabia are doing business as usual. Khánh, the Labor Attaché, continues to have access to Vietnamese migrant workers, including some of his victims.



**Recommendations**

Instead of evaluating Vietnam's efforts to combat human trafficking, particularly labor trafficking, on the basis of a written plan and promised improvements, a better indicator would be its implementation of current domestic laws and provisions of the Palermo Protocol to protect victims, prosecute perpetrators, and prevent more of its citizens from becoming victims. We recommend using cases in Saudi Arabia as the litmus test for the following reasons.

1. Vietnamese-run trafficking rings in Saudi Arabia are increasingly resorting to re-trafficking victims who have no prospect of repatriation due to travel restrictions. We anticipate a drastic increase in the number of identified victims over the next six months.
2. Saudi Arabia's Human Rights Council and national police have been highly responsive to rescue requests and provided effective protection to rescued victims.
3. Victims, while outside of Vietnam, are more open to offer information about their traffickers, information that would enhance our understanding of how trafficking syndicates operate under or alongside Vietnam's labor export program.

The ranking of Vietnam in the next TIP report should be based on that country's efforts to rescue and protect already identified victims; investigate and prosecute already named perpetrators and secure compensations for their victims; inform the public of known, on-going risks and unscrupulous practices in the labor export program; and demonstrate meaningful cooperation with international agencies, the Saudi authorities, and NGOs such as CAMSA.

My organization stands ready to provide this Committee and the TIP Office with documented cases of trafficked victims as they are identified. We are willing to set up physical presence in Saudi Arabia, if permitted by the Saudi government, to locate victims and coordinate their rescue and protection with the Saudi authorities and international agencies.

## APPENDIX 1

List of Labor Export Companies Sending Large Numbers of Vietnamese Maids to Saudi Arabia (underlined are those involved in the trafficking of identified victims)

**ĐẦU MỐI LIÊN HỆ CÁC CÔNG TY VIỆT NAM**

Tiếp theo thông báo của Đại sứ quán ngày 16/5/2021 liên quan đến việc tiếp nhận đăng ký nguyện vọng đăng ký về nước của lao động Việt Nam tại Ả-rập Xê-út, đồng thời đề trao đổi và thông tin khi cần thiết, Đại sứ quán Việt Nam tại Ả-rập Xê-út xin thông tin danh sách các đầu mối liên hệ của các công ty như sau:

| STT | TÊN CÔNG TY                | THÔNG TIN LIÊN HỆ  |   |  |
|-----|----------------------------|--------------------|---|--|
|     |                            | Họ và tên          | Số điện thoại                           | Email  |
| 1   | <u>THANG LONG OSC</u>      | PHẠM THỊ MÂY       | Saudi 0508438676<br>Việt Nam 0964886524 | thanglongosc@gmail.com                               |
| 2   | <u>TRANG AN - TAMICO</u>   | PHẠM THỊ LY        | Việt Nam 0962155760                     | lyphan@tamico.com.vn                                 |
| 3   | <u>THANH DO IET</u>        | NGO THANH QUYNH    | Việt Nam 037833608                      | ngothanhquynh@thanhdoiet.com.vn                      |
| 4   | <u>NOSCO</u>               | LE MINH HUY        | Việt Nam 0945378951                     | lmh.lm@noscomast.vn                                  |
| 5   | <u>VINH CAT - VICA</u>     | HOANG THỊ THU HANG | Việt Nam 0915387787                     | hoanghang1906@gmail.com<br>vicamangover368@gmail.com |
| 6   | <u>INTIME</u>              | NGUYỄN THỊ THANH   | Saudi 0551656249                        | info@intime.com.vn                                   |
| 7   | <u>HAVIMEC</u>             | LE ĐỨC QUÝ         | Việt Nam 0903229374                     | havimec.jsc@gmail.com                                |
| 8   | <u>VINAMEX</u>             | NGÔ NHƯ QUYNH      | Việt Nam 0982554335                     | quynhnh1012@gmail.com                                |
| 9   | <u>COLECTO</u>             | TRƯƠNG THỊ HIỀN    | Saudi 0557239257                        | minhtruonghen16@gmail.com                            |
| 10  | <u>LEESCO</u>              | NGUYỄN DUY KHANH   | Việt Nam 0932393392                     | mk2102@gmail.com                                     |
| 11  | <u>BẢO SƠN</u>             | NGUYỄN XUÂN HOÀNG  | Việt Nam 0326217643                     | duyngidmanpower.supply@gmail.com                     |
| 12  | <u>CEC</u>                 | TRẦN VĂN VIỆT      | Việt Nam 0978686838                     | cecmanpower.supply@gmail.com                         |
| 13  | <u>VINACO</u>              | NGUYỄN DUY KHÁNH   | Saudi 0598011292                        | vinacoeth2016@gmail.com                              |
| 14  | <u>NAM VIET</u>            | TRƯƠNG THỊ HIỀN    | Saudi 0546756129                        | hiensaudi1955@gmail.com                              |
| 15  | <u>HA NOI HTD</u>          | TRƯƠNG THỊ VINH HA | Việt Nam 0914979968                     | truongha@htd.edu.vn                                  |
| 16  | <u>GLO-TECH</u>            | TRẦN THỊ MINH THU  | Việt Nam 0985460337                     | thitrminhthu_hanoj@yahoo.com                         |
| 17  | <u>VIVASEEN</u>            | TRẦN THỊ THANH MAI | Việt Nam 0974318999                     | moclan195@gmail.com                                  |
| 18  | <u>TRAENCO</u>             | NGUYỄN VĂN TUẤN    | Việt Nam 0916115989                     | xkdttraenco@gmail.com                                |
| 19  | <u>THUẬN AN DMC</u>        | LE ĐÌNH TOÀN       | Việt Nam 0986046869<br>hokc: 0947606668 | thuanandmc@gmail.com                                 |
| 20  | <u>PHÚC CHIẾN THẮNG</u>    | NGUYỄN ĐÌNH THẮNG  | Việt Nam 0938836777                     | thangnguyen.etc@gmail.com                            |
| 21  | <u>TAMAX</u>               | LÂM XUÂN LỘC       | Việt Nam 0915837888                     | tanamaxmanpower@gmail.com                            |
| 22  | <u>VIỆT NHẬT - VITECH</u>  | NGUYỄN TIẾN DŨNG   | Saudi 0548590485                        | vietnhat@vitech.vn<br>ngocouly39@gmail.com           |
| 23  | <u>CIPCO</u>               | NGUYỄN HAI YẾN     | Saudi 0548276694<br>Việt Nam 0169850088 | cipcoimex@gmail.com                                  |
| 24  | <u>GIA VI - GV MPCS</u>    | KIEU THỊ LINH      | Việt Nam 0972265188                     | gia-vi@gmail.com                                     |
| 25  | <u>VIỆT LỰC - VILUTS</u>   | ĐÀNG THAI DŨNG     | Việt Nam 0984482986                     | mfo@vietluc.vn                                       |
| 26  | <u>INCOMEX</u>             | NGUYỄN THỊ TUYẾT   | Việt Nam 01632026666                    | minhota68@gmail.com                                  |
| 27  | <u>VINAGIMEX</u>           | LÊ THU HÀ          | Việt Nam 0912918520                     | vinagimexvietnam68@gmail.com                         |
| 28  | <u>BẠCH ĐĂNG - BIMEXCO</u> | ĐÌNH QUỐC TRƯỞNG   | Việt Nam 0976525555                     | trienbimexco@gmail.com                               |
| 29  | <u>HOANG HUNG JSC</u>      | BUI VIỆT HÙNG      | Việt Nam 0983076178                     | hoanghungmanpower@gmail.com                          |

Trên trong thông báo!

Mr. SMITH. I appreciate that so much. As well as the CEO of the Anti-trafficking International, Taina Bien Aime, Executive Director of the Coalition Against Trafficking in Women as well, as part of the record here today.

Ms. OMAR. Without objection.

[The information referred to follows:]

**COMBATING GLOBAL HUMAN TRAFFICKING STATEMENT OF  
TAINA BIEN-AIMÉ, EXECUTIVE DIRECTOR,  
COALITION AGAINST TRAFFICKING IN WOMEN,  
PREPARED FOR THE HOUSE FOREIGN AFFAIRS COMMITTEE  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND GLOBAL HUMAN  
RIGHTS**

**OCTOBER 27, 2021**

The Coalition Against Trafficking in Women (CATW) is one of the oldest international non-governmental organizations dedicated to ending human trafficking and the commercial sexual exploitation of women and girls worldwide from a gender-based violence and discrimination perspective. Founded in 1988, CATW engages in advocacy and campaigns designed to create socio-cultural, political, and legal conditions at the local, state, national and international levels to prevent and combat the human trafficking and sexual exploitation of women and girls, as well as providing victims and survivors the services they need to rebuild their lives.

CATW thanks Rep. Chris Smith (R-NJ) and Rep. Karen Bass (D-CA) for their leadership in sponsoring the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2021 (H.R. 5150)(Frederick Douglass Act of 2021). Its passage will strengthen the United States' efforts and increase U.S. investments at every level of government to ensure survivor-informed approaches tackle the complexities of the global crime of human trafficking. In particular, CATW welcomes the proposed "Modifications To Factors For Consideration For Minimum Standards For Elimination Of Human Trafficking"<sup>i</sup> ("Minimum Standards") that would assist the State Department in determining whether a country is engaged in serious and sustained efforts to prohibit the purchase of commercial sex acts.<sup>ii</sup>

Although firmly established in federal and international laws and policies, it remains imperative that Congress clarify that targeting the demand for commercial sex acts is a basic requirement in combating trafficking for purposes of sexual exploitation, especially when assessing whether a government has met the Minimum Standards.

Human trafficking continues to be the fastest growing global crime, generating billions of dollars annually, second only to arms trafficking. It is a gendered phenomenon. According to the UN Office on Drugs and Crime, 72% of detected trafficking victims are women and girls.

Worldwide, girls are the fastest growing group of detected victims of trafficking at 23% vs. 7% boys. Women and girls are in high demand in the global sex trade: they comprise 94% of detected sex trafficking victims.<sup>iii</sup> Their exploitation has exponentially increased during the COVID-19 pandemic.<sup>iv</sup> Therefore, **explicit and clarifying recognition in the Frederick Douglass Act of 2021 that States must target the demand for commercial sex acts in combating human trafficking is essential.**

Urging States to target sex buyers of commercial sex acts and educating governments on how traffickers exploit prostituted persons for human trafficking is one of the first elements toward recognizing that the sex trade, including prostitution, is where sex trafficking happens. Sex trafficking is the vehicle through which traffickers bring their victims to the end destination of the sex trade.<sup>v</sup> A USAID report recognized that without sex buyers' demand for commercial sex acts there would be no trafficking for purposes of sexual exploitation, whether or not the sex buyer was involved in the trafficking process. According to this report, the vast majority of buyers do not specifically demand a victim of trafficking, but demand the commercial sex act itself, therefore it is "meaningless to separate demand for prostitution from demand for prostitution provided by trafficked persons."<sup>vi</sup>

As to whether a State's prohibition of the purchase of commercial sex acts should be part of the Minimum Standards and whether such prohibition is within the authority of such government is a question whose answer can be found, *inter alia*, in U.S. federal and international laws and policies.<sup>vii</sup> With respect to international law, Article 9.5 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) to which the United States is a party, mandates State parties to "adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking."<sup>viii</sup> Among the forms of exploitation listed in the Palermo Protocol is the exploitation of prostitution.

With respect to U.S. federal law, although the TVPA Minimum Standards for the Elimination of Trafficking in Persons relies on "severe forms of trafficking" to determine whether a country is prohibiting and punishing acts of human trafficking,<sup>ix</sup> the TVPA's definition of sex trafficking explicitly recognizes the purchase of commercial sex acts as intrinsically linked to the crime of human trafficking for purposes of sexual exploitation.<sup>x</sup>

At the regional level, the Office for Security and Cooperation of Europe (OSCE) recently offered its assistance to OSCE participating States, which includes the United States, in efforts to discourage demand. In its Occasional Paper, "Discouraging the demand that fosters trafficking for the purpose of sexual exploitation," OSCE sets forth the established obligations and commitments stemming from international legal and political instruments, outlines current criminal justice responses to the demand for commercial sex acts as a method of human trafficking prevention, and offers insight and recommendations on how these measures can be improved to achieve more impact.<sup>xi</sup>

CATW also applauds clarification in Section 205(d)(12)(D) of the Frederick Douglass Act of 2021 that would ensure that anti-trafficking-in-persons training and provisions are incorporated into codes of conduct for the staff of the Government. The U.S. Government is clear in its opposition to prostitution, including pimping, pandering, or maintaining commercial sex establishments, and recognizes that “it should not be regulated as a legitimate form of work for any human being.”<sup>xii</sup> National Security Presidential Directive 22 (NSPD 22) further states, “Prostitution and related activities, which are inherently harmful and dehumanizing, contribute to the phenomenon of trafficking in persons, as does sex tourism.”<sup>xiii</sup>

#### **A Tier Structure: Case Study of Australia vs. Germany**

Successive Trafficking in Persons Reports (TIP Reports) consistently find that Australia's trafficking prosecution rates are low compared with the number of trafficking cases identified and the overall scope of the crime. Despite recognizing in its 2018 TIP Report that Australia fails to adequately screen for indicators of trafficking among vulnerable groups,<sup>xiv</sup> and in the 2021 TIP Report that the country convicted just one trafficker with a sentence of three years' probation, the State Department unflinchingly places Australia in Tier 1.<sup>xv</sup>

Passage of the Frederick Douglass Act of 2021 would provide the State Department stronger tools toward appropriate Tier placements, particularly with respect to assessing Australia's—and other countries'—failure to combat the demand that fosters trafficking for sexual purposes.

Like the United States, prostitution is governed at a state level in Australia; however, unlike the United States, Australia recognizes the system of prostitution as a form of labor and the sex trade as a viable employer for marginalized populations, especially Aboriginal and migrant women.

The State of Victoria legalized prostitution in 1994 and New South Wales decriminalized the sex

trade in 1995.<sup>xvi</sup> Victoria's Prostitution Control Act 1994<sup>xvii</sup> was meant to regulate brothels, control prostitution, bring it "above ground," implement workplace rights and protections, remove stigma and discrimination, and generally improve the situation for women in prostitution.<sup>xviii</sup> The State of Victoria recognizes that the law failed on all counts.<sup>xix</sup> It expanded the sex trade: for every registered legal brothel, there are over five unlicensed "massage parlors" (90 legal versus 500 illegal brothels in Melbourne alone).<sup>xx</sup> Sex trafficking is presumed in Victoria with the presence of foreign women, mostly from China, Thailand, Korea, The Philippines, and the Pacific Islands, sold in brothels, especially unlicensed "massage parlors," with impunity. Yet, instead of amending laws that would target the demand for commercial sex acts, the state of Victoria is currently proposing a law to decriminalize the sex trade, which would further expand it and thereby increase the risk of sex trafficking.<sup>xxi</sup>

Australia's acceptance of the exploitation of prostitution as labor relies on the unfounded distinction between "free" and "forced" prostitution, leading to constructing cases of human trafficking for purposes of sexual exploitation on consent as the primary factor in determining whether exploitation occurred. This framework remains a significant barrier to the proper adjudication of human trafficking cases. Australian legal scholars reviewed several cases of human trafficking in Australia where discussion of consent hinders the ability of law enforcement to identify human trafficking victims and for the courts to adjudicate such cases.<sup>xxii</sup>

According to the Palermo Protocol, to which Australia is a party, and to Australia's national laws, consent must not be a factor in establishing the offense of human trafficking, nor a defense to its charge. Thus, consent, including that acquired under conditions of abuse of power, of a position of vulnerability, or debt bondage, to name a few means traffickers use for purposes of exploitation, would be void.<sup>xxiii</sup>



A report prepared by an Australian non-governmental organization found that many women working in illegal massage parlors in Sydney were “unable to refuse clients, worked extended hours, including 24hr shifts, were on temporary working holiday and student visas, were moved between brothels by management, had low levels of English language, and lived onsite at the brothel.”<sup>xxxiv</sup> While these fact patterns are recognized as indicators of human trafficking, Australian authorities concluded that there were no signs of human trafficking because most women “consented to come to Australia.”<sup>xxxv</sup> Among the vulnerable groups that the TIP Report listed for Australia are international students<sup>xxxvi</sup> who are being lured into Melbourne's commercial sex industry with impunity.<sup>xxxvii</sup>

The Committee on the Elimination of Discrimination Against Women (CEDAW Committee) echoed concerns expressed in the TIP Report. The CEDAW Committee expressed grave concern about Australia’s failure “to take measures to address the demand for prostitution,”<sup>xxxviii</sup> in order to prevent women and girls from entering prostitution and support those who wish to exit the sex trade.<sup>xxxix</sup>

Based on the above, it is difficult to understand why Australia, unlike Germany (a Tier 2 country), maintained a Tier 1 status in the 2021 TIP Report. Studies show that in jurisdictions where the sex trade is legalized or decriminalized,<sup>xxx</sup> not only does a higher incidence of sex trafficking occur,<sup>xxxi</sup> but detecting and prosecuting sex trafficking cases, including the sex trafficking of children,<sup>xxxii</sup> becomes extremely difficult for law enforcement.

The former head of the Criminal Investigations Department of Augsburg, Germany (where prostitution is legal), outlined the severe adversities law enforcement faces in identifying human trafficking victims in jurisdictions where prostitution is legalized or decriminalized. In Augsburg alone, a town of about 300,000 people, the number of women in prostitution increased by 30% in

ten years.<sup>xxxiii</sup> The legality of commercial sex establishments, the inability to target the demand for commercial sex acts, and the resource-intensive mechanisms required to detect and prosecute sex traffickers<sup>xxxiv</sup> make it close to impossible to combat human trafficking.

As we reaffirm our commitment to effectively prevent, suppress and punish trafficking in persons, as well as provide the necessary services that trafficking victims and survivors require to rebuild their lives, the enactment of the Frederick Douglass Act of 2021, including its Minimum Standards, is urgent.

Thank you.

Taina Bien-Aimé  
Executive Director  
Coalition Against Trafficking in Persons (CATW)

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<sup>i</sup> (d) Modifications To Factors For Consideration For Minimum Standards For Elimination Of Human Trafficking.— Paragraph (12) of section 108(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b))

<sup>ii</sup> .Proposed amendment to Paragraph (12) of section 108(b) of the Trafficking Victims Protection Act of 2000 ([22 U.S.C. 7106\(b\)](#))

<sup>iii</sup> UNODC, *Global Report on Trafficking in Persons 2018* (United Nations publication, Sales No. E.19.IV.2), [https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP\\_2018\\_BOOK\\_web\\_small.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_small.pdf)

<sup>iv</sup> *Guidance, Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic*, OSCE/ODIHR and UN Women, 30 July 2020, [https://www.osce.org/files/f/documents/2/a/458434\\_4.pdf](https://www.osce.org/files/f/documents/2/a/458434_4.pdf)

<sup>v</sup> Prostitution and commercial sex establishments, online and offline, include, but are not limited to, street prostitution, video-camming, dominatrix activities, escort services, brothels, illicit “massage parlors,” pornography, strip clubs, “sugar dating,” sex tourism operators, “hobby boards” (sex buyers’ online platforms). See “Trafficking, Prostitution, and Inequality,” Catharine A. MacKinnon, *Harvard Civil Rights-Civil Liberties Law Review*, Vol. 46, 2009, 2010, 2011, <https://harvardcrlr.org/wp-content/uploads/sites/10/2011/08/MacKinnon.pdf>

<sup>vi</sup> *Tackling the Demand that Fosters Human Trafficking*, USAID, August 2011 [https://pdf.usaid.gov/pdf\\_docs/pnadz753.pdf](https://pdf.usaid.gov/pdf_docs/pnadz753.pdf)

<sup>vii</sup> Article 3(a): “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at

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a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; Article 3(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used. UN General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000

<sup>viii</sup> *Idem*, Article 9.5

<sup>ix</sup> Trafficking Victims Protection Act of 2000, Div. A of Pub. L. No. 106-386, § 108, as amended

<sup>x</sup> The Trafficking Victims Protection Act defines sex trafficking as “the recruitment, harboring, transportation, provision, **obtaining, patronizing, or soliciting** of a person for the purpose of a commercial sex act. (Section 103(10) of the TVPA (22 U.S.C. 7102(12)) (*emphasis added*)

<sup>xi</sup> OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Discouraging the demand that fosters trafficking for the purpose of sexual exploitation* (Vienna, 2021), <https://www.osce.org/cthb/489388>

<sup>xii</sup> [www.combat-trafficking.army.mil/documents/policy/NSPD-22.pdf](http://www.combat-trafficking.army.mil/documents/policy/NSPD-22.pdf).

<sup>xiii</sup> *Trafficking in Persons National Security Presidential Directive*, <https://fas.org/irp/offdocs/nspd/trafpers.html>

<sup>xiv</sup> United States Department of State, *2018 Trafficking in Persons Report - Australia*, 28 June 2018,

<sup>xv</sup> United States Department of State, *2021 Trafficking in Persons Report - Australia*, <https://www.state.gov/reports/2021-trafficking-in-persons-report/australia/>

<sup>xvi</sup> *Disorderly Houses Amendment Act 1995 No 53*, New South Wales, [http://www.austlii.edu.au/au/legis/nsw/num\\_act/dhaa1995n53328.pdf](http://www.austlii.edu.au/au/legis/nsw/num_act/dhaa1995n53328.pdf)

<sup>xvii</sup> *Prostitution Control Act 1994* (since 2010 known as the *Sex Work Act 1994*) [http://www.austlii.edu.au/au/legis/vic/hist\\_act/pca1994295.pdf](http://www.austlii.edu.au/au/legis/vic/hist_act/pca1994295.pdf)

<sup>xviii</sup> Historically, the sexual exploitation and sex trafficking of Indigenous women by colonialists were widespread in 18th century Australia. The penal colony organized a dedicated prostitution system. When Aboriginal women could no longer satisfy the male demand for prostitution the system created, Australia organized the sex trafficking of female convicts from England to meet that demand. See “Zoning Damned Whores and God’s Police: Maintaining Prostitution through Land Use and Euphemism in Victoria, Australia,” Elizabeth Taylor and Tegan Larin, *Journal of Planning History* 1-28, 2021, [sagepub.com/journals-permission](https://sagepub.com/journals-permission)

<sup>xix</sup> “Sex workers report current working conditions as unsafe in both the licensed and unlicensed sectors, including violence in the workplace, deterrents to reporting violence, and a lack of compliance with safe-sex measures.” *Making Sex Work Safe Work*, Premier of Victoria (Australia) Daniel Andrews, <https://www.premier.vic.gov.au/making-sex-work-safe-work>; “Decriminalising sex work in Victoria: The Victorian Government is decriminalising sex work to achieve better public health and human rights outcomes.” VIC Government, <https://www.vic.gov.au/review-make-recommendations-decriminalisation-sex-work>

<sup>xx</sup> “The Majority of Illegal Brothels are Massage Shops Say Police.” Parisuth Sodsai, *SBS Thai*, October 3, 2019; *Sex Work Law Reform Victoria*, <https://sexworklawreformvictoria.org.au/brothel-sex-workers/> <https://www.sbs.com.au/language/english/the-majority-of-illegal-brothels-are-massage-shops-say-police>

<sup>xxxi</sup> Premier of Victoria, The Hon Daniel Andrews, 'Review into Decriminalisation of Sex Work,' 26 November 2019, <https://www.premier.vic.gov.au/review-into-decriminalisation-of-sex-work-0>; Calla Wahlquist, "Victorian government to decriminalise sex work after review hears of exploitation." *The Guardian*, 3 June 2021, <https://www.theguardian.com/australia-news/2021/jun/30/victorian-government-to-decriminalise-sex-work-after-review-hears-of-exploitation>

<sup>xxxii</sup> Schloenhardt, Andreas and Bowcock, Hannah, "'Sex Slaves' and Shrewd Business Women: The Role of Victim Consent in Trafficking in Persons in Australia," *Melbourne University Law Review*, Vol. 39, No. 2, 2015, p. 627 Available at SSRN: <https://ssrn.com/abstract=2764632>

<sup>xxxiii</sup> "Whilst both the Trafficking in Persons Protocol and Australia's domestic provisions under divs 270 and 271 of the Criminal Code explicitly provide that consent is neither a necessary factor to establish the offence, nor a defence to a charge, the issue of consent continues to be raised and discussed in the case law." Schloenhardt, Andreas and Bowcock, Hannah, "'Sex Slaves' and Shrewd Business Women: The Role of Victim Consent in Trafficking in Persons in Australia," *Melbourne University Law Review*, Vol. 39, No. 2, 2015, p. 625 Available at SSRN: <https://ssrn.com/abstract=2764632>

<sup>xxxiv</sup> Shadow Report to CEDAW Committee on Article 6 of CEDAW, Coalition Against Trafficking in Women – Australia, 2019, p. 10, [https://www.catwa.org.au/wp-content/uploads/2018/08/CEDAW\\_Art6\\_summary.pdf](https://www.catwa.org.au/wp-content/uploads/2018/08/CEDAW_Art6_summary.pdf)

<sup>xxxv</sup> CEDAW/C/AUS/Q/8/Add.1, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FAUS%2FCO%2F8%2FAdd.1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FAUS%2FCO%2F8%2FAdd.1&Lang=en)

<sup>xxxvi</sup> "...trafficking convictions remain low and that even when convicted in rare instances, the lenient sentences "weaken deterrence and may undercut broader efforts to fight trafficking. The government also did not adequately screen vulnerable groups traffickers may target.", U.S. Department of State, *2021 Trafficking in Persons Report: Australia*, Office to Monitor and Combat Trafficking in Persons, <https://www.state.gov/reports/2021-trafficking-in-persons-report/australia/>

<sup>xxxvii</sup> "They'd ask me to do horrible things: How students are being lured into working at illegal brothels masquerading as massage parlours and offered 'hundreds of dollars a day'" Kirsten Jelinek, *Daily Mail Australia*, 29 May 2021 <https://www.dailymail.co.uk/news/article-9632029/How-students-lured-working-illegal-brothels-masquerading-massage-parlours.html>

<sup>xxxviii</sup> "Concluding observations on the eighth periodic report of Australia," Committee on the Elimination of Discrimination Against Women, CEDAW/C/AUS/CO/8, 25 July 2018, Section 33, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FAUS%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FAUS%2FCO%2F8&Lang=en)

<sup>xxxix</sup> The CEDAW Committee also expressed concern at the "lack of gender perspective in the reports issued by the Interdepartmental Committee on Human Trafficking and Slavery" and recommended that Australia "integrate the Office for Women in its Interdepartmental Committee on Human Trafficking and Slavery and ensure that it issues gender-sensitive recommendations." Committee on the Elimination of Discrimination Against Women, CEDAW/C/AUS/CO/8, 25 July 2018, Section 32, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FAUS%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FAUS%2FCO%2F8&Lang=en)

<sup>xxxix</sup> The legal frameworks of legalization and decriminalization are highly similar in intent and impact. See *Germany and New Zealand: A Comparison of Prostitution Laws, 2002-2017*, Coalition Against Trafficking in Women, 2021, <https://catwinternational.org/wp-content/uploads/2021/06/Germany-New-Zealand-A-Comparison-in-Prostitution-Law-FINAL.pdf>

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<sup>xxxii</sup> Cho, Seo-Young and Dreher, Axel and Neumayer, Eric, Does Legalized Prostitution Increase Human Trafficking? (January 16, 2012). *World Development*, 41 (1), 2013, pp. 67-82. Available at SSRN: <https://ssrn.com/abstract=1986065> or <http://dx.doi.org/10.2139/ssrn.1986065>

<sup>xxxiii</sup> "Child Sexual Abuse and Trafficking are Prevalent in Australia," Sonia Hickey & Ugur Nedim, February 6, [https://www.sydneycriminallawyers.com.au/blog/child-sexual-abuse-and-trafficking-are-prevalent-in-australia/?utm\\_source=Mondaq&utm\\_medium=syndication&utm\\_campaign=LinkedIn-integration](https://www.sydneycriminallawyers.com.au/blog/child-sexual-abuse-and-trafficking-are-prevalent-in-australia/?utm_source=Mondaq&utm_medium=syndication&utm_campaign=LinkedIn-integration)

<sup>xxxiiii</sup> Helmut Spörer, Detective Chief Superintendent of the Crimes Squad, Augsburg Speech for the Seminar "Reality of Prostitution," European Women's Lobby, 1 Oct 2013. Brussels. [https://www.womenlobby.org/IMG/pdf/helmut\\_sporer\\_1\\_oct\\_2013\\_english\\_final.pdf](https://www.womenlobby.org/IMG/pdf/helmut_sporer_1_oct_2013_english_final.pdf)

<sup>xxxv</sup> Helmut Spörer, *On the Consultation of the Committee on Gender Equality and Women of the State Parliament of North Rhine-Westphalia (Germany)*, January 14, 2021 (Statement available upon request).

Mr. SMITH. Thank you. But if there is any countries you think that we need to be really highlighting, you know, this far out. Yes, Ms. Chumbow.

Ms. CHUMBOW. It is in my testimony. I would say, Malawi, we mentioned, you know, countries like East Africa. So, because, yes, Malawi, would be one of the countries, I think we should look into. And I know it is even in the TIP Report this year they mentioned Cameroon. You know, that was good, but I think they should follow the same suit when it comes to countries like Malawi.

Mr. WILLIAMS. Thank you, Congressman. The power of the TIP Report as you know varies from region to region in the world. In Southeast Asia, I believe, it is particularly powerful from my experience. And I note that there are a number of countries. You mentioned Vietnam, Cambodia, and Malaysia, and Thailand all either at the watchlist or the Tier 3 level. So, there are really two things to note there. And first is the importance as you already alluded to, that the U.S. Government rely on the experts in the TIP office to drive the content of the report and politicizing that process is going to discredit it. And we know this. So, that is really the first thing is to trust the experts in the TIP office. We have had a great relationship with them over many years as you know. And they do fantastic work every year to collect these reports.

And I do think it will have a powerful influence on the labor trafficking flows in Southeast Asia and we hope to have a joined-up response between these countries. I would say one thing to note is whether the TIP office could consider limiting the practice of adding these extra exemption years, which keep countries on the Tier 2 watchlist beyond what the intended timeframe is. Again, this goes to credibility in terms of the tool it is as a diplomatic tool to motivate change. And so, these continued extensions that can harm the credibility and that is a dynamic that we are seeing in some of these countries in Southeast Asia. Thank you.

Mr. SMITH. Thank you, Mr. Williams.

Mr. THIER. Thank you for the question. I do not have a specific country recommendation to give to you at this time. But I might list two or three things that we are very concerned about. One is, of course, around the pandemic impact and the pandemic recovery. One piece of work that we have been doing in Bangladesh has been looking at informal apparel factories, which is a relatively understudied problem. And one of the things that we have found is a much higher level of child labor in those factories than we had even anticipated based on the standards of the apparel industry at this time. And some of the reflection for that was because of children out of school, because of families who had lost livelihoods, and we are deeply concerned about the increasing vulnerability of those families and the livelihoods that we are going to see increases.

The second one, of course, is Afghanistan. There has been a lot of concern raised about the extent of out migration of Afghanistan because of the Taliban takeover and lack of protections for very vulnerable migrants. And so, we have a particular amount of concern about that now just because the numbers have gone very rapidly through the roof. And so, I think that looking at those places also in East Africa and Ms. Chumbow also mentioned Libya. The rise of conflict whether it is in Ethiopia, Libya, and other places,

are creating a pressure on migration and out migration that I think is creating increased vulnerability. And these are all situations that we are quite concerned about.

Mr. SMITH. Let me just ask a question. You know, we often here in the news that traffickers are streaming across our southern border. I have been to all the countries in Central and South—not all in South, but all in Central several times. We know that traffickers and cartels move women. We have had women from Mexico show up trafficked in my district. We have had women from Honduras show up trafficked in my district. This is not that recent, but we have had very serious problems usually it was affiliated with gangs. And these women were brought against their will. Thankfully, they were rescued and repatriated with their families.

But I get concerned sometimes when, you know, kind of like a forced migration or a cartel bringing people over when they are paying, but it is not for sex or labor trafficking. It gets conflated with the term trafficking. We have written the TIP office and we have asked them what is the situation on the ground? Aren't people women and men, children being trafficked in this huge flow that is making its way across the southern border? Do any of you have any insights as to what is happening there? I mean, there are so many unaccompanied minors. We know that they become easier prey for these predators. Do we have any data on this? We haven't gotten word back from TIP on this, TIP office I should say. But, you know, again, I do not care what the politics are. If children and women are being exploited into sex and labor trafficking and they are using the cover of an open border to facilitate that, we need to be hardnosed about it and very, very strong in protecting those innocent people from that cruel exploitation. Do you have anything on that, any of you? Ms. Chen.

Ms. CHEN. Congressman Smith, thank you for raising this. You know, I actually went back in preparation for this conversation today to look at the data in the National Human Trafficking Hotline. At this point, we do not see an increase in trafficking specifically on the southern border.

Mr. SMITH. Could I ask you just as you answer that?

Ms. CHEN. Yes.

Mr. SMITH. How would those people coming across the border have any idea that there is a hotline, Polaris, for them to call?

Ms. CHEN. And you took the words right out of my mouth. I was going to say, there is, of course, a limitation, right, on reach. But I do want to raise again that the data that we do have is that of the—so, we went back and looked at 5 years of labor trafficking cases onto the hotline, 2015 to 2019. Eighty-seven percent of the labor trafficking victims came to the United States on legal temporary guest workers visas on the H-2A and H-2B. Eighty-seven percent. And so, I recognize that, of course, there is a much larger or more complex conversation about immigration, but I do want to raise for this subcommittee that there is a solvable problem that we have, which is that we can actually end labor trafficking in the migrant guest worker system by re-regulating the H-2A and H-2B.

Mr. SMITH. Let me just I have one final comment I would like to make and I would like to express my gratitude to the Department of State for making some critically important corrections to

the 2021 TIP Report. The Bangladesh section of the original publication was corrected from its statement that, "Brothel owners forced them into sex work when they were children." As we all know, both under U.S. Federal law and international law, any person under the age of 18 in the sex trade is a sex trafficked child. And matter of fact, if they are below 14, they can get up to live imprisonment if you do it. Eighteen, you know, it is 20 years or so. But I mean that is how serious the crime is. And I think labeling the child sex trafficking as sex work normalizes abuse and the exploitation of children. To be clear, sex trafficking is not a job. It is exploitation. It is enslavement and an attack on the dignity of the human person.

And I would just conclude, you know, when we passed the Frederick Douglass law a couple of years ago, again, with great input from A21, and all of you, as well as Frederick Douglass' great, great grandson, Kenneth Morris. A big emphasis was on devising curricula that could be used in an age-appropriate manner for elementary and secondary schools and even colleges so that the signs could be noticed both by educators, administrators, teachers, and the students themselves. And that rollout was in some degree stymied by COVID. Obviously, people weren't going to school. But we are hoping that with the enhancement that is in our, Karen Bass' and I, new bill, that that will rollout as quickly as humanly possible so that all of our young people are empowered to know what is lurking right around the corner for them or for their best friend or their acquaintances in school.

I think we need to aggressively push this not just here. I brought it to the attention of the OSCE and the OSCE Parliamentary Assembly, and got a resolution passed. I invited Frederick Douglass' great, great grandson to come and do a presentation along with a few other very talented people in the curricula area. And we had well over 100 lawmakers from Europe and Russia come to that, take the materials, and we were saying do likewise. Protect your students and your young people from this exploitation. And I think knowledge is power and that will help. So, please help us get the bill passed. And thank you so very much for your leadership.

Ms. OMAR. Well, thank you all for your incredible testimonies and for being so generous with your time. I want to thank Chairwoman Bass for convening this hearing. And just express my gratitude to Ranking Member Smith for so passionately advocating on behalf of the world's most vulnerable people. It means a great deal. I think too, you know, to your testimonies as we address human trafficking and the criminal aspects of it, we have to also think about holistically what it means for us to have humane immigration systems. What it means for us to be, you know, siblings of one another and help countries that are economically struggling to invest in the education of young girls across the world so that they are not being exploited for the hopes of getting that education. And we have to critically address the conflicts that contribute whether it is, you know, conflicts around resources because of the climate crisis or, you know, the persistent conflicts that exist around terrorism and wars and fight around power in some of these countries that contributes to human trafficking especially on the continent of Africa. And we have to address this with an intersectional lens.



And understand that there are people who are vulnerable that we do not often get to see or acknowledge their humanity and dignity. So, I thank you all and thank other committee members for their incredible questions today.

And with that, the Subcommittee is adjourned.

[Whereupon, at 11:56 a.m., the subcommittee was adjourned.]

APPENDIX

**SUBCOMMITTEE HEARING NOTICE  
COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515-6128**

**Subcommittee on Africa, Global Health, and Global Human Rights**

**Karen Bass (D-CA), Chair**

***\*REVISED\****

October 25, 2021

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN hearing of the Subcommittee on Africa, Global Health, and Global Human Rights to be held in Room 2172 of the Rayburn House Office Building. Pursuant to H. Res. 8, Members who wish to participate remotely may do so via Cisco WebEx. The hearing is available by live webcast on the Committee website at <https://foreignaffairs.house.gov/>.

**DATE:** Wednesday, October 27, 2021

**TIME:** 10:00 a.m., EDT

**LOCATION:** 2172 Rayburn House Office Building

**SUBJECT:** Combating Global Human Trafficking

**WITNESSES:** Mr. Alex Thier  
Chief Executive Officer  
Global Fund to End Modern Slavery

Ms. Catherine Chen  
Chief Executive Officer  
Polaris

Ms. Evelyn Chumbow  
Board Member/Survivor  
Free the Slaves

\* Mr. Peter Williams  
Principal Advisor, Modern Slavery  
International Justice Mission

**\*NOTE:** Witness has been added.

**\*\*NOTE:** Further witnesses may be added.

**By Direction of the Chair**

*The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.*

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, and Global Human Rights HEARING

Day Wednesday Date 10/27/21 Room Rayburn 2172

Starting Time 10:06am Ending Time 12:13pm

Recesses  ( to ) ( to ) ( to ) ( to ) ( to ) ( to )

Presiding Member(s) Rep Karen Bass  
Rep Ilhan Omar

Check all of the following that apply:

Open Session       Electronically Recorded (taped)   
Executive (closed) Session       Stenographic Record   
Televised

TITLE OF HEARING:

Combating Global Human Trafficking

SUBCOMMITTEE MEMBERS PRESENT:

see attendance sheet

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an \* if they are not members of full committee.)

HEARING WITNESSES: Same as meeting notice attached? Yes  No   
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

2 statements for the record - Rep Chris Smith

TIME SCHEDULED TO RECONVENE \_\_\_\_\_

or  
TIME ADJOURNED 12:13pm

[Signature]  
Subcommittee Staff Associate

**HOUSE COMMITTEE ON FOREIGN AFFAIRS**  
*SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND GLOBAL HUMAN RIGHTS*  
**COMMITTEE HEARING**  
 OCTOBER 27, 2021

| <i>PRESENT</i> | <i>MEMBER</i>       |
|----------------|---------------------|
| X              | Karen Bass, CA      |
| X              | Dean Phillips, MN   |
| X              | Ilhan, Omar, MN     |
| X              | Ami Bera, CA        |
| X              | Tom Malinowski, NJ  |
| X              | Sara Jacobs, CA     |
|                | David Cicilline, RI |
|                |                     |
|                |                     |
|                |                     |

| <i>PRESENT</i> | <i>MEMBER</i>            |
|----------------|--------------------------|
| X              | Christopher H. Smith, NJ |
|                | Darrell Issa, CA         |
| X              | Greg Steube, FL          |
|                | Dan Meuser, PA           |
| X              | Young Kim, CA            |
| X              | Rony Jackson, TX         |
|                |                          |
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OPENING STATEMENT CHAIRMAN BASS

**Rep. Bass Opening Statement**  
**Combating Global Human Trafficking**  
**AGH Subcommittee Hearing Wednesday, October 27, 2021**

**Chair (countdown):** Five, four, three, two, one.

*\*\*[Pause for three seconds, bang gavel]\*\**

**Chair:** The Subcommittee on Africa, Global Health, and Global Human Rights will come to order. Without objection, the Chair is authorized to declare a recess of the Subcommittee at any point. All members will have five days to submit statements, extraneous material, and questions for the record, subject to the length limitation in the rules. To insert something into the record, please have your staff contact the subcommittee staff.

As a reminder to Members, please keep your video function on at all times, even when you are not recognized by the Chair. Members are responsible for muting and unmuting themselves, and please remember to mute yourself after you finish speaking. Consistent with H.Res. 8 and the accompanying regulations, staff will only mute members and witnesses as appropriate when they are not under recognition to eliminate background noise.

I see that we have a quorum and will now recognize myself for opening remarks.

Pursuant to notice, we are holding a hearing entitled *Combating Global Human Trafficking*.

Today we are here to highlight and hear recommendations on what Congress can do to help combat human trafficking around the world. We have a panel of expert witnesses who will give us an overview of the new Trafficking in Persons report; how technology has influenced trafficking and made it more difficult to stop; and how the COVID-19 pandemic is being exploited to the benefit of traffickers. As the global community looks to create a global comprehensive strategy to address human trafficking, we must take a hard look at some of its root causes including socioeconomic or political limitations that trafficker's prey on. One common misperception of human trafficking is that it requires movement across borders, but in many cases victims don't, and yet they still fall prey to modern day slavery.

According to the global report on Trafficking by UN Office on Drugs and Crime, the most common form of human trafficking (79%) is sexual exploitation. The crime of sex trafficking can also be understood through the context of the act, the means, and the purpose in which, all three elements are required to establish a sex

trafficking crime (except in the case of child sex trafficking where the means are irrelevant).

**I would like our witnesses to go into more detail about this....highlighting how all 3 elements are needed to establish a sex trafficking crime....**

Most victims of sexual exploitation are predominantly women and girls, but surprisingly, in 30% of the countries which provide information on the gender of traffickers, women make up the largest proportion of traffickers. **I would certainly like to hear our witnesses expound on this....what is the connection between women traffickers and their circumstances that makes them traffic...**

Forced labor is another common form of human trafficking although it is less frequently detected and reported than trafficking for sexual exploitation. I would like our panel to highlight forced labor including domestic servitude and forced child labor because across the world, whether in China, parts of Africa or Europe, or even the United States, children are being trafficked and people are being coerced, or deceived into forced labor everyday....

On the African continent, over 9 million people are trafficked mostly through forced marriage or forced labor...And the continent accounts for 8% of the world's



sexually exploited children. We know for the most part that human trafficking is driven by poor economies; violence, conflict, displacement, and humanitarian and environmental crises...But again, the United States has a trafficking problem also....Traffickers coerce victims to engage in commercial sex and to work in both legal industries, including in hospitality, agriculture, janitorial services, religious institutions, child care, domestic work, construction, landscaping, restaurants, factories, salon and massage parlors, retail services; and illegal industries including, drug smuggling and distribution and money laundering. As we all know, traffickers use an array of industries where all walks of life can be taken advantage of regardless of age, color, ethnicity, religion, or gender...

This is why I am co-leading HR 5150, the **Frederick Douglas Trafficking Victims Prevention and Protection Act of 2021** with Ranking Member Smith, a bipartisan bill which will authorize funding for programs at the Department of Health and Human Services, Dept of Justice, Dept of Homeland Security, Dept, of State, Dept of Ed, and Dept of Labor over a 5 yr. period to help deter trafficking globally and here at home...

Among other things the bill also:

- Strengthens laws to protect victims and witnesses during trafficking investigations;

- Ensures protection of confidentiality for human trafficking survivors;
- Provides restitution for survivors;
- Prevents unfair sentencing of youthful offenders who were victims of trafficking;
- Provides a human trafficking survivors employment and education program; and
- Authorizes \$35 million for housing assistance grants for victims of trafficking

Ranking Member Smith and I want to end human trafficking here at home and abroad and we think this bill is the first step in doing so. I hope more of my colleagues from both sides of the aisle can co-sponsor this timely and much needed bill.

I would like to thank our expert panel Ms. Catherine Chen of Polaris, Mr. Alex Their of Global Fund for Ending Modern Slavery, Ms. Evelyn Chumbow, a survivor and Board member of the organization Free the Slaves, and Mr. Peter Williams of International Justice Mission. My colleagues and I especially want to hear Ms. Chumbow's extraordinary story of being brought to the U.S. from Cameroon at the age of nine, forced to cook, clean, and care for her trafficker's children. We look forward to hearing how you became an anti-trafficking activist

and public speaker focusing on ending trafficking which impacts 35 million victims globally.

The Ranking Member and I both have a strong interest in combating trafficking and through our bill HR 5150, we hope this legislation will help put an end to modern day slavery once and for all.

I now recognize the ranking member for the purpose of making his opening statement.

ADDITIONAL STATEMENT FOR THE RECORD ANNE BASHAM

**Written Testimony of Anne Basham, Anti-Trafficking International**

**House Foreign Affairs Committee  
Subcommittee on Africa, Global Health, and Global Human Rights**

**Combatting global human trafficking during the pandemic  
and through the U.S. Trafficking in Persons (TIP) Report**

**October 27, 2021**

Chairman Meeks and Ranking Member McCaul:

Thank you for the opportunity to provide testimony on behalf of Anti-Trafficking International (ATI) regarding combating human trafficking during the COVID pandemic and through the TIP Report.

I also want to thank you for making this issue a priority in the House Foreign Affairs Committee. My name is Anne Basham, and I am the Chief Executive Officer at Anti-Trafficking International (ATI). ATI prevents human trafficking through education by equipping youth, parents and frontline professionals to recognize and respond to suspected incidents of human trafficking. Some of the information and facts contained herein are derived from training and research, but all information and observations are supported by ATI's experience providing prevention curriculum to over 250,000 students annually as well as my personal and professional experiences working at the Department of Justice and as a professional educator.

The U.S. Department of State's annual Trafficking in Persons (TIP) Report is the government's primary diplomatic tool to engage foreign governments on human trafficking. Through a three-tier ranking system, countries are evaluated and ranked on their efforts to meet the minimum standards that have been set by the Trafficking Victims Protection Act (TVPA). The modifications to these standards established within the Frederick Douglass Trafficking

Victims Prevention and Protection Reauthorization Act of 2021 not only strengthen the effectiveness of the tiered system but also address the root causes behind human trafficking. These rankings are critical in holding countries accountable for addressing the second largest criminal enterprise in the world and the greatest humanitarian crisis of our modern time, human trafficking.

According to the TIP report there are currently almost 25 million <sup>1</sup>people enslaved in human trafficking around the world right now, and due to mass migration and global unrest that number is growing. Failing to meet the TIP report minimum standards as set out by TVPA activates the primary mechanism to persuade nations to prioritize the freedom of all people. These standards are necessary because they are currently the only mechanism available to hold offenders accountable for these humanitarian crimes. We here at ATI are grateful that the TVPA recognizes the TIP Office's important role in fighting human trafficking globally. These standards hold governments accountable for recognizing the existence of human trafficking in their countries. Through strengthening efforts focused on prevention, education and demand reduction, we can ensure governments cannot deny the existence of human trafficking.

Tier 3 is reserved for countries and territories whose governments do not fully comply with the minimum standards and are not making significant efforts to do so. According to U.S. law, the United States may seek to withhold financing to countries in this category, and they may be denied "non-humanitarian, non-trade assistance..." as an incentive to improve their rating. TVPA leverages trade status and financial assistance to ensure foreign countries are held accountable for their efforts – or lack thereof - to stop human trafficking. Global Magnitsky

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<sup>1</sup> <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>

sanctions, which are an extremely effective tool to combat warlords and terrorist leaders with economic sanctions that render them powerless by cutting off their supply of funding through large and small channels, could also prove as a useful incentive. The method to stop terrorism and human trafficking is similar; stop the flow of money and illicit financing. These minimum standards determine which countries should be targeted for financial penalties for the purpose of saving lives. Leveraging aid and recognition to ensure the protection of victims of human trafficking prevents the U.S. from normalizing relations with the Taliban or other human traffickers at the expense of victim's rights and dreams.

As an example, Afghanistan was rightfully given the lowest ranking in the 2020 TIP Report for the second year in a row, and this ranking came before the Taliban came to power. There is an unfortunate and consistent cycle of rescue, restore, and then often "repeat" for victims of human trafficking around the world. According to the United Nations, 1 in 3 women <sup>2</sup> are affected by gender-based violence and this number skyrockets 200% in high conflict zones where terrorist cells thrive. Currently, over 2800 women and children <sup>3</sup> are estimated to be experiencing ongoing sexual abuse in ISIS captivity alone.

Human trafficking is one of the primary sources of financing for terrorist groups like Boko Haram and ISIS. Boko Haram is also known as ISIS West Africa, and they have systematically targeted girls' schools in Nigeria, kidnapped them, and sold them for money and as "child brides." They have financed their terrorist operations by child sex trafficking - selling girls for sex, and if they become pregnant, then selling their babies for profit. This is also how ISIS has fueled their operations in the Middle East. They raided Yazidi villages in Iraq, stole an

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<sup>2</sup> <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>

<sup>3</sup> <https://reliefweb.int/report/world/survivors-sexual-violence-need-healing-and-justice-even-amid-pandemic-leaders-assert>

entire generation of women and girls, put them in underground rooms where many of them never saw the light of day for years, and then sold them for sex every day. Yazidi women and girls were sold to ISIS fighters for between \$200- 1500 a day, bringing in a significant source of income for the organization<sup>4</sup>. Once traffickers have their money, they frequently implement money laundering tactics to move money quickly and anonymously across large geographic areas through interstate funnel account activity<sup>5</sup>. In the United States, funnel account activity is when an associate of a criminal organization makes a series of small deposits under \$10,000 which are not subject to reporting requirements, and the cash is then withdrawn in another state by different associate of the criminal organization. These funnel accounts allow them to exploit the U.S. financial system by moving money quickly and cheaply across great distances.

As a result, financial institutions are on the frontlines of the war against human trafficking. It would be a step forward if the U.S. voted against development bank loans that did not incorporate anti-trafficking strategies for Tier 2 Watch List and Tier 3 countries. Financial institutions, and specifically the World Bank, have an obligation to be actively involved in counter-trafficking and anti-money laundering efforts and prioritize this in their programming. Financial institution employees are among those most likely to see and report suspicious account activity or suspicious movement of proceeds, and they are often the first step in helping to rescue individuals from human trafficking. To address this, several major financial institutions have enhanced internal controls that have disrupted criminal organizations' ability to employ interstate funnel accounts to move their proceeds, but there is still much more to be accomplished. When it comes to dismantling terrorist cells and warlords around the globe, it is necessary to "follow the

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<sup>4</sup> <https://www.osce.org/files/f/documents/2/7/491983.pdf>

<sup>5</sup> <https://www.ice.gov/news/releases/using-financial-attack-strategy-combat-human-trafficking>

money,” and the TIP report minimum standards activate the mechanisms that combat the illicit financing of terrorists who frequently fund their enterprises through sex trafficking and slavery. However, in the United States and many other countries, human trafficking can also occur not by force, but through manipulation and grooming over a period of time. Like victims, traffickers come from all parts of society – every race, gender, and socio-economic group. They often pose as a boyfriend or girlfriend, are an employer, or even a family member. Because of this the prevention and reduction in the number of human trafficking victims is possible through a relatively simple solution - education. Prevention education is key to the eradication of human trafficking in the earliest stages of inception. Prevention education is going upstream from the problem and dismantling the ideas and deceptions that led to entrapment in human trafficking. Including an important modification to the minimum standards for TVPA to educate buyers of commercial sex on how traffickers exploit prostituted persons for human trafficking would help prevent further exploitation.

As just one real-life example, Hazel is a woman from a country in Africa who like many young women in her country, attended school, has a family who loves her, and was in the process of striving to achieve her dreams in life. She and others in her village were told about a great opportunity to be housekeepers for a wealthy European family. In search of financial independence and a better life, Hazel scraped together funds to fly herself to Europe to start a new career. Unfortunately, halfway through her journey, in a foreign country, she was informed of the deception that she was not going to Europe but instead to the Middle East. Upon arrival in Iraq, her passport was seized, and she was enslaved to a family where she was worked tirelessly, was raped repeatedly and was told she owed a debt she could never repay. Unfortunately, her story is typical. In Hazel’s words, “If I had been educated about the dangers of human



trafficking, this probably wouldn't have happened to me." Labor trafficking like this is an epidemic on the continent of Africa, and yet it is highly preventable through education. What if we fought the \$1.5 billion in illicit funding spent globally each year on human trafficking with targeted funding for preventative education worldwide?

Most people do not associate education with action, but widespread education to youth, law enforcement, parents, and financial professionals is the single greatest key <sup>6</sup>to preventing this epidemic of entrapment, kidnapping, and violence. Widespread education globally is a destructive force to the human trafficking industry worldwide, even during a pandemic. This is why dictators place a priority on controlling the educational system in their country, because when you educate a person you change the beliefs and attitudes of an entire generation. If a priority is placed on funding and implementing education about the signs of grooming and human trafficking, then victims would be less likely to be lured into labor or sex trafficking, and offenders would be less likely to become recruiters and traffickers themselves. As one example, ATI's prevention education was implemented in a school in Northern Virginia attended by a 17-year-old high school student named Maria who came from an upper middle-class home, was active in sports and had a part-time job. While working, Maria was approached by a young man who expressed interest in her, and over the course of several weeks courted her into thinking that they were in a loving, caring relationship. One day he approached her with a financial emergency, crafted to coerce Maria into a life of sexual exploitation. Fortunately, the next day Maria participated in ATI's prevention education program at her school, was able to recognize the grooming and was empowered to seek help. She told her mother, and Maria was spared from

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<sup>6</sup> <https://www.unodc.org/unodc/en/frontpage/2011/February/awareness-and-education-are-key-to-beating-human-trafficking.html>

exploitation. Her would-be trafficker was arrested and found guilty of sex trafficking. There is a solution for almost everything, and human trafficking is no exception. Prevention education is an integral part of this, especially during the pandemic, when children face greater vulnerabilities to online grooming and trafficking.

For these aforementioned reasons, we are in full support of the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2021 (H.R. 5150), and we urge Congress to prioritize the passage of this bill because of its importance in leveraging trade status and other U.S. monies to ensure foreign countries are held accountable for their efforts to stop human trafficking, as well as its proactive prioritization of prevention education to stop human trafficking before it starts. This legislation reauthorizes the Trafficking Victims Protection Act (TVPA), which is crucial to combatting human trafficking not only in the United States but also abroad through the TIP Report and also during a pandemic.

## RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD

**QUESTIONS FOR THE RECORD**  
**AGH Hearing**  
**“Combatting Global Human Trafficking”**  
Congresswoman Young Kim

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**1. Instability in Ethiopia and Sudan**

*Could you please provide insight on the instability in Ethiopia and Sudan and if those circumstances have fueled further concerns of human trafficking? What can the U.S. do to alleviate these concerns?*

Overall, the Ethiopian and Sudanese governments have previously put measures in place to combat human trafficking. There has also been some research conducted to identify the scale of human trafficking in both countries, as well as the risks and drivers. There is, however, limited information available whether the conflicts in both countries have exacerbated trafficking. That said, we know from other contexts that the risks in these circumstances are elevated, and that government capacity erodes during periods of conflict and upheaval.

## Ethiopia:

- The government of Ethiopia declared a 6 month state of emergency on November 2nd 2021, after Tigray forces announced they would head towards the capital city, Addis Ababa after gaining control of a city close to Addis.
- The Prime Minister, Abiy, has called for Ethiopian citizens to take up arms and defend the government using ‘any type of weapon’ available.
- Since the conflict began in November 2020, the Ethiopian government banned food aid from reaching up to a million people in the Tigray region. In June 2021, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimated that 400,000 people are at risk of famine like conditions.
- UNHCR estimates that more than 45,000 Ethiopian refugees have crossed into Sudan since the start of the conflict, almost half of which are unaccompanied children, leaving them vulnerable to exploitation.<sup>1</sup>
- With the current military coup in Sudan and ongoing pandemic that has battered the already fragile economy, children and adults, especially those in refugee and IDP communities, are increasingly vulnerable to trafficking.

## Sudan:

- On 25th October 2021, the Military, led by General Abdel Fattah al-Burhan, took over the transitional government in a coup. The interim Prime Minister, along with other Ministers have been placed under house arrest and also detained in undisclosed locations.
- Activists have staged protests in various parts of the country, demanding that the military release the government officials and allow for a full transition to civilian government.

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<sup>1</sup> <https://reporting.unhcr.org/sites/default/files/Ethiopia%20Appeal.pdf>

- Sudan hosts a large number of refugees and is a primary transit route for migrants and refugees from the Horn of Africa traveling to Europe and the Middle East. With continued conflict in Sudan, this could lead to further displacement and higher risk of trafficking of vulnerable populations.
- In August 2021, the transitional government had launched an action plan to combat human trafficking in Sudan, including strategies to reduce poverty by providing livelihood options for at risk populations and survivors, and offer alternative options for migrants and refugees. The coup will impact (and delay) the implementation of the action plan.

Actions that would be helpful:

- Undertake rapid, rigorous assessments: We need to deepen our understanding of the forms of trafficking that are exacerbated by conflict in these contexts. This data would be critical for organizations to then develop evidence based prevention and protection programmes in those settings.
- Strengthen protection frameworks: Existing protection frameworks may not be functional due to a number of factors (including limited resources). What are the gaps in the existing frameworks and how can these be supported/improved during the conflict? How we can better support the most vulnerable and empower and screen at risk populations (e.g. refugees)
- Map actors that are providing services: What services are being provided and what are the current anti-trafficking interventions being implemented in those settings? How can they be scaled?
- Advocate for counter trafficking initiatives to be included and prioritized in the agenda during high level discussions on Ethiopia and Sudan, including in humanitarian interventions.

## 2. North Korean Refugees

*For decades, North Koreans attempting to cross the Chinese border and escape persecution from the Kim regime and the CCP are often caught and forced into human trafficking rings that lead to forced labor or forced sexual slavery. Do you know what initiatives are currently in place to attempt to assist North Korean refugees and ensure they do not fall victim to human trafficking?*

This is a tragic situation. Our work to date has not focused on this specific population or geography, and so we are unable to recommend or assess which initiatives have been successful at this time. We are, however, aware that there are several good organizations supporting North Korean asylum seekers, including the partners of the National Endowment for Democracy.

*Trafficking Hearing***Combating Global Human Trafficking:  
Questions for the Record**

*Rep. Chris Smith  
House Foreign Affairs Committee  
Subcommittee on Africa, Global Health, and Global Human Rights  
October 27, 2021*

**GFEM: Alex Thier**

1. Thank you, Mr. Thier, for your testimony. Does your organization categorize commercial sexual exploitation as sex trafficking? What percentage of GFEM's efforts go toward sex trafficking?

Work on sex trafficking, at present, comprises approximately one third of the Fund's programmatic efforts. GFEMS includes "commercial sexual exploitation" and "commercial sexual exploitation of children" as sex trafficking for these purposes. Our work includes comprehensive survivor care, community-based prevention and awareness work, and implementing systemic improvements in response mechanisms, including government, judicial, and law enforcement response.

A recent example of our work on systemic improvement is our project in Ha Giang Province, Vietnam. The Global Fund partnered with Blue Dragon Children's Foundation to implement a comprehensive government response mechanism in the provincial government for the first time. The mechanism specifically caters to Vietnamese victims of commercial sexual exploitation who were trafficked from Vietnam into China. Prior to the Fund's intervention, no trafficking survivors reported receiving government reintegration support, despite the heightened risk of trafficking in Ha Giang province. The Fund's investment strengthened channels of coordination and information-sharing between government officials and various stakeholder groups. As a result, Ha Giang authorities referred or directly provided reintegration support to 35 survivors for the first time; moreover, the mechanisms put in place will ensure many future survivors receive the resources and support they need.

This project was highlighted by the 2021 Trafficking in Persons Report as one of the few government successes in Vietnam this year.

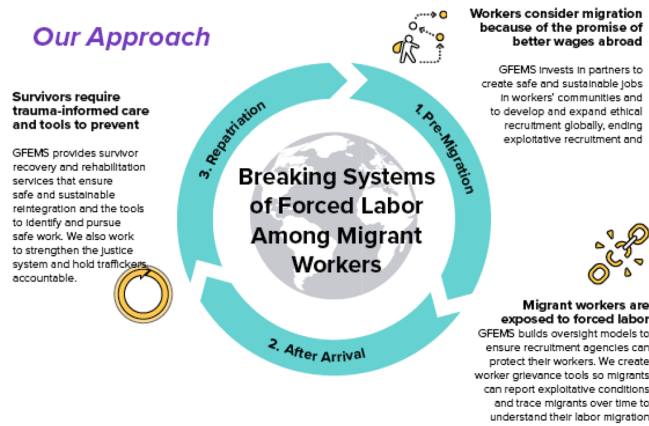
2. You mentioned systemic approaches as being important to reducing trafficking—in which ways is your organization addressing systemic issues to reduce the prevalence of human trafficking?

The Global fund aims to tackle the issue at its core. There is no “one size fits all” approach to ending modern slavery. Different social, environmental, cultural, and economic factors in different places lead to situations of exploitation. We take the time to understand these underlying factors and create tailored theories of change for each sector and geography we work in. We make targeted investments that address systemic problems.

Based on these evidence-informed theories, we work with local partners to develop and deploy actionable solutions, targeting our investments directly at the systems that drive modern slavery around the world. We tackle:

- The core drivers of vulnerability and exploitation
- The social, economic, and market conditions that allow exploitation to persist– or worse, incentivize it
- The lack of knowledge, skills, or capacity needed to mitigate risk, prosecute traffickers, or empower the vulnerable.

Here’s what our approach looks like in action in the ethical recruitment sector.



3. It is hard to think of a more widespread and brutal example of forced labor than is currently taking place as part of China’s ongoing genocide against

the Uyghur population in Xinjiang. Slave labor goes into the manufacture of export goods, from solar panels to sportswear. As the State Department put it in this year's TIP Report: "In Xinjiang, the government is the trafficker."

- a. Given that the PRC has been on the lowest Country Tier 3 for five years without improvement, are there other tools that need to be used?

The TIP Report is a very important tool and asset for the anti-trafficking field. We have seen governments, businesses, and civil society take its rankings and recommendations seriously. However, the situation in Xinjiang, as well as elsewhere, requires greater efforts and tools to achieve the dramatic change we need.

The US should work with other like-minded countries to establish and enforce policies and mechanisms that prohibit goods made with slave labor. The more coordinated this effort is, the more leverage it will have over suppliers and the countries in which they are based. The need for this coordination is especially high in the case of PRC, because the actions of a single country are unlikely to effect change in a large economy that accounts for major shares of industries upon which many other economies rely.

Simultaneously, government, private sector, and NGOs should identify and cultivate slave-free alternatives in key industries that can absorb market share currently dominated by the PRC. Growing ethical industries and capturing market share will require major, long-term commitments, though, because in many industries PRC has significant advantages in economies of scale, expertise, and other factors. This effort can have the additional benefit of reducing trafficking in the countries in which we are cultivating more ethical industries.

Finally, we need to develop and deploy tools and practices that enhance the capabilities of governments, businesses, and civil society to mitigate harm in the current market. It is going to take time to transform global supply chains. In the meantime, we can develop more sophisticated tools and practices to detect forced labor risk, to trace products adulterated by forced labor, to hold companies to account, and to empower workers, including those who are survivors of forced labor.

- b. Are their efforts underway to identify PRC slave labor in companies' supply chains so that consumers can refuse to underwrite genocide and forced labor?

Efforts are underway to identify forced labor in supply chains, including several GFEMS-funded tools that have demonstrated ability to accurately flag exploitative practices. The progress is encouraging, but we are far from having exhausted the possibilities. We can (and should) invest more in tools and methods to identify forced labor, including in PRC and in Xinjiang specifically.

However, we believe that identification and transparency tools alone – while necessary – will not be sufficient for the level of change we seek. Establishing supply chains free of forced labor faces significant obstacles. The legal and regulatory landscape is patchy, in flux, and poorly enforced. Ethical and rhetorical

demand for progress has not been matched by incentives and accountability. Forced labor is profitable and hidden, obstructing momentum to change. Many key partners in global supply chains are in lower-income economies that lack resources and political will to transform systems in the way needed to eliminate forced labor.

GFEMS believes a major supply chain integrity initiative is needed to overcome these obstacles. It is possible to implement an initiative that meets this challenge and makes breakthroughs in eliminating forced labor from global supply chains. By using an innovative, evidence-based, and integrated approach that brings together legal and policy reform, implementation and enforcement of legal regimes, private-sector transformation, and worker empowerment, it is possible to make real and sustainable progress.

US leadership is imperative at this critical moment to make upholding labor rights a competitive advantage.

### **Free the Slaves: Evelyn Chumbow**

1. Thank you for your tireless leadership to end human trafficking. As you are likely aware, we removed the sunset for the U.S. Advisory Council on Human Trafficking in this year's Frederick Douglass TVPA bill to permanently incorporate the survivor-led council as part of the U.S. Government commitment to survivor-informed policy. What do you think we could do more to ensure that survivor voices are heard more regularly?

Thank you for the opportunity to testify before the House Subcommittee on Africa, Global Health, and Global Human Rights on October 27, 2021. It was an honor to speak before the subcommittee and provide my written testimony for the record. I am grateful that I was able to share my story and my vision for ending human trafficking. My invitation to appear alongside other leaders in the anti-trafficking movement is a sign of your subcommittee's intention to include survivors in the fight to combat modern-day slavery. I know that much thought and effort has been put forward by the subcommittee to find meaningful paths for survivor voices to be heard more regularly, such as the permanent incorporation of the survivor-led council in the Frederick Douglass TVPA bill.

It is appropriate that this bill is named after Frederick Douglass. Frederick Douglass had a steadfast commitment to ending slavery through teaching other slaves how to read and write and educating them on their rights. To liberate them. That is why it is important to listen to survivors. Without survivor voices, we won't have the ability to create the solutions needed to finally put an end to human trafficking and modern-day slavery.

Thank you for your question to learn more about how survivor voices can be heard more regularly. I appreciate all that this subcommittee has done to grapple with this question and put the answers into action. There is always more that can be done to include survivor voices. In this written response, I offer you four concrete steps that can be taken for more thoughtful survivor inclusion.



**1. See survivors as part of the solution.**

The good news is that this subcommittee has already begun this work. Survivors' voices and leadership should be at the forefront of the anti-trafficking movement. Survivors are more than their trafficking story. Survivors have skills that they are eager to share with the anti-trafficking community. They are subject matter experts and have a tremendous amount of invaluable insight to share. This is a mindset that must be upheld by those in power who can offer a platform for survivors to speak and be heard.

**2. Compensate survivors for their time.**

We know that survivors are individuals that have had everything taken from them. When they exit their trafficking situations, they must rebuild their whole lives. This requires money. Whenever a survivor is asked to give of their time and share from their lived experience, they should be compensated.

I know this first-hand. In 2013, I was invited to come to speak at the White House to share my story and discuss anti-trafficking efforts. I had a one-year-old at home and was working full-time

to provide for my family. I didn't have the money to cover the transportation. But I knew in my heart that I had to show up. I really wanted my voice to be heard. I wanted them to know that slavery exists. So I found a way to get there.

Standing in a room full of important people, I didn't feel comfortable sharing with them this hardship. I shared my struggle with another survivor attending the meeting and she offered to pay for my cab home. I was touched and relieved. But this isn't a burden that I or the other survivor - or any survivor - should have to deal with.

There are so many survivors who so badly want to lend their voice and their experience to fight human trafficking. But it's difficult when they aren't compensated for their time and expertise. When they are not compensated, it is another form of revictimization. When I served on the U.S. Advisory Council on Human Trafficking, we did a lot of work but were never paid. We were there day and night for two years. This work, as important as it was, took me away from my family and my employment. I was struggling. I felt re-exploited at times.

When inviting survivors to participate in discussions, lead trainings, and play meaningful roles in the anti-trafficking movement, please consider all of the ways they can and should be compensated. Transportation is easy to look over, but providing financial support for transportation could be the difference in a survivor's ability to participate. There are so many others out there like me who want to step forward and step up. Make that possible by providing compensation.

### **3. Provide training and education for survivors.**

Frederick Douglass said, "Once you learn to read, you will be forever free." Douglass committed himself to this expression, teaching slaves how to read and write so they could liberate themselves and build a revolution. So they could live as free people, asserting their rights and demanding change. When trafficking survivors exit their situation, they must completely start their lives over. They need education and training so they can reach financial stability and support their loved ones.

Education and professional development can only strengthen these leaders in the anti-trafficking movement. They already bring to the table wisdom that has evolved from their lived experiences. Providing resources and opportunities for survivors to educate themselves delivers the same result as Frederick Douglass' vision. Someone taught him how to read and write. He in turn used his education to teach others - and liberate them. This is what we need to do. We need to enable survivors to teach other survivors.

But we can't only provide education on hard skills. We must educate survivors on their rights so that they are aware and informed in their decision-making. When survivors know their rights, they can share their stories meaningfully - and without doing further harm to themselves - so others can hear and learn from them. Knowing their rights prevents them from being re-exploited. Knowing their rights allows them to protect themselves.

**4. Include survivors in the actual process of anti-trafficking bill development and prevention legislation.**

Providing paths for survivors to establish financial independence is an important goal, but it is not the end goal. Survivors need to have their voices incorporated into different levels of government and policy development. Educate them on how legislation is created and how laws are implemented. Teach them how research is conducted and used in decision-making. Provide job opportunities so they can participate in discussions on best practices or how a budget will be allocated. As I mentioned before, survivors have a tremendous amount of invaluable insight they bring to the table. They are the ones who know whether a law or bill will work successfully when carried out in the real world. This type of expertise should be considered when deciding how and when to include survivor voices in all levels of government. We have the solutions. Now let us be part of putting them into action.

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Thank you, again, for the invitation to appear before the subcommittee to share with you my passion and dedication to fighting human trafficking. And thank you for your follow-up question to discuss how you and your colleagues can ensure more survivor voices are heard. I was pleased to see this question because it shows that you take this issue seriously. As my colleague and fellow survivor activist Fainess Lipenga says, "Nothing about us without us." I look forward to seeing how the Frederick Douglass TVPA bill will put survivors at the center. We understand what makes individuals vulnerable to human trafficking. And we know what it will take to end modern-day slavery.

**Polaris: Catherine Chen**

1. Ms. Chen, how does Polaris work with local state-level human trafficking non-governmental organizations to update contact information in the National Human Trafficking Hotline? Are there obstacles in providing up-to-date information through your hotline?

Since 2007, Polaris has operated the U.S. National Human Trafficking Hotline, a toll-free, 24/7 center available to answer calls, text messages, online tips and email queries to help connect victims and survivors with anti-trafficking services in their area and collect tips on human trafficking cases. The National Human Trafficking Hotline is partially funded by the U.S. Department of Health and Human Services. As part of this work, Polaris has developed and maintains the Resource and Referral Directory, a comprehensive resource database and service locator. This group of service providers includes available shelters for emergency situations, as well as transitional housing and long-term permanent supportive housing organizations. These service providers also offer other supportive services, such as crisis management, case management, addiction treatment, healthcare, childcare, education and job training, family reunification, interpretation and translation, repatriation, survivor leadership, transportation assistance, legal services,

advocacy, in-patient and out-patient mental health, and supportive counseling services. It also includes indirect services, such as training, outreach and awareness resources, and volunteer opportunities.

Polaris conducts annual audits of the Resource and Referral Directory to ensure that the information in the audit is kept up to date. When organizations have updates to information in the Resource and Referral Directory in between audits, Polaris has a system in place to capture and document those changes to the database to maintain regular accuracy.

## 2. You mentioned that Polaris supports partial decriminalization of commercial sex. Could you please explain what that entails?

At its core, human trafficking, including sex trafficking, happens when vulnerable people are exploited for profit or someone else's benefit. The root causes of vulnerability include lack of safe and affordable places to live, lack of quality employment opportunities, policies and practices that purposefully discriminate or mistakenly marginalize certain groups, and much more. Traffickers target vulnerable people because these vulnerabilities make them easier to control and exploit.

Criminalizing victims of sex trafficking and people engaged in prostitution reinforces their belief that they have no other options, making pimps and sex buyers a painful, yet stable, means of survival. Criminalizing victims of sex trafficking and people engaged in prostitution also severely limits their ability to find any alternative to the sex industry—criminal records prevent victims and survivors from being able to access employment, housing, public benefits, and more.

Partial decriminalization, also called the Equality Model, addresses the issue that trafficking victims are currently the most likely parties to be arrested in a sex trafficking situation—not the traffickers, not the sex buyers. With a partial decriminalization model, people in prostitution are no longer criminalized, but traffickers, sex buyers, brothel owners, and pimps are still held criminally accountable for the harms they cause. This removes the chance that someone forced or coerced into commercial sex will be criminalized for it. Criminal justice resources are instead focused on those who create the harm and violence of trafficking.

Under the Equality Model, there is also a focus on expanding social services for those who want alternatives to the commercial sex trade and efforts to change social norms to reduce sexual violence.

## 3. Both you and Mr. Williams mention Financial Crimes Enforcement Network - what is your recommendation for addressing suspicious online activity during the pandemic, especially the increase in online sexual exploitation of children?

Anti-money laundering (AML) systems provide an important opportunity to disrupt networks that profit from the online sexual exploitation of children. FinCEN has recently issued a new alert on the online sexual

exploitation of children, which signaled that this is a priority issue and should be a significant area of focus for AML teams within financial institutions.<sup>1</sup> However, the notice did not include the kind of nuanced and detailed information about financial red flags associated with this activity that is critical to this effort. By contrast, the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) recently launched a successful public-private partnership that published an extensive and detailed list of red flag indicators associated with the online sexual exploitation of children.<sup>2</sup> FINTRAC's work should be considered a model to be replicated. It is important that these efforts are ongoing in nature as traffickers will continue to evolve their tactics. We believe that with increased funding, FinCEN will have the capacity to conduct more in-depth analysis and issue more detailed guidance to financial institutions on what to look for and make AML efforts to address online sexual exploitation of children more effective.

4. Regarding the Financial Crimes Enforcement Network, while there seems to be success in tracking financial flows via traditional banking channels in order to disrupt the trafficking of persons, what is being done with respect to dark financial flows, such as the increasing use of cryptocurrency "privacy coins" or even utilization of traditional hawala networks by traffickers?

While the vast majority of money laundering still occurs through traditional fiat currencies (government-issued currencies such as the USD), money laundering via cryptocurrency has significantly increased in recent years as cryptocurrency becomes more mainstream. Human traffickers are likely among those adopting cryptocurrency.

The U.S. government should address money laundered through cryptocurrency just as it addresses other forms of money laundering. Currently, there are very limited opportunities for goods and services to be paid for using cryptocurrency. Criminal networks need to convert that cryptocurrency to a fiat currency in order to use those funds. The services that convert cryptocurrency into fiat currency are subject to existing AML obligations under the Bank Secrecy Act, making this a key area for intervention.

Privacy coins present additional obstacles to investigators and enforcement efforts. However, FinCEN has specified that money transmitters that operate privacy coins are subject to the same regulatory obligations as entities involved in non-privacy coin cryptocurrency transactions or conversions.<sup>3</sup>

The cryptocurrency space is growing and changing quickly and regulations pertaining to cryptocurrency should be consistently enforced. To effectively enforce regulations in this space, FinCEN must be appropriately resourced, which is a key reason we support the Department of the Treasury's request to increase FinCEN's budget by 50 percent to \$190.5 million in fiscal year 2022.

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<sup>1</sup> FinCEN, "FinCEN Calls Attention to Online Sexual Exploitation Crimes," September 16, 2021, at <https://www.fincen.gov/sites/default/files/shared/FinCEN%20OCSE%20Notice%20508C.pdf>.

<sup>2</sup> FINTRAC, "Operational alert: Laundering of proceeds from online child sexual exploitation," December 2020 at <https://www.fintrac-canafe.gc.ca/intel/operation/exploitation-eng>.

<sup>3</sup> FinCEN, "Application of FinCEN's Regulations to Certain Business Models Involving Convertible Virtual Currencies," May 9, 2019, at <https://www.fincen.gov/sites/default/files/2019-05/FinCEN%20Guidance%20CVC%20FINAL%20508.pdf>.

5. The record high number of apprehensions at our southern border (1.7 million in the last year) has been in the news lately. I understand that the drivers of migration are complex, and that we should not conflate mere border security with efforts to combat trafficking. But I have a simple question, whether in the United States or elsewhere in the world: Do human traffickers take advantage of – and profit from – insecure borders?

When we analyze the data available from the more than 63,000 cases of human trafficking that Polaris has handled via the National Human Trafficking Hotline since 2007, it is clear that the vast majority of victims contacting us who cross a border and are then trafficked in the United States arrive here through ports of entry and other legal means. Many trafficking victims come to the U.S. on legal temporary work visas but are trafficked and exploited because loopholes in this system leave workers vulnerable to abuse.<sup>4</sup> This is why Polaris is focused on reforming the temporary visa system, including regulating foreign labor recruiters and allowing workers to leave abusive employers without fear of deportation or retaliation.

Traffickers often use the immigration system as a method of coercion to exploit immigrant communities, both documented and undocumented. They assist victims in navigating complex immigration processes, defrauding them in the process, and use the threat of detention, deportation and blacklisting as the primary method of control. The U.S. government must do more to ensure that anyone reporting abusive working conditions, wage theft, and contract fraud is protected from immigration enforcement and removal proceedings, including through expansion of deferred action, U and T visa protections, and other available relief.

**IJM: Peter Williams**

Mr. Williams, I see in your written testimony a reference to the 17% increase in suspicious online activity identified by U.S. Financial Crimes Enforcement Network (FinCEN) during the pandemic. What are your/IJM's recommendations for getting on top of this increase in online sexual exploitation of children (OSEC), including the production of child sexual abuse material (CSAM)?

Protecting children from online sexual exploitation is an urgent task. One thing is abundantly clear: while criminals choose to live stream and share the rape and sexual abuse of young children online, those victimized children do not have that same choice. It is time, therefore, for a victim-centered approach that protects children from abuse and prioritizes the privacy of online sexual exploitation victims.

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<sup>4</sup> Polaris, *Human Trafficking on Temporary Work Visas: A Data Analysis 2015-2017*, June 1, 2018 at <https://polarisproject.org/resources/human-trafficking-on-temporary-work-visas-a-data-analysis-2015-2017/>.

Groundbreaking artificial intelligence tools and other detection methods exist to protect children from this violent harm and persistent trauma. Deploying these or similar tools will make online communities safer, improve detection of abuse that remains, and support the efforts of law enforcement around the world seeking to identify and rescue thousands of children suffering ongoing and repeated sexual abuse and exploitation for a trafficker's profit and a predator's pleasure. But this will happen only if tech companies prioritize detection of OSEC as an essential business function.

Considering the overwhelming volume of suspected child exploitation reported to the U.S. National Center for Missing & Exploited Children's (NCMEC) CyberTipline by electronic service providers (ESPs) [21.7 million reports in 2020 alone], and global law enforcement's limited capacity to effectively triage and respond to all of them, reducing demands on investigative resources is essential to efforts to counter these crimes against children. Indeed, harnessing technology to prevent harm before it happens supports local justice system efforts to protect children from ongoing violence and trafficking.

Tech companies' adoption of end-to-end encryption (E2EE) would certainly have the effect of dramatically reducing reports of suspected child exploitation, but that outcome would be achieved by turning a blind eye to such offenses within encrypted environments. A reduced workload resulting from E2EE-induced blindness is not a solution that protects children.

Instead, on-device or "client-side" implementation of technologies to detect and disrupt the creation and distribution of child sexual exploitation material (CSEM) could effectively *prevent* CSEM from being produced in the first place and from ever entering online platforms at all. Image classifying and/or matching technologies could detect suspected CSEM within a device's camera viewfinder or rendered for display on its screen, triggering disruptive and preventative actions such as disabling image capture or recording, obscuring explicit content, or preventing transmission or uploading of the file. If images are never allowed to enter ESPs' servers, they cannot be stored or shared through those platforms, and mandatory reporting obligations (such as under 18 U.S. Code § 2258A) would not be triggered. The use of these solutions to prevent certain offenses without triggering mandatory reporting obligations would also mitigate concerns about threats to user privacy, negative consequences of false positives and accuracy thresholds.

In addition to reducing reports and the corresponding demand on already strained investigative resources, solutions that prevent—rather than only detect—reportable offenses also serve a child protection function. Where the solutions are used to detect and block the distribution of known CSEM, survivors will be protected from the ongoing distribution of illegal images and videos depicting their sexual abuse and exploitation. Where image classifiers are used to detect new, first-generation CSEM, children will be protected as perpetrators' attempts to memorialize and even sell abusive acts will be disrupted and frustrated by devices incapable of recording or capturing an exploitative scene.

Companies including SafeToNet, DragonfAI, and Apple have each already developed client-side image detection technologies, although these tools have yet to be broadly deployed. These solutions could be deployed alongside E2EE, preventing CSEM from entering an encrypted environment where it could otherwise be distributed with impunity. That combination offers the privacy of encryption with the safety of CSEM detection and disruption at the device level. Such solutions would prevent sexual abuse and exploitation of children, including in trafficking contexts. Some offenders would be displaced, seeking out devices without the technology or online platforms that refuse to use such preventative measures. Common sense suggests that wide adoption—by device manufacturers, operating system developers, and online platform operators—could still significantly reduce reporting by actually reducing CSEM production and distribution. This reduction in workload would free investigators to focus their limited resources on more

sophisticated offenders, or—in the case of solutions relying solely on PhotoDNA or known hash value matching—on new CSEM production. And that would make a world of difference to children being sexually abused, exploited, and trafficked today.

**1. How would you suggest governments and leaders in working to combat human trafficking identify the interventions having the most impact on the problem? How should one intervention be weighed against another?**

In order for the anti-trafficking movement to develop and sustain credibility with governments, the development sector and institutional donors, key interventions must demonstrably lower trafficking rates. Leaders in the TIP space are all setting out to do the same -  
- reduce the prevalence of trafficking in the first place. We must be willing to be held accountable to that clear standard.

This is a simple statement, but that clear standard is indeed complex to measure. IJM's programs are currently testing the measurement of prevalence of TIP, alongside justice system performance, stakeholder confidence, and reporting and systems reliance by people in poverty and other vulnerable situations.

In recent years, the U.S. government has developed a strong leadership platform in the area of prevalence reduction that has been deeply encouraging. IJM commends the U.S.'s investment in prevalence measurement and random control trials as ways of identifying interventions that work to reduce the crime of trafficking. We were particularly pleased to see the development of the Prevalence Reduction Innovation Forum (PRIF) in May 2020, funded by the State Department's Program to End Modern Slavery (PEMS), and we look forward to the release of the PRIF analysis at the TIP Office's planned conference in the spring of 2022. We are eager to see the growth of multiple high-quality methodologies and a strong body of research in this area. IJM also commends the Global Fund to End Modern Slavery (GFEMS) for their commitment to prevalence measurement and methodology testing in their projects, and the guidance they have published on this topic. Lastly, we urge Congress to direct additional funding to be applied to future TIP grants for prevalence measurement, to ensure implementers have the time and resources to dedicate to robust impact measurement. With deepened U.S. leadership in this area, we have the opportunity to make significant strides in gathering data about the kinds of anti-TIP programs that reduce the prevalence of the crime in order to sharpen the global community's investment in anti-TIP programming in the future.

**2. Are there countries you think have realistic opportunities for tier ranking improvements in the next TIP Report?**

The Dominican Republic (DR) rose Tier 2 in the 2021 TIP Report and with additional proactivity and exertion by the government, the DR could maintain its tier ranking in the next TIP Report - rather than backsliding to Tier 2 Watch List again. One particularly positive government action in the DR over the last year was the initiation of investigations against public officials involved in TIP. However, the majority of actions that allowed the Dominican Republic to rise to Tier 2 were carried out by civil society and the US should push the Dominican Republic to increase government efforts to address TIP. IJM has seen that it is



possible to increase the DR's political will and institutional investment in TIP efforts, as occurred when it was downgraded to the Tier 2 Watch List in the 2020 TIP Report.

**3. Are there countries at risk of downgrade to Tier 3 next year that we should be focused on?**

Virtually every country graded in the TIP Report has an opportunity to improve. That is, in fact, the real value of the Report – it is very specific about areas where improvement in government response is needed, and the Report's recommendations are quite specific about what can be done to drive those improvements. In the countries where IJM works, we have seen governments specifically address the issues raised in the TIP Report, and those actions have raised their tier rankings as a consequence. In general, the best way for governments to provide tangible evidence of seriousness about the crime of trafficking is to investigate and prosecute the criminals responsible for it.

## ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD



## MEMORANDUM

October 20, 2021

**To:** House Foreign Affairs Committee,  
Subcommittee on Africa, Global Health, and Global Human Rights  
Attention: Naomia Suggs-Brigety

**From:** Katarina C. O'Regan, Analyst in Foreign Policy, koregan@crs.loc.gov, 7-3521

**Subject:** **International Trafficking in Persons: Potential Hearing Questions**

This memorandum responds to your request for potential questions for witnesses for the upcoming House Foreign Affairs Subcommittee on Africa, Global Health, and Global Human Rights hearing, "Combating Global Human Trafficking."

Portions of this memorandum draw from prior CRS products, and portions may be used in future CRS products or to respond to other congressional requests. The confidentiality of your request will be preserved. Please contact the author directly with any questions.

### Potential Questions

- Increased attention to human trafficking, also known as modern slavery, by civil society, media, and policymakers in the 1990s preceded U.S. government and international efforts on the issue. How has human trafficking evolved since the enactment of the Trafficking Victims Protection Act of 2000 (TVPA, Division A of P.L. 106-386) and the 2000 United Nations (U.N.) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children? How has congressional action contributed to efforts to make progress toward eradicating modern day slavery? What areas remain persistent challenges? What new challenges have emerged?
- In your view, which governments are failing to combat human trafficking? Do you believe that the Tier 3 ranking on the State Department's annual Trafficking in Persons report accurately reflects these countries?<sup>1</sup> Do you find that foreign governments' failure to combat human trafficking more often relates to lack of capacity or to insufficient political will and prioritization? How effective do you think the State Department's tier ranking process has been at incentivizing governments to improve antitrafficking efforts? What approaches do you believe are most successful in gaining government buy-in to address human trafficking?

<sup>1</sup> For more information on the Trafficking in Persons reports and ranking systems, see CRS Report R44953, *The State Department's Trafficking in Persons Report: Scope, Aid Restrictions, and Methodology*, by Michael A. Weber, Katarina C. O'Regan, and Liana W. Rosen.

- In your view, which governments have made the most progress in addressing human trafficking, including through increased prosecutions? What lessons, if any, should the international community draw from these examples?
- How, if at all, should efforts to counter human trafficking differ between those focused on forced labor and those focused on sexual exploitation? To what extent should efforts be tailored to victims with specific vulnerabilities, such as migrants, women, etc.?
- The Department of Labor’s International Labor Affairs Bureau (ILAB) produces reports and lists that provide broad insights on high-risk countries and sectors for forced and child labor. These reports have traditionally been used to increase awareness, though they may be used by other government agencies in antitrafficking efforts, such as in U.S. Customs and Border Protection’s (CBP) enforcement of prohibitions on the import of goods produced by forced labor.<sup>2</sup> What effect do you believe ILAB’s reports relating to forced and child labor have in addressing international human trafficking?
- U.S. government and U.N. sources frequently highlight the work of civil society organizations in combating human trafficking, including through the provision of social services and advocacy for victims. How would you characterize the role of civil society in addressing global human trafficking, particularly with respect to victim identification and rehabilitation? What challenges have civil society organizations faced due to the Coronavirus Disease 2019 (COVID-19) pandemic and how have they attempted to mitigate these obstacles?
- Recent events have highlighted the issue of forced labor in global supply chains, including abuses reportedly tied to political oppression in China’s Xinjiang Uyghur Autonomous Region (XUAR). In July 2020, several U.S. government departments issued a joint advisory highlighting business risks associated with human rights abuses in XUAR.<sup>3</sup> Certain goods from the region have also been subject to Withhold Release Orders issued by U.S. Customs and Border Protection (CBP), which bar entry of certain goods made by forced labor.<sup>4</sup> In your opinion, are these approaches effective for addressing forced labor in supply chains? What more can be done to encourage the private sector to prevent forced labor in supply chains in the XUAR and elsewhere?
- Congress has enacted provisions that restrict certain types of foreign assistance to foreign governments in response to certain human trafficking indicators.<sup>5</sup> Do you view the threat or implementation of foreign aid restrictions as an effective tool to encourage poorly performing governments to improve their anti-trafficking efforts? Why or why not?

<sup>2</sup> For more information, see CRS Report R46631, *Section 307 and U.S. Imports of Products of Forced Labor: Overview and Issues for Congress*, coordinated by Cathleen D. Cimino-Isaacs

<sup>3</sup> Department of State, Department of the Treasury, Department of Commerce, Department of Homeland Security, *Xinjiang Supply Chain Business Advisory*, July 1, 2020.

<sup>4</sup> CBP, “Withhold Release Orders and Findings List,” at <https://www.cbp.gov/trade/programs-administration/forced-labor/withhold-release-orders-and-findings>. For more information, see CRS Report R46631, *Section 307 and U.S. Imports of Products of Forced Labor: Overview and Issues for Congress*, coordinated by Cathleen D. Cimino-Isaacs.

<sup>5</sup> The TVPA established that nonhumanitarian, nontrade-related foreign aid may not be provided to governments that receive a Tier 3 ranking on the State Department’s annual Trafficking in Persons Report (a ranking that indicates that the government in question does not meet the TVPA’s minimum standards for the elimination of human trafficking and is not making significant efforts to do so). The Child Soldiers Prevention Act (Title IV of P.L. 110-457), seeks to restrict certain U.S. military assistance from countries known to recruit or use child soldiers in their armed forces, or that host non-government armed forces that recruit or use child soldiers. The President may reserve the option of waiving aid sanctions in cases where the continuation of aid would promote U.S. national interests that supersede anti-trafficking policy goals.

- Despite significant attention paid to transnational human trafficking, the U.N. Office on Drugs and Crime's (UNODC) *Global Report on Trafficking in Persons 2020* found that "globally, most detected victims are citizens of the countries where they are detected."<sup>6</sup> How, if at all, should anti-trafficking approaches differ when addressing trafficking that is contained in one foreign country as opposed to transnational forms of trafficking?
- U.N. sources suggest that at least some types of trafficking in persons may have increased due to the COVID-19 pandemic.<sup>7</sup> The State Department's *2021 Trafficking in Persons Report* also found that COVID-19 may have led to increased vulnerability to trafficking for those who experienced financial hardship or other negative effects.<sup>8</sup> What, in your experience, has been the effect of COVID-19 on human trafficking? How, if at all, should U.S. government efforts to combat human trafficking adapt to address COVID-19 related challenges?
- Are current regulations regarding U.S. government contracting and trafficking in persons sufficient to achieve the "zero-tolerance" policy that has been affirmed by numerous administrations and Congresses?<sup>9</sup> If not, what more should be done?

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<sup>6</sup> UNODC, *Global Report on Trafficking in Persons 2020*, January 2021, p. 54.

<sup>7</sup> UNODC, *The Effects of the COVID-19 Pandemic on Trafficking in Persons*, April 2021, p. 8.

<sup>8</sup> Department of State, *2021 Trafficking in Persons Report*, July 1, 2021, p. 2.

<sup>9</sup> See for example, provisions in National Security Directive 22, the Trafficking Victims Protection Reauthorization Act of 2003 P.L. 108-193, Executive Order 13627, and the National Defense Authorization Act for Fiscal Year 2013, P.L. 112-239.

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September 17, 2021

|   |  |
|---|--|
| Sen. Bob Menendez, Chair<br>Senate Committee on Foreign Relations<br>423 Dirksen Senate Office Building<br>Washington, DC 20515 | Rep. Gregory Meeks, Chair<br>House Foreign Relations Committee<br>2170 Rayburn House Office Building<br>Washington, DC 20515 |
| Sen. James Risch, Ranking Member<br>Senate Committee on Foreign Relations   | Rep. Michael McCaul, Ranking Member<br>House Foreign Relations Committee   |

Dear Chairmen Menendez and Meeks, and Ranking Members Risch and McCaul:

We write to express deep concern about terminology used by the U.S. State Department’s Trafficking in Persons Office (J/TIP Office), language that supports the legalization and decriminalization of the sex trade—against US policy. Because your committee oversees the State Department, we believe this matter deserves your immediate attention.

Collectively, we the undersigned are frontline service providers, survivors of human trafficking and the sex trade, women’s rights and human rights advocates, children’s rights advocates, faith-based groups, members of the LGBTQ community and feminists, all leaders in the movement to end human trafficking and exploitation. Most of us have collaborated with your respective offices for decades in our shared vision to prevent, suppress, and prosecute trafficking in persons and support survivors in the difficult journey to rebuild their lives.

On July 1, 2021, at the virtual launch of the 2021 Trafficking in Persons Report (TIP Report), Secretary of State Antony Blinken offered remarks, with the strong promise that the United States will continue to lead in creating a world in which every human being can live in safety and dignity without trafficking and related exploitation. In Secretary Blinken’s otherwise welcome address, when discussing trafficking victims, he stated that “many are compelled into commercial sex work.”<sup>i</sup>

The term “sex work” is a euphemism for the sex trade and the system of prostitution. It is not defined under federal, state, or international laws, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, which the U.S. has ratified.

Coined in the 1970s by a movement with financial and political interests in promoting the sex trade, the term “sex work” is designed to mainstream and normalize the harms of prostitution and erase its inextricable links to trafficking for purposes of sexual exploitation.<sup>ii</sup> The term is used to advance the theory that prostitution<sup>iii</sup> is a job like any other, and a call for laws that legalize and decriminalize the sex trade,<sup>iv</sup> including acts of pimping, brothel owning, sex buying, and “sex tourism.”

Studies show that in jurisdictions where the sex trade is legalized or decriminalized, a higher incidence of sex trafficking occurs.<sup>v</sup> Basic economics explain this phenomenon: if a government sanctions the demand for commercial sex acts (patronizing), traffickers<sup>vi</sup> and other exploiters will meet that demand by recruiting and abusing our most vulnerable populations—especially poor

and disenfranchised women, girls, and transgender and gender non-conforming youth—for commercial sexual exploitation.

The phrase “sex work” also has a detrimental effect on public understanding of the complex mechanics of human trafficking for purposes of sexual exploitation. It lays the groundwork for the perpetuation of harmful cultural attitudes that view the commodification of human beings, primarily of women of color, and the purchase of commercial sexual acts, as acceptable and benign.

As survivors have repeatedly made clear, prostitution and commercial sex acts are neither sex, nor work, but the causes and consequences of an exploitive system based on gender-based violence, discrimination, and socio-economic inequalities related to sex, gender, race, ethnicity, and poverty.<sup>vii</sup> As Secretary Blinken stated in his remarks, “enduring discriminatory policies and practices have a disproportionate effect on individuals already oppressed by other injustices. These challenges further compound existing vulnerabilities to exploitation.”<sup>viii</sup>

The U.S. Government is clear in its opposition to prostitution, including pimping, pandering, or maintaining commercial sex establishments, stating that “it should not be regulated as a legitimate form of work for any human being.”<sup>ix</sup> The National Security Presidential Directive 22 (NSPD 22) further states, “Prostitution and related activities, which are inherently harmful and dehumanizing, contribute to the phenomenon of trafficking in persons, as does sex tourism.”<sup>x</sup>

A significant number of this letter’s signatories are survivors of sex trafficking and the sex trade, which the 2021 TIP Report duly salutes. These survivors testify to the unspeakable violence, suffering, and degradation they have endured, especially at the hands of the men who purchased them for sexual acts. **Each of the undersigned and our allies reject the term “sex work,” as an inaccurate portrayal of the crimes and sexual violence perpetuated with impunity and for the profit of the multi-billion-dollar global sex trade.**<sup>xi</sup> The term “sex work” is far more than an objectionable description of the sex trade; it is a misstatement of fact. Sexual abuse, even when paid for, is not labor.

While we commend the J/TIP office for its comprehensive 2021 TIP Report and its outstanding achievements despite the immense challenges presented during the COVID-19 pandemic, we are shocked by the inclusion of the term “sex work” in the TIP Report to describe the sexual exploitation that trafficking victims have experienced. In particular, in the section highlighting Bangladesh, it says: “Other women reported they had grown up in brothels because their mothers were engaged in commercial sex, and brothel owners forced them into *sex work when they were children.*” (*emphasis added*) (p.109). Under both U.S. federal and international law, any person under the age of 18 in the sex trade is by definition a sex trafficked child.<sup>xii</sup>

Neither the State Department nor the J/TIP office must promote, support, or endorse the legalization and decriminalization of the sex trade or characterize sex trafficked children as “sex workers.” Doing so undermines the intent and scope of federal and international laws and conventions, U.S. Government policies, and human rights principles.

We hope you will join us in urging the Secretary of State, State Department, and J/TIP office to ensure that the term “sex work” is never again used in oral and written statements, reports, and other official documentation.

**207 Advocates and Organizations including 77 Survivor Leaders from all 50 states + DC:**

*SURVIVOR LEADERS:*

|   |   |
|---|---|
| Stephanie Anderson, Survivor Leader<br><b>Traffick Refuge</b><br>MT                                   | Autumn Burris, Founder & Director<br><b>Survivors for Solutions</b><br>CO                           |
| Joyclyn Bell, Survivor Leader & Founding Member<br><b>Northwest Survivors Alliance</b><br>OR          | Christine Cesa, Survivor Leader<br>CA   |
| Nicole Bell, Survivor Leader & CEO<br><b>Living in Freedom Together (LIFT)</b><br>MA                  | Bekah Charleston, Founder & CEO<br><b>Exploitation 2 Empowerment</b><br>TX                          |
| Rebecca Bender, Founder & CEO<br><b>Elevate Academy</b><br>TX   | Alicia Cohen, Survivor Leader & Director<br><b>SAFE</b><br>DE                                       |
| Alisa Bernard, Survivor Leader & Director of Public Policy and Advocacy<br><b>Thistle Farms</b><br>DC | Angela Conn, Survivor Leader & Director<br><b>She Who Dares LLC</b><br>WV                           |
| Tammy Bitanga, Advocate/Survivor<br><b>Ho'ola Na Pua</b><br>HI  | Cheri Crider, Survivor Leader<br>MA   |
| Lucy Bloom, Survivor & Executive Director<br><b>Veronica's Voice</b><br>KS                            | Cheryl Csiky, Survivor Leader & Executive Director<br><b>In Our Backyard</b><br>OR                  |
| Kathy Bryan, Survivor Leader and Consultant<br>AR   | Sarah Demerath, Survivor Leader & Lead Victims Advocate<br><b>Convergence Resource Center</b><br>WI |
| Tiffany Buell, Survivor Leader<br>WI  | Lori-Anne DePasquale, Survivor Leader<br>CT   |
|   | Christine Desjardins, Survivor Leader<br>LA   |

Kelly Dore, Executive Director  
**Sierra Cares**  
 CO

Kyra Doubek, Survivor Leader & Executive Director  
**Washington Trafficking Prevention**  
 WA

Nikki Doyle, Survivor Leader  
 MA

Penelope Duncan, Survivor Leader  
**Meet Me at the Well & Restoration Now**  
 DE

Gina Dvorak, Survivor Leader  
**Treasured Lives**  
 SD

Cristian Eduardo, Sex and Labor Trafficking Survivor  
 NY

Amy Engle, Survivor Leader  
 AZ

Esperanza Fonseca, Survivor Leader  
 CA

Amanda Forest, Survivor Leader & Founder  
**H.E.R. Ocean**  
 ID

Terry Forliti, Survivor Leader & Executive Director  
**Breaking Free**  
 MN

Kaylee Fratt, Survivor Leader  
 CA

Les Glauner, Survivor Leader  
 PA

Trisha Grant, Survivor Leader  
**If Only 1**, Founder  
**Amirah**, Community Engagement Manager  
 ME & CT

Jaclyn Greer, Survivor Leader  
 CO

Jessica Halling, Survivor Leader  
**I am Jessica Kay**  
 NV

Rev. Dr. Marian Hatcher, Survivor Leader & UN Ambassador at Large  
**SPACE International**  
 IL

Robert Healy, Survivor Leader Director  
**Legislative Roundtable on Trafficking & Exploitation**  
 SC

Teresa J. Helm, Survivor Leader  
 FL

Breaunna Hodnett, Survivor Leader  
 CA

Toshia Hogan, Survivor Leader  
 MS

Ursel Hughes, Survivor Leader  
 MA

Bishop Donna Hubbard, Survivor Leader & Founder  
**Women At the Well Transition Center**  
 GA

Miranda Kwon, Survivor Leader  
 MA

Erin Lacombe, Survivor Leader  
 CT



Bennett Langston, Survivor Leader  
**The Underground**  
 CT

Shawnee Lazore DO, HHD, PhD. M.L.  
**Purple Hearts Missions Possible &  
 Healthy Horizons**  
 The Americas

Desiree Lepsey, Survivor Leader & Founder  
**The iSeeYou Initiative**  
 WA

Alicia Ley, Survivor Leader  
 MI

Annie Lobert, President & Founder  
**Hookers For Jesus**  
 NV

Megan Lundstrom, Survivor Leader &  
 Director of Research  
**The Avery Center**  
 CO

Marti MacGibbon, Survivor Leader  
**Mentari Human Trafficking Survivor  
 Empowerment**  
 CA

Jasmine Grace Marino, Survivor Leader &  
 Founder  
**Jasmine Grace Outreach**  
 NH

Tammy McDonnell, Survivor Leader  
**Covenant House PA**  
 PA

Michele McKerrow, Survivor Leader &  
 Volunteer, The Potter's Hand Foundation &  
 The Cheumung County Youth Bureau  
 NY

Toni McKinley, Survivor Leader  
 TX

Heather McLeod, Survivor Leader &  
 Advocate  
**Human Trafficking Interagency  
 Coordinating Council**  
 DE

Jeri Moomaw, Survivor Leader & Executive  
 Director  
**Innovations Human Trafficking  
 Collaborative**  
 WA

Margaret Nacke, Survivor Leader Volunteer  
 NE

Ashley Nation, Survivor Leader  
 IN & KY

Karen Painter, Survivor Leader  
**National Council of Catholic Women  
 (NCCW) - Religious Alliance Against  
 Pornography (RAAP)**  
 OK

Shanna Parker, Survivor Leader  
**Angels Go to Work**  
 AZ

Kelly Patterson, Survivor Leader, Founder  
 & Executive Director  
**Treasured Lives**  
 SD

Sandra Petkevis, Survivor Leader  
**The Avery Center**  
 CO

Lily Rivera, Survivor Leader  
 RI

Marjorie Saylor, Survivor Leader &  
 Founder/CEO  
**The Well Path**  
 CA

Eliza Siep, Survivor Leader & Content  
Creator  
IA

Katie Smith, Survivor  
AL

Mary Speta, Survivor Leader & Chief  
Impact Officer  
**Amirah, Inc.**  
MA and CT

Alexandra Stevenson, Survivor Leader  
**Uprising**  
WY

Barbara Strachan, Survivor Leader  
AZ

Timothy Stroud, Survivor Leader  
**Greater Houston Veteran's Rotary Club**  
TX

Teresa Tally, Survivor Leader  
OK

Crystal Touchstone, Survivor Leader  
FL

Taylor Venezuela, Survivor Leader  
OH

Jeanette Westbrook, MSSW  
Survivor Leader  
KY

Shandra Woworuntu, Founder & Executive  
Director, **Mentari Human Trafficking  
Survivor Empowerment &  
Chair, OSCE/ODIHR International  
Survivors of Trafficking Advisory Board**  
NY

Staci Yates, Director of Human Trafficking  
**My House**  
AK

David Zimmerman, Survivor Leader  
PA

*ORGANIZATIONS in ALPHA ORDER*

Gayle Swayne  
**Abolition NC**  
NC

Anthony Talbott, Director  
**Abolition Ohio**  
OH

Susie Harvill, CEO  
**Advocates For Freedom**  
MS

Connie Huynh, National Chairperson  
Valeria Espinosa, National Program  
Coordinator  
Sylvia Cabrera, National Organizing  
Director  
Olivia Canlas, National Education Director  
Joan Ariete, National Communications  
Director  
Daniella Navarette, National Finance &  
Fundraising Director  
(Executive Council)  
**AF3IRM**  
CA, CO, GA, HI, IL, MA, MN, NY, NJ, OR, WA,  
WI

Stacey Sutherland, Director  
Shannon Tiffany, Program Coordinator  
**Arizona Anti-Trafficking Network,  
TRUST Program**  
AZ

Debi Tengler, Chief Relations Officer  
**Arrow Child & Family Ministries**  
TX

Dawn Ferrer, Program Director  
**A Safe Place**  
NC

Jonathan Daugherty  
**Be Broken Ministries**  
 TX

Polly Scott, Founder & CEO  
**Betrayal Trauma Recovery**  
 UT

Marisa B. Ugarte, Founder & Executive  
 Director  
**Bilateral Safety Corridor Coalition**  
 CA

Peggy Delgado-Fava, Executive Director  
**Bridge Network**  
 CA

Sister Margaret Meyer, Advocate for Human  
 Trafficking  
**Catholic Sisters**  
 MA

Becky Rasmussen, Executive Leader  
**Call to Freedom**  
 SD

Lisa Correnti, Executive Vice President  
**Center for Family & Human Rights**  
 NY and DC

Shawna Pagano  
 Human Trafficking Coordinator  
**Charlotte Mecklenburg Human  
 Trafficking Task Force**  
 NC

Sandra Nash  
**Christian Woman's Job Corps**  
 MS

Toshonna Ross, Executive Director  
**Courageous Women Association**  
 CA

Janice Shaw Crouse  
 Author & Columnist  
 MD

Mary Bawden, Founder & CEO  
**DANCE** (Dance Awareness No Child  
 Exploited)  
 CA

Mary DeFusco, Esq., Co-Founder &  
 President of the Board  
 Sr. Kathleen Coll, Executive Director  
**Dawn's Place**  
 PA

Kristen A. Jenson, CEO/Author  
**Defend Young Minds**  
 WA

Annalisa Gibbs, Founder Executive Director  
**Eden's Farm**  
 PA

Lori Cohen, Executive Director  
**ECPAT-USA**  
 NY

Donna Rice Hughes, CEO  
**Enough Is Enough**  
 VA

Tom Nuelle, Christian Minister  
**The Epik Project**  
 WI

Helen Taylor, Vice President of Impact  
**Exodus Cry**  
 CO

Sherry Danalis, President  
**Families United Serving and Embracing**  
 CT

Margaret Latus, Educator  
**FCAST**  
 WI

Robert Benz, Co-Founder  
**Frederick Douglass Family Initiatives**  
 NY

Katrina Ramon, Founder  
**Foundation, Inc.**  
 NC

Anne Friesen, Executive Director  
**Friend to Friend**  
 NC

Rima Nashashibi, Founder & President  
**Global Hope 365**  
 CA

Jordan Pine, Founder & CEO  
**Greenlight Operation**  
 PA

Hon. Lois Galgay Reckitt, State Legislator  
**Maine State Assembly**  
 ME

Nancy Baldwin, Executive Director  
**Hickey Family Foundation**  
 AZ

Megan Brown, Executive Director  
**Hope Found of Northeast Arkansas**  
 AR

Scott Wyler, Anti-Human Trafficking  
 Leader  
 WI

Dan Nash, Co-founder  
**Human Trafficking Training Center**  
 MO

Deborah Sigmund, Founder & Executive  
 Director  
**Innocent at Risk**  
 DC

Shea Rhodes, Esq., Director  
**Institute to Address Commercial Sexual  
 Exploitation, Villanova University  
 Charles Widger School of Law**  
 PA

Amanda Johnson  
 Women and Child Advocate  
 ND

Laurent Labbe, Advocate Leader  
 SC

Raleigh Sadler  
 Executive Director & Author  
**Let My People Go**  
 IL

Tori Curbelo  
 Director of Advocacy, Education and  
 Training  
**LifeWay Network**

Sherrill Rudy, Awareness and Prevention  
 Team Volunteer  
**Living In Liberty**  
 PA

Corie Hebert, Child Welfare Program  
 Coordinator  
**Louisiana Child Welfare Training  
 Academy &**  
 Steering Committee Member,  
**Louisiana for Survivors' Justice Coalition**  
 LA

Vanessa Russell, Founding Executive  
 Director  
 Heidi Goercke, Anti-Trafficking Advocate  
**Love Never Fails**  
 CA

Lynn Shaw, Founder & Executive Director  
**Lynn's Warriors**  
 NY

Kendra King, Advanced  
Advocate/Accountability Specialist  
**Market Your Mind (MYM) Services**  
NC

Peggy Cairns, Education Chairperson  
**Maryland Coalition Against Pornography**  
MD

Opal Singleton, President and CEO  
**Million Kids**  
CA

Abbie Newman, CEO  
**Mission Kids Child Advocacy Center**  
PA

Fran Eskin-Royer, Executive Director  
**National Advocacy Center of the sisters of  
the Good Shepherd**  
MD

Dawn Hawkins, CEO  
Dr. Eleanor Kennelly Gaetan,  
Director of Public Policy  
Dr. Stephany Powell, Director of  
Law Enforcement Training & Survivor  
Services  
**National Center on Sexual Exploitation**  
DC

Kevin Metcalf, Founder & Director  
**National Child Protection Task Force**  
AR

Elizabeth Downing, Advocate Leader  
**National Council of Jewish Women  
Greater Philadelphia**  
PA

Pam Strickland Founder & CEO  
**NC Stop Human Trafficking**  
NC

Maggie Kerrin, Vermont Chair  
**New Englander's Against Sexual  
Exploitation**  
VT

Dominique Roe-Sepowitz, Director  
**Office of Sex Trafficking Intervention  
Research**  
**Arizona State University**  
AZ

Tania Haigh, President & CEO  
**Parents Against Child Sex Abuse**  
IL

Jan Edwards, President  
**Paving The Way Foundation**  
FL

KP LoveJoy, Founder  
**PFCO**  
CO

Hannah Arrowwood, Executive Director  
Kina Marshall, Prevention Coordinator  
**Present Age Ministries**  
NC

Kina Marshall, Prevention Coordinator  
**Present Age Ministries**  
NC

Felicia Ingram, Assistant Director of  
Operations  
**Prevention Works Joint Task Force &  
Coalition**  
VA

Donna Plorde, Executive Director  
**Real Life Giving**  
NH

Linda Hawkins, President/CEO  
**Recover Hope, Inc.**  
VA

|   |  |
|---|--|
| Lee Gibson, Executive Director<br><b>Relentless Pursuit Outreach &amp; Recovery</b><br>MO                                       | Laurie Swink, Co-Founder<br><b>Selah Freedom</b><br>FL   |
| Jeremy Vallerand, President & CEO<br>Rita Hernandez, Director of Policy & Advocacy<br><b>Rescue Freedom International</b><br>WA | Congresswoman Linda Smith (1995-1999),<br>Founder & President<br><b>Shared Hope International</b><br>WA & DC |
| Susan Norris, Founder & Executive Director<br><b>Rescuing Hope</b><br>GA  | Winifred Doherty, NGO Representative to<br>the United Nations,<br><b>Sisters of the Good Shepherd</b><br>NY  |
| Amanda Hightower, Founder & Executive<br>Director<br><b>Real Escape from the Sex Trade (REST)</b><br>WA                         | Paul Stock, Managing Director<br><b>Stock and Associates, LLC</b><br>PA                                      |
| Tiara King, Co-Founder<br><b>Retrain the Night</b><br>CA  | Terri Miller, President<br><b>Stop Educator Sexual Abuse, Misconduct<br/>&amp; Exploitation</b><br>NV        |
| Yasmin Vafa, Co-Founder & Executive<br>Director<br><b>Rights4Girls</b><br>VA  | Deidre Pujols, Founder<br><b>Strike Out Slavery</b><br>CA  |
| Vonette Holmes, Master Level Intern,<br>Simmons University<br><b>Safelight</b><br>MA  | Thomas Mosca, Chair<br><b>NEPA Taskforce Against Human<br/>Trafficking</b><br>PA                             |
| Hon. Judge Judy Harris Kluger, Executive<br>Director<br><b>Sanctuary for Families New York</b><br>NY                            | Tomas Perez, Founder<br><b>The EPIK Project</b><br>WA  |
| Scott Koch, Chairman<br><b>SECTOR</b><br>OR   | Deborah Kuehner, Executive Director &<br>Founder<br><b>The Potter's Hands</b><br>NY                          |
| Efaw Stacey, Executive Director<br><b>Selah Freedom</b><br>FL   | Ahsha Morin, President<br>Ashley Chapman, Vice President<br><b>The Red Cord</b><br>OK                        |

Lowell Hochhalter, CEO & Executive Director  
Joe Danzer, Search Coordinator  
**The Lifeguard Group**  
MT

Elizabeth Fisher Good, CEO/ Co-Founder  
**The Selah Way Foundation**  
IL

Russ Tuttle, President & Founder  
**The Stop Trafficking Project, Inc.**  
KS

Anmarie Bouley, CEO  
Tammy Gerhard, Mentor Program Director  
**The Underground New England**  
CT

Catharine Kessack, Executive Director  
**The Valley Against Sex Trafficking (VAST)**  
PA

Hal Cato, CEO  
**Thistle Farms**  
TN

Kaitlin Joyce, Executive Director  
**Thistle Hills, Inc.**  
PA

Mae-Ling Kranz, CEO  
**Transitions of PA**  
PA

Kendis Paris, Executive Director  
Melanie Tripp, Vice President & Chair  
**Truckers Against Trafficking**  
CO

Lauren Hersh, National Director  
Rebecca Zipkin, Policy Director  
**World Without Exploitation**  
CT, FL, NJ

Brenda Sandquist, Executive Director  
**Xquisite**  
NV

Renata Stare, Victim Advocate  
**United Abolitionist**  
FL

Jennifer Reyes Lay, Executive Director  
**US Sisters Against Human Trafficking**  
MO

Joanna Lundquist, Student Activist  
**Vanderbilt University**  
VA

Penny Ronning, Co-Founder/Co- Chair  
**Yellowstone County Area Human Trafficking Task Force**  
MT

Gaby Ortega, Youth Outreach  
**Youth for Abolition**  
NC

Crystal Perry, Human Trafficking Advocacy Coordinator  
**YWCA York**  
PA

Yolanda Schlabach, Executive Director  
Sharon Stevens, Education Coordinator  
**Zoe Ministries**  
DE

<sup>1</sup> U.S. Department of State Secretary Antony J. Blinken at the 2021 Trafficking in Persons Report Launch Ceremony, <https://www.state.gov/secretary-antony-j-blinken-at-the-2021-trafficking-in-persons-report-launch-ceremony/>

<sup>2</sup> COYOTE (Call Off Your Old and Tired Ethics) reportedly first coined the term “sex work.” Margo St. James, the founder of COYOTE, was arrested and convicted of running a brothel. Lachapelle, Lily; Schneider, Clare; Shapiro,

Melanie; and Hughes, Donna M. (2019) "Does the Decriminalization of Prostitution Reduce Rape and Sexually Transmitted Disease? A Review of Cunningham and Shah Findings," *Dignity: A Journal on Sexual Exploitation and Violence*: Vol. 4: Iss. 3, Article 6. DOI: 10.23860/dignity.2019.04.03.06. "Margo St. James was arrested and convicted in San Francisco in 1962 for "soliciting and keeping a disorderly house in November 1962" by her own admission (Beatty, 1996, p.9) <https://digitalcommons.uri.edu/dignity/vol4/iss3/6><https://digitalcommons.uri.edu/dignity/vol4/iss3/6and>; Miller, Heather Lee. "COYOTE". *Encyclopedia Britannica*, 8 Jan. 2019, <https://www.britannica.com/topic/COYOTE-organization>.

<sup>101</sup> Prostitution and commercial sex establishments, online and offline, include, but are not limited to, street prostitution, video-camming, dominatrix activities, escort services, brothels, illicit "massage parlors," pornography, strip clubs, "sugar dating," sex tourism operators, "hobby boards" (sex buyers' online platforms). See "Trafficking, Prostitution, and Inequality," Catharine A. MacKinnon, *Harvard Civil Rights-Civil Liberties Law Review*, Vol. 46, 2009, 2010, 2011, <https://harvardcrcl.org/wp-content/uploads/sites/10/2011/08/MacKinnon.pdf>; Mathieson, Ane; Branam, Easton; and Noble, Anya (2016) "Prostitution Policy: Legalization, Decriminalization and the Nordic Model," *Seattle Journal for Social Justice*: Vol. 14 : Iss. 2, Article 10, Available at: <https://digitalcommons.law.seattleu.edu/sjsj/vol14/iss2/10>

<sup>102</sup> The legal frameworks of legalization and decriminalization are highly similar in intent and impact. See "Germany and New Zealand: A Comparison of Prostitution Laws, 2002-2017, Coalition Against Trafficking in Women, 2021, <https://catwinternational.org/wp-content/uploads/2021/06/Germany-New-Zealand-A-Comparison-in-Prostitution-Law-FINAL.pdf>

<sup>103</sup> Cho, Seo-Young and Dreher, Axel and Neumayer, Eric, Does Legalized Prostitution Increase Human Trafficking? (January 16, 2012). *World Development*, 41 (1), 2013, pp. 67-82, Available at SSRN: <https://ssrn.com/abstract=1986065> or <http://dx.doi.org/10.2139/ssrn.1986065>

<sup>104</sup> The Trafficking Victims Protection Act defines sex trafficking as "the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act." <sup>105</sup>*Trafficking Victims Protection Act of 2000, Div. A of Pub. L. No. 106-386, § 108, as amended.*

<sup>106</sup> Racial & Gender Disparities in the Sex Trade Rights4Girls, <https://rights4girls.org/wp-content/uploads/2019/05/Racial-Disparities-FactSheet-Jan-2021.pdf>

<sup>107</sup> <https://ctip.defense.gov/Portals/12/Documents/NSPD-22.pdf>

<sup>108</sup> [www.combat-trafficking.army.mil/documents/policy/NSPD-22.pdf](http://www.combat-trafficking.army.mil/documents/policy/NSPD-22.pdf).

<sup>109</sup> Trafficking in Persons National Security Presidential Directive, December 16, 2002, <https://fas.org/irp/offdocs/nspd/trafpers.html>

<sup>110</sup> For example, one of the survivors featured in the 2021 TIP Report, once said: "There is no such thing as 'sex work.' It is really damaging to a survivor and all survivors worldwide to use this terminology. You are implying that there is something about it that is regular work. If you keep the harms of prostitution right up front what you come out with is that it's not a job. 'Sex work' has nothing to do with work. It has everything to do with harm." Autumn Burris, Founder and CEO of Survivors for Solutions.

<sup>111</sup> At an unknown date in recent weeks, this passage was edited in the online version of the 2021 TIP Report. However, the new language continues to normalize and sanitize prostitution.