

# MULTI-SECTOR PARTNERSHIPS TO COMBAT HUMAN TRAFFICKING

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## HEARING BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION HOUSE OF REPRESENTATIVES

ONE HUNDRED AND FIFTEENTH CONGRESS

FIRST SESSION

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SEPTEMBER 13, 2017

Available via the World Wide Web: [humanrightscommission.house.gov](http://humanrightscommission.house.gov)

TOM LANTOS HUMAN RIGHTS COMMISSION

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# MULTI-SECTOR PARTNERSHIPS TO COMBAT HUMAN TRAFFICKING

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WEDNESDAY, SEPTEMBER 13, 2017

HOUSE OF REPRESENTATIVES,  
TOM LANTOS HUMAN RIGHTS COMMISSION,  
*Washington, D.C.*

*The Commission met, pursuant to call, at 2:08 p.m., in Room 2255, Rayburn House Office Building, Hon. Randy Hultgren [co chairman of the Commission] presiding.*

Mr. HULTGREN: We will go ahead and get started. Thanks for your patience. We just finished up on votes on the floor.

Good afternoon, and welcome to the Tom Lantos Human Rights Commission's hearing on how to strengthen multisectoral partnerships in the fight against human trafficking.

I would like to thank our distinguished experts for taking time out of their busy schedule, important work, to testify before the Commission on this topic today.

Trafficking in persons, or human trafficking, refers to the subjection of men, women, and children to compelled service for the purposes of exploitation. It is an issue that deeply concerns me and one in which I have been vigorously engaged since coming to Congress in efforts to work for lasting solutions.

Trafficking occurs domestically within the territorial borders of a country, including the United States. It is also a cross border and transnational phenomenon. Examples of human trafficking include trafficking for commercial sexual exploitation, including child sexual exploitation; forced labor, including bonded labor, involuntary domestic servitude and forced child labor; and the unlawful recruitment and use of child soldiers.

Reports suggest that human trafficking is the fastest growing criminal enterprise in the world, holding captive an estimated 21 million victims and contributing to a multibillion dollar criminal industry. It is a centuries old problem that, despite international efforts, continues to occur in virtually every country in the world.

My efforts have largely focused, but not exclusively, on ending sex trafficking, with a specific focus on the demand for commercial sex. Evidence shows that, where the demand for commercial sex flourishes, so does a thriving human trafficking industry.

That is why I introduced H.R. 466, the Sex Trafficking Demand Reduction Act. This legislation holds nations accountable for serious and sustained efforts to fight human trafficking by compelling them to include measures to combat the demand for commercial sex as well.

Since the Palermo Protocol in 2000, governmental, nonprofit, and private sector initiatives have made important strides against the global epidemic of human trafficking, but closer partnerships across these sectors are needed to increase their effectiveness. Different types of human rights abuses are manifested in various forms of trafficking, and different sectors address these through complementary approaches.

The three P paradigm of preventing the crime, protecting the victim, and prosecuting traffickers is a multiprong strategy implemented by sectors in different ways depending on the context in which each operates. Greater communication, coordination, and information sharing among governments, businesses, and NGOs working to combat trafficking will serve the best interests of those trapped in this nefarious enterprise.

My hope is that this hearing will help to facilitate that. Each of our experts here today are working across sectors with other antitrafficking organizations and initiatives to end this violent form of modern slavery.

I look forward to hearing how each sector is working together with the other to end trafficking and what more they need from each other to creatively strengthen their own unique antitrafficking work and arrive at workable, permanent solutions. I am also very interested to learn how Congress can better help facilitate this kind of cross sectoral cooperation.

Though we are all working to combat trafficking within our different contexts, our goals are the same. We must continue to increase our cooperation, collective effectiveness, and collaborative efforts in order to achieve lasting success.

And I am proud to recognize the great co chair of the Tom Lantos Human Rights Commission, Jim McGovern.

[The prepared statement of Co-Chair Hultgren follows]

**PREPARED STATEMENT OF THE HONORABLE RANDY HULTGREN, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS AND  
CO-CHAIRMAN OF THE TOM LANTOS HUMAN RIGHTS COMMISSION**

**TLHRC Hearing – Multi-Sector Partnerships to Combat Human  
Trafficking  
2255 Rayburn**

Introductory Remarks of the Honorable Randy Hultgren (IL-14) | September 13, 2017

- Good afternoon and welcome to the Tom Lantos Human Rights Commission's hearing on how to strengthen multi-sectoral partnerships in the fight against human trafficking.
- I would like to thank our distinguished experts for taking time out of their busy schedules and important work to testify before the Commission on this topic today.
- Trafficking in persons, or human trafficking, refers to the subjection of men, women, and children to compelled service for the purposes of exploitation.
- It is an issue that deeply concerns me and one in which I have been vigorously engaged since coming to Congress in efforts to work for lasting solutions.
- Trafficking occurs domestically within the territorial borders of a country, including in the United States, and it is also a cross-border and transnational phenomenon.
- Examples of human trafficking include: trafficking for commercial sexual exploitation, including child sexual exploitation; forced labor, including bonded labor, involuntary domestic servitude, and forced child labor; and the unlawful recruitment and use of child soldiers.
- Reports suggest that human trafficking is the fastest growing criminal enterprise in the world, holding captive an estimated 21 million victims and contributing to a multi-billion-dollar criminal industry.
- It is a centuries-old problem that, despite international efforts, continues to occur in virtually every country in the world.
- My efforts have largely, but not exclusively, been directed at ending sex trafficking, with a specific focus on the demand for commercial sex.
- Evidence shows that where the demand for commercial sex flourishes, so does a thriving human trafficking industry.
- This is why I introduced H.R. 466, the Sex Trafficking Demand Reduction Act.

- This legislation holds nations accountable for serious and sustained efforts to fight human trafficking by compelling them to include measures to combat the demand for commercial sex as well.
- Since the Palermo Protocol in 2000, governmental, non-profit, and private sector initiatives have made important strides against the global epidemic of human trafficking, but closer partnerships across these sectors are needed to increase their effectiveness.
- Different types of human rights abuses are manifested in the various forms of trafficking, and different sectors address these through complementary approaches.
- The 3P paradigm of **“preventing the crime, protecting victims, and prosecuting traffickers”** is a multi-pronged strategy implemented by sectors in different ways depending on the context in which each operates.
- Greater communication, coordination and information-sharing among governments, businesses and NGOs working to combat trafficking will serve the best interests of those trapped in this nefarious enterprise. My hope is that this hearing will help to facilitate that.
- Each of our experts here today are working across sectors with other anti-trafficking organizations and initiatives to end this violent form of modern slavery.
- I look forward to hearing how each sector is working together with the others to end trafficking, and what more they need from each other to creatively strengthen their own unique anti-trafficking work and arrive at workable and permanent solutions.
- I am also very interested to learn how Congress can better help facilitate this kind of cross-sectoral cooperation.
- Though we are all working to combat trafficking within our different contexts, our goals are the same, and we must continue to increase our cooperation, collective effectiveness, and collaborative efforts in order to achieve lasting success.



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Mr. McGOVERN: Well, thank you.

And I want to thank my co chair, Congressman Hultgren, for not only his leadership on this issue but on so many issues concerning human rights.

And I want to acknowledge the presence of Kathryn Porter in the audience, who, a long time ago, before this became the Tom Lantos Human Rights Commission, it used to be the Human Rights Caucus, and she was one of the inspirations for that. So we are happy to see her here.

And I want to welcome everybody to the Tom Lantos Human Rights Commission hearing on multisectoral partnerships to combat human trafficking. And I want to add my thanks to our distinguished witnesses who are here. Thank you for your taking the time to share with us your knowledge and your recommendations. We appreciate your presence.

Trafficking in persons, modern slavery, is a global scourge in which men, women, and children, as my colleague has stated, are subjected to compelled service for the purposes of exploitation. It involves the recruitment, transportation, and harboring of persons by means of force, abduction, fraud, or deception. It is a moral failure and a grave violation of human rights.

And unlike the slavery of the 18th and 19th centuries in the United States, trafficking is illegal here and around the world. But it persists in a variety of forms commercial sex trafficking, forced labor, bonded labor, involuntary domestic servitude, the use of child soldiers victimizing millions of people and contributing to a multibillion dollar criminal industry.

The good news is that, in our country and around the world, over the last couple of decades, we are seeing real efforts to end human trafficking. The U.S. Congress, acting on a bipartisan basis, is part of that effort, beginning with the U.S. Trafficking Victims Protection Act of 2000 and, most recently, H.R. 2200, the Frederick Douglass Trafficking Victims Act, which passed the House in July. I am privileged to have cosponsored both of these pieces of legislation.

And past administrations, both Republicans and Democratic, have taken the trafficking issue seriously and worked to implement the three P framework: prosecution, protection, and prevention.

But the bad news is that trafficking continues, both within and across our borders. So we are here today to discuss what more can be done and, in particular, how to better coordinate effort across all sectors government, NGOs, and business.

You know, back in 2009, when Secretary of State Hillary Clinton included the idea of a fourth P, partnership, as part of her rollout of the State Department's annual

Trafficking in Persons Report, in an op ed in The Washington Post on the role of partnerships for antitrafficking, Secretary Clinton wrote, and I quote, "To our strategy of prosecution, protection, and prevention, it is time to add a fourth P, partnerships. The criminal networks that enslave millions of people cross borders and span continents. Our response must do the same. The United States is committed to building partnerships with governments and organizations around the world to find new and more effective ways to take on the scourge of human trafficking. We want to support our partners in their effort and find ways to improve our own," end quote.

Under the Obama administration, the role of partnerships expanded in U.S. policy to address human trafficking, and it is my hope that that approach will continue under the current administration.

So, today, I look forward to hearing how we can further strengthen this fourth P, with an eye toward the day when no human being will be able to enslave another. And I thank you, and I yield back my time.

[The prepared statement of Co-Chair McGovern follows]

**PREPARED STATEMENT OF THE HONORABLE JAMES P.  
McGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE  
OF MASSACHUSETTS AND CO-CHAIRMAN OF THE TOM LANTOS  
HUMAN RIGHTS COMMISSION**



**Tom Lantos Human Rights Commission Hearing**

**Multi-Sectoral Partnerships to Combat Human Trafficking**

**September 13, 2017**

**2:00 – 3:30 PM**

**2255 Rayburn House Office Building**

**Opening Remarks as prepared for delivery**

Good afternoon. I join my esteemed colleague and Co-Chair Randy Hultgren in welcoming you to the Tom Lantos Human Rights Commission hearing on multi-sectoral partnerships to combat human trafficking. I extend a special welcome to our witnesses. We appreciate your presence today and thank you for taking the time to share with us your expertise and recommendations.

Mr. HULTGREN: Thank you, Co Chairman McGovern.

We are going to have two panels this afternoon. Panel one, I am very grateful and look forward to hearing the testimony of Laura Svat Rundlet, who serves as Acting Deputy Director for the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons.

With that, we would recognize you for your testimony. Thank you so much.

**STATEMENT OF LAURA RUNDLET, ACTING DEPUTY DIRECTOR, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, DEPARTMENT OF STATE**

Ms. RUNDLET: Thank you so much. It is a pleasure to be here.

Congressman Hultgren, Congressman McGovern, members of the Commission, it is an honor to appear before you today and to be joined by my colleagues on the second panel, all of whom I know well and greatly respect. Thank you for inviting all of us here to discuss this important topic.

As members of the Commission and colleagues in this room are all well aware, human trafficking, also known as modern slavery, is a truly immense problem. It devastates lives of millions around the world each day and inflicts untold harm on families and communities, labor markets, the rule of law, and public safety and national security everywhere.

Since the adoption of the U.N. Palermo Protocol and the passage of the Trafficking Victims Protection Act in 2000, major strides have indeed been made in combating this global crime. Based on these instruments, the paradigm of prosecution, protection, and prevention, or the three P's, has served as a framework for guiding both governments and organizations around the world in their efforts to fight human trafficking.

My office in the State Department, the Office to Monitor and Combat Trafficking in Persons, or TIP Office, uses a range of tools to advance the three P paradigm worldwide. And we do also rely on partnerships, or the fourth P, to facilitate progress across those three P's by enlisting all segments of society in this human rights cause. Indeed, to address such a large scale and complex challenge, we must collaborate with a wide array of partners, including survivors of human trafficking, as both the drivers and the consequences of this crime intersect with other priority areas, from health care and law enforcement to global supply chains and national security.

But we in government simply cannot fight human trafficking alone. That is why the TIP Office supports the important work of our partners by engaging in strategic diplomacy, targeting foreign assistance, supporting the coordination of Federal

antitrafficking policies, and engaging civil society and the private sector in key partnerships. We work to make connections and facilitate collaboration between the different sectors in an effort to better tackle the crime together.

So, today, I just wanted to briefly touch on several important examples of these efforts of the TIP Office.

First, we are grateful for our partnership with Congress. Of course, Congress has played such an enormous role in raising the profile of the issue in the United States and abroad, beginning with the passage of the TBPA and the creation of our office in 2000 but continuing to the present. We thank you for your dedication and support, and I do look forward to discussing ways we can partner and improve in the future.

Second, our bilateral partnerships are central to our work. It is well known that the Trafficking in Persons Report is the TIP Office's primary diagnostic tool. It guides our engagement with foreign governments on their efforts to combat human trafficking. But as other governments are increasingly committing resources to address this issue globally, our bilateral engagement has also evolved to include working to align, coordinate, and deconflict assistance efforts.

So, for example, we are consulting regularly with the Government of the United Kingdom on a range of issues, including efforts championed by Prime Minister May, who has made combating modern slavery her top human rights priority. We engage with Canada and Mexico through the North American Leaders Summit to share information and better identify where can coordinate our efforts. And we are also coordinating closely with the Government of Australia on its antitrafficking programs, especially in Southeast Asia.

Third, our interagency partnerships are also critical to everything we do, given the complexity of the challenge and how interconnected human trafficking is to other issues like irregular migration and terrorism and violent extremism.

In the foreign assistance realm, we have developed a planning process to better coordinate our antitrafficking and other programming within the State Department and also with USAID and the Department of Labor so that we don't duplicate efforts or work at cross purposes and, increasingly, so that we can align and complement each other's programs.

We also rely on our interagency partnerships here at home to ensure that we are doing as much as we can with the resources we have. The Secretary of State chairs the President's Interagency Task Force on Human Trafficking, which is a task force that works year round across 15 government agencies to coordinate not only on grant making but also on victim services, procurement and supply chains, public awareness and outreach, to name a few.

Fourth, we collaborate extensively with NGOs, including the members of the second panel, on all aspects of our work, particularly in international programs. By partnering with NGOs in the field, we are able to maximize the impact that their regional and subject matter expertise brings.

As an example, our office has a Child Protection Compact Partnership in the Philippines, and we plan to partner with the International Justice Mission, one of our longstanding NGO partners. And, together, we plan to strengthen current efforts of the government and civil society in the Philippines to prosecute and convict traffickers involved in online sexual exploitation of children.

We are also improving an online platform called [responsiblesourcingtool.org](https://responsiblesourcingtool.org) in partnership with the NGO Verite. This platform is a tool for government procurement officials and also Federal contractors and other companies to understand the risks of human trafficking in their supply chains and to develop strategies to prevent it.

Fifth, we engage multilaterally, including through the United Nations, the International Labour Organization, and numerous regional bodies. These organizations help drive political will and action to combat human trafficking through the development of international norms and also through the provision of technical assistance on the ground.

We have a longstanding partnership, for example, with the International Organization on Migration to provide emergency assistance to victims of sex and labor trafficking outside the United States—services such as shelter, food, medical, and psychosocial care, legal assistance, and reintegration support.

We also work closely with the Organization for Security and Cooperation in Europe to prevent trafficking in government supply chains and are supporting their development of model guidelines for government procurement.

Sixth, private sector partnerships, they have also been an important part of our work. In 2013, our office has partnered with New Perimeter, which is the nonprofit affiliate of the law firm DLA Piper, and we are working to increase the availability of pro bono legal resources and tools to support survivors in underserved regions around the world.

And we have also collaborated with business coalitions and industry associations, including the Electronic Industry Citizenship Coalition, to maximize our collective outreach and influence the prevention of forced labor in global supply chains.

Lastly, a consistent unifying factor throughout all of our engagements and perhaps the most important partnership of all is our commitment to a victim centered approach and a dedication to meaningful partnerships with survivors. The TIP Office supports the work of the U.S. Advisory Council on Human Trafficking, which was created as part of

the Justice for Victims of Trafficking Act. The 11 survivor leaders who make up the Council provide advice and recommendations to the President's Interagency Task Force on the formulation and execution of Federal antitrafficking policies.

I would like to close with one of our newest and most innovative partnerships, the Program to End Modern Slavery, another example of the important support of Congress. The program aims to increase U.S. and global funding for transformational programs to reduce the prevalence of modern slavery in specific countries and regions. It will begin with a partnership between the United States and an NGO implementer and grow to include other governments, private sector donors, and many more organizations on the ground carrying out programs and measuring results. It is a prime example of the innovative, multisectoral approaches we all must take moving forward to combat modern slavery around the world.

I have just provided a snapshot of many of our partnerships, ones that we rely on to more effectively combat modern slavery. I am happy to answer any questions you may have, and I look forward to our discussion.

Thank you for this opportunity.

Mr. HULTGREN: Thank you. Thanks for your testimony.

I have just a few questions, and then I will hand it over to our co chairman.

Thank you for highlighting so many of the areas where partnerships are working, where you were seeing some impact. I wonder if you could just highlight maybe what you are most encouraged about out of that list, and then if you see some areas where we could do better, where, you know, the Federal Government has so many important roles in this that no else can do, but we certainly need the help of these outside entities and other countries as well.

So I wonder if there is anything that comes to mind of where you think we need more work and more effort, and is there anything kind of standing in the way of the State Department being able to advance partnerships.

Ms. RUNDLET: Thanks for that question.

All of the work that we do in the office, I think it is fair to say, is quite challenging. It is an enormous task. However, I do feel that partnerships are useful in supplementing the areas of work where the government has its own mandate individually and also perhaps areas where the government isn't necessarily able to devote sufficient resources.

I think all these programs that I have talked about, and others that I haven't, they all have challenges in terms of implementation and evaluation of success, but their



success really has been demonstrated over the years, the growing level of engagement across all sectors, not just in the United States but around the world. It has actually become quite a challenge just to keep up with the amount of work that has been happening around the world on this issue.

So that is one of our primary challenges, actually, is making sure that all the efforts are coordinated and working and striving toward the same outcomes instead of working at cross purposes.

But let me highlight the Child Protection Compact Partnerships as an area that we expect to bear fruit. These are negotiated partnerships that we work on with government prior to investing foreign assistance dollars. So it is a new approach for the office. It is a couple of years old. We have three Child Protection Compact Partnerships that have been signed.

And our work begins by in depth relationships with that foreign government, getting to know how they operate, getting to know how their inner agency works, where their gaps are, where their strengths are, and then working through a competitive process to find implementers on the ground that are able to address the gaps and that are willing to work in a collaborative way with the government.

So it really is an approach that we are very excited about. And it is early in the process, but it is really one of, I think, our most exciting projects right now that is underway.

Mr. HULTGREN: That is great. Thanks.

I wonder, are there challenges with communication, with getting information back and forth, especially as we talk about children and other things? Are there hurdles or obstacles with the State Department being able to share information in these specific circumstances?

And then I wonder, you talk about working with other governments. What is your sense of the willingness for them to want to see change here? Is it pretty much universal that they recognize the problems, or is there some pushback still in some of these places of maybe not wanting to admit the seriousness of the problem in their countries?

Ms. RUNDLET: To the second half of your question, I don't think we have received pushback in that way. I think the governments that we are working with are very interested and aligned in the goals.

We do have a process for country selection that is fairly rigorous. So, in some ways, that is to be expected, because we are picking countries that have the political will to do this and also the across society, not just within government, so the will of actors locally to do it. So we have not experienced that pushback.

I think the challenge is more in resources and just making sure that the countries the countries that we have chosen have significant problems, and they are large countries. And so we, for example, had to focus our programs in certain regions, not an entire country. So there are limits to how much we can do at once, but not right now from pushback from government.

And your first question about sharing information, no, I don't think there are any sensitivities there. I think we are quite open to briefing on the Child Protection Compact Partnerships.

Mr. HULTGREN: One more thing, if I may, and then I will hand it over to Congressman McGovern.

But I am grateful, again, for the State Department's work with the Trafficking in Persons Report. I still feel like that is so vital and really does have an impact, that countries are paying attention to what we are stating in that. So thanks for your work and others' work on that.

I wonder, to what extent are partnerships aligned in improving poor performing countries in the TIP Report? So they might recognize the challenge, wanting to improve, but are they willing to also have the partnership relationships to try and improve? As you mentioned in my last question, ongoing challenges, resources. But I think there are partners who are wanting to help, and whether that is with resources or people or efforts or things like that.

Is there any pushback from these countries? Are there ways, again, that we can be encouraging the TIP Report and partnerships to be working together to see improvement of poor performing countries?

Ms. RUNDLET: I think I would say there are so many countries that we cover in the report that it is hard to provide one answer. I think there is a wide array of countries that we have very active relationships with, both in our office and at posts overseas, in having a dialogue about the recommendations in the report, also in targeting our foreign assistance for certain countries that may need help in certain areas.

So we have a very coordinated approach to, sort of, executing the recommendations in our report in a way where we are engaging with the foreign government, and I think we have a lot of success with a handful of countries. I am not in a position to name any of those right now. But I do think that it is an area even where countries are not as engaged as we would like them to be. It is, again, an area where our office would be happy to have a followup conversation with you or the Commission on some of those specific country questions.

Mr. HULTGREN: That would be great. Thank you so much.

I am grateful to yield to the co chairman.

Mr. McGOVERN: You know, I just have a couple of questions.

First of all, thank you for being here, and thank you for the work that you and your office does. We are grateful.

And, look, as I mentioned in my opening statement, you know, this commitment to try to combat human trafficking has spanned many administrations, I mean, Democrat and Republican as well, but we have a new administration.

And, you know, the previous administration, the Obama administration, explicitly included attention to partnerships in its approach to combating trafficking. I am getting from what you are saying that that emphasis will continue. But, you know, is there anything or will there be anything different? Are there any new approaches that are being contemplated in this administration that we haven't pursued in the past, or are we continuing along the same path?

Ms. RUNDLET: Well, I can say that combating human trafficking is certainly a very high priority for both the White House and the State Department. The Secretary is committed to ensuring that human trafficking is a priority for the Department and that our office maintains strong leadership.

We have continued to work across the three P's and across the functional areas in our office. Whether it is TIP Report and bilateral engagement, international programs, partnerships, our work continues. So we haven't had a change of course.

Mr. McGOVERN: Well, I am happy to hear about the commitment, because there certainly is that commitment here in Congress.

And I raise the issue because, when the President's budget initially came out, I saw lots of reductions in the State Department's budget. I was trying to pinpoint whether any of that would have impacted your office in particular or whether there had been any discussion about reductions in your office or your capacity to do your job.

You know, I mean, again, partnerships are important and, you know, NGO and businesses are important partners to combat trafficking, but it is governments that have the state duty to protect human rights.

And I am just trying to understand, if the President's budget had been enacted, how would that have impacted our antitrafficking efforts? Because certainly those reductions would have to come from somewhere, unless you guys were told there would be no reductions. I don't know.

Ms. RUNDLET: I am not aware of any such conversations. Our office maintains its high level of engagement, and the Secretary has committed to making sure our office can have the resources it needs to continue to do the work that we do.

Mr. McGOVERN: Yeah. And, again, I am not trying to put you on the spot. I would just simply say that if that budget had been enacted I am not sure you would have had the resources to be able to do the job that you all want to do. And I think Congress is coming to the rescue, both the House and the Senate. But I just point that out because, you know, the resources are vitally important in order for you to be able to effectively do the work that I know we all want you to do and that you want to do as well.

And, going back to what my colleague had asked about, you know, whether the communications are working well within the administration and other departments and agencies, I guess I would just ask, I mean, other than funds and resources, are there additional things that Congress can do to support the State Department's antitrafficking efforts at this point in time?

And by that I mean, are there gaps in the tools available to State that should be addressed through legislation? Is there anything that we need to do legislatively that would basically help us be even more effective in the battle to combat trafficking?

Ms. RUNDLET: I think that the attention and the support that Congress has paid to this issue and the collaboration that our office has had with different committees and different Members' offices, including throughout the past year, have been very useful to us. And we carry on and continue to do the work that we have been doing since I have joined the office years ago.

So I think there is always more that all of us can do, but we have the resources that we have right now to carry out the activities that we have been doing all along.

Mr. McGOVERN: No, and, again, I would just close with this. I appreciate the list you produce, because I think sometimes shaming is an important and powerful tool for countries that are not doing enough to combat this issue. But yet there are still these countries that we have relations with and we do business with. And so sometimes shaming, in and of itself, is not enough.

And, you know, I think, as time goes on and, I think, this administration, you know, decides how it is going to approach the world, I would just say that there may be some cases where I think, with certain countries, we may need to step it up a little bit, in terms of going beyond just the list and the current pressures that we have in place. But, again, I appreciate the work you are doing. I am glad that it seems at this particular point like, in terms of budgets, that the State Department budget is going to, you know, not be decimated. And I think that is good news for the whole world, but it is especially good news for the work that you are doing, which is so vital.

So I thank you very much, and I yield back.

Mr. HULTGREN: Thank you.

Thank you, Acting Deputy Director Rundlet. I appreciate your testimony and answering our questions. Thank you so much.

We will transition to our second panel now.

Mr. McGOVERN: Thank you.

Mr. HULTGREN: Welcome to our second panel. So glad you are here. Let me introduce you, and then I will have you each give your testimony, if you would. And then we will ask some questions, if that is all right.

First, grateful to have Mr. Carlos Busquets, director of public policy for the Electronic Industry Citizenship Coalition.

Thank you so much.

Also, Tim Gehring, who is policy director for International Justice Mission.

And then Annick Febrey, senior associate, Anti Trafficking Campaign, Human Rights First.

Thank you all so much for being here.

Mr. Busquets?

**STATEMENTS OF CARLOS BUSQUETS, DIRECTOR OF PUBLIC POLICY, ELECTRONIC INDUSTRY CITIZENSHIP COALITION; TIM GEHRING, POLICY DIRECTOR, INTERNATIONAL JUSTICE MISSION; AND ANNICK FEBREY, SENIOR ASSOCIATE, ANTI TRAFFICKING CAMPAIGN, HUMAN RIGHTS FIRST**

**STATEMENT OF CARLOS BUSQUETS, DIRECTOR OF PUBLIC POLICY, ELECTRONIC INDUSTRY CITIZENSHIP COALITION**

Mr. BUSQUETS: Thank you very much, Congressman Hultgren

Mr. HULTGREN: Can you push on the—

Mr. BUSQUETS: Congressman Hultgren, Congressman McGovern—

Mr. McGOVERN: Are you on? Yeah. Okay. Is there a green light?

Mr. BUSQUETS: The green light is on.

Mr. McGOVERN: Okay. Good.

Mr. BUSQUETS: Thank you very much for this opportunity to be here with you today and to testify on this important hearing on this important issue.

My name is Carlos Busquets. I am the director of public policy for the Electronic Industry Citizenship Coalition, or the EICC for short. The EICC is a nonprofit coalition of leading companies collaborating to improve social and environmental performance in their supply chains. EICC was founded in 2004 by forward thinking companies that wanted to protect the rights and well being of workers in the electronic supply chain. Today, the EICC is comprised of more than 110 companies across electronics, automotive, retail, toys, and other sectors, with a combined annual revenue greater than \$4.75 trillion, millions of workers, and thousands of suppliers a sizeable industry footprint.

The EICC has been actively helping its members prevent, detect, and address forced labor and human trafficking both in their own operations and their supply chains. Our members commit and are held accountable to a common code of conduct and utilize a range of training and assessment tools to support continuous improvement. The EICC's code of conduct exclusively bans traffic and forced labor. However, eradicating in the global supply chains, as we have seen today, is a challenge.

According to the International Labour Organization, approximately 21 million people worldwide are working in situations of forced labor. Other estimates are even larger. Exploited through force, fraud, debt bondage, or other coercion, workers in many industries in many regions throughout the world are vulnerable to these conditions that create forced labor.

Companies have a moral imperative to act, financial incentives to do so, not only because of the risk of their operations, reputations, and, in some cases, sales, but also because it is the right thing to do. Moreover, awareness of these issues among companies across industries is at an all time high, thanks to increased scrutiny and pressure from government regulators, nongovernmental organizations, customers, institutional investors, and the media.

When it comes to this issue, there is virtually no daylight between the positions of civil society and those of the member companies in the EICC. All agree that forced labor is an affront to human rights, and no company wants it in their supply chain. This is why eliminating the conditions that contribute to forced labor has been one of our highest priorities since our founding.

But supply chains are complex and often include hundreds of thousands of foreign migrant workers who seek to make a better life for themselves and their families. Sadly, some are subject to high recruitment fees, personal debt, complicated recruitment practices, a lack of transparency about their eventual working conditions, and inadequate legal conditions in the countries in which they work. All of these conditions can lead to trafficked and forced labor.

For example, in 2014, a report sponsored by the U.S. Department of Labor and Verite found that one in three foreign migrant workers surveyed in Malaysian electronic factories were in a condition of forced labor. The report concluded that factors contributing to this included reliance on third party labor agents for recruitment, management and employment of foreign workers, unlawful passport retention, high and hidden recruitment fees leading to indebtedness, inadequate legal protections.

The report triggered a series of groundbreaking changes at the EICC, helping us take the lead to address these issues, including strengthening our code of conduct in 2015 to ensure that: workers shall not be required to pay employer or agent recruitment fees; no unreasonable restriction on workers' freedom of movement, including retention of passports; workers are provided with a written employment agreement in their native language prior to departure from their country of origin; and they are free to leave their employment at any time.

We are proud to have been one of the first industry groups to adopt these policies. To help implement these changes, we are now in the process of developing a series of advanced due diligence standards, tools, and programs. These include standards and educational offerings to drive corporate accountability and due diligence; specialized risk assessments to help identify forced labor in factories and among labor agents; a supplemental forced labor validated audit program geared toward identifying and correcting forced labor in the workplace; a worker grievance mechanism to assist workers through the hiring and employment process; and, finally, labor agent training and certification – what we believe is the critical piece to address the root cause of forced labor and trafficking.

We strongly agree with the theme of this hearing on the need to strengthen partnerships within and across sectors. While the EICC has been at the forefront of addressing forced labor in global supply chains, in order to accelerate change and drive labor market transformation, we believe that due diligence must be harmonized across multiple industries that share recruitment corridors or channels.

Guiding principles on forced labor are well established. However, solutions are fragmented across industries and geographies and only address certain aspects or specific points in a worker's journey.

To address these gaps, earlier this summer, the EICC launched the Responsible Labor Initiative, or the RLI, a multi-industry and multi-stakeholder effort focused on

ensuring that the rights of workers vulnerable to forced labor in global supply chains are consistently respected and promoted.

RLI solutions are based on these EICC standards and programs I just mentioned, and we are now in discussions to extend this to other industries, including retail, consumer goods, hospitality, and construction, just to name a few. Working with multiple industries across the supply chain will help enable us to identify important trends and best practices, raise awareness, and convene diverse groups facing similar challenges.

We believe this approach is particularly relevant, as unscrupulous behavior on the part of some employers and third party employment agencies can exacerbate vulnerability to exploitation. But the system in which foreign workers are recruited, placed, and managed is complex enough to create vulnerability even in the absence of willful intent to exploit.

We note that the labor agent or broker is the, quote/unquote, "chokepoint" in driving systemic change across recruitment corridors. There are a number of developing systems, such as the International Organization on Migration's IRIS system and the Fair Hiring Initiative, that aim to certify, quote/unquote, "responsible" labor agents in key recruitment corridors.

While the EICC and the RLI endorse and collaborate with these organizations, we are also working on a "Labor Agency Maturity Model" to help prepare labor brokers and recruitment agencies to meet our stringent standards, offer a path to certification, and communicate which agencies are on a path to responsible practices.

Agents will apply for the developing level by being prescreened, attending training, conducting a forced labor self assessment, and demonstrating that they are meeting a majority of the provisions in our protocol. These steps would be checked by a third party, and the agents would need to commit to a no recruitment fees policy. After achieving this level, the agent can meet the next level by having an on site forced labor audit and completing all corrective actions to demonstrate compliance. This will then lead to certification by approved third parties on an ongoing basis.

We have already held a number of preliminary engagements, focusing initially on the Nepal Malaysia recruitment corridor. Indeed, we are having a series of events next week in Kuala Lumpur. And we are going to continue to look at other corridors as this initiative grows.

As you can see, industry, as represented by the EICC and the RLI, is trying to rout out trafficking and forced labor in their supply chains. However, industry cannot do this alone, and the theme of partnerships is so critical that you have raised. Only by working collectively with government and civil society can we truly make a difference.



Thus, as this commission and Congress considers possible efforts related to these issues, we suggest prioritization around three key points: build on existing programs, practices, and tools and leverage them to scale solutions; strengthen public private partnerships, particularly around key migration corridors; and, of course, engage foreign governments in both sending and receiving countries in this fight.

The EICC via the RLI stands ready to work proactively with you to address this complicated issue. Thank you again for the invitation to testify today. I am happy to answer any questions.

[The prepared statement of Mr. Busquets follows]

## PREPARED STATEMENT OF CARLOS BUSQUETS



*written testimony of*

**Carlos Busquets**

Director of Public Policy

Electronic Industry Citizenship Coalition (EICC)

*before the*

Tom Lantos Human Rights Commission

**Hearing on Multi-Sector Partnerships to Combat Human Trafficking**

September 13, 2017

### **Introduction**

Co-Chair Hultgren, Co-Chair McGovern, members of the Commission – thank you for the opportunity to testify at today’s hearing on multi-sector partnerships to combat human trafficking.

My name is Carlos Busquets, and I am the Director of Public Policy for the Electronic Industry Citizenship Coalition, or EICC. The EICC is a nonprofit coalition of leading companies collaborating to improve social and environmental performance in their global supply chains.

The EICC was founded in 2004 by forward-thinking companies that wanted to protect the rights and well-being of workers and communities impacted by the electronics supply chain.



Today the EICC is comprised of more than 110 companies, across electronics, automotive, retail, toys and other sectors, with combined annual revenue of greater than \$4.75 trillion, millions of workers and thousands of suppliers; a sizable industry footprint.

The EICC has been actively helping its members prevent, detect and address forced labor and human trafficking in their own operations and their supply chains since its inception.

EICC members commit and are held accountable to a common Code of Conduct and utilize a range of training and assessment tools to support continuous improvement.

The EICC Code of Conduct explicitly bans trafficked and forced labor, however, eradicating it in the global supply chain remains a challenge.

### **The Forced Labor Challenge**

According to the International Labour Organization (ILO), approximately 21 million people worldwide are working in situations of forced labor. Other estimates are even larger.

Exploited through force, fraud, debt bondage or other coercion, workers in many industries and many regions throughout the world are vulnerable to the conditions that contribute to forced labor.

Companies have a moral imperative to act, and financial incentives to do so because of the risks to their operations, reputations and, in some cases, sales if forced labor exists in their supply chains. Moreover, awareness of these issues among companies across industries is at an all-time high, thanks to increased



scrutiny and pressure from government regulators, non-governmental organizations, customers, institutional investors and media.

When it comes to this issue, there is virtually no daylight between the positions of civil society and those of member companies in the EICC. All agree that forced labor is an affront to human rights and no company wants it in their supply chain. That is why eliminating the conditions that contribute to forced labor has been one of the EICC's highest priorities since it was founded.

Supply chains are complex and often include hundreds of thousands of foreign migrant workers who seek to make a better life for themselves and their families. Sadly, some are subject to high recruitment fees, personal debt, complicated recruitment practices, a lack of transparency about their eventual working conditions, and inadequate legal protections in the countries in which they work.

These conditions can all lead to human trafficking and forced labor.

For example, a 2014 report sponsored by the U.S. Department of Labor and Verité found that 1 in 3 foreign migrant workers surveyed in Malaysian electronics factories was in a condition of forced labor.

The report concluded that factors that contributed to forced labor included reliance on third-party labor agents or brokers for recruitment, management and employment of foreign workers; unlawful passport retention; high and hidden recruitment fees leading to indebtedness; and inadequate legal protections. The report triggered a series of groundbreaking changes at the EICC, which helped us take the lead in addressing these issues, including the strengthening of our Code of Conduct in 2015 to ensure:

○



- Workers shall not be required to pay employers or agents recruitment fees or other related fees for their employment;
- No unreasonable restrictions on workers' freedom of movement, including the retention of passports;
- Workers are provided with a written employment agreement in their native language prior to departing from his or her country of origin;
- Workers shall be free to leave work at any time or terminate their employment.

We are proud to have been one of the first industry groups to adopt these policies. To help implement these changes we developed a series of advanced due diligence standards, tools and programs.

Our toolbox includes:

- World-class standards and educational offerings to drive corporate accountability and due diligence to combat forced labor in international supply chains;
- Specialized risk assessments to help identify the risk of forced labor in factories and among labor agents;
- Supplemental Forced Labor Validated Audits (SVAP) geared to identifying and correcting forced labor in the workplace;
- A worker grievance mechanism to assist workers throughout hiring and employment processes; and
- Labor agent training and certification – a critical piece to address a root cause of forced labor and trafficking.



### **Responsible Labor Initiative (RLI)**

We strongly agree with the theme of this hearing on the need to strengthen multi-sectoral partnerships to combat human trafficking and forced labor.

While the EICC has been at the forefront of addressing forced labor in global supply chains, in order to accelerate change and drive labor market transformation, we believe that due diligence must be harmonized across multiple industries that share recruitment channels to drive labor market transformation through collective action.

Guiding principles on forced labor are well-established, however, solutions tend to be fragmented across industries and geographies and only address certain aspects or specific points in a worker's journey.

Earlier this summer, the EICC launched the Responsible Labor Initiative (RLI), a multi-industry, multi-stakeholder effort focused on ensuring that the rights of workers vulnerable to forced labor in global supply chains are consistently respected and promoted.

RLI solutions are based on the leading EICC standards and programs I just mentioned and will be extended to other industries (including retail, consumer goods, hospitality and construction – just to name a few) to better address these issues collectively.

Working with multiple industries across the supply chain will help enable us to identify important trends and best practices, raise awareness of issues, and convene diverse groups facing similar challenges.



### **Labor Agency Maturity Model**

We believe this approach is particularly relevant as unscrupulous behavior on the part of some employers and third-party employment agents can exacerbate vulnerability to exploitation, but the system in which foreign workers are recruited, placed and managed is complex enough to create vulnerability even in the absence of willful intent to exploit.

We must note that the labor agent or broker is the “choke point” in driving systemic change across recruitment corridors.

There are a number of developing systems, such as the International Organization for Migration (IOM) IRIS system and the Fair Hiring Initiative that aim to certify “responsible” labor agents in key recruiting corridors throughout the world.

While the EICC and RLI endorse and collaborate with these organizations, we are also developing a “Labor Agency Maturity Model” to help prepare labor brokers and recruitment agencies to meet our stringent standards for forced labor, offer a path to certification and communicate to companies which agencies are on the path to responsible practices.

Agents will apply for the “Developing” level by being pre-screened, attending training, conducting a forced labor self-assessment and demonstrating they are meeting a majority of the provisions in our forced labor protocol. These steps would be checked by a third party. In addition, the agent would need to commit to a “no fees” policy.



After achieving the “Developing” level, the agent can achieve the next level by having an onsite forced labor audit and completing all corrective actions to fully demonstrate compliance with our forced labor protocol.

This will then lead to “certification” by approved third parties on an ongoing basis.

We have already held a number of preliminary engagements; focusing initially on the Nepal–Malaysia recruitment corridor and hope to conduct additional trainings in other key corridors.

### **Moving Forward**

As you can see, industry – as represented by the EICC and RLI – is trying to root out trafficking and forced labor in global supply chains. However, industry cannot do this alone.

Only by working collectively with governments and civil society can we truly make a real difference and have a positive impact on the lives of so many workers.

Thus, as this Commission and Congress considers possible efforts related to these issues; we suggest prioritization around three key points:

1. Build on existing programs, practices and tools and leverage them to scale solutions.
2. Strengthen public–private partnerships, particularly around key migration corridors.
3. Engage foreign governments in sending and receiving countries in the fight against trafficking and forced labor.





The EICC via the RLI stands ready to work proactively with you to address this complicated issue.

Thank you again for the invitation to testify here today. I would be pleased to answer any questions.

Mr. HULTGREN: Thank you, Mr. Busquets. Thanks for being here.

Next, Mr. Gehring.

**STATEMENT OF TIM GEHRING, POLICY DIRECTOR, INTERNATIONAL JUSTICE MISSION**

Mr. GEHRING: Congressman Hultgren, Mr. McGovern, and other members of the committee, thank you very much for the opportunity to testify today on the issue of trafficking in persons and specifically how civil society and country governments and the private sector can work in collaboration, as each plays a distinct but critical role in addressing this issue.

And, also, I would just like to thank your staff. I have worked with a number of them over the years on several different issues. They have been extremely helpful to IJM, and they represent each of your offices well.

I am honored to be here on behalf International Justice Mission, a global human rights agency that provides direct services to victims and survivors of human trafficking and other violent abuses. Over the past 20 years, we have provided relief to over 44,000 people from violence by collaborating with police, courts, prosecutors, judges, and social workers around the world to rescue victims, hold perpetrators accountable, and restore survivors.

And today's hearing on multisector approaches to address human trafficking is an apt one. At IJM, we are very encouraged by the partnerships that are developed between country governments, civil society, and the private sector. The most effective way to tackle this problem of trafficking in persons and modern slavery is to do it together, and we are delighted to have partners in this fight.

The U.N. Guiding Principles on Business and Human Rights provides a helpful delineation of the responsibilities of governments and the private sector in addressing human rights abuses, including trafficking and forced labor. Governments have the, quote, "state duty to protect" human rights, and companies have the, quote, "responsibility to respect" human rights. We see this as a critical distinction. While the private sector can and should do more to ensure that their business practices are not using or contributing to the use of exploitive labor, it is the country governments' sole responsibility to enforce the rule of law.

Allow me to describe how International Justice Mission, an NGO, partners with the governments in the countries where we work and in the private sector to help them fulfill these responsibilities.

In each of the countries where IJM works, the public justice system the police, the courts, the judges often fail to protect the most vulnerable populations from violence. And, indeed, this is true for most of the world's poorest populations. According to the U.N. Commission on Legal Empowerment of the Poor, most of the world's poorest people, a stunning 4 billion, live far from the law's protection.

And not only are the world's poorest not protected by their police or court systems, they often actively avoid these systems because they are so abusive or unresponsive. Underresourced, undertrained, and corrupt law enforcement does not or cannot arrest and charge criminals or gather evidence, trials move at a glacial pace, files are lost, and victims are unnecessarily and repeatedly traumatized throughout the court process. Social services are often underresourced, untrained, and uncoordinated.

The dysfunction of the developing world public justice system creates an environment of impunity in which criminals know they will not be held accountable for trafficking or enslaving others. These systems are completely void of the deterrent effect that an effective criminal justice system should have. And, thus, crime like human trafficking flourishes and goes unchecked.

As a remedy to this dysfunction, IJM's teams of lawyers, investigators, and social workers partner with law enforcement and judicial authorities on individual cases. For example, our investigators work alongside police units to assist in investigations, intervention and victim rescue, and evidence collection. Our lawyers then help public prosecutors to prepare and try the case to hold perpetrators accountable. And our social workers will ensure that, after the rescue, survivors have the aftercare services that they need.

In doing all of this, IJM's team is able to provide rescue and relief to victims of the crime while also developing relationships of trust and goodwill with local public justice system officials.

This ground level support to move real criminal cases through the public justice system also serves as a diagnostic tool, identifying exactly where the gaps and the blockages exist. This detailed understanding of where the system fails victims and survivors then allows us to design larger scale programs to address these gaps to ensure that the system can function effectively and sustainably on its own.

Improving the performance of the entire justice system benefits all people who are victimized by the crime, not just IJM clients. And, moreover, it creates a deterrent effect so that vulnerable populations are not exploited in the first place.

From IJM's perspective, there is no substitute for developing an effective criminal justice response to the criminal act of trafficking in persons, but there are ways that the private sector can support these efforts.

In recent years, investigative journalists have brought the world's attention to the issue of forced labor in global supply chains. Major corporations, many with household name recognition, bear the weight of opprobrium when trafficking and forced labor is exposed. Dozens of industries have been outed: textiles, chocolate, electronics, seafood, agriculture, metals, bricks, flowers. And while these abuses have certainly existed in these areas for a very long time, recent attention has been very helpful in encouraging cooperations to do more.

No one should question the responsibility of the private sector to do their utmost to identify and clean their supply chains of exploitive labor. And some responsible corporations are already partnering with other excellent civil society groups to improve their business practices in strengthening internal audits, requiring responsible recruitment, facilitating safe migration, and developing other safe labor practices.

All of these are extremely important, but the private sector, by its very definition, cannot enforce a country's laws or hold criminals accountable. And these approaches on their own, without an effective law enforcement response, are unlikely to reduce forced labor in global supply chains, because it is not just a business problem or a migration problem or a labor rights issue. It is all of those things, but it is also a violent crime in which there is massive profitability and total impunity.

Protecting workers from harm and exploitation and deterring crime requires that corporate stakeholders, including investors, importers, shareholders, and retailers, know the landscape of where they are sourcing their supply. And a crucial element of this landscape is the will and capacity of local and national authorities to predictably enforce their laws.

Solutions that try to work around broken government systems that aren't enforcing laws won't be able to create the enabling, transparent, and accountable system needed for businesses to operate overseas responsibly, and they won't be able to protect people from exploitation or contribute to crime reduction.

The private sector has the opportunity to be an agent of positive change in combating trafficking and forced labor. Corporations should use their enormous leverage in the countries where they are doing business to encourage the government to carry out its responsibility to enforce their laws against trafficking and forced labor. And corporations should prioritize investment in developing functional law enforcement capabilities, such as specialized antitrafficking police units, special public prosecutors, and legal assistance for exploited workers.

IJM is very excited to announce such a partnership with the private sector. We are partnering with the Walmart Foundation, with support from the U.S. Office to Monitor and Combat Trafficking in Persons, to address forced labor in the Thai fishing industry.

Our office in Bangkok will support the Royal Thai Government to stop the use of forced labor in the fishing industry by building the capacity of the justice system to sustainably and professionally enforce antitrafficking laws, hold local criminals accountable in order to end impunity and increase deterrence, and provide restorative support to survivors.

We are seeing receptivity from the Thai Government. They are proud of the efforts that they have taken over the last 18 months to shore up laws and policies, develop cross border agreements, and show their commitment to addressing the problem. But they also agree that they have not yet implemented a comprehensive law enforcement response, so they agreed to collaborate with us to build up the capacity of their justice system.

There is still much work to be done by all parties involved, but this is the type of collaboration between governments and corporations and civil society that is critical to holistically addressing trafficking and forced labor.

The criminal act of the enslavement of other people for the purpose of profit is an enormously complex issue. Combating it is difficult and not yet perfected, and IJM still has much to learn from our friends and partners in this space that are addressing the downstream effects of impunity and broken public justice systems.

But after almost 20 years of providing services to victims and survivors alongside our government partners, a few lessons learned have become crystal clear: Victims can be rescued, police can improve, survivors can be restored, and justice systems can be transformed to be effective and reliable institutions of protection.

To underscore this point, the best way to address human trafficking is through partnerships between civil society, the private sector, and governments. And it is by coordinating complementing efforts that the greater collective impact can be achieved and systems can be transformed to prevent crime and protect vulnerable populations. It is my hope that all of our partners, whether a donor government like the United States or the private sector actors or other civil society groups, regardless of their approach or distinct role, will recognize the necessity of working alongside partner governments, despite their shortcomings and challenges, to protect people from exploitation and demonstrably reduce the crime.

Thank you. I look forward to your questions.

[The prepared statement of Mr. Gehring follows]

## **PREPARED STATEMENT OF TIM GEHRING**



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Testimony of Tim Gehring, Policy Director

International Justice Mission

Tom Lantos Human Rights Commission

September 13, 2017

Thank you, Chairman Hultgren, Ranking Member McGovern and the entire Commission, for the opportunity to testify today on the issue of trafficking in persons and, specifically, how civil society, country governments and the private sector can be working in collaboration with each other. Each one has a distinct but critical role in addressing trafficking in persons, and I look forward to sharing IJM's perspective on this issue.

I am honored to be here today representing International Justice Mission, a global human rights agency that provides direct services to victims and survivors of human trafficking and other violent abuses and works to transform broken public justice systems to protect the vulnerable from violence. We have provided relief to over 44,000 people from violence by collaborating with police, courts, prosecutors, judges and social workers around the world to rescue victims, hold perpetrators accountable through investigations, arrests, and prosecutions, and restore survivors. IJM has been working to address these situations of violent abuse for over 20 years, and we currently have 17 field offices in 11 countries around the world.

At IJM, we are very encouraged by the partnerships that are developing between country governments, civil society and private corporations. The most effective way to tackle the problem of trafficking in persons and modern-day slavery is to do it together. And we are delighted to have partners in this fight.

The U.N. Guiding Principles on Business Human Rights provides a helpful delineation of the responsibilities of governments and the private sector in addressing human rights abuses, including trafficking and forced labor. Governments have the "state duty to protect" human rights, and companies have a "responsibility to respect" human rights. We see this as a critical distinction. While the private sector can and should do more to ensure that their business practices are not using or contributing to the use of exploitative labor, it is the country governments' sole responsibility to enforce the rule of law. Allow me to describe how International Justice Mission – an NGO – partners with the governments in the countries where we work and with our partners in the private sector to help them fulfill their responsibilities.

In each of the countries where IJM works, the public justice systems – police, prosecutors, and judges – often fail to protect the most vulnerable populations from violence. And, indeed, this is true for most of the world’s poorest populations. According to the U.N. Commission on Legal Empowerment of the Poor, most poor people in the world – a stunning 4 billion – live “far from the law’s protection.” And not only are the world’s poorest not protected by their police and court systems, but they often actively avoid these systems because they are so abusive. Under-resourced, under-trained and corrupt law enforcement does not or cannot arrest and charge criminals or gather evidence. Trials move at a glacial pace, files are lost, victims are unnecessarily and repeatedly traumatized during the court process, and hearings are often conducted entirely in official languages victims cannot understand. Social services are under-resourced, untrained and uncoordinated. The dysfunction of developing-world public justice systems creates an environment of impunity, in which criminals know they will not be held accountable for trafficking or enslaving others. These systems are completely void of the deterrent effect that an effective criminal justice system should have. And thus, crime like human trafficking flourishes and goes unchecked.

As a remedy to this dysfunction, IJM’s team of lawyers, investigators and social workers partner law enforcement and judicial authorities on individual cases. For example, our investigators work alongside police units to assist in investigations, intervention and victim rescue, and evidence collection; our lawyers then help public prosecutors to prepare and try the case to hold perpetrators accountable; and our social workers will ensure that after the rescue, survivors receive the aftercare services they need.

In doing all of this, IJM’s team is able to provide rescue and relief to victims of crime, while also developing relationships of trust and goodwill with local public justice officials. This ground level support to move real criminal cases through the justice system also serves as a diagnostic tool, identifying exactly where gaps and blockages exist. This detailed understanding of where the system fails victims and survivors allows us to design larger scale programs to address those gaps to ensure that the system can function effectively and sustainably on its own. Improving the performance of the entire justice system, benefits all people who are victimized by the crime, and moreover, it creates a deterrent effect so that vulnerable populations are not exploited in the first place.

From IJM’s perspective, there is no substitute for developing an effective criminal justice response to the criminal act of trafficking in persons, but there are ways that the private sector can support these efforts. In recent years, investigative journalists have brought the world’s attention to the issue of forced labor in global supply chains. Major corporations, many with household name recognition, bear the weight of opprobrium when trafficking and forced labor is exposed. Dozens of industries have been outed – textiles, chocolate, electrics, seafood, agriculture, metals, bricks, flowers. And while these abuses have certainly existed in these areas for a very long time, recent attention has been helpful in encouraging corporations to do more.

No one should question the responsibility of the private sector to do their utmost to identify and clean their supply chains of exploitative labor. Some responsible corporations are already partnering with other excellent civil society groups to improve their business practices in strengthening internal audits, requiring responsible recruitment, facilitating safe migration and developing other safe labor practices. All of these efforts are vitally important. But the private sector, by its very definition, cannot enforce a country’s laws or hold criminals accountable.

These approaches on their own, without an effective law enforcement response, are unlikely to reduce forced labor in global supply chains because it isn't just a business model problem or a migration problem or labor rights issue (it is all of those things) – it is also a violent crime in which there is massive profitability and total impunity.

Protecting workers from harm and exploitation and deterring crime requires that corporate stakeholders -- investors, importers, shareholders, and retailers -- know the landscape from which they are sourcing their supply. A crucial element of that landscape is the will and capacity of local and national authorities to predictably enforce their laws against labor trafficking and forced labor. Solutions that try to work around broken government systems that aren't enforcing laws won't be able to create the enabling, transparent and accountable system needed for businesses to operate overseas responsibly, and they won't be able to protect people from exploitation or contribute to crime reduction.

The private sector has the opportunity to be an agent of positive change in combating trafficking and forced labor. Corporations should use their enormous leverage in the countries where they are doing business to encourage the government to carry out its responsibility to enforce their laws against trafficking and forced labor. Corporations should prioritize investment in developing functional law enforcement capabilities, such as specialized anti-trafficking police units, special public prosecutors, and legal assistance for exploited workers.

For example, IJM is partnering with the Walmart Foundation, with support from the U.S. State Department's Office to Monitor and Combat Trafficking in Persons, to address forced labor in the Thai fishing industry. IJM's office in Bangkok is supporting the Royal Thai government to stop the use of forced labor in the fishing industry by building the capacity of their justice system to (a) sustainably and professionally enforce anti-trafficking and slavery laws; (b) hold local criminals accountable in order to end impunity and increase deterrence; and (c) ensure restorative support for survivors.

We started the project with 3 studies of forced labor in the Thai fishing industry to establish an accurate baseline prevalence rate, determine the nature and scope of the crime, and assess the justice system's response. These studies – along with new criminal analytics capabilities - provide actionable information that we use to equip the Thai government to understand the crime, how to investigate and stop criminal activity, and identify and protect victims. We are currently disseminating the study results to the Thai government and we will share them publicly them in the coming weeks. We are seeing receptivity from the Thai government. They are proud of the efforts they've taken over the past 18 months to shore up laws and policies, develop cross-border agreements, and show their commitment to addressing the problem. But, they also agree that they have not yet implemented a comprehensive law enforcement response, so they agreed to collaborate with us to build up the capacity of their justice system. There's still much work to be done by all parties involved, but this is the type of collaboration between governments, corporations and civil society that is critical to holistically addressing trafficking and forced labor.

The criminal act of enslavement of other people for the purpose of profit is an enormously complex issue. Combatting it is difficult and not yet perfected. IJM still has much to learn from our friends and partners that are addressing the downstream effects of impunity and broken public justice systems. But after almost twenty years of providing services to victims and survivors alongside our government partners, a few lessons learned have become crystal clear: victims can be rescued, police can improve, survivors can be restored and the justice systems



can be transformed to be effective and reliable institutions of protection for poor and vulnerable populations.

To underscore this point: the best way to address human trafficking is through partnerships between civil society, the private sector, and governments. It is by coordinating and complimenting efforts that greater collective impact can be achieved and systems can be transformed to prevent crime and protect vulnerable populations. It is my hope that all of our partners – whether a donor government like the United States or private sector actors or other civil society groups, regardless of differing approaches or distinct role - will recognize the necessity of working alongside the partner governments, despite shortcomings and challenges, to protect people from exploitation and demonstrably reduce the crime.

Tim Gehring  
Policy Director  
International Justice Mission

Mr. HULTGREN: Thank you very much.

I will next recognize Annick and I should have asked the last name. Is it Febrey or—

Ms. FEBREY: Febrey.

Mr. HULTGREN: Febrey. So, Ms. Febrey, if you could go next. Thank you.

**STATEMENT OF ANNICK FEBREY, SENIOR ASSOCIATE, ANTI-TRAFFICKING CAMPAIGN, HUMAN RIGHTS FIRST**

Ms. FEBREY: Thank you, Co Chairmen and members of the Commission, for the opportunity to engage in this important conversation today. It is a privilege to get to do so alongside colleagues and friends on both panels today, so thank you.

At Human Rights First, our mission is to foster American global leadership on human rights. Our country is strongest when our actions match our ideals. For nearly 40 years, we have worked to ensure that the United States acts as a beacon on human rights in a world that needs American leadership.

Human trafficking is one of the clearest illustrations of this. Millions around the world are enslaved. The parasitic perpetrators of slavery target the most vulnerable among us, violating the most fundamental human rights.

Our antitrafficking work is focused on stemming the massive profits, amounting to an estimated \$150 billion annually, that fuel the perpetrators and on ending the virtual impunity in which they operate.

We are pressing the U.S. Government and business community to lead the fight against human trafficking because American leadership is essential in engaging the international community and in developing essential multilateral and multisector partnerships.

Our antitrafficking work is informed by our campaign ambassadors, a diverse group of leaders in business, government, military, civil society, and academia who have devoted their expertise to combat this problem. This hearing, and the work of the Lantos Commission in drawing attention to the need for a multisector, collaborative effort, is exactly the same approach that we take.

Congress has taken steps to prevent the U.S. from supporting slave labor and has passed legislation to combat human trafficking within our borders and abroad. But without proper enforcement, training, resources, and collaboration by the government, private sector, and civil society, we will see this vicious cycle of profit and crime continue. In 2016, there were 9,071 trafficking convictions globally, an

improvement over the previous year's 6,615, but still a drop in the bucket when we consider the estimated 20.9 million individuals suffering at the hands of traffickers annually.

One partnership that has been successful in increasing accountability for perpetrators and securing justice for victims here in this country is the Department of Justice led Anti Trafficking Coordination Teams, or also known as the ACT teams. This effort, coordinated by the Human Trafficking Prosecution Unit, prioritizes coordination between the Departments of Labor, Homeland Security, Justice, and the FBI. By coordinating across agencies, these teams are able to streamline resources needed to identify, investigate, and prosecute human trafficking cases. The first ACT teams were piloted from 2012 to 2013 and produced an 86 percent increase in convictions of human trafficking defendants, compared to an only 14 percent increase outside of the ACT team districts.

The United States must lead by example by increasing accountability for traffickers through strategies that have been most effective. We have seen these ACT team districts in other areas, with good coordination between Federal agencies, local law enforcement, and victim service providers, have real success. Their focus and partnerships have allowed for essential sharing of information and expertise during the investigation and prosecutorial phases, which has resulted in the filing of more cases and the ability to take on more complex cases.

These teams have also worked transnationally. Since 2009, DOJ has led a bilateral enforcement initiative with Mexico to combat transporter trafficking. Similar to the ACT team structure, DOJ, DHS and Mexican authorities collaborate to streamline investigations and to dismantle key trafficking networks that operate between Mexico and the U.S. Since 2009, over 170 defendants have been prosecuted in the U.S. and 30 associated defendants were prosecuted in Mexico as a result of this partnership.

Identifying potential cases of trafficking can also be greatly enhanced through partnerships with the private sector, like the Bankers' Alliance Against Trafficking. The alliance was established in 2013 through a partnership between the Manhattan District Attorney's Office, the Thomson Reuters Foundation, and a group of the largest banks in the country. Collaborating with law enforcement, NGOs, nine financial institutions developed 27 indicators that when taken together can help identify transactions that are highly at risk for trafficking. Not only does this data help law enforcement identify cases that might have gone otherwise unnoticed, but it can also help prosecutors build cases against traffickers without having to rely as heavily on victim testimony. This model of successful collaboration between the business community and law enforcement demonstrates that companies with access to data and employees well positioned to identify potential instances of trafficking can greatly enhance efforts to end modern day slavery.

One area that needs stronger partnerships is around enforcement of the Tariff Act ban on products imported with forced labor — products produced with forced labor. Last year, Congress took action that has the potential to substantially decrease the market for slave labor by globally closing the consumptive demand loophole, which, for over 85 years, allowed the importation of slave made goods if demand in the U.S. exceeded domestic production. We estimate that the United States imports over \$142 billion worth of products made with forced labor, yet only four shipments were held at the border in the year and a half that followed passage of the Trade Facilitation and Trade Enforcement Act when the loophole was eliminated.

Customs and Border Protection, or CBP, is the agency tasked with enforcement. Since this bill passed last year, it added a forced labor focused working group to their Commercial Customs Operations Advisory Committee, which advises the Secretaries of the Departments of Treasury and Homeland Security on commercial operations of CBP, including issues such as trade enforcement. This group includes importers, customs brokers, companies, and, for the first time, NGOs, including Human Rights First.

CBP has also created a separate working group of civil society organizations to engage CBP and other relevant agencies to promote public and government agency awareness and provide input on the forced labor enforcement processes. Human Rights First is also an active participant in this working group.

Coordinating the agencies that work on forced labor, both in terms of prevention and enforcement here in the U.S. and overseas, is also critical to achieving the goal of this law. This requires one central office to be in charge of synchronizing these efforts. The White House National Security Council is ideally situated to facilitate this interagency process and to ensure that the enforcement agencies are meeting Congress' intention for the statute, that they have the resources necessary to fully enforce the law, and are doing so in a timely way.

Additionally, there needs to be clear and transparent information sharing for partnerships to work effectively. CBP has provided limited and often confusing guidance on what evidentiary standards it is using to respond to allegations or to self initiate investigations. The law requires only reasonable suspicion for CBP to respond to an allegation, and the burden to prove that the goods are not made with forced labor falls to the importer. Just looking at the Department of Labor list of goods made with forced or child labor and recent news articles, there are numerous imported goods which CBP should have reasonable suspicion.

In addition, NGOs that are on the ground in countries where forced labor is occurring and global supply chains are a good source for flagging trouble spots that should be investigated.

Congress should press CBP to self initiate investigations when its reporting or reporting of partner agencies and NGOs indicates that there is reasonable suspicion.

Congress should also ask CBP to clarify its evidentiary standards required to open an investigation so that multisector partners that can help provide information critical to enforcing the statute can be most effective.

Lastly, if we effectively enforce the ban on products made with forced labor, then other countries are likely to receive those banned goods, particularly Canada because of its proximity. The U.S. Government should encourage other governments to adopt similar laws to ensure that the global market is closing to slave labor.

Efforts to end the U.S. role in the perpetration of this crime are critical. This committee has taken an important step in shining the light on the essential need for collective action.

The scope of this problem demands that we tackle it in every sector. What can Congress do? Congress should help lead the way by pressing the private sector to act aggressively to root out slave labor in their own supply chains, creating a level playing field for responsible businesses, ensuring that all levels of government and law enforcement have sufficient resources and are working collaboratively, engaging with civil society activists who are on the front lines of this fight, engaging survivors who bring essential expertise in identifying where and why trafficking is thriving and how best to fight it, and, while pressing other countries to do their part, continuing to raise the bar on our own leadership as a nation.

Thank you very much.

[The prepared statement of Ms. Febrey follows]

## PREPARED STATEMENT OF ANNICK FEBREY



TESTIMONY OF ANNICK FEBREY  
SENIOR ASSOCIATE, ANTI-TRAFFICKING CAMPAIGN  
HUMAN RIGHTS FIRST  
HEARING ON

**Multi-Sector Partnerships to Combat Human Trafficking**

Before the Tom Lantos Human Rights Commission  
September 13, 2017

## **I. Introduction: Ending Human Trafficking**

Chairmen Hultgren and McGovern, and Members of the Commission: thank you so much for the invitation to be here today.

At Human Rights First, our mission is to foster American global leadership on human rights. We believe that standing up for human rights is not only a moral obligation; it is also a vital national interest. Our country is strongest when our actions match our ideals. For nearly forty years, we have worked to ensure that the United States acts as a beacon in a world that needs American leadership.

American leadership is sorely needed on the catastrophe known as human trafficking. Millions around the world are enslaved. The parasitic perpetrators of forced labor and child labor target the most vulnerable among us, violating their most fundamental human rights, including but not limited to freedom from fear and oppression, and denying the rights to free choice of employment and just remuneration. Modern-day slavery is as abhorrent as the bondage throughout human history. We should recognize it as such—and act accordingly.

Our anti-trafficking work at Human Rights First is focused on stemming the massive profits that fuel the perpetrators and on ending the virtual impunity in which they operate. Traffickers make an estimated \$150 billion annually. The International Labor Organization estimates that 20.9 million people are victimized by human trafficking worldwide. Yet only 9,071 convictions of traffickers were secured last year.

We are pressing the U.S. government and business community to lead the fight against human trafficking because American leadership is essential in engaging the international community and in developing essential multilateral and multi-sector partnerships. Our anti-trafficking work is informed by our Campaign Ambassadors, a diverse group of leaders in business, government, military, civil society and academia, who have devoted their expertise to combat this problem. This hearing—and the work of the Lantos Commission in drawing attention to the need for a multi-sector, collaborative effort—aligns perfectly with our approach. We applaud your leadership and appreciate the opportunity to engage in this important discussion.

Congress has taken steps to prevent the United States from supporting slave labor, and has passed legislation to combat human trafficking within our borders and abroad. But without proper enforcement, education, and collaboration by the government, private sector, and civil society, we will see this vicious cycle of profit and crime continue.

Efforts to end the U.S. role in the perpetuation of this crime are critical. We should set an example for other countries by eradicating forced labor from the supply chains of American companies and facilitating the types of collaboration necessary to investigate and convict traffickers for their crimes both at home and abroad.

## II. Decreasing Profits for Traffickers by Closing the Market to Slave-made Products

In 2016 Congress took action that has the potential to substantially decrease the market for slave labor globally by closing the “consumptive demand loophole,” as part of the Trade Facilitation and Trade Enforcement Act (TFTEA). This loophole prevented effective enforcement of the U.S. ban on imports made with forced labor in the Smoot-Hawley Tariff Act of 1930 by allowing importation of slave-made goods if demand in the United States exceeded domestic production. But U.S. consumption of most products outpaces domestic production. Because of this loophole, the Tariff Act ban was rendered nearly useless for over 85 years, with only 32 products held by Customs and Border Protection (CBP), the agency tasked with enforcing the ban.

We estimate that the United States imports over \$142 billion worth of products made with forced labor,<sup>1</sup> yet only four shipments were held at the border in the year and a half that followed passage of TFTEA. The last action was over a year ago when peeled garlic from China was banned. Enforcement of this law, closing the U.S. market to slave produced products, could substantially reduce the markets open to slave labor and provide a model to governments worldwide on how to stop enabling labor trafficking.

CBP has added a forced labor-focused working group to their Commercial Customs Operations Advisory Committee (COAC), which advises the Secretaries of the Department of Treasury and the Department of Homeland Security on the commercial operations of CBP, including issues such as trade enforcement. This group includes importers, customs brokers, companies, and, for the first time, NGOs, including Human Rights First. CBP also created a separate working group of civil society organizations to engage with CBP and other relevant agencies to promote public and government agency awareness, and provide input on the forced labor enforcement processes. Human Rights First is also an active participant in this working group.

However, nearly two years after the provision passed, there is little show for it. What’s needed is a strong interagency process headed by the White House. The COAC presented a set of recommendations to CBP at a public meeting last November. It’s been ten months and CBP has yet to provide any feedback on these recommendations.

These recommendations, compiled with input from companies, other government agencies and NGO representatives, included a request for CBP to map out their process for determining whether or not to investigate a potential allegation, including identifying roles and responsibilities of other partner government agencies. As there are many agencies that work on forced labor, both in terms of prevention and enforcement, there should be one central office in charge of coordinating these efforts. We’ve seen similar challenges in trying to coordinate diverse offices that work on human trafficking,

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<sup>1</sup> We arrived at this number by comparing the U.S. Department of Labor’s list of goods produced with forced and child labor with the most recent U.S. trade data on imports.



including both domestic and international facing agencies. The White House National Security Council is ideally situated to facilitate this interagency process and to ensure that the enforcement agencies are meeting the full intention of this statute, have the resources necessary to fully enforce the law, and are doing so in a timely way.

Additionally, CBP has provided limited guidance on what evidentiary standards they are using to respond to allegations or to self-initiate investigations. The law requires only reasonable suspicion for CBP to respond to an allegation, and the burden to prove that the goods are not made with forced labor falls to the importer. Just looking at the Department of Labor list of goods made with forced or child labor and recent news articles, there are numerous imported goods about which CBP should have reasonable suspicion.

This is unfortunately a conversation we have been having for more than 30 years. A hearing before the Senate Finance Committee in 1985 addressed the lack of enforcement of the prohibition on importation of goods produced by forced or convict labor, particularly 36 goods from the Soviet Union that the U.S. government found were reasonably, but not conclusively, made with forced labor. Legally, this evidence met the standard for the U.S. Customs Service (now CBP) to withhold those goods from entry into the United States. The Administration at the time decided to narrow the list down to just five products, but then said they did not have a solid case without ever defining the standard, which was never meant to be “solid.” As one witness said in regards to the Administration’s decision not to ban any of these imports, “But it should not gut the act by administratively imposing preconditions for its enforcement, which preconditions it then declares it to be unattainable.”

Former CBP Commissioner, Gil Kerlikowske, who serves on our Campaign Ambassadors group, spent nine years as the chief of police in Seattle. Based on his time in law enforcement, he said that if someone called the police after their house had been burglarized, you would never ask them to tell you who did it and to guarantee that they would testify before opening an investigation. Similarly, we don’t need absolute proof that a good has been made with forced labor and is sitting on a shelf in a store in the United States in order to justify withholding those goods at our ports of entry.

Additionally, requiring first-person testimony is always complicated in human trafficking cases. Law enforcement investigations strongly rely upon the testimony of trafficked victims to secure evidence against traffickers here in the United States. Trafficking victims have often been traumatized and mistrust authorities, and are therefore frequently reluctant to cooperate with investigators and participate in prosecutions. This is more challenging in cases involving workers in supply chains overseas as victims often reside in countries with weak rule of law, where workers could be under threat from their employer with no local recourse or protection.

#### *Leveraging the Power of U.S. Government Procurement*

As the largest single purchaser of goods and services in the world, Congress and the Executive Branch took important action five years ago to ensure the U.S. government is

not relying on goods or services tainted by forced labor. Following President Obama's 2012 executive order, "Strengthening Protections Against Trafficking in Persons in Federal Contracts," Congress passed the *End Trafficking in Government Contracting Act*, as Title XVII of the *National Defense Authorization Act for FY 2013*. This statute resulted in amendments to the Federal Acquisition Regulations, which require U.S. government contractors with contracts exceeding \$500,000 to have compliance plans to prevent forced labor, including prohibiting contractors and all subcontractors or subagents in their supply chain from engaging in practices that leave workers vulnerable to trafficking and forced labor, such as destroying, concealing, confiscating, or otherwise denying access by employees to their identity or immigration documents; using misleading or fraudulent practices during the recruitment of employees; charging employees recruitment fees; failing to provide return transportation upon completion of the contract; and arranging housing that fails to meet the host country housing and safety standards.

These new regulations have been in effect since March 2, 2015, yet according to the annual State Department Trafficking in Persons report, there have been zero enforcement actions. The success of these measures depends on effective implementation and strong enforcement. One challenge is that, while the regulations ban contractors and their subagents from charging workers recruitment fees, the term "recruitment fee" is not clearly defined. Because recruitment fees often leave workers indebted and vulnerable to abuse, determining what constitutes a "recruitment fee" is critical.

The Federal Acquisition Regulatory Council recognizes that the regulations cannot be robustly enforced until term "recruitment fee" is clearly defined. They released a draft definition for comment in July 2016, and we are awaiting the final definition. We recommend that recruitment fees be defined as broadly as possible to encompass anything of value. Unscrupulous labor recruiters have found ways to circumvent bans on recruitment fees by using another name (e.g., "training fee" or "equipment fee").

Unscrupulous labor recruiters often require prospective workers to pay a fee—either as a general requirement to obtain a job, or under the guise of costs such as training or equipment needed for the job, travel to or from the job location, visas and medical examinations required for travel, or other related fees. Recruiters often disguise these fees as a wide range of seemingly valid costs. Workers pay these fees on the promise of lucrative jobs overseas, but they often find themselves in much lower paying positions and in locations (e.g., a combat zone) that make it difficult to leave. Since many have depleted their family's savings or leveraged their family home as collateral to take out a loan to pay the recruitment fees, they have little choice but to stay and complete the contract. Meanwhile, the labor recruiter profits enormously and often provides kickbacks to the subcontractor or subagent who hired their services.

## RECOMMENDATIONS TO CLOSE THE U.S. MARKET TO SLAVE LABOR

- Press CBP to self-initiate investigations when there is reasonable suspicion that imported goods are made with forced labor and ask CBP to clarify their evidentiary standards required to open an investigation
- Designate the White House National Security Council to lead the interagency process to coordinate efforts to enforce the Tariff Act ban on imports made with forced labor
- Per Section 132 of H.R. 2200, *The Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017*, require CBP to report to Congress on the details of any enforcement actions taken over the past ten years
- Encourage other governments to adopt similar laws to ban imports produced with slave labor
- Press OMB to release a final definition of recruitment fees to effectively enforce federal regulations preventing trafficking on government contracts
- Per Section 113 of H.R. 2200, *The Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017*, require relevant agencies to submit reports to Congress identifying who is responsible for enforcing these federal regulations, as well as information about the number of allegations received and investigations opened during the previous fiscal year

### III. Increasing the Risk for Traffickers and Securing Justice for Victims

In 2016, there were 9,071 trafficking convictions in the world and 439 in the United States. Both numbers marked improvement over the previous year's numbers of 6,615 and 297, but still represented a drop in the bucket when we consider the estimated 20.9 million individuals suffering at the hands of traffickers annually. We must do better. If traffickers continue to operate with impunity we will never eradicate this inhumane practice. To ensure that every victim who escapes trafficking is not replaced with a new victim tomorrow, we must put those enslaving and exploiting others for financial gain out of business. We must make sure they pay for their crimes and choke off the estimated \$150 billion dollars in profits that drive them. To do this, we need cooperation across law enforcement, government, and national borders and engagement by government, civil society, victim-service providers, and the private sector.

Trafficking cases can be difficult to identify, investigate, and prosecute. In the United States, prosecutors are overwhelmed by the caseload and are often unable to prioritize trafficking cases, particularly more complex cases. Labor trafficking cases tend to be especially challenging because they are often hidden in legitimate businesses, requiring more coordination with agencies at the federal and local levels to gain the access and expertise necessary to investigate. The Human Trafficking Prosecution Unit (HTPU), within DOJ's Civil Rights Division, houses the country's top human trafficking prosecutors and provides expertise and training on trafficking cases to prosecutors across the country. Unfortunately this Unit has been flat-funded since FY 2010 at just \$5.3

million despite a 62 percent increase in cases filed in the last five years (FY 2011-2015) over the previous five years (FY 2006-2010).

For the past five years, HTPU has also helped to build a collaborative model to increase trafficking prosecutions. This has been highly successful and could be expanded here at home, replicated abroad, and applied in cases requiring cross-border cooperation. DOJ initiated Anti-trafficking Coordination teams (ACTeams), which comprise representatives from the U.S. Department of Labor, U.S. Department of Homeland Security, and DOJ including the FBI. These teams prioritize coordination between these three agencies to streamline resources needed to identify, investigate, and prosecute human trafficking cases. The ACTeams were piloted in six districts from 2012 to 2013. Districts with ACTeams saw a 119 percent increase in cases filed, compared to only an 18 percent increase outside of ACTeams districts. Similarly, convictions of human trafficking defendants increased by 86 percent in ACTeams districts compared to only a 14 percent increase outside of ACTeams districts. Building on these teams' success, DOJ, DHS, and DOL launched an additional six teams in December 2015. One reason these teams have been so impactful is that they are specifically trained to handle human trafficking cases and are able to build relationships and share best practices within the agencies on their team as well as with other ACTeams across the country. The increased capacity allows these teams to develop a pipeline of cases. They have also emphasized a victim-centered approach and collaboration with government victim advocates, which have helped them work with victims to build cases.

These teams have also worked transnationally. Since 2009, DOJ has led a bilateral enforcement initiative with Mexico to combat trans-border trafficking. Similar to the ACTeam structure, DOJ, DHS, and Mexican authorities collaborate to streamline investigations and to dismantle key trafficking networks that operate between Mexico and the United States. Additionally, they collaborate to share best practices and to promote a victim-centered approach to enforcement. Since 2009, over 170 defendants have been prosecuted in the United States, and 30 associated defendants were prosecuted in Mexico as a result of this partnership.

Partnering with the private sector has also been an important addition to efforts to combat trafficking. There have been successful initiatives involving the travel and hospitality sector whose workforce, if properly trained, can report suspicious activity to the authorities. A number of initiatives—including some you will likely hear about during the hearing, from the Electronics Industry Citizenship Coalition and the State Department—involve tools that businesses can apply to some of the most at-risk sectors to ensure that unethical labor recruiters and practices are not utilized by their companies and suppliers, and that they are able to minimize slave and forced labor in their supply chains.

One important private sector partnership that has increased identification of trafficking cases in the United States is the Bankers' Alliance Against Trafficking. The Alliance was established in 2013 through a partnership between the Manhattan District Attorney's

office, the Thomson Reuters Foundation, and a group of the largest banks in the country. Collaborating with law enforcement and NGOs, nine financial institutions developed twenty-seven indicators that, when taken together, can help identify transactions that are highly at risk for trafficking. Not only does this data help law enforcement identify cases that might otherwise have gone unnoticed, but it can also help prosecutors build cases against traffickers without having to rely as heavily on victim testimony.

Earlier this year, Senators Rubio and Warren and Representatives Royce and Maloney introduced the *End Banking for Human Traffickers Act of 2017*, which would add the Department of Treasury to the President's Interagency Task Force to Monitor and Combat Trafficking (PITF) and integrate financial institutions in the fight against trafficking by increasing collaboration between financial experts and law enforcement to utilize financial intelligence regarding anti-money laundering programs. From this strengthened position, the Department of Treasury could make recommendations and develop strategic ways to target human trafficking using anti-money laundering investigations. Financial intelligence, effective reporting on best practices for using money trails to track traffickers, and the dissemination of successful procedural policies to financial institutions across the globe could help stop traffickers from taking advantage of financial systems and institutions to hide their illicit profits.

Human traffickers operate without regard to borders. To combat these criminal networks, we need interagency partnerships and multi-lateral engagement initiatives to enhance investigations, as well as the sharing of information on best practices.

#### **RECOMMENDATIONS TO INCREASE U.S. LEADERSHIP**

- The United States must lead by example by increasing accountability for traffickers through those strategies that have been most successful: emphasizing a victim-centered approach in the prosecution phase; fostering cooperation between all stakeholders including government, law enforcement, victim services providers, and the private sector; and ensuring there are adequate staff that have both the expertise and the time to engage in partnerships and collaboration that have a proven track record of success
- Increase funding for HTPU to allow for an increased capacity within the office and provide support through training and expertise to prosecutors across the country and expand the ACTeams initiative
- Expand ACTeam international collaboration and work with international partners to replicate the success of the ACTeam model abroad
- Pass H.R. 3304, the *Human Trafficking Accountability Act*, which designates a human trafficking prosecutor in every U.S. Attorney's office across the country to increase capacity to investigate and prosecute complex human trafficking cases. (Note this provision is also included in Section 17 of H.R. 2803, the *Abolish Human Trafficking Act* and passed as Section 122 of H.R. 2200, *The Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2017*)



- Pass the *End Banking for Human Traffickers Act of 2017* to formally engage the U.S. Department of Treasury in the interagency coordination of anti-trafficking efforts and to identify ways for the U.S. government and financial industry to partner to identify and prosecute human trafficking cases

#### **IV. Conclusion**

At its core, slavery is about the dehumanization of people vulnerable to those who take advantage of them for personal gain. The rise of modern slavery is one of the tragic consequences of intractable problems like poverty, lack of educational opportunities, war, and the absence of the rule of law. It is also a problem that this Congress can do something about.

This committee has taken an important step in shining a light on the essential need for collective action. The scope of this problem demands that we tackle it in every sector, and Congress should help lead the way by both pressing the private sector to act aggressively to root out slave labor in their own supply chains and creating a level playing field for responsible businesses; ensuring that all levels of government and law enforcement have sufficient resources and are working collaboratively; engaging the civil society activists who are on the front lines of this fight and victim survivors who bring essential expertise in identifying where and why trafficking is thriving and how best to fight it; and continuing to raise the bar on our own leadership as a nation, while pressing others countries to do their part.

Thank you.

Mr. HULTGREN: Thank you all.

I am so grateful to have Commissioner Congresswoman Sheila Jackson Lee from Houston with us today. I know she has got another commitment with the Budget Committee, but I want to recognize her for a statement and any questions she might have.

Ms. JACKSON LEE: I will yield and not ask any questions. I will yield to both my chair and co chair, but I want to make an important point.

First of all, I want to thank the witnesses. And I truly believe that we do have it in our heart and in our capacity to be stronger in the United States against the scourge and the dastardly actions of human trafficking.

I just wanted to put on the record: Traffickers make \$150 billion annually with 20.9 million people worldwide victimized by human trafficking. I know those numbers someone may have a higher number or a lower number. It is estimated that \$142 billion worth of products imported in the United States may have been involved with victims of human trafficking.

And it is shameful to even imagine that, in the tragedy and travesty of Hurricane Harvey, that the human trafficking business would, one, take advantage and, one, be thriving.

So I want to at least read this headline: "Human Trafficking Even Bigger Concern in Houston after Hurricane Harvey."

We now know that we have Hurricane Irma and what opportunities, unfortunately, dastardly opportunities, will take place. The mayor of the city of Houston since Hurricane Harvey, Mayor Sylvester Turner, launched an initiative to combat a potential spike of human trafficking throughout the recovering city. In Houston alone, from December of 2007 to June 15, there were 717 cases of human trafficking.

We have held a hearing in Houston. I do want to compliment the faith organizations, police, sheriff; they all are converging on really working to stomp out, to be aware of. And so I would like to join the Commission in thanking them for this hearing and as well joining them with some of the requests that have been made by identification of CBP.

I want to take note of the program at Homeland Security that trains flight attendants. I think we need to ensure the funding of that program and more airlines participating in training their flight attendants.

So let me thank you all very much. I will yield back and ask unanimous consent for both my statement and this article from the Patch about "Human Trafficking Even Bigger Concern in Houston after Hurricane Harvey."

With that, I yield back.

Mr. HULTGREN: Thank you. Without objection, that will be made part of the record.

[The prepared statement of Ms. Jackson Lee follows]

**PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON  
LEE A REPRESENTATIVE IN CONGRESS FROM THE STATE OF  
TEXAS**

\*\*\*\*\*COMMITTEE INSERT \*\*\*\*\*

Mr. HULTGREN: Can I recognize you first for questions, if you have some?

Mr. McGOVERN: Sure.

Mr. HULTGREN: Then I will wrap up.

Mr. McGOVERN: Thank you all very much, not only for your testimony but for the incredible work that you are doing. And this is obviously a terrible situation that we still have to confront.

Mr. Busquets, when I think about the potential partners in the commercial sector to combat trafficking, in addition to businesses, unions come to mind. Can you comment on any experience EICC may have in partnering with unions in antitrafficking efforts?

Mr. BUSQUETS: Sure. Thank you, Congressman, for that question.

Clearly, for us, stakeholder engagement or stakeholder efforts are critical to address that, especially when we are looking at markets where we may not have the full information. So I can tell you very closely we work with civil society, and trade unions included, in two ways, not just in defining the normative plane we work on. For example, our code of conduct is updated every 3 years. And it gets it brings in input from stakeholders, including trade union confederations, actually the government as well, as well as civil society. But also on the ground locally, we through some of the local offices we have in places like Malaysia, which is a very important market for electronics, as I mentioned, we work closely with local civil society and trade union groups to try to understand the issues and try to understand what is going on and then try to remediate that, because we also want to improve conditions for suppliers. It is also part of getting them into the global supply chain.

So one of the things that we try to do is we strongly believe in continuous improvement. So all of these tools and programs that I mentioned and that we developed, we are trying to get them to improve their conditions. So it is not just about figuring it



out and then cutting them off, but actually bringing them up, I guess, towards this better way of working, more responsible business, if you will.

So certainly trade unions play a critical role in that regard.

Mr. McGOVERN: I want to ask you a question, which I am going to ask each panelist the same question as well, you know. And that is, what role do you see in terms for congressional action in terms of supporting multisectorial partnerships? I mean, if you see a role for us, what are the most important steps Congress could take to support the partnerships?

Mr. BUSQUETS: Well, I think just kind of taking a step back, you see it already. There are a multiplicity of initiatives, battling trafficking from the business point of view, from civil society, from governments around the world. We have heard it mentioned here today.

So I think one of the key roles that the U.S. and Congress can play is trying to, as I mentioned, kind of bring them together as much as possible and scale them. I know the Global Fund has an interest to end trafficking and slavery. We heard Senator Corker last week testify at a hearing at a forum that we were speaking at as well. That is a very promising and interesting idea.

I think there are a number of other things that can be done along those lines, as well as engaging other countries as well. I mean, increasingly, we are working with governments all over the world to do that.

So I think the U.S. and Congress has a role to play in leading in that and sending a very clear signal that this is not only something that has to be rooted out here but also globally and that it is not acceptable and that we need to work together, as we are doing and as you mentioned in this hearing.

Mr. McGOVERN: Mr. Gehring, could you describe and provide a couple of examples of IJM's work with law enforcement and judicial authorities?

Is it always successful, and does it vary by country? And what factors have to be in place for IJM to have the best outcomes? And I ask this because I wonder if there is anything we should be looking at or encouraging in judicial reform efforts abroad, anything that could help you with your work.

Mr. GEHRING: Thank you, Congressman.

I think, in all the countries that we work, there are shortcomings in the public justice system, right? We face problems with corruption in each of the countries that we work, and IJM's model of running cases through the public justice system does require a certain threshold of function.

Mr. McGOVERN: Right.

Mr. GEHRING: Functionality within countries that we choose to operate them. So in some countries where there is immense need may not have the infrastructure set up that we would be able to run cases through that. But I think that we have discovered that, despite all the shortcomings and the challenges that exist in all the countries that we work, we are always able to find individuals of good faith who want to do their jobs well on those systems.

And I think that is what is so important about doing individual cases through a criminal justice system, is you start to identify who the actors are that are taking their jobs seriously and wanting to do a good job, and which individuals are perhaps corrupt, perhaps the source of the block in the system. And then that allows you to make a pretty specific recommendation of: We need to remove this person, because they are corrupt, out of that position, and we need to put this person in their place because they are much better at their job.

I think that is just the value of doing individual cases: that you get a very, very accurate sense of what is working and what is not.

Mr. McGOVERN: And also encouraging a broken system to be unbroken. I mean, at the end of the day, you can't be there for every single case. We have to get these, you know, judicial systems to function so that, you know, even without advocacy, the people can go and get help.

Mr. GEHRING: Indeed, that is the end goal of all of our programs, is that, eventually, we are able to transfer ownership over to the governments where they are taking more responsibility, more initiative on all of these cases and people that IJM doesn't represent have a better experience through the criminal justice system.

Mr. McGOVERN: And just the same question to you, you know, what are the most important steps that we can take in Congress to support the partnerships that we are all talking about here today?

Mr. GEHRING: Well, I think Ms. Rundlet had some very great recommendations on how Congress can support the Trafficking in Persons Office especially through appropriations. They have a—

Mr. McGOVERN: I think, in a bipartisan way, we are doing better than the administration requested. So I feel we are—

Mr. GEHRING: Yeah.

Mr. McGOVERN: --trying to help.

Mr. GEHRING: They get their staff support from a certain account in the State foreign ops budget and then also a grants budget. I would encourage all members of the Commission to include in their appropriation requests high levels of funding for both that of diplomatic and consular programs and also out of title IV of INCLE for their grants funding.

Also, Ms. Rundlet mentioned the programs to end modern slavery that the State Department is beginning to initiate.

I think that has the opportunity to completely transform how civil society, governments, and the private sector are able to work in partnership to address this crime. This is designed to receive funding from other government sources and also from donations from the private sector. And I think it is just a unique opportunity to engage all actors in that system. And I would encourage Congress to fully fund the authorized amount of that.

Mr. McGOVERN: Ms. Febrey, in your statement, you mentioned the need for Customs and Border Patrol to clarify its evidentiary standards for opening an investigation and for OMB to release a final definition of recruitment fees. Has Human Rights First developed specific recommendations or proposals in these two areas?

Ms. FEBREY: On the evidentiary standards, the law is pretty clear that it is reasonable suspicion. Former Commissioner Gil Kerlikowske, who was the head of CBP in the last administration, sits on our Campaign Ambassadors Group, and he said so he spent 9 years as the chief of police in Seattle and said: You know, if someone's home is burglarized, they are going to call 911, and law enforcement isn't going to say, "Can you tell us exactly who did it"

Mr. McGOVERN: Right.

Ms. FEBREY: "and can they testify?"

Which is sort of where we are at right now. But reasonable suspicion is a fairly low standard legally. So, on that, you know, we are just looking to enforce the law as it is written.

On the Federal procurement, yes, we have a public definition of what should be included in the recruitment fee. And, again, there I think, you know, the final definition needs to be released in order for that to be effectively implemented and enforced. Along the lines of interagency collaboration, there has been sort of disjointed enforcement on that. There have been zero cases, zero allegations that have been investigated, but each agency is sort of offloading on their own on this. And there is not coordinated training. There should be one forced labor expert that or one office at least, that coordinates each

of the agencies that do international government contracting so that the procurement officers know what they are looking for.

Mr. McGOVERN: And just, finally, my last question to you is the same one: What recommendations do you have for us to what are the most important steps that we can take to support partnerships, multisectorial partnerships that we were talking about here today?

Ms. FEBREY: I think, you know, on both of the initiatives that we just talked about on CBP better enforcing the Tariff Act and on Federal procurement, Congress took steps on both of those cases. In terms of Federal procurement, it was 5 years ago, and in terms of CBP, we are coming up on the 2 year mark in February.

So I think anything Congress can do to encourage interagency coordination CBP has no specific resources to enforce this part of the Trade Facilitation and Trade Enforcement Act. So the President's budget request asks for an additional 20 auditors, specifically to investigate forced labor. I don't know if 20 auditors is enough, but it is better than what they have right now, which is nothing, so.

Mr. McGOVERN: Thank you.

Thank you.

Mr. HULTGREN: Thank you.

Again, grateful for your testimony. A few questions, if I may.

First, Mr. Busquets, I wonder if you could let me know a little bit more about, have other industries also reached out to hear what EICC has been doing to maybe learn from you? What is your sense this may be is there a broader appeal that is going on here? And I also wonder, within industry, if you are seeing some level of maybe whistleblower I don't know if that is the right word or not but someone you know, saying, "Hey, I am concerned that some inappropriate activity might be happening here," or other things; are you seeing any of that?

Mr. BUSQUETS: Sure. Thank you, Congressman, for that question. And, actually, before I answer, I wanted to just echo Mr. Gehring's earlier comment on the need to support the TIP Office. Also the Department of Labor's ILAB as well is a very important partner that we work very closely with. I want to signal their good work as well.

Actually, that is a great question, Congressman. We have been very popular. So popular, indeed, that we are in the process of transitioning ourselves from an organization that started grounded in the electronics industry to now we are going to change our name officially, in about a month and a half, to become the Responsible Business Alliance.

And this particularly is, one, because electronics is such a prevalent component of so many goods, but really more importantly is because other industries have been coming to us. So, as the EICC, we have been taking on a number of other companies that are beyond the electronic space. We also work very closely with other similar bodies and associations in other industries and spaces, here and abroad, to inform them of what we do, share best practices, even have complementarity at some point.

In fact, the Responsible Labor Initiative that I mentioned, the RLI, is meant to get at that. That is not only for electronics; it is meant to be, again, a multi industry initiative just on trafficking and forced labor. And while it is still just getting up off the ground we launched it about a month and a half ago it is getting at the exact point.

So you are seeing sort of a natural convergence of a lot of companies sharing best practices. I think we, you know, we have had the challenge, and it certainly is a challenge for the electronics industry, but it is one that we have been attacking and dealing with. So I think we have been able to develop some of these tools.

In terms of your question on whistleblowers, I mean, I think that is what our programs put in place. I mean, it is not just we have a very robust audit program. Our audit program is a third party audit. So it is a series of audit firms with a fourth party auditor that checks the auditors, if you will. But that is not really enough. And that is why I mentioned some of the tools that we are working on, which are things like worker grievance mechanisms, which allows management in factories but also workers themselves to come back and report back on what is going.

We have piloted a program in Malaysia in about 45 sorry, about 25 factories, 45,000 workers. We are hoping to scale that up moving forward and enter other markets. But that is a fundamental having that kind of worker management dialogue, if you will, on these specific issues you mentioned it is whistleblower, but it is very important. It is not just about an audit. I mean, audits are a very important piece.

And then the final point is flipping the business model, and that is where the labor agent certification, which will take a lot longer, but that is, if we can actually create an incentive towards responsible recruitment, at least in terms of forced labor, we can basically maybe get at some of the root causes of this issue. But that will take a while.

Mr. HULTGREN: Okay. One more question. Just as far as your industry, your group, has there been much work in working with victims, rehabilitation of those who have been a part of forced labor, training, maybe to be working in other areas, so I wonder, just as far as victim recovery and things?

Mr. BUSQUETS: Our approach has been more on the facility, if you will, and on the processes, but I know we are in discussions with IJM quite seriously in order of our working together as we launch the RLI to developing that victim component.

So I think that is something that we are going to see us building up over time, but principally we are still trying to get the procedures in place to both detect and to prevent. And we do do a lot of training with, sort of, I guess preventive training with supplier factories and folks like that so that they can actually understand how to implement some of these elements in their operations.

Mr. HULTGREN: Mr. Gehring, thanks. Good to have you here. I want to thank you as well. You took some time this summer to meet with my staff.

One of the things that we have done over the last few years is have kind of a book club, and our staff and the one that we chose this year was "The Locust Effect," that I know you were part of doing a lot of the research on that and working with Gary Haugen in writing that. And I appreciated you taking time to meet with the staff. We also had our big group of interns that were in. It was really a powerful discussion that we had. First, I mean, reading through the book, of seeing the impact of violence and lack of law enforcement and functioning legal systems, especially for those who suffer under poverty.

So I appreciate, so much, your work there. I wonder if you could just kind of following up on that just talk a little bit more of maybe where you are encouraged of areas that IJM or other partnerships have been able to come in where if you don't even have that basic level of law enforcement or if people in a population, the last person they would want to go to when they have problems is the police or is the courts, how have you addressed that?

And, you know, maybe if you can give us an example from what IJM has seen of some hope that is as difficult as that situation is, as challenging as that is. And then, I guess, maybe just what our role as Congress ought to be, I guess, to be pushing and encouraging and helping, you know. Is it financing? Is it other things that they need in order to have these legal systems that really do function to be able to help these people?

Mr. GEHRING: Thank you, Congressman.

Your question on good examples and stories of hope is a good one. And I think I would like to specifically highlight our work in the Philippines.

The Philippines is one of the first field offices that IJM opened. For about 12 or 15 years, we addressed the commercial sexual exploitation of children. And we worked there, again, doing our model, very closely with police, very closely with prosecutors, with the courts, and the aftercare systems to run these cases through and to provide to make the system work for individuals.

And we have seen the Philippines Government make tremendous progress and take much needed ownership of addressing that issue, so much so that we have

transitioned from our type of casework that we focus on in the Philippines. We now work on online sexual exploitation of children. But we have seen that the government has been able to be effective and sustainable in the gains that they have made on keeping children safe.

And I think one of the things that immediately comes to mind when you talk about the Philippines is other human rights abuses that we have heard of, especially the past 6 months in the Philippines and I think this is an important point to hone in on is that the Philippines Government and antitrafficking units that they set up were able to that they have been able to protect their children without solving every single human rights abuse in the country.

The Philippines Government still has an enormous amount of progress that they need to make, especially on the extrajudicial killings that are getting so much attention, especially on the drug war, but they have been able to make progress on this one subset of criminal activity. And I think that is progress that needs to be highlighted and needs to be identified, and they deserve credit for that.

One of the things that I think that Congress should do I mentioned the financial support for the Trafficking in Persons Office, but as you know, the House passed the Trafficking Victims Protection Reauthorization Act earlier this summer. And I think the way that we have seen the reason we have seen that bill in particular be so effective in the ways that other human rights legislation has not been is because of the oversight and involvement of Congress in that.

And so I would encourage Members of Congress to continue with high levels of appropriations for the Trafficking in Persons Office on their grants and on their staffing, but also, it makes a very big difference when you know, for example, in the Senate, when nominees are coming up to get through confirmation hearings, if questions are being asked about that. When you meet with government officials who are coming in from other countries to talk about a wide array of issues, it matters when you bring issues of trafficking and forced labor up. So I would encourage you to keep that in mind as you have those official meetings.

Mr. HULTGREN: Thanks. One more thing, Mr. Gehring, if I could. I know in the work with IJM, you see all different circumstances. I know many times the abuse, the forced labor or trafficking is an individual, an evil individual, who is looking to use somebody else for illicit purposes.

I know other times, too, there are larger criminal organizations that are involved in this. I wonder if you could just talk a little bit about, when that larger criminal organization is uncovered, does the role of partnerships, does it still work, or is that the point where you just kind of have to hand it over to government entities to be working at that point?

Mr. GEHRING: Yes, I think, in the experience of our casework, it mostly it is individuals who are exploiting very vulnerable people in these populations. I think what we have seen is that, when there is a it is a very sort of rational business calculation. When the risk of something goes up, the prevalence of the crime goes down. From our experience, we haven't had increased engagement with these larger criminal networks that I would be able to speak to.

Mr. HULTGREN: Ms. Febrey thank you I wonder if in your testimony, you talked about really that human rights is both a moral obligation and is also vital for U.S. national security. I wonder if you could speak a little bit more from a human rights perspective on how combatting human trafficking aligns with both our values and our interests and how this perspective serves to strengthen antitrafficking partnerships across sectors.

Ms. FEBREY: Thank you. That is a great question. You know, I think, from Human Rights First's perspective, we have really prioritized working with what might seem like unusual allies in lots of our work. Our national security team, which looks at the intersection of national security issues and human rights, has a large group of retired military leaders that we were partnered with for over 10 years now, particularly around closing Guantanamo and looking at the use of torture in interrogation.

And it is the success of that model that we tried to take to our human trafficking campaign when we launched it a few years ago in pulling together a really diverse group of campaign ambassadors that some of whom have worked on trafficking for a long time and some of whom really knew very little about the issue but had relationships with the organization, and so we have I think been able to bring a number of new allies into the fight against human trafficking. And those folks have really helped us identify areas where there weren't enough partnerships. In particular, we have been looking at the low rate of prosecutions here in the United States. We partner with some local States attorneys. In a couple of areas, we work with local mayors. We have built partnerships with local law enforcement and also some of the U.S. attorneys' offices across the country and really identified those areas that we are seeing the most successful prosecutions were ones where they all knew each other, where the local law enforcement was well synced up with the Federal law enforcement, and in many cases, literally, they physically sit in the same building and have gotten to know each other very well and built those personal relationships.

So that approach that we have seen a lot of success in and have proposed there is legislation that has already passed the House that includes a provision that would designate a human trafficking specific prosecutor in the U.S. attorney's office who would be responsible for coordinating amongst all of the local law enforcement but also with victims' service providers in those areas.



I think, you know, that model, once it is up and running, our anticipation is that would be replicable internationally. It would be a good model for us to for the U.S. to lead on and take overseas.

Mr. HULTGREN: Great. You have mentioned a few different pieces of legislation that have passed, either been introduced or passed this session or last session, and I am encouraged among my colleagues of the focus and the reality that, again, this is not a partisan issue, that this is something that brings us together. We have seen both the House and the Senate act on important pieces of legislation, I think taking steps in the right direction.

I wonder, from your perspective, if there are any gaps of things that you feel like and I think, I know you mentioned earlier to just some of the oversight that needs to happen to make sure that enforcement is followed through, especially with some of the border issues. But is there any place else, gaps in legislation that you think, from Human Rights First, that there ought to be a bill or there ought to be a law that maybe we could get started as well?

Ms. FEBREY: That is a great question. I think it is already an existing bill, but the biggest gap we have seen on the prosecution side, other than needing a designated person, has been resources. The Trafficking Prosecution Unit at the DOJ has been flat funded at \$5.3 million for 7 years now. They have managed, despite the flat funding, to increase their caseload by 62 percent in that timeframe, in part because they have learned how to do these cases, and they have built that muscle, and so they are able to do them a little bit more quickly. They have built better relationships. But they can't do more with the same amount forever, so I would encourage members of the Commission to support additional funding for the Human Trafficking Prosecution Unit. It is a very small office within the Civil Rights Division, and they don't get as much attention as they deserve.

Mr. HULTGREN: I agree. Thanks. Maybe one last question, and this has been talked about, but if I can just ask each of you as kind of our conclusion question and if you want to, you know, focus on something else just for the last minute or two, that would be great, as well but just really would, I guess, have one last request: From your experience of partnerships and how important they are in combatting human trafficking, you know, what else do you need? What do you feel like is the biggest thing that is it again, it could be from us. It could be from other partners. And so, you know, for you to take the next step, your entity, what do you need?

Mr. BUSQUETS: Well, thank you very much for that question, Congressman. I think, in order to take the next step, obviously, to, as I mentioned in my testimony, to achieve scale, I think there are a number of things. One thing that has been very valuable for us is to engage foreign governments. I mean, you know, in the process of the TPP negotiations, we worked very closely with the Embassy and USTR and the State Department with the Malaysian Government. And Malaysia had a policy that was charging recruitment fees to foreign migrant workers, and this was obviously they were

finding themselves in an indebted situation. And working closely and having that help from the U.S. Government and that leadership and there are a number of congressional delegations I know that met with our office over there and went to the country helped open up quite a lot of things and helped deal with that.

So I use that as an example, but I think, you know, engaging at least in some of these markets that are very difficult, I think that is certainly something that could be very valuable. And then I guess, you know, these programs do need support, so, you know, again, re echoing the support to some of the offices that are doing such a great job as well as with international partners, such as the ILO and others, that can help scale this. I mean, business, I think, more and more and obviously I can't speak for all companies but more and more, certainly the ones that make our coalition, but also other ones as well, they want to act, and they are ready to act. They can't do it alone, but they want to work with you. So I think just creating those opportunities would be great.

Mr. HULTGREN: Thanks.

Mr. Gehring?

Mr. GEHRING: I want to come back to one thing that Ms. Rundlet mentioned and that I also mentioned, but I really want to stress the importance of the State Department's programs to end modern slavery. This is, I think, just an unprecedented opportunity to bring in, not only the U.S. Government, not only other donor governments, but host governments as well who will take ownership of that, as well as with the private sector, as well as with civil societies who take a range of different of approaches of addressing this. I think this is an opportunity to get unprecedented resources and unprecedented collaboration in this.

From IJM's perspective, this is the thing that is needed to take our work to the next scale, and we would just, again, ask Members of Congress to fully fund the appropriation of that and to pursue the administration to enforce it.

Mr. HULTGREN: Thanks.

Ms. Febrey.

Ms. FEBREY: I know we have already talked about the need for oversight. I think, you know, in lots of instances, additional regulation is helpful to bring additional players to the table. In this case, we have got some really good regulations and some really good thoughts. The Tariff Act ban on imports made with forced labor has the potential to be a game changer to level the playing field for responsible businesses that are doing the right thing, and we just need better enforcement on these things. There could be additional transparency requirements for the agencies that are enforcing these, and Congress, I think, you know, could be really effective in pushing both the agencies that are enforcing this ban and also the agencies that are responsible for enforcing our

Federal procurement in ensuring the U.S. Government isn't directly funding trafficking through our government contracts.

Mr. HULTGREN: Thank you. Thanks.

I appreciate your thoughts and inputs and look forward to staying in communication. And there is, as you can sense, you know, the desire for us to be working together to continue to try and end human trafficking as soon as possible. And so thanks for what you all are doing.

With that, we will end this hearing and adjourn. Thank you very much.

[Whereupon, at 3:39 p.m., the Commission was adjourned.]

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# **APPENDIX**

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MATERIAL SUBMITTED FOR THE HEARING RECORD



## **Tom Lantos Human Rights Commission Hearing**

### **Hearing Notice**

### **Multi-Sector Partnerships to Combat Human Trafficking**

**September 13, 2017**

**2:00 – 3:30 PM**

**2255 Rayburn House Office Building**

Please join the Tom Lantos Human Rights Commission for a **hearing** on how to strengthen multi-sectoral partnerships in the fight against human trafficking.

Human Rights First states that human trafficking is the fastest growing criminal enterprise in the world, holding captive an estimated 21 million victims. Since the Palermo Protocol in 2001, governmental, non-profit, and private sector initiatives have made important strides against the global epidemic of human trafficking, but closer partnerships across these sectors are needed to increase their effectiveness.

Different types of human rights abuses are manifested in the various forms of trafficking, and different sectors address these through complementary approaches. The 3P paradigm of “preventing the crime, protecting victims, and prosecuting traffickers” is a multi-pronged strategy implemented by sectors in different ways depending on the context in which each operates. Greater communication, coordination and information-sharing among governments, businesses and NGOs working to combat trafficking would serve the best interests of those trapped in this violent enterprise.

Witnesses from each sector will present testimony on their experiences and share recommendations on how best to strengthen efforts against trafficking by fostering multi-sectoral initiatives.

#### **Panel I**

- **Laura Rundlet**, Acting Deputy Director, Office to Monitor and Combat Trafficking in Persons, Department of State

## **Panel II**

- **Carlos Busquets**, Director of Public Policy, Electronic Industry Citizenship Coalition
- **Tim Gehring**, Policy Director, International Justice Mission
- **Annick Febrey**, Senior Associate, Anti-Trafficking Campaign, Human Rights First

This hearing is open to Members of Congress, congressional staff, the interested public, and the media. The hearing will be livestreamed via YouTube on the Commission website, <https://humanrightscommission.house.gov/>. For any questions, please contact Jamie Staley (for Mr. Hultgren) at 202-226-1516 or [Jamie.Staley@mail.house.gov](mailto:Jamie.Staley@mail.house.gov) or Kimberly Stanton (for Mr. McGovern) at 202-225-3599 or [Kimberly.Stanton@mail.house.gov](mailto:Kimberly.Stanton@mail.house.gov).

Sincerely,

Randy Hultgren, M.C.  
Co-Chair, TLHRC

James P. McGovern, M.C.  
Co-Chair, TLHRC

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**PREPARED STATEMENT OF THE HONORABLE SHELIA JACKSON LEE, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS AND A  
MEMBER OF THE TOM LANTOS HUMAN RIGHTS COMMISSION**

SHEILA JACKSON LEE  
18<sup>TH</sup> DISTRICT, TEXAS  
COMMITTEES

JUDICIARY  
SUBCOMMITTEES  
Ranking Member  
Immigration and Border Security

HOMELAND SECURITY  
SUBCOMMITTEES  
Cybersecurity, Infrastructure Protection, and Security  
Technologies  
Counterterrorism and Intelligence

BUDGET COMMITTEE

Congress of the United States  
House of Representatives  
Washington, DC 20515

FA256002-2

STEERING AND POLICY COMMITTEE

HELSINKI COMMISSION MEMBER

VICE CHAIR  
CONGRESSIONAL PROGRESSIVE CAUCUS

SENIOR WHIP  
DEMOCRATIC CAUCUS

FOUNDER AND CO-CHAIR  
CONGRESSIONAL CHILDREN'S CAUCUS

**CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**

**TALKING POINTS**

**MULTI-SECTOR PARTNERSHIPS TO COMBAT HUMAN  
TRAFFICKING**



**SEPTEMBER 13, 2017**

- Thank you for that introduction and good afternoon to you all.
- It is an honor to be here today to discuss the highly important topic of Multi-Sector Partnerships to Combat Human Trafficking.
- This meeting reaffirms the United States' responsibility and commitment to ending human trafficking, forced labor and the most fundamental violation of human rights.
- Preventing human trafficking and forced labor should continue to be at the forefront of conversation, protecting innocent individuals from being lured into a life that no human deserves.
- With the United States being the wealthiest and most powerful country in the world, it is absolute travesty that every year nearly 17,500 individuals are trafficked into the country.

WASHINGTON OFFICE:  
2187 Rayburn Office Building  
Washington, DC 20515  
(202) 225-3816

DISTRICT OFFICE:  
1919 Smith Street, Suite 1180  
Houston, TX 77002  
(713) 655-0050

HEIGHTS OFFICE:  
420 West 19th Street  
Houston, TX 77008  
(713) 861-4070

FIFTH WARD OFFICE:  
4300 Lyons Ave., Suite 200  
Houston, TX 77020  
(713) 227-7740



- Traffickers make nearly \$150 billion annually, with 20.9 million people worldwide victimized by human trafficking.
- It is estimated that \$142 billion worth of products imported into the United States were brought by victims of human trafficking.
- Since Hurricane Harvey, Houston Mayor Sylvester Turner launched an initiative to combat a potential spike in human trafficking throughout the recovering city.
- In Houston alone from December 2007 to June 15, there were 717 confirmed cases of human trafficking.
- Human trafficking and forced labor is not just an issue on a global scale; it is taking place every day in our country.
- Thank you for inviting me to discuss this and other important global development issues with you.

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## **Human Trafficking Even Bigger Concern In Houston After Hurricane Harvey**

An increase in online sex ads is just one of the warnings issued by the city trying to thwart the crime.

HOUSTON, TX — While cleanup and recovery efforts continue in the aftermath of Hurricane Harvey, the city of Houston reemphasized Tuesday a short-term response to human trafficking will be carried out. Though the city launched an initiative earlier this year to combat human trafficking on a year-round basis, and it stated Houston could rise to be a shining example of how to fight it, having evacuees stranded on cots all over town after Harvey shed a new light on its possibility on a short-term basis.

The short-term response includes educating not only victims, but it also serves to alert the general public about a potential rise in trafficking when family members may be displaced. This includes an executive order from the mayor's office to ensure Houston engages in safe labor contracting practices, an increase in online sex ads, collecting labor statistics for Houston and creating a forum to share this information with the relevant consular offices so they can share with its citizens.

The city's anti-trafficking team patrolled the shelters to educate residents on a "nexus between natural disasters and human trafficking," according to a release sent Tuesday afternoon. The city's team distributed information through a daily newsletter and posted more information in the halls and on all monitors and screens.

"The mayor's trafficking team and volunteers also went cot to cot to place notes in English and Spanish, warning residents about any traffickers recruiting in the shelters or through social media with offers to stay with people who may later make them 'pay' by forcing them into prostitution, stripping or pornography," the statement read.

The city warns of false job offers that could lead to labor trafficking and let displaced persons know that there is help available. The same cot notes were distributed at the NRG shelter.

In the long term, the mayor's office is focusing on developing a robust labor trafficking prevention response in conjunction with community groups that work with day laborers.

"The mayor's office is also working with the federal government to supplement the long-standing sex-trafficking response while doing what it can to mitigate the rise in sex for sale," the press release noted. "Mayor [Sylvester] Turner wants to take all preventative action to mitigate labor and sex trafficking to the extent possible.

To that effect, the Mayor's Office is focusing on:

1. Redesigning its Watch for Traffick media campaign to indicate the nexus between natural disasters and a rise in trafficking.
  2. Finalizing an executive order to ensure Houston engages in safe labor contracting practices.
  3. Developing a long-term effort to educate businesses about the *David, et al. v. Signal International, LLC, et al.* case in which Indian guest workers were trafficked for their labor after Hurricane Katrina through abuse of the H2B visa program, and encourage businesses ensure oversight for their contracts with the support of the Jones Day law firm.
  4. The U.S. Department of State will assist the city with this and provide information on H2B visa applicants so the education efforts are strategic.
  5. Creating a forum to share this information with the relevant consular offices so they can also share with their citizens.
-

6. The Mayor's Office is also collecting labor statistics for the hurricane recovery and for Houston in general so we know which consular offices to reach out to as we determine what countries workers were from.
7. Exploring partnership with a local day laborer organization to increase their laborer outreach and education; educating day laborers about purchasing sex and making sure they understand law enforcement deterrence efforts.
8. Tracking an increase in online sex ads and traffickers posting pictures of themselves buying supplies for their victims' children. The information has been forwarded to the appropriate law enforcement agencies.

According to an extensive packet sent out by the city's anti-human trafficking team earlier this year, "Houston is an epicenter of anti-human trafficking efforts."

Data from Polaris research showed that between December 2007 and June 2015 there were 717 confirmed cases of human trafficking in Houston.

"These numbers though fail to capture the magnitude of the problem in Houston. While data continues to evolve, one thing is certain: the Mayor's Office will take a 365 day-a-year approach to address human trafficking with a comprehensive, local-level approach," the statement earlier this year read.

Data from the Polaris study showed that nationwide there had been 5,544 cases of human trafficking over the 2007-15 time span. Of that, 4,136 (75%) were solely for sex trafficking, meaning those manipulated into trafficking went into prostitution, pornography and online sex ads and videos. Of the remaining numbers, 721 were labor trafficking and 178 for both sex and labor trafficking. An additional 559 were for unidentified trafficking.

Houston's numbers broken down in that same time frame are:

**544 — Sex trafficking**

**115 — Labor trafficking**

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**21 — Sex and labor trafficking**

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**37 — Non-specified trafficking**

**The top three sex trafficking venues were:**

1. Commercial front brothels, such as illicit massage businesses
2. Hotels and motels
3. Residential brothels

**The top three labor trafficking venues were:**

1. Domestic servitude
2. Traveling sales crews, such as magazine sales crews
3. Restaurant and food establishm

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