

# WINNING THE FIGHT AGAINST HUMAN TRAFFICKING: THE FREDERICK DOUGLASS REAUTHORIZATION ACT

## HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,  
GLOBAL HUMAN RIGHTS, AND  
INTERNATIONAL ORGANIZATIONS

OF THE

COMMITTEE ON FOREIGN AFFAIRS  
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## **WINNING THE FIGHT AGAINST HUMAN TRAFFICKING: THE FREDERICK DOUGLASS REAUTHORIZATION ACT**

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**TUESDAY, MAY 2, 2017**

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

The subcommittee met, pursuant to notice, at 2:06 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The hearing will come to order.

Good afternoon to everyone and welcome to our hearing on accelerating the fight against human trafficking, with particular focus on the new Frederick Douglass Trafficking Victims Prevention and Protection Act of 2017, the comprehensive bipartisan legislation that my friend and colleague Karen Bass and I introduced last Thursday, joined by Chairman Royce, Representatives Jackson Lee, Brooks, Frankel, Wagner, Cardenas, Poe, and Costello.

As I think all of you know, in the fight to end modern-day slavery, this new bill honors the extraordinary legacy of one of the greatest Americans who ever lived. Born in 1818—we look forward to celebrating the 200th anniversary of his birth next year—Frederick Douglass escaped slavery when he was 20 and dedicated his entire life to abolishing slavery, and after emancipation, to ending the Jim Crow laws, while struggling for full equality for African-American citizens. A gifted orator, author, editor, statesman, and as I pointed out at our press conference, he was a Republican, he died in 1895.

We were honored to have Kenneth Morris, his great great great-grandson, at our press conference last week, who made very incisive remarks about the importance of education, and reiterated what will be reiterated today, that knowledge makes a man unfit to be a slave. It is easier to build strong children than to repair broken men. That is some of the tremendous legacy of Frederick Douglass and the foundation that now bears his name and has been doing remarkable work for a decade.

The Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act authorizes \$130 million over 4 years to prevent human trafficking, protect victims, and beef up prosecution at home and abroad. Among other things, I note that this bill en-

courages more hotels at home and abroad to put policies and trainings in place so that the hotels are less likely to be used by human traffickers to exploit children. To the extent practicable, the U.S. Government directs government travelers using taxpayer money to use hotels that have taken affirmative steps to end trafficking within their walls.

The new bill seeks to restore the credibility of the Trafficking in Persons Report produced annually by the State Department to hold countries accountable for progress or the lack thereof in the fight against human trafficking. As we all know, talk is cheap, and many countries will have good, well-focused, talking points about what they are doing. We want to know what is happening on the ground, which is why the data calls that go out to our U.S. Embassies and the information we exchange between countries, our Embassies, and, of course, the TIP office have made a huge difference, all for the positive.

The report, as we know, scrutinizes more than 190 countries, with the credible threat of serious sanctions for egregious violators that are branded Tier 3, to improve their trafficking laws and their actions. But in several notable cases, particularly in 2015, countries that should have been held accountable by the last administration with Tier 3 designations were given a pass. Countries such as Malaysia, Cuba, China, Oman, Uzbekistan, and others.

That belief that they got it wrong was exposed in large part by a Reuters investigative report that found that the TIP office and its personnel had made recommendations to put these countries on Tier 3. At a different level of our chain of command, for political reasons, especially in the case of a country like Malaysia, because they would have been ineligible for TPP, which was a very active goal at the time, were not put on the Tier 3 sanctions list.

The new bill tries to ensure that countries complicit in trafficking are always held accountable, no politics, ever, and will removed from current law the presumption that countries failing to quantify convictions and identify victims somehow deserve passing grades. IJM's policy director, Tim Gehring, will underscore that concern in his testimony today stating,

The politicization of the tier rankings, against the advice of the anti-trafficking experts at TIP office is to the detriment of the annual report, the U.S. Government's leadership on combating of human rights abuse, and, ultimately, to the people exploited in the countries which receive an undeserving higher ranking.

Last year alone, I chaired two hearings on this, the first, Accountability Over Politics: Scrutinizing the Trafficking in Persons Report in July and earlier in March of last year, Get It Right This Time: A Victims-Centered Trafficking in Persons Report.

I was profoundly disappointed that the Obama administration chose to politicize tier rankings rather than speak truth to power. If the Trump administration follows that dangerous precedent, I can assure you I and many others will be no less a critic.

The Frederick Douglass Act will also limit the amount of time a country can stay on the warning Tier 2 Watch List. Holly Burkhalter is here, and she worked so hard with us on the Traf-

ficking Prioritization Act, which in part would have focused on that issue. And what that will do, this provision, it would not be 4 years before their warning is up before they get relisted. It could be far sooner than that. The Frederick Douglass Act will ensure that countries still using child soldiers, such as Afghanistan, where boys are on the front line fighting the Taliban by day and being used as sex slaves at night, stop this obscene, horrific practice before being allowed to partner with the U.S. military, something Green Beret Sergeant First Class Charles Martland tried to do at great personal cost.

The Frederick Douglass Act will ensure that waivers for countries using child soldiers are not abused. In 2016, only 3 of 10 countries designated as child soldiers were not allowed to access funds, and these were the countries we did not fund anyway. The act will ensure that the waiver is used only in cases where the President can ensure steps are being taken to address the recruitment and use of child soldiers.

In addition, the act will help keep goods made by child trafficking victims out of the United States by ensuring continued funding for, and enhancing, the Department of Labor reports on slave-made goods.

Provisions in the act will prevent the abuse of domestic servants in Embassies and diplomatic homes in the United States. Diplomats and their families in the U.S. are getting off scot-free after trafficking domestic servants in their homes, and we are trying to change that. Trafficking is illegal here no matter who you are.

The act encourages accountability for U.S. Government funds going abroad to help trafficking victims, and strengthens implementation of U.S. laws and regulations to prevent government purchases from putting money in the hands of traffickers. It also amends our Elementary and Secondary Education Act to ensure that our students are forewarned or taught what to look for when it comes to trafficking. As many of our witnesses will say so eloquently today, prevention, prevention is key.

Melysa Sperber makes the point that progress is lagging in the prevention area, that we have made progress on protection. We have made progress on prosecution of the traffickers, but there has been a lag that has been on the prevention side.

I do want to, before yielding to Ms. Bass, thank so many who have worked so hard on this, including my staff, for the work that they have done, and Ms. Bass' staff. And I just want to single out David Abramowitz is here, and I want to thank him for his decades-long efforts on behalf of human trafficking victims.

And I would like to yield to Ms. Bass.

Ms. BASS. Thank you very much, Mr. Chair.

The Frederick Douglass Trafficking Victims Prevention and Protection Act builds upon the great work of the Trafficking Victims Protection Act, which was led by Chairman Smith.

As the co-chair of the Congressional Caucus on Foster Youth and a member of the Caucus on Human Trafficking, I am particularly concerned about what we are doing to combat the devastating epidemic of young girls in the foster care system falling prey to child exploitation and sex trafficking. The intersection between involvement in child welfare and child sex trafficking has been docu-

mented by a number of organizations and agencies. It is estimated that well more than 60 percent of child victims of commercial sex exploitation have been in the foster care system. And we also know the average age of a girl entering into trafficking is 12 years old.

One of the main reasons girls cannot escape is because they do not have safe and appropriate housing options. Because these girls are under the care of the Federal Government and the Federal Government in effect becomes their parent, then it is the responsibility to make sure that these girls do not fall between the cracks, and sadly, our Government has failed young girls in the foster care system by not intervening with aggressive effort to meet the unique and special needs of this vulnerable population.

As we continue to tackle the growing epidemic of child sex trafficking in the United States, it is critically important that we focus on the special housing needs of young girls in the foster care system.

In working with my colleagues on the drafting of the legislation, I wanted to make sure that we keep this focus by keeping the needle of Federal grant money aimed at providing long-term and trauma-informed housing assistance to disconnected youth and underserved women and girls between the ages of 10 and 24 who are homeless, in foster care, or are involved in the juvenile justice system.

Current funding for housing and shelter for victims of child sex trafficking is insufficient to meet the growing demand of youth victims, especially young foster girls exploited through their emotional and financial vulnerabilities. In order to fully address the current housing crisis, the Federal Government needs to fully invest in providing safe and stable housing options and access and self-sustaining economic opportunities. The child welfare to sex trafficking pipeline must stop. We know that the majority of children that are trafficked are girls, but we also know that boys can be caught up in this as well.

This bill is a good step forward in raising awareness of the collective and coordinated efforts required at every level of government to stop and prevent child sex trafficking.

Mr. SMITH. Thank you, Ms. Bass.

We do have three votes. And I regret, and I apologize to our distinguished witnesses. We will take a very brief recess while we go vote.

I do want to thank Allison Hollabaugh for her work on this. Allison has been working tenaciously on all aspects of this, working with the stakeholders who care so deeply and have such good insights as to what is needed to make our trafficking efforts even more efficacious.

And I do want to thank, I mentioned David Abramowitz; although he is not here, Ambassador Joseph Rees, who worked as such a great team of staffers on the original Trafficking Victims Protection Act. It took 3 years to get that law enacted. Some people thought we were a solution in search of a problem. It is not like it is today where there is a general understanding, although it is still never enough. But I want to thank all of you for your extraordinary help on this.

We will take a brief respite. We will be back in about 15 or 20 minutes. Thank you.

[Recess.]

Mr. SMITH. The subcommittee will resume its hearing. Again, I apologize for the delay.

I would like to introduce our very distinguished panel of witnesses, beginning first with Mr. Robert Benz, who is co-founder and executive vice president of the Frederick Douglass Family Initiatives, where he is responsible for policy, programming, and strategic development. Mr. Benz led the development of FDFI's core philosophy behind his prevention education approach to human trafficking and developed its One Million Abolitionists Project, which will print and give away 1 million copies of the bicentennial edition of the Narrative of the Life of Frederick Douglass, An American Slave, to young people across the country. And I have been promised a copy too, so thank you. Mr. Benz was also a founding partner in the PROTECT Human Trafficking Training and Education program in the State of California.

We will then hear from Ms. Jo Becker, who is the advocacy director of the Children's Rights Division at Human Rights Watch. As the founding chairperson of the International Coalition to Stop the Use of Child Soldiers, she helped campaign successfully for an international treaty banning the forced recruitment of children under the age of 18 or their use in armed conflict. She has conducted field investigations on children's rights in Burma, Ghana, India, Indonesia, Morocco, Nepal, Sri Lanka, Uganda, and the United States. She is also an adjunct associate professor of international and public affairs at Columbia University and an award-winning author of two books.

We will then hear from Mr. Tim Gehring, who is the policy director for the International Justice Mission. Prior to this position, he served as the principal researcher for The Locust Effect, a Washington Post best seller about how violence against the poor perpetuates poverty. He holds a master's in international economics and development from the University of Kentucky. He is a member of the IJM government relations team for the past 6 years.

We will then hear from Ms. Melysa Sperber, who is the director of the Alliance to End Slavery and Trafficking, or ATEST. Melysa coordinates the coalition's efforts to advocate for solutions to prevent and end all forms of human trafficking and modern slavery in the United States and overseas. Prior to joining ATEST, she was director of human rights at Vital Voices Global Partnership, where she implemented programs in more than 20 countries to combat violence against women, including human trafficking, domestic violence, and sexual violence. Melysa also previously served as a staff attorney at the Tahirih Justice Center, a nonprofit legal services agency that provides services to women fleeing gender-based persecution.

And our final, last but not least, and we certainly look forward to her testimony, Ms. Malika Saada Saar, who is an accomplished human rights lawyer. She was the founder and the executive director of the Human Rights Project for Girls, a human rights organization focused on gender-based violence against young women and girls in the United States. She led the effort to shut down craigslist

sex ads that served as the leading site for the trafficking of children for sex, ended the Federal practice of shackling pregnant mothers behind bars in the United States prisons, and successfully advocated for millions in Federal funding for treatment centers for at-risk families.

Again, I thank you for your patience. Above all, I thank you for your advocacy and leadership and for taking the time to testify today.

Mr. Benz.

**STATEMENT OF MR. ROBERT BENZ, CO-FOUNDER AND EXECUTIVE VICE PRESIDENT, FREDERICK DOUGLASS FAMILY INITIATIVES**

Mr. BENZ. Good afternoon, Chairman Smith, Ranking Member Bass, and subcommittee members. Thank you for inviting me today.

I am very happy to discuss the recently introduced Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act. I love the sound of that.

Frederick Douglass Family Initiatives, or FDFI, is an Atlanta-based public charity that was founded by Nettie Washington Douglass, Kenneth B. Morris, Jr., and myself. Ms. Douglass has an incredible lineage. She is the great great-granddaughter of Frederick Douglass, and she is also the great-granddaughter of Booker T. Washington. Her eldest son, Mr. Morris, is, of course, one generation removed from these two influential Americans.

Since 2007, FDFI has built upon those legacies in developing methods for addressing contemporary slavery through prevention education, professional training, and grassroots community collaboration. Our organization is guided by a philosophy that is articulated in those two famous quotes that you mentioned earlier, that knowledge makes a man unfit to be a slave, and that it is easier to build strong children than to repair broken men.

We believe that the Frederick Douglass Act is a critical step to integrating these two ideas into anti-trafficking efforts, both domestically and abroad.

The addition of the word “prevention” to the title of the bill gives us hope that more attention and more resources will be focused on what happens to a person, especially a child, before they become a victim of human trafficking.

In order to begin reducing the numbers of new victims being exposed to the unforgiving cycle of exploitation, we must consider investing in primary prevention and early intervention strategies. To be clear, when we speak of primary prevention, we are referring to the application of knowledge in the form of education, training, and/or awareness initiatives for general populations.

The cost benefits to taxpayers for preventing or mitigating human trafficking at an early stage are enormous. The human benefit for preventing someone from being victimized is incalculable.

We are encouraged by the bill’s recommendation to amend language in the ESEA that will incentivize educating children on the signs and dangers of human trafficking. FDFI has firsthand experience doing this in primary and secondary schools, while collaborating with educators, law enforcement, service agencies, and

NGOs. Through our curriculum, we help young people make the connection between historical and modern slavery, then ask them to take what they have learned and do something to address the problem in their communities.

FDFI also develops training programs for educators, youth supervisors, and community professionals helping to build stronger and safer social structures around children. We are particularly proud of the prevention education and training program started in 2016 called PROTECT, an acronym meaning Prevention Organized to Educate Children on Trafficking. It will be implemented in 35 of 58 California counties by 2019. Our partners include 3 Strands Global, Love Never Fails, Polaris Project, and the California Department of Education.

Together, we are creating a model that can be replicated elsewhere in the world that is holistic, cost efficient, and an effective way to keep children from being trafficked in communities from California to Khartoum. I have provided more details on PROTECT for the written record.

The United States took a leadership role in anti-trafficking with the first Trafficking Victims Protection Act in 2000. We now have an opportunity to become the leader for innovative primary prevention strategies that we believe will incrementally reduce the numbers of young victims and allow us to envision eradicating contemporary slavery in the United States and around the world. We also hope that the endorsement of prevention within the Frederick Douglass Act will translate meaningfully into the design of the next strategic action plan on human trafficking. FDFI is enthusiastic about supporting and participating in these efforts.

In the meantime, on behalf of the Frederick Douglass family, we look forward to collaborating with Federal legislators, agencies, and nonprofit organizations in our mutual struggle to end contemporary slavery.

[The prepared statement of Mr. Benz follows:]

Testimony of  
Robert J. Benz, Co-Founder, Frederick Douglass Family Initiatives  
Before the  
Africa, Global Health, Global Human Rights, and International Organizations Subcommittee  
May 2, 2017  
Winning the Fight Against Human Trafficking: The Frederick Douglass Reauthorization Act

Chairman, Smith, Ranking Member Bass and Subcommittee members,

Thank you for inviting me today. My name is Robert Benz. I am Co-Founder of Frederick Douglass Family Initiatives. I'm happy to be here to discuss the recently introduced, Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act.

Frederick Douglass Family Initiatives, or FDFI, is an Atlanta-based public charity that was founded by Nettie Washington Douglass, Kenneth B. Morris, Jr. and myself. Ms. Douglass has an incredible lineage. She is the great-great granddaughter of Frederick Douglass and the great-granddaughter of Booker T. Washington. Her eldest son, Mr. Morris, is, of course, one generation removed from these two influential Americans.

Since 2007, FDFI has built upon those legacies in developing methods for addressing contemporary slavery through prevention education, professional training and grassroots community collaboration. Our organization is guided by a philosophy that is articulated in two famous quotes by Frederick Douglass: That "Knowledge makes a man unfit to be a slave" and that "It's easier to build strong children than to repair broken men." We believe the Frederick Douglass Act is a critical step to integrating these two ideas into anti-trafficking efforts, both domestically and abroad. The addition of the word "Prevention" to the title of the bill gives us hope that more attention and more resources will be focused on what happens to a person, especially a child, before they become a victim of human trafficking.

In order to begin reducing the numbers of new victims being exposed to the unforgiving cycle of exploitation, we must consider investing in primary prevention and early intervention strategies. To be clear, when we speak of primary prevention, we are referring to the application of knowledge in the form of education, training and/or awareness initiatives for general populations. The cost benefits to taxpayers, for preventing or mitigating human trafficking at an early stage, are enormous. The human benefit for preventing someone from being victimized is incalculable.

We are encouraged by the bill's recommendation to amend language in the ESEA that will incentivize educating children on the signs and dangers of human trafficking. FDFI has firsthand experience doing this in primary and secondary schools while collaborating with educators, law enforcement, service agencies and NGOs. Through our curriculum, we help young people make

the connection between historical and modern slavery then ask them to take what they've learned and do something to address the problem.

One example is Jamelia Watson who, last year, participated in an FDFI curricular project at her Cincinnati high school and, this year, started an anti-trafficking organization at Vassar College called, *The Underground*.

*Our social studies class learned about human trafficking during my senior year of high school when my teacher used the Globalize 13 curriculum developed by FDFI. I've taken that knowledge, and the privilege I have in attending college, and started an organization on my campus to educate others about this horrible crime.*

Jamelia Watson

FDFI has done work in school districts across the country: from a partnership with Mayor Bloomberg's office for New York City Public Schools and Chicago Public Schools with the support of Mayor Daley to small rural districts in Nebraska and Idaho. FDFI partners internationally as well with the Frederick Douglass Ireland Project to educate young people in Ireland about Douglass's time there.

FDFI also develops training programs for educators, youth supervisors and community professionals helping to build stronger and safer social structures around children. We're particularly proud of a prevention education and training program, started in 2016, called PROTECT – an acronym meaning Prevention Organized to Educate Children on Trafficking. It will be implemented in 35 of 58 California counties by 2019. Our partners include; 3 Strands Global, Love Never Fails, Polaris Project and the California Department of Education. Together we're creating a model that can be replicated elsewhere in the world that is holistic, cost efficient and an effective way to keep children from being trafficked in communities from California to Khartoum. I've provide more details on PROTECT for the written record.

PROTECT is deployed in four parts: 1) Protocol – In order to make sure that county agencies and other partners are coordinated in their efforts to address human trafficking, there must be agreement as to what happens if and when a child is identified as a potential victim of human trafficking and who does what, 2) Training – We train county personnel, who might be involved with those victims or potential victims, as well as administrators, school staff and teachers. Training involves understanding the issue of human trafficking, causation, the kinds of trafficking in that particular area, the historical connection to slavery, red flags, the protocol and, for specific teachers, how to deliver the curriculum in the classroom, 3) Curriculum – We provide age-appropriate content within our curricula that meets state learning standards for grade 5, 7, 9 and 11. We also ask 11<sup>th</sup> graders to develop a service project in their community to apply the knowledge they've gained on the subject, and 4) Research – All of the training and curriculum are accompanied by pre- and post-surveys that help us better understand how students and adults are receiving and reacting to the program and how the materials can be improved. We want to understand how education and training can reduce the incidence of

trafficking. All of this is done with the help of technology as scalability is essential to reach larger numbers of people. Students that are experiencing personal issues related to abuse or exploitation are encouraged to disclose this an adult, but they are also given the option of reaching out anonymously to the National Human Trafficking Hotline which is supplemented by our local partner, TipNow. The program is being funded, in large part, by the Rural Counties Representatives of California and has been supported since day one by the Office of the Attorney General of the State of California and California State University, Sacramento.

The United States took a leadership role in anti-trafficking with the first Trafficking Victims Protection Act of 2000. We now have an opportunity to become the leader for innovative primary prevention strategies that we believe will incrementally reduce the numbers of young victims and allow us to envision eradicating contemporary slavery in the US and around the world.

We also hope that the endorsement of prevention within the Frederick Douglass Act will translate meaningfully into the design of the next Strategic Action Plan on Human Trafficking. FDFI is enthusiastic about supporting and participating in these efforts.

In the meantime, on behalf of the Frederick Douglass family, we look forward to collaborating with federal legislators, agencies and non-profit organizations in our mutual struggle to end contemporary slavery.

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Mr. SMITH. Mr. Benz, thank you very much for your testimony.  
Ms. Becker.

**STATEMENT OF MS. JO BECKER, ADVOCACY DIRECTOR,  
CHILDREN'S RIGHTS DIVISION, HUMAN RIGHTS WATCH**

Ms. BECKER. Chairman Smith, Ranking Member Bass, and members of the subcommittee, thank you for the opportunity to testify today regarding the Frederick Douglass Reauthorization Act and to specifically address how this bill will help the United States more effectively curtail the recruitment and use of child soldiers around the globe.

One of the most tragic aspects of contemporary warfare is the participation of children: As spies, as lookouts, as guards, as cooks, and very often on the front lines of combat. The ranks of child soldiers include young girls forced to carry out suicide attacks by Boko Haram in Nigeria, children lured to fight in Syria by promises of money, and boys in South Sudan who join fighting forces after their schools have been destroyed and they lose all hope of education.

I have worked on the issue of child soldiers for nearly 20 years, and during that time, I have seen both positive and negative developments. Some of the good news is that since 2000, more than 100,000 child soldiers have been released or demobilized from national armed forces and armed groups. The number of countries where children are actively fighting has dropped by a third, and at least 26 governments and armed groups have signed action plans with the United Nations to end their use of child soldiers.

But at the same time, in some countries, the situation is getting much worse. In Yemen, for example, the U.N. reported that the rate of child recruitment increased fivefold in just 1 year. In Afghanistan, child recruitment doubled between 2014 and 2015. In South Sudan, at least 16,000 children have been recruited as soldiers in the past 3 years alone.

The United States has played an important role in helping to curtail the use of child soldiers. The U.S. exerted leadership in 2002 by ratifying the U.N. treaty that prohibits the use of children in hostilities. After ratification, all branches of the armed services immediately issued new rules to keep underage soldiers out of combat, and this helped to set an important and positive example for other militaries worldwide.

Congress, to its great credit, decided to tackle the issue further in 2008, when it adopted the Child Soldiers Prevention Act as part of the Trafficking Victims Protection Reauthorization Act that year.

The principle behind the Child Soldiers Prevention Act is simple. Foreign governments should not get U.S. military assistance if they use or support the use of child soldiers. This law applies to six categories of U.S. military funding, including foreign military financing, direct commercial sales, and foreign military sales.

The Child Soldiers Prevention Act sends a very powerful message. If you want U.S. military assistance, you can't use child soldiers. This legislation was first proposed by Senators Sam Brownback of Kansas and Richard Durbin of Illinois. It garnered strong bipartisan support and was signed into law by President George W. Bush.

The law requires the State Department to issue a list every year of the governments that are involved in the use of child soldiers. Since the law was implemented in 2010, the list has varied between 6 and 10 governments. Five have been listed every single year: Burma, the Democratic Republic of the Congo, Somalia, Sudan, and Yemen.

Now, under the Child Soldiers Prevention Act, we have seen several success stories, but uneven implementation of the law has also resulted in many missed opportunities. One success story is the Democratic Republic of the Congo. At the height of Congo's war in the 1990s, 30,000 children were fighting on all sides of the conflict. The U.N. tried for 7 years to try and get Congo to sign an action plan to end their use of child soldiers and failed. But after the Obama administration announced that it was withholding foreign military financing and training of a battalion under the Child Soldiers Prevention Act, Congo took only 5 days to sign an action plan, and since then their recruitment of children by government forces has dropped to almost zero.

So this example shows the potential of the law to effect change, but unfortunately there have been many other missed opportunities.

Mr. Chairman, earlier you said that too many governments are being given a pass, and when it comes to child soldiers, unfortunately that is the case. The law allows the President to issue national security waivers that allow countries to continue receiving aid, even if they have done little or even nothing to curb their use of child soldiers. Congress intended these waivers to be used in exceptional cases, but unfortunately they have become more the norm than the exception.

The Stimson Center found that President Obama used these waivers in 60 percent of all cases and that 95 percent of the aid that would normally be withheld by the law was allowed to go through. As a result, governments using child soldiers have very little incentive to take the law seriously and to stop exploiting children.

The Frederick Douglass Reauthorization Act is going to make important amendments to the Child Soldiers Prevention Act, and will help ensure that this law is used for its intended purpose while still maintaining flexibility. The Frederick Douglass Reauthorization Act will help reduce the use of waivers for countries that have done nothing to address their use of child soldiers, and will provide for much greater transparency on how the act is implemented. These provisions will go a long way in enabling the U.S. to be much more effective in ending the exploitation of children as soldiers around the world.

Thank you very much.

[The prepared statement of Ms. Becker follows:]



**Winning the Fight Against Human Trafficking:  
The Frederick Douglass Reauthorization Act**

*Written testimony submitted to the House Committee on Foreign Affairs,  
Subcommittee on Africa, Global Health, Global Human Rights, and International  
Organizations*

*Tuesday, May 2, 2017*

*Jo Becker, Children's Rights Advocacy Director, Human Rights Watch*

I want to thank the members of the Subcommittee for the opportunity to submit written testimony regarding the Frederick Douglass Reauthorization Act, and specifically, how it will help the United States more effectively curtail the recruitment and use of child soldiers around the globe.

One of the most tragic aspects of contemporary warfare is the participation of children—as spies, lookouts, guards, cooks, and very often, on the front-line of combat. The ranks of child soldiers include young girls forced to carry out suicide attacks by Boko Haram in Nigeria, children lured to fight in Syria by promises of money, and boys in South Sudan who join fighting forces after their schools have been destroyed.

According to the United Nations, children were actively recruited or participating in conflicts in at least 18 countries in 2015<sup>1</sup>; in the majority of these countries, government forces were implicated, either by recruiting and using children in their own ranks, or supporting allied militias that use child soldiers. Human Rights Watch has documented the recruitment and use of child soldiers—by governmental armed forces or non-governmental armed groups (and in most cases, both)—in at least 20 countries since 1994.

I've worked on the issue of child soldiers for nearly 20 years, and during that time have seen both positive and negative developments. Some of the good news is that since 2000, over 100,000 child soldiers have been released or demobilized from national armed forces and armed groups, the number of countries where children are actively fighting has dropped by a third, and at least 26 governments and armed groups have signed United Nations action plans to end their use of child soldiers.

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<sup>1</sup> Afghanistan, Central African Republic, Colombia, Democratic Republic of Congo, India, Iraq, Lebanon, Libya, Mali, Myanmar, Nigeria, Pakistan, Philippines, Somalia, South Sudan, Sudan, Syria, Yemen.

But in some countries, the situation is becoming much worse. In Yemen, for example, the UN reported that the rate of child recruitment increased five-fold in just one year (2014-2015). In Afghanistan, child recruitment doubled between 2014 and 2015. In South Sudan, at least 16,000 children have been recruited as soldiers in the past three years.

The United States has played an important role in helping to curtail use of child soldiers. The US exerted leadership in 2002 by ratifying the UN treaty that prohibits the use of children in hostilities. After ratification, all branches of the armed services immediately issued new rules to keep under-age soldiers out of combat. This has helped to set a positive example for other militaries worldwide.

Congress, to its great credit, decided to tackle the issue further in 2008, when it adopted the Child Soldiers Prevention Act. The United States was one of the first countries in the world to enact such groundbreaking legislation. The principle behind the Child Soldiers Prevention Act is simple: foreign governments should not get US military assistance if they use or support the use of child soldiers. The law applies to six categories of US military assistance, including foreign military financing, direct commercial sales, and foreign military sales.<sup>2</sup>

The Child Soldiers Prevention Act sends the powerful message that if you want US military assistance, you can't use child soldiers. This legislation, first proposed by Senators Sam Brownback of Kansas and Senator Dick Durbin of Illinois, garnered strong bipartisan support and was signed into law by President George W. Bush.

The law requires the State Department to issue a list every year of governments involved in the use of child soldiers. Since the law came into effect in 2010, the list has included 6 to 10 countries. Five have been listed every year: Burma, the Democratic Republic of Congo, Somalia, Sudan, and Yemen.

Under the Child Soldiers Prevention Act, we've seen several success stories, but uneven implementation of the law has also resulted in many missed opportunities.

One success story is the Democratic Republic of Congo. At the height of Congo's war, an estimated 30,000 children were fighting on all sides of the conflict. The government has a long history of child soldier use and even promoted military officers who were charged or convicted of using child soldiers to high-ranking positions. Congo has been on the State Department's list of governments using child soldiers since the list's inception in 2010. In 2011, the administration announced that under the Child Soldiers Prevention

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<sup>2</sup> The CSPA prohibits US military assistance from the following accounts: International Military Education and Training (IMET), Foreign Military Financing (FMF), Direct Commercial Sales (DCS), Foreign Military Sales (FMS), Excess Defense Articles (EDA), Section 1206; Peacekeeping Operations.

Act, it would withhold foreign military financing from the Congo due to its use of child soldiers. In 2012, it announced that in addition to withholding foreign military financing, it would also withhold training from a Congolese battalion until Congo signed an action plan with the UN to end its use of child soldiers. Congo had been dragging its feet for seven years on signing the plan, but agreed to its terms only five days after the US announcement. Since then, recruitment of children by government forces has dropped to almost zero.

Another positive example of the Child Soldiers Prevention Act's impact is Rwanda. The State Department placed Rwanda on its list in 2013 due to its support for the M23, an armed group operating in eastern Congo. With Rwandan backing, the M23 had forcibly recruited large numbers of children into its forces and carried out brutal abuses against civilians. In September 2013, the administration applied full sanctions on Rwanda under the CSPA, withholding foreign military financing and military training. Only a few weeks later, the M23 surrendered and laid down its weapons. Although part of the M23's defeat was due to Congolese military operations with the support of the UN peacekeeping force, mounting pressure on Rwanda to stop supporting the M23 played a crucial role. After aid suspensions from the US and most other major donors to Rwanda, and phone calls to Rwandan President Paul Kagame from Secretary of State John Kerry, the Rwandan government may have concluded that its support to the M23 had become too damaging to its public image.

A third example is Chad. Chad was included on the State Department's Child Soldiers Prevention Act list in 2010, 2011, and 2013. Although the administration never imposed sanctions under the Act against Chad, it raised the issue of child soldiers at senior levels and used the threat of sanctions to persuade Chad to implement its action plan with the UN to end the use of child soldiers. No new cases of child recruitment by Chadian forces have been reported for over two years, and Chad was removed in 2014 from both the State Department's list and the UN Secretary-General's list of violators.

These examples show the potential of the law to effect change. But unfortunately, there have been many more missed opportunities. The law allows the president to issue national security waivers that allow countries to continue receiving aid even if they have done little or nothing to curb their use of child soldiers. Congress intended these waivers to be used in exceptional cases, but unfortunately, they became more the norm than the exception. The Stimson Center found that President Obama used these waivers in 60 percent of all cases and that 95 percent of the aid affected by the law—more than \$1.2 billion—was allowed to go through.<sup>3</sup> As a result, governments have little incentive to take the law seriously and stop exploiting children.

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<sup>3</sup> Stimson Center, *U.S. Military Assistance to Governments Using or Supporting the Use of Child Soldiers FY10 – FY16 under the Child Soldiers Prevention Act*, <https://www.stimson.org/sites/default/files/FY2017%20CSPA%20Data%202.pdf>; see also Rachel Stohl and Shannon Dick, "President Trump, you can stop the use of child soldiers," *CNN.com*, April 26, 2017, <http://www.cnn.com/2017/04/26/opinions/trump-child-soldiers-opinion-stohl-dick/index.html>

The Frederick Douglass Reauthorization Act will help ensure the law is used for its intended purpose, while still maintaining flexibility. In particular, it will do the following:

- Provide that if a country receives a presidential waiver under the Act, the President must certify to appropriate congressional committees that the government is taking “effective and continuing steps” to address the problem of child soldiers;
- Refine the definitions under the act to clarify that government-supported police or other security forces that recruit or use child soldiers are to be covered by the Child Soldiers Prevention Act;
- Provide a timeframe of 45 days for the Secretary of State to notify affected governments that they have been identified as subject to the Child Soldiers Prevention Act;
- Require continued annual reporting on implementation of the Act beyond the first five years of its implementation, including information on the type and the monetary amount of assistance that has been withheld under the Act, as well as the type and the monetary amount of assistance that has been allowed through use of waivers.

These amendments will make the Child Soldiers Prevention Act more effective in several important respects. They will help reduce the use of waivers for countries that have done nothing to address their use of child soldiers, will ensure that all government-supported entities that take an active part in hostilities during an armed conflict are considered for listing under the Child Soldiers Prevention Act, and will provide for much more transparency on how the Act is implemented. If adopted, these amendments will enable the US to be much more effective in ending the exploitation of children as soldiers around the world.

Thank you.

Mr. SMITH. Thank you very much, Ms. Becker.  
I would like to now yield to Mr. Gehring.

**STATEMENT OF MR. TIM GEHRING, POLICY AND RESEARCH  
MANAGER, INTERNATIONAL JUSTICE MISSION**

Mr. GEHRING. Thank you, Chairman Smith, and thank you, Ranking Member Bass, for holding the hearing and giving me the opportunity to testify today. I would also like to take the opportunity to thank your staff, who worked relentlessly and with sincere passion to craft a bill that takes a comprehensive approach to address the needs of all victims, both here in the United States and abroad, children and adults, men and women from all types of exploitation.

I am honored to be here on behalf of International Justice Mission, a human rights agency that works to increase the capacity of public justice systems around the world to respond to violent crime, including forced labor and sexual exploitation. We collaborate with courts, police, prosecutors, judges, and social workers around the world to rescue victims, hold perpetrators accountable through investigations, arrests, prosecutions, and restore survivors.

IJM has seen broken justice systems improve dramatically by ending impunity for crimes and providing a deterrence for trafficking and slavery.

The Frederick Douglass Trafficking Victims Protection Reauthorization Act of 2017 is the sixth iteration of the original Trafficking Victims Protection Act, a bill that, thanks to your leadership, Chairman Smith, was authorized almost 2 decades ago. And from IJM's perspective, the TVPA and its subsequent authorizations have been transformative in ways that other human rights legislation has not because Congress has been engaged in close oversight since the legislation was first enacted.

Similarly, Congress supported the Office to Monitor and Combat Trafficking in Persons in the State Department, including by increasing its grant and administration budget, holding regular hearings, and its willingness to protest politicization of the rankings in the annual Trafficking in Persons Report has been extremely helpful in cementing the policies of the TVPA. It has strengthened the hand of the TIP office, it has strengthened the U.S. anti-slavery policy, and it has strengthened slavery-burdened countries' efforts to prevent, protect, and prosecute trafficking in persons.

The minimum standards that were articulated in the original TVPA and that have been maintained for the past 2 decades have given U.S. diplomats a consistent foundation for engaging governments on the steps required to meet the international anti-trafficking standards of which the TVPA was based. Seventeen years after the original TVPA was authorized, countries are well aware of what those standards are, and it is important that we do not move the goalposts. Doing so risks losing the leverage that the TIP office and its dedicated staff has built over many years of engagement. Rather, the reporting process should be strengthened, and we should hold the countries accountable for showing concrete action and credible evidence to justify their tier rankings. And I am encouraged that the legislation includes many of these provisions that provide more granularity and transparency.

It is worth emphasizing, however, that the politicized rankings such as Malaysia's upgrade in 2015 that you referred to, Chairman Smith, didn't occur because U.S. law was unclear. It occurred because other interests prevailed over factual accounting. Therefore, the fix for this problem isn't always legal or legislative. It is rather that the entire State Department needs to put its weight and will in an accurate and candid report, and helping governments make progress.

Many of the struggles between Congress and the executive branch have been over the Tier 2 Watch List ranking Chairman Smith, this is an issue you spoke to earlier, especially preventing Tier 2 Watch List countries from becoming a purgatory for poorly performing countries that the State Department doesn't want to downgrade to Tier 3. And the reason that the State Department doesn't want to put countries on Tier 3 is because it is largely viewed as the pariah's club, populated almost entirely by countries that the U.S. has strained diplomatic relationships with: North Korea, Iran, Syria, Venezuela.

And, indeed, all of these countries have significant trafficking in persons problems, but the perception is that Tier 3 has become a dumping ground for countries that the U.S. doesn't like for other reasons. And consigning friendly countries to this list then becomes quite problematic, and the regional bureaus within the State Department are then reluctant to do so. But if Tier 3 and the other tier rankings were simply an accurate assessment of the government's TIP performance, it wouldn't need to be dramatic or disruptive. It would just be a statement of fact.

The politicization of the tier rankings against the advice of the anti-trafficking in persons experts at the TIP office is to the detriment of the annual report. It is to the detriment of the U.S. Government's leadership on combating this human rights abuse. And, ultimately, it is to the detriment of the people in these countries which receive an undeserved higher ranking.

The U.S. Government has a number of diplomatic and political tools to support allied countries, but rewarding them with undeserved rankings in the TIP Report should not be one of them.

IJM has provided rescue to over 34,000 people from violent oppression in the past several years. We have seen how the TIP Report makes an actual difference in people's lives, when it spurs countries to action, and when it impacts the realities of actual people. So it is imperative that the rankings of each country also be based in reality.

Thank you, Mr. Chairman and Ranking Member Bass. I look forward to your questions.

[The prepared statement of Mr. Gehring follows:]



INTERNATIONAL  
JUSTICE MISSION  
[IJM.org](http://IJM.org)

PO Box 58147  
Washington, DC 20037  
703.465.5495

Testimony of Tim Gehring, Policy Director

International Justice Mission

House Subcommittee on Africa, Global Health, Global Human Rights and International Organizations

May 2, 2016

Thank you, Chairman Smith and the entire Subcommittee, for the opportunity to testify today on the issue of trafficking in persons and Frederick Douglass Trafficking Victims Protection Act of 2017. I would also like to take the opportunity to thank your staff who worked relentlessly and with sincere passion to craft a bill that takes a comprehensive approach to address the needs of all victims, both here in the United States and abroad, children and adults, men and women from all types of exploitation.

I am honored to be here today speaking on behalf of International Justice Mission, a global human rights agency that works to increase the ability of justice systems to protect vulnerable populations from violence, including forced labor and sexual exploitation. We have provided relief to over 34,000 people from violent oppression 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 seen broken justice systems improve dramatically by ending impunity for trafficking crimes and providing a deterrence for trafficking and slavery.

Rather than providing you with stories from IJM clients who have endured horrific abuse and violence, I would like to focus on the change that is possible with the leadership of the United States Government – leadership that, I believe, is irreplaceable in combatting this crime around the world. Chairman Smith, thanks to your leadership almost two decades ago, Congress passed the original Trafficking Victims Protection Act of 2000, which identified trafficking in persons as a priority for the United States Government and brought about much-needed foreign assistance to help countries improve their response to trafficking in persons. Other iterations of the Trafficking Victims Protection Act have created innovative anti-trafficking programs like the Child Protection Compact, which is being implemented in Ghana and, most recently, the Philippines, to work collaboratively with selected countries, to identify gaps and weaknesses in anti-trafficking programs and policies, and to equip, train, and support effective law enforcement operations to rescue children from exploitation and abuse and restore them to a

safe childhood, apprehend perpetrators, and substantially lessen the crime by creating effective deterrence.

The TVPA of 2000 also established the Office to Monitor and Combat Trafficking in Persons in the U.S. State Department and annual Trafficking in Persons Report, embedding anti-trafficking priorities within U.S. diplomatic efforts. The Trafficking in Person's Office, under the direction of an Ambassador-at Large, leads the U.S. Government's global engagement on human trafficking and slavery with foreign governments, international organizations, the private sector and civil society. The staff at the TIP Office are dedicated public servants who represent the very best of American values and ideals – we should be extraordinarily proud of them. The grants administered by the Trafficking in Persons Office are the U.S. Government's primary foreign assistance to combat trafficking and slavery and assist foreign governments meet the minimum standards of care and address the failings identified in the Trafficking in Persons Report. The release of the annual Trafficking in Persons Report is instrumental in identifying gaps in government response and encouraging governments to achieve the minimum standards of addressing trafficking in persons.

When the State Department's regional bureaus, the TIP Office, and our Embassies communicate a consistent message on trafficking and slavery, U.S. diplomacy can have a remarkable impact on combatting trafficking in persons. IJM has seen firsthand through our collaboration with local government authorities how a consistent approach to the in the tier rankings creates clear expectations and strong motivation for countries seeking to improve their ranking. My colleague who led IJM's work throughout Asia and now oversees all of our international programs once said testified in front of this subcommittee that he has seen no action of a Western government that is more effective at anything than the annual release of the Trafficking in Persons Report by the State Department.

Consider Cambodia and the Philippines – two countries where IJM has seen dramatic improvement in the enforcement of anti-trafficking laws and the concrete actions taken by those governments to protect its children from sexual exploitation. When IJM began operating in these countries, there was near total impunity for perpetrators who would openly exploit young children.

IJM collaborated with these governments to develop and implement effective models of protection and prosecution, but it was through strong U.S. diplomacy, particularly dedicated US Ambassadors and State Department's accurate tier ranking process in the annual Report that continued to bring the issue to the attention of the Cambodian and Filipino Government encouraging them to take concrete actions to keep children safe. IJM's project areas in these countries have seen a dramatic decrease in the availability of minors being exploited by 79, 75 and 86% thanks to the improved response of the justice system within these countries.

This, of course, is not to say that the issue of trafficking is solved in these two countries. Cambodia still faces challenges to maintain the gains that have been made to reduce child sex trafficking and to address domestic and cross-border labor trafficking. The Philippines must confront a growing industry of online exploitation. But there is now a reliable, predictable government response to sex trafficking in both countries where there used to be none. The Cambodian and Filipino Governments deserve an immense amount of credit for their efforts to address the exploitation of children – but so does the United States Government for using the tools available through the Trafficking in Persons Report to spur these countries to improve.

While the Trafficking in Persons Report is mostly objective and accurate in its rankings, at times considerations other than a country's efforts to eradicate trafficking influence a country's rankings – typically at the urging of others in the State Department rather than the anti-trafficking experts at the Trafficking in Persons Office. In 2015, according to an examination by Reuters the TIP Office was overruled by others in the State Department on 14 of 17 disputed rankings, giving the countries a higher ranking than was recommended by the specialists at the TIP Office.

The politicization of the tier rankings, against the advice of the anti-trafficking experts at TIP Office is to the detriment of the annual Report, the U.S. Government's leadership on combatting this human rights abuse, and, ultimately, to the people exploited in the countries which receive an undeserved higher ranking. The U.S. Government has a many number of diplomatic and political tools to support allied countries, but rewarding them with undeserved rankings in the TIP report should not be one of them.

The minimum standards that were articulated in the original TVPA and maintained for the two decades have given U.S. diplomats a solid foundation for engaging governments on the minimum steps required to meet the international anti-trafficking requirements on which the TVPA standards are based. It is important not to move the goal posts: country governments know what those standards are; changing these standards risks losing the leverage that the TIP Office has built over its many years of engagement.

Having said that, there are useful changes that could be made to maintain the minimum standards while at the same time strengthening the reporting process. As demonstrated by the examples of Cambodia and the Philippines, it is not just the enactment of laws or the promise of future action that makes a difference – it is enforcement of those laws that protect vulnerable people and create a deterrent for these crimes from ever occurring. As such, when considering justification for appropriate tier rankings for each country, Congress should require the State Department concrete action and credible evidence that demonstrates improvements in a country's efforts, such as active investigations, prosecution conducted, convictions attained, trainings provided, active programs and partnerships, victim services offered including immigration services and restitution, and the amount of money the government in question has committed to these actions.

But even while we support these proposed changes, it is worth reiterating that politicized rankings, such as Malaysia's upgrade last year, did not occur because U.S. law was unclear. It occurred because other interests prevailed over factual accounting. The "fix" for that problem isn't legal or legislative, it is rather for the entire State Department to put its weight and will into reporting candidly, and helping governments make progress.

Many of the struggles between Congress and the Executive branch have been over the Tier2Watch ranking. Chairman Smith among others has taken steps to prevent it from being a "holding pen" for poorly performing countries that the State Department doesn't want to downgrade to Tier 3. The reason the State Department doesn't want to downgrade a country to Tier 3, even when the facts warrant it, is because Tier 3 appears to be populated almost entirely by countries that the U.S. doesn't like for other reasons. Consigning friendly countries to this list then becomes quite problematic and the regional bureaus within the State Department are reluctant to do so. But if Tier 3 was simply an accurate assessment based on governments TIP performance, rather a losers club of North Korea, Iran, Venezuela and Syria, it needn't be a dramatic or disruptive gesture: just a statement of fact.

In closing, I would like to stress the importance of Congressional oversight and engagement on trafficking and slavery policy. In our estimation, the Trafficking Victims Protection Act and the work of the Trafficking in Persons Office have been transformative – in ways that other human rights legislation has not— because Congress has engaged in close oversight since the legislation was first enacted. Congress's support of the TIP Office, including by increasing its budget, holding regular hearings, and its willingness to protest politicization of the rankings has been extremely helpful. It has strengthened the hand of the TIP Office, it has strengthened U.S. anti-slavery policy, and it helps countries that are burdened by slavery.

Thank you, Mr. Chairman and other members of the Subcommittee, for the opportunity to testify and your prioritization of this issue, and I look forward to take your questions.

Mr. SMITH. Thank you very much, Mr. Gehring. I would just note for the record that Gary Haugen testified right here when we were working on the original Trafficking Victims Protection Act, and his insights were of tremendous value in shaping the original bill, all the subsequent iterations of it. As a matter of fact, we have a copy. It was September 14, 1999. And so if you could pass on to him the subcommittee's gratitude, my personal gratitude, for his leadership years to date. It has been extraordinary.

Mr. GEHRING. Thank you.

Mr. SMITH. Ms. Sperber.

**STATEMENT OF MS. MELYSA SPERBER, DIRECTOR, ALLIANCE TO END SLAVERY AND TRAFFICKING**

Ms. SPERBER. Thank you.

Mr. Chairman, Ranking Member Bass, thank you for holding this hearing on one of the most intractable human rights violations of our time, the crime of human trafficking. And thank you for the opportunity to testify today. I also echo Tim's gratitude to your staff for their hard work.

Mr. Chairman, I am the director of the Alliance to End Slavery and Trafficking. ATEST is a coalition of 13 human rights organizations that advocates for solutions to prevent and end all forms of human trafficking and modern slavery around the world. ATEST is supported by Humanity United and Humanity United Action.

Mr. Chairman, my written statement outlines the progress we are making, as well as noting ways the U.S. Government should invest in programming and implement policy solutions that will reduce vulnerability to human trafficking worldwide. I ask that my full statement be made a part of the record.

Mr. SMITH. Without objection, yours and that of all of our distinguished witnesses, and any additional material you think the subcommittee should have in its record. Without objection, so ordered.

Ms. SPERBER. Thank you.

I also would draw the subcommittee's attention to ATEST's Presidential Agenda for Abolishing Modern Slavery and Human Trafficking. It has many important recommendations that apply to Congress, as well as the new administration. And thank you so much for agreeing for it to be part of the record.

Today, I will focus my remarks on the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act. ATEST welcomes the introduction of the FDTVPRA, and we are particularly pleased with the bill's emphasis on prevention.

Nearly 2 decades after the enactment of the landmark Trafficking Victims Protection Act, we have made considerable progress, particularly in mobilizing political will to prosecute traffickers and protect victims of all forms of trafficking.

Progress is lagging, as you noted, Mr. Chairman, on prevention, and we commend the reauthorization's sponsors for taking up this challenge.

I first started understanding the importance of prevention when I got my first anti-trafficking job. I just did not know I was combating human trafficking at the time. I worked for a faith-based organization serving runaway and homeless youth in New York City, LGBTQI youth fleeing abusive situations, young men and women

of color caught in an unforgiving criminal justice system, and children exiting the foster care system, who, as Ranking Member Bass noted, are at heightened risk.

All of them were marginalized. All of them were desperate to survive, and all of them were at risk of human trafficking. But I saw that if they had their basic needs covered, access to specialized services, and the promise of opportunity, the young people I met were resilient and unstoppable. And because they were receiving services, they were less at risk to human trafficking and other forms of exploitation.

Later, I worked as an attorney representing immigrant women who survived being trafficked into the United States for labor and sexual exploitation. Each of my clients pointed to moments in their lives when, had there been services and resources available, the vulnerability they faced could have been alleviated. The message these women sent was straightforward: Their suffering could have been prevented. The reason for sharing the message was just as straightforward: They wanted to prevent someone else's suffering. My clients taught me the importance of prevention, and they left me with an even more valuable lesson: Survivors are the experts. They know the most about this crime, how to prevent it, how to recover from it, and how to thrive as a survivor of it.

I later joined an international women's organization where we worked with local partners to implement anti-trafficking programs supported by the U.S. State Department. I met girls whose mothers had been trafficked into local brothels. These girls knew, even at the early age 9 or 10, that this would have been their future if not for the incredible programs that took them off the streets, provided them with a safe place, an education, a way out of abject poverty and vulnerability.

I also met with law enforcement, prosecutors, and judges who work to prosecute trafficking cases. They unequivocally pointed to prevention as the greatest priority. They also stressed the simultaneous challenge of finding resources and mobilizing attention on proven ways to prevent exploitation, strategies that include providing children and families with access to education, livelihood, and social protection programs, strengthening rule of law, and ensuring survivors, vulnerable youth, and workers inform the development and implementation of anti-trafficking policy.

ATEST believes the U.S. Government can and should strengthen its leadership to combat human trafficking around the world by resourcing efforts to prevent this crime and provide comprehensive services to those who are victimized. We are deeply concerned about the Trump administration's proposed cuts to foreign assistance, which we believe could have significant impact on our anti-trafficking efforts.

We commend this committee for spurring multiple administrations to use the full range of foreign policy tools to combat this scourge and urge that you continue to do so as the administration transition continues.

At Humanity United, we focus on bringing new solutions to global problems that have long been considered intractable. For us, preventing the risk of human trafficking is a critical element of our strategy. Whether it is working alongside companies to identify and

address trafficking in their supply chains, advocating for the enforcement of the Tariff Act's prohibition on the importation of slave-made goods, or learning from survivors' critical expertise, we know that solutions to trafficking begin and end with preventing this crime from occurring in the first place.

ATEST believes the reauthorization bill would bolster our efforts to prevent human trafficking from happening in the first place. This bill does that in ways such as enhancing the integrity of the U.S. State Department's Trafficking in Person's Report to ensure, as you noted, Mr. Chairman, that politics never, ever determines tier rankings; enabling schools to educate children about how to avoid all forms of human trafficking; ensuring that U.S. Government procurement does not fund human trafficking; bolstering protections for domestic workers employed by diplomats; and reauthorizing critical anti-trafficking programs across the government.

ATEST looks forward to working with the bill's sponsors and all Members of the House to move it forward with strong bipartisan support. We want to continue working with the committee to seek ways to strengthen the bill even further. A few of our proposed suggestions are contained in my written testimony.

We also urge you to oppose deep and disproportionate cuts to the international affairs budget in both the Fiscal Year 2017 and Fiscal Year 2018 spending bills. If realized, the cuts would be devastating for anti-trafficking efforts worldwide.

Thank you, Mr. Chairman and members of the committee, for all the work you have done to ensure the U.S. Government continues to be a leader in the fight to end trafficking worldwide. Thank you.

[The prepared statement of Ms. Sperber follows:]

Testimony by Melysa Sperber  
Director of the Alliance to End Slavery & Trafficking  
Humanity United  
Before the Subcommittee on Africa, Global Health,  
Global Human Rights, and International Organizations  
House Committee on Foreign Affairs  
Of the United States House of Representatives  
May 2, 2017

**Winning the Fight Against Human Trafficking: The Frederick Douglass  
Trafficking Victims Prevention and Protection Reauthorization Act**

Mr. Chairman, Ranking Member Bass, and other distinguished members of the Subcommittee, thank you for holding this hearing on one of the most intractable human rights abuses of our times—the crime of human trafficking. And thank you for the opportunity to testify today.

Mr. Chairman, I am the Director of the Alliance to End Slavery and Trafficking (ATEST). ATEST is a U.S.-based coalition that advocates for solutions to prevent and end all forms of human trafficking and modern slavery around the world. We advocate for lasting solutions to prevent labor and sex trafficking, hold perpetrators accountable, ensure justice for victims and empower survivors with tools for recovery. Our collective experience implementing programs at home and abroad provides our coalition an unparalleled breadth and depth of expertise.

ATEST member organizations include: Coalition of Immokalee Workers (CIW), Coalition to Abolish Slavery and Trafficking (CAST), End Child Prostitution and Trafficking—USA (ECPAT-USA), Free the Slaves, Futures Without Violence, International Justice Mission (IJM), National Domestic Workers Alliance (NDWA), National Network for Youth (NN4Y), Polaris, Safe Horizon, Solidarity Center, Verité, and Vital Voices Global Partnership.

ATEST is supported by Humanity United and Humanity United Action, U.S.-based nonprofits dedicated to bringing new solutions to global problems that have long been considered intractable. To combat human trafficking, Humanity United and Humanity United Action each have their unique approaches, some of which include:

- Working in places where the problem is greatest, with a particular focus on South Asia, starting with Nepal;
- Engaging corporations to address modern-day slavery in supply chains; and
- Advancing U.S. leadership in the fight against modern slavery, including supporting ATEST.

ATEST welcomes the introduction of the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act (FDTVPPRA), and we are particularly pleased with the bill's emphasis on prevention. Nearly two decades after the enactment of the landmark Trafficking Victims Protection Act, we have made considerable progress, particularly in mobilizing political will to *prosecute* traffickers and *protect* victims of all forms of trafficking. Progress is lagging, however, on *prevention*, the neglected "P" in our three "P" framework, and we commend its sponsors for taking up this challenge.

#### **The Imperative of Prevention**

I started understanding the importance of prevention when I began my first anti-trafficking job – I just did not know it was an anti-trafficking job at the time. I worked for a faith-based organization serving runaway and homeless youth in New

York City—children exiting the foster care system, LGBTQI youth fleeing abusive situations, young men and women of color caught in an unforgiving criminal justice system. All of them were marginalized, all of them were desperate to survive, and all of them were at risk of human trafficking. It was disheartening to see that nearly one in five of 911 young people interviewed for two recent studies<sup>1</sup> by Covenant House revealed they were victims of trafficking.

But I saw that if they had their basic needs covered, access to specialized services and the promise of opportunity, the young people I met were unstoppable. They were resilient and remarkable. And because they were receiving services, they were less at risk to human trafficking and other forms of exploitation. That agency was preventing trafficking.

Later, I worked as an attorney representing immigrant women who survived being trafficked into the U.S. for labor and sexual exploitation. All of my clients pointed to moments in their lives when—had there been services and resources available—the vulnerability they faced could have been alleviated.

The message these women conveyed was straightforward: their suffering could have been prevented. Their reason for sharing the message was also straightforward: they wanted to prevent someone else's suffering. My clients certainly taught me the importance of prevention, but they also left me with a more valuable lesson: survivors are the experts. They know the most about this crime—how to prevent it, how to recover from it, how to thrive as a survivor of it.

I later joined an international women's organization, where we worked with local partners to implement anti-trafficking programs supported by the Office to Monitor and Combat Trafficking In Persons at the U.S. State Department. I met girls whose mothers had been trafficked into local brothels. These girls knew even at the early age of 9 or 10 that this would have been their future if not for incredible programs that took them off the streets, provided a safe place, an education, and a way out of abject poverty and vulnerability.

In nearly every region of the world, I also met with law enforcement, prosecutors, and judges who worked to prosecute trafficking cases. They unequivocally pointed to prevention as the greatest priority. They also stressed the simultaneous challenge of finding resources and mobilizing attention on the proven ways to prevent exploitation. These strategies include:

- Providing children and families with access to education, livelihood and social protection programs;
- Strengthening rule of law and reducing corruption; and

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<sup>1</sup> *Labor and Sex Trafficking Among Homeless Youth*, Covenant House, (2017).  
[http://covenanthousestudy.org/?\\_ga=1.14865264.797313370.1493471507](http://covenanthousestudy.org/?_ga=1.14865264.797313370.1493471507)  
[http://covenanthousestudy.org/\\_ga=1.14865264.797313370.1493471507](http://covenanthousestudy.org/_ga=1.14865264.797313370.1493471507) Trafficking, Alliance to End

- Ensuring survivors, vulnerable youth, and workers inform the development and implementation of anti-trafficking policy.

At Humanity United, preventing the risk of human trafficking is a critical element of our strategy. Whether it is working alongside companies to identify and address trafficking in their supply chains, advocating for the enforcement of the Tariff Act's prohibition on the importation of slave-made goods, or learning from survivors' critical expertise, we know that solutions to trafficking begin and end with preventing this crime from occurring in the first place.

### **Where and how are we winning the fight against human trafficking?**

#### *The Scope of the Problem*

Trafficking in Persons (TIP) represents a grave affront to the U.S.' security, economy, and national values, degrading and reducing human beings to commodities that can be exploited for commercial sex acts or labor. While progress has been made in recent decades, the ILO estimates that human trafficking remains a \$150 billion global criminal business with a conservative estimate of more than 21 million people ensnared in conditions of forced labor at any one time. Labor and sex trafficking generate hundreds of millions of dollars in illicit revenue for traffickers, who make 1,000 times more in profits than the USG invests to stop them.

Trafficking victims are children, women, and men—U.S. citizens and foreign nationals—who are exploited for both sex and labor. Trafficking victims come from urban and rural communities. They are both undocumented and documented immigrant workers. They are not only victimized overseas but also throughout the United States. Traffickers exploit weak law enforcement regimes and abuse legal structures and institutions, and they target the most vulnerable in society. This often includes runaway and homeless youth; the lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) community; Native Americans; Asian Americans and Pacific Islanders; migrant workers (including non-Spanish speaking migrants from Central America who have not benefited from Spanish-language outreach and engagement); youth of color; children; low literacy or numeracy individuals; and those with disabilities.

TIP is a complex, multi-layered issue. First and foremost, it is a crime. Law enforcement plays a crucial role in combating TIP, fighting traffickers who operate locally and also those who operate transnationally. Holding traffickers accountable promotes the rule of law and engenders critical trust in our justice system. TIP is also an economic issue; forced labor degrades work conditions in the United States and around the world, artificially suppressing wages and fueling unfair competition on the basis of human exploitation. This happens when domestic or foreign competitors of law-abiding American businesses undercut labor costs by trafficking workers in other countries.

The causes of human trafficking are rooted in interrelated and mutually reinforcing conditions of human vulnerability to exploitation associated with poverty, sexual abuse, lack of decent work, natural disasters, violent conflict, weak labor protections, unsafe migration dynamics, gender, religious and ethnic discrimination, and much more. Children, often because of their age, experience heightened vulnerability to this crime.

TIP manifests itself in myriad ways in our society, from the isolated migrant worker trapped in forced labor in the tomato fields of Mexico, or on a trawler far from shore fishing for seafood to be exported to the United States, to the exploited child and her mother in a brothel that caters to sex tourists, to the runaway youth trapped through poverty and social isolation as part of an unpaid sales crew traveling across the American heartland.

Labor trafficking is prevalent in industries with low-income workforces that are more vulnerable to exploitation, including agriculture, construction, manufacturing, hospitality, landscaping, building maintenance, and domestic work, among others. Although there have been cases, even in the United States, of professional workers like teachers and nurses being trafficked by labor recruiters through temporary work visa programs, low-income migrant workers are particularly vulnerable to labor trafficking. Sex trafficking also occurs in a wide variety of venues, including city streets, truck stops, strip clubs, hotels and motels, residential brothels, through escort services, and online classified services. The victimization is often complex, as some victims form trauma bonds with their traffickers who force or trap them in prostitution. Others are lured in with false promises of a job, such as modeling or dancing. And there are those who are forced to sell sex by their parents or other family members.

Experts agree that both sex and labor trafficking are underreported. According to international estimates, of the approximately 20.9 million people in forced labor around the world, 18.7 million are exploited by private individuals or businesses while 2.2 million are exploited by states or rebel groups. Of those exploited in the private sector, 14.2 million are estimated to be victims of forced labor exploitation, and 4.5 million are estimated to be victims of forced sexual exploitation.

Despite nearly two decades of progress, major challenges remain to end human trafficking including, among others, the following:

- Weak worker protections have increased workers' vulnerability to TIP and have eroded working conditions and wages for all workers, including the American working class.
- Concrete actions to eliminate human trafficking in supply chains remain weak, despite growing awareness by businesses of the risks of such abuse.
- Victims and survivors of trafficking too often cannot access the services and protections to which they are entitled and are not deeply enough involved in

fashioning solutions.

- Children are still being arrested for crimes rather than offered services as victims.
- Prosecutions for TIP offenses are low, especially in cases of forced labor and debt bondage, relative to the taxpayer investment in criminal law enforcement.
- USG agencies do not always effectively coordinate their efforts or invest their resources wisely, leaving gaps in programs and priorities.
- Limited resources are devoted to prevention and eradicating root causes.
- Political and special interests have damaged the standing of the TIP Report.
- Despite the growing awareness of the crime of human trafficking, prevalence data on the magnitude of the problem in the United States does not exist.

Many of these views are represented in ATEST's *Presidential Agenda for Abolishing Modern Slavery and Human Trafficking*, which I ask to be made part of the record.<sup>2</sup>

#### *Bright Spots in the Fight Against Human Trafficking*

The challenges that remain are daunting but they must not eclipse the progress we have achieved in combatting human trafficking worldwide. There are bright spots that illuminate how to push the needle further.

Importantly, as the anti-trafficking field has matured, we have implemented more refined methodologies to monitor and evaluate our impact on all forms of human trafficking. We must test our assumptions about and approaches to trafficking and vulnerability. In other words, to uncover bright spots, we need to devote substantial resources to learning and then share and apply the lessons learned as we move forward.

#### ➤ Criminalization of Human Trafficking

Great strides have been made to strengthen legal frameworks on human trafficking. Nearly all countries worldwide have criminalized most forms of human trafficking as set out in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

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<sup>2</sup> *A Presidential Agenda For Abolishing Modern Slavery and Human Trafficking*, Alliance to End Slavery and Trafficking (2017). [https://endslaveryandtrafficking.org/wp-content/uploads/2017/01/TransitionReport\\_2017-01-19.pdf](https://endslaveryandtrafficking.org/wp-content/uploads/2017/01/TransitionReport_2017-01-19.pdf)

Trafficking in Persons Protocol (“Palermo Protocol”)<sup>3</sup>, which has been ratified by 170 countries.<sup>4</sup> According to the United Nations Office on Drugs and Crime (UNODC’s) *2016 Global Report on Trafficking in Persons*, the number of countries that criminalized most forms of human trafficking increased from 33 in 2003 to 158 in 2016 (out of 179 countries).<sup>5</sup>

The UNODC’s analysis shows that since the end of 2003, 124 of the 179 countries adopted legislation that criminalizes all aspects of trafficking in persons and 16 (or 9 percent) of the 179 countries have legislation that criminalizes only certain aspects of trafficking in persons.<sup>6</sup> Of the approximately 105 countries that did not consider trafficking in persons a crime in 2003, only five remain today.<sup>7</sup> UNODC projects that these gaps in legislation leave at least two billion people (of a total population of 7.5 billion) around the world without adequate legal protection.<sup>8</sup>

The widespread adoption of anti-trafficking legislation has not translated into high conviction rates. However, UNODC’s findings show that there is a close correlation between the length of time a trafficking law has been enacted and the conviction rate.<sup>9</sup> This is evidence that the U.S. Government’s critical investments in anti-trafficking efforts that strengthen law enforcement’s capacity are worthwhile and will achieve a high return on investment.

#### ➤ Awareness of Human Trafficking

The widespread ratification of the Palermo Protocol and subsequent implementation through national legislation criminalizing human trafficking has undoubtedly raised public awareness of the issue. Further, non-governmental organizations, like the Coalition of Immokalee Workers, sometimes in partnership with private sector actors, have engaged in campaigns to raise awareness about how to identify, respond to, and ultimately prevent trafficking in persons. The U.S. Department of Homeland Security Blue Campaign has successfully brought governmental, non-governmental and private sector partners together to air PSA

<sup>3</sup> *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, OHCHR (2000).

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>

<sup>4</sup> *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, United Nations Treaty Collections (2000).

[https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en)

<sup>5</sup> *Global Report on Trafficking in Persons*, UNODC (2016), 48.  
[https://www.unodc.org/documents/data-and-analysis/glotip/2016\\_Global\\_Report\\_on\\_Trafficking\\_in\\_Persons.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf)

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid., 50.

<sup>9</sup> Ibid., 19.

campaigns, distribute posters and other materials in U.S. airports, and create and share tools for law enforcement, educators, judges, healthcare professionals, and others to help key professionals and the public recognize and report indicators of human trafficking.<sup>10</sup>

In the U.S., the National Human Trafficking Hotline serves as a proxy indicator for improved public awareness of human trafficking. Polaris, which operates the National Hotline, reported that between December 7, 2007, and December 31, 2016, the Department of Health and Human Service's National Human Trafficking Hotline and Polaris' BeFree Text Line received 32,208 cases of potential human trafficking and 10,085 potential cases of labor exploitation in the United States.<sup>11</sup> Anti-trafficking service providers similarly report increasing caseloads and waitlists, another indicator that we have awareness of this crime. This demonstrates that when we raise awareness, there will be an increased demand for services. The government must be responsive to ensure anti-trafficking organizations not only have the resources but also the training and capacity necessary to respond to survivors in need.

Hotline data only tells us part of the story. For example, only 16 percent of the cases identified on the National Human Trafficking Hotline and the BeFree Text Line involved labor trafficking even though forced labor is more prevalent than sex trafficking. Polaris projects that labor trafficking cases in the U.S. are chronically underreported due to a lack of awareness about the issue and a lack of recognition of the significant vulnerability of workers in many U.S. labor sectors.<sup>12</sup> We must correct the imbalance so sex trafficking is no longer more recognized and visible than labor trafficking as a form of modern slavery in the U.S.

#### ➤ Mobilization of Political Will to Combat Human Trafficking

ATEST believes an important measure of the strength of anti-trafficking policies is the resources governments devote to implementing the legal framework aimed at preventing and ending human trafficking. By this measure, the U.S. government has achieved considerable progress:

- Between FY09 and FY15, funding for Department of Justice grants for Victims Services and Task Forces quadrupled, rising from \$10 million in FY09 to \$42.3 million in FY15.
- Between FY09 and FY15, funding for the Human Trafficking Prosecution Unit rose by more than 50 percent (from \$3.5 million in FY09 to \$5.3 million in FY15).

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<sup>10</sup> DHS Blue Campaign Five Year Milestone, DHS (2015).  
<https://www.dhs.gov/blog/2015/07/22/dhs-blue-campaign-five-year-milestone>

<sup>11</sup> *The Typology of Modern Slavery: Defining Sex and Labor Trafficking in the United States*, Polaris Project (2017). <https://polarisproject.org/sites/default/files/Polaris-Typology-of-Modern-Slavery.pdf>

<sup>12</sup> Ibid.

- Between FY09 and FY15, funding increased by more than 60 percent for Department of Health and Human Services grants to victims (from \$9.8 million in FY09 to \$15.8 million in FY15).
- Since its inception, the Department of State's Office to Monitor and Combat Trafficking in Persons has secured more than a 66 percent increase in funding.

As a further measure of our progress, we have seen trafficking in persons emerge as a priority across the federal government. This is indicated by:

- The number of Appropriations bills that actively address the human trafficking problem has more than doubled.
- The number of Departments and independent Agencies that are actively working on anti-trafficking programs, as outlined in their annual appropriations, has nearly tripled.
- The number of bills in Congress that refer to human trafficking and have funding needs imposed on the Appropriations Committees has nearly tripled. In the 114th Congress, we had 114 bills.

Despite these laudable gains, current levels of USG investment in fighting trafficking are orders of magnitude below the levels needed to make a significant difference, and there remains an imbalance favoring investments in prosecution over protection and, to an even greater extent, prevention.

The USG has a moral duty and a core national interest in prioritizing prevention programs and in providing effective, trauma-informed, long-term, and comprehensive services to all victims of TIP in the United States. The sad truth is that investment in victim services and prevention programs at the federal, state, and local levels falls drastically short of the funding and level of policy priority needed to make good on this obligation. For example, greater investment is urgently needed to expand the reach of housing services and trauma-informed care available for trafficking victims and those vulnerable to trafficking. Too many victim service providers are unable to provide critical housing needs for the population they serve. Housing is one of the core primary services that victims require to meet their immediate needs and is currently one of the most difficult to address.

#### *What's Working in the Fight Against Human Trafficking*

##### ➤ TIP Report as Credible Tool

Reports by governments and press can lead to positive change. In 2014, the TIP Report pointed to abuses in the seafood sector in Thailand. This helped spur business to action. And yet reports are only as useful as they are accurate and ATEST has been dismayed by the State Department's unwarranted tier ranking upgrades for certain countries. We believe the State Department has tarnished the credibility of the TIP Report in recent years by politicizing tier rankings of key

countries, including Malaysia in the 2015 report<sup>13</sup> and Thailand in 2016<sup>14</sup>. By our assessment, neither country's government had demonstrated significant or effective effort to combat human trafficking, particularly forced labor and sexual exploitation. When the State Department upgraded Thailand there was little evidence that the government effectively investigated the rampant trafficking along its border. Even Thailand's chief law enforcement officer responsible for investigating the mass graves fled the country in an act of desperation because he lacked confidence in his own government and feared the retribution of traffickers.<sup>15</sup>

The TIP Report should prioritize a country's enforcement of laws that prohibit all forms of trafficking in persons, rather than the enactment of legislation or stated commitments that fail to substantively change the situation of trafficking victims on the ground. While legislation and public commitments are important procedural steps, it is implementation of those laws that protect vulnerable populations and hold perpetrators accountable for their crimes and makes the greatest difference in ending modern slavery globally.

The TIP Report's influence rests on its integrity. That is why we applaud the provisions in the FDTVPPRA that address the TIP Report. We look forward to working with the Committee to improve these provisions by incorporating key elements of the TIP Report Integrity Restoration Act (TRIRA) of 2017 (S. 377), a complementary bill introduced earlier this year by Senators Menendez (D-NJ) and Rubio (R-FL). The TRIRA takes an innovative approach by promoting the integration of anti-trafficking analysis into the work of multilateral development banks like the World Bank Group. ATEST urges the Committee to consider adding those TRIRA provisions that would encourage multilateral banks to include anti-trafficking risk assessments and analysis in project planning and that would mandate that multilateral banks oppose loans to countries that fail to meet minimum standards in the fight against trafficking. This is a smart approach to leveraging multilateral financial institutions' sizable investments to tackle the problem of human trafficking and poverty alleviation in tandem.

Passing this reauthorization bill with the improvements we recommend would strengthen the usefulness of the TIP report as a diplomatic tool to combat modern-slavery globally, and provide the Department of State with support to base report rankings on evidence on the ground—linked to concrete actions and impact—not political considerations.

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<sup>13</sup> ATEST Expresses Strong Support for and Integrity of State Department's TIP Report, Alliance to End Slavery and Trafficking (2015) <https://endslaveryandtrafficking.org/atest-expresses-strong-support-integrity-state-departments-tip-report/>

<sup>14</sup> ATEST Urges Secretary Kerry to Maintain the Integrity of the TIP Report, Alliance to End Slavery and Trafficking (2016). <https://endslaveryandtrafficking.org/atest-urges-secretary-kerry-maintain-integrity-tip-report/>

<sup>15</sup> Ramzy, Austin. "Fleeing Thailand, Top Investigator of Human Trafficking Says He Fears for His Safety." *The New York Times*, December 10, 2015

➤ Investments in Programs with Measurable Impact

The Achilles heel of the anti-trafficking field is a striking lack of data. We can change that if we devote resources to rigorous monitoring and evaluation of our programs and policies. The U.S. wins when it invests in programs that achieve measurable impact. When we measure outcomes, we not only know our resources are positively impacting lives in the U.S. and overseas, we also know what works, how well it is working, and whether it can be replicated and scaled.

As the FDTVPPRA recognizes, programs implemented by the Department of Labor (DOL) play a critical role in preventing and protecting children from the worst forms of child labor, including human trafficking, as well as in helping other federal agencies from preventing the importation of goods made with child and forced labor. The Bureau of International Labor Affairs (ILAB) at DOL leads USG efforts to eliminate forced and child labor around the world by building the capacity of foreign governments and civil society to better address the social and economic causes of child labor and by providing direct services. Since 1995, ILAB has worked with partners in 94 countries to directly impact the lives of nearly 2 million children vulnerable to exploitative labor. ILAB is part of a global effort that has seen the number of children subjected to hazardous labor cut in half since 2000 (from 170 million to 85 million) and seen the number of children engaged in child labor reduced by one-third (from 246 million to 168 million).<sup>16</sup>

The critical programs that ILAB funds not only assure better conditions for foreign workers but also help give American workers an opportunity to effectively compete in global markets and help ensure that products made by forced labor or child labor are not sold to American consumers. In addition to supporting services for children and families, ILAB also produces the congressionally mandated Lists of Goods Produced by Child Labor or Forced Labor, which comprises 139 goods from 75 countries. The List of Goods is an important foreign policy tool that the new Administration should leverage.

The gains made in combating the worst forms of child labor support anti-trafficking efforts worldwide because the same vulnerabilities underlie both phenomena. Additionally, ILAB's technical assistance to address labor conditions in countries where the U.S. has trade agreements or preference programs also supports anti-trafficking outcomes. ILAB has enabled organizations to build the capacity of the private sector to address child labor, forced labor, and worker rights issues, including companies working in tobacco, rubber, tea, cocoa, sugarcane, and cotton, all sectors where human trafficking is a significant risk.

One of the most promising attributes of the newly authorized End Modern Slavery Initiative (EMSI) is that it aims to focus investments in programs with a measurable

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<sup>16</sup> Bureau of International Affairs, InterAction (2017). <https://www.interaction.org/choose-to-invest-2018/bureau-international-labor-affairs>

impact in reducing the prevalence of human trafficking. The bipartisan initiative was introduced by Senators Bob Corker (R-TN) and Robert Menendez (D-NJ) and authorized within the FY17 National Defense Authorization Act. ATEST believes EMSI is a significant step forward in eradicating human trafficking because it will leverage the U.S. Government's investment, together with private sector and other donor government resources, to address all forms of human trafficking in the areas where it is most prevalent.

➤ [U.S. Advisory Council on Human Trafficking](#)

We can only achieve sustainable social change if we work alongside those who have been or are on the front lines. We are set up to fail if we design and implement programs and policies to benefit survivors without their expertise and feedback. Survivors must be understood as key stakeholders for consultations and treated as leaders in the anti-trafficking movement with valuable insights and expertise.

As a result of the Justice for Victims of Trafficking Act (JVTA), a bipartisan law, survivors have an increased voice in government policy through the United States Advisory Council on Human Trafficking (Advisory Council). Late last year, the Advisory Council issued its 2016 Annual Report that includes recommendations for the Senior Policy Operating Group and the President's Interagency Task Force to Monitor and Combat Human Trafficking (PITF). The Trump Administration should work together with the Advisory Council to consider the recommendations.

ATEST urges Congress and the new Administration to clearly communicate the value of survivor engagement by providing support for adequate resources and an enhanced role for the Advisory Council and welcomes any initiative that provides such support. We encourage Congress to continue to engage survivors and workers, and to invest more in programs in which survivors and workers are central to monitoring exploitation and promoting enforcement of legal protections against modern slavery.

**The Neglected “P”: Prevention**

There are many good reasons why human trafficking is the issue du jour. Traffickers' profits are soaring, their evasive tactics are evolving, and the root causes of men, women and children's vulnerability to being trafficked remain largely unabated. But attention and progress are not necessarily correlated, and, despite the hype, we have left a critical element of anti-trafficking policy unfinished: prevention.

The risk of disproportionately focusing on law enforcement tactics is that other, more promising opportunities to prevent trafficking before it starts will continue to be ignored. Of course, law enforcement is critical to ending trafficking. Without a doubt, we need informed and capable partners in law enforcement working across jurisdictions and borders to overcome the vicious cycle of human trafficking. But law enforcement is just one piece of the puzzle. While prosecution and harsh

penalties *may* be a deterrent, human trafficking survivors and others of us in the field know that ending this human rights scourge is achievable only if we can prevent would-be sex and labor traffickers from targeting vulnerable men, women, and children in the first place.

*Recommendations to Prevent All Forms of Human Trafficking*

If Congress and the Administration are serious about tackling human trafficking, they must address the very real gap in U.S. anti-trafficking policy and practice that enables vulnerable men, women, and children to be lured into trafficking. Importantly, prevention is more than raising awareness about human trafficking; rather, effective prevention is the implementation of evidence-based approaches that address the root causes of modern slavery and alleviate the vulnerabilities that arise from them.

Here are recommendations that would strengthen U.S. leadership on preventing human trafficking:

1. Congress should appropriate robust foreign assistance to address the root causes of human trafficking.

Efforts designed to prevent human trafficking must address the intersection of conditions, experiences, and social dynamics that contribute to vulnerability. Those who face discrimination and marginalization on the basis of gender, sexuality, race, ethnicity, nationality, religion, and disability carry greater risks of being successfully targeted by traffickers. An effective response to human trafficking must recognize the interplay of institutional and identity-based violence with human trafficking. To end human trafficking, our efforts must dismantle systemic discrimination on the basis of gender, sexuality, race, ethnicity, nationality, religion, and disability.

Building anti-trafficking policies and activities into USG development and humanitarian assistance will enhance the impact of American taxpayer investment and also prevent TIP around the world. Integration allows the USG to address crime prevention and economic development simultaneously. This is partly owing to what we call the “freedom dividend” whereby communities that are freed from conditions of slavery are better able to participate economically and otherwise benefit from development assistance. This means that dollars invested in integrated counter-trafficking and development programs lead to better development outcomes as well as counter-trafficking outcomes.

To maximize the impact of USG investment in development and foreign assistance, Congress should:

- Direct USAID to implement anti-trafficking activities across assistance programs, with a particular focus on governance and democracy, economic development, public health, and humanitarian response in countries where

- the prevalence of TIP is highest;
- Prevent humanitarian assistance from inadvertently contributing to vulnerabilities to trafficking, with particular vigilance applied to the transition from humanitarian relief to development assistance; and
- Require better monitoring and evaluation of the impact of USAID programming on TIP.

We commend the bill's sponsors for including measures in the FDTVPPRA that improve transparency about USAID's anti-trafficking expenditures. We look forward to working with the Committee to include additional language that would institutionalize the integration of counter-trafficking policy integration at USAID and ensure that foreign assistance efforts do not inadvertently leave vulnerable community members behind or even increase their vulnerability.

ATEST believes the U.S. Government can and should strengthen its leadership to combat human trafficking around the world by resourcing efforts to prevent this crime and provide comprehensive services to those who are victimized. ATEST also believes strongly that ending human trafficking is tied directly to progress on public health, rule of law, universal education, environmental protection, decent work opportunities, and gender equity. We are deeply concerned about the Trump Administration's proposed cuts to foreign assistance, which we believe could have a significant impact on our anti-trafficking efforts.

**2. Secretary Tillerson should recommit to leveraging all foreign policy tools to advance an anti-trafficking agenda.**

ATEST believes the U.S. Government must leverage the full might and range of U.S. foreign policy, from diplomacy and trade policy to foreign assistance and multilateral engagement, to make a significant impact on human trafficking around the world.

The Administration needs to ensure continued high-level support for U.S. diplomacy on trafficking issues. Making a difference in the most intractable cases and in the industries and sectors facing the greatest risk of trafficking will require high-level diplomatic intervention from Secretary Tillerson on down the chain of command. This Committee has an important role in this effort. Every subcommittee should ensure that human trafficking is raised when assistant secretaries from regional bureaus come to testify before them so that those responsible for the day-to-day relations in the Department are sensitized to the importance of this issue.

U.S. trade policy and trade enforcement should similarly prioritize the prevention of human trafficking and related exploitative practices abroad and in the flow of commerce to the United States. To restrict the importation of products made with forced labor, the USG should make effective use of Section 307 of the Tariff Act, which empowers Customs and Border Protection (CBP) to stop shipments of goods produced with forced labor at our borders. CBP and Immigration and Customs

Enforcement (ICE) should self-initiate investigations into products potentially made with forced labor and to continue robust consultation with civil society, which often provides the evidence and leads for forced labor investigations. ATEST further recommends that the USG include strong labor rights provisions, including the protection of the fundamental rights of workers in new or renegotiated trade agreements, support capacity building programs in trading partner countries to address root causes of labor trafficking, and adoption of a position in the World Trade Organization (WTO) that the export of goods made with forced labor represents a trade barrier.

We commend this Committee for spurring multiple Administrations to use the full range of foreign policy tools to combat this scourge and urge that you continue to do so as the Administration's transition continues.

**3. Vulnerable populations need greater access to services and protections.**

Populations vulnerable to TIP need more and better services. Vulnerable populations include runaway and homeless youth, the LGBTIQ community, Native Americans, Asian Americans and Pacific Islanders, Latinos, migrant workers (including non-Spanish speaking migrants who have not benefited from Spanish-language outreach and engagement), youth of color, children, low literacy or numeracy individuals, and those with disabilities.

Traffickers adeptly exploit vulnerable populations by taking advantage of their weaknesses. For example, traffickers exploit runaway and homeless youth's lack of access to basic needs as well as the challenges that caused them to be homeless in the first place. Programs funded by the Runaway and Homeless Youth Act (RHYA) are embedded in local communities across the country and help prevent trafficking and other forms of exploitation. ATEST recommends Congress ensure prompt passage of the Runaway and Homeless Youth and Trafficking Prevention Act (RHYTPA), which would reauthorize RHYA.

The ability to achieve gainful employment or to start a small business is vital for survivors. Because the lack of decent work is one of the key drivers of their vulnerability, employment, and training services represent a critical element to preventing re-victimization and represent the best way to empower survivors. The FDTVPPRA takes an important first step by establishing the Human Trafficking Victims Reintegration Through Employment Program (Employment Program) at the Department of Health and Human Services. If enacted, the Employment Program would offer victims of all forms of trafficking services such as vocational training, resume creation, job counseling, and other programs to support survivors' professional development.

Though ATEST advocates that anti-trafficking efforts remain comprehensive, we recognize that some policy interventions may be tailored to a specific form of trafficking. On the prevention of labor trafficking specifically, one of the most

important things Congress and the new Administration can do is to enforce labor laws and core labor standards. Strong enforcement will have a critical impact on workers' vulnerability to human trafficking. ATEST commends the sponsors of the FDTVPPRA for including measures that strengthen protections for domestic workers accompanying foreign diplomats or employees of multinational organizations. Domestic workers' vulnerability is compounded by the immunity that shields their employers from liability so it is critical to strengthen labor protections for them.

4. Regulate Unscrupulous Labor Contractors.

Foreign labor contractors facilitate the movement of migrant workers across borders and are increasingly relied on to provide the migrant workforce needed in a range of industries. They may engage in direct recruitment or subcontract with other labor recruiters. All of these individuals profit handsomely from serving as middlemen, but the worst of them contribute to human trafficking.

Unscrupulous recruiters often charge exorbitant fees, forcing workers into debt bondage (a form of human trafficking), falsifying documents, and deceiving workers about wages and working conditions. Recruiters (sometimes called foreign labor contractors) defraud U.S. immigration and labor processes by misclassifying workers on employment and visa applications or lying about the jobs that they plan to place workers in. In some cases, traffickers acting as labor recruiters have used U.S. temporary work visa programs to coerce workers into forced prostitution or other forms of sexual exploitation. Given the threat posed by unscrupulous labor contractors, for many years ATEST has called attention to the urgent needs of domestic workers and other internationally recruited workers who come to the U.S. under temporary work visas.

Prosecutions against fraud in foreign labor contracting are difficult because most governments' capacity to enforce these laws is low. Often, workers and employers suffer the consequence of recruitment fraud while the only actor to escape penalty is the recruiter that had acted unlawfully in the first place.

To prevent fraud in labor contracting, we urge the Committee to support enactment of federal legislation providing stricter regulations, information and protection for workers, and enforcement mechanisms. Further, we also support the passage of beneficial ownership legislation so that unscrupulous labor recruiters cannot evade law enforcement by hiding behind anonymous companies.

5. Demonstrate U.S. Leadership in Reducing the Risk of Human Trafficking in Global Supply Chains.

Consumers and investors are becoming increasingly aware that many of the goods and services Americans use every day are tainted with human trafficking at some point along vast and often opaque global supply chains. Companies and

governments alike have a moral, legal, and practical imperative to understand and address the risks of severe exploitation in their supply chains.

As noted in an earlier recommendation, ATEST strongly encourages Congress to consider how to leverage trade policy and trade enforcement to prevent human trafficking and related exploitative practices abroad and in the flow of commerce to the United States. The enactment of the Trade Facilitation and Trade Enforcement Act effectively closed the “consumptive demand” loophole to the prohibition on the importation of goods made with forced labor contained in the Tariff Act of 1930. Building an effective approach to implementation of this newly robust prohibition could have a tremendous impact around the world. This loophole has for decades prevented the US government from implementing a long-standing policy to ban importation of goods made with forced, child, and/or prison labor. This milestone is a significant symbolic and practical step in the fight against forced labor in the supply chains of American companies and of the federal government.

CBP and ICE will need a clear path forward to create and implement a process by which they could ramp up investigations; determine appropriate methodologies for linking shipments of imported goods to specific perpetrators of forced labor, forced child labor, and prison labor; and engage with and leverage existing and emerging supply chain tracing and compliance processes. This very promising policy tool will not live up to its potential unless ICE is provided a jolt of ideas, energy, partnerships, funding, and other resources to design an enforcement strategy and procedures that are equal to the challenge. The FDTVPPRA takes an important first step toward a clear path forward in calling for a study on the enforcement of the Tariff Act’s ban on the importation of goods made with forced labor.

Ultimately, human trafficking is an economic crime. People engage in it because they can make a great deal of money doing so. But as the Fair Food Program of the Coalition of Immokalee Workers has taught us, you can prevent forced labor from happening in the first place by rearranging the economics of the supply chain so that trafficking doesn’t pay. The Fair Food Program has accomplished this by getting 14 of the world’s largest corporations to suspend produce purchases from any farm upon which forced labor has been found. This simple step has instantly aligned the interests of the farms with those of the workers in ensuring that forced labor does not occur, and the Fair Food Program has been so uniquely successful that the United Nations’ Special Rapporteur in Trafficking in Persons recently concluded that it must be considered an “international benchmark” in fighting forced labor.

The USG, of course, is the largest buyer of goods and services in the world, and it can accomplish similar results by adopting a true zero tolerance policy for forced labor, one that, like the Fair Food Program, does not recognize or brook exceptions. Indeed, the USG has the moral, legal, and practical responsibility to understand and address the risks of severe exploitation in its supply chains. The new Administration should implement federal procurement policies that deny contracts to companies that do not identify and address the risks of human trafficking in their supply chains.

Federal contractors providing goods and services must have strong systems in place that guarantee workplace rights and that demonstrate zero tolerance for forced labor and debt bondage. Compliance systems should include strong mechanisms for enforcement as well as a mechanism to receive and respond to worker complaints that result in timely actions.

Finally, we know that access to banking is essential for human traffickers' business models as they rely on banks to launder money and generate profits. Finding ways to work with the financial industry to target these criminals is a critical tool in addressing human trafficking at home and abroad. ATEST welcomes the introduction of the End Banking for Human Traffickers Act (EBHTA) (S. 952 #, H.R. 2219). Introduced by Senators Warren (D-MA) and Rubio (R-FL) and Representatives Royce (R-CA), Keating (D-MA), Love (R-UT), and Maloney (D-NY), the EBHTA would better equip the financial industry and financial regulators to combat human trafficking.

6. Protect fundamental human rights of trafficking survivors, vulnerable populations, workers, and all victims of crime.

Human trafficking is a grave human rights violation. It represents a fundamental threat to our values, our security, and our socio-economic wellbeing. ATEST has long advocated for the highest prioritization of concerted, strategic action to eradicate human trafficking.

ATEST is deeply concerned that the new Administration's policies will undermine the progress we have achieved. A number of the Executive Orders issued by the Administration will have a detrimental effect on anti-trafficking efforts and, therefore, should be viewed as essentially counterproductive to any comprehensive attempt to tackle this horrific crime. Specifically, we believe the Executive Order on Enhancing Public Safety in the Interior of the United States (Executive Order on Public Safety), issued on January 25, 2017, and the Executive Order on Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking (Executive Order on International Trafficking), issued on February 10, 2017, fall short of the comprehensive and victim-centered approach needed to end modern forms of slavery.

Under the Executive Order on Public Safety, anti-trafficking service providers risk penalties for serving undocumented immigrant victims of crime, including trafficking survivors. Not only is it contrary to our values to force service providers to risk punishment for serving crime victims, it will impede law enforcement's ability to work with trafficking survivors; as a result traffickers will act with impunity. In addition to serious constitutional concerns raised by the Executive Order on Public Safety's threat to withhold federal funding from local jurisdictions that have established local policies that limit their role in federal immigration enforcement, withholding federal funding from so-called sanctuary jurisdictions will devastate victim services agencies and mean that life-saving services are no longer

available to victims and survivors. If domestic violence programs, immigrant rights programs, and faith-based social service programs face funding cuts or restrictions are placed on immigrants' eligibility for programs, the impact on trafficking survivors will be devastating. There could simply be nowhere for immigrant trafficking victims to turn for basic necessities like food, shelter and access to medical services after fleeing from trafficking.

A strong law enforcement response is a critical and necessary component of combating human trafficking; however, the framing of the Executive Order on International Trafficking represents a significant departure from the long-standing victim-centered approach that is enshrined in existing law. For nearly two decades, the U.S. has implemented a strategy centered on protection of victims, prevention of the conditions that allow trafficking to flourish, prosecution of perpetrators, and partnership with civil society and the private sector. By only focusing on human trafficking from a law enforcement perspective, the Executive Order on International Trafficking undermines this proven approach and jeopardizes U.S. leadership on combating this horrific crime.

The U.S. has until now leveraged the full might and range of its resources and capacity to make a significant impact on human trafficking around the world and at home. The Executive Orders on Public Safety and International Trafficking are an egregious departure from the impactful approach the U.S. has adopted and promoted worldwide. The Administration's policies will undermine victims' confidence in those local, state and federal institutions whose core mission is to prevent crime and protect victims. Further, they will damage the whole of government approach that underlies the legal framework established by the original TVPA and its reauthorizations, including the FDTVPPRA.

We urge this Committee to consider the implications of these measures to efforts to combat trafficking and bring justice to survivors. While we do not expect federal agencies to act in violation of their responsibilities, implementation of these Executive Orders needs to be fashioned in a manner that minimizes the risk of human trafficking.

### **Conclusion**

We must not rest on the mistaken assumption that our work is complete. It is time for Congress and the Administration to get serious about anti-trafficking prevention legislation that can truly transform vulnerability into hope. The FDTVPPRA is an important step forward. ATTEST believes the reauthorization bill would bolster our efforts to prevent human trafficking from happening in the first place. This bill does that in ways such as:

- Enhancing the integrity of the U.S. State Department's Trafficking In Persons Report;

- Enabling schools to educate children about how to avoid all forms of trafficking;
- Ensuring that U.S. government procurement does not fund human trafficking;
- Bolstering protections for domestic workers employed by diplomats; and
- Reauthorizing critical anti-trafficking programs across the U.S. Government.

ATEST looks forward to working with the bill's sponsors and all members of the House to seek ways to strengthen the bill even further and move it forward with strong bipartisan support. We also urge you to oppose deep and disproportionate cuts to the International Affairs Budget in both the FY17 and FY18 spending bills. If realized, the cuts would be devastating for anti-trafficking prevention efforts worldwide.

Nearly two decades ago, this committee demonstrated historic and bipartisan leadership, leading efforts to pass the TVPA. Thank you, Mr. Chairman, and members of the committee, for all the work you have done to ensure the U.S. Government continues to be a leader in the fight to end human trafficking worldwide.

Mr. SMITH. Ms. Sperber, thank you for your testimony and for your multiple recommendations made in that extensive submission that you have made to the subcommittee. Thank you so very much.

I would like to now yield to Ms. Saada Saar.

**STATEMENT OF MS. MALIKA SAADA SAAR, HUMAN RIGHTS LAWYER (CO-FOUNDER AND FORMER EXECUTIVE DIRECTOR, HUMAN RIGHTS PROJECT FOR GIRLS)**

Ms. SAADA SAAR. Thank you, Chairman. Thank you, Ranking Member Congresswoman Bass. Thank you for the invitation to be here today.

I am the cofounder and former executive director of the Human Rights Project for Girls, an organization that I founded to address gender-based violence. Although I am presently Google's senior counsel on civil and human rights, I am pleased to appear before you today as a human rights lawyer, who for more than 15 years has witnessed how children trafficked on American soil have too often been left behind.

Let me begin with a story of a girl, a trafficked girl who tried to run away. She could no longer endure the sexual torture and injury done to her still-child's body. She could not tolerate being raped every day again and again by the men who purchased her. Because she could not take it anymore, she ran, but her trafficker caught her. And to make an example of her, to scare the other girls under his control, he set her on fire.

This is not a story of child sex trafficking and enslavement that happened in some faraway country. It is our story. It is the story of a trafficked girl here in the U.S., in Compton.

Girls are sold in this country with the same disregard for human dignity, and they are tortured and burned in the same ways when they try to escape. Across the United States, there are child sex markets not very different from those in Cambodia, in Thailand, and in India. Girls are abducted or lured by traffickers, and once in the commercial sex trade, they are routinely raped, beaten into submission, and sometimes even branded. They are branded like cattle. I have met girls whose faces were branded with the names of their traffickers.

The human rights activist Ruchira Gupta says that the girl who is bought and sold anywhere in the global slave trade is always the last girl. She is the child who has been left behind by her family, by her community. She is the child who has been denied love, denied support, denied education, safety, and economic stability. In the U.S., the last girl is often the girl left behind by our foster care system. Most of the children bought and sold here for sex are child welfare involved, and the data is devastating.

So in California, between 50 and 80 percent of sexually exploited children were involved in the child welfare system. The Administration on Children, Youth, and Families has cited several studies showing that 50 to 90 percent of victims of trafficking had been involved with child welfare services. In 2013, 60 percent of the sex trafficking victims recovered as part of the FBI's nationwide range were children from foster care or group homes.

There are so many girls I have met whose lives painfully demonstrate this child welfare to trafficking pipeline. For example, at

a policy roundtable with 12 girls who had been exploited, I listened as each one of them began their story of being trafficked with the story of being in foster care. All of the girls experienced multiple foster care placements. Most of them were sexually abused while in care. Some of the girls disclosed that they were willing to endure the sexual abuse so that they would not be moved to yet another home. One girl said she stayed so that she and not her sister would suffer the abuse.

Every one of the girls said that this chaos and violence groomed them to be trafficked. And it makes sense. It makes sense that a young girl moving through different homes, different congregate care settings, abused in those placements, is vulnerable to a trafficker who tells her that she is beautiful, that she is loved, that he will be her father, her boyfriend, her Prince Charming and take care of her.

Withelma Ortiz Walker Pettigrew, the powerful advocate and survivor leader, said that her own experience of 14 different foster care placements was, in fact, her training ground for being trafficked. As she notes:

Like me, any youth in foster care becomes accustomed to adapting to multiple moves from home to home, which allows us to easily then adapt when traffickers, pimps, exploiters move us multiple times from hotel to hotel, city to city, and/or State to State. For myself, as unfortunate as it is to say, the most consistent relationship I ever had in care was with my pimp and his family.

It must be understood that the child welfare to trafficking pipeline is also a homeless pipeline. So we tell women to run from abuse, but when girls in care run from abuse, they often become homeless. They run to shelters or to bus stops or they loiter on the streets, and it is in those places of vulnerability that traffickers seduce or coerce them. According to the National Center for Missing and Exploited Children, 60 percent of runaways who are victims of sex trafficking were in foster care.

Indeed, homeless children who have run from home or from foster care to protect themselves because they are LGBTQ youth or abused youth or both are all at risk. One in five homeless children report being a victim of trafficking.

We cannot, we cannot continue to disregard the suffering of our kids. We cannot continue to allow our children to be so hurt and so invisible that a trafficker is their only hope. That is why the Frederick Douglass Trafficking Victims Prevention and Protection Act of 2017 is critical. Especially critical is the bill's emphasis on grants for housing and trauma-informed services.

Safe housing disrupts the pathways to child sex trafficking. Safe housing gives exploited children an alternative to the trafficker. And as the bill points out, safe housing for our exploited children must be specialized and must be trauma-informed. These girls who have been subject to repeated rape and abuse need trauma-informed care to heal from the injuries done to them, but it is not only that they have been subject to systematic rape; they have also been rendered property. They require the supports to heal from that kind of violence and enslavement.

If we are to honor the great abolitionist Frederick Douglass, if we are to really hold ourselves accountable to the girls who are turned into sexual property, like the girl in Compton who tried to escape, then let us do the urgent work of creating new underground railroads out of this modern day form of slavery. Thank you.

[The prepared statement of Ms. Saada Saar follows:]

**COMMITTEE ON FOREIGN AFFAIRS  
Subcommittee on Africa, Global Health, Global Human Rights, and  
International Organizations**

Winning the Fight Against Human Trafficking: The Frederick Douglass  
Reauthorization Act

Testimony of

Malika Saada Saar  
Human Rights Lawyer  
Washington, DC

May 2, 2017

Thank you Chairman and Members of the Committee for the invitation to be here today. I am the co-founder and former Executive Director of the Human Rights Project for Girls, an organization that I founded to address gender-based violence. Although I presently am Google's Senior Counsel on Civil and Human Rights, I am pleased to appear before you today as a human rights lawyer who, for more than 15 years, has witnessed how children trafficked on American soil have too often been left behind.

A few years ago, there was a trafficked girl who tried to run away. She could no longer endure the sexual torture and injury done to her still-child's body. She could not tolerate the experience of everyday, serial rape by the men who purchased her. Because she could not take it any more, she ran. But her trafficker caught her. And to make an example of her, to scare the other girls under his control, he set her on fire.

This is not a story of child sex trafficking and enslavement that happened in some far away country. It is our story. It is the story of a trafficked girl here in the U.S. In Compton.

Girls are sold in this country with the same disregard for human dignity, and they are often tortured in the same ways when they try to escape.<sup>1</sup>

Across the United States, there are child sex markets not terribly dissimilar to those in Cambodia, Thailand and India. Girls are abducted or lured by traffickers and, once in the commercial sex trade, they are routinely raped, beaten into submission, and sometimes even branded. Yes, they are branded like cattle. I have met girls whose faces were branded with the names of their traffickers.

The anti-trafficking activist Ruchira Gupta says that the girl who is bought and sold anywhere in the global slave trade is always the last girl. She is the child who has been left behind by her family and community. She is the child who has

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<sup>1</sup> Tina Frundt, Essay: Enslaved in America: Sex Trafficking in the United States, available at: <http://www.womensfundingnetwork.org/enslaved-in-america-sex-trafficking-in-the-united-states/>

been denied love, support, education, safety, and economic stability. She is the orphan; the refugee; the discarded child of a war torn country.

In the U.S. the last girl is often the girl left behind by our foster care system. Most of the children bought and sold here for sex, are child welfare involved.<sup>2</sup>

The data is devastating:

- In California between 50 and 80 percent of commercially sexually exploited children in 2012 had been involved with the child welfare system.<sup>3</sup>
- The Administration on Children, Youth and Families, (ACYF), in a 2013 document, included several studies showing that 50 to more than 90 percent of children and youth victims of child sex trafficking had been involved with child welfare services.<sup>4</sup>
- In 2013, 60 percent of the child sex trafficking victims recovered as part of a FBI nationwide raid from over 70 cities were children from foster care or group homes.<sup>5</sup>

There are so many girls I have met whose lives painfully demonstrated the child welfare to trafficking pipeline. At a policy roundtable with 12 girls who were

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<sup>2</sup> "Finding and Stopping Child Sex Trafficking," NPR, August 1, 2013. Available at <http://www.npr.org/templates/story/story.php?storyId=207901614> (2013 Operation Cross Country cites that 60% of victims recovered were from group homes or foster care system); In 2012, Connecticut reported 97% of identified victims of child sex trafficking were child welfare involved. Connecticut Department of Children and Families, *A Child Welfare Response to Domestic Minor Sex Trafficking* (2012). Available at [http://www.ct.gov/dcf/lib/dcf/humantrafficking/pdf/response\\_to\\_domestic\\_minor\\_sex\\_trafficking.pdf](http://www.ct.gov/dcf/lib/dcf/humantrafficking/pdf/response_to_domestic_minor_sex_trafficking.pdf); In 2012, California's Succeed Through Achievement and Resilience (STAR) Court Program reported that 80% of the commercially sexually exploited children in their program were child-welfare involved. California Child Welfare Council, *Ending the Commercial Sexual Exploitation of Children: A Call for Multi System Collaboration in California*. Available at [http://www.youthlaw.org/fileadmin/ncv/youthlaw/publications/Ending-CSEC-A-Call-for-MultiSystem\\_Collaboration-in-CA.pdf](http://www.youthlaw.org/fileadmin/ncv/youthlaw/publications/Ending-CSEC-A-Call-for-MultiSystem_Collaboration-in-CA.pdf)

<sup>3</sup> California Against Slavery Research and Education, 2015: <https://www.childwelfare.gov/pubPDFs/trafficking.pdf>

<sup>4</sup> <https://www.childwelfare.gov/pubs/issue-briefs/trafficking/>

<sup>5</sup> Federal Bureau of Investigation, Violent Crimes Against Children: Innocence Lost, available at: [http://www.fbi.gov/about-us/investigate/vc\\_majorthefts/cac/innocencelost](http://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/innocencelost)

trafficked and exploited, I listened as each one of them began their story of being trafficked, with the story of being in foster care. All of the girls experienced multiple placements in foster care and group homes. Most of them were sexually abused while in care. Some of the girls disclosed that they were willing to endure the sexual abuse so that they would not be removed to another home, and therefore removed from their siblings. Every one of the girls recognized that it was the experience of multiple placements in foster care and group homes that groomed them to be bought and sold for sex.

It makes sense that a young girl moving through several different homes and congregate care settings, abused in those placements, is vulnerable to a trafficker who tells her that she is beautiful, that she is loved, that he will be her father/boyfriend/prince charming and take care of her.

Withelma Ortiz Walker Pettigrew, the powerful advocate and survivor leader, said that her own experience of 14 different foster care placements was in fact her training ground for being trafficked. As she notes: "Like me, any youth in foster care, becomes accustomed to adapting to multiple moves from home to home which allows us to easily then adapt to when traffickers/pimps/exploiters move us multiple times, from hotel to hotel, city to city, and/or state to state. For myself, as unfortunate as it is to say, the most consistent relationship I ever had in care was with my pimp and his family."<sup>6</sup>

It must be understood that the child welfare pipeline is also a homeless to trafficking pipeline. We tell women to run from abuse, but when girls in care run from abuse, they often become homeless. They run to shelters or bus stops or loiter on the streets. And it is in those places of vulnerability that traffickers seduce, coerce or kidnap the girls. According to the National Center for Missing

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<sup>6</sup> Withelma "T" Ortiz Walker Pettigrew, Hearing on Protecting Vulnerable Children: Preventing Sex Trafficking of Youth in Foster Care, United States House of Representatives Committee on Ways and Means Subcommittee on Human Resources October 23, 2013:  
<https://waysandmeans.house.gov/UploadedFiles/T.Ortiz.Walker.Pettigrew.Testimony.HR102313.pdf>

and Exploited Children, 60 percent of runaways who are victims of sex trafficking had been in the custody of social services or in foster care.<sup>7</sup>

Indeed, homeless children who have run from home or from foster care, to protect themselves because they are LGBTQ youth, or abused youth--or both--are all at risk. 1 in 5 homeless children report being victims of child sex trafficking according to a recent study on the intersection between child homelessness and trafficking.<sup>8</sup>

We cannot continue to disregard the suffering of our children. We cannot continue to allow our children to be so hurt and so invisible, that a trafficker is their only hope. That is why the Frederick Douglass Trafficking Victims Prevention and Protection Act of 2017 is critical.

Especially critical is Section 114's emphasis on grants for housing and trauma-informed services. Safe housing disrupts the pathways to child sex trafficking. Safe housing gives exploited children an alternative to the trafficker. And, as the bill points out, this kind of safe housing for our exploited children and youth must be specialized and trauma-informed. The girls who have been subject to repeated rape and abuse need trauma informed care to heal from the injuries done to them. They have not only been subject to systematic rape, but they have also been rendered property. They require the supports to heal from that kind of violence and enslavement.

If we are to honor the great abolitionist Frederick Douglass, if we are to hold ourselves responsible to the girls who are turned into sexual property, like the girl in Compton who tried to escape, then let us do the urgent work of creating new underground railroads out of this modern day form of slavery.

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<sup>7</sup> John Ryan, CEO National Center for Missing and Exploited Children (NCMEC), Hearing on Protecting Vulnerable Children: Preventing Sex Trafficking of Youth in Foster Care, United States House of Representatives Committee on Ways and Means Subcommittee on Human Resources October 23, 2013:

<https://waysandmeans.house.gov/UploadedFiles/T.Ortiz.Walker.Pettigrew.Testimony.HR102313.pdf>

<sup>8</sup>*Labor and Sex Trafficking Among Homeless Youth: A Ten City Study*, Loyola University's Modern Slavery Research Project, March 2017: <http://www.modernslaveryresearch.org/labor-sex-trafficking-among-homeless>

Mr. SMITH. Thank you very much for your leadership and for your testimony.

Let me begin, if I could, with some questions. First, Ms. Becker, if I could start on child soldiering with you. As you know, our legislation does really try to beef up and strengthen, as you have pointed out in your testimony, by providing effective and continuing steps when there is a waiver so that we don't see an abuse of the waiver; the idea that government-supported police and the security forces would be added to the military; and then the accountability in terms of reporting to Congress, the committees of Congress, in a very prompt and robust way.

Greg Simpkins and I were in South Sudan last August. We met with Salva Kiir, five of his generals, his Minister of Defense, and his Vice President, and really pressed hard on a zero tolerance policy on sexual abuse, the targeting of vulnerable, mostly women and children, as well as aid workers and child soldiering as a huge problem in South Sudan. About 16,000 is the current estimate. It could be higher or lower, but it is a major, major league problem. He promised to help on the zero tolerance policy. We are still waiting with bated breath for that to be truly implemented, although I think it will. There are some signs, but it is still not there.

So if you could speak to the language in the bill because, again, when waivers are provided, you have underscored the good, the bad, and the ugly with your comments on the DRC, Rwanda, and Chad. And I think the fact that DR Congo went down to near zero on recruitment is a major success story. And then, you know, further down in your testimony, of course, you talk about how in 60 percent of all cases, according to the Stimson Center, waivers were used, accounting for 95 percent of the aid affected by the law, which is the ugly. If you can elaborate on how you think this legislation might help.

And then I would like to go, if I could, to Melysa Sperber about progress is lagging in the area of prevention. You point out that prevention is more than awareness raising. I agree with that. Systemic causes always need to be addressed if you want to get rid of the underlying problem. But we have not done enough even on the awareness raising. So if you could elaborate on that, both parts of it.

Of course, Mr. Benz, you on the awareness raising as well, because I do believe that knowledge is power. The more these young people at the earlier age know what awaits them if they are runaways or get involved with one of these pimps or traffickers, that they are inviting hell on Earth into their lives and that of their friends if they go that path. And of course, drugs are so often a part of it.

So there needs to be a major effort, I would think, starting with the President, the Governors, certainly Congress, and amending the Elementary and Secondary Education Act is a major step in that direction. Maybe there is more that we need to be doing. But if you could speak to this issue of prevention.

I still think we lag on prosecution as well as on the area of protection of the victims, the three Ps of trafficking, but it seems to me that if you could stop it in the first place, just like if you look at health, an ounce of prevention is worth a pound of cure, the

more we stop cancer before it starts or in its early stages, the more likely the trauma will not follow.

If I could, Ms. Saada Saar, if you could tell us about your successful efforts to shut down craigslist, an adult services page, what lessons have we learned to help stop children being trafficked online. There is a very serious effort being undertaken by Ann Wagner to look at the CDA to amend it, to change it so that liability is not sloughed off as it has been so that Backpage can operate almost with impunity, almost like a slave block where women are put online and sold like commodities and young girls and young boys, so if you could speak to that. And then I do have many, many other questions.

And I also thought, Ms. Sperber, your point about the Achilles heel of anti-trafficking efforts is the lack of evidence. When we did the first Trafficking Victims Protection Act, we had language in it which we got right from the U.S. Department of State that said 50,000 people are trafficked into the United States every year. It was in our findings. It was wrong. It turned out to be a very bad survey. But I can't tell you how many people, including the Washington Post, used that and some other imprecise calculations to mock our efforts on human trafficking, and they mocked it. Front page above the fold, left-hand side—I will never forget the article—rather than covering the silent epidemic against women and children called human trafficking, because so much of it is hidden, they looked at a statistic that probably was false and had a great deal of sport in mocking it.

And I think the more we get it accurate, the more likely we get more buy-in from people, including the media, which often ignores this issue majorly. Look over there. We invited every single solitary press person we could think of, maybe if you are watching online, to be here to hear what you had to say, all five of you, and I look over and there is nobody at the press table. If we were talking about some more trivial matter that had a greater appeal to the media, they would be lined up. And this happens all the time. Yeah. Or if we didn't have a unity here on the legislation Ms. Bass and I have introduced and several others, including the chairman of this committee, they would be covering it. Maybe we should start something.

But it is very disappointing because that lack of visibility in the media then diminishes the impact of everything we do.

And finally, if I could, Mr. Gehring, just if you could, for the record, reiterate again just all of you if you would like to, how important it is to get the TIP Report right. It was a problem during the Bush administration. I think it became epidemic in those last 2 years of the Obama administration. And it is not like we said this in a vacuum. I invited the Ambassador-at-Large to testify.

We had previous Ambassadors-at-Large testify about how politicization of the TIP Report was causing others—Thailand, when you would meet with the TIP leaders in Thailand they would say, why should we listen to you, although they were listening. When we look over at Malaysia and they get a bye because of the TPP.

China which arguably is the worst trafficker on Earth in terms of the numbers. One reason being sex-selection abortion which has

led to at least 61 million missing girls, because of that systematic evisceration of the girl child while still in utero. It is a magnet for trafficking like few other countries on Earth.

India has a problem with that as well, but nothing like China. What they do vis-a-vis North Korea is an outrage. Women make their way into China and they are trafficked. We have had five hearings in this subcommittee about the trafficking of women from North Korea. They told their stories. They think they are relatively free now that they are on the other side of the border to be met by a broker who then sells her.

So it is a violation of the Refugee Convention on the part of China and yet they are not Tier 3. That is absurd. No matter what we are working, in my opinion, with China on, trying to mitigate the crisis in North Korea or any other issue du jour with China it should not in any effect what the TIP Report says about the truth. And whether or not sanctions follow is a call by the administration.

And I think when you use sanctions you increase the effectiveness of everything vis-a-vis TIP and the office. When you don't, people take note of that and say, hmm, sanctions are there, but they don't utilize them.

So if you could speak to the importance again, and this would be to the administration now, we thought we had a meeting a couple of us with Secretary Tillerson, that was going to be my lead that in South Sudan, comments that I would make, get the TIP Report right. Listen to those experts at TIP. They eat, sleep, and breathe the human rights issue. And don't let the Assistant Secretaries and the bureaus shape it. Get it right and then move on from there. So those questions, if you could, and then I will yield to Ms. Bass.

Ms. BECKER. Mr. Chairman, thank very much for your question. I am happy to address in greater detail how the Frederick Douglass Reauthorization Act will strengthen the Child Soldiers Prevention Act and address some of the problems that we have seen over the last few years in implementation.

I think one of the most important aspects, as you mentioned, is the issue of waivers. Under the Obama administration we saw waivers being used in the majority of cases, and oftentimes used for countries that have made little or no effort to address their child soldier problem.

You mentioned the situation in South Sudan, which is one that we are very concerned about. South Sudan was actually making some progress in ending the use of child soldiers until 2013 when the current conflict erupted. Since that time that progress has completely unraveled, and we have seen child recruitment skyrocket. And yet, the Obama administration gave South Sudan waivers under the Child Soldiers Prevention Act for every year for 5 years.

Another example is Yemen. Before the Houthis overthrew the government in 2014, the administration had given Yemen full waivers for every single year, despite virtually no effort by Yemen to address their child soldiers problem. So the Frederick Douglass Reauthorization Act, one of the most significant things that it does in this respect is require that if the President issues a national security waiver, that he certify to the appropriate congressional committees that the affected government is taking effective and continuing steps to address their problems of child soldiers.

So this will be very important. It preserves some flexibility in the law. So the President still has the authority to issue waivers if he believes that it is in the national interest, but it creates much greater pressure on these governments to actually take concrete steps to end their recruitment and use of children. So that is the first thing that I wanted to address.

The second thing, you also mentioned in your early remarks changing the definition of which forces would be covered by the act. Afghanistan has been a problem for the last few years. I mentioned that child recruitment in Afghanistan doubled between 2014 and 2015.

One of the parties that was recruiting children is the Afghan Local Police. This is an entity under the Ministry of Interior, completely government-controlled that has been recruiting and using children in active combat and in operations against the Taliban. And yet, because of the word "police" in their name, and their status under the Ministry of Interior, the State Department has refused to consider Afghanistan as coming under the umbrella of the Child Soldiers Prevention Act.

So the new amended definition that the Frederick Douglass Reauthorization Act provides will ensure that these loopholes don't allow some governments to escape scrutiny in the future. It will ensure that Afghanistan comes under the umbrella of the bill, which will be very important.

A third important provision of the Frederick Douglass Reauthorization Act is to specify a timeframe of 45 days after the State Department issues its list of what governments are involved in the use of child soldiers, the Secretary of State will have 45 days to notify those governments that they are subject to the Child Soldiers Prevention Act and possible withholding of military assistance. And that notification period is really important and an important improvement.

And then finally, the original Child Soldiers Prevention Act only required annual reporting on implementation for the first 5 years of implementation. We have passed that date. And yet, we need to know how the law is being implemented. And very significantly the Frederick Douglass Reauthorization Act will not only continue to require annual reports, but it will also require much more transparency over what amount of aid has been allowed to go to countries using child soldiers under the use of waivers and how much has been withheld.

And that is going to be of great use to both Congress and the public to be able to tell whether this law is being used for its intended purpose or not.

So these are four very important improvements that are being put forward in the new act. Thank you.

Ms. SPERBER. Thank you, Mr. Chairman for those important questions. We at ATEST agree that we are lagging in all three Ps. And so we certainly encourage the U.S. Government to continue their emphasis on prosecution, protection, and prevention. And yet we are so pleased to see the committee and the bill's sponsors put an emphasis on prevention which we see as being really the greatest gap in our work on human trafficking in the United States and overseas.

We also agree we could do more to raise awareness and that we should be doing more. We would point to a huge critical opportunity to focus on the risks of trafficking within global supply chains of both labor and sex trafficking. We would look to programs like The Coalition for Immokalee Workers' Fair Food Program as an excellent model in the United States, and also increasingly recognized worldwide as one that would reduce risk for trafficking and put workers and survivors squarely at the center of enforcing those mechanisms.

We also believe public-private partnerships are instrumental in raising awareness, and would look to efforts like the Blue Campaign, which has had real positive impact in raising awareness around the United States.

Most important for us, though, we want to see that where awareness is raised, there are complementary efforts to invest in services, to ensure that those survivors who come out of the shadows to demand services because of this awareness are met with a specialized response to their very significant needs.

And so we see increasingly that where there are awareness efforts made there are demands for services, and that is a consequence of the success of those efforts. But we also see that service providers have increasing wait lists and that they don't have the training and capacity they need to meet that demand. And so we would hope to see that balance achieved as we move forward.

On prevention, we absolutely agree with you that it is so necessary to address the root causes of trafficking, which are so complex and rest on so many different interrelated forms of exploitation, whether it is discrimination, gender, gender-based violence, or the criminal justice system's impact on youth, particularly those of color, those who are coming out of systems like foster care and child welfare that are putting them at greater risk rather than strengthening them and reducing their vulnerabilities.

And so we hope to see more attention and investment paid in those root causes. There are two areas that we see as promising. The first is the integration of trafficking within other programs. Things like what is happening at USAID, where they have implemented counter trafficking in persons policy that is applied across the agency. We are very pleased to see the provisions in the reauthorization to increase transparency around those expenditures at USAID so we have a greater understanding of the impact that they are achieving, where there are gaps, and what we can do to better address those gaps.

We also want to ensure that within the humanitarian context nothing is done to inadvertently heighten the risks of trafficking. We saw some risk of that after the earthquake in Haiti. And it was so wonderful that there was a supplementary appropriation made that enabled the State Department to focus specifically on trafficking. We would hope to see that happen after disasters, whether manmade or environmental, in the future, because we do know that vulnerability goes up in those crisis situations.

And then finally, I would note the importance of listening to the U.S. Advisory Council on trafficking. The survivors who have been appointed to that council are incredible experts and they point to prevention and the need to address root causes. And so I think that

if we have all of the expertise and the evidence in place to tell us that this is really the direction we can and should be going in.

And then on your point on data, Mr. Chairman, it is so difficult to get ahold of the scope of this crime because it is underground and because it is in the shadows. And we have suffered, as you noted, from numbers that have misinformed the direction that our policy should go in.

We see two promising ways or bright spots that we can look to. The first as you noted, is the International Labor Affairs Bureau at the Department of Labor. We see it as really a gold standard in terms of their approach to monitoring and evaluation. And we believe we can really look to the efforts that they have made that have touched nearly 2 million children worldwide in reducing their vulnerability. We hope to see a lot of practices they have put in place to measure the investments that they have made in combating the worst forms of child labor replicated in other agencies and on other programs.

And then finally, we are looking forward to the work that the End Modern Slavery Initiative will achieve. We were very supportive of the bill that came out of the Senate Foreign Relations Committee last year and grateful for the leadership of that committee and then of Congress in authorizing EMSI and the National Defense Authorization Act. And we believe that EMSI's focus on measuring impact and looking especially at the regions and industry where trafficking has the highest prevalence will yield real lessons for us on where we can go next and how we can better inform the direction of our investments, make them more effective, learn what we can do to scale and replicate what is working, and learn from what is not working.

And so, I do think we have some ways that we can hopefully overcome this Achilles heel that has been plaguing this field and that hopefully in future iterations of this hearing and of TVPRA re-authorizations we will be able to bring forward really credible data that will not only inform policymakers like yourself, but also the public and the media so that they can report on what we believe is one of the most consequential human rights violations of our generation. Thank you.

Ms. SAADA SAAR. Thank you, Mr. Chairman——

Mr. BENZ. Mr. Chairman, first of all, I have say I love your passion on this subject. I am very passionate about this subject also.

And of course it would come as no surprise as someone who founded an organization in his name. I am very excited that you have decided to name the Trafficking Victims Protection Act after Frederick Douglass.

But I really believe the addition of the word prevention can change the paradigm of how we approach this issue of human trafficking, not only in the United States, but all over the world.

We have been thinking about this for a long time. I stay up nights thinking about this and how we can create a systematic approach to prevention so that we have children that are living free of this problem. We have addressed it in four ways with a program that we launched in California last year called PROTECT. I will just go over real quickly what those four components are.

First of all, we start with a protocol that community members agree upon, law enforcement, service agencies, NGOs, schools. This allows everyone to get on the same page. In my experience in addressing this issue across the United States, communities have not necessarily been on the same page when we are approaching this issue.

We have relied in a lot of ways on law enforcement and service agencies to take the lead and do the work on this issue, where faith-based organizations and schools and parents have been asking the question how can I help? What can I do? I want to make a difference in this field. This is a way of starting.

The next component is training, training teachers, and training professionals in the community on this subject because those that are supervisors of young people are first responders. And if we are able to identify this early enough, we can reduce the amount of harm that is done and help someone get out of this sooner.

The next piece is education. And we start education in grade 5. Again, this is a general approach to knowing who is allowed in your own boundaries. We go to 7, 9 and 11. We want young people not only to understand the nature of human trafficking, but we also want them to understand the historical connection to slavery.

This matters in a lot of ways, not only so they can see the connections between historical slavery and human trafficking, but also so they can see that this problem of slavery has plagued human kind for thousands of years and there is not necessarily a solution available that is going to make it disappear overnight. And so we can convince young people that this a long-term approach and how do we approach it in the long-term.

The last piece is research. We have a University partner in our California project, Sacramento State University and they are helping us create new data. One day we will be able to do it, create correlations between how much education and training we do equals X amount fewer of people that are trafficked in our community.

We don't know that number because we don't know how many people are trafficked in our community today. So we are starting with gathering data that allows us to understand that young people understand material, teachers understand material, and we can find out how we have reduced the vulnerability of children to this issue, to this problem and, to this threat in our communities.

So that is the way we envision how the addition of prevention and a new focus on prevention can change the paradigm of what we are doing on this issue.

Ms. SAADA SAAR. Mr. Chairman, you and I have a very deep abiding belief in human rights. And as a human rights lawyer what I have learned, what I have been taught, is that the abuse is maintained and continued if there is impunity. And right now we deal with the situation of impunity in the way that our children in this country are purchased for sex.

In most situations when children are purchased for sex, the buyer is not even arrested. And when the buyer is arrested, it is usually on solicitation misdemeanor, not on any form of child sexual abuse. We continue to contemplate this issue within the context of vice and prostitution. Even though it is happening to these kids

has nothing to do with vice or prostitution. This is a form of child sexual abuse. And yet, the perpetrators are not treated in that way.

We have created a legal distinction and a cultural distinction between raping a child and paying to rape a child. And in the latter instance, there is full impunity for that crime. I have come to believe very deeply that if we want to stem the epidemic of child sex trafficking in this country we must begin to understand this and enforce this as statutory rape. We cannot continue a situation where when buyers purchase our children they are set free or simply receive a slap on the hand.

If we begin to prosecute buyers for statutory rape, for sexual assault of a minor, if we put them on the sex offender registry. If we recognize that what they do in any other context is recognized as child rape. If we create these new norms of understanding that this is not about child prostitution, that this is child rape and the perpetrators have to be treated accordingly, that is when we will see a shift.

And until then, I don't think that anything will have the same impact. This is about a culture of impunity that allows these human rights abuses against our children to continue.

Mr. SMITH. Thank you so much for that.

And all of your points were extremely well taken. When we were working on the definition, and the Palermo Protocol couldn't be clearer, that anyone who has not attained the age of 18, which is our definition as well, by definition if just one commercial sex act that person is a trafficking victim. Unfortunately, many of our local jurisdictions don't recognize that. And since most of the prosecution is at the local level, you are right, the solicitation charge as opposed to the child rape charge is what sticks. And I think that culture has to change and has to change immediately.

The law on the Federal level I think gets it right. We can always do more, but we need to be admonishing the States to comport to that definition as quickly as possible. Many have in their State statute like New Jersey's, but we need to do more. Thank you for that admonishment.

Ms. Bass.

Ms. BASS. Well, let me thank all of the panelists for some outstanding contributions to this issue.

I wanted to begin with Mr. Gehring. You have said that you have seen a difference in how the report and the ranking and the tier level actually makes a difference. And I was wondering if you could expand on that some more. And along with that, I wanted to know—you also mentioned that the ranking, the tier ranking was political in some instances. And with that in mind I wanted to know what your opinion of the U.S. ranking is?

Mr. GEHRING. Thank you for the question, Ms. Bass. I do want to be very clear about one thing, I think that for the most part the Trafficking in Persons Office and the TIP Report gets it right.

Ms. BASS. Right. That was clear.

Mr. GEHRING. I think that they do a tremendous job on the majority of the rankings, and especially the narratives. And the dedicated staff at that office represent the very best of American ideals and values.

I would also say that the 2015, 2016 report, those were quite controversial on especially a few countries.

So I would also caution against this upcoming report being vindictive against those past years, right? Because that perpetuates the politicization of the report. So we don't way to say, well, we didn't those guys on Tier 3 last year or, 2 years ago, but we are going to get them this year. I don't think that is helpful.

And the tension that exists between the regional bureaus and the Trafficking in Persons office is a natural one, right? The regional bureaus are dealing with broad—

Ms. BASS. My question was you said that you have seen where the report makes an actual difference. And I was wanting to know if you would give me some examples of where you saw it makes an actual difference.

Mr. GEHRING. Yes, we have an office in the Philippines that for 12 years focused on commercial sexual exploitation of children. And 7 years ago the Philippines was ranked on the Tier 2 Watch List. And based on our experience, based on the case work that we worked in partnership with the Philippines National Police, children were openly exploited.

But that government has made tremendous progress on addressing commercial sexual exploitation.

Ms. BASS. What does he do, kill everybody?

Mr. GEHRING. Not notwithstanding many of the other human rights abuses that still exist in the country. So I think that is an important distinction to highlight is that we don't have to wait until a country solves all of its poverty or all of its human rights abuses before it can start protecting children. And we have seen the Philippines do a tremendous job on that specific crime.

Last year in the 2016 report, they received their first Tier 1 ranking which we believed is an appropriate ranking based on the progress—

Ms. BASS. But did you think they made that progress because of their ranking in the report?

Mr. GEHRING. Indeed. In 2010 when they were at risk of losing a significant amount of foreign aid, this is anecdotal evidence, from our case work in our offices there, we had the Philippines Government coming to our offices there asking what can we do to improve our tier ranking? What actionable steps do we need to take? And I think that is where the TIP Report can be extremely useful. That is what you want the TIP Report to do. It is a tool that is used to spur government to action. It is not the end result in itself to get a country onto a Tier 2 Watch List or on Tier 3. You want that to be a prod for them to make concrete and credible evidence on how they are protecting citizens.

Ms. BASS. And our ranking, the U.S.?

Mr. GEHRING. I appreciate the question, but I would actually probably defer to my other panelists who work on domestic issues. IJM's expertise is on international issues, but I think there are many others on the panel who can speak to the U.S. Government's ranking.

Ms. BASS. Ms. Becker, you were talking about child soldiers. And you mentioned two countries that Obama waived, you mentioned

South Sudan and Yemen. What exactly is the waiver? What does the waiver say? Do you know?

Ms. BECKER. Sure. Thank you Ranking Member Bass.

So the waiver provision allows the President to invoke national security interests to basically bypass the prohibition that is in the Child Soldiers Prevention Act.

So with no waiver it means that certain categories of military assistance are automatically withheld from a government that has been listed by the State Department of being involved in the use of child soldiers. But if there is a waiver from the President, it means that that assistance, whether it is foreign military financing or military training, or direct commercial sales is allowed to continue, even if the country has taken no action to address child soldiers.

Ms. BASS. So in your experience with child soldiers, short of kidnap or force, what drives them, what drives the children to become child soldiers?

Ms. BECKER. That is an excellent question. What we have seen in our research at Human Rights Watch is that there is a whole continuum of ways that children end up in governmental, armed forces, paramilitaries, or rebel groups. So at one extreme you have children who are literally abducted from their homes, abducted from their schools, threatened with death if they don't join.

In other cases, we see children who are coerced, or threatened, or, for example when I did research on Burma, I found that there were boys that were told that if they didn't have an identity card, they would have to go to jail. But if they didn't want to go to jail they could join the army instead. And that actually wasn't true, but it was a form of coercion to make these boys choose the army.

In some cases, children, especially if they have seen atrocities against their family or against their community, may be motivated to join armed groups or armed forces out of revenge. They want to protect their community. They want revenge for abuses against their loved ones.

Then you also have children who are lured in by promises. Promises of salary, promises of education, lured by status, wanting to be seen in the uniform or carrying weapons, maybe they see others in their community who have joined. But oftentimes these children have no idea of what the reality of military service is or the kind of danger they will find themselves in.

Ms. BASS. Human Rights Watch looks at conditions in the U.S., correct?

Ms. BECKER. That is right, we do.

Ms. BASS. Do you look at gangs in the U.S. and why children here join gangs?

Ms. BECKER. Human Rights Watch has not looked at youth and children joining gangs in the United States, but there has been excellent research by other organizations that draws the parallels between children who join gangs and children who join armed forces.

In Brazil for example, children who join the gangs in Brazilian favelas, their profile is very similar to what you see for children joining armed groups in conflict countries. And in fact, their mortality rate is higher than in many conflict countries.

Ms. BASS. Well, it is interesting how we view child soldiers in other countries than the level of empathy and concern, but what draws kids to join, the ones that aren't forced we—what happens in our country we don't seem to have—we don't look in that same way at all.

Where I know that one of the things that draws kids to join gangs in communities is their safety. It is a job, it is employment, surrogate family, kids that fall between the cracks. But our view here is to incarcerate them as opposed to address the root cause reasons for them joining a gang.

Ms. Saada Saar, you talked about trauma informed care. I was wondering if you could describe what trauma informed care means?

Ms. SAADA SAAR. It is a term that does get tossed around very loosely. I think what the elements that I consider to be critical to trauma informed care is that we are not talking about getting a bunch of girls to do yoga classes and that counts as trauma informed care, or to make jewelry.

Trauma informed care is about involving a comprehensive systematic approach to healing and well-being. And so when we think about a comprehensive approach, it is not a 30-day program. It is a program that stretches out from 6 months to a year that is both intensive and has aftercare, that is inclusive of professionals, as well as those who are peer counselors. That type of comprehensiveness, that type of recognition that the process of healing is not short term but long term. The recognition that healing can only happen when there is the stabilization of the individual.

Trauma informed understands especially in this context that it is not only about healing from the sexual violence, but again from the condition of being made into property.

Trauma informed care for our children I think also has to have a very keen eye toward the need for educational resiliency. That we are talking about girls who instead of going to school have been bought and sold. Boys who instead of being in school have been made into the sexual property of another. It is critical that as part of a healing process that is comprehensive and trauma informed, that they be able to reclaim themselves as learners, that they be part of an educational process that allows them to be whole and to thrive.

Ms. BASS. So I am going to ask you in a minute what you think of our ranking on the tier system. But I want you also to talk about the child welfare system, because one of the problems I have with us here is the definition of child abuse and child neglect, it has to be a caregiver, a parent. And if you are a pimp you don't fall into that system, therefore the girls or the boys do not receive the same type of protection.

And over the last few years we have tried to change that. I don't know if the work we have done here has actually worked, has actually been implemented, meaning in cities and States. If we view the children who are trafficked—we send them to jail, we arrest them and view them as prostitutes. And in some places like Los Angeles for example we are not doing that anymore, supposedly.

So my question is about how we view by definition who these children are. Are they now being considered as part of the child welfare system or are they still falling through the cracks?

Ms. SAADA SAAR. I think there is a real need to do an audit around that. I don't think we know. And I think it is absolutely critical that we be able to understand whether or not the law that was changed to recognize that, it is not only abuse by the caregiver or legal guardian but that the trafficker has to be contemplated as having some form of custody over the child and that the child has to be recognized as being under the purview and protection of child welfare services. We have to get at that.

I know that when we look at certain States that made that change, for example in Florida, we did see a real implementation of how to ensure that children who were being trafficked were in fact contemplated as child welfare kids.

I think the other piece that is important to surface when we talk about child welfare is that not only must child welfare take responsibility for our kids who are being bought and sold, but it is also important to look at this issue of multiple placements.

Ms. BASS. Right.

Ms. SAADA SAAR. Because it really is the multiple placements that especially our girls endure that render them so absolutely vulnerable. What is happening that a girl can be subject to anywhere from 10 to 14 placements?

Ms. BASS. I have met girls that were placed 66 times.

Ms. SAADA SAAR. It is unacceptable. And so I think part of how we talk about reforms to child welfare we have to center it around ensuring that our children who are bought and sold are in fact protected under child welfare. But we also have to get to this issue of multiple placements.

And then I think the other piece that is really important here that speaks to criminalization is that if we see the kids under the protection of child welfare, that child welfare ought to have influence and guidance in what happens to the girl as opposed to the juvenile justice system. Right?

That if we really do recognize that the girl is being abused, that that is in the purview for child welfare as opposed to juvenile justice. And what we have seen happen way too often is that our children who are being bought and sold are being displaced into the juvenile justice system as opposed to child welfare or the public health system generally.

Ms. BASS. I think what is so powerful about this to me is the statistics you said from 50 to the 90 percent, if you are in the child welfare system, the government is your parent and the government is responsible for you. So if you get trafficked and you are under the care of the government, that is a whole other ball game than a random child that is kidnapped or a random child on the street.

And the government doesn't have any responsibility for that, which is why I raise where is our ranking on the tier report. Considering we rank ourselves, we rank ourselves best, which I think that is really a major contradiction that we need to look at ourselves a lot more.

I wanted to ask you about the type of services girls from the foster care system might need that might be different from a woman or a child that was from another country and was trafficked for their labor. Can you lump it all together and can you provide services to the person from another country who was labor trafficked

and a girl in foster care, is it all the same in terms of service provision?

Ms. SAADA SAAR. It is not all the same. And I think we make a real mistake in conflating all of those conditions. I will say to you that what is very clear to me is that our girls—and it is mostly girls—who are at the intersection of child welfare and child trafficking are also involved in juvenile justice. And so when we talk about child sex trafficking in this country, it includes those systems that have been very dangerous for our kids. That is not true with labor trafficking, right? There isn't necessarily the involvement in criminalization or the experience of being in child welfare made vulnerable because of multiple placements and then sold.

It is important to acknowledge, and it is not at the exclusion of understanding—this is not an Olympics of suffering, it is simply to say that there are distinct experiences and particular interactions with certain child-serving systems that are failing our kids that are part of the experience of child sex trafficking that we have to be able to distinctly address if we want our kids to heal.

The experience alone of a girl who has been put into 60 placements or more, then bought and sold and then arrested on charges of child prostitution is a particular experience of suffering, it is an indictment on our child-serving systems that we must be able to address in a very distinct and comprehensive way.

Ms. BASS. So here we are in DC, and there has been a number of reports lately about missing girls. In California, there is a Web site from the child welfare system where you can see the missing children.

What is the situation in DC, if you are familiar with it? There are a number of girls, they don't know where they are.

Ms. SAADA SAAR. Look, you know, there is a deep belief that I have that because of the age of those girls, because of the vulnerability of those girls, that they are the girls who are being bought and sold in this city. I have met too many girls here and throughout the country who have run away from home because of abuse at home or in the foster care system. They are considered runaways, but there is not enough effort to look at what has happened to them to understand that those runaways are the girls who are being bought and sold.

And it saddens me that the majority of those girls, whether here or other parts of our country are Black and Brown girls. And that too often there are ways that when Black and Brown girls are subject to violence, to sexual violence especially, they are not construed as victims. They are construed and criminals, as child prostitutes.

And so I really hope that we can instead of casting off the missing girls in DC as just runaways who don't want to be home anymore, we can understand that those girls stories are so representative of what we see everywhere. That those girls are the vulnerable girls who are being trafficked and who are not bad girls, who are not simply to be dismissed as runaway girls, who are girls in places of extreme sexual violence. And they have to be acknowledged for the kind of vulnerability and suffering that they are in right now.

Ms. BASS. And frankly, if a girl runs away, that doesn't mean that she wants to be trafficked. You can run away and wind up in circumstances that you didn't plan on being in.

In Los Angeles we had a situation, these were not girls, they were women, who had been missing. And the community organized and begged the police department to search for the women, and after a while began to believe that was a serial killer. No one believed the community for about 10 or 15 years. They just convicted the guy who continued to kill for 10 to 15 years more and found out that in fact there was a serial killer. I think it was over 30 women that were killed.

So I will just conclude by asking you about what our ranking is on the tier system.

Ms. SAADA SAAR. Well, I hope that we can reexamine that ranking in light of the criminalization that happens to our kids who are being trafficked. It makes no sense to me that in this country we are in a situation, especially against the legal backdrop of the TVPA that recognizes a minor who is involved in commercial sexual exploitation is per se a victim of trafficking.

I don't understand how it can be allowed that in any State or locality, especially those drawing down on TVPA funding, that there is any situation of one child being arrested on child prostitution charges. The idea that in this country we are criminalizing our children who are being subject to commercial rape is unacceptable, is a human rights violation.

And I think the other area of my concern as it relates to our ranking is not only the criminalization of our children who are being exploited, but also as we talked about the full impunity for those who are raping our kids. Any situation again where we have individuals who in another context would be considered to be committing statutory rape, but in this context of purchasing a child and raping that child, and given full impunity, we have to interrogate the norms around that.

We have to ask why have we allowed a culture of impunity around what happens to these kids? And how are we not holding ourselves more accountable to that and ending that if we are Tier 1?

Mr. SMITH. I would like to yield to Ann Wagner. And thank her for taking the time to come out.

She is the sponsor of a new bill, the Allow States and Victims to Fight Online Sex Trafficking Act of 2017. Last year she was the author of the SAVE Act, which became a law. And I would point out that Karen Bass was the author of the Strengthening Child Welfare Response to Trafficking Act, which also became law.

So Ms. Wagner, please proceed.

Mrs. WAGNER. I thank you, Mr. Chairman. And I thank the ranking member too who has been a tremendous leader on this issue and so many things that we have all worked collectively to champion.

I am grateful for this hearing and to have the opportunity to visit with the witnesses and just thank you all for working so tirelessly to complete the Frederick Douglass Trafficking Victims Prevention and Protection Act.

The lifelong work to combat human trafficking is an inspiration to me personally. And I am grateful for the opportunity to be an original cosponsor of this legislation. It is fitting, I think, that the bill is actually named after Frederick Douglass, a great pioneer of

liberty and humanity. A true leader who, to this day, continues, I believe, to teach us about the meaning of justice.

It is my particular honor to offer an amendment that will ensure that countries on the TIP Report's Tier 2 Watch List take concrete actions to combat human trafficking. I had the great privilege of serving as a United States Ambassador in Western Europe from 2005 to 2009. And as a former U.S. Ambassador, I worked a great deal on numerous TIP Reports.

And so, I will be offering this amendment at markup. It will also require the State Department to justify a country's ranking, linking its actual actions to the minimum standards enumerated in section 108.

Together, we will strengthen the TIP program and hold countries accountable for enabling human trafficking. I believe that the passing TVPA, which has been with us so proudly since the year 2000, and this is year 2017, is going to help prevent vulnerable members of our society from being victimized in the first place and helps more survivors successfully reintegrate into normal life.

I thank you again, Mr. Chairman, for your leadership and for advancing what I believe is our global mission both international and domestic to eradicate modern slavery.

Ms. Sperber, as you know, I have introduced the Trafficking Survivors Relief Act, which will give trafficking victims a pathway to petition the courts to have their criminal records cleared for offenses that were a direct result of being trafficked.

How important are vacatur laws to helping get survivors back on their feet?

Ms. SPERBER. Thank you so much for the important question, Mrs. Wagner, and for your services as an Ambassador in Western Europe, and your leadership on human trafficking.

I think the importance of vacature laws is immeasurable. As Malika so articulately described, there is a need for comprehensive trauma informed services. And I think a part of the spectrum of services that we need to offer to survivors includes legal services for not only vacating convictions, but for defending survivors if there are criminal charges pending, if there are civil needs for restitution, or immigration services.

But importantly, in order for those legal services to have a path forward, the Trafficking Survivors Relief Act needs to be enacted. Because right now, survivors are really impeded from healing if they aren't able to obtain employment, and if they still carry with them the charges and the convictions that are a direct result, as you said, of their victimization by traffickers.

And so, we really hope to see that law enacted because it will be transformative for survivors. We know that there are survivors who, as one survivor has told me, has a conviction that is like a life sentence because she can no longer get gainful employment. She has been afforded opportunities that are then taken away from her because of these convictions, which were as a result of her having been trafficked across multiple State lines as a child.

And so, we need to enable them to overcome those convictions. And I think the Frederick Douglass Reauthorization is a really amazing complement to the Survivors Relief Act because it also affords Health and Human Services the opportunity to provide addi-

tional support for survivors who are seeking professional development, whether it is on resume creation or vocational skills, a whole range of services that will be a really important complement to the Survivors Relief Act.

Mrs. WAGNER. I thank you, Ms. Sperber. And I agree wholeheartedly. Having met with so many survivors that are suffering, whether it has to do with employment, housing, going back to school, vocational training, credit, things of this nature, the relief act will apply to noncriminal offenses and give the court the opportunity to vacate those offenses that really pertain specifically to them being victims of trafficking.

Things like the Mann Act. It could be money laundering. It could be there are new prostitution. There could be numerous charges of a noncriminal offense that most of these women or sometimes children carried over, still carry on their record and have been prohibitive for them as they try to turn that page as a survivor and start a new life.

I am very hopeful that we will be—not just introducing but seeing this bill for the first time on the House in late May. We are excited about the opportunities there to move this and advance it forward.

Mr. Gehring, I salute IJM's phenomenal work. And I am wondering whether there are specific places around the world where you see political will mounting to address sex trafficking and forced labor. What are the primary obstacles facing countries also on the Tier 2 Watch List in seriously combatting trafficking?

Mr. GEHRING. Thank you, Congresswoman Wagner, and thank you for the kind words about IJM.

Your question on where we see political will building in countries. I mentioned the enormous progress that the Philippines has made. I would echo that to Cambodia as well and their ability to address commercial sexual exploitation of children. And this is not to say that the issues are solved in these countries right?

Cambodia still needs to maintain the gains that they have made and also address cross border labor trafficking. The Philippines faces a rising criminal industry of online sexual exploitations. These are two examples where we see our partners in the government have made significant steps on addressing a certain type of trafficking.

I think that political will is to be applauded. And I think it is important that the TIP Report, as a tool, not only just name and shame countries, but also recognizes the progress and the gains that have been made. Lest countries get weary of always being pointed out and not given credit for the progress that they have made.

Mrs. WAGNER. What are some of the other obstacles, and I open it to any of you that you think faced these countries on the Tier 2 Watch List from moving forward and combatting trafficking?

Anyone else have a comment on that?

I will move on. And, Mr. Benz, we both know that education and awareness are critical to ending human trafficking in America. How can the U.S. better support education and training programs that promote prevention and detection?

Mr. BENZ. Well, I think that funding is a big part of this. There has not been, as far as I know, since the TVPA of 2000, any significant funding for prevention education. There has been training for professionals. There hasn't been significant training for educators.

So I think funding is a big part of it, and I think that understanding the value of bringing education into public schools will be helpful, and I think the naming of this bill is a big part of that, beginning to reframe how we address this issue, not just from a law enforcement point of view and a survivor service point of view, but from a preventative standpoint as well.

Mrs. WAGNER. I thank you. And I am going to close, Mr. Chairman, on a story about one of my many efforts toward education and awareness when it comes to what I call modern day sex slavery.

I am not one who believes that we can legislate away society's ills, that education and awareness are absolutely critical, in all areas, whether I am dealing with hotels and convention bureaus, whether I am dealing with different transportation outlets. I just did a great event with Truckers Against Trafficking, and NATSO. I am a big believer in dealing with those that on the frontlines, our hospitals, our nurses, our emergency rooms. So many I think across our country that need to have the kind of education and awareness, and I believe it extends to our educators, too.

I had the great privilege, Mr. Chairman, a year or so ago, of pulling together every single public school in my district, Missouri's 2nd Congressional District. I first started with the superintendents and then set up a program of training. The Department of Education came out, along with others in the industry, did two sessions. They were attended by about 50 each of frontline high school and junior high personnel.

These were school nurses and counselors and teachers and others that came from the educational sphere. There were private schools and every one with I think the exception of one of our public schools was there in this day of training, two different sessions, where we talked to the educators about the signs to look for in terms of who may fall victim and prey to human trafficking. We talked about the services that were available. We talked about then ratcheting it up to programs where we are not just doing programs and assemblies on bullying and safe space and things of that nature, heroin, cocaine, things that are very important, opioid abuse, but also on sex trafficking, so that children can be safe and that they are all aware of what is out there.

In every single one of our communities, in every single one of our cul-de-sacs, the scourge of sex trafficking lives, and it is absolutely untenable in the United States of America that this happens every single day to our children, to our women, to our girls, to our boys.

So I am a big believer in education and awareness. I will continue to put forward good commonsense legislation and hold our agencies like the Department of Justice, Mr. Chairman, and others, accountable for the laws that are signed by our President. I have legislation signed by President Obama, and I hope to have future legislation signed by President Trump.

But education and awareness are very key. And I think it is incumbent upon leaders like myself and my colleagues to use the

tools that are out there and bringing people together to keep our children safe.

Yes, Mr. Gehring.

Mr. GEHRING. Just in relation to your question about a Tier 2 Watch List, and forgive the delay, and also in relation to the amendment that you plan on offering specifically around concrete actions, I think that is extraordinarily important. And I think what is especially helpful too is to define what concrete actions are, what credible evidence is, and I think that within that you will get to a diagnosis of what you are hoping to get is what do the Tier 2 Watch List countries struggle with?

And, indeed, it is probably what countries on the Tier 2 Watch List, Tier 3, and indeed, also in Tier 1, that would say some indicators for that are, are there active investigations being conducted? Are there arrests? Are there convictions? Are trainings being provided? Are services to survivors being provided? Those are very tangible things that I think should guide the tier rankings of each country, and I think that those actions within that list are what Tier 2 Watch List and many other countries struggle to do well.

Mrs. WAGNER. You are absolutely right. I thank you very much, Mr. Gehring.

And I thank you again, Mr. Chairman, for your leadership.

I thank the ranking member for letting me follow her in her questioning, and without further adieu, I better head back over to my Financial Services Committee, so I thank you all so very much for what you do.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mrs. Wagner, for your leadership and for taking the time to be here.

Mr. Gehring, I think you made an excellent point about the Philippines when asked what country has the TIP Report and the threat of sanctions, as well as all the positives, technical support that is provided on how to craft good policy working with our Embassy and with the TIP office.

Piero Tozzi and I after the typhoon hit in 2013, November 2013, Haiyan, went over there. I led a congressional delegation. Our military did an extraordinarily good job. The *Abraham Lincoln* was there, the military. The Marines were there providing food, clothing, shelter.

But everywhere we went, we went with two cabinet officers. I obviously, as did Piero, brought up trafficking in persons. I was amazed the impact that the U.S. Government has had by being faithful in defending, and working on behalf of, potential victims, particularly children, how clued-in the leadership was of the Philippines.

So the TIP office, for the record, and the TIP Report I think has a very laudatory, you know it was Natan Sharansky who said you can't fight a human rights abuse if you don't first chronicle it and do it with great, great accuracy. So that is why the accuracy issue is so important, as you pointed out.

I would note for the record that in the early years of the TIP Report, which as you all know has prescribed minimum standards which we have updated and made stronger and better over the years, both Israel and South Korea were on Tier 3, subject to sanc-

tions where they could lose security aid and other kinds of assistance, two of our closest allies in the world, the Bush administration put them on Tier 3.

And I met with the Ambassador to Israel frequently and the South Korean Ambassador who wanted to get off tout de suite, as quickly as they could get off it. And they took very, very significant actions.

The South Koreans passed a number of laws that looked just like ours, and perhaps even better in some cases; and the brothels in Tel Aviv and elsewhere in Israel were shut down, and the women who had been exploited were liberated.

It shows that it works, so another couple of examples. But it has to be, that is why our appeal to the new administration is, as we did to the previous administration which fell on some deaf ears, get it right. Just tell the truth. Speak truth to power. And all five of you have done so very, very effectively today to this subcommittee and by extension to the Congress and American people.

So I want to thank you so very, very much, and again getting back to your original testimony, Mr. Benz, when you said knowledge makes a man unfit and, of course, we would add a woman as well, unfit to be a slave, and that it is easier to build strong children than to repair a broken man or women. Thank you for your testimony and your leadership.

And tomorrow in this committee here, we will mark up the bill. It has been referred to several other committees. We will be working with the chairman and the subcommittee chairman and, of course, Kevin McCarthy who has a very strong and passionate heart for ending human trafficking to get this bill on the floor as quickly as possible.

The original TVPA, Trafficking Victims Protection Act, was referred to 4 committees and 11 subcommittees. Many thought that was the death knell for it because we would never get it out of these committees, but we did just by working painstakingly with the leadership. And one by one it was released, either waived or marked up, and this bill will move, I think, very, very quickly, hopefully, to the President's desk.

Thank you so very much. The hearing is adjourned.

[Whereupon, at 4:43 p.m., the subcommittee was adjourned.]

## A P P E N D I X

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MATERIAL SUBMITTED FOR THE RECORD

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

**Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations  
Christopher H. Smith (R-NJ), Chairman**

May 2, 2017

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

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>).

**DATE:** Tuesday, May 2, 2017

**TIME:** 2:00 p.m.

**SUBJECT:** Winning the Fight Against Human Trafficking: The Frederick Douglass Reauthorization Act

**WITNESSES:**  
Mr. Robert Benz  
Co-Founder and Executive Vice President  
Frederick Douglass Family Initiatives

Ms. Jo Becker  
Advocacy Director  
Children's Rights Division  
Human Rights Watch

Mr. Tim Gehring  
Policy and Research Manager  
International Justice Mission

Ms. Melysa Sperber  
Director  
Alliance to End Slavery and Trafficking

Ms. Malika Saada Saar  
Human Rights Lawyer  
*(Co-Founder and Former Executive Director, Human Rights Project for Girls)*

**By Direction of the Chairman**

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



## COMMITTEE ON FOREIGN AFFAIRS

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

Day Tuesday Date May 2, 2017 Room 2172 Rayburn HOB

Starting Time 2:05 p.m. Ending Time 4:43 p.m.

Recesses 1 (2:18 to 2:49) (   to   ) (   to   ) (   to   ) (   to   )

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**Presiding Member(s)**

*Rep. Chris Smith*

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*Check all of the following that apply:*

Open Session  Executive (closed) Session   
Televised

Electronically Recorded (taped)   
Stenographic Record

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**TITLE OF HEARING:**

*Winning the Fight Against Human Trafficking: The Frederick Douglass Reauthorization Act*

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**SUBCOMMITTEE MEMBERS PRESENT:**

*Rep. Karen Bass*

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

*Rep. Ann Wagner*

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

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

*ATEST's "A Presidential Agenda for Abolishing Modern Slavery and Human Trafficking", submitted by  
Ms. Melysa Sperher*

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

or

TIME ADJOURNED 4:43 p.m.

*M. M.*  
Subcommittee Staff Associate

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MATERIAL SUBMITTED FOR THE RECORD BY MS. MELYSA SPERBER, DIRECTOR,  
ALLIANCE TO END SLAVERY AND TRAFFICKING

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## EXECUTIVE SUMMARY

This report is organized into two sections: an introduction and overview of the issue and a set of key recommendations. The order of the key recommendations does not reflect their priority. Instead, they are listed in four conceptual categories, as detailed below:

**I. Protect Workers Through Trade Policy and Enforcement of Core Labor Laws**

Recommendation #1: To Stop Human Trafficking, Use Trade Policy and Trade Enforcement to Protect American Business and Workers.

Recommendation #2: Enforce Core Labor Standards to Prevent Human Trafficking, Protect the Livelihoods of All Workers, and Create a Level Playing Field for American Business.

**II. Protect Trafficking Survivors and Populations Vulnerable to Trafficking**

Recommendation #3: Expand Access to Victim Services and Empower Survivors.

Recommendation #4: Increase Services For and Outreach To Vulnerable Populations.

Recommendation #5: Address Root Causes of Trafficking and Focus on Prevention Efforts.

Recommendation #6: Expand Employment, Training, and Entrepreneurship Opportunities for Survivors of Trafficking.

Recommendation #7: Promote a Meaningful Role for Survivors in Policy Development.

**III. Promote Effective, Victim-Responsive Law Enforcement**

Recommendation #8: Support Tested Efforts to Increase Victim Identification.

Recommendation #9: Ensure Law Enforcement Efforts are Victim-Centered.

Recommendation #10: Help Obtain Restitution for Victims.

Recommendation #11: Ensure the USG Coordinates Human Trafficking-Related Investigations and Prosecutions.

Recommendation #12: Separate Immigration Enforcement from Labor Enforcement.

Recommendation #13: Prevent Fraud in Foreign Labor Contracting.

Recommendation #14: Devote Additional Resources and Attention to Labor Trafficking Cases.

**IV. Build a More Efficient Government Response to Human Trafficking**

Recommendation #15: Promote Research and Data Collection to Maximize USG Investments.

Recommendation #16: Ensure the Integrity of the State Department's Annual TIP Report.

Recommendation #17: Integrate Anti-Trafficking Policies and Activities into Development Programs to Maximize the Impact of Foreign Assistance.

Recommendation #18: Leverage U.S. Global Leadership to Fight Human Trafficking.

Recommendation #19: Engage with Civil Society and Congress to Reauthorize the Trafficking Victims Protection Act.

Recommendation #20: Stop Traffickers from Profiting Off Taxpayer Dollars.

ATEST looks forward to engaging directly with the Administration on ways to operationalize and implement these recommendations in the months and years ahead.

The complete version of this document can be accessed here: <https://go.usa.gov/xN55y>

