



## SENATE I

### Human Trafficking

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#### Introduction

For most people, the issue of **human trafficking** is one that is far removed from day-to-day ordinary life. It is not expected that a victim of human trafficking could quite possibly be a workmate or schoolmate, a person with whom you may have had numerous daily interactions. Unfortunately, this very real and very prevalent problem is often overlooked. Human trafficking is the fastest growing third-largest criminal industry in the world, estimated to generate \$32 billion a year worldwide.

Human trafficking, or trafficking in persons, is a modern day version of slavery involving victims who are forced, defrauded, or coerced into labor or sexual exploitation. Labor exploitation includes traditional slavery, forced labor, and debt bondage. Sexual exploitation can include abuse that occurs within the commercial sex industry, but it does not end here. Victims are often exploited in private homes by people who demand both work and sex. The use of force or coercion can be direct and violent, or even psychological. Psychological forces come in the form of false guarantees regarding job opportunities or marriages in foreign countries, two empty promises commonly used to ensnare victims.

**Bonded Labor**, or “debt bondage,” is a tactic used to catch and keep victims in subjugation. Many workers around the world fall prey to debt bondage when they take on an initial debt as part of the terms of employment, or they take on inherent debt in a more traditional system of bonded or indentured labor. In South Asia, this phenomenon exists in huge numbers as many are engaged in traditional bonded labor in which people are enslaved from generation to generation. Another situation in which vulnerable people frequently find themselves is **involuntary servitude**. The prospect of serious physical harm or legal coercion such as deportation serves to trap people into a life of servitude without the chance of escape. These victims are often economic migrants and low-skilled laborers who are trafficked from less developed communities to more prosperous and developed places.

A similar practice is called **domestic servitude**, a situation also dependent upon the threat or force or coercion, such as physical, sexual, and/or emotional abuse. Children are particularly vulnerable to domestic servitude occurring in private homes, a situation that is often unregulated by public authorities. Fortunately, child labor, a more specific type of abuse, is now being targeted for eradication by nations all over

**Human trafficking**—*the recruitment, transportation, harboring, or receipt of people from one place to another, usually for the purposes of slavery, forced labor, and servitude*

**Bonded labor**—*means of paying off loans with direct labor instead of currency or goods .*

**Involuntary servitude**—*term for a person laboring against that person’s will to benefit another under some form of coercion*

**Domestic servitude**—*a situation in which the worker lives and works with their employer.*

the world. The sale and trafficking of children and their entrapment in bonded and forced labor are particularly detrimental types of child labor. Child laborers are sometimes used as sex slaves, and other times brutally forced into armed conflicts as militias recruit them by kidnapping, threat, and the promise of survival in war-ravaged areas.

Sexual exploitation is another major aspect of human trafficking. Roughly 80% of transnational trafficking victims are women, and up to 50% are minors. A large portion of these females and minors are trafficked into sexual exploitation. The specific act of sex trafficking is closely linked to the issue of prostitution, a whole other topic that spurs debate throughout the world. The US Government adopted a strong position against legalized prostitution in a December 2002 National Security Presidential Directive based on evidence that prostitution is inherently harmful and dehumanizing, and fuels trafficking in persons, a form of modern-day slavery. Prostitution and related activities—including pimping and patronizing or maintaining brothels—fuel the growth of modern-day slavery by providing a façade behind which traffickers operate. Where prostitution is legalized or tolerated, there is a greater demand for human trafficking victims and nearly always an increase in the number of women and children trafficked into commercial sex slavery.

Victims of trafficking for forced labor lose their freedom, becoming modern-day slaves. They experience permanent physical and psychological harm, isolation from families and communities, reduced opportunities for personal development, and restricted movement. Victims are often wary of law enforcement and can even become psychologically dependent on their traffickers. Child victims are denied educational access, which reinforces the cycle of poverty and illiteracy. Human trafficking has an extreme impact not only on the United States, but also in countries all over the world. Not only is it a multi-dimensional threat, depriving people of their human rights and freedoms, it is also a global health risk as sexually transmitted diseases spread very quickly. Moreover, the revenues from these heinous crimes fuel the growth of organized crime.

## Explanation of the Problem

The issue of human trafficking is not a recent development. Discourse regarding human trafficking dates back at least to the 19<sup>th</sup> century when the broader issue of trafficking was linked closely to prostitution, specifically the issue of the sale of women and young girls. The 19th-century discussion on prostitution occurred primarily in the United States, England, and in other western European countries. A group of people in England called the “**regulationists**” viewed prostitution as a “necessary evil” and created a system of licensed brothels. An opposing group, known as “abolitionists,” viewed men as the culprits, and consid-

**Regulationists**—19th century individuals who believed that prostitution was a necessary evil.

ered involuntary prostitution as an awful crime, referring to the practice as the “white slave trade.” After considerable attention from the media, abolitionists, with the help of social purity reformers, gathered public support for those who used women for “immoral purposes.” In 1885, the Criminal Law Amendment Acts in Britain made prostitution an illegal offense, and the United States followed in 1910 with the Mann Act.

In 1949, the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others agreed to punish any person who “procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person and exploits the prostitution of another person, even with the consent of that person.” This 1949 UN legislation is comparable to the Trafficking Protocol adopted in Palermo by the UN General Assembly in November, 2000.

The 2000 Trafficking Protocol does, however, take a different approach than the earlier 1949 Convention. According to the Protocol, “[t]rafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” Under this definition, **exploitation** included sexual exploitation, forced labor, slavery, and even organ removal. Another important distinction concerns consent, coerced or otherwise, on the part of the victim. Under the 2000 Palermo **Protocol**, whether or not the person has consented is irrelevant in light of these exploitative methods.

Since the Palermo Protocol in 2000, discussion and debate regarding trafficking is constantly evolving. There are many activists who believe that the solution to this problem can be found in decriminalizing the women in prostitution and criminalizing the men who buy women and children and anyone who promotes sexual exploitation. They propose state policies that support education and employment for females in order to give them more options and hopefully put more distance between females and the prostitution trade.

## Recent Developments

The United States government has recognized the pervasive issue of human trafficking, and has taken steps to address this major problem both at home as well as abroad. Congress passed legislation so Americans who sexually prey on children abroad can be prosecuted and sentenced to as many as 30 years in prison. Additionally, the Department of Justice has focused on increasing the number of trafficking victims rescued and the number of prosecutions and convictions of traffick-

**Exploitation**—*here, exploitation refers specifically to sexual exploitation, forced labor, slavery, and organ removal.*

**Protocol**—*an international agreement, often regarding diplomatic formality, precedence, and etiquette .*

ers. In another initiative, from 2003 to 2007, the Department of Justice gave more than \$50 million to law enforcement task forces and non-profit service providers to combat human trafficking. **The Department of Health and Human Services** (DHHS) is certifying trafficking victims so they may qualify for the same assistance available to refugees. DHHS is also running a major public awareness campaign to alert victims in the US that help is available through various means, including telephone hotlines. Elsewhere in the executive branch, the Department of Defense has implemented a zero-tolerance stand against any actions by Defense personnel that contribute to human trafficking and has instituted a service-wide mandatory training program.

While measures are certainly being taken to combat the problem of human trafficking, several current procedures are far from perfect. The US Department of Justice worked with service providers to provide victims with basic needs, including food, shelter and clothing, and 42 task forces across the country had the task of identifying and "rescuing" victims. According to an internal audit of the Justice Department, it was discovered that the (DOJ) gave disparate amounts of money to groups fighting human trafficking, with one group receiving almost four times as much as another group that planned to do the same amount of work. The Department could not explain the discrepancies, indicative of a chaotic management system in which poorly monitored programs made it difficult to identify, help, and track victims of human trafficking. Efforts need to be made to better monitor and assess grants to combat human trafficking and to better track data related to the number of human trafficking victims identified and served.

The United States is also putting forth major efforts by reaching out for partnerships and treaties between countries, a move that is critical to winning the international fight against modern-day slavery. The US is connecting with other countries in a number of important ways. In a speech to the United Nations General Assembly, President Bush raised the issue of human trafficking and asked leaders of the world to work together in order to bring a timely end to it. In order to fulfill this goal from the President, the State Department is working extensively with other foreign governments on action plans for prevention of occurrences, protection of victims, and prosecution of offenders. Congress has worked towards strengthening anti-trafficking legislation and has provided more than \$70 million in funding worldwide for efforts to end slavery. The US is providing money around the world for programs such as rehabilitation and work training centers for victims, special housing shelters for victims, law enforcement training, legal reform assistance, information and awareness campaigns, and voluntary **repatriation** for displaced victims.

A good example of this international outreach is the partnership formed by the Department of State between the US and the International

**Dept. of Health and Human Services**—*a Cabinet department of the US government with the goal of protecting the health of all Americans and providing essential human services.*

**Repatriation**—*the returning an individual to his or her own country.*

Organization for Migration to reintegrate and identify children trafficked into the fishing industry in the Lake Volta region of Ghana. Yet another example is the US aid-funded project in Uganda with the International Rescue Committee that serves to rehabilitate children who were abducted by a terrorist organization that operates in Southern Sudan and Northern Uganda, and to protect other children from abduction. In India, there is a Department of State-funded project with a program called “Free the Slaves.” This project aims to free indentured servants, train law enforcement officials, provide counseling to victims, and raise awareness in rural villages.

It is clear from the several ongoing projects, that the US has already shown a demonstrated commitment to bringing an end to human trafficking. The legislation passed in this area is an even stronger indicator of this dedication.

## Congressional Action

### *Trafficking Victims Protection Act (TVPA)*

**The Trafficking Victims Protection Act of 2000** states that the purpose of combating human trafficking is to punish traffickers, to protect victims, and to prevent trafficking from occurring. Essentially, this law that provides tools for the US to combat trafficking in persons, both domestically and abroad. One of the key components of the law is the creation of what is known as the Trafficking in Persons Report. The Department of State produces this annual report assessing government response in each country that has a significant number of victims of severe forms of human trafficking. Countries in the annual report are rated in tiers, based on government efforts to combat trafficking.

Tier 1 includes countries that fully comply with the minimum standards outlined in the legislation for the elimination of trafficking. Tier 2 countries do not fully comply with the minimum standards but are making significant efforts to bring themselves into compliance. Countries on the Tier 2 watch list require special scrutiny because of a high or significantly increasing number of victims, or because of failure to provide evidence of increasing efforts to combat trafficking in persons. Tier 3 is made up of countries that neither satisfy the minimum standards nor demonstrate a significant effort to come into compliance. Countries in this tier are subject to potential trade and aid sanctions.

### *Palermo Protocols*

There are two protocols adopted by the United Nations in 2000 together with the Convention against Transnational Organized Crime. These are the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea, and Air. These two protocols are

### **Traveling Victims Protection Act—**

*legislation that defined trafficking in persons as a crime, expanded the crimes and enhanced the penalties available to federal investigators and prosecutors pursuing traffickers, and provided a range of new protections and assistance for trafficking victims who cooperate with law enforcement*

under the jurisdiction of the United Nations Office on Drugs and Crime. By 2004, the protocols had been signed by 117 countries. The trafficking protocol in particular is said to have finally successfully defined the term trafficking, but many argue that the individual components of trafficking such as “sexual exploitation” and the “exploitation of the prostitution of others” are not sufficiently defined, and thus open the door for debate about the inherent issue of prostitution.

#### *The Trade and Development Act of 2000*

This bipartisan legislation mandates efforts to eliminate the worst forms of child labor including the trafficking of children and forced child labor, as a criterion for countries receiving trade benefits. It includes the Africa Growth and Opportunity Act (AGOA) and the US-Caribbean Basin Trade Partnership Act (CBTPA), and other important provisions. This package advances US economic and security interests by strengthening our relationship with regions of the world that are making significant strides in terms of economic development and political reform.

#### *2003 Trafficking Victims Protection Reauthorization Act*

This act, in effect, strengthens the TVPA of 2000, as well as mandates efforts to combat trafficking in persons. The Reauthorization Act outlines the progress of the US Government in investigating and prosecuting acts of trafficking since the inception of the TVPA of 2000. It also cites some of the unintended obstacles and barriers that victims have had to face since the 2000 legislation. Finally, the act provides recommendations for additional research and collaborations with international agencies.

### **Focus of the Debate**

It is increasingly clear that human trafficking is a domestic and an international issue that needs not only attention at home but also abroad, and much has already been done in an attempt to minimize this problem. The fact remains, however, that a large percentage of trafficked people are sexually exploited, and a substantial amount of debate still surrounds the issue of prostitution and its connection with sex trafficking. There are many who believe that the legalization of prostitution expands the market for commercial sex, opening markets for **criminal enterprises** and creating a safe haven for criminals who traffic people into prostitution. The argument is that organized crime networks do not register with the government, pay taxes, or protect prostitutes. Legalization of the industry would essentially make it easier for traffickers to blend in with a regulated sex sector and more difficult for prosecutors to identify

**Criminal enterprises**—organized criminal networks.

and punish those who are trafficking people.

When debating sex work or any other type of labor, another main argument is over where exactly to draw the line between coercion and consent. What exactly constitutes slavery and what constitutes work? Theoretically, demand for services, whether sexual or otherwise, can be met by someone working independently in suitable conditions or by someone trapped in an abusive and slavery-like position. Debate ensues over whether increased demand is what fuels the latter case of abusive labor practices.

### *The Abolitionist Perspective*

**Abolitionists** believe that human trafficking and prostitution exploits women and call for the prosecution of the pimps and even customers as a measure against sex slavery and trafficking in human beings. From this perspective, prostitution represents a form of male sexual violence against women. Since a market in commercial sexual services classifies women and girls as objects of trade, no distinction can be made between "forced" and "voluntary" prostitution. In other words, even if a woman is being paid for her services, she is still being exploited, and anyone who pays for these services is exploiting her according to the abolitionists. Supporters of this perspective maintain that if there were no market for prostitution, there would be no market for sex trafficking. As a result this would greatly reduce the overall human trafficking that currently occurs throughout and between so many countries. For this reason, many insist that the solution to solving trafficking problems is to look at the demand for commercial sex services and effectively penalize people who buy sex and third parties who organize or financially benefit from prostitution.

Abolitionists view the male demand for commercial sex as a root cause of prostitution and the abuses that can accompany it, such as sexual exploitation of minors, violence, "trafficking," abusive and slavery-like employment practices. Recently, policymakers are beginning to adopt this perspective as well, and even in international policy circles, it is increasingly common to hear talk of the need to address the "demand side" of trafficking. Unlike liberals who support a regulation of the commercial sex industry, some abolitionists argue that it would be too difficult and expensive to regulate effectively. Further, many governments would be either unwilling or unable to invest in the appropriate level of resources to ensure substantial and positive results.

### *Liberal Perspective*

Liberals hold that sex is a commodity like any other and call for the social recognition and official regulation of prostitution in order to improve prostitutes' working conditions. In other words, they feel that this market can be heavily regulated much like the cigarette industry

**Abolitionists**—*person who believes that prostitution exploits women and calls for the prosecution of the pimps and even customers as a measure against sex slavery and trafficking in human beings.*

where certain government mandates and safety standards must be met. Individuals and groups who support this perspective wholeheartedly disagree with the argument that the solution to sex trafficking is the elimination of the commercial sex market. In fact, sex commerce in this view is not significantly different morally or politically from other markets in personal services.

A major concern of these liberals is the possible danger of the opposing abolitionist response. They believe that attempting to eliminate the demand for prostitution on the street only strengthens the demand for forced labor in other arenas. Liberals believe that the lack of enforcement regarding labor standards in the sex industry contributes to a profitable environment for un-free labor, and therefore advocate for bringing the sex sector above ground with regulations just like in other industries and markets.

### *Presidential Perspective*

In an interview that aired on C-SPAN, an American cable television network dedicated to airing non-stop coverage of government proceedings, President Obama mentioned that human trafficking must be a top priority of US foreign and domestic policy. He noted that there is bipartisan agreement on this issue, and that one effective way to ease the problem of human trafficking is creating more effective prosecution. President Obama emphasized the need to ensure that prosecutors, lawmakers, and law enforcement officials have the tools to crack down on human trafficking. President Obama also would look favorably upon diplomatic measures to reduce worldwide trafficking, and has said that there must be international outcry against this issue. President Obama believes that “it is a debasement of our common humanity.”

## **Interest Group Perspectives**

### *Global Alliance Against Trafficking in Women (GAATW)*

**The Global Alliance against Traffic in Women (GAATW)** is an Alliance of more than 90 NGOs from all regions of the world. It is part of the Human Rights Caucus (HRC), and supports the view that prostitution is a type of forced labor and that force is an important factor in defining trafficking. GAATW supports the right to self-determination, right to work, and the right to self expression. Contrary to many other anti-trafficking groups, the GAATW believes that women can make informed choices about engaging in consensual commercial sex.

GAATW sees a direct link between human trafficking and the practice of migration for the purpose of labor. It therefore promotes and defends the human rights of all migrants and their families against the

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threat of an increasingly globalized labor market and calls for safety standards for migrant workers in the process of migration and in the formal and informal work sectors.

GAATW promotes rights of women migrant workers and trafficked persons and believes that ensuring safe migration and fair work practices should be at the core of all anti-trafficking efforts. It advocates for living and working conditions that provide women with more alternatives in their countries of origin, and works to spread information and knowledge to women about migration, working conditions, and their human rights.

### *The Red Cross*

The International Red Cross is an international humanitarian movement with approximately 97 million volunteers worldwide working to protect human life and health, and to fight against human suffering and discrimination. The Red Cross has tackled human trafficking in numerous international locations such as Myanmar, and Cambodia. International Red Cross societies address the needs and vulnerabilities of victim of trafficking with priorities for prevention, protection, and public.

The Red Cross believes that it is important to learn from the experience and examples of good practice developed by various National Societies in Europe and other parts of the world. Exchange of information and experience will help to identify gaps, analyze existing capacities and, consequently, to highlight key issues within anti-trafficking activities that can be tackled in the future.

### *Amnesty International*

Amnesty International is a worldwide movement of people who campaign for internationally recognized human rights to be respected and protected. They work to improve human rights through campaigning and international solidarity. Amnesty International believes that the trafficking of persons is a global human rights problem. Their “Stop Violence Against Women” campaign highlights the issue of human trafficking in all of its forms.. Amnesty believes that the US government should prosecute all traffickers and expand the statute of limitations for prosecuting traffickers to ten years. Additionally, the government should protect trafficking survivors by requiring US immigration officers to ask foreign persons being **detained** if they have been trafficked before they are sent back to their home countries in expedited removal proceedings. More broadly, Amnesty also believes that there should be a focus on improving training, accountability, and transparency.

**Detained**—having been taken into custody or temporary confinement.

## Questions for Policymakers

When drafting legislation on this multifaceted and complicated topic, it will help greatly to address the larger question of what needs to be done by breaking it into smaller pieces. How much, if at all, should rescue efforts for human trafficking victims be increased? Should the penalty for traffickers be more severe? Rather than punishing the traffickers, should legislations aim more towards the demand side of trafficking, attempting to go straight to the root of the problem? And if so, how can legislation most effectively curb demand? How should congress work with international agencies to address human trafficking? What human rights implications would their policy have? How can Congress enforce international adherence to any legislation passed domestically? Who pays for such measures? What should the punishment be for Americans implicated in human trafficking?

## Possible Solutions

There are many different possibilities regarding ways to help victims of human trafficking and to tackle the trafficking problem itself. Many believe that the demand for cheap labor and sexual services must be addressed in order to end human trafficking and modern-day slavery. A commonly noted problem is that “although more countries are addressing sex trafficking through prosecution and convictions, the petty tyrants who exploit their laborers rarely receive serious punishment.”

The unification of governments from around the world is also important in combating this problem, as trafficking is a global phenomenon. Many feel it is necessary to call on more governments from around the world to exercise stronger political will to prevent trafficking.

Also to be considered is the need for more services for the treatment and rehabilitation of the formerly enslaved. There are certain short term measures commonly agreed upon by various groups that should be implemented to improve conditions for prostitutes and victims of trafficking. These measures include housing, financial and legal aid; guaranteeing the right to social services and housing in the receiving country; protection during criminal proceedings against traffickers; **decriminalization** of prostitutes and trafficked persons; as well as, ensuring their right to organize. Overall, the solution should lie within the human rights and humanitarian framework.

**Decriminalization**—*legally accepting behavior that was at one point considered illegal or criminal.*

## Conclusion

According to US estimates, some 800,000 people are trafficked across national borders each year. Current US efforts to combat traf-

ficking involve partnerships with other countries, international and non-governmental organizations. In 2007, the US government spent approximately \$79 million to fund 180 anti-trafficking projects in approximately 90 countries. Since 2001, the United States has funded more than \$528 million for anti-trafficking projects worldwide.

While effort has clearly been made, this is a problem that persists and must not be forgotten. There are clear divisions in opinion, especially regarding the sexual nature of trafficking. The role of prostitution is a heavily debated issue, and a simple right answer does not exist. It is your duty as congressmen of the United States to come up with a solution that will further aid in the fight against human trafficking.

## Guide to Further Research

The topic of human trafficking is a very serious matter, one that deserves a very thorough understanding. Because the issue is quite complex, you may want to do your own background research to help you to grasp the nuances of the debate. Below are a few websites that may help you in your research. Remember that this is simply a starting point for research: newspapers, magazines, websites, and other media sources will also be useful in keeping you updated on the human trafficking crisis.

- <http://www.humantrafficking.org/>  
This is a website supported by the US Department of State, and is a good starting point for your research. The stated purpose of the site is to bring governments and non-governmental organizations in the East Asian and Pacific regions together to cooperate in efforts to reduce human trafficking. As such, the website has extensive country-specific information, such as national law and action plans. It also has descriptions of activities by various non-governmental agencies in each country. The website was conceived as a way to facilitate networking and cooperation amongst groups interested in combating human trafficking, and as such, has detailed information on everything from prevention, to protection, to prosecution in human trafficking.
- <http://www.salvationarmyusa.org/>  
The Salvation army is an **evangelical** non-profit organization whose message is based on the Bible. This website gives extensive information on many aspects of human trafficking, including recent federal legislation and other responses to trafficking. It also identifies a few crisis situations and trafficking emergencies which may warrant greater scrutiny.

**Evangelical**—the emphasis of salvation by faith in the atoning death of Jesus Christ through personal conversion, the authority of Scripture, and the importance of preaching as contrasted with ritual .

- [www.usdoj.gov](http://www.usdoj.gov)

The **US Department of Justice** website, like the Department of State, is a reliable and relatively up to date resource. Perhaps the most useful aspect of this website is the William Wilberforce Trafficking Victims Protection Reauthorization Act. This portion of the site tracks the text and debate over a bill that reauthorizes money initially dedicated to combating human trafficking through the Trafficking Victims Protection Act of 2000. It will provide information on why the Department of Justice supports the bill, and may offer interesting perspective on efforts to combat trafficking.

**Department of Justice**—a Cabinet department whose job is to enforce the law and ensure fair and impartial justice for all Americans.

- [www.nytimes.com](http://www.nytimes.com) & [www.wsj.com](http://www.wsj.com)

Though this is not necessarily an article itself, using the search functions of prominent newspapers like *The New York Times* and *The Wall Street Journal* provide constituent as well as political perspectives on human trafficking. It is also a good place to find human interest pieces that may evoke a sense of urgency in debate.

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