



American ideals. Universal values.

TESTIMONY OF ELISA MASSIMINO
PRESIDENT AND CHIEF EXECUTIVE OFFICER
HUMAN RIGHTS FIRST
HEARING ON

Ending Modern Slavery: Building on Success

Before the Senate Foreign Relations Committee

February 15, 2017

I. Introduction: The Problem of Human Trafficking

Chairman Corker, Ranking Member Cardin, and Members of the Committee: thank you for the invitation to be here today to discuss strategies for ending modern slavery. The scope and gravity of this problem demands our attention. We are deeply grateful, Mr. Chairman, for your outstanding leadership in raising the profile of this often-hidden crime and your persistence in ensuring that our country does all it can to end it.

The United States abolished slavery with the ratification of the 13th Amendment over 150 years ago. Yet the International Labor Organization reports there are more than 20 million people enslaved today—about double the number in bondage during the transatlantic slave trade. Slavery is a devastating assault on human dignity. Fundamentally, it is about exploitation of vulnerable people for profit.

This is a pressing global problem that both affects—and implicates—the United States. It involves multi-national supply chains and global criminal enterprises. It tests our country's willingness to uphold fundamental rights at home and to challenge other governments to do the same.

The United States is both a source and destination country for human trafficking victims. Traffickers earn an estimated \$150 billion annually in illicit profits, while NGOs and governments worldwide spend only about \$124 million each year to combat it. That's not a fair fight. Meanwhile, American workers are forced to compete against free labor as companies take advantage of the global failure to enforce anti-slavery laws.

Increasingly, organized crime rings and international terror organizations traffic in human beings to accumulate wealth and power. Congress and the new administration must continue their commitment to addressing the problem of slavery, both for its moral and economic implications, and also because of the national security risks associated with corruption, terrorism, and organized crime.

This committee has done important work in this regard, and I want to thank Senators Corker and Cardin for your continued leadership on this issue.

As you said at this hearing last year, Senator Corker, the stark reality of modern slavery is unconscionable, and it demands that we make a commitment to end it for good.

At Human Rights First, our mission is to foster American global leadership on human rights. We believe that standing up for the human rights of all people is not only a moral obligation; it is a vital national interest. Our country is strongest when our policies and actions match our ideals. For nearly 40 years, we have worked to ensure that the United States acts as a beacon on human rights in a world that sorely needs American leadership.

American efforts to end modern slavery are critical, not only to eliminate human trafficking here at home, but to ensure that the United States sets an example for other nations. We need to make sure we are doing everything we can to eliminate slave labor from the supply chains of U.S. companies, and that our powerful federal law enforcement capabilities, which have deep

experience and expertise in prosecuting cross-border organized crime, turn their attention to the crime of human trafficking.

To that end, we have supported anti-trafficking legislation and increased funding for anti-trafficking programs, both at home and abroad. And we have spotlighted how traffickers and their enablers worldwide, including in the United States, too often operate with impunity.

According to the State Department's most recent annual Trafficking in Persons report, in 2015 there were just over 6,600 convictions globally, and only 297 convictions for human trafficking here in the United States. That may seem like a lot, but when you consider that there are nearly 21 million people enslaved around the world today, it is pitifully few. We have to do better.

These statistics also show that the people trafficked for labor have been especially neglected. An estimated 68% of trafficking victims worldwide are trafficked for labor, yet only 7% of convictions worldwide, and only 4% of human trafficking-related convictions in the United States, are labor trafficking cases.

Boosting domestic prosecution of human trafficking is critical, both to eliminating the problem here in the United States and to setting an example for other countries on how it can be done.

Human Trafficking and Refugees

Traffickers are opportunistic and ruthless, and they are drawn like a magnet to vulnerable people. Because refugees are separated from their economic and social support structures and have limited ways to provide for their families, they are particularly vulnerable to exploitation by traffickers. This is especially true for unaccompanied minors and women and girls.

Those who fall victim to human trafficking are among the most vulnerable people in the world, such as the nearly 5 million refugees who have fled Syria. About three-quarters of these refugees are women and children. A third of them are under 12 years old. These people are in grave danger of falling prey to human traffickers. Human Rights First has been assisting refugees seeking asylum in the United States, and encouraging global adherence to the international refugee convention, since our founding in 1978. As you said recently, Mr. Chairman: "[T]he United States is at its best when it leads. And that leadership is particularly important in a crisis." We could not agree more.

The U.N. High Commissioner for Refugees has [described](#) the current situation as the "biggest humanitarian and refugee crisis of our time." Host countries' infrastructures are buckling under the strain, forcing refugees to rely on smugglers and treacherous migrant routes and border crossings as they search for protection. Even if they finally land in a refugee camp, these people remain at high risk for being trafficked. The U.N. High Commissioner for Refugees has stated 10% of the world's refugee population is in need of resettlement, yet less than 1% are resettled.

As the [US State Department explained in its 2016 TIP report](#):

Camps for refugees and internally displaced persons are prime targets for traffickers. The concentration of vulnerable, displaced people, combined with a lack of security, services,

and oversight typically found in such camps, make them ideal locations for traffickers to operate. In long-standing camps, traffickers are able to build relationships with corrupt camp officials and establish trafficking rings. Human trafficking is frequently overlooked in crises and omitted from formulations of humanitarian and emergency response policies. Trafficking operations can flourish amidst international reconstruction efforts where there are few government institutions or rule of law. The international community and individual countries must recognize labor and sex trafficking as a common occurrence during conflict and include anti-trafficking strategies in humanitarian responses.

We must recognize the close link between human trafficking and the refugee crisis. If we want to end modern slavery, we should be doing everything we can to reduce the vulnerability of the refugee population.

II. Successes and Recommendations

The United States has made some important progress in its attempts to combat human trafficking, and this committee has played a key role in making that happen. Today Human Rights First is releasing a new congressional blueprint for action to dismantle the business of modern slavery in which we detail additional measures that Congress should take.

A. End Modern Slavery Initiative Act

Senator Corker introduced bipartisan legislation designed to bring much-needed resources to this global fight. The End Modern Slavery Initiative Act of 2015 was critically important legislation seeking to leverage foreign aid and galvanize support from the public and private sectors internationally to focus resources to fight slavery.

Programs that receive funding under the act are required to contribute to the freeing and recovery of victims, prevent future enslavement, and enforce laws to punish perpetrators of modern slavery. They must develop clear and measureable goals and outcomes; and achieve fifty percent reduction of modern slavery in targeted populations. These are all extremely important measures.

Now we need to ensure the funds authorized by the act and already appropriated will be used to leverage further resources from governments and private donors. Engaging other governments is key to addressing the cross-border aspect of slavery and ensuring that shutting down slavery in one place doesn't just force it over to somewhere else. Similarly, we have to engage the private sector to address slavery in supply chains. Additionally, this fund should bolster law enforcement in select geographic areas with a goal of reducing the incidence of slavery by at least fifty percent during the duration of the project. This concentrated investment in key geographic areas is crucial to identifying the most successful methods of increasing the risk to traffickers, which can then be scaled up and replicated in other countries.

B. Trafficking Victims Protection and Reauthorization Act

Amendments to the Trafficking Victims Protection and Reauthorization Act (TVPRA) have also been critical to enabling prosecutors to bring traffickers and their enablers to justice. Although we still see only a small number of human trafficking prosecutions, both worldwide and in the United States, we have learned that targeting funding to encourage coordination among federal agencies, such as through Enhanced Collaborative Model Human Trafficking task forces, has been extremely helpful to the U.S. government's ability to detect and respond effectively to human trafficking. It is important for Congress to continue to support these prosecutions, through additional targeted funding for training of prosecutors, investigators, and service providers, and through legislation that provides designated prosecutors with the resources necessary to focus on prosecuting slavery.

Domestic prosecutions of human trafficking send an important signal to other countries we are trying to enlist in this fight. Better coordination of domestic law enforcement also supports international prosecutions of global trafficking rings, which is a growing area of concern.

Refugees, and particularly children, are especially vulnerable to these organized criminal syndicates. Last year, Interpol, along with the European Union's criminal intelligence agency, released a report documenting that at least 10,000 unaccompanied child refugees had disappeared after arriving in Europe. Many were feared to have fallen into the hands of organized criminals engaged in human trafficking. These international law enforcement agencies found that longstanding criminal gangs known to be involved in human trafficking were now engaging in migrant smuggling and were targeting refugees for human trafficking. U.S. law enforcement agencies must have the resources and training to coordinate with our allies and help combat this global scourge.

The TVPRA has also provided important protections for unaccompanied children who arrive at the Southern border and are at risk of human trafficking. The 2008 TVPRA mandated that Customs and Border Protection (CBP) immediately transfer unaccompanied children from non-contiguous countries to the Department of Health and Human Services Office of Refugee Settlement custody, where appropriate care and screening can take place with child welfare professionals. The TVPRA also mandated that unaccompanied children from Mexico or Canada be screened for risk of trafficking or fear of persecution before they are removed or returned, and that any unaccompanied child found to be at risk be immediately transferred to the Department of Health and Human Services Office of Refugee Settlement custody. Congress should ensure that these provisions in Section 235 of the TVPRA are maintained. These protections guarantee that unaccompanied children speak to individuals trained to recognize the signs of trafficking and who have expertise in child welfare and development. If unaccompanied children who have been trafficked are to be protected, they must speak with the proper people with the proper training. Recognizing that unaccompanied children are at risk of being trafficked ensures that the government is keeping the child's best interest and human rights in mind.

Furthermore, how the U.S. Government responds to the crisis of unaccompanied child refugees and their risk of being trafficked has implications beyond our borders. If the United States does not adequately respond to this crisis, it loses the moral authority to ask other nations to work harder to identify and protect trafficked and persecuted children.

C. Tariff Act

Another important success in the past year was the amendment of the Tariff Act to close the consumptive demand loophole that for too many years prevented meaningful enforcement of the ban on importation of goods made by slave labor. We commend the bipartisan efforts of this committee for its leadership in closing that loophole.

The Obama Administration slowly began to enforce this legislation, but we need to see significantly more effort from the new administration on enforcement of the law, and more oversight from Congress. I encourage this committee to press the Customs and Border Protection agency to play a more aggressive enforcement role, and to ensure that all CBP agents who may encounter slave-made goods have the training and resources to effectively respond. Barriers to the import of goods made with slave labor is, of course, consistent with the new administration's emphasis on encouraging American-made products and on creating a level playing field in the market for U.S. manufacturers.

This new Tariff Act provisions also provide an important opportunity for Congress to encourage American companies with global supply chains to work with the U.S. government, and with other governments where their supply chains extend, to ensure that their suppliers are complying with the requirements of U.S. law and not creating unfair competition for American workers by using slave labor. Increasingly, the private sector will need to coordinate and share information with governments if our efforts to end modern slavery are to succeed.

D. Leveraging the Power of Government Contracting

Congress and this committee have also taken important steps toward ensuring that the government itself is not relying on goods or services provided by forced labor.

Following President Obama's 2012 executive order, "Strengthening Protections Against Trafficking in Persons in Federal Contracts," Congress passed the End Trafficking in Government Contracting Act, as Title 17 of the National Defense Authorization Act for 2013. That led to amendment of the Federal Acquisition Regulations (FAR) to strengthen protections against human trafficking in federal contracts, which went into effect March 2, 2015.

FAR subpart 22.17 codified trafficking-related prohibitions for federal contractors and subcontractors, requires contractors and subcontractors to notify Government employees of violations, and notifies parties that the Government may impose remedies, including contract termination, for failure to comply with the requirements.

The Executive Order and statute created a stronger framework for preventing trafficking by prohibiting contractors and subcontractors from engaging in practices such as destroying, concealing, confiscating, or otherwise denying access by employees to their identity or immigration documents; using misleading or fraudulent recruitment practices; charging employees recruitment fees; and providing or arranging housing that fails to meet the host country's housing and safety standards. The Executive Order and statute also extend anti-

trafficking requirements to contracts performed outside the United States that exceed \$500,000, including a requirement for a compliance plan and annual certifications.

These laws have now been in effect for two years, but unfortunately we've seen little enforcement. The Executive Order banned contractors and their sub-agents from charging workers recruitment fees, because these fees often leave workers indebted and vulnerable to abuse. However, the term "recruitment fee" has not yet been clearly defined in the regulations. A draft definition was released last summer for public comment, but it has not been finalized. Robust enforcement of this important provision hangs on the ability of both government contractors and contracting officers to know what constitutes a recruitment fee. The definition should be broad enough to encompass anything of value, so that recruiters aren't continuing to charge these fees under another name – for example, calling them travel, medical or equipment expenses, a practice that has become quite common.

Congress should support a mechanism of high-level oversight by creating positions of Human Trafficking Compliance Advisors who will work within government agencies to ensure everyone involved in the contracting process is trained on these new laws and brings allegations of human trafficking to the appropriate counsel's office. Currently, the legislation relies on contractors to self-report violations, which has not been an effective means of enforcement.

E. TIP report

Finally, I'd like to highlight the importance of the Trafficking in Persons (TIP) report, which has been a critical tool for grading countries on their efforts to eliminate human trafficking and pressuring them to improve. When countries are ranked appropriately, the TIP report has been an important diplomatic tool for the United States in addressing this global problem. Where politics has taken priority over trafficking concerns, however, it has been less effective.

That is why we strongly support a bill recently re-introduced by Senators Robert Menendez and Marco Rubio, which would help to shield the report from political influence.

A new provision of that bill would leverage the role of multilateral institutions, as called for by the United Nations' Sustainable Development Goals, by making it more difficult for the World Bank to lend to countries who receive a Tier 2 Watch List or Tier 3 ranking by requiring these countries to first participate in a human trafficking risk assessment.

III. Refugee Crisis & Human Trafficking

A. Overview

The world is facing the [worst refugee crisis since World War II](#). One cannot effectively address the scourge of modern slavery without recognizing our duty to assisting those most vulnerable to it. Especially now, that means assisting and welcoming Syrian refugees.

In this context, the president's recent Executive Order indefinitely suspending the resettlement of all Syrian refugees is particularly cruel and unconscionable. The United States must be concerned with national security and preventing terrorism. But it is nonsensical to ban, even

temporarily, the most vulnerable refugees, who are only accepted for resettlement here after a rigorous cross-border, multi-agency screening process that can take up to two years.

Over and over again, national security leaders from both Republican and Democratic administrations have explained that protecting refugees does not put us at risk. On the contrary, accepting Syrian and other vulnerable refugees makes us safer, by burnishing our global reputation as a humanitarian leader and supporting our allies in the Middle East who are struggling to host huge numbers of refugees within their borders.

Last year, a bipartisan group of former national security officials and retired military leaders issued a [Statement on America's Commitment to Refugees](#), noting how critical it is to our identity as a nation that we accept refugees fleeing persecution and violence:

For more than two centuries, the idea of America has pulled toward our shores those seeking liberty, and it has ensured that they arrive in the open arms of our citizens. That is why the Statue of Liberty welcomes the world's "huddled masses yearning to breathe free," and why President Reagan stressed the United States as "a magnet for all who must have freedom, for all the pilgrims from all the lost places who are hurtling through the darkness."

Unfortunately, by temporarily banning all refugees, indefinitely banning all Syrian refugees, and cutting the number of refugees resettled to the U.S. by 60,000, the president's Executive Order on Immigration means that the United States is turning its back on the very individuals who are the most vulnerable to the scourge of modern slavery this committee has been working so hard to end.

In June 2016, the [UN Special Rapporteur on Trafficking in Persons](#), Especially Women and Children, reported:

People fleeing conflict [are] constantly exposed to the risk of trafficking any time during their journey. For such migrants, internally displaced persons, refugees and asylum-seekers, the clandestine nature of their journey, the often unscrupulous and corrupt conduct of their facilitators, and the extent to which some States will go to prevent their departure, transit or arrival, all operate to create or exacerbate opportunities for traffickers who prey on their precarious situation. Therefore, even if they were not trafficked from the very beginning of their journey, they can become victims of trafficking at some point in their journey or at their intended destination.

The journey of female migrants and unaccompanied children is particularly hazardous, he noted. "Thousands of such women and children have disappeared, presumably abducted for purposes of trafficking related exploitation."

In addition, the U.N. Special Rapporteur found that since 2011, "an increased number of Syrian refugees have been trafficked for purposes of labor exploitation in the agricultural industry, manufacturing, catering and informal sectors in Jordan, Lebanon and Turkey."

Sudanese and Somalian refugees and asylum seekers, including many unaccompanied children, have been kidnapped or lured from refugee camps or while travelling, sold and then held captive for exploitation.

There has also been a high incidence of trafficking and exploitation among poorly-educated Afghan, Syrian and Iraqi men and boys travelling alone.

People of the Rohingya Muslim minority fleeing persecution in Myanmar were being smuggled across borders and trafficked to fishing boats and palm oil plantations. Others were held captive and abused in Malaysia.

The causes of this growth in modern slavery, the Special Rapporteur explained, include: “increasingly restrictive and exclusionary immigration policies, including criminalization and detention of irregular migrants, insufficient channels for regular migration and family reunification and lack of regular access to the labour market for asylum seekers, refugees and migrants.” (UNSR, June 2016)

B. Recommendations

The refugee crisis is, of course, a multi-faceted problem, and not one that Congress can solve on its own. However, there is a good deal this Congress and this committee can do to champion the resettlement of refugees, provide information to trafficking victims, maintain critical safeguards, and train U.S. officials who may encounter trafficking victims and refugees about how best to ensure their protection.

1. Rescind Provisions of the Executive Order on Immigration

a. We strongly support Senator Dianne Feinstein’s bill, S.274, rescinding the provisions of Executive Order 13769. There is no need to issue a blanket ban on entry of individuals from the seven specified countries (Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen), and even less reason to halt the U.S. refugee program. As we and many others [have explained](#), refugees resettled in the United States already face “extreme vetting” and are actually the most carefully screened of anyone who arrives here. Accepting refugees is also [widely seen as helpful](#) to U.S. national security.

b. In addition to rescinding the order, we urge Congress to maintain current funding levels for the refugee resettlement program.

c. We also support Senator Kamala Harris’s bill, S.349, to clarify that all persons who are held or detained at a port of entry or at any detention facility overseen by U.S. Customs and Border Protection (CBP) or U.S. Immigration and Customs Enforcement (ICE) are allowed access to counsel. This is particularly important for women, children and others vulnerable to trafficking, who are often unaware of their rights at the border.

2. Ensure vulnerability remains the criteria by which refugees are prioritized for admission, not discrimination against specific refugee populations.

In addition to financial support for particular programs to help identify and protect refugees who have suffered or are at risk of trafficking, it is critical for the United States to lead globally again on resettling vulnerable refugees, without regard to religion or nationality, and respecting the human rights and refugee protection treaties that are so essential to global stability.

Those treaties rightly mandate that people should be protected from religious persecution. Yet the Trump administration's proposed policy of allowing Christians into the United States while barring Muslims is itself a form of religious discrimination. Religious tests like the one embedded in President Trump's executive order are illegitimate and inconsistent with our values as a nation.

To aid trafficking victims in particular, we also urge the issuance of humanitarian visas, increased flexibility in the family reunification processes, launch of a program to allow for private sponsorship of refugees by Americans, and student scholarship programs to reduce the incentive for victims to turn to smugglers or traffickers.

3. The United States must also lead by example at home, making sure that refugees and those at risk of trafficking, including children, have access to protection at our borders.

4. Finally, when it comes to child refugees, who face the greatest risk of trafficking, **the best interests of the child should be paramount**. The United States should not force children to return to the societies they fled, where they may be recruited by military groups and end up alone and isolated from their families and communities, leaving them especially vulnerable to trafficking.

Conclusion

These are difficult times for millions of people living in poverty and conflict around the world. The rise of modern slavery is one of the tragic consequences of these intractable problems, but it is one that this Congress can do something about. This committee has taken important steps to end modern slavery through the legislation and oversight. But it is not enough. The scope of this problem demands that we tackle it at the roots. At its core, slavery is about exploitation and dehumanization of vulnerable people. If our country is to be a global leader in the fight against human trafficking, we cannot turn our backs—at a time when they most need us—on the very people most likely to become its victims.

Thank you.