



Council Special Report No. 91

June 2021

Ending Human Trafficking in the Twenty-First Century

Jamille Bigio and Rachel B. Vogelstein

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FOREWORD

Human trafficking—which the United Nations defines as the recruitment, transportation, transfer, harboring, or receipt of people through force, fraud, or deception, with the aim of exploiting them for profit—is centuries old but remains a modern-day problem of significant proportions. It is a wide-reaching practice, encompassing men, women, boys, and girls used against their will to perform labor and sex, enter into marriage, and provide organs. It is a problem that is endemic across the globe, including here in the United States, with an estimated twenty-five million victims worldwide. And it is worsening, accelerated by the proliferation of migration crises, global conflicts, and the COVID-19 pandemic.

Besides being a severe human rights violation and humanitarian crisis, human trafficking also affects matters of national security, economic growth, and sustainable development. The practice contributes to economic losses; the total costs of human trafficking are estimated to be as much as \$21 billion, the majority of which is lost income due to unpaid wages. Profits bankroll transnational crime syndicates and extremist groups. The result is that human trafficking can destabilize nations, impede strong governance, and undermine sustainable development.

In this Council Special Report, Jamille Bigio, senior fellow for the Women and Foreign Policy program at the Council on Foreign Relations, and Rachel Vogelstein, Douglas Dillon senior fellow and director of the Women and Foreign Policy program at the Council on Foreign Relations, offer a valuable primer on the nature and extent of the problem, explain why it matters, and provide numerous viable policy prescriptions. They also deftly take stock of the frameworks currently in place meant to stop human trafficking, including the Palermo Protocol and, in the United States, the Trafficking Victims Protection Act; describe how and why these policies fall short; and suggest how

governments, private industry, and the security and development sectors can narrow this gap.

The authors find that while the United States and other governments, international organizations, and civil society have developed a comprehensive framework to better define the problem and institute standards, those efforts are insufficient. To do so, they argue for greater attention and funding, better tools, more research, and stronger implementation and accountability measures. Bigio and Vogelstein provide an array of clear policy recommendations on how to develop more robust legal standards and enforcement mechanisms to combat trafficking and ways the United States and other countries can work independently and collaboratively to prevent, detect, and disrupt trafficking operations. The authors highlight the value of immigration reform, including a temporary work-visa system. They also call on the White House to develop a revised National Action Plan to Combat Human Trafficking and increase prosecutions of individuals, networks, and businesses involved in trafficking.

The good news, according to Bigio and Vogelstein, is that “this agenda can be accomplished with modest investment of time and funding and promises significant returns for U.S. economic and security interests.” All of which is to say that there are numerous ways this scourge can and should be addressed by governments and the private sector alike. Bigio and Vogelstein’s report offers an excellent guide for doing just that.

Richard N. Haass

President

Council on Foreign Relations

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Jamille Bigio and Rachel B. Vogelstein

INTRODUCTION

Human trafficking is a form of modern slavery. An estimated twenty-five million people worldwide are victims—a number only growing in the face of vulnerabilities fueled by the COVID-19 pandemic.¹ Other global challenges, such as the migration crisis and persistent conflict, also increase its prevalence. Today, the practice yields perpetrators an estimated \$150 billion annually, making it one of the world's most profitable crimes. Not only is human trafficking a grave violation of human rights, but it also poses a strategic threat to U.S. interests in national security by bankrolling operations for transnational crime syndicates and extremist groups; undermining economic growth by undervaluing labor; and impeding sustainable development by retarding human potential.²

Over the past two decades, human rights and labor leaders developed a comprehensive international framework defining the crime of human trafficking, most notably in 2000 with the Palermo Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. That same year, the U.S. government enacted the Trafficking Victims Protection Act (TVPA), which was signed into law by President Bill Clinton, reauthorized in the George W. Bush, Barack Obama, and Donald Trump administrations, and emulated in countries around the world. Twenty years after these standards were enacted, however, human trafficking persists unabated.

To reverse the growth of human trafficking, new tools—and partners—are needed in order to better implement global and national anti-trafficking standards. Private industry should be held accountable for due diligence to ensure that supply chains are free from forced labor, and the financial sector should do more to identify and report traffickers' illegal profits. Leaders in the security and

development sectors need to recognize that trafficking undermines economic growth and fuels instability, and they should expand their policies to address this crime, including within their ranks. Governments should deter traffickers and decrease prevalence by using sustainable development approaches that address root causes and pairing them with reliable apprehension and punishment efforts.

The U.S. government should lead on the global stage to advance this approach by strengthening institutional authorities and coordination, improving accountability, increasing resources, and expanding evidence and data. Specifically, it should enact due diligence reforms to promote corporate accountability for forced labor in supply chains; implement policies that combat the exploitation of migrant workers; increase trafficking prosecutions by scaling the successful U.S. anti-trafficking coordination team model, which includes law enforcement, labor officials, and social service providers; leverage technology against human trafficking; and increase investment to counter it. The Joe Biden administration and Congress should enlist leaders in the private, security, and global development sectors to propose innovative and robust prevention and enforcement initiatives, adding critical tools to the arsenal of human rights-based and prosecutorial approaches that have been underenforced globally and produced far too little progress to date.

UNDERSTANDING HUMAN TRAFFICKING

Human trafficking is an egregious and ubiquitous human rights violation. The UN Office on Drugs and Crime (UNODC) defines it as the recruitment, transportation, transfer, harboring, or receipt of people through threat or abduction, abuse of power or vulnerability, deception, coercion, fraud, force, or giving of payments or benefits to a person in control of a victim for the purpose of exploitation.³ A truly global phenomenon, human trafficking occurs in almost every country, including the United States. Poverty, social marginalization, migratory status, weak criminal justice systems, and conflict all increase people's vulnerability to exploitation by traffickers.⁴

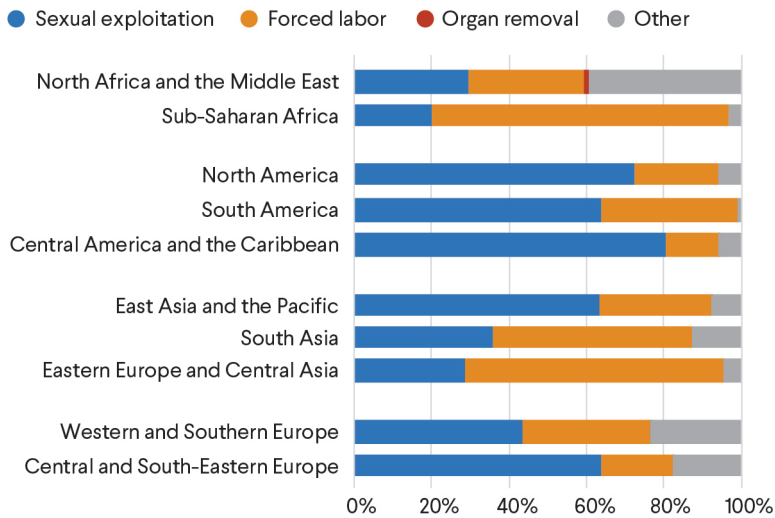
Several kinds of exploitation fall under the umbrella of human trafficking, which most commonly takes one of four forms: labor trafficking, sex trafficking, forced marriage, or trafficking in persons for the removal of their organs. Other forms of trafficking include the sale of infants, forced criminal behavior, and trafficking for exploitative street begging. The prevalence of the different types of human trafficking varies across different regions of the world (see figure 1).⁵

Among detected trafficking victims, most are exploited within their country of residence or are trafficked across national borders within the same region; others are trafficked across regions, the largest numbers being detected in Europe and North America (see figure 2).⁶

The International Labor Organization (ILO) estimates that there are twenty-five million victims of forced labor and forced sexual exploitation worldwide, but only a small fraction of these victims are reported to authorities. UNODC, which collects data on detected numbers of human trafficking victims, received about fifty thousand reports of human trafficking in its latest analysis. Women and girls

Figure 1. FORMS OF EXPLOITATION VARY BY REGION

Detected trafficking victims by form of exploitation, 2018 or most recent



Source: UNODC.

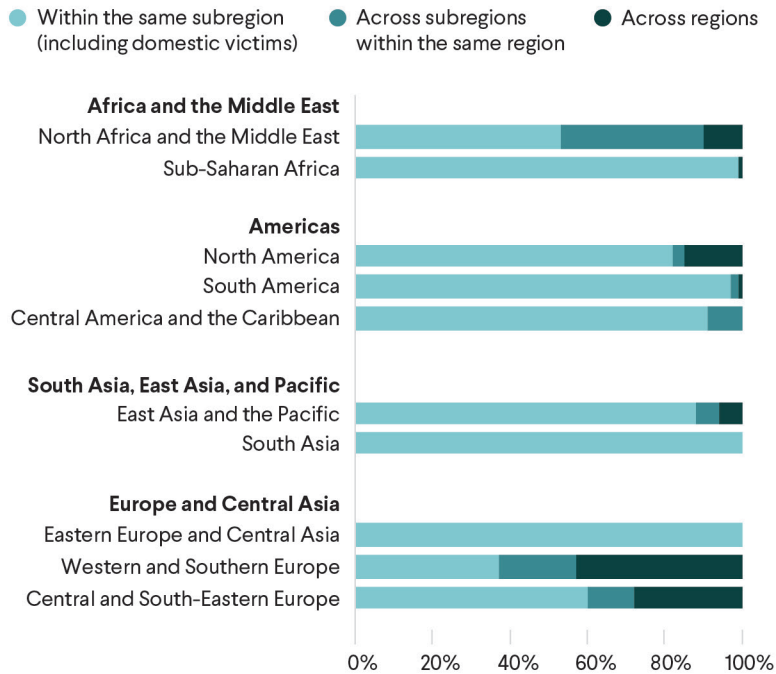
represent the majority of detected victims and are trafficked for sexual exploitation, forced labor, and other forms of exploitation, including forced marriage (see figure 3). However, the data is skewed toward those who are detected by official channels, and evidence indicates that women and girls trafficked for sexual exploitation are more likely to be detected globally than victims of forced labor.⁷

Although human trafficking is primarily driven by exploitative individuals or groups, some governments also fuel the practice by explicitly supporting forced labor and sexual enslavement or using child soldiers. The State Department in 2020 identified ten countries with a policy or practice supporting human trafficking—often for years, regardless of international condemnation: Afghanistan, Belarus, Burma, China, Cuba, Eritrea, North Korea, Russia, South Sudan, and Turkmenistan.⁸

Despite the estimated twenty-five million victims, impunity is widespread, with the vast majority of trafficking cases not prosecuted: the U.S. Department of State Trafficking in Persons (TIP) Report estimated only 11,841 prosecutions worldwide in 2019.⁹

Figure 2. MOST TRAFFICKING OCCURS WITHIN REGIONS

Detected trafficking victims, 2018 or most recent



Note: Bars represent subregions within the four regions (Africa and the Middle East; Americas; South Asia, East Asia, and Pacific; and Europe and Central Asia).

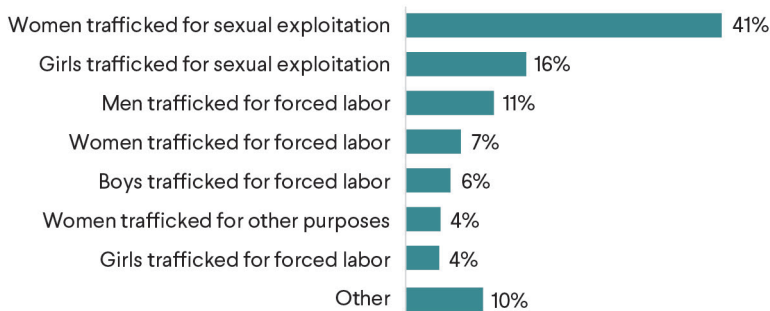
Source: UNODC.

LABOR TRAFFICKING

Forced labor is far more prevalent than commonly realized. The ILO defines forced labor as “all work or service exacted from any person under the menace of any penalty and for which the person has not offered themselves voluntarily.”¹⁰ People of all genders and ages—including approximately four million children—are trafficked for labor in a range of fields that include domestic work, agriculture, textiles and factory work, construction, and commercial fishing.¹¹ Victims usually face extremely hazardous conditions and excessively long hours, and many also endure wage theft and coerced debt.

Figure 3. THE MAJORITY OF DETECTED TRAFFICKING VICTIMS ARE WOMEN AND GIRLS

Detected trafficking victims by sex, age, and type of exploitation, 2018 or most recent



Source: UNODC.

Forced labor occurs around the world, but workers in the informal economy—approximately two billion people (60 percent of the global workforce), concentrated in emerging and developing nations—are particularly vulnerable.¹² Workers in unskilled, temporary, and dangerous professions also face a greater risk of exploitation. Migrant workers make up 25 percent of forced labor victims globally.¹³ Labor recruiters often take advantage of their economic vulnerability by charging exorbitant fees to place them with employers in a destination country—sometimes in a debt bondage arrangement, under which a worker receives low or no wages to repay the recruitment debt.¹⁴ Other recruiters fraudulently conceal the true nature of a job, leaving migrant workers, who end up in a forced labor situation; in some cases, for example, women are promised jobs in the hospitality industry only to find themselves held captive in domestic servitude.¹⁵ And some migrant workers, fearing arrest or deportation, believe they cannot leave abusive environments.¹⁶ In the Middle East and North Africa, for example, domestic laborers governed under the *kafala* system—one in which the legal status of foreign workers is linked to their employers—remain unprotected from abuse (see appendix 1 for more detail on labor trafficking in the Arabian Gulf and an additional four regional case studies on other forms of human trafficking).

Forced labor in conflict settings is a persistent challenge. In many regions, parties to conflict force civilians to work in construction,

mining, and domestic servitude, for example, to support an armed or terrorist group.¹⁷ Civilians fleeing conflict are also susceptible to fraudulent recruitment and debt bondage.¹⁸ Forced labor of children—their use as child soldiers—is a war crime, and tens of thousands of children are thought to be fighting in wars today.¹⁹ Children in war zones are especially vulnerable to trafficking because of displacement, separation from their families, or inability to attend school.²⁰

Layoffs related to the COVID-19 pandemic only exacerbate the vulnerability of marginalized communities to trafficking and exploitation.²¹ Workers living on the edge of poverty are more susceptible to the fraudulent job offers and predatory loans that lead to situations of forced labor and debt bondage.²²

SEX TRAFFICKING

Although the ILO considers sex trafficking to be a form of forced labor, the U.S. government categorizes sex trafficking separately. According to the U.S. Department of Justice, sex trafficking occurs when “a commercial sex act is induced by force, fraud, or coercion,” or when “the person induced to perform such act has not attained eighteen years of age.”²³ The vast majority of detected victims are women and girls, but men and boys are sexually exploited as well.²⁴

Both individuals and organizations perpetrate sex trafficking, which often occurs in brothels or private homes controlled by traffickers, where victims are not able to leave and can have their documents confiscated.²⁵ Sex trafficking also manifests in outdoor sex solicitation, escort services, and illicit spa services.²⁶ Rates of online sexual exploitation are also rising: In the Philippines, for example, between 2014 and 2017 the prevalence rate of online child exploitation more than tripled; in the United Kingdom, women trafficked from eastern Europe were sold via online ads for “pop-up” brothels in temporary rentals.²⁷ In 2020, the demand spiked globally as the COVID-19 crisis pushed more interactions online.²⁸ The internet also facilitates sexual exploitation in the context of travel and tourism, with tourists expressly traveling to areas where commercial sexual exploitation is common, as is the case with the resort and coastal areas of Brazil (see appendix 1).

Criminal sex-trafficking networks are often global. For example, an international organized crime network trafficked hundreds of Thai women to the United States for the purpose of sexual exploitation, generating tens of millions of dollars in illicit profits until U.S. law

enforcement dismantled the organization and convicted thirty-six traffickers between 2016 and 2018.²⁹ Sex trafficking can also be perpetrated by the same institutions charged with protecting the world's most vulnerable—for example, when national military, North Atlantic Treaty Organization (NATO), or UN peacekeeping personnel perpetrate this crime while on mission.

FORCED MARRIAGE

The Office of the United Nations High Commissioner for Human Rights defines forced marriage as one in which one or both parties do not give their full, free, and informed consent.³⁰ Worldwide, 15.4 million people are in forced marriages.³¹ Early marriage is the forced marriage of a child under eighteen, which is the internationally established minimum age.³² Although men and boys can be forced into marriage, women and girls are far more likely to be victimized in a situation that is tantamount to slavery, which requires the performance of unpaid domestic and caregiving work often while enduring sexual, physical, and emotional violence as well as isolation from family and friends.³³ Victims are more likely to come from impoverished homes and have little education.³⁴

International organizations are increasingly classifying forced marriage—once thought of as a private family matter or cultural practice—as a form of modern slavery. Although no global consensus exists about the definition of modern slavery, the term is used to refer to a multitude of exploitative situations a person cannot refuse or leave, including forced labor, debt bondage, human trafficking, forced marriage, and other practices tantamount to slavery.

When the ILO categorized forced marriage as modern slavery in 2017, it recognized that millions of women and girls are being forced or tricked into marrying people who then exploit them for domestic labor and sex against their will.³⁵ In 2020, the UNODC released a report highlighting the linkages between forced marriage and trafficking in persons, documenting instances where girls as young as twelve have been compelled into marrying men by family members, brokers, or kidnapers, frequently for material gain.³⁶ This practice spans the world, with instances of early marriage highest in sub-Saharan Africa and in South Asia, where around a third of young women were married before age eighteen (see appendix 1 for a case study on India).³⁷

Forced marriage often increases in conflict and postconflict settings because greater instability and poverty incentivize parents to

force their girls to marry early as an economic safety net or a method of protection.³⁸ During the COVID-19 crisis, the economic stress posed by the pandemic is expected to contribute to thirteen million more child marriages around the world as families resort to this form of child labor.³⁹

Armed and extremist groups also traffic women and girls for the purpose of forced marriage. Central Africa's Lord's Resistance Army and Sierra Leone's Revolutionary United Front abducted women and girls as "bush wives," forcing them to marry combatants as well as to clean, cook, and sometimes participate in armed attacks.⁴⁰ The self-proclaimed Islamic State recruited thousands of male affiliates, in part by promising kidnapped women and girls as "wives."⁴¹

TRAFFICKING IN PERSONS FOR ORGANS

Human trafficking for organ removal takes place when traffickers remove organs from people through fraud, coercion, or force to generate revenue.⁴² Victims are vulnerable because of their poverty and frequently unaware of the hazards to their health.⁴³ Migrants are at particular risk: for example, in recent years, traffickers have forced some African migrants fleeing conflict to sell organs in exchange for safe passage into European nations.⁴⁴ Armed and extremist groups also employ this form of trafficking to generate revenue and treat injured fighters.⁴⁵ The demand for organs is significant—buyers are willing to pay up to \$80,000 for a kidney and \$290,000 for a heart or lung—yielding hundreds of millions in profits annually.⁴⁶ Extremist groups including Jabhat Fateh al-Sham and the Islamic State have capitalized on this exploitation.⁴⁷

IMPLICATIONS FOR U.S. INTERESTS

Human trafficking not only violates human rights but also undermines national security, retards economic growth, and impedes sustainable development, hindering U.S. interests in prosperity, security, and stability.

NATIONAL SECURITY

Human trafficking imperils national security by fueling corruption and criminal networks.⁴⁸ Trafficking in persons is one of the most lucrative forms of organized crime, yielding an estimated \$150 billion in profit each year.⁴⁹ Given the steady demand for forced labor and sex work, as well as insufficient law enforcement efforts, perpetrators generally consider trafficking to be a low-risk and high-profit enterprise.⁵⁰

Human trafficking strengthens criminal groups by diversifying their funding sources and expanding their activities. In Mexico, for example, several large drug trafficking syndicates split into smaller groups focused on particular types of crime, making them nimbler and more resistant to enforcement efforts.⁵¹ Trafficking in persons also helps criminal groups augment existing activities—by, for example, forcing victims to convey drugs, thereby multiplying profits.⁵² Routes used for human trafficking are used for other criminal pursuits as well, such as arms, drug, and wildlife trafficking. The implications for national security are significant.⁵³

Human trafficking also undermines national security by bolstering terrorist and armed groups, who use forced labor and sex trafficking to generate recruits and revenue, enlarge military capabilities, and augment operations. Victims of trafficking are used in many capacities, from combatants and spies to cooks and messengers.⁵⁴

Some extremist organizations have used human trafficking as a terror tool by targeting specific groups, as the Islamic State did with Yazidi women and girls.⁵⁵ The strategic and financial benefits that human trafficking affords enhance the power of armed and extremist groups, thereby prolonging conflict.

In repressive government regimes, human trafficking—particularly forced labor—is often used to foster economic gains or circumvent sanctions, weakening a critical national security tool. The North Korean government, for example, sent almost one hundred thousand forced laborers to work abroad, primarily in China and Russia, generating more than \$500 million each year for the sanctioned government.⁵⁶ Other authoritarian governments use forced labor as a repression tool against certain populations or as a form of punishment, such as the brutal campaign by the Chinese government against the Uyghurs and other ethnic minorities (see appendix 1).⁵⁷ In 2016 alone, nearly four million people were entrapped in state-sanctioned forced labor.⁵⁸ Such abuses fuel displacement, further contributing to destabilization.⁵⁹

Human trafficking also undermines international cooperation. The trafficking of women in and around military and peacekeeping missions, for example, both betrays the purpose of such efforts and decreases confidence in the international system. Between 2001 and 2011, studies showed a correlation between the presence of peacekeeping forces and forced prostitution.⁶⁰ Similarly, a rise in military presence frequently coincides with elevated demand for sexual exploitation. Consider, for example, the trafficking of women around U.S. military bases in South Korea—with women from China, the Philippines, and Russia held in bondage to traffickers—or in Yugoslavia, where NATO troops deployed during and after the Kosovo War in 1999 exploited

trafficked women from Balkan countries, transforming a small prostitution market into a significant sex-trafficking industry.⁶¹ Trafficking in persons committed or permitted by security forces weakens the integrity of international institutions and compromises their ability to execute their missions, undermining U.S. security interests.⁶²

ECONOMIC GROWTH

Human trafficking imperils economic growth and the stability of global financial systems by fueling illegal and unregulated markets, putting legally compliant private-sector actors at a disadvantage and eliminating tax revenue from the government. In 2009, the ILO estimated the total costs of coercion to workers, excluding sexual exploitation, to be as much as \$21 billion, including \$19.6 billion in lost income due to unpaid wages—earnings that are excluded from tax coffers.⁶³ Although the profits of human trafficking are privatized, the costs are spread across society: one study shows that every human trafficking case in the United Kingdom costs more than 325,000 British pounds in direct costs, including for health care and law enforcement.⁶⁴ As to child marriage, International Monetary Fund (IMF) researchers calculated that emerging and developing countries stand to gain more than 1 percent in annual gross domestic product (GDP) if just this one form of modern slavery were eradicated.⁶⁵ Human trafficking is a market failure: overlooking its true social and economic costs leads to inefficient capital allocation, whereby enterprises that tolerate human trafficking have a competitive advantage over those that do not.⁶⁶

Human trafficking also erodes stability in global supply chains. Forced labor introduces risks to investors, given the threat of supply chain disruption, fines due to factory closures or import restrictions, and other law enforcement measures.⁶⁷ Corporations that ignore or tolerate human trafficking in their supply chains face growing reputational and compliance costs, especially as some nations consider regulations that would mandate transparency or due diligence to identify and combat forced labor.

Human trafficking also exacerbates global wealth inequality. The rise of economic globalization has increased income inequality, furthering the conditions in which human trafficking thrives.⁶⁸ In developed nations, multinational businesses' growing demand for cheap labor has coincided with the desperation of workers who have lost their livelihoods to technological and other economic shifts, increasing their susceptibility to trafficking.⁶⁹ Government failure to protect labor

rights, including freedom of association, has also fueled worker vulnerability to forced labor and other exploitation. Although all but nine ILO member states have ratified ILO Convention 29, which prohibits forced labor, far too few governments are adequately enforcing it.⁷⁰

SUSTAINABLE DEVELOPMENT

Human trafficking impedes sustainable development, undermining U.S. interests in prosperity and stability.⁷¹ Human trafficking creates a cycle of poverty, compounding illiteracy, poor health and nutrition, and vulnerability across generations. The human costs are long lasting: in sex trafficking, for example, women and girls who escape nevertheless can face enduring complications, including HIV infection, poor marriage prospects, or ostracism for children born of rape.⁷² Those held in forced labor can face multigenerational debt bondage, which traps entire families in servitude when debts attach to children following the death of a parent.⁷³

Human trafficking undermines sustainable development by destabilizing communities.⁷⁴ Fear of trafficking fuels displacement, which divests communities of human potential. In Central America's Northern Triangle region, for instance, some sources report that rising levels of gang violence—including violence related to human trafficking—contributed to their decision to migrate.⁷⁵

Human trafficking also fuels corrupt practices, weakening democracies and impeding strong governance. Human traffickers encourage the erosion of democratic institutions, including by recruiting corrupt officials from police to customs officers to prosecutors.⁷⁶

POLICY LANDSCAPE AND SHORTCOMINGS

Over the past two decades, multilateral institutions and governments around the world—including the U.S. government—have enacted a number of policies and programs to combat human trafficking, focused on stopping the individuals and networks that exploit this criminal practice; reforming the institutional environment; and addressing the factors that make people vulnerable to trafficking in the first place. However, despite this comprehensive framework, anti-trafficking efforts are undermined by insufficient authorities, weak enforcement, limited investment, and inadequate data. This failure impedes U.S. interests in national security, economic growth, and sustainable development.

POLICY LANDSCAPE

In 1930, the ILO adopted its first of eight fundamental conventions laying out international labor standards, starting with a focus on the issue of forced labor. In 1948, the Universal Declaration of Human Rights recognized freedom from slavery or servitude as a fundamental human right and urged the prohibition of slavery and the slave trade in all forms (see appendix 2 for a list of primary global agreements on human trafficking and forced labor).⁷⁷

In 2000, the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons—the first international instrument to define human trafficking—committed ratifying states to preventing and addressing this scourge. That same year, the U.S. government enacted the TVPA to implement its mandate. Signed by President Clinton and reauthorized in the Bush, Obama, and Trump administrations, the TVPA set a standard for countries around the world to strengthen efforts to prosecute traffickers, increase protection for foreign national trafficking

victims, and expand related foreign assistance programs. By 2021, Congress reauthorized the TVPA five times with expanded requirements to strengthen U.S. government action (see appendix 2 also for a timeline and summary of the TVPA reauthorizations).

Implementation of the TVPA has been a bipartisan issue. In 2002, the Bush administration built on the passage of the TVPA during the Clinton administration by establishing the President's Interagency Task Force to Monitor and Combat Trafficking in Persons.⁷⁸ In 2012, the Obama administration issued an executive order to combat trafficking in federal contracts and in 2016 produced a National Intelligence Estimate on global human trafficking.⁷⁹ In 2020, the Trump administration launched the United States' first National Action Plan to Combat Human Trafficking.⁸⁰ Many U.S. government agencies participate in the President's Interagency Task Force to Monitor and Combat Trafficking in Persons, including the Departments of Defense, Health and Human Services (HHS), Homeland Security (DHS), Justice, Labor, State, and Treasury, and the U.S. Agency for International Development (USAID). The State Department uses its annual TIP report to encourage like-minded governments to enact trafficking laws and improve their implementation.⁸¹ The Obama administration added the United States to its TIP report rankings, reviewing the nation's progress in combating trafficking domestically using the same framework the United States applies to other countries. Other agencies have standalone strategies to fight human trafficking: for example, the Department of Homeland Security issued its first plan in 2020, and USAID—considered a leader among international development agencies in combating human trafficking—recently updated its 2012 policy, releasing a revised version in January 2021 at the end of the Trump administration.

The Department of Labor contributes research and reporting that exposes labor abuses around the world, including by maintaining a list of goods (and their source countries) that it suspects were produced with the use of child or forced labor. As of 2020, the Labor Department listed 155 goods from 77 countries. Recently, the department expanded the list to include any goods created “with inputs that are produced with forced labor or child labor”—which will capture broader situations of abuse in response to a new congressional mandate.⁸²

In addition, the U.S. government has a range of financial tools to combat the industry’s illicit profits, including sanctions authorities to freeze traffickers’ assets and legal requirements that financial institutions report suspicious activity. The Treasury Department issued guidelines to assist the financial sector in detecting the range of money laundering tactics that human traffickers and their facilitators employ to conceal their profits, avoid detection, and expand their criminal networks.⁸³ Those guidelines build on similar global efforts by the Financial Action Task Force and the Liechtenstein Initiative for Finance Against Slavery and Trafficking.⁸⁴

Congress continues to combat human trafficking through additional legislation, appropriations, and oversight efforts. For example, it has taken steps to address labor trafficking and forced labor—from a specific forced labor statute in 2000 (18 USC §1589) to provisions in the 2010 Dodd-Frank Act that require responsible minerals sourcing. In 2018, Congress took the critical step of holding websites that host sex-trafficking ads accountable through the Allow States and Victims to Fight Online Sex Trafficking Act. In the 2021 National Defense Authorization Act, Congress also required all companies registered in the United States to disclose their actual owners, closing a loophole that permitted traffickers, terrorists, and other criminals to cloak themselves in shell companies.⁸⁵

U.S. government efforts to combat forced labor and trafficking have been bolstered by the global movement for responsible business conduct. In 2011, the United Nations issued its Guiding Principles on Business and Human Rights, laying out a global standard for how corporations should respect human rights—including labor rights. In 2014, governments, employers, and workers voted to adopt a protocol to supplement the 1930 Forced Labour Convention, requiring government action to end the practice, including developing national action plans and providing victims with protection and compensation.⁸⁶ Some governments—including Australia, the United Kingdom, and the state of California—have required large corporations to report on

their actions to prevent forced labor across their supply chains; however, transparency-only requirements are producing too little change.⁸⁷ Notably, laws in France, Germany, and the Netherlands (which, in the Netherlands' case, focused on child labor) go further in requiring that companies take due diligence measures to assess potential human rights abuses related to their business activities and offer remedies.⁸⁸ Building on these examples, negotiations are underway to develop more stringent global standards for responsible business conduct, including a European Union-wide mandatory human rights due diligence law and a legally binding UN treaty on business and human rights, which, if enacted, would help address this critical gap.⁸⁹

In addition, institutional investors, including mutual and equity funds, are encouraging greater private-sector attention to forced labor and human trafficking by ensuring the associated social costs are appropriately priced into business models through environmental, social, and governance (ESG) frameworks. Such efforts recognize the financial implications that forced labor and human trafficking pose, for example, through reputational threats, earnings volatility, and supply chain disruption.

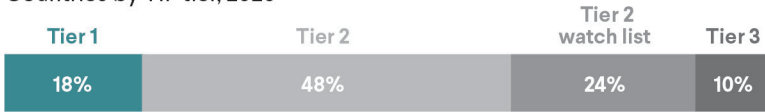
SHORTCOMINGS

Although the Palermo Protocol has been widely adopted globally, implementation has been weak. Of the 188 assessed governments in the State Department's annual TIP report, most rank below Tier 1, which is the only tier in which countries meet the minimum U.S. government standards for the elimination of human trafficking (see figure 4).⁹⁰ Broadly, Tier 2 countries' governments do not yet meet minimum U.S. government standards but are "making significant efforts" to do so, while Tier 2 watch-list countries—despite significant or increasing numbers of victims of severe forms of human trafficking—have not increased efforts to address those numbers. Tier 3 countries are neither meeting minimum standards nor taking meaningful action to do so.⁹¹

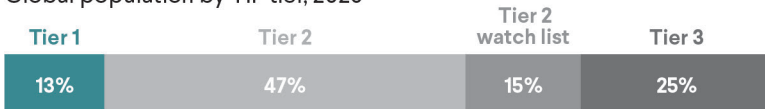
The U.S. government's own efforts have also fallen short: twenty years after the passage of the TVPA, the U.S. government is still missing critical opportunities to better leverage U.S. tools and capacities to combat modern slavery. Its current framework is undermined by insufficient authorities, weak accountability, limited investment, and inadequate data.

Figure 4. MOST GOVERNMENTS DO NOT MEET MINIMUM STANDARDS FOR ADDRESSING TRAFFICKING

Countries by TIP tier, 2020



Global population by TIP tier, 2020



Source: Journal of Human Trafficking.

Insufficient Institutional Authorities and Coordination

The United States lacks sufficient authorities and coordination across the federal government to address human trafficking adequately, instead treating this issue as ancillary to broader foreign policy concerns. The U.S. government pays too little attention to how human trafficking undermines economic growth, fuels conflict and instability, and threatens democracy and sustainable development.⁹² Coordination is minimal between officials across the human rights, national security, economic, labor, and development sectors, as is investment in human trafficking outside trafficking-focused offices. The intelligence community has promised to address human trafficking, pledging in October 2020 to produce a U.S. assessment; however, this report risks being overlooked as an isolated product, as was the case with the 2016 National Intelligence Estimate on global human trafficking.

Despite the potential pool of \$150 billion in trafficking-related illicit profits to track and seize, the Treasury Department has listed human trafficking in only a few of its economic sanctions determinations, due in part to insufficient prioritization of this approach.⁹³ Government officials fail to investigate many of the financial sector's reports on suspicious activity, and law enforcement, focused on criminal charges, pays insufficient attention to civil and administrative authorities to disrupt trafficking—including the illicit use of the financial system. The combined result is that relatively few trafficking profits are seized.⁹⁴

Domestically, the Trump administration's restrictive immigration policies left migrants more vulnerable to human trafficking, and its anti-immigrant rhetoric and policies discouraged survivors from cooperating with law enforcement to hold traffickers accountable. Those policies build on a history of exploitative labor recruitment systems—including through guest-worker programs from the United States to Qatar and around the world—that contribute to the trafficking of millions of migrant workers and place tens of millions more at risk (see appendix 1 for an analysis of labor exploitation in the Arabian Gulf).⁹⁵ In the United States, inconsistent rules and requirements across visa programs—H-1B, H-2, G-5, the J-1 exchange program, and others—as well as weak enforcement of existing regulations foster abuse and human trafficking by recruiters and employers.

Procurement systems also risk enabling labor trafficking. The U.S. government is one of the world's largest purchasers of consumer goods and spent an estimated \$600 billion in fiscal year 2020 on civilian and defense contracts, yet it does not monitor the behavior of suppliers and subcontractors across much of its global supply chain.⁹⁶ This area needs reform: for example, as recently as 2019, the Defense Department was implicated in labor trafficking when U.S. government inspectors uncovered forced labor perpetrated by Defense Department contractors on U.S. bases in Kuwait; similar violations were reported in 2005 on U.S. bases in Iraq.⁹⁷

Despite USAID's commitments to preventing human trafficking, its policies remain too limited in scope and fail to address human trafficking as a critical challenge to sustainable development.⁹⁸ Furthermore, although the Sustainable Development Goals (SDGs) include three related targets and governments have joined forces through such initiatives as the 2017 Call to Action to End Forced Labor, Modern Slavery and Human Trafficking and the Alliance 8.7 initiative (a reference to the SDG target 8.7 on human trafficking), meaningful coordination is limited, and anti-trafficking measures remain siloed from the broader sustainable development community.⁹⁹ In addition, U.S. anti-trafficking efforts pay limited attention to forced marriage or organ removal, neither of which is covered in detail in either the State Department's annual TIP report or the Labor Department's work on child exploitation, or invested in through anti-trafficking programs.

Weak Accountability

Despite a law enforcement focus on combating human trafficking, impunity remains the norm—for individual traffickers, corporations,

criminal and terrorist networks, and governments. Fewer than twelve thousand of the estimated twenty-five million cases of human trafficking were prosecuted in 2019, and among those, detected labor trafficking cases were less likely to be prosecuted or reach convictions than sex-trafficking cases.¹⁰⁰ Similarly, in the United States, federal prosecutors brought a mere 220 federal criminal trafficking cases in 2019, of which only twelve were for forced labor.¹⁰¹ Where law enforcement is effective, research shows that exploitation can be reduced: in Cambodia and the Philippines, for example, increased investigation and prosecution of perpetrators facilitated a drop in child trafficking for sexual exploitation in commercial establishments.¹⁰²

Greater accountability is needed to ensure slavery-free supply chains that respect workers' rights and protect multinational companies from regulatory and reputational risk. Recognizing the Department of Homeland Security's Customs and Border Protection (CBP)'s failure to enforce the 1930 Tariff Act, Congress closed a loophole in 2016, in order to require CBP to block the import of goods into the U.S. market that it suspects were produced with forced labor. If implemented as intended, the law now has the potential to incentivize multinational corporations to prevent forced labor in their supply chains or risk suspended shipments and unfavorable press should CBP detain their goods at the border. CBP's tools would be more effective, however, if better integrated in a coordinated government response and better staffed with a limited number of additional personnel at headquarters and in ports to fully implement the law—requiring an additional \$5 million for human resources.¹⁰³

Executive action has also undercut corporate accountability: for example, in a 2020 Supreme Court case on child forced labor in the cocoa industry, the Trump administration undermined its anti-trafficking commitments by arguing that employers should be shielded from liability for child slavery in their overseas supply chains (the court has not yet ruled on the case).¹⁰⁴ Furthermore, accountability efforts have too often overlooked the priorities of the survivors themselves, including by failing to ensure victim restitution and by providing only temporary assistance without job training that leaves survivors at risk of falling prey again to traffickers.

Essential to eradicating forced labor from the private sector is the complicated task of knowing where suppliers operate and how they manage human trafficking risks. A wide range of technology tools—including some funded by the U.S. government—offer new and innovative ways to support these efforts, which include helping multinational

corporations and employers protect their workers, improve their visibility across their supply chains, and increase their compliance with anti-trafficking laws. For instance, artificial intelligence and machine learning could allow governments and multinationals to predict forced labor risks across an entire supply chain, enabling them to prioritize ethical suppliers; a new decision support tool, for example—developed by the Global Fund to End Modern Slavery and to be released open source—has 84 percent accuracy in identifying forced labor risks.

Limited Resources

Reforming exploitative systems to protect the worst off—those held in slavery-like conditions—offers broad societal benefits. Despite the projected return on investment, human trafficking is too often regarded as a niche issue rather than a metric of economic health, protection of labor rights, and respect for the rule of law—and anti-trafficking efforts are persistently under-resourced by governments, philanthropy, and the private sector.

The U.S. government and its partners cannot end human trafficking with the funding currently available. Between 2000 and 2017, Organization for Economic Cooperation and Development (OECD) donor countries dedicated an average of only \$12 per trafficking victim each year.¹⁰⁵ Of this Official Development Assistance (ODA), the United States was the largest single contributor, providing 42.8 percent of the declared bilateral ODA resources from 2000 to 2017 through USAID, the State Department, and other agencies.¹⁰⁶ However, given the scale and breadth of human trafficking globally and its implications for U.S. foreign policy interests, the investment in efforts to combat it remains paltry.

Inadequate Data and Evidence

Anti-trafficking efforts are undermined by an absence of data on the prevalence of human trafficking, the determinants of exploitation, and the effectiveness of program interventions from the community level to global supply chains. Despite the \$150 billion in illicit profits associated with human trafficking, governments, corporations, and organizations invest too little to produce the prevalence estimates needed to better understand the scale of this hidden crime and do not conduct rigorous program evaluations to determine what measures work best to combat human trafficking. As a consequence, anti-trafficking actors are limited

by the available information about detected victims and cases, which understates the scope of human trafficking, and without rigorous evaluations they continue to invest in untested interventions. Furthermore, civil society organizations on the front lines of anti-trafficking efforts lack the capacity and resources to collect and analyze data. Information gaps are further exacerbated by a lack of coordination between organizations to standardize and synthesize human trafficking data into a comprehensive picture.¹⁰⁷

RECOMMENDATIONS

To address these gaps, the U.S. government and other governments worldwide should enact reforms that improve efforts to combat human trafficking. They should strengthen institutional authorities and coordination; improve accountability for individuals, networks, and businesses; invest sufficient resources to reduce vulnerability to trafficking and support comprehensive services for survivors; and prioritize data-gathering and evaluation to make policies and programs more effective. This agenda can be accomplished with modest investment of time and funding and promises significant returns for U.S. economic and security interests.

STRENGTHEN INSTITUTIONAL AUTHORITIES AND COORDINATION

To end human trafficking, the U.S. government should enact structural reforms to improve institutional efforts to combat the crime. It should strengthen the U.S. national action plan to halt human trafficking; institute procurement reform; update immigration law to deter the exploitation of migrant workers; amplify anti-trafficking measures from the national security and intelligence communities; strengthen the sustainable development efforts to combat trafficking; and evaluate U.S. policies on overlooked forms of human trafficking.

Expand the U.S. National Action Plan to Combat Human Trafficking

The White House—together with the Defense, Homeland Security, Justice, State, and Treasury Departments; USAID; the intelligence

community; the U.S. Securities and Exchange Commission (SEC); and the U.S. Trade Representative—should issue an executive order and release an updated National Action Plan to Combat Human Trafficking, building on the strategy issued by the Trump administration in October 2020 but expanding its global focus. The executive order and national action plan should

- articulate a coordinated approach to preventing forced labor that aligns U.S. government efforts across global supply chains;
- identify a comprehensive accountability strategy that applies the full range of criminal, civil, administrative, and collection authorities to disrupt trafficking and forced labor, recognizing that tools beyond criminal prosecution receive too little attention;
- delegate the president’s authority granted in the TVPA (2000) to the State and Treasury Departments to establish a sanctions program dedicated to combating human trafficking and expressly linked with the broader Global Magnitsky human rights and anti-corruption sanctions program (with at least \$500,000 dedicated annually to investigations, either through congressional appropriations or the president’s budget);
- improve data sharing, referrals, and coordination between law enforcement and intelligence officials to help financial-sector actors pursue financial accountability, starting with a strategic analysis of financial institutions’ suspicious activity reports that identifies trends and analyzes how human traffickers intersect with U.S. financial institutions;
- reform the Trump administration’s immigration-related commitments in the first national action plan to better address the relationship between human trafficking and migration while encouraging trafficking survivors in the United States to seek help without fear of deportation; and
- strengthen the humanitarian community’s response—including UN agencies and nongovernmental organizations—to address human trafficking as a protection priority for refugees and internally displaced people, including by conducting risk analyses, incorporating anti-trafficking efforts in humanitarian activities, and coordinating with anti-trafficking partners.

Enact Immigration Reform to Combat the Exploitation of Migrant Workers

Recognizing that exploitative labor recruitment systems—in the United States and around the world—contribute to the trafficking of migrant workers, the U.S. government should combat human trafficking domestically and lead by example by reforming its own temporary work-visa system, under which hundreds of thousands of workers are recruited to the United States.

To this end, the U.S. government should increase the safety, transparency, and efficiency of labor recruitment systems that are currently plagued by outdated technologies, informal operators, and widespread corruption. Such reforms will help prevent human trafficking in product supply chains, including debt bondage fueled by worker-paid fees from exploitative brokers.¹⁰⁸ Specifically, the U.S. government should

- align the currently inconsistent rules and requirements across visa programs—H-1B, H-2, G-5, the J-1 exchange program, and others—and increase enforcement of existing regulations, to prevent abuse and human trafficking by recruiters and employers;
- modify its sponsorship system so that workers' legal status is not tied to their employer, which can force workers to stay in exploitative situations or risk deportation; hold recruiters and employers liable for recruitment abuses; prohibit recruitment fees paid by workers; and increase worker access to legal aid and information, as recommended by the Migration that Works coalition;
- regulate and monitor labor recruitment agencies both within U.S. territories and for U.S. government contracts overseas; and
- extend labor rights protections, including occupational safety and health standards, to migrant laborers—including children.¹⁰⁹

As part of congressional efforts to address the discriminatory immigration laws that further increase the vulnerability of migrant workers to trafficking and other abuses, the U.S. government should

- triple the ten thousand U-visas cap and correct the unacceptable delay in T-visa processing;

- restore asylum eligibility for domestic violence survivors, which was rescinded by the Trump administration;
- include a path to citizenship and workplace protections for agricultural workers on U.S. farms such as through the proposed Fairness for Farmworkers Act; and
- ensure federal workplace protections for domestic workers as proposed in the Domestic Workers' Bill of Rights.¹¹⁰

In parallel to its domestic efforts, the U.S. government should encourage partner nations to regulate recruitment agencies and brokers, conduct regular oversight of recruitment systems, hold recruiters and employers liable for abuses, and encourage companies to cover recruitment costs and use ethical recruitment agencies in line with recommendations by the ILO, the International Organization for Migration, and the former Special Rapporteur on Trafficking in Persons Maria Grazia Giammarinaro.¹¹¹

Enact Procurement Reform to Prevent Human Trafficking

The U.S. government should address the risk of human trafficking and forced labor in its contracts, grants, investments, and loans. To strengthen the government's compliance and improve procurement processes, Congress should

- request a Government Accountability Office review of agency efforts to prevent human trafficking in federal contracts, which should assess current acquisition processes, evaluating how the riskiest contracts are identified, examining protocols for on-the-ground audits, and comparing government contracts with proposed model language to protect human rights across supply chains;
- explore legislative steps to address the review's findings and conduct regular oversight of the executive branch's efforts, including through hearings; and
- require Defense Department reporting on the number of contracts that include anti-trafficking clauses, as mandated in 2018 for the Department of State, USAID, the Department of Labor, and the Office of Management and Budget.¹¹²

To address gaps in procurement oversight, U.S. government agencies with higher spending and greater risk of human trafficking in their contracts—including the Defense, Homeland Security, and State Departments, and USAID—should

- designate full-time senior officials responsible for overseeing anti-trafficking acquisition rules, as promised in the Trump administration’s National Action Plan to Combat Human Trafficking;
- incentivize contractors to use technology to host worker outreach initiatives, creating channels for workers to report grievances; and
- encourage similar procurement reform by bilateral governments and multilateral institutions, from the United Nations to the Organization for Security and Cooperation in Europe (OSCE).

Amplify National Security and Intelligence Community Efforts to Combat Trafficking

To better address the security implications of human trafficking, the U.S. government should

- revise the 2011 U.S. Strategy to Combat Transnational Organized Crime to address human trafficking by criminal enterprises as a strategic and fundraising tool;
- complete an intelligence assessment of human trafficking with a nexus to the United States, as promised in the U.S. National Action Plan to Combat Human Trafficking, and use its findings to inform an agenda for intelligence products on specific human trafficking issues;
- appoint a national intelligence officer for human rights to lead analysis on the economic and security implications of human trafficking, which should include attention to official corruption and state complicity and address how criminal networks and terrorist groups exploit migrant and smuggling routes; and
- encourage increased attention by the UN Security Council to the security implications of human trafficking, including through additional targeted sanctions.

Strengthen Sustainable Development Efforts to Combat Human Trafficking

The global development community does not address the threat of trafficking to its broader priorities, including democracy, good governance, economic growth, and poverty alleviation. To rectify this gap, the U.S. government should

- strengthen the 2021 USAID policy on countering trafficking in persons to improve procurement regulations, require trafficking mitigation and risk assessments across USAID programs to ensure that they do not increase vulnerabilities to human trafficking, and improve coordination between USAID missions and U.S. embassies in origin and destination countries in cases of transnational trafficking;
- host a donor dialogue in 2021 to identify opportunities—in the context of COVID-19 recovery and beyond—to promote economic reforms that help prevent modern slavery, including policies that emphasize human capital formation, increase social safety nets, protect labor rights, and extend financial inclusion;
- identify opportunities to combat trafficking in the context of the Sustainable Development Goals—including in the upcoming high-level political forum—and encourage multilateral development banks to pay greater attention to the development implications of human trafficking; and
- ensure the Biden administration’s promised summit for democracy includes a focus on human trafficking, given the relationship between anti-trafficking efforts, corruption, and good governance.¹¹³

Evaluate U.S. Policies on Overlooked Forms of Human Trafficking

Recognizing that its efforts to combat human trafficking currently do too little to address trafficking in persons for forced marriage and for organ removal, the State Department should take the following steps.

- Together with the Labor Department and USAID, the State Department should establish a working group of experts from the forced marriage, forced labor, and human trafficking communities, including

victims of forced marriage, to build alignment with recent steps by some civil society and multilateral organizations—including the ILO—to explore whether forced marriage should be recognized as a form of modern slavery, human trafficking, and forced labor. The working group should propose ways in which the anti-trafficking community can best intervene to support ongoing efforts to prevent and address forced marriage.

- The State Department should also draft a report analyzing exploitation for organ removal and identifying responses, as called for in H.R. 7805, the Stop Predatory Organ Trafficking Act of 2020.¹⁴ Based on this assessment, the department should coordinate with relevant agencies to develop a targeted response plan—including steps to seize illicit assets.

IMPROVE ACCOUNTABILITY

To promote accountability, the U.S. government should strengthen corporate responsibility for forced labor in supply chains; prohibit trade of goods made with forced labor; increase trafficking prosecution; strengthen cybercrime-fighting strategies to address sex trafficking; and improve accountability for survivors.

Strengthen Corporate Responsibility for Forced Labor in Supply Chains

U.S. policies and laws should encourage firms to change their purchasing and financing practices to eliminate exploitative practices and remedy existing harm, and they should underscore that companies are responsible for addressing human rights harms, including forced labor and human trafficking, related to their suppliers' conduct. To this end, the following four steps should be prioritized.

- Congress should pass a law mandating strong and effective human rights due diligence arrangements for corporations. To avoid regulatory fragmentation, these should be consistent with the emerging global human rights due diligence regimes, such as in Europe. They should also build on existing U.S. policies—for example, the commitments already made in the 2016 U.S. National Action Plan on Responsible Business Conduct and the success of the U.S. Foreign Corrupt

Practices Act of 1977 in incentivizing companies to invest in compliance regimes, provide training, and change corporate culture.¹¹⁵ A new law should prohibit companies from purchasing goods and services implicated in forced labor; require due diligence reporting; and authorize the Justice Department and the SEC to investigate allegations, impose fines, and charge violations. The law should appoint the SEC to the U.S. government's anti-trafficking bodies and create an SEC position to oversee implementation.

- The Justice Department should argue in support of corporate accountability when allegations are made against multinational companies due to forced labor in their supply chains. The Trump administration did not do so, including in the pending 2020 Supreme Court case *Nestlé USA, Inc. v. Doe I*; the Biden administration should correct this position by withdrawing the brief submitted by the solicitor general and suggesting that the court not rely on the government's oral argument.
- The SEC should strengthen ESG regulations in financial markets, including labor rights protections and forced labor prevention. The SEC should encourage institutional investors, including mutual and equity funds, to explicitly include metrics related to human trafficking and ethical supply chain management in their ESG criteria and disclosures, such as those focused on human capital. Recognizing that ESG practices correspond with stronger financial returns, the SEC should also encourage investors to back companies that address forced labor risk in their supply chains.¹¹⁶ Furthermore, the SEC should enhance shareholder engagement in ESG processes to accelerate progress toward increased corporate accountability.

Prohibit Trade of Goods Made with Forced Labor

Recognizing that trade and customs policies at home and abroad offer another critical tool to help end human trafficking, the U.S. government should implement the following strategies.

- At the WTO conference scheduled for late 2021, the United States should lead WTO members and observers in adopting a ministerial declaration on preventing forced labor in the production of goods that would both articulate a roadmap toward a formal WTO committee on trade, human trafficking, and forced labor and strengthen coordination between the WTO and ILO.

- The United States should fully implement domestically Section 307 of the 1930 Tariff Act, which authorizes CBP to block goods produced by forced labor from entering U.S. markets—providing a powerful accountability tool. To do so, CBP should expand the investigation and enforcement of withhold release orders and establish a more transparent process for investigations, findings, and remediation plans, which would benefit businesses and advocates alike.¹¹⁷ To improve investigative capacity, DHS should identify resource requirements across CBP—from the Forced Labor Division to ports—and set performance indicators related to forced labor enforcement as recommended by the Government Accountability Office in October 2020.¹¹⁸
- The United States should encourage other countries to adopt similar customs laws to prohibit goods produced with forced labor from entering their national markets, as Canada and Mexico did in the United States-Mexico-Canada Agreement (USMCA)—for example, by encouraging the Group of Seven and the Group of Twenty to pursue related commitments. Drawing on the USMCA model, the U.S. Trade Representative should incorporate anti-trafficking provisions in future U.S. trade agreements.
- The United States should also use U.S. trade preference programs—intended to foster economic growth in developing countries—to encourage stronger protections for labor rights and prevention of human trafficking and forced labor. The Women’s Economic Empowerment in Trade Act pending in the U.S. Senate would accomplish this goal, promoting U.S. values while strengthening the global economy.¹¹⁹

Increase Trafficking Prosecution

The Biden administration should increase trafficking-related prosecution within the United States and globally, paying targeted attention to labor trafficking violations, which are underrepresented. The U.S. government should

- scale nationally the U.S. anti-trafficking coordination teams that link officials within HHS, DHS, the Justice Department, the Department of Labor, and the FBI and that have been remarkably effective in increasing trafficking prosecutions—charges and convictions rose by 75 and

106 percent in districts with coordination teams relative to 7 and 28 percent in districts without;

- support in other nations around the world the replication and testing of its prosecution coordination teams through rule-of-law support;
- set targets and track progress to improve the rate of prosecution and conviction for forced labor, train police and prosecutors to pursue labor trafficking cases, and protect workers from retaliation when they report cases;
- address forced labor perpetrated by the diplomatic community in the United States by fully implementing existing laws; and
- use its extraterritorial jurisdiction granted under 18 U.S.C. 1596 to pursue justice for trafficking victims held in forced labor in global supply chains.¹²⁰

Strengthen Cybercrime-Fighting Strategies to Address Sex Trafficking

In the twenty-first century, the crime of sex trafficking has migrated to online—and sometimes hidden—platforms. To address it, tech companies and law enforcement authorities should

- amplify efforts to combat online sexual exploitation, including using technology to disrupt trafficking networks, surface suspicious financial behavior, identify minors, and develop innovative tools to aid online victims;
- shift from episodic sting operations to routine approaches; and
- prioritize better data collection to understand how online networks facilitate trafficking and other forms of sexual exploitation.

Promote Accountability for Survivors

Accountability for human trafficking should be defined as justice for survivors—not just as prosecution of traffickers—and victim remediation and compensation should be prioritized. To support survivors' recovery, the U.S. government should

- provide multiyear assistance for survivors including housing, job training, and mental health services;
- encourage businesses implicated in forced labor to provide effective remedies for survivors;
- reform U- and T-visa programs to provide all trafficking survivors with access to visas and social services, regardless of their participation in criminal cases against perpetrators (until it institutes this assistance, the U.S. government should use “continued presence,” a provisional form of immigration relief, to protect victims who could be potential witnesses);
- increase the seizure of trafficker assets to compensate victims by training prosecutors on forfeiture in human trafficking cases, ensuring that restitution ordered in criminal cases is remitted to victim-witnesses, and supporting survivors in pursuing civil remedies;
- encourage all U.S. states to pass safe harbor laws that protect trafficking survivors from arrest and prosecution for crimes that traffickers force them to commit, pass a federal criminal *vacatur* statute to allow all such convictions to be removed from trafficking victims’ records, and advocate that other governments pursue the same approach; and
- encourage other nations to implement the Palermo Protocol and national anti-trafficking laws in a manner that emphasizes survivors’ rights and the systemic nature of exploitation, shifting from a law enforcement approach to one that prioritizes protecting labor rights, including the freedom of association—because workers who are able to collectively organize are less vulnerable to forced labor.¹²¹

INCREASE RESOURCES

To correct for dramatic under-resourcing in the field, all donors, including the United States, should step up their investment through strategic and coordinated anti-trafficking measures.

Expand Funding to Counter Human Trafficking

The U.S. government should increase resources for combating human trafficking by pursuing these investments:

- appropriate, via Congress, \$1 billion for combating human trafficking in the United States and around the world, as recommended by the Alliance to End Slavery and Trafficking—expanding Congress’s FY 2021 enactment of \$620 million, and providing critical resources to address the additional economic and health challenges that trafficking survivors and those at risk face due to the COVID-19 pandemic;
- launch, via USAID, a Grand Challenge to Prevent Modern Slavery, leveraging an established model to mobilize governments, companies, and foundations to develop new ways to address long-standing development challenges; and
- encourage the multilateral development banks to integrate human trafficking reduction across their lending and policy advice to governments to better address the development implications of human trafficking.¹²²

Invest in Technology to Identify Forced Labor

The U.S. government should invest in developing technological tools to identify forced labor and encourage corporations and multilateral partners to do the same.¹²³ For example, to aid Tariff Act enforcement, CBP should assess the potential for technology—including product DNA tracing, artificial intelligence, and machine learning—to identify imported goods produced using forced labor.¹²⁴

To glean information from workers about human trafficking risks, Congress should encourage the private sector—such as through a due diligence law—to leverage mobile technology to hear directly from workers, enabling them to report grievances and to hold businesses—and, where appropriate, direct managers—accountable for their workplace treatment.

EXPAND DATA AND EVIDENCE

Anti-trafficking actors should prioritize data production on the prevalence of human trafficking and analysis of the efficacy of measures to combat this crime.

Close the Trafficking Data Gap

The U.S. government should join other governments, foundations, civil society organizations, and corporations in launching a joint

initiative on human trafficking that increases the investment in and coordination of trafficking data, evaluation, and learning. The initiative should foster collaboration across transnational trafficking corridors and supply chains to strengthen intelligence about human trafficking risks and coordinate responses.¹²⁵ To increase the available data, partners should prioritize capacity-building for civil society organizations to strengthen information collection, including through survivor case management systems, and expand the reach of data collection efforts through remote technology. In parallel, the U.S. government and its partners should commit to higher evidentiary standards for bilateral investments, incentivizing greater attention to rigorous quantitative and qualitative data in the human trafficking field. Expanded data and evidence will inform more effective action at the scale necessary for genuine progress in the fight to end human trafficking.

CONCLUSION

Human trafficking is more than a violation of human rights: it is also a threat to national security, economic growth, and sustainable development. Critics who challenge the allocation of political and financial capital to combat human trafficking underestimate trafficking's role in bolstering abusive regimes and criminal, terrorist, and armed groups; weakening global supply chains; fueling corruption; and undermining good governance. Human trafficking can be eradicated with a comprehensive and coordinated response, advancing U.S. economic and security interests by blocking the \$150 billion in illicit profits for traffickers, boosting GDP with improved productivity and human capital, and saving governments the direct costs of assisting survivors.

To win the fight against human trafficking, the United States and its partners should build on the Palermo Protocol's legal frameworks and related national legislation—including the U.S. Trafficking Victims Protection Act—with a twenty-first-century approach. This approach should involve leaders across government, the private sector, multilateral institutions, and civil society to strengthen institutional authorities and coordination, improve accountability, increase resources, and expand evidence and data.

APPENDIX 1

Human trafficking in all of its manifestations remains an endemic problem in every region of the world. Pressing challenges that demand greater U.S. and international attention include the targeting of Uyghur Muslims for forced labor in Chinese reeducation camps; the victimization of Latin American migrants via debt bondage at the U.S. border; the subjection of domestic laborers to abuse under the *kafala* framework employed across the Arabian Gulf; the exploitation of children by traffickers in a booming sex tourism business in Brazil; and the enslavement of young girls trapped in forced marriages in India, home to the largest number of child brides in the world.

CASE STUDIES

China

Forced labor is a grave problem in China. According to the 2020 U.S. Trafficking in Persons Report, both Chinese nationals and foreigners are targeted.¹²⁶ The labor is common in cities, where internal migrants from rural areas are exploited for it.¹²⁷ In 2020, the U.S. Department of Labor's list of goods produced with child or forced labor added six new goods sourced from China—five produced using state-sponsored forced labor.¹²⁸

Indeed, in China, forced labor has been perpetrated not only by traffickers but also as government policy. Beginning in the mid-1950s, the Chinese Communist Party began a reeducation through labor (RTL), or *laojiao*, program aimed at political dissidents, unofficial religious groups, those suspected of minor offenses, and others.¹²⁹ This program was extrajudicial, meaning that people were sent to labor camps

without trial or conviction. In 2007, an estimated four hundred thousand people toiled in Chinese RTL camps. In 2013, following an international pressure campaign, the government officially abolished them, prompting the U.S. government to move China up a tier in its Trafficking in Persons Report ranking.¹³⁰

However, the RTL program's legacy continues through so-called detention facilities in which prisoners are compelled either to undergo reeducation or to work in conditions that amount to forced labor.¹³¹ In recent years, this practice has intersected with a brutal campaign against Uyghur Muslims. Between 2017 and 2019, at least eighty thousand Uyghurs and other marginalized minorities were transported from Xinjiang, a western province, to various areas across China, where they have been subjected to forced labor; more than one million have been detained for reeducation.¹³² Several high-profile multinational corporations—among them H&M, Kraft, Coca-Cola, and Gap—have been alleged to use suppliers that rely on the forced labor of Uyghurs.¹³³ The situation implicates the textile and apparels sector in particular, given that 20 percent of all cotton sold globally comes from the Xinjiang region, though companies have cited a lack of visibility in their supply chains as an obstacle to ensuring that their goods are slavery free.¹³⁴

In response to the Chinese government's exploitation of its Uyghur minority population, in 2020, the U.S. Customs and Border Protection (CBP) issued eight withhold release orders against goods made by Chinese companies and manufacturers.¹³⁵ In January 2021, CBP issued a region-wide withhold release order against cotton and tomatoes from the Xinjiang region, a decision human rights groups had long advocated.¹³⁶ Congress has also taken action, enacting in 2020 the Uyghur Human Rights Policy Act, which calls on the U.S. government to issue sanctions against implicated Chinese officials and report to Congress on progress in addressing these human rights abuses.¹³⁷ In 2021, Congress reintroduced the Uyghur Forced Labor Prevention Act, which would prohibit importation of goods from Xinjiang produced with forced labor and would require U.S. public companies to disclose their involvement with the region.

United States

The debate over illegal immigration into the United States features widespread concern about the risks of human trafficking and human smuggling, which can affect migrant workers who voluntarily enter into a smuggling arrangement and then fall prey to debt bondage and

trafficking, particularly when an existing arrangement turns out to be fraudulent.¹³⁸

During the Trump administration, the U.S. government implemented several harsh immigration measures that increased the vulnerability of migrants to traffickers. Chief among these was a new policy that undermined the T visa, a creation of the 2000 Trafficking Victims Protection Act that sought to encourage human trafficking victims to come forward by providing legal status. The T-visa program allows undocumented human trafficking victims to remain in the United States with work authorization. They are able to reunite with family members and have a path to become lawful permanent residents and, eventually, citizens.¹³⁹ The number of T visas granted plummeted during the Trump era, with those denied then referred to immigration court for deportation proceedings, reducing the number of victims who came forward and decreasing the likelihood that traffickers would be held accountable.¹⁴⁰ Similarly, the Trump administration also undercut the U-visa program, which provides legal status to noncitizen victims of a range of crimes, including trafficking; in 2018, the administration executed a new policy that permitted the deportation of those waiting for their claims to be processed, discouraging trafficking victims from reporting their traffickers and contributing to a decline in the number of visa applicants.¹⁴¹ For both the T- and U-visa programs, processing delays and deportation threats undermined the safety these visas were intended to provide and contributed to situations that make survivors vulnerable to revictimization.¹⁴²

The Biden administration should restore and strengthen immigration protections for human trafficking survivors, including by removing the requirement that survivors cooperate with criminal investigations to be eligible for T and U visas. Protecting migrants from exploitation also will require comprehensive immigration reform to stem the tide of those desperate to enter the United States in the first instance. As part of that reform, U.S. immigration processes should include screening procedures to assess whether migrants are victims of forced labor, sex trafficking, or other forms of modern slavery.

The Arabian Gulf

Across the Gulf region, many Arab nations practice the *kafala* (sponsorship) system, a framework that ties migrants' legal status to their employers and creates a situation primed for abuse.¹⁴³ Although many migrants voluntarily come to the region looking to earn money for their

families at home, in practice, labor under the *kafala* system can be tantamount to slavery. Historically, few (if any) legal protections for migrant workers and little oversight of employers have been in place or practiced. Particularly exploitative aspects include the common practice of seizing migrant workers' passports, the requirement that migrant workers get permission from employers before leaving their jobs, and the threat of arrest if a migrant worker flees an abusive employer.¹⁴⁴

Migrants laboring in domestic work—who are disproportionately female—are particularly vulnerable to abuses under the *kafala* system. By living in an employer's home, workers are unprotected against restrictions on their access to food, shelter, and freedom of movement.¹⁴⁵ Many migrant domestic workers whose passports have been seized are forced to work long hours, have their pay deducted or withheld, and in some instances are subject to physical, sexual, and verbal abuse.¹⁴⁶

Several nations have begun to reform the system, a promising trend toward abolition of the practice. After years of pressure, in 2017 the Qatari government signed an agreement with the International Labor Organization (ILO) to improve its labor practices in advance of the 2022 International Federation of Association Football World Cup; in 2020, the government passed laws allowing migrant workers to leave their employers before the terms of the contract have expired, becoming the first country that practices the *kafala* system to do so and the second in the region after Kuwait to give migrant workers a minimum wage. These reforms, if fully implemented, would go a long way toward abolishing the system.¹⁴⁷

Likewise, in 2020 the Saudi government pledged several changes to ease its *kafala* system, including allowing migrant workers to switch jobs and leave the country without an employer's consent, maintaining digital records of migrant workers' contracts, and enabling migrant workers to apply to the government for social services. Nevertheless, many gaps in the system remain, leaving migrant workers at risk.¹⁴⁸ As advocates in Gulf nations continue to press for reform, the United States and other like-minded countries have a critical role to play in employing diplomatic tools to pressure for wholesale reform and the abolition of all forced labor.

Brazil

Sexual exploitation of children in the context of travel and tourism is an endemic issue in Brazil, with tourists primarily from Europe and the United States traveling to resort and coastal areas where the prevalence

of commercial sexual exploitation of children is high.¹⁴⁹ The age of consent in Brazil is only fourteen. Afro-Brazilian children facing racism and the legacy of slavery are more likely to be impoverished and therefore vulnerable to sexual exploitation, and persistent corruption among law enforcement undermines community trust, inhibiting access to justice for victims.¹⁵⁰

Although Brazil reformed its penal code in 2016 to comply with the Palermo Protocol, underenforcement persists.¹⁵¹ In addition, the country lacks specialized shelters for survivors of sex trafficking, including children.¹⁵² Brazil's child protection system does feature guardianship councils to help connect children with critical social services, but these mechanisms are underfunded and cannot guarantee privacy to minors, which undermines their efficacy both for child survivors and children at risk of exploitation.¹⁵³

The tourism industry has taken steps to combat child sex trafficking and exploitation, creating a Tourism Child-Protection Code of Conduct endorsed by prominent hotel companies such as Hilton and Marriott and airlines such as Delta and American Airlines that addresses policy reform, training, education, and reporting.¹⁵⁴ However, the commitments under this code are voluntary, which limits their power and shields companies that turn a blind eye to commercial sex tourism with minors.¹⁵⁵ To better address these gaps, law enforcement agencies should improve collaboration to more effectively prosecute traffickers who perpetrate sexual exploitation of children in travel and tourism, and governments and the private sector should invest in research to identify effective prevention methods.

India

The ILO defines modern slavery as not only forced labor and debt bondage, but also as forced marriage—meaning a marriage entered into without consent, or when a party is under the age of eighteen, which is the internationally established minimum.¹⁵⁶ Roughly 15.4 million people are in forced marriages worldwide, with approximately one in three child brides residing in India, where 27 percent of girls are married before their eighteenth birthdays.¹⁵⁷ More than half of India's child brides live in just five states: Bihar, Madhya Pradesh, Maharashtra, Uttar Pradesh, and West Bengal.¹⁵⁸

The forced marriage of Indian girls stems from poverty and the low status of girls and women, who receive less education and are viewed as a source of household labor, from housework to child and elder care.¹⁵⁹ The practice of *watta satta* is common in rural areas, wherein

two families exchange girls through marriage so neither family is at a disadvantage in terms of household labor. Customary laws and social norms also contribute to early and forced marriage, with girls often married off in fear of a corrupted external environment, including rape in public spaces, which is viewed as an attack on a family's honor.¹⁶⁰ The belief that forced marriage protects young girls is belied by persistent evidence that child brides in India are at a greater risk of physical, sexual, and gender-based violence within their marital home than those not married as children.¹⁶¹

The sex ratio imbalance in India, which is fueled by female infanticide and sex-selective abortion practices that favor males, has also increased human trafficking for marriage.¹⁶² The state of Haryana has only 830 girls for every thousand boys, leading men in northern India to purchase brides from other states. A 2014 Queens University survey of villages in Haryana and Rajasthan showed that the number of women in forced marriages increased by 30 percent over a three-year period, and the UN Office on Drugs and Crime (UNODC) pointed to criminal bride trafficking networks in the regions of Haryana, Punjab, and Uttar Pradesh, all of which have skewed gender ratios. Bride trafficking has proven to be so lucrative that locals set themselves up as brokers or dealers, arranging for women to be sold to families who are seeking wives for their sons.¹⁶³ UNODC reports that thousands of these women sold into marriages face abuse, rape, domestic slavery, and abandonment by their partners, who leave them to fend for themselves and their children.¹⁶⁴

India has committed to eliminating child, early, and forced marriage by 2030, in line with a global commitment to eradicate forced marriage established in the global SDG framework, and has pledged to stem the tide of human trafficking.¹⁶⁵ However, to succeed, government efforts need to pursue not only law enforcement approaches that prosecute those in violation of underage marriage and human trafficking laws, but also cultural norms and customary practices that bolster forced marriage in the first place—particularly in places where these practices are most prevalent.

APPENDIX 2

PRIMARY GLOBAL AGREEMENTS ON HUMAN TRAFFICKING AND FORCED LABOR

- 1930 ILO Convention No. 29: Forced Labour Convention**
One of eight fundamental ILO conventions, the Forced Labour Convention defines forced labor as work performed involuntarily and under coercion. The convention requires states to suppress all forms of forced labor and enforce penalties.
- 1948 UN Declaration of Human Rights (Article 4)**
Article 4 declares, “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”
- 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others**
This convention combats trafficking for prostitution and prohibits brothels. The preamble declares that trafficking for the purpose of prostitution is incompatible with human dignity and worth.
- 1966 UN International Covenant on Civil and Political Rights (ICCPR)**
The ICCPR prohibits slavery, the slave trade, servitude, and forced labor, and guarantees many other civil and political rights.
- 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**
A landmark bill of rights for women, CEDAW requires states to address the trafficking of women.

1998 ILO Declaration on Fundamental Principles and Rights at Work

This declaration requires ILO member states, even those that have not ratified relevant conventions, to take steps to protect freedom of association and the right of collective bargaining, and to eliminate forced labor, child labor, and discrimination in employment.

1999 ILO Convention 182: Elimination of Worst Forms of Child Labour

Convention 182 prohibits trafficking in children or forced labor, including recruitment of child soldiers, and obligates states to address child victims' well-being.

2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol)

The Palermo Protocol was a watershed moment in the fight against human trafficking and a supplement to the UN Convention against Transnational Organized Crime. Article 3 defines human trafficking as the transportation of persons by coercion for the purpose of exploitation. Article 5 requires states to criminalize trafficking. The accompanying Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography specifies forms of protection and assistance that states should make available to child victims.

2011 UN Guiding Principles on Business and Human Rights

The Guiding Principles are an implementation instrument of the United Nations' "Protect, Respect and Remedy" framework, which laid out a vision for how transnational corporations and other businesses should act with regard to human rights.

2014 ILO Protocol No. 29: Protocol of 2014 to the Forced Labour Convention, 1930

The International Labour Conference adopted a supplement to the 1930 convention by requiring states to take specific actions to eliminate human trafficking. Measures include providing victims with protection and access to remedies, sanctioning perpetrators, improving international coordination, and developing national prevention policies.

PRIMARY U.S. LAWS ON HUMAN TRAFFICKING

- 2000** **The Trafficking Victims Protection Act 2000 (TVPA)** was signed by President Bill Clinton on October 28, 2000, and had bipartisan support from Congress. It sought to strengthen the federal government's commitment to the Palermo Protocol by filling gaps in U.S. laws on trafficking, articulating a strategy with three main components: protection, prosecution, and prevention. It also codified new crimes relating to human trafficking, forced labor, and involuntary servitude; created new foreign and domestic anti-trafficking assistance programs; and established nonimmigrant status for victims that cooperated in investigating and prosecuting traffickers (T visas).
- 2003** **The 2003 TVPA reauthorization** created a new civil action enabling trafficking victims to sue their traffickers in federal district court, required annual progress reports from the U.S. attorney general, and called for greater dissemination of materials to alert travelers to the illegality of sex tourism.
- 2005** **The 2005 TVPA reauthorization** added protections for U.S. citizen survivors of human trafficking. It expanded victim assistance programs to U.S. citizens, increased comprehensive service and rehabilitation facilities for survivors, and established extraterritorial jurisdiction for trafficking offenses persons employed by or accompanying the federal government commit overseas.
- 2008** **The 2008 TVPA reauthorization**, also referred to as the William Wilberforce Trafficking Victims Protection Reauthorization Act, overhauled the Department of Justice legal requirements and penalties related to the facilitation of human trafficking, expanded victims' services provided by the Department of Health and Human Services, and elevated efforts by the Department of Labor to document and deter trafficking.
- 2013** **The 2013 TVPA reauthorization** strengthened programs to prevent U.S. citizens from purchasing products made by victims of human trafficking. It established Department of State emergency response provisions to facilitate rapid assistance to disaster areas

and crises that fuel susceptibility to trafficking and strengthened prevention efforts against child soldiers and other forms of child trafficking. It also improved collaboration between state and local law enforcement to improve trafficking prosecutions.

2019 **The 2019 TVPA reauthorization** included H.R. 2200, the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act; S. 1311, the Abolish Human Trafficking Act; S. 1312, the Trafficking Victims Protection Act; and S. 1862, the Trafficking Victims Protection Reauthorization Act. These bills require the Justice Department to assign a human trafficking justice coordinator in each U.S. federal judicial district, instruct the Labor Department to include goods produced with materials that are made either wholly or in part by child or forced labor in its annual public reports, ban U.S. contractors from charging any recruitment fees to recruited employees, and require enhanced victim protection training for law enforcement officers.

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This report reflects the judgments and recommendations of the authors. It does not necessarily represent the views of members of the study group, whose involvement should in no way be interpreted as an endorsement of the report by either themselves or the organizations with which they are affiliated.

*Cover photo: Uzbek workers pick parched cotton on a field
in the Tashkent region of Uzbekistan on October 18, 2018.
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