



Freedom Network USA

The Freedom Network USA (FNUSA) submits the following comments related to the United States' progress in addressing labor trafficking and trafficking into sexual economies to the UN Special Rapporteur on Trafficking in Persons for her December 2016 visit to the United States. FNUSA thanks the SRT for inviting civil society's input on the status of the US effort to address human trafficking. Please contact Jean Bruggeman at jean@freedomnetworkusa.org with questions or to discuss any of the following recommendations.

Addressing Labor Trafficking

The United States has made important progress toward ending labor trafficking through legislation and regulations, but greater transparency and enforcement are necessary.

- There is no **systematic effort to identify and address labor trafficking** in the US. DOL and EEOC have engaged in small scale operations, but their funding is insufficient to tackle the problem. Prosecution of labor trafficking cases has dropped from a dismal 8% of DOJ trafficking prosecutions in 2014 to an abysmal 2% in 2015. This 98% focus on sex trafficking stands in stark contrast to the fact that 74% of individuals receiving HHS certification were victims of labor trafficking. We call for a renewed attention to labor trafficking and for increased funding for DOL and EEOC.
- The US fails to comprehensively address the **labor trafficking of children and youth** which is excluded from new child welfare definitions and reporting requirements enacted by the Preventing Sex Trafficking and Strengthening Families Act. This exclusion leads to an inability to identify and prosecute traffickers and a lack of services and support for victims. The US must expand its efforts by including labor trafficking whenever, and wherever, sex trafficking of youth is addressed.

Addressing Human Trafficking of Migrant Workers

- Undocumented workers in the US are vulnerable to exploitation. The US should normalize the immigration status of its undocumented workforce.
- Migrant workers usually have to pay high fees to recruiters to secure jobs with US corporations or contractors, leaving migrants highly vulnerable. The US should pass legislation extending protections set out in the FAR federal contractor regulations to all migrants that (i) require foreign labor recruiters to disclose information about the terms and conditions of work, including the visa terms; (ii) bar charging workers any fee associated with getting the job; (iii) prohibit foreign labor recruiters from knowingly providing workers with false or misleading information; (iv) require recruiters to pay a bond and register before sending migrants to the US; (v) make employers liable for their agents' violations of these protections; and (vi) protect workers from being denied a visa for the violations committed by the labor recruiters or employers.
- Migrant workers' visas typically tie them to a single employer. These workers' dependence on their employers allows employers to exploit them with impunity. The US must alter migrant work visa programs by creating job portability for all visa categories.
- FNUSA has not heard of any enforcement of the FAR federal contractor regulations nor has seen release of information on any investigations into abuses by Defense Department contractors' procurement of civilian labor for overseas bases, or any suspensions, debarments, and other disciplinary action against government contractors under these regulations. We urge transparency and enforcement of these regulations to protect workers from exploitation and forced labor.

- DHS should follow DOL's example of publicly publishing H-2 labor certification information in a searchable database, including information on the number of visas authorized in each work-authorized nonimmigrant visa classification, the names of the employers receiving such visas, the occupations in which nonimmigrants will be employed, and the wages they have been promised. Increased transparency would enable workers to identify legitimate job offers and to avoid false promises that are often part of trafficking schemes.
- Stronger whistleblower protections are necessary to protect migrants against retaliation.

Human Trafficking in Sexual Economies

The US has made progress in fighting human trafficking, but is hamstrung by an ineffectual focus on anti-prostitution efforts. A prosecutorial focus on buyers of consensual commercial sex detracts from enforcement against human trafficking.

- Strategies employed by law enforcement, at the local, state and federal levels, to address sex trafficking are too often conflated with actions to address consensual commercial sex and lead to the arrest of buyers of consensual commercial sex and sex workers themselves. These actions both criminalize potential sex trafficking survivors, and drive them away from safer, more public business models. Criminal convictions reduce opportunities for sex workers to find safe and affordable housing, attain higher education, and find legal employment. State and local law enforcement continue to arrest youth on prostitution and related offenses, serving only to punish them for what federal law defines as victimization. US law enforcement must stop punishing victims, and instead focus all of their efforts on identifying and prosecuting traffickers.

Services and Support for Survivors of Human Trafficking

- Funding for services for trafficking survivors continues to be insufficient to meet the needs as schools, child welfare systems, and legal and social service providers increase their capacity to identify trafficking victims. The US must continue to increase the funds available for trafficking victim service providers, and to make those services available to all victims regardless of their age, gender, nationality, sexual orientation, gender identity, or type of trafficking.
- Services must be provided to all survivors of human trafficking, regardless of their willingness to engage with law enforcement. In the US, access to HHS-funded services for foreign national trafficking victims is contingent in reporting to and complying with law enforcement. No survivor's access to needed services and support should be contingent on these requirements.

Thank you for your consideration of these comments.

Sincerely,



Jean Bruggeman
Executive Director