



Freedom Network USA

Senate Judiciary Committee Members
VIA EMAIL

Re: Attorney General Nominee Jefferson Sessions Confirmation Hearing Concerns and Questions from Anti-Trafficking Freedom Network USA

Dear Senators:

The Freedom Network USA (“FNUSA”), founded in 2001 following the enactment of the Trafficking Victims Protection Act of 2000 (“TVPA”), is comprised of 40 non-governmental organizations and 12 individuals that serve and/or advocate for justice and services to human trafficking victim-survivors. Our members are in 19 states and 33 cities and members work with an extensive network of non-member organizations in all 50 states. FNUSA integrates a human-rights based approach in all of our work with trafficking victim-survivors and our members work to ensure all survivors receive the full range of services they need to recover and thrive. Accordingly, FNUSA is uniquely qualified to speak to the real life challenges trafficked persons experience in the United States.

The 3Ps of prevention, protection, and prosecution form the cornerstones of the TVPA implementation and enforcement. As a former federal prosecutor, Senator Jeffrey Sessions, the President elect’s nominee for Attorney General, would have an appreciation for this multi-front approach to tackling the scourge of human trafficking and thwarting would-be traffickers who hope to profit from trafficking in the United States. Toward this end, we respectfully request that the following concerns and questions be posed to Senator Sessions during his confirmation hearings:

1. Are you committed to the vigorous enforcement of the TVPA including the prevention of human trafficking, protection of victim-survivors, and the vigorous prosecution of human traffickers?
2. Are you committed to making human trafficking a top administration priority and supporting a victim-centered approach?
3. As you know, the U.S. Department of State releases an annual Trafficking in Persons (“TIP”) Report each summer. The TIP Report analyzes and ranks each country, including the United States, with respect to its performance in addressing human trafficking as mandated by Section 108 of the TVPA.¹ Country rankings are based on the government’s efforts to comply with the “minimum standards for the elimination of trafficking.” The July 2016 TIP Report notes that the U.S. Department of Justice² opened, during the covered fiscal year, 802 human trafficking cases and

¹ Trafficking Victims Protection Act of 2000, Div. A of Pub. L. No. 106-386, §108, as amended.

² <https://www.state.gov/documents/organization/258882.pdf>.

prosecuted successfully 257 cases nationwide, yet only 9 cases were labor trafficking cases.³ International statistical data indicates that approximately 68% of all human trafficking cases are labor. FNUSA members have continuously urged federal prosecutors to vigorously investigate and prosecute more labor trafficking cases. Moreover, members have referred many labor trafficking cases to federal prosecutors and law enforcement in the past but most were closed without prosecution. What would you propose to do to identify and prosecute more labor trafficking cases?

4. Seeking restitution for trafficking survivors is *mandatory* in all federal criminal prosecutions and critically important for survivors to become self-sufficient and move forward.⁴ Sadly, through a member study, we know that restitution often has not been sought by federal prosecutors, although it is *mandatory*. We know that you have been a strong advocate for crime victims' rights. What would you do as Attorney General to ensure your department's lawyers and the United States Attorneys' Offices across the United States seek the *mandatory* restitution?
5. Following up on the above question and addressing the issue of federal prosecutors' accountability - would you support including in federal prosecutors' work plans and related evaluations (for those who are assigned human trafficking cases) a field for attorney performance in human trafficking cases to ensure vigorous investigations, prosecutions, and full restitution? If not, what are your suggestions to hold federal prosecutors accountable?
6. One final question on restitution – when restitution actually is ordered, collection often does not occur. Although we recognize that collection may be challenging and it is principally the responsibility of the Financial Litigation Units in the United States Attorneys' Offices, what could be done to more aggressively collect restitution including looking at ways to seize assets in traffickers' home countries?
7. Trafficking victims often are coerced to engage in conduct that is criminalized. Commercial sex trafficking cases are the most common example. The U.S. Department of Justice has a long history of treating involuntary servitude and now various human trafficking law victims as just that – victims and not criminals. The U.S. Congress historically through legislation, including the TVPA and recently Senate Resolution 61 (expresses the sense of the Senate that children trafficked for sex in the U.S. should not be treated as child prostitutes) also recognizes that trafficking victims coerced to perform unlawful acts should, as a general rule, not be treated as criminals. As an advocate of crime victims' rights, will you also defend victims by ensuring that they are not treated as criminals when the criminal conduct has been coerced a part of the trafficking scheme?
8. As a former federal prosecutor as well as an advocate for crime victims' rights, you understand that making a prosecutable case often involves working with highly traumatized victims, which requires sensitivity and attention to victims' needs.

³ This includes cases brought by the 93 United States Attorneys' Offices and the U.S. Department of Justice.

⁴ 18 U.S.C. §1593.

Resulting from the FNUSA's collective experience over two decades as prosecutors, service providers, immigration and civil attorneys, we urge a victim informed approach to all human trafficking cases. We also know that nonprofit and local organizations provide essential services for victims and they must be funded to ensure the government's anti-trafficking efforts are successful. Will you as Attorney General support a victim-centered approach to human trafficking? Will you also support continued funding for essential services necessary to protect victims and facilitate prosecutions?

9. We know the importance of supporting foreign national victims, especially when they are needed to assist with the investigation and prosecution of the crime. Presently, there is an immigration stabilization system that is critical to accomplishing this objective. Foreign national trafficking victims fear that coming forward to report their victimization to law enforcement will cause them to be sent back to their home country where the traffickers can cause harm to them or their families. As Attorney General will you continue to support the protection of foreign national human trafficking victims through immigration remedies?
10. Prevention of human trafficking is accomplished through training and public awareness within the United States, in trafficking victims' home countries, and in transit countries. Prevention is a cost effective means to tackle the scourge of human trafficking. What emphasis would you place on prevention? Would you support necessary funding?
11. Human trafficking and domestic violence are often intertwined. Survivors fleeing domestic violence are vulnerable to traffickers promising employment. Survivors of human trafficking are vulnerable to domestic violence as they struggle to overcome the poverty and trauma they have experienced. Others are trafficked by abusive spouses. We are very concerned with your past votes against legislation that provides support and services to victims of domestic and sexual violence. Looking forward, what assurances can you offer that you will be supportive of legislation that provides protection and services to all victims of violence?

Thank you for your consideration of these questions. Please contact Jean Bruggeman at jean@freedomnetworkusa.org with any questions or for more information.

Sincerely,



Jean Bruggeman
Executive Director
Freedom Network USA