

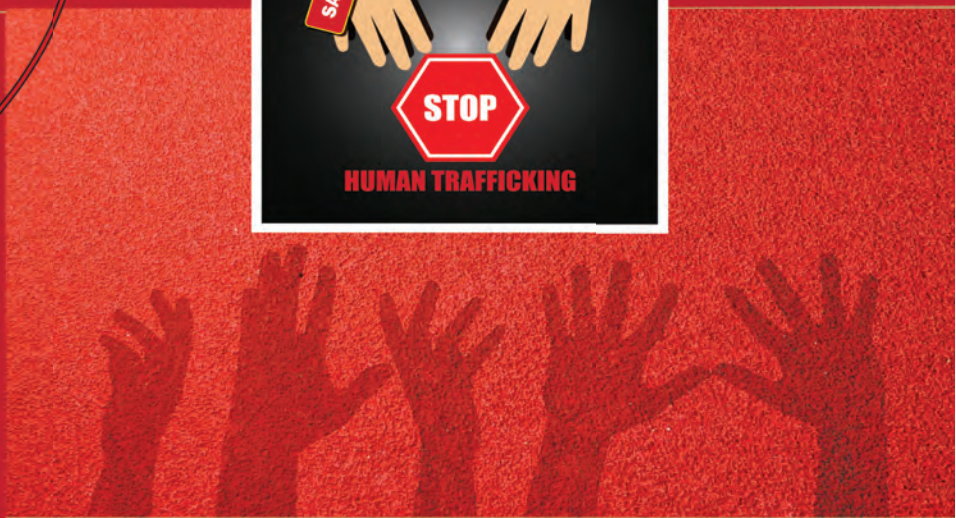


HUMAN TRAFFICKING AND



HUMAN RIGHTS:

CHILDREN OF GOD, NOT FOR SALE



2016

The Advisory Committee on Social Witness Policy (ACSWP)



PRESBYTERIAN CHURCH (U.S.A.)
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THE REVEREND DR. J. HERBERT NELSON, II
STATED CLERK OF THE GENERAL ASSEMBLY

**Dear members and friends of the Presbyterian Church (U.S.A.), elected leaders in government,
and managers of complicated supply chains:**

This resolution contains a study and recommendations for policies to curtail the on-going tragedy of human trafficking. It addresses not only sex trafficking and child trafficking, which receive much attention, but labor trafficking and lesser known ways that persons can be bought and sold. I write persons both within and outside our church in my capacity as Stated Clerk of the General Assembly, the highest policy making body of our denomination, to confirm that this resolution, ***Human Trafficking and Human Rights: Children of God, Not for Sale***, was strongly approved by the 222nd General Assembly of the Presbyterian Church (U.S.A.) on June 23, 2016 in Portland, Oregon.

The General Assembly adopts public witness statements on matters of Christian conscience under the guidance of the Holy Spirit and in exercise of its responsibility to witness to the love and justice of Jesus Christ in every dimension of life. In accordance with long practice and stated policy, this statement is presented for the guidance and edification of both church and society. It directs and shapes procedures and programs of the units and staff of the General Assembly agencies. It is recommended for consideration by sessions, presbyteries, and synods (the governing bodies of our church), and commended to the free conscience of all congregations and members of the Presbyterian Church (U.S.A.) for prayerful study, dialogue, and action.

The recommendations of this report (**in the bold type initial section**) thus provide a basis for the advocacy of the Office of Public Witness in Washington, DC, the Presbyterian Ministry at the United Nations, the Presbyterian Hunger Program, and for coalitional efforts with ecumenical and public interest bodies. As implications drawn from Biblical, confessional, and theological affirmations of human rights and human dignity, they represent the best judgment of experts consulted by a volunteer study team and then the majority vote of a representative body of commissioners to the General Assembly. Under our polity, no member is constrained to agree with any specific or with the policy as a whole, but all are to understand that the church does not use its voice without careful study and democratic deliberation.

I would commend the long concern for trafficking of Presbyterian Women, who began studying this matter in trips to areas of exploitation around overseas military bases back in the 1970's. Our child advocacy efforts subsequently recognized the tragic dimensions of trafficking in the United States itself. Prior General Assemblies also supported the labor rights of immigrants and migrants (as well as native born) through organizations such as the Coalition of Immokalee Workers, and efforts to ensure fair wages and treatment in overseas supply chains, such as the anti-sweatshop campaigns on many campuses and the fair trade movement. We know that no booklet in print or cyberspace—alone—will end suffering and bring justice. Yet we pray that such reports will strengthen our common witness and assist those of you who step up as individuals and stand with those mistreated so fundamentally in trafficking situations.

Yours in Christ's service,

Reverend Dr. J. Herbert Nelson, II
Stated Clerk of the General Assembly
Presbyterian Church (U.S.A.)

Human Trafficking and Human Rights: Children of God, Not for Sale



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100 Witherspoon Street, Louisville, Kentucky 40202

Approved by the 222nd General Assembly (2016)
Presbyterian Church (U.S.A.)

A policy statement is an excerpt from the Minutes of the General Assembly of the Presbyterian Church (U.S.A.)

Developed by
The Advisory Committee on Social Witness Policy (ACSWP)
in cooperation with the Advocacy Committee for Women's Concerns
www.pcusa.org/acswp or www.presbyterianmission.org/ministries/acswp
See also www.justiceUnbound.org for current discussion

Human Trafficking and Human Rights: Children of God, Not for Sale

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Human Trafficking and Human Rights: Children of God, Not for Sale

The Advisory Committee on Social Witness Policy and the Advocacy Committee for Women's Concerns recommend that the 222nd General Assembly (2016) do the following:

1. Approve the following statement of concern on human trafficking

Statement of Concern: The Many Faces of Human Trafficking

Human beings, created in the image of God, are not for sale. This deep conviction requires new applications in a global economy where part of the problem of forced labor is the trafficking of workers, women, men, and children, into exploitation in other regions or countries. Beginning in the 1970s, Presbyterian Women and Presbyterian mission co-workers began to focus on the exploitation of women around military bases overseas and the related dangers of sex tourism. Since then, the church's efforts have broadened to include freeing people from bonded labor, sometimes called modern slavery, in agriculture, sweatshops, and service industries. The Presbyterian Church (U.S.A.) has developed ministries to reach out to people trapped in these circumstances and has joined campaigns and coalitions to address some of these many faces of trafficking.

In fulfillment of the direction of the 221st General Assembly (2014), this report provides a comprehensive policy on trafficking based on a human rights approach. As stipulated, this report covers forced labor, sex trafficking, bonded labor, debt bondage, involuntary domestic servitude, forced child labor, child soldiers, child sex trafficking, illegal adoption, and organ harvesting, underlining the conditions that affect vulnerability. A study team has gratefully drawn on expertise from those coalitions with whom the Presbyterian Church (U.S.A.) has long worked, including Freedom Network, U.S.A., the Coalition of Immokalee Workers, and End Child Prostitution and Trafficking (ECPAT-USA), part of an international network.

Following the church's anti-trafficking experience, this report challenges the predominant focus on the sex trafficking of women and children. It broadens the understanding of trafficking and, in applying the human rights approach, shifts from the paradigm of criminalizing perpetrators and rescuing victims to addressing the economic inequalities and structural violence that make people vulnerable to forced labor. Human rights based policies then protect persons and empower them as workers, while also seeking to prevent their victimization.

Our church is thus not responding out of a “moral panic” focused on sexualized victims to be rescued, but with mission experience and analysis. It is “victim-centered,” but in ways designed to end the effects of victimization and then to support empowerment, dignity, and restoration of rights to that person.

Our primary definition of trafficking is forced labor, whether the person or group has been moved within a country or across borders. The scope of human trafficking is significant. In 2012, the International Labor Organization projected 20.9 million persons engaged in forced labor in 124 countries producing \$150 billion in illegal profits. This estimate includes bonded labor within countries, but not all those living in absolute poverty, a vast population for whom the church also seeks economic justice, civil rights, and sustainable development. It is not the same as prostitution, although many persons in the sex industry are trafficked. Labor trafficking may resemble slavery; economic coercion may effectively be physical coercion as well, as for daughters of poor families trapped and mistreated in domestic service overseas. Voluntary migrant laborers may become exploited and even held captive; however, they are not technically owned or classified as property. Prison labor that is forced and minimally compensated may come closer to slavery and should be improved or ended, but is not trafficked labor.

Theological Basis

The church stands against human trafficking and forced labor based upon its conviction that each person bears the image of God, or Imago Dei, and that work is both a necessity and a calling: “the laborer deserves to be paid” (1 Tim. 5:18). We may understand the image of God as the capacity for personal, covenantal relationship that gives all humans individual worth and responsibility to help redeem creation. The prophetic vision in Isaiah 65 presents a harmony of humanity within nature and without violence; Jesus’ message of the kingdom or reign of God calls into question every structure that excludes or dominates others. We do not deny the degree of complicity that all of us share in the market system, but insist that human beings should never be treated as commodities.

Theological Responses to Globalization

This resolution affirms the concerns prophetically expressed in the Accra Confession¹ of the World Communion (then Alliance) of Reformed Churches in 2004, which named unregulated economic forces increasing inequality, instability, and unsustainability in the “World House.” A similar concern for lack of protections for labor, community stability, and the environment is found in the 2008 policy of the General Assembly, “Just Globalization: Justice, Ownership, and Accountability.”² The Accra affirmation identifies poverty and inequality as church-dividing matters and addresses them in confessional terms. The PCUSA statement, responding in a particular country context,

provides specific recommendations to address outsourcing and off-shoring practices and the virtual export of unemployed persons when trade policies wipe out local industries. These church statements put immigration and trafficking issues within the context of large-scale economic choices as well as environmental pressures and oppose self-undercutting competition among countries.

The Human Rights Approach

By strengthening freedom and economic justice for persons in whole categories of work, the goal is to reduce the incentives for traffickers. While supporting legal protections against “force, fraud, and coercion,” to quote the Trafficking Victims Protection Act of 2000, the human rights approach puts a priority on providing legal recourse and social supports to persons who have been trafficked. International labor protections (including child labor laws) are needed to balance national criminal justice approaches that can focus on low-level traffickers and miss the larger forces propelling migration and marginalization. The concentration of resources on criminalization may also reinforce the social exclusion of non-citizens who may be pressured by both traffickers and law enforcement, especially when they lack documentation or legal protection and fear deportation or prison if they testify.

This social witness policy statement thus adheres to the Recommended Principles and Guidelines on Human Rights and Human Trafficking promulgated in 2002 by the United Nations High Commissioner for Human Rights, based on: “(1) The primacy of human rights, (2) the prevention of trafficking by addressing root causes, (3) the extension of protection and assistance to all victims (instead of criminalization), and (4) the punishment of perpetrators and redress of victims.” A 2013 paper in *The Judges’ Journal* of the American Bar Association further defines these principles:

Adopting a human rights-based approach implies that national, regional, and international responses to trafficking be anchored in the rights and obligations of international human rights law. [including]

- Identification of rights-holders (e.g., trafficked persons, potential victims, those accused or convicted of trafficking-related offenses), their entitlements, and the corresponding duty-bearers (usually States) and their obligations are required in order to strengthen the capacities of rights-holders to claim their rights and of duty-bearers to meet their obligations. States’ obligations stem from the well-established principle of due diligence, which means that States have the responsibility to respect, protect, and fulfill the rights of all individuals, including victims of trafficking.
- Principles and standards derived from international human rights law (such as equality and nondiscrimination, universality of rights, and the rule of law) should guide all stages of the response to human trafficking.”³

2. Approve the following recommendations for Christian social witness.

Following the *Book of Order* maxim that “truth is in order to goodness,” that our knowing God’s purposes should lead to acting on them, these recommendations provide direction for agencies of the General Assembly and guidance for presbyteries, synods, congregations, and individual members. Thus the 222nd General Assembly (2016) supports:

a. Public Policies for Trafficking Prevention and Restoration of Rights to

Victims of Trafficking in the United States

(1) In principle, the General Assembly affirms that persons who have been trafficked are legally entitled to: safety, privacy, information, legal representation, be heard in court, due compensation for damages, access to medical and social assistance, and either residence in the United States (depending on immigration status) or safe return to their country of origin.

(2) The adoption and use of a human rights approach to human trafficking by communities and states which (a) focuses on the situation, needs, and rights of persons who have been trafficked, (b) respects individual autonomy and rights, (c) is empowering and nonjudgmental, and (4) affirms the rights of the individual to participate in the prosecution of traffickers, if they so choose.

(3) **Transparency in Global Supply Chains:** As in the Presidential Executive Order, “Strengthening Protections Against Trafficking in Persons in Federal Contracts,” and other measures requiring retailers and manufacturers doing business in the U.S. with private and public entities to disclose subcontractors and sources so as to ensure both adequate wages and working conditions and protection from trafficking and forced labor. Such measures enable consumers to know that they are not supporting trafficking or other labor violations.

(4) **Worker Driven Social Responsibility:** In addition to investment-based methods of corporate social responsibility pioneered by the PCUSA Committee on Mission Responsibility Through Investment (MRTI), this provision affirms the maximum feasible participation of workers in the design and monitoring of anti-trafficking and worker protection programs. Whether or not workers have exercised their right to organize, we endorse industry-specific and rigorous third-party inspections of plant, equipment, worker safety, and personnel policies with public reporting on any corrective measures needed.

(5) **Comprehensive U.S. policies and laws to regulate foreign labor recruiters with strengthened enforcement, investigation, and prosecution of labor trafficking by registered or unregistered (or unlicensed) individuals, groups, or enterprises.**⁴ Where federal and state laws exclude protection for agricultural (often termed, migrant) workers and others, equitable extension of living, fair, or minimum wage

laws may still reduce exploitation and conditions sometimes compared to “modern slavery.” The Presbyterian Church (U.S.A.) opposes debt bondage and bonded labor arrangements that tie workers, including children, to traffickers or employers who pay sub-minimum wages, omit benefits, and restrict access to labor protections, as violations of U.S. labor law as well as violations of basic freedoms and human rights.

(6) Testing and evaluating policies that would decriminalize or decrease penalties for those engaged in sex work, while affirming the PCUSA’s traditional goal of ending prostitution.⁵ Jurisdictions should evaluate the applicability of policies such as that of Sweden, where only consumers and procurers of sexual services are prosecuted, and of other nations where social services and exit from this activity are supported. All prohibitions of exploitation and underage involvement should remain in force, yet the prohibition model contributes to underground economies. Some research data shows that persons without criminal records are better able to leave this work and at least fifteen states have record-clearing policies.⁶ Accompaniment and outreach strategies to prostitutes or sex workers can be more effective than the threat of punishment, which can deepen reliance on traffickers and other predators, especially when those engaged in prostitution are non-citizens.

(7) Advocacy for instituting or strengthening “Safe Harbor” laws (which at least twenty-eight U.S. states have in some form). These laws exempt underage persons engaged in prostitution and related exploitive activities from prosecution and mandate social services. These laws should not weaken the appropriate prosecution of those who exploit those under eighteen years of age.

b. Public Policies for Trafficking-Related Immigration Reforms

(1) **Guestworker Program Safeguards:** Beyond public oversight of appropriate federal and state regulation to ensure living wages, appropriate benefits, safe working conditions, and freedom to return to countries of origin, federal policy should allow accountable contracts for fair compensation whereby workers could change employers while retaining their visas, depending on a religion service. Ideally, this should be part of comprehensive immigration reform.

(2) Advocacy for appropriate federal agencies to conduct a thorough review of “continued presence” policies and practices that involve human trafficking, tracking the number of “continued presence” requests made in comparison to the number of requests granted. This calls upon Immigration and Customs Enforcement (ICE) to expedite “continued presence” applications and other protections for victims who are assisting trafficking investigations.

(3) Upholding in practice existing protections for trafficking victims, as in cases where an emphasis on enforcement incarcerates asylum-seeking families and effectively prevents discovery of trafficking situations. Elected officials should resist

efforts to weaken screening protocols and other protections for detained migrants, including unaccompanied children fleeing drug war and other violence.

(4) Support for alternate approaches to granting temporary immigration relief and work authorization for unauthorized immigrant trafficking victims in the event “continued presence” is not appropriate, such as fast-tracking the T visa process. This calls on the Department of State and other government agencies to offer greater support, including the necessary funding for comprehensive services, including family reunification for trafficking victims, and both emergency and transitional shelter.

(5) Encouragement for U.S. embassy and consulate staff and border officials to provide to persons obtaining visas to the United States information regarding their rights and numbers to call for guidance, depending on their location, such as the number for the National Trafficking Resource Center [1(888) 373-7888] and consulates of other nations, and for those personnel to receive training on the identification and assistance of trafficking victims.

c. Public Policies for International Cooperation in Anti-Trafficking Work

(1) Utilize the guidance of the 217th General Assembly (2006) policy, *Resolution on Just Globalization: Justice, Ownership, and Responsibility* (Minutes, 2006, Part I, pp. 825ff), particularly in the areas of protections for workers in trade agreements, support for living wage laws, worker safety regulations, the rights of workers to organize and practice collective bargaining.

(2) Advocate substantial global support for the UN Sustainable Development Goals, a new framework that deepens the analysis present in the Millennium Development goals.

(3) Regarding the use of minors as soldiers, affirm universal ratification and enforcement of the [Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#) as well as the Convention on the Rights of the Child, and direct the Office of Public Witness and the Presbyterian Ministry at the UN to advocate, educate, and coordinate with efforts such as the Red Hand Campaign to end this practice.

(4) Direct MRTI in its review of investments with the Board of Pensions and Presbyterian Foundation to pay particular attention to labor practices and the transparency of product movement in global supply chains.

(5) Encourage major airlines to adopt the Tourism Child-Protection Code of Conduct and so develop, in consultation with anti-trafficking experts and persons who have survived trafficking, short awareness training videos and brochures to be used with staff and customers to raise awareness of trafficking activity and the appropriate response.

(6) Support through our Presbyterian Ministry at the United Nations the international human rights system that plays a central role in promoting the effective implementation of the international legal framework around trafficking including the Palermo Protocols.

(7) Support provisions in international law that protect families and the vulnerable within families from forced adoption⁷ and forced marriage, and that outlaw trafficking in organs, with safeguards for living donor and end-of-life donation.⁸ To prevent the devaluation of the human, societies and the community of nations appropriately limit the rights of individuals and families to sell or sacrifice members or monetize parts of the reproductive process.

(8) Direct the Office of Public Witness and the Presbyterian Ministry at the United Nations to advocate with the United States, at the United Nations and around the world, for policies that will protect those most vulnerable by dismantling unjust systems of racism, classism, patriarchy, discrimination against LGBTQI persons, and related systems of oppression that contribute to exploitation and trafficking.

d. Civil Society Coalitions and Strategies

(1) Sustain the church's partnership, through the Human Trafficking Roundtable and its member offices and programs, with ECPAT-USA in seeking to enlist the tourist industry in signing on to The Tourism Child-Protection Code of Conduct and in working to strengthen laws related to child sex trafficking.

(2) Affirm the work of the Educate a Child initiative and encourage continued attention to the role of education globally in protecting against vulnerabilities that contribute to trafficking.

(3) Affirm the work of World Mission in its critical global initiatives that address root causes of trafficking. Encourage the expansion of the training of mission coworkers and young adult volunteers in recognizing the signs of human trafficking and in identifying appropriate procedures, partners, and responses to trafficking.

(4) Monitor and support legislation and the development of programs related to human trafficking so that the human rights of those trafficked, particularly the prohibition of discrimination, the right to freedom of movement, and the right to seek and receive asylum from persecution are honored.

e. Actions for Congregations, Members, and Friends of the

Presbyterian Church (U.S.A.)

(1) Encourage Presbyterians to educate themselves about the indicators for human trafficking, and commit to making themselves aware of possible situations of human trafficking in their communities.

(2) Encourage Presbyterians to assess their own benefit from forced or exploited labor through such means as the survey of one's "slavery footprint" at www.slaveryfootprint.com and committing to taking action to reduce that unfair benefit or "footprint."

(3) Encourage Presbyterians to seek out fairly traded products and locally produced goods, where profits go directly to small producers.

(4) Encourage Presbyterians to educate themselves about, and refrain from purchasing, products identified as being produced by forced labor.

(5) Encourage Presbyterians who travel to seek out carriers and hotel accommodations whose managements have signed on to The Tourism Child-Protection Code of Conduct (members and signatories are listed at <http://www.ecpatusa.org/code/>).

f. Concrete Points of Intervention and Strategies for Implementation

(1) Presbyterian members and congregations are called upon to advocate for the end of trafficking in persons, and for countries to adopt international standards to uphold and protect the human rights of victims.

(2) Presbyterians are called upon to recognize gender and age-specific vulnerabilities to trafficking, to contact law enforcement and social services as necessary, to join or support agencies and programs to ensure that the human rights of trafficked individuals are respected at all times, to share best practices as well as obstacles to anti-trafficking in order to prevent re-victimization, and to identify protection gaps in this regard, working with such groups as Freedom Network, USA.

(3) The Presbyterian Mission Agency and the Office of the General Assembly are directed to continue the work of a Human Trafficking Roundtable of staff with responsibilities in these areas, currently including among others the offices of Immigration, Presbyterian Ministry at the United Nations, Advocacy Committee for Women's Concerns, Racial Ethnic and Women's Ministries, Presbyterian Hunger Program, Office of Public Witness, Presbyterian Women, Presbyterian Men, World Mission Critical Global Initiatives, and area offices, modeling the comprehensive approach of this report.

(4) The Presbyterian Mission Agency is directed to continue addressing justice in global supply chains through fair-trade measures and the worker-driven social responsibility model exemplified by the Coalition of Immokalee Workers.

(5) The Presbyterian Mission Agency is urged to support Presbyterians engaged in anti-trafficking work, through existing networks of women's advocacy and empowerment, programs and coalitions to end child/sex/labor exploitation, and as feasible in providing coordination assistance to a Human Trafficking Network.

(6) The Presbyterian Mission Agency is directed to engage in ongoing evaluation of denominational anti-trafficking work in light of emerging areas of concern and new structural and funding realities across the church, to ensure effective education, witness, and action.

(7) The Stated Clerk to directed to post online a free downloadable version of this report, making available a hard copy for each mid council and session so requesting, providing a limited number of copies for public witness, and notifying the church at large of its availability.

3. Receive the supporting study, considering all three parts as “Human Trafficking and Human Rights: Children of God, Not for Sale.”

RATIONALE

These recommendations are in response to the following referral: *2014 Referral: Item 11-13. A Resolution on Developing a Comprehensive Social Witness Policy on Human Trafficking as a Human Rights Issue—From the Advocacy Committee for Women’s Concerns (ACWC) (Minutes, 2014, Part I, pp. 15, 69, 890–92).*

The *Rationale* or supporting statement takes the form of the following study.

Human Trafficking and Human Rights

- I. Introduction and Mandate
- II. Theological Imperatives
- III. Definitions and Depictions
- IV. Analysis of Existing Policies and Course Correction
- V. The Human Rights Approach and Free, as Opposed to Forced, Labor
- VI. Conclusion: Recommendations, Relationships, and Responsibilities

APPENDIX A: Related Presbyterian Policies; Gender Justice, Labor, Children, Human Rights, Immigration, Trafficking, Prostitution, Child Sex Trafficking

APPENDIX B: The PC(USA) Trafficking Roundtable and Anti-Trafficking Work Across the Church: Note on Reference Group for this Study

Human Trafficking and Human Rights

I. Introduction and Mandate:

Because I work from their house morning 6 o'clock to at night 12 o'clock, and I take care of two kids ... and when she [the trafficker] come in from work and she every day, every night and she start yelling at me, abusing me, hitting me and all these thing. She don't have any reason but I don't do any wrong but ... she want make me scared from her and stay inside, make sure I don't go outside. Because ... after finished that three month [of the visa] she start abusing me because she don't want [that] I go outside.—woman trafficked for domestic servitude

Whose children are they who stitch footballs, yet have never played with one? They are our children. Whose children are they who mine stones and minerals? They are our children. Whose children are they who harvest cocoa, yet do not know the taste of a chocolate? They are all our children.—Kailash Satyarthi, 2014 Nobel Prize laureate

Two employers “had a workforce of over 400 men and women in Florida and South Carolina, harvesting vegetables and citrus. The workers, mostly indigenous Mexicans and Guatemalans, were forced to work 10–12 hour days, 6 days per week, for as little as \$20 per week, under the watch of armed guards. Those who attempted escape were assaulted, pistol-whipped, and even shot.”—Coalition of Immokalee Workers (CIW 2010).

The face of a trafficked person in the public imagination is usually a young female taken for sex work across borders by force, and less often children stitching footballs, young men in tomato fields, women cleaning up after someone else's children, or bonded laborers at brick kilns.

Recent legal, sociological, and critical theories on trafficking are concerned about the “moral panic” around sex trafficking and an impetus to rescue. They have begun to question and challenge the widely-held anti-trafficking paradigm, the stakeholders, and the definitions of trafficking that propel and sometimes misdirect interventions.

This study will argue for a primary definition of trafficking as forced labor as it speaks to real drama of the hospital, though we look at other definitions and their implications. There are many faces of human trafficking; the report's subtitle comes from the cover story of the *Presbyterians Today* issue focused on human trafficking of January/February 2016, coincident with this report.

In the decade since the PCUSA's last policy report on trafficking, new studies indicate that trafficking has become the third largest form of global crime. While statistical estimation is difficult, the International Labor Organization (ILO) projects 20.9 million

victims in 124 countries producing \$150 billion in illegal profits.⁹ Kevin Bales, a well-known anti-trafficking advocate, identifies three key factors in this explosive rise in trafficking. The first is the geopolitics of population growth—now at 7.3 billion. Half the population in poor countries is under the age of fifteen.¹⁰ The second factor is the rapid economic and social change brought about by globalization, and closely related to this phenomenon is the third factor, the rise of government corruption and economic inequality both globally and in-country.

Presbyterian policy has already analyzed the root cause of the many faces of human trafficking, a global nightmare brought on by “... free trade, free markets, and the free movement of capital without reference to the size of the economic actors, the social results of enterprise, or the impact on individuals in any of the countries involved.”¹¹ Such economic inequality commodifies people who are poor and increasingly disposable on a global scale. The corresponding explosion in trafficked persons has led to a range of definitions, causes, and approaches.

Increasingly researchers and advocates have called for a shift in the dominant focus beyond women and child sex trafficking and into two primary directions: first, toward a broader category of human trafficking, and second, to move away from the strategy of criminalization to a human rights framework. The latter indicates a significant shift from criminalization of the perpetrators and “rescue” of the “victims” to change the economic inequalities and structural violence that produce the vulnerabilities that lead to forced labor. This “human rights approach” promotes policies that protect and empower the worker.

The Presbyterian church’s commitment to those trapped in human trafficking has been following this paradigm shift. Beginning in 2006, the denomination responded to the call to address trafficking by taking action, first against the sex trafficking of children, and then expanding that action in 2008 to include a call to respond to the trafficking of adults, especially women. While these actions provided the starting point for a Christian response, a call for a more comprehensive policy was made at the 221st General Assembly (2014). [See Appendix A for a review of PCUSA social witness policy.]

The 221st General Assembly (2014) thus directed the Advisory Committee on Social Witness Policy and the Advocacy Committee for Women’s Concerns to create a study team to serve as a reference group with staff from the PCUSA Human Trafficking Roundtable. Their task was to review current PCUSA policy and to propose a comprehensive human trafficking policy grounded in a human rights based approach. This policy would cover a broader range of trafficking including forced labor, sex trafficking, bonded labor, debt bondage, involuntary domestic servitude, forced child labor, child soldiers, child sex trafficking, and organ harvesting, examining all the conditions that affect vulnerability. The team was to consult a variety of groups working on the issue of trafficking, including Freedom Network, U.S.A.; the Coalition of Immokalee Workers, and End Child Prostitution and Trafficking (ECPAT), and General Assembly programs and ministries.

This paper will address:

- A theological orientation based on (a) our bearing God’s image, an image trafficking cannot erase, (b) the prophetic description of labor in the world that God envisions for humanity, and (c) guidance from Jesus’ parables on how to seek justice and redress injustice.
- Definitions and depictions of trafficking.
- An analysis of existing policies and a course correction that would examine among other things (a) the movement from trafficking as female sexual exploitation and a prohibition-rescue approach, to a larger conceptualization of trafficking as including labor trafficking and a more person-based, human rights approach, and (b) the implications of a proliferation of types of trafficking and its effect on effective intervention.
- An approach that explains why free labor and human rights are a more effective holistic approach to trafficking.

II. Theological Imperatives

Scripture and the Reformed tradition provide guidance for our response to human trafficking. Accordingly, it is incumbent upon faith communities such as the PCUSA to articulate a response to the crisis from a biblical standpoint. Several biblical texts address trafficking and slavery in ways that have current resonance. The story of Joseph in Genesis 37 is a quintessential precursor of modern-day trafficking situations wherein victims are often sold by those they trust. In Philemon verses 8–21, Paul asks Philemon to treat Onesimus as a brother, though the call for manumission is only implicit. In an apparent challenge to slavery, however, Paul rescues the slave girl in Acts 16, risking his own imprisonment. Here we briefly apply the concept of being made in God’s image to the commodity-making of human trafficking and for broader perspective, lift up Shalom in its global dimension, underlining the accent on labor in the vision of Isaiah 65. This section ends with a look at our responsibilities through Jesus’ parable of the Great Banquet.

Imago Dei

In the first chapter of Genesis, we read:

Then God said, “Let us make humankind in our image, according to our likeness; and let them have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the wild animals of the earth, and over every creeping thing that creeps upon the earth.” So God created humankind in [God’s] image, in the image of God he created them; male and female [God] created them. God blessed them ...¹²

There are competing views on the precise meaning of being made in the image of God. Karl Barth maintains that this image is the capacity of humans to relate to God. Being in the image of God means that God and humans can engage in a personal relationship and

participate in covenant. Humans can speak with God (*Church Dogmatics*, III. 1.183–.187). Humans can seek, petition, and call upon God; and God calls and responds to us. Another understanding of the image of God views humans as God’s vice-regents in creation, caring for it and watching over it. Both views have implications for a Christian response to human trafficking.

First, both male and female are made in God’s image, and are a part of that “very good” totality of creation. All people have standing before God and are to be valued and valued equally. For Christians, the *imago dei* undergirds concepts of human dignity, worth, and rights. Second, to the degree that being made in God’s image reflects a kind of human vice-regency for God on earth, that vice-regency includes the faithful stewardship of creation so it may fulfill God’s purposes.

Human trafficking is thus a violation of the image-bearers whom God has created. It is an affront to God and a rejection of God’s purposes for humankind. To allow the social structures that create demand for human trafficking, and to allow human trafficking itself to persist, uncontested and unopposed by the church’s voice and activism, is to fail in the dominion-as-stewardship to which the Church and its people are called, and to become, in Thomas Merton’s term, a guilty bystanders.

The Brief Statement of Faith speaks to this world that God created, the devastating effects of sin in destroying community, and God’s acts to redeem creation:

In sovereign love God created the world good and makes everyone equally in God’s image
male and female, of every race and people, to live as one community.

But we rebel against God; we hide from our Creator.

Ignoring God’s commandments, we violate the image of God in others and ourselves,
accept lies as truth, exploit neighbor and nature ...

(Book of Confessions, 10.3, Lines 29–37)

In obedience to God we must seek that restoration of the creation that God purposes for all humanity.¹³

A vision of the creation redeemed

From the Pentateuch to the Prophets to Revelation, we are afforded glimpses of the world that God would have for humankind. It is a world of shalom. Shalom is often poorly translated as “peace” in English, though it has a far richer meaning. Shalom

...is one of the most significant theological terms in Scripture, [having] a wide semantic range stressing various nuances of its basic meaning: totality or completeness. These meanings include fulfillment, completion, maturity, soundness, wholeness (both individual and communal), community, harmony, tranquility, security, well-being, welfare, friendship, agreement, success, prosperity.¹⁴

Shalom is both individual and communal; in a reciprocating relationship, the individual is to seek the wellbeing of the community and the community is to seek the wellbeing of the individual. Neither can have shalom without seeking the shalom of the other. But, what would such a world look like? The vision of the prophet Isaiah 65:17–25 tells us of the world that God had originally created and ultimately plans for humanity. God creates a new heaven and a new earth that is one in which:

...no more shall the sound of weeping be heard in it, or the cry of distress. No more shall there be in it an infant that lives but a few days, or an old person who does not live out a lifetime; ... They shall build houses and inhabit them; they shall plant vineyards and eat their fruit. They shall not build and another inhabit; they shall not plant and another eat; for like the days of a tree shall the days of my people be, and my chosen shall long enjoy the work of their hands. They shall not labor in vain, or bear children for calamity; for they shall be offspring blessed by the Lord—and their descendants as well. Before they call I will answer, while they are yet speaking I will hear. The wolf and the lamb shall feed together, the lion shall eat straw like the ox; but the serpent—its food shall be dust! They shall not hurt or destroy on all my holy mountain, says the Lord. (Isa. 65:19–25)¹⁵

This new creation is not for Israel alone, but for the whole creation, including all humanity. It is one of joy, health, wellbeing, safety, and security. It is also a world in which each person justly benefits from the fruit of his or her own labor. While many passages portray God's new order, Isaiah's vision points to issues of labor. This is not life in grinding poverty, servitude to others, hunger, lack of shelter, debt, or exploitation. Instead, it is a world of blessing, unenslaved, at peace at home.

Engaging the World for Justice; the Great Banquet Parable

This vision of the redeemed creation living in shalom inspires the church to engage the world in ways that multiply justice. Here again the Brief Statement of Faith guides us.

In a broken and fearful world the Spirit gives us courage
to pray without ceasing,
to witness among all peoples to Christ as Lord and Savior,
to unmask idolatries in Church and culture,
to hear the voices of peoples long silenced,
and to work with others for justice, freedom, and peace.

(Book of Confessions, 10.4, Lines 65–71)¹⁶

Working for justice, freedom and peace can take different forms. In Luke 14, as well as in other places, Jesus describes God's reign by comparing it with banquets where expectations concerning status and inclusion are reversed. This chapter begins with Jesus observing the competition for the best seats at a banquet he is attending. He responds by talking about a wedding feast where one does not seek the high table's seats of honor. He then admonished the host that he/she should invite not peers and friends, but persons who were poor, maimed, lame, and blind.

Following this Jesus presents the parable of a Grand Banquet to which precisely none of the aforementioned persons of lower status have been invited. We draw here on the New Testament scholarship of Raj Nadella to explore possible irony and resistance in the text that traditional interpretations miss.¹⁷ In traditional interpretations it is assumed that this host is a metaphor for God. But this would be an unjust banquet with seats only for a privileged in-crowd. To attend such a banquet would to approve its exclusionary nature.

Notably, the specifically invited guests decline the host's invitation. In the traditional interpretation they are distracted by misplaced priorities. However a deeper reading sees that none of the excuses is pressing, some even seem absurd. Moreover, none of the invited guests seems malnourished.

Just what are the invitees thinking in turning down the invitation? Nadella's interpretation is that their excuses constitute a kind of noncooperation or even boycott of an unfair opportunity. And the result? The grand host ends up including the very people Jesus just encouraged his host to include. While he tells his servant even to "compel" people to attend, the host has himself been compelled by the resistance of his intended guests to throw a more shalom- or kingdom-like feast.

If the socioeconomic structures of our time benefit the few and exclude the many, depriving them of identity and dignity as humans, does the parable not invite those with access (like us) to make a statement by not participating in those structures? It is essential to ask who is included, who is excluded, and why. The corporations, institutions, and politicians that perpetuate exclusion may have lost their capacity for moral embarrassment, but if enough who commit to an inclusive society refuse to participate in such exclusive banquets, the party cannot continue. Blessed are those who make excuses that unmask hidden domination.

Sometimes, justice requires active intervention to bring about justice; other times it requires refusal to participate in injustice. Clearly there are instances of rescue in the Bible that can apply to trafficking. Yet Jesus' recognition of the temptations of inequality and exclusion address situations where, like the widow wearing down the Unjust Judge with her pleas, change is slow. So our faith also applies when human authorities do not intervene, insisting that God hears the cries of the suffering. And in faithful obedience to God as Lord of life and creation, the church must act both as a community of prayer and as a community of engagement.

Our faith calls us to confront and confess our complicity in global forces that have given rise to and perpetuate human trafficking. Our faith helps us hear the "long silenced voices" of the trafficked. The theological "tools" with which we confront human trafficking affirm the "imago dei" basis of human rights and dignity. They seek that shalom where no one is a commodity to be consumed. The great ends of the church call us to the promotion of social righteousness and the exhibition of the kingdom of heaven to the world. Isaiah gives us a vision of that world, and Jesus gives us strategies to get a bit closer to it. No policy tool or approach is the whole Gospel, but there is evangelical energy in confronting trafficking patterns and protecting every endangered child of God.

III. Descriptions, Depictions, and Definitions

For the Presbyterian Church (U.S.A.), holistic and effective counters to dehumanizing practices must be grounded in comprehensive policy. Beginning in 2006, the denomination responded to the call to address trafficking by taking action, first against the sex trafficking of children, and then expanding that action in 2008 to include a call to respond to the issue of adults, especially women, who have been trafficked. While these actions provide the starting point for a Christian response, there is a need for broader policy grounded both in strong, biblically based theological affirmations and in evidence-based research about the myriad of forms in which virtual modern slavery manifests itself, as well as proven practices and strategies for eradication.

As we will see in the section following this one, it is not enough to address forced sexual exploitation alone, nor to limit the focus to apprehending and prosecuting perpetrators, nor only to meet the needs of the victimized. The larger dynamics need to be understood, for trafficking emerges in the complex economic realities of a globalized economy, from which a relative few are able to reap vast benefits at the expense of many.

Since the first national and international statutes were adopted addressing human trafficking, it has been identified with several names, each one of which reveals not only its changing manifestations, but also our expanding understanding of what it entails. Each way of naming shows a different face of human trafficking, and also has its limitations.

A. Human Trafficking, Disposable People, Modern Slavery: Forced Labor as the Most Pragmatic and Comprehensive Definition

Trafficking, the label commonly used in federal and international law, is a term applied to profits made from certain commodities, the most common being drugs and arms, the sales of which garner huge profits. Human trafficking is also about selling a commodity. Using the term trafficking is descriptive, but it can function to further objectify those who are victimized and exploited, relegating them to the status of commodity rather than personhood. A point of confusion sometimes arises when it is assumed that trafficking implies that person must be transported from one place to another, either across borders or within a country's boundaries. Movement is not an essential element of human trafficking; some are trafficked within their own communities.

We have mentioned the term coined by Dr. Kevin Bales of the organization Free the Slaves: “disposable people.” He also uses the term, “slaves,” to denote the abundance of workers who are devalued by the combination of demographic growth and market inequality that creates mass unemployment and renders individual workers powerless. Economic globalization effectively allows whole groups of people to be used until their value is depleted and they are discarded. Like other commodities, a person can become a consumable.¹⁸ Slavery may be a powerful word, but it is in this reading an insufficient description of newer market relationships.

B. Forced Labor

The International Labour Organization (ILO) defines the term, “forced labor,” as work that is performed involuntarily and under coercion.¹⁹ Forced labor can be found in any industry, such as agriculture, fishing, construction, manufacturing, and mining, as well as in the informal economy, such as domestic work in private residences.²⁰ It is distinguished from exploitative labor, where persons may work in very difficult work situations or be vastly underpaid, yet are not enslaved in terms of outright ownership.

Forced labor manifests itself at the extreme end of a continuum of labor practices—what noted advocate, Ms. Florrie Burke, calls “the place where need meets greed.” In industries where workers are denied collective bargaining or the right to unionize, persons living in poverty who are desperate for paid work may be vulnerable to the most extreme exploitation. For this reason, the term modern slavery has been used, and we must take this usage into account.

C. The Concept of Modern Slavery

While slavery has existed for thousands of years, it was first defined in international statutes in the *U.N. 1926 Slavery Convention* (Art. 1) as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.”²¹ “ In 1956, *The United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery* built on the definition of slavery to include debt bondage, serfdom, forced marriage, and situations where parents or guardians give over a child to others for the purpose of exploitative labor. Some International Labor Organization statements argue that the umbrella term, “modern slavery,” best encompasses all practices whose intent is to enslave and exploit human beings.²²

In the late nineteenth century, with slavery rendered illegal, some abolitionists shifted their attention to social purity. The Mann Act (White Slave Act) of 1910 marked a new perception of forced prostitution as a social problem.²³ Most historians agree that white slavery—the idea of defenseless white women forced into prostitution by evil men—more accurately portrayed white, middle class fears than it did an actual reality. An underlying racist narrative emphasized the value of the morality of white women above that of the black women who had been sexually exploited for generations in chattel slavery.²⁴ Uses of the term, “modern slavery,” then, may carry an echo of the term, “white slavery,” as well as reference to the prior race-based legal disenfranchisement.

Modern slavery seen as powerlessness results from the same dynamics of force, fraud, or coercion understood to apply to trafficking in the predominant analysis of this report. Force ranges from actual physical violence and imprisonment, to threats of physical harm for the victim or family members, to more subtle forms of intimidation or control. Fraud can take place at many points, from the false promises made in the recruitment of persons, to deceptive or fraudulent contracts (sometimes in a different language), to hidden fees that force a person into ever-increasing debt to his or her trafficker. Contrary

to popular belief, the key factor in trafficking is not race nor gender nor country of origin, but rather the vulnerability those factors help create.

Each term delineates different facets of an issue that may seem to defy full description. Beate Andres of the ILO's Special Programme to Combat Forced Labor, argues that in order to effect change, we must have a clear understanding of what we want to change.²⁵ Defining the problem determines how we will solve it. Presently, however, nations apply even internationally agreed-upon definitions in different ways, and a lack of common statistical indicators makes it difficult to compare data globally. Thus a pragmatic approach seems needed, leading to the inclusive definitions below.²⁶

D. International Law

International law defines human trafficking broadly and highlights its non-consensual nature in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol):

The recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud or deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude, or the removal of organs (United Nations 2006:7).

The Freedom Network USA, a network of organizations and individuals who collectively represent decades of experience in addressing trafficking, have developed a similar but shorter definition for use in training and education.²⁷

E. Forced Labor within the Global Economy

1. The Role of Global Supply Chains

In order to produce goods and services with lower and lower production and labor costs, globalization has given rise to complex supply chains. A global supply chain is a system of organizations, people, activities, information, and resources involved in moving a product or service from supplier to customer. Vulnerable workers can be exploited all along a supply chain, from the mining of raw materials, to the production of parts, to the assembly and packaging in a factory.²⁸

In a report on federal supply chain issues, Verite International identified a number of factors related to globalization that contribute to a higher risk of trafficking. Key risk factors identified included hazardous, dirty, or undesirable work; a vulnerable, low-skilled, easily replaced workforce, or a workforce comprised of migrants; and a long, complex, and/or non-transparent product supply chain.²⁹

2. *Labor Brokers*

Because complex supply chains often span many countries and employ workers from many places, companies have come to rely on labor brokers—variously called intermediaries, middlemen, recruiters, recruitment agents—for hiring and managing workers. Labor brokers often promise high salaries and good working conditions, and frequently charge recruitment fees, sometimes legal, sometimes not. Migrant workers may incur exorbitant fees, leading in many cases to large debts that may make persons vulnerable to debt bondage. Once on site a worker may be subjected to contract substitution, where the wages and working conditions are substantially different than what was originally promised. The need to repay the debt may make a worker vulnerable to accepting a lower wage than that promised. As Verite International reports, “The combination of debt, deception in recruitment and coercion on the worksite can create conditions of trafficking.”³⁰

3. *Global Forced Labor*

The very nature of trafficking of forced labor is that it exists off the radar. In a landmark research report of 2012,³¹ the International Labour Organisation revised earlier estimates upward to some 20.9 million persons. It represents a conservative estimate, given the strict methodology used to obtain it.³² This number captures the full range of enslavement for labor and sexual exploitation during the period of 2002–2011 in the categories of forced labor imposed by the state and in the private economy for sexual or labor exploitation.³³

- Excluding a small number in state-imposed forms of labor, the majority of persons are victims of various forms of forced labor in work such as agriculture, manufacturing, construction, commercial fishing, and domestic work. A smaller number are victims of exploitation for sex work.
- While a majority are women and girls, a significant percentage are men and boys.
- Slightly more than a quarter of those exploited are children under the age of eighteen.
- In terms of absolute numbers, the majority are in Asia and the Pacific, while the highest rate per thousand persons occurs in Central and Southeastern Europe and Africa.
- A majority were subjected to forced labor in their place of residence, while a smaller number were moved either internally or to another country.
- Cross-border movement was found to be strongly associated with forced sexual exploitation. The majority of those who were enslaved in other forced labor and almost all enslaved in state imposed forced labor were not moved from their area of residence.
- The time persons spent in forced labor was found to be approximately eighteen months (with significant variation across regions and across forms of forced labor);
- The proportion of children enslaved was found to be smaller than an earlier estimate.

4. *Global Child Forced Labor*

In many places around the world children are engaged in work. According to UNICEF, children's or adolescents' participation in economic activity that does not negatively affect their health or interfere with their education, is often positive. Under the ILO Convention No.138, light work that does not interfere with education is permitted for children from the age of twelve years.³⁴

Child labor is much more narrowly defined. According to the ILO standards, child labor refers to children working in contravention of these standards—all children below twelve years old working in any economic activities, those between twelve and fourteen years old engaged in more than light work, and all children engaged in the worst forms of child labor.

The ILO Conventions define the worst forms of child labor as comprising:

- all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.³⁵

Of the 168 million children UNICEF estimates are engaged in child labor, 120 million are below the age of fourteen. An additional estimated 30 million children in this age group—mostly girls—perform unpaid household chores within their own families. In addition, millions of children suffer in the other worst forms of child labor, including slavery and slavery-like practices such as forced and bonded labor and child soldiering, sexual exploitation, or are used by adults in illicit activities, including drug trafficking.³⁶

5. *Children in Armed Conflicts*

The recruitment of children to serve as soldiers for a country's military or for rebel militias is a particularly heinous practice with profound long-term implications for vulnerable children. Children are used as combatants, but also as messengers, porters, and cooks, and for forced sexual services. Some children are abducted or forcibly recruited. Others who join are motivated by poverty, abuse, and discrimination. Some seek revenge for violence enacted against them or their families.

In some cases, children may join armed groups for food and survival. Factors that contribute to the likelihood of a child becoming a child soldier include separation from their families, displacement from their homes, living in combat zones or having limited access to education. In some situations, children may “voluntarily” take part in warfare, not realizing the dangers and abuses to which they will be subjected.³⁷

6. *Forced Labor in the United States*

Until very recently, little data had been collected on labor trafficking in the United States. A landmark study by the Urban Institute is a significant and helpful beginning to understanding this key piece of the picture of forced labor. While the study focused on the U.S., many key findings also shed light on the experiences of persons globally. Unless otherwise noted, all of the findings in this section come from that report.³⁸

Labor trafficking thrives where workers' vulnerabilities—such as having a disabling condition, limited ability to speak or understand English, or limited access to social networks in the U.S.—intersect with those who seek to exploit their labor.³⁹ Immigrants—particularly those without documents—are among the most vulnerable because they do not understand their rights or are unable to exercise them. Even in states with labor trafficking laws, loopholes or weak provisions, such as exemptions from protections for certain industries, increase vulnerability.

The nature of their work makes domestic workers more vulnerable. Extreme isolation, with no legal oversight and where persons, predominantly women, live and work in one household, create environments ripe for exploitation.⁴⁰ Limited English skills present an additional challenge.

While U.S. citizens, especially populations who are vulnerable, are trafficked for forced labor, all persons in this study were immigrant men, women, and children, both authorized and unauthorized. They were trafficked for domestic servitude, agriculture, hospitality (hotels, etc.), restaurants, and construction.⁴¹ Most traveled to the United States on flights, or by car or on foot if crossing the U.S.-Mexico border.

Persons indicated that the desire to make a better life for themselves and their families, along with experiencing poverty and a lack of employment opportunities in their countries of origin, motivated them to seek opportunity elsewhere. These factors, with the addition of force, fraud, or coercion in the recruitment and movement for a job, created a recipe for labor trafficking.⁴²

7. *Authorized Immigrants*

Most persons arrived in the U.S. on a valid temporary visa—most commonly an H-2A visa for agriculture work or an H-2B visa for work in hospitality, construction, or restaurants. Some came on tourist visas, business visas (B1/B2), or diplomat domestic servant visas (G-5). Often they have taken out high-interest loans or mortgaged family property to pay recruitment fees, making them vulnerable to debt bondage. There were often additional recruitment fees or bills for housing and food. To obtain a visa, persons were required to meet with embassy officials in their home countries. But information about workers' rights in the U.S. and emergency numbers were not provided by embassy staff. In some cases, the applicant was interviewed by the embassy official in the presence of the trafficker.

Traffickers often utilized immigration status as a tool to keep people in forced labor, sometimes telling workers that their visas would be extended if they stayed, or that they would be unauthorized if they tried to leave. Because it was often weeks or months after escape before persons received services, the majority were unauthorized, usually as a result of the expiration of their visa after they were enslaved.

8. Unauthorized Immigrants

About a third of those victimized were unauthorized at the time they entered the U.S. Forced labor occurred both where the employer may not have been aware the labor was being forced by a trafficker and where companies were fully complicit, and in private businesses such as carwashes, farms, and massage parlors. Unauthorized persons who were smuggled experienced a higher degree of violence, extortion, abuse, and exploitation during movement.

A distinction needs to be made between the smuggling of unauthorized persons and trafficking. Those who are smuggled willingly pay a fee, usually to a smuggler called a coyote, who transports them across the U.S. border. Once in the U.S., smuggled persons may then be trafficked, perhaps by the coyote exacting exorbitant fees that force the person into debt bondage, sometimes by being delivered to a forced labor situation.

Many undocumented children in the United States are subject to peonage and debt bondage. These children, forced to work to pay off smuggling debts levied by coyotes, are often not identified as victims of child labor, but merely identified as smuggled children or unaccompanied minors.⁴³

9. Obtaining Freedom; New Challenges

According to the Urban Institute study, many trafficked persons escape by running away. While they are keenly aware they have been abused and exploited, they frequently do not understand that they had been victims of labor trafficking and thus entitled to legal protection and services. Regardless of legal status, their overriding fear was of being unauthorized. There were sometimes witnesses, but they rarely acted—out of fear, but more often because of a lack of awareness about labor trafficking.

A common misconception is that persons who have been freed from modern slavery are finally able to move on with their lives and leave their experiences behind them. But those who have been trafficked often suffer from post-traumatic stress disorder (PTSD), anxiety, depression, psychosis, thoughts of and attempts at suicide, ongoing fear, and difficulty forming relationships. One might term this a post-trafficking stress disorder.

10. Post-Trafficking Immigration Options: “T” and “U” Visas, “Continuing Presence” Designation

The most immediate needs and the greatest challenges for formerly trafficked persons were access to secure emergency shelter and long-term transitional housing. Yet these

challenges were only the beginning. Because many were unauthorized, persons were sometimes threatened with deportation and placed in deportation centers. When a person who had escaped made contact with service providers, staff had good success in obtaining T visas—a special category of visa mandated by the Trafficking Victims Protection Act (TVPA). In order to qualify for a T visa, one must be present in the U.S. as a result of human trafficking. Applicants for the other special visa, the U visa, may have visited the United States on vacation (or for another purpose) and then been subjected to human trafficking or another qualifying crime.

The Urban Institute study found that granting of “continued presence” (CP), a temporary immigration status provided to individuals identified by law enforcement as victims of human trafficking, was extremely rare. This status allows victims of human trafficking to remain in the U.S. temporarily during the ongoing investigation into the human trafficking-related crimes committed against them. CP is initially granted for one year and may be renewed in one-year increments.⁴⁴

Since obtaining a T visa often took months or years, persons were often forced to remain unauthorized for lengthy periods, making it extremely difficult to obtain permanent housing. Many had incurred heavy debt to recruiters, and the fact that back wages are rarely awarded meant there was a desperate need to get paying work quickly. Persons often resorted to taking low-wage work similar to that from which they had been freed, even though many had a high school diploma or higher.

Since existing anti-trafficking task forces in local law enforcement generally focus on, and are trained to identify and pursue, cases of sex trafficking, local officials found it hard to distinguish labor trafficking from exploitative labor, increasing the difficulty of making a case that could be prosecuted. The Department of Labor, which investigates civil matters related to labor violations, was not a player in these cases. The lack of awareness about forced labor among the general public also means that potential tips and vital information is not reported to the agencies equipped to respond. This is another area for better and more comprehensive training about the shape of trafficking as forced labor.

F. Challenges in Addressing Sex Trafficking

1. Child Sex Trafficking

While Christians may disagree as to whether adult “sex work” is ever truly voluntary, child sex trafficking is universally viewed with disgust and horror. The use of children in the commercial sex trade is prohibited under U.S. law and by statute in most countries around the world. Sex trafficking has devastating consequences for children, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and even death.

In cases where a person is under eighteen years of age, proving force, fraud, or coercion is not necessary for the offense to be characterized as human trafficking. There are no

exceptions to this rule: no cultural or socioeconomic rationalizations alter the fact that children who are prostituted are trafficking victims.

In addition to children trafficked explicitly for sexual exploitation, many children who are trafficked for other forms of forced labor—in the textile industry, in mines, in fishing, or in a multitude of other forms of work—suffer sexual assault as a means of intimidating and coercing them to remain in the forced labor situation. In all these cases, sexual exploitation of a child is a profound violation of the rights of the child to protection.

2. Sex Trafficking of Adults

Like other forms of forced labor, sex trafficking of adults exists at the extreme end of a continuum comprised of those who claim to voluntarily engage in commercial sex work, or prostitution, to those exploited by pimps, to those enslaved for sexual exploitation. Globally and in the U.S., sex trafficking takes place in many settings: from brothels to hotels, from nail salons to fake massage parlors, from sex tourism destinations to agricultural labor camps. While predominantly victimizing women, young men are also trafficked for prostitution. As is true of children, sexual exploitation of adults can also be used by traffickers as one way of forcing, intimidating, and coercing both men and women who are trafficked for labor.

While Christians across the theological spectrum have been able to partner around the issue of addressing sex trafficking, there inevitably come points where people of faith disagree. Often these points of contention are tied to philosophical, theological, and ideological differences in their broader viewpoints about gender and sexuality.

3. Prostitution or Sex Work?

Christians have passionately held opinions about what some term sex work. Some view all commercial sex work as an evil to be eradicated. They believe it exploits people with limited options, degrades the men and women whose bodies are sold, erodes family life, and harms gender and sexual identities. Others believe that there are persons who choose commercial sex work voluntarily, if only because it represents the one viable option for feeding their families.

Among feminists one finds a range of views about prostitution. Abolitionist feminists argue that the sex industry should be entirely eliminated because it objectifies and oppresses women.⁴⁵ Other feminist groups express opposition to the anti-prostitution campaign. While doing research on trafficking and providing assistance to sex workers, these groups focus on harm reduction (provision of condoms, counseling, and other services) and empowerment of workers. As the later section discussing kinds of decriminalization will show, this report both opposes prostitution and favors harm reduction alternatives to the primarily criminal justice approach.

In evaluating these two disparate ways of viewing prostitution—as a manifestation of a patriarchal society that objectifies women or as a matter of choosing among limited options—Karen Peterson-Iyer observes that:

... sex-industry work (including prostitution) is neither an act of complete freedom nor one of complete slavery. Rather, in prostitution, genuine personal agency confronts social limitation, and prostitutes must make difficult choices that most people will never face or understand.⁴⁶

In her grim, searing portrayal of the realities of prostitution, Rachel Moran takes this observation further, though, in arguing that it reduces personal agency. After noting how rarely prostitutes can choose or screen their clients and how frequently they are degraded by johns, she says

[A] popular pro-prostitution fantasy is that prostituted women ought to be able to use their bodies as they so choose, the problem with that theory is that it is *others* who use the bodies of prostituted woman as *they* so chose. It is the intention and the purpose and the *function* of prostitution, and there isn't a whit of bodily autonomy within it.⁴⁷

One persistent claim made by contemporary abolitionists is that prostitution and sex trafficking are inextricably linked. The policy paper produced by the Bush administration in the early days of Trafficking Victims Protection Act (TVPA, 2000, reauthorized 2005), “The Link Between Prostitution and Sex Trafficking,” brought this theory to the forefront and influenced the law’s implementation. Activists who espouse this position claim that prostitution must be targeted because it is the root cause of sex trafficking. Further, they claim that most sex workers started out as women or girls who had been trafficked. Though anecdotal reports from members of law enforcement often affirm that many women arrested for prostitution began their lives as teenagers trafficked for sex work,⁴⁸ the research data does not support this claim.⁴⁹

4. *Rescue or Walk Alongside?*

Our first reaction to reports of persons trafficked for sexual exploitation may be horror and pity, followed by a desire to rescue victims. Many Christians base their desire to rescue in scriptures that call for liberating oppressed people. Major Christian nongovernmental organizations (NGOs) operate in some developing nations to break women out of brothels in ways that recall the work of Donaldina Cameron in 19th Century San Francisco, a Presbyterian woman who fought to save young Chinese immigrant women from prostitution.⁵⁰

Yet rescue, while liberating individuals who have been enslaved from a dehumanizing and destructive existence, cannot in and of itself bring an end to trafficking for sexual exploitation. First, reliance on this paradigm ignores the global context in which sex trafficking is situated, reducing it to a narrowly defined moral issue of sexual purity, where innocent (mostly) women and girls are exploited by evil traffickers and the johns who pay for sexual services. Unless we address the larger context the effects are likely

minimal, especially if insufficient assistance is given to those rescued to recover and be restored to productive life.

The rescue model also sets up a hierarchical divide between the rescuers who swoop in to become the saviors and those who are enslaved, potentially negating the humanity and agency of those being rescued. When those “rescued” are women, the rescue model also tends to perpetuate the perception of women as powerless and vulnerable, simply on the basis of their gender.⁵¹

Christians will continue to differ in their views on sex work and prostitution.⁵² There will continue to be a range of approaches to addressing the trafficking of persons for sexual exploitation. Karen Peterson-Iyer suggests that in approaches to addressing sex trafficking from a Christian perspective, the lenses of mutuality and solidarity lead us away from a posture of one-way rescue and toward an approach of both accompaniment with, and empowerment of, trafficked, prostituted persons.⁵³

IV. Analysis of Existing Policies and Course Correction

Since the UN anti-trafficking protocol in 2000 there has been widespread and growing recognition of the deeper complexity of human trafficking than seen in prior analyses and more specifically in policy approaches. In retrospect, these approaches failed at many points by aligning trafficking with prostitution, by gendering and establishing iconic “victims,” by employing a compelling but over-simple analogy with slavery, by extending cultural ideologies, and by missing the substantive complexities of the nature of human trafficking. According to many scholars and activists, trafficking is at a “crucial crossroads.”⁵⁴ A fundamental shift is needed in order to change how policymakers characterize and address the problem. Recent legal, sociological, and critical theories on trafficking explore the “moral panic” surrounding trafficking and have begun to problematize the current and widely held anti-trafficking paradigm, the stakeholders, assumptions, and definitions of trafficking that propel and misdirect interventions.

At stake is the way trafficking has been and now should be framed. This section is analytical and critical, even self-critical, of the ways trafficking has been over-personalized and separated from the ways labor has been weakened under economic globalization. By focusing on the “discourse” of trafficking, scholars consider how problems are constructed, who is invested in their construction, and this limits the way we think about an issue and the way in which that construction circumscribes the formulation of approaches and policies. Janie Chuang characterizes the two basic frameworks as “a problem resulting from individual deviant behavior, best addressed by post hoc penalization and rescue strategies, or is it a systemic problem best addressed by targeting its structural contributors such as weak migration and labor frameworks.”⁵⁵ Discourses that emphasize imprisonment and rescue give rise to one set of approaches and policies while discourses that emphasize social-structural inadequacies or injustices give rise to another set of approaches and policies.

A. Shift from Sexual Trafficking to Broader Categories of Forced Labor

The anti-trafficking movement emerged in the United States as an unusual coalition with a focus on sex trafficking, uniting both Christians concerned to free people (especially women) from degradation and secular feminists focused on sex trafficking as a means for introducing women's sexual and reproductive rights into the human rights dialogue. Quoted above, the Palermo Protocol's focus on "exploitation" was often applied primarily in relation to sex trafficking."⁵⁶ Other forms of exploitation of women (for example, factory labor, domestic work, and agricultural labor), or of the exploitation of men, were not part of early discussions about or of responses to trafficking, despite being included in the UN Protocol. They are only now being raised as related issues.

In addition, both scholars and activists have drawn attention to current interventional approaches to trafficking and the conceptualizations on which they are based. In particular, the UN Palermo framework (adopted by most nations) states that trafficking policies have been criticized as focusing "... too narrowly on sexual exploitation in a way that both genders 'victims' and diverts attention away from other forms of trafficking."⁵⁷

Prior to the 1990s concern for human trafficking centered on labor trafficking and the social conditions that lead to the exploitation of labor. Whereas among the Clinton Administration's final actions was inclusion of sex trafficking along with forced labor in the law, the Bush administration's implementation of that law migrated to focus on sex trafficking, particularly of women and girls, as the predominant form of human trafficking. According to the landmark Victims of Trafficking and Violence Protection Act of 2000 (TVPA), "severe forms of trafficking" are defined as:

- a. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- b. the recruitment, harboring, transportation provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.⁵⁸

Zimmerman and others⁵⁹ observe that when the Bush administration re-conceptualized trafficking as sex trafficking, it moved from the obscure concern of a few labor activists to a high-profile human rights issue that aligned human trafficking with female sexual slavery. During the Bush administration, "[s]ex was so central to the understanding of human trafficking endorsed by the Bush administration that it was often treated as the de facto constituent element of trafficking crimes; as if human trafficking involved exploitative sex by definition."⁶⁰

Because the TVPA reauthorization of 2005 funded state and local law enforcement to prosecute customers of commercial sex, some law enforcement agencies do not distinguish between prostitution and sex trafficking. This reconceptualization of trafficking as female sexual slavery served to limit national concern for other aspects of gender policy, neglected issues of trafficking in males, and undermined labor anti-trafficking efforts. Chung notes that it wasn't until 2005 "when the ILO [International

Labor Organization] staked a visible role in the global anti-trafficking arena with the release of its quadrennial Forced Labor Report—that the issue of human trafficking began to be framed as a labor issue.”⁶¹

A shift took place under the Obama administration to reconceive (or re-re-conceptualize) human trafficking to include nonsexual labor trafficking, restoring, in part, what had been lost in concept and policy under the Bush administration. However, in Chaung’s view, the Obama administration

... promoted a problematic ... series of discursive and doctrinal moves to recast (1) forced labor as trafficking, and (2) trafficking (and forced labor) as slavery. Deeming forced labor practices a subset of trafficking made the link between trafficking and labor explicit, thus laying the groundwork for policymakers and advocates to draw long-overdue attention to nonsexual labor trafficking. Moreover, recasting forced labor and trafficking as slavery had the strategic benefit of marshaling outrage and political will to support initiatives targeting nonsexual forced labor practices. Such practices had typically attracted less public opprobrium than sex trafficking, having arguably become normalized in our globalized economy.⁶²

Aligning trafficking with slavery or “modern slavery” is problematic for a number of reasons. It not so subtly invokes our own unjust U.S. history of slavery, without recognizing key differences in migration today. Slaves in the U.S. were ripped from their African homes, manacled, and brought to the U.S. unwillingly, sold and made the legal property of another and forced to labor for that person. By contrast, most people who wind up in forced labor start out migrating to find better economic circumstances, to escape governmental oppression or persecution, or to flee civil conflict. What may begin as voluntary migration culminates in exploitation. Also, while these persons may be captives, they are not owned. They are not property. By definition, labor trafficking is forced labor but not technically slavery.⁶³

Slavery of a de facto kind has occurred in U.S. agricultural settings, as the Immokalee Workers have helped expose in rural Florida, but the language of slavery when used powerfully, as by Noelle Damico, is used to illuminate the power dynamics in the contemporary global economy.⁶⁴

Supra-governmental bodies (e.g. UN, WHO, ILO) and governments are not the only parties engaged in anti-trafficking activities. There are many actors on the anti-trafficking stage including supra-governmental bodies, governments, religious organizations, nongovernmental organizations (NGOs), and philanthropists. We draw on a particular analysis of the role of “Evangelical Christian” efforts, but in fact many Presbyterians were also part of this broadly evangelical Christian concern. Under the Bush administration’s Office of Faith Based Initiatives, Evangelical Christian groups were able to secure funding for both domestic and international anti-trafficking programs, funds that increased over the eight years of that administration.⁶⁵ Their programs demonstrated a commitment to penalty—rescue conceptualization where “social justice equates directly with criminal justice.” Further, these programs used market-based rescue-restore strategies where “...to the extent that economic issues are considered causal factors in

human suffering, the solutions that new evangelicals forged are imagined in neoliberal, consumer-friendly terms.”⁶⁶

As Campbell and Zimmerman argue, most U.S.-based anti-trafficking activism is organized around promoting neoliberal (antiregulatory) capitalist institutions as the best and most promising anti-trafficking response.⁶⁷ This limits the role of governments and regulations in correcting market failures and the inequalities they reinforce. As Christian feminist ethicist Gloria Albrecht argues, neoliberalism as a political, economic theory within capitalism aims at economic growth and efficiency as primary social and political goals but has invariably led to or reinforced gendered economic and social inequality.⁶⁸ Campbell and Zimmerman note that in so many cases, “freedom from trafficking [is] articulated as participation in the capitalist marketplace as worker and consumer ... virtually every US-based anti-trafficking organization supports a role for the state in anti-trafficking activism that is fully consistent with neoliberalism’s limited conception of the state, namely, as an agent of punitive or carceral (prison) redress.”⁶⁹

Evangelical groups promoting market-based approaches encourage believers to purchase goods from faith-based anti-trafficking organizations or from women’s collectives of those freed from prostitution who then produce consumer-oriented goods. For parts of the Christian community, then, the purchase of consumer goods in the name of fighting trafficking serves a dual purpose in solidifying the distinction between freedom and slavery: on the one hand, “freedom” resides in Western consumers’ ability to purchase the craft items that “trafficking victims” produce; on the other hand, it pertains to the practice that self-described “evangelical” organizations call “business as mission,” in which former “slaves” are brought into “free” labor by producing commodities for Western consumers. Ultimately, business as mission can be seen as a global-capitalist refashioning of the nineteenth-century evangelical practice of “rescuing” women from prostitution by bringing them into domestic labor or teaching them to sew.⁷⁰

Such “rescue projects” must not be confused with projects that, though also market-based and often Christ-inspired, create self-governing and economically self-sustaining artisan or craft communities designed to reduce community and family poverty.

Indeed, in an ambiguous trend, some anti-trafficking activities are sponsored by wealthy donors, persons that Chuang terms “philanthrocapitalists.” She raises the concern that philanthrocapitalists “refashion ‘trafficking’ as ‘modern-day slavery’—an umbrella concept intended to encompass all forced labor, trafficking, and slavery practices. Using their deep resources and elite networks to engage directly in global anti-trafficking policymaking, philanthrocapitalists can significantly influence the substantive approach to this complex problem, and even reconfigure the roles of other international actors in the field.”⁷¹

Chuang notes that philanthrocapitalists employ their business skills to “fix” social problems. Guided by personal visions and often well-meaning intentions, they may be inadequately informed by scholars, activists, or those who are trafficked. Often they play out their own neoliberal ideologies on the global stage apart from governmental

accountability or constraint. The downside comes if they do not target systemic causes of exploitation or if they reinforce paternalism, or if they undermine the longstanding work of effective NGOs. Chuang and others are concerned that a deep ideological commitment to market-based solutions that created their wealth is now directed at “philanthro-policymaking.”⁷² To a certain degree this is a classic “charity vs. justice” analysis, but it is also a testimony to the limits of intergovernmental anti-trafficking capacity.

The current shift to a larger understanding of trafficking that includes forced labor and emphasizes human rights is a course correction back to before the mid-1990s, when sex trafficking and the penalty-rescue paradigm were not the primary lens.

B. Reframing the Victim: Multiple Faces of Trafficking and “Exploitation Creep”

As the paradigm of trafficking broadens to include a wider array of abuses, there are concerns about conceptual clarity.⁷³ The U.S. State Department ranks governments in the annual “Trafficking in Persons Report” according to perceived efforts to combat human trafficking. However, there is still a lack of international consensus of the types of abuses that constitute trafficking. For example, while the U.S. State Department and Interpol concur on forced labor, sex trafficking, and child sex trafficking as key types of trafficking, Interpol also includes trafficking for tissue, cells, and organs, and people smuggling.⁷⁴ The U.S. State Department, on the other hand, includes bonded labor or debt bondage, domestic servitude, forced child labor, and child soldiers.⁷⁵ In addition to these legal categories, other types of trafficking have been included as well: forced marriage and adoption are two that modify the forced labor emphasis of this report.

This conceptual profusion, if not confusion, is a challenge to a comprehensive approach like this one. At one level, the proliferation of types of trafficking challenges a consensus on definitions and measurements, if larger economic inequalities are not taken into account. For example, how does one measure and compare organ sales and forced adoption? As O’Connell Davidson wryly notes, “attempting to use the concept of ‘trafficking’ as an analytical tool in relation to the many and varied rights violations that can be associated with all these different markets, institutions and practices is rather like attempting to sharpen a pencil with jelly.”⁷⁶

At another level, the comprehensive approach can be a catch-all that prevents prioritizing. Ann Jordan has argued that categories such as forced labor, bonded labor, and trafficking—not to mention slavery—only partly overlap. They have different definitions under international law based on different cultural as well as economic causation. In her account, the trend to sweep the worst forms of exploited labor under the term trafficking—as the U.S. and International Labour Organization (ILO) have done—has deleterious effects.⁷⁷ This report seeks to avoid the dangers she identifies, but we note how pervasive some of the tendencies are.

Jordan indicates that a decade ago ILO carefully calculated 12.3 million people as affected by debt bondage, forced labor, slavery, and trafficking, but global outrage was

“...focused almost exclusively on 20% of the 12.3 million—on the 2.45 people who the ILO estimates are *trafficked* into forced labor, debt bondage and perhaps slavery² (ILO 2005, 14). The horrors endured by the other 80%—who were not trafficked—are rarely mentioned in public debates or political discourse and, surprisingly, not even in discussions about trafficking despite the fact that trafficking always involves some form of forced labor, debt bondage and/or slavery.”⁷⁸

The ILO defines the term “forced labor” as work that is performed involuntarily and under coercion.⁷⁹ But not all forced labor is forbidden. The ILO Convention permits certain forms of forced labor such as military service, prison labor, required labor in “cases of emergency,” and “minor communal services” by members of the community for the community.⁸⁰ Exploitative labor, then, may be defined international statute but in fact differs by national context, and the persons involved in the labor flows across borders may accept different standards for themselves and their families. Those terribly paid immigrant workers, for example, may still be sending crucial remittances to families living in much worse poverty.

There is thus a danger that might be called, “exploitation creep,” which affects advocacy and policy. Let us consider child labor as an example.

Debt bondage is similar to slavery because it involves a debt that cannot be paid off in a reasonable time. Many undocumented children in the United States are subject to peonage and debt bondage. But these children, forced to work to pay off smuggling debts levied by coyotes, are often not identified as victims of child labor, but as smuggled children or unaccompanied minors.⁸¹

Children trafficked for forced labor face many challenges. Unlike children trafficked for sex, who under the TVPA are considered victims of a severe form of trafficking simply because they are involved in sex work, those trafficked for labor are held to a more rigorous legal standard and must show evidence of force, fraud, or coercion. The fact they often appear to have been a victim of another crime, such as child employment violations, domestic violence, child sexual abuse, child pornography, or abuse or neglect, distracts from their status as trafficked persons. Because children are not identified in a timely fashion, they often suffer abuse longer. It may also be difficult to distinguish children who have been trafficked from those who have been smuggled. Because children may have complex relationships with different adults, they often become dependent upon the very adults who have exploited them. It is not always clear whether the adults accompanying are trustworthy guardians or complicit in children’s enslavement. Planning for the welfare of victimized children is generally more complex than simple restoration to family of origin.

The cluster of issues surrounding child trafficking also suggests why the paradigm of sex trafficking (at its most egregious, non-citizen women who are chained to their beds) does not do justice to the multiple ways migrants traffic across borders, or why or at what point they should be considered “trafficked” instead of “smuggled.” When trafficking is dealt with as a migration issue, the question of consent versus coercion determines an irregular immigration status. O’Connell Davidson observes that the experience of

coercion and exploitation during migration spans a continuum, and there is no consensus “when poor but tolerable working conditions slip over into forced labor (or at what point tolerable conditions for wives or adopted children and so on slip into ‘modern slavery’).”⁸²

There are thus, she argues, multiple confusions around irregular migration. How does one distinguish between smuggling and trafficking? Legally and in the public imagination, migrants who are smuggled are willing consenters in criminal activity, but those who are trafficked are “duped” and therefore considered victims or survivors. Sadly, this oversimplifies the ways migration often occurs in the real world, and does not acknowledge multiple relations between migrants and those who benefit directly or indirectly from their exploitation. On a very broad economic basis, Steinfeld argues that the opposition between forced and voluntary migration itself is false. Given how extreme poverty may well “force” migration, the convention in liberal democratic societies to consider that “what kinds of coercive pressures are legitimate and illegitimate in labor relations” may be more imagined than real.⁸³

There is thus growing pressure to focus more effectively on the global political economy that contributes to massive migrations and vulnerable labor as “it is no coincidence that the growth in trafficking has taken place during a period in which there has been an increasing international demand for migrant workers.”⁸⁴ Irregular migration and trafficking rely on the fact that traffickers and smugglers service a market in which there are buyers and sellers. The growth in trafficking and smuggling reflects not just an increase in “push” factors (war, grinding poverty, etc.) from countries south of our U.S. border, but also the strong pull of unmet labor demands, disposable income, and drug demands, particularly in the informal and recreational sectors. While cracking down on illegal migration, the U.S. has done little to address the insatiable demand for cheap labor and cheap sex and cheap drugs here in the U.S. that makes trafficking and smuggling so profitable in the first place. For U.S. organizations to ignore these demand factors would be hypocritical.

V: The Human Rights Approach and Free, as Opposed to Forced, Labor

All persons are infinitely valuable and deserving of respect. That modern tenet of human rights mirrors our Christian belief in the “*imago dei*,” and in some ways was derived from it, as churches played a strong role in establishing human rights law. A year after the Universal Declaration of Human Rights was signed in 1948, the General Assembly of the PCUSA began issuing a long (and continuing) series of policies and studies on evolving human rights principles. This report could be considered a continuation of that practice.

The current emphasis in forced labor policy, that of the “human rights approach,” promotes policies that protect and enfranchise the worker. This shift is already evident in the International Labour Organization’s (ILO’s) adoption in 2014 of the Forced Labor Protocol, and the 2015 Trafficking in Persons Report that focuses on corporate labor chains.

James Pope argues for the strategic effectiveness of the human rights approach as it increases the freedom and hence power of the laboring person. Trafficking is wrong, in stripping a person of their power and using their work or contribution primarily to benefit another, but overall the criminal justice-based effort is not large enough, in his view. The prohibitionist approach may also leave out the moral grey areas where some people are both victims and perpetrators. His “free labor” strategy refers to a worker’s right to withhold labor, or to quit. The right to change employers gives workers the “power below” necessary to give employers the “incentive above” to avoid labor practices of slavery and servitude.⁸⁵ It does not focus on policing and convicting morally blameworthy individuals, but on workers seeking rights to secure their economic independence. This is to give a “power below” to press employers to effect an “incentive above” to change labor practices. It encourages worker self-empowerment in uncorrupt systems. Such an approach promotes policies that protect and enfranchise the worker.

Most anti-trafficking interventions have disproportionately focused on a criminal justice response in an effort to prosecute traffickers. As the UN protocols emphasized trafficking prevention, so law enforcement and immigration personnel were trained in detecting irregular activities (such as the fraudulent use of documents or smuggling techniques). Although the protocols emphasized protecting the rights of those who suffer from being trafficked, sometimes the zeal of law enforcement to prosecute traffickers led to the neglect of workers’ labor rights.

For Pope, this prohibition model has three limitations. First, it directs focus on low-level operators (pimps, coyotes) instead of higher-level beneficiaries of trafficking rackets who have the power to end the practice. Second, prosecution is costly. Third, this approach does not ensure that survivors of trafficking have access to non-servile (or non-menial) jobs, and so many slip back into oppressive labor.

Other scholars turn to the tendency of the state to focus primarily on border and immigration controls, often linking the protection of victims to their willingness to testify against their perpetrators.⁸⁶ This is problematic on many accounts—it authorizes restrictive state prosecution of irregular migration, penalizes the victim, and fails to address root causes such as poverty, discrimination, unemployment, or gender-based violence.⁸⁷ Furthermore, most laws have had little impact on traffickers or persons trafficked and are rarely enforced. The Protection Project at Johns Hopkins University found that, as of 2013, 182 countries had policies to prohibit trafficking, but a 2014 U.S. State Department Trafficking in Persons (TIP) report found that there were only 9,460 prosecutions worldwide in 2013, with only 5,776 convictions.⁸⁸ Finally, the criminal justice approach and its attachment to managing borders emphasizes the national aspects of a growing international problem.

Consequently, an international consensus has developed around the need for a “rights-based” approach to human trafficking. In practice this means starting by trying to restore the rights of the persons trafficked. In 2002, the High Commissioner on Human Rights, Mary Robinson, published the *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, which provides practical, rights-based policy guidance on

the prevention of trafficking and the protection of trafficked persons around four pillars: “(1) The primacy of human rights, (2) the prevention of trafficking by addressing root causes, (3) the extension of protection and assistance to all victims (instead of criminalization), and (4) the punishment of perpetrators and redress of victims.”⁸⁹

Organizations and individual service providers who work out of a human rights-based model offer non-judgmental assistance with an emphasis on self-determination to best meet a person’s needs, both short- and long-term. Such a model means allowing the person who has survived trafficking to choose to accept—or decline—assistance and to decide whether or not to report the crime to law enforcement. A person also has the right to receive culturally appropriate assistance in a language he or she understands, to have access to necessary reproductive health care, and to exercise victim witness rights. A person who has been victimized has the right to sue the trafficker and to participate in anti-trafficking leadership training.

Those served by such an approach, reports Freedom Network USA,

... tend to regain trust, safety and self-sufficiency, and to more fully recover from their crime than those who do not. In contrast, those who are treated like criminals instead of victims, who feel their needs are not being considered, that their stories are not believed, or that their decisions and actions are being judged, are more likely to abandon services and the criminal justice process altogether. This leads to poorer justice outcomes and increases the risk that the individual will return to the trafficker or will face other challenges to safety and well-being.⁹⁰

Pope illustrates the effectiveness of “free labor” as a worker-driven organizing approach by how it affected the actual work conditions of the Coalition of Immokalee Workers (CIW), a case Presbyterians know well. Instead of relying primarily on government enforcement, the CIW brings workers together, develops rights consciousness through education and action, and creates space for workers to develop strategies for improving their conditions. After unsuccessful efforts at changing conditions and wages with individual tomato operations in their part of Florida, they appealed to the large corporate tomato purchasers, eventually launching a successful campaign to boycott the Taco Bell subsidiary of Yum Brands.⁹¹

A. Application of the Rights-Based and Free (or Empowered) Labor Approaches to Particular Issues in the Recommendations

The Worker-Driven Social Responsibility model of the Coalition of Immokalee Workers suggests one solution that, in the absence of unionization, allows a largely immigrant workforce to gain better wages, working conditions, and de facto rights. Campaigns to make supply chains more transparent allow workers and consumers more leverage in pushing for accountability from powerful economic actors. Many consumers want to make sure they are not buying products made by mistreated workers, even if there is some additional cost. President Obama issued an Executive Order prohibiting human trafficking in the supply chains of federal “prime” contractors and their subcontractors and employees, and California has also taken steps toward requiring transparency of

retailers and manufacturers doing business there. There may well be more support for “labor” in relation to trade in the broader U.S. political system.

To the extent that employers desire immigrant workers, particularly in agriculture, guest worker programs are a legal way that non-citizens can be authorized to be in the United States. But in many programs, including the guest-worker visa program of the U.S., there are unintended consequences that render migrant workers vulnerable to trafficking. Persons working in the U.S. on H-2A or H-2B temporary work visas are made more vulnerable due to a lack of visa portability—i.e., a person’s lawful immigration status is tied to one employer. This has overtones of the kind of bonded labor or even debt peonage more common in other countries, and sometimes even passed down the generations. A guest worker should be temporary but not simply disposable.

In forced labor, an employer may use control over a person’s living conditions or movement to and from work as a way of controlling him or her and compelling their labor. A lack of oversight and protection once the worker is in the work situation exacerbates the situation. Regulations that allow employers to house their employees, which on the surface may seem to be an advantage to employees, have been found to contribute to isolation and possible exploitation and enslavement.

Some expensive guest-worker programs do not require employers to cover the cost of recruitment, transportation, or obtaining the visa. Some programs restrict the areas where migrant workers may live, work, or travel. A 2010 study of U.S. agriculture workers found that authorized workers were even more vulnerable to trafficking than unauthorized workers due in part to high fees and even higher interest rates that lead to indebtedness, and also because those workers were tied to one employer. The fact that H2-B visas (for unskilled temporary work outside of agriculture) have less oversight than H2-A visas has led to various abuses including the enslavement of workers.⁹² For these reasons, this report includes a recommendation for better structuring and accountability in any guest-worker programs.

B. Sex Work, Prostitution, and Individual Rights

Based on the human rights and free labor approach, and in light of the earlier critique of “moral panic” as an inadequate guide to policy, this report argues “cautiously” for testing new approaches to sex trafficking where the forced labor involved is usually prostitution. Earlier we cited the recent grim testimony of a woman who has described being prostituted, and one member of the study team has extensive experience working with women getting out of that life. During the time of this report’s preparation, there has been much attention given to the current “Swedish” or “Nordic” approach of decriminalizing the selling of sex by individuals, while continuing to punish the purchasing and procuring of sex, as well as sex trafficking.⁹³

This report endorses no particular model of regulation or harm reduction as, in fact, its authors oppose sexual exploitation in all its forms and favor a range of strategies to end or reduce it.⁹⁴ As a reference group, several members know through mission experience

the enormous tragedy of sex trafficking both at home and abroad. In light of the limits of the criminalization approach, this study (of secondary sources) found it reasonable to test changes in the status of women involved in prostitution that could reduce sex trafficking and increase the freedom of those involved in sex work, as claimed for the Nordic countries.

Also during this report's preparation, the human rights organization, Amnesty International, adopted "a policy that seeks attainment of the highest possible protection of the human rights of sex workers, through measures that include the decriminalization of sex work," based on thirteen considerations developed over two years of study.⁹⁵ Their statement was met by a storm of opposition, including a critical review by Rachel Moran, whose memoir of being prostituted we cited earlier.⁹⁶ The case for decriminalization (as opposed to legalization) is that it would, as intended by the Swedish approach, increase prostitutes' immediate freedom and well-being. It would improve the balance of power with those who most directly exploit prostitutes (pimps, abusive Johns, and, unfortunately, sometimes police). The argument is that it would allow prostitutes to build personal relationships without fear of endangering their family and friends. When coupled with improved working conditions, offers of food and daytime shelter, and legal aid, decriminalization offers the potential for improving the lives of prostitutes, including their personal safety and sense of self-direction.⁹⁷

Decriminalization could be an important step towards valuing the rights and safety of everyone in the sex trade, including trafficking victims, without detracting from the importance of anti-trafficking efforts and the ability to punish traffickers. Advocates for a human rights based approach to addressing sex trafficking note:

Sex work and sex trafficking are not synonymous. Sex work involves people making choices that best fit their circumstances. Sex trafficking involves the absence of choice, with people compelled to work in the sex industry through force, fraud, or coercion.⁹⁸

Amnesty International is clearly opposed to trafficking but argues that the Nordic model still leaves those involved in sex work vulnerable by putting them in-between pimps and johns still under legal penalty. The counterargument is that if a jurisdiction goes beyond decriminalizing the transactions of individual women, a position like Amnesty's unleashes increasingly larger market forces of the sex industry generally. The predators are always trying to be present and to thwart their being named. Thus tests of decriminalization, from the victim-centered approach of this report, might track the Nordic approach even if it seems an intentionally inconsistent half-measure from the Amnesty International perspective or reports from Australia and New Zealand.

In practical terms, an arrest for prostitution can injure a person's ability to find a job, rent an apartment, or get an education. The end result can be further marginalization, vulnerability, and lack of options—three key factors that lead to trafficking. At the same time, an arrest can also be an entry point for social service intervention and perhaps leverage for changes toward greater health or well-being. The New York City court prototype that allows for avoidance of a criminal record for those who accept counseling and other services still depends upon that arrest leverage, although it is termed a

“trafficking court” and is reportedly perceived as non-coercive by the primarily immigrant population involved.⁹⁹

In the view of many who view sex work as inherently harmful, decriminalization must be accompanied by other actions designed to bring about an end to prostitution. There is a need for strategies such as more (and better) economic options for women, including better educational opportunities and job training, as well as social supports necessary for people to parent well and non-abusively. This includes raising public awareness about child abuse and molestation, both of which contribute to the choice to engage in a life of prostitution. More effective and available social services and social protections are also key, especially for children and youth.

C. Expanding Legal Protections for Children and Youth (Safe Harbor Laws)

In the U.S., there are some inconsistencies between the TVPA definition that categorizes all children and youth under the age of eighteen as victims of sex trafficking and common practices in the states. Many states still prosecute minors for prostitution, despite state laws and the contradiction of charging children with an act for which they are too young to consent.¹⁰⁰ In addition, working definitions of sex trafficking may differ for child welfare and law enforcement professionals.

Many states have also established their own definitions that impact whether children are treated as victims of exploitation or as delinquents. These definitions also affect the ways in which child welfare is involved, and whether children are eligible for services.¹⁰¹ Although this is gradually changing, many state courts and law enforcement officials continue to treat children, and particularly youth, as criminals. By turning child victims over to the juvenile justice system, states perpetrate an endless cycle of arrest, detention, and abuse. Effective legislation can correct the conflicts between federal and state law by exempting children from prosecution for prostitution; requiring training for law enforcement and other first responders on how to identify and assist victims; increasing the penalties for traffickers and purchasers of sex; and prompting the collaboration of a multidisciplinary team to develop a statewide system of care.¹⁰²

D. Issues Around LGBTQ Youth and Sex Trafficking

On any given night, there are thousands of unaccompanied homeless youth across the nation, most of whom are runaways. ECPAT-USA reports that about 25 percent of the youth in a random sample who were surveyed at Covenant House (a shelter for street youth) in New York experienced some form of trafficking victimization or had traded sex for food, shelter, or other basics (“survival sex.”)¹⁰³

Although LGBTQ (lesbian, gay, bisexual, transgendered, and queer) persons may account for only [three to five percent](#) of the population in the U.S., they account for up to [40 percent](#) of the runaway and homeless youth population. An estimated [26 percent](#) of LGBTQ young people are rejected by their families and put out of their homes for no other reason than being open about who they are. On the streets, they are vulnerable to

becoming victims of trafficking for sex work. Once trafficked, these young people may be subjected to beating, mutilation, branding, and rape.¹⁰⁴ Recruitment approaches to these young people vary. Most are recruited by friends or peers and do not usually have pimps.¹⁰⁵ The experiences of transgendered youth are often unique from the rest of this population, and approaches to service provision needs to reflect their situation.

E. Forced Marriage

Marriage induced through force, coercion, or deceit is a global phenomenon that arises out of cultural and societal norms about the institution of marriage and the roles of spouses. In a forced marriage, the person (in most cases a woman) has no right to choose a partner or ability to say no. Not all forced marriages result in trafficking. Trafficking and forced marriage intersect when marriage is used both in conjunction with force, fraud, coercion, or abuse of power and as a means to subject wives to conditions of slavery, often in the form of domestic or sexual servitude.¹⁰⁶

The practice of child forced marriage increases a girl's vulnerability to health risks, domestic violence, and poverty. Even though child marriage is prohibited under article 16(2) of the *Convention on the Elimination of All Forms of Discrimination Against Women*, it is widely practiced around the world. According to the United Nations Special Rapporteur on Trafficking in Persons, child marriage is a forced marriage because children can neither exercise the right of refusal nor consent. Child marriage "violates fundamental human rights standards and must therefore be strictly prohibited."¹⁰⁷

Forced Adoption: There is disagreement between national and international law as to whether forced adoption constitutes human trafficking. UNICEF considers illegal adoption as child trafficking.¹⁰⁸ And, while international law does not specifically label illegal adoption as human trafficking, the UNODC observes that it falls under the definition of trafficking.¹⁰⁹

According to the U.S. State Department, if a child is not exploited post-adoption, the adoption act might be illegal, but it is not considered trafficking. The 2010 Trafficking in Persons Report notes: "The kidnapping or unlawful buying/selling of an infant or child for the purpose of offering that child for adoption represents a serious criminal offense, but it is not a form of human trafficking, as it does not necessarily involve the use of force, fraud, or coercion to compel services from a person."

Two other aspects of trafficking that do not fall primarily under the rubric of forced labor are *begging* and the *commission of crime* (usually petty crime/street crime), which accounted for 6 percent of the total number of detected cases in 2010.¹¹⁰

Child soldiers: Child soldiering is a unique and severe form of trafficking. Perpetrators may be government forces, paramilitary organizations, or rebel groups. While the majority of child soldiers are between the ages of 15 and 18, others are as young as 7 or 8. Many are abducted to be used as combatants. Others are made unlawfully to work as porters, guards, servants, messengers, or spies. Young girls are forced to marry or have

sex with male soldiers. Some children have been forced to commit atrocities against their families and communities. They are often killed or wounded, and survivors suffer multiple traumas and psychological scarring.

Trafficking for tissue, cells, and organs: This happens in three ways. First, traffickers may force or deceive victims into giving up an organ. Second, victims formally or informally agree to sell an organ and are cheated by being paid less than promised or not at all. Third, vulnerable persons are operated on for an ailment, which may or may not exist, and organs are removed without their knowledge. There are laws in the United States against the sale of body parts designed to prevent desperate people from selling more than their blood. Organ trafficking is a particularly literal violation of the image of God in persons, and a commodification of human being. Whether persons have a right to sell, as opposed to donate, body parts is a legal question answered in the negative in most human rights discourse.

VI. Conclusion: Recommendations, Relationships, and Responsibilities

The 217th General Assembly (2006) of the Presbyterian Church (U.S.A.) approved the resolution, *Just Globalization: Justice, Ownership, and Accountability*, a comprehensive policy report on globalization. The report states, “As Christians, we understand that what happens to people in the process of being ‘integrated’ is a key criterion by which globalization must be measured. We seek a kind of globalization that reflects justice, community, and the sustainability of creation.”¹¹¹

With a broader and more comprehensive policy base that grounds our responses not only to specific aspects of human trafficking, but also to the complex context out of which it has emerged, the Presbyterian Church (U.S.A.) will have better tools for making a faithful witness. In practical terms, the Human Trafficking Roundtable, the denominational initiative that has been in place for nearly a decade, has provided one model for doing effective work together. [See Appendix B.] Individual Christians, congregations, and larger governing bodies can explore ways to respond together along with law enforcement and social service agencies addressing these concerns, always seeking better ways to allow the voices of persons who have been trafficked to shape our combined responses.

Currently, all fifty states in the United States have laws criminalizing human trafficking. However, the anti-trafficking laws in many states address only sex trafficking, and still others recognize only sex trafficking of children and youth. As this report states clearly, God’s children are not for sale. But this report also speaks to ways the market and migration need to be changed to put trafficking out of business.

Our faith calls us to confront and confess our own complicity in the global forces that have given rise to and perpetuate human trafficking. We must be vigilant and continually evaluate our roles in global contexts. We can learn from earlier PCUSA social witness studies and policies that address institutional racism, gender issues, and discrimination

against women and people with disabilities in a self-critical way. We can discern, even in our own lifestyles, where the drive for more and cheaper consumer goods and services contributes to the problem of human trafficking. This study has sought to show the interrelatedness of a larger range of powers and principalities at play in our world. As God's children our role is to bring the love of God to each other without judgment and yet without fail. There is still much work to be done.

APPENDIX A

Related Presbyterian Policies; Gender Justice, Labor, Children, Human Rights, Immigration, Trafficking, Prostitution, Child Sex Trafficking.

Presbyterian Policies on Gender Justice

While the actions of 2006 and 2008 are the only policies that address sex trafficking, the church has a long history of speaking out on issues of sexual exploitation and gender justice. Since the 1970s, both predecessor bodies (PCUS and UPCUSA) have included studies of aspects of human sexuality. A 1974 study, “Dignity and Exploitation: Christian Reflections on Images of Sex in the 1970s” refers to the commercialization of sex. In 1986, the assembly commended *Violations Against the Image of God: Exploitation of Women* to the church for study, which examined both women trafficked for prostitution and women forced into sex work by systemic societal pressures, with a focus on exploitative labor. It also addressed sex tourism in Southeast Asia and prostitution on military bases. While there was some discussion of the U.S. context and prostitution, the focus was primarily on developing countries.

The 1988 PCUSA study paper, *All the Live Long Day: Women and Work*, addressed forced prostitution and the vulnerability of mail-order brides, among other issues. The 1988 General Assembly also adopted a major report, *Pornography: Far From the Song of Songs*, which (though written before the internet explosion) identified the psychic, spiritual, and commercial impacts of images of sex and violence, often involving trafficked women and children.

Presbyterian Policies on Labor

Past assemblies in both the northern and southern streams have affirmed worker rights, such as free collective bargaining, and active participation in labor unions and in management—labor organizations as an expression of Christian vocation, as well as encouraging business and labor leaders to recognize responsibility in working to support minimum wage laws based on income adequacy. The 2008 Social Creed for the 21st Century, also adopted by the National Council of Churches, provides a concise statement of the church's social stands, including clear support for labor rights: <http://www.presbyterianmission.org/ministries/acswp/social-creed/>.

Farm and Migratory Workers

Assemblies in the 1970s and 80s acted in support of justice for the United Farm Workers' struggles and for migrant farm workers. *All the Live Long Day* addressed briefly the issue of the exploitation of immigrant workers. The 1995 report, *God's Work in Our Hands*, includes “Principles of Vocation and Work.” These reaffirmed the right of everyone to participate in economic decisions that affect them and the right of all workers—including those undocumented—to collective bargaining. The statement expressed concern for how domestic

economic policies affected the most vulnerable people and urged attention to international economic policies that could raise the standard of living.

Actions on farm worker justice, specifically addressing the justice issues raised by the Coalition of Immokalee Workers, ensued; in 2002 urging prayer and support for the national boycott of Taco Bell Restaurants, in 2006 reaffirming the use of consumer action in the struggle for economic justice, and recognizing that such action may be called for in the ongoing Campaign for Fair Food supported by the Presbyterian Hunger Program.

Recent assembly action on immigration acknowledges the vulnerability of immigrants in the workplace that can tip over into forced labor. Among the recommendations of the 220th General Assembly (2012) in “On Advocating for Comprehensive Immigration Reform,” was to urge education and protection of all workers from exploitation, abuse, and affronts to their dignity by enforcing labor and employment laws.

Presbyterian Policies on Children

Historically, General Assemblies have expressed concern for the rights of children, calling upon the president in 1992 to sign the Convention on the Rights of the Child. The 1993 General Assembly approved a “Vision for Children and the Church,” articulating the status of children both in the world and in the church, and setting forth a vision for the church’s response. The “Resolution on Children” highlighted previous policy issues, including child labor. From the 1990s through 2014, the Presbyterian Mission Agency included a Child Advocacy program that provided education and support.

Human Rights

The rights of human beings have been the subject of many statements by Presbyterian General Assemblies. Assemblies have spoken in both general policy statements and resolutions and specific statements about the rights of persons in particular situations.

When the 1949 General Assembly of the PCUSA voted its support of the U.N. Declaration of Human Rights, it marked the beginning of post-war policy declarations by the assemblies in the area of human rights principles. In subsequent years, General Assemblies would support ratification of the anti-genocide treaty (PCUSA, 1950), support political freedom even in the midst of “McCarthyism” (PCUSA, 1952), and oppose experimentation with human beings (PCUSA, 1956).

Throughout the 1950s and 1960s, the church continued to speak authoritatively. The Confession of 1967 (UPCUSA) contributed a theological undergirding of human rights in terms of God’s creation of a universal family. In the 1970s, statements and resolutions in 1973, 1976, and 1977 led to a major statement on human rights, adopted by the 1978 PCUS assembly.

The 1977 PCUS assembly noted the tendency of western nations to emphasize individual rights, while socialist nations tend to emphasize social and economic rights, and catalogued human rights abuses around the world by governments of every type. It applauded both the urging of President Carter that the U.S. ratify all eleven covenants and conventions of the United Nations Universal Declaration of Human Rights (most of which the U.S. government has not yet ratified) and the adoption of legislation that allows the Congress to reduce or cut off U.S. aid if recipient governments “... engage in a consistent pattern of gross violations of internationally recognized, human rights “including”... torture, or cruel, inhuman or degrading treatment or punishment, prolonged detention without charges or trial, and other flagrant denial of rights of life, liberty, or security ...” (PCUS, 1977).

In 1978, the PCUS General Assembly adopted a Declaration of Human Rights affirming that human beings are created in the image of God and that every person is of intrinsic worth before God, and declared that human rights derived from God include the right to exist, the right to basic subsistence, the right to participation in community, and the right to meaningful existence.

The principles offered by the assemblies of both churches in the 1970s were the foundation of the action taken by the 1982 PCUS assembly in support of the U.N. Declaration of the Elimination of All Forms of Intolerance and Discrimination Based on Religion and Belief. The reunited church's first General Assembly in 1983 continued the tradition of human rights advocacy by passing "Human Rights in Focus," containing the strongest statement to date on the United States' role in perpetuating global human rights violations.

The 204th General Assembly (1992) called upon the president to sign the Convention on the Rights of the Child and the U.S. Senate to ratify four other rights covenants [PCUSA, 1992]. Unfortunately, for reasons of congressional dysfunction or ideological gridlock, many treaties since the 1990s, including a number patterned on U.S. laws, have not been advanced, weakening the U.S. role at the United Nations.

The 214th General Assembly (2002) approved the report, *Ecumenical Partnership: Human Rights and Religious Freedom Abroad*.

"The Human Rights Update" is an annual report done by the Advisory Committee on Social Witness Policy (ACSWP) from 1990 to 2005 as a study of human rights practice around the world, with few policy recommendations. The Presbyterian UN representative played a key role as editor, and regional World Mission coordinators contributed information not readily available. This study shifted to every other year, following the shift in General Assembly meetings. With the worldwide internet availability of the latest information from specialized human rights bodies, including information on religious rights, ACSWP redesigned the Human Rights Update to focus thematically on particular human rights matters (such as torture or surveillance).

Immigration

The Presbyterian General Assemblies first began to speak out on immigration and refugee issues when the aftermath of World War II displaced millions of people. Presbyterians bid their government to allow immigration above and beyond the normal quotas [UPCNA, PCUS, PCUSA, 1947.]. The assemblies reaffirmed their call for "opening up immigration" in 1948. The 1953 PCUSA assembly called for a comprehensive review of the nation's immigration policies.

The continuing 20th century phenomena of refugees seeking security and safety from political and economic oppression moved the 1980 UPCUSA and 1982 PCUS assemblies to issue general statements on the world refugee situation. An enduring challenge for Christians in the U.S. is posed by Mexican migration to the United States. The UPCUSA and PCUS assemblies jointly adopted the policy statement "Mexican Migration to the United States: Challenge to Christian Witness and National Policy" in response to the problem and urged specific action to make real the "love for neighbor" that Christians are called to express in relations with all people. Two sentences from that policy statement characterize the best in Presbyterian thinking: "Political and geographical boundaries are in and of themselves part of the human social existence. ... However, the only boundaries Christians recognize ultimately are those established by justice and love" (UPCUSA; PCUS, 1981).

In the 1980s, the General Assemblies expressed support for their actions in what was called the "sanctuary movement." The assembly also addressed continuing problems with refugees from Cuba and Haiti. Likewise, the assemblies continually called for compassionate, lenient policies toward Asian American and South East Asian refugees. In light of a growing concern about

limiting access to public social services to authorized immigrants, the 206th General Assembly (1994) approved the “Call to Presbyterians to Recommit to Work and Pray for a Just and Compassionate U.S Immigration Policy” adding: “mindful that myths are strong and form the basis of much of the current immigration debate, we call upon the church to seek to learn more about the basic differences between refugees, asylum seekers, immigrants. and undocumented persons. We... support efforts to advocate for more federal resources to return to those communities and states most impacted by immigration recognizing that, although immigration as a whole is a benefit to the nation, there are short-term costs that should be borne more equitably” (PC(USA), 1994).

The 211th General Assembly (1999) approved a resolution on the “Transformation of Churches and Society Through Encounter with New Neighbors.” The resolution pointed out grave issues raised by new immigration laws (1996) and other policies, such as the sweeping welfare reform in 1995. Among its recommendations were “to educate and advocate in partnership with religious, business, community, and law enforcement leaders for reform and action by “offering legal assistance to immigrants applying for lawful permanent resident status or other immigration status; focusing law enforcement on the maintenance of community safety and fostering the growth of positive relationships and confidence between law enforcement and immigrant populations; and encouraging all church councils to meet with their state’s Access to Justice Commission (or equivalent) and to encourage their work in honoring principles and values that respect and value immigrants” [Social Witness Policy Compilation].

Recent assembly action on immigration acknowledges the vulnerability of immigrants in the workplace that can tip over into forced labor. Among the recommendations of the 220th General Assembly (2012) in “On Advocating for Comprehensive Immigration Reform,” was to urge education and advocating for comprehensive reform, including the following: “Protecting all workers from exploitation, abuse, and affronts to their dignity by enforcing labor and employment laws that provide fair wages, the right to organize and to seek redress for grievances.

Policies on Trafficking and Prostitution

Since the 1970s, both predecessor bodies (PCUS and UPUS) have included studies of human sexuality, including pornography, as noted in the policies on gender justice.

The 1988 PCUSA study paper, *All the Live Long Day: Women and Work*, addressed forced prostitution and the vulnerability of mail-order brides, among other issues of work.

In 1997, *Resolution on the Plight of Women and Children Forced into International Prostitution*, while not labelling it as trafficking, addressed child trafficking for sexual exploitation as well as women coerced into prostitution under false pretenses. It also examined some factors that contribute to trafficking, and included at its conclusion a brief review of PCUSA statements regarding sex trafficking.

Resolution on the Military and Sexual Exploitation and Abuse of Women (1998) primarily examined prostitution around military bases. Sex trafficking in Southeast Asia was specifically cited, although no definition of trafficking is given, nor is there any distinction made between sex trafficking and sex work. The paper addressed the international sex trade and some discussion of the factors that may drive a woman into the sex trade. A 1999 report followed on *Prostitution in the U.S.* It addresses prostitution and sex work and its detrimental effects on women in society, but does not address sex trafficking.

In response to the call from the 2008 “Resolution to Expand the Church’s Ministry with and Advocacy Against Human Trafficking” for the inclusion of human trafficking in ACSWP’s Human Rights Updates, the 2010 Human Rights Update included human trafficking as the subject

of one of three surveys. As noted earlier, this report on human trafficking may be considered an extension and expansion of the Human Rights Update approach.

Policy on Child Sex Trafficking

The 217th General Assembly (2006) affirmed *On Condemning International Trafficking In and Sexual Exploitation of Children*, an overture from the Synod of the Northeast. This action was the first of only two General Assembly policy actions to address specifically an aspect of human trafficking. Among its recommendations were proving educational and awareness raising resources about the issue, again urging the ratification by the U.S. Senate of the Convention on the Rights of the Child. It affirmed ECPAT-USA's "Code of Conduct for the Protection of Children from Commercial Exploitation in Travel and Tourism" and urged continued funding for ECPAT's work, providing a policy base for partnership between the Trafficking Roundtable and ECPAT.

APPENDIX B

The PCUSA Trafficking Roundtable and Anti-Trafficking Work Across the Church; Note on Reference Group for this Study

Given greater economies at the denomination's national level, the Human Trafficking Roundtable has been able to be remarkably effective in bringing the issue to the forefront of the church, raising awareness and educating about modern slavery. It has relied on a partnership model, both in bringing together ministries at the national level, each of whose work touches on the issue in some way, and in partnering with secular agencies whose goals are complementary to the church's mission. There has been good witness in the collaboration and coordination of many Presbyterian Mission Agency offices, as well as staff from the Office of the General Assembly and staff and volunteers from Presbyterian Women. [Note: at its inception, a member of the leadership team of Presbyterians Against Domestic Violence Network, PADV—a network of the Presbyterian Health, Education and Welfare Association (PHEWA)—was also on the roundtable].

At the same time, there have been challenges. While each participant's work touches the issue in particular ways, few members of the roundtable bring specific expertise in human trafficking. Those who do also carry a full portfolio of other, more primary job responsibilities. Changes in staffing and in job assignments have also meant turnover in membership on the roundtable. Working collaboratively on trafficking requires careful planning and follow-through that stretches staff persons already carrying heavy workloads. Hence, while the recommendations are directed to the staff roundtable as the existing responsible agent, the Presbyterian Mission Agency is also asked to review this staff team model in light of the new policy statement and the need for continuity in strategy and implementation.

Anti-Slavery Work in Governing Bodies, Congregations, and Other Groups

In many places across the church, Presbyterians are engaged in work to address modern slavery/trafficking/forced labor. For example, Street Grace, a faith-based organization leading faith communities, organizations, and individual volunteers on a comprehensive path to end Domestic Minor Sex Trafficking (DMST) in Metro Atlanta and throughout the United States,

counts North Avenue Presbyterian Church as a partner. Other work is taking place in partnership with Presbyterian Women.

Several congregations have partnered with the Freedom Network, USA, to provide training opportunities for law enforcement, service providers, and advocates. These trainings, funded by the U.S. Department of Justice, meet the critical need for all secular stakeholders in an area to receive the same training. At the same time, the trainings help people of faith to identify and connect with those professionals in their city or town.

By its very nature, the work of several congregations to provide emergency shelter for persons who have been trafficked must remain confidential for the sake of the individuals involved. On the other hand, solidarity work against the exploitation of labor with the Coalition of Immokalee Workers may require as much publicity as possible. The challenge is to help concerned Presbyterians raise awareness, educate, and address trafficking in the most effective way, and to connect with others who seek to live out their faith on similar ways.

The Trafficking Roundtable worked with the persons selected to help develop the comprehensive study requested, who served primarily as a reference group due to cost limitations. The group consisted of the following persons: Kathryn Poethig, professor of global studies, California State University, Monterey Bay, Calif., co-chair and ACSWP representative; the Reverend Ann Hayman, director of the Mary Magdalene Project, ret., Santa Monica, Calif., co-chair; Raj Nadella, professor of New Testament, Columbia Seminary, Decatur, Ga.; the Reverend Libby Shannon, chaplain, Eckerd College, St. Petersburg, Fla.; and Martha Bettis Gee, LaGrange, Ky., a former member of the Trafficking Roundtable and retired Child Advocacy staff person, serving as consultant. Louise Davidson, Dublin, Ohio, represented the Advocacy Committee for Women's Concerns, and also brought prior leadership experience from chairing the Peacemaking Program Advisory Committee and being the churchwide vice moderator of Presbyterian Women for justice and peace concerns, including pioneering work on trafficking. The Reverend Karen Peterson-Iyer, a Presbyterian ethicist at Santa Clara University, Santa Clara, Calif., submitted articles to the team. Ryan Smith, associate at the Presbyterian Ministry at the United Nations and convener of the Trafficking Roundtable, provided notable assistance. Staff services were provided by the Reverend Christian Iosso, coordinator of ACSWP.

Endnotes

¹The Accra Confession was the culmination of a prayer and study process organized by the international Reformed movement, though it is technically not a confession adopted by the internal process of the Presbyterian Church (U.S.A.). <https://www.pcusa.org/resource/accra-confession-covenant-justice-economy-and-eart/>.

²For a free download of the Presbyterian Church's policy: <https://www.pcusa.org/resource/resolution-just-globalization-justice-ownership-an/>.

³http://www.americanbar.org/publications/judges_journal/2013/winter/human_rightsbased_approach_to_trafficking_the_work_of_the_united_nations_office_of_the_high_commissioner_for_human_rights.html.

⁴For Department of Labor guidance: http://www.dol.gov/whd/FieldBulletins/fab2011_2.htm From an advocacy perspective: <https://fairlaborrecruitment.files.wordpress.com/2013/01/flr-one-pager-revised-sept-5-2012-final.pdf>.

⁵For a U.S. example of judicial discretion in the prosecution of prostitution, a New York City court adopts a model similar to drug courts: http://www.nytimes.com/2014/11/23/nyregion/in-a-queens-court-women-arrested-for-prostitution-are-seen-as-victims.html?emc=edit_ur_20141123&nl=nyregion&nid=26025810 Note that the court is designated for "trafficking" and works with a high proportion of Asian and Latin American women, some of whom are in debt bondage. The primary alternative to conviction is a six session counseling program with options for other services. Drug courts generally differ in dealing not only with addiction treatment issues but with other alleged illegal activity, such as theft.

- ⁶See National Conference of State Legislatures, Human Trafficking Overview (5/9/2014): <http://www.ncsl.org/research/civild-criminal-justice/human-trafficking-overview.aspx>.
- ⁷See Section 5 of the study. For an example of a government seeking to make amends for adoption abuses, see: <https://www.dss.gov.au/our-responsibilities/families-and-children/programs-services/forced-adoption-practices>.
- ⁸See Section 5 of the study; this is not to discourage deeply gracious gifts of organs or tissue that match the needs of persons in extremis. For some US legislative issues, see: <https://www.change.org/p/u-s-house-of-representatives-help-sotn-convince-congress-to-save-lives-and-money-by-amending-the-national-organ-transplant-act-to-remove-the-financial-disincentives-that-hinder-living-donation>.
- ⁹United Nations Office on Drugs and Crime Report 2014, ILO Global Estimate of Forced Labor: Research and Methodology. The ILO says forced labor generates annual profits of US\$ 150 billion, May 2014 http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_243201/lang--en/index.htm.
- ¹⁰Global population was 6 billion at the time of publication of Kevin Bales' *Disposable People: New Slavery in the Global Economy*, University of California Press, 2004, p.12.
- ¹¹PC(USA), *Just Globalization: Justice, Ownership and Responsibility*, 47.
- ¹²Gen. 1:26–28, *The Holy Bible: New Revised Standard Version*. Nashville: Thomas Nelson Publishers, 1989. Print.
- ¹³The Brief Statement of Faith, PC(USA) Mission Agency, Presbyterian 101, <http://www.presbyterianmission.org/ministries/101/brief-statement-faith/>.
- ¹⁴Youngblood, R.F. "Peace," in Bromily, G. (ed.) *The International Standard Bible Encyclopedia*. Rev. Ed. Vol. 3. Grand Rapids: W.B. Eerdmans, 1986, p. 732.
- ¹⁵Bruce Metzger and Roland Murphy (eds.), *The New Oxford Annotated Bible with Apocryphal/Deuterocanonical Books: New Revised Standard Version* (N.Y.: Oxford University Press, 1994).
- ¹⁶The Brief Statement of Faith, PC(USA) Mission Agency, Presbyterian 101, <http://www.presbyterianmission.org/ministries/101/brief-statement-faith/>.
- ¹⁷Nadella, Raj *Dialogue Not Dogma: Many Voices in the Gospel of Luke* (London/NY: T&T Clark, 2011), pp. 103ff Dr. Nadella also served as a member of the study team.
- ¹⁸Bales, Kevin. *Disposable People*, p. 14.
- ¹⁹International Labor Organization Convention No. 29: <https://www.innovations.harvard.edu/sites/default/files/Presentation-Plant.pdf>
- ²⁰Gee, Martha Bettis and Ryan D Smith. "Moral Imperatives: Faith-Based Approaches to Human Trafficking," in *The Changing World Religion Map; Sacred Spaces, Identities, Practices and Politics*. Stanley D. Brunn, ed. Springer, 2015, 3623.
- ²¹<http://www.ohchr.org/EN/ProfessionalInterest/Pages/SlaveryConvention.aspx>.
- ²²*ILO Data Initiative on Modern Slavery: Better data for better policies*. Fundamental Principles and Rights at Work Branch, Special Action Programme to Combat Forced Labour, April 2015. For a good discussion of human trafficking, forced labor, and economics that introduces many of the key thinkers drawn upon in this report, see this summary of a roundtable discussion at MIT: http://web.mit.edu/cis/pdf/Forced_Labor.pdf.
- ²³Zimmerman, Y.C. *Christianity and human trafficking* 2011:570. Retrieved September 25, 2012, at <http://onlinelibrary.wiley.com/doi/10.1111/j.1749-8171.2011.00309.x/abstract/>.
- ²⁴Doezema, 2000; Irwin, 1996; Roberts, 1993, as cited in Zimmerman, 2011: 571.
- ²⁵"Why definitions matter," by Beate Andrees, at http://www.ilo.org/global/about-the-ilo/newsroom/comment-analysis/WCMS_234854/lang.
- ²⁶Roger Plant, longtime chief of the ILO's Special Action Programme to Combat Forced Labor, emphasizes a pragmatic approach to the questions of how the concepts of modern slavery, forced labor, institutions and practices similar to slavery and human trafficking relate and how they should be translated into domestic law. He argues that rather than seeking an exact consensus over definitions, the focus should be on identifying the most appropriate ways to respond, taking into account the differences. See page 4 of this talk: http://oit.org/wcmssp5/groups/public/---ed_norm/-declaration/documents/statement/wcms_096992.pdf.
- ²⁷Freedom Network (USA) uses this definition in trainings for FBI, law enforcement, and social service agencies doing anti-trafficking work: ". . . the recruitment, harboring, transporting, providing or obtaining, by any means, any person for forced labor, slavery or servitude in any industry or site such as construction, prostitution, manufacturing, begging, domestic service or marriage."
- ²⁸*2015 Trafficking in Persons (TIP) Report*, 13.

²⁹*Strengthening Protections Against Trafficking in Persons in Federal and Corporate Supply Chains*. Verite, 2015, 8–9.

³⁰*Ibid.*, 10.

³¹*ILO Global Estimate of Forced Labor: Research and Methodology*. International Labour Office (ILO) Special Action Programme to Combat Forced Labour, 2012.

³²The methodology used by the ILO is the capture/recapture method, in which the idea is to sample cases of forced labour from the universe of all reported cases of forced labour and then to resample the same universe, so as to find the fraction of cases in the second sample that was also identified in the first sample. For more information, see section 4.3 of the ILO’s Global Estimate report.

³³Although considered within the broader trafficking definitions and part of a comprehensive understanding, this report addresses forced marriage, illegal adoption and organ trafficking in a limited way; none are “forced labor,” our primary focus, though forced marriage is on the spectrum of women’s labor and may bring to mind “mail-order brides” and the gender inequalities in that market.

³⁴http://www.unicef.org/protection/57929_58005.html.

³⁵ILO Convention 182 - Worst Forms of Child Labour Convention, 1999 (No. 182) *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Entry into force: 19 Nov 2000)*.

³⁶http://www.unicef.org/protection/57929_child_labour.html.

³⁷*Ibid.*

³⁸Urban Institute, *Understanding the Organization, Operation and Victimization Process of labor trafficking in the United States*, 2014 <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/413249-Understanding-the-Organization-Operation-and-Victimization-Process-of-Labor-Trafficking-in-the-United-States.PDF> Because this is a 300 page, multi-researcher study done in cooperation with Northwestern University, there is also a shorter summary publication, “Hidden in Plain Sight:” <http://apps.urban.org/features/us-labor-trafficking/>.

³⁹ILO Convention 182 - Worst Forms of Child Labour Convention, 1999 (No. 182) *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Entry into force: 19 Nov 2000)*.

⁴⁰Foreign embassy officials found with underpaid household workers sometimes argue that traditional customs allow this mistreatment, but international law rejects caste-based practices.

⁴¹Some instances of modern slavery were uncovered in fairs and carnivals, nursing homes, strip clubs, and massage parlors.

⁴²Urban Institute, *op. cit.*, 198.

⁴³Freedom Network USA “Child Trafficking for Labor in the United States, updated April 2015.

⁴⁴Continuing Presence is authorized under provisions of section 107(c)(3) of the TVPA, which has since been reauthorized, and is codified at 22 U.S.C. § 7105(c)(3). *Continued Presence Temporary Immigration Status for Victims of Human Trafficking*].

⁴⁵For the positions described in this paragraph: Weitzer, R. (2007). *The social construction of sex trafficking: Ideology and institutionalization of a moral crusade*. Politics and Society. Sage Publications. <http://pas.sagepub.com/cgi/content/refs/35/3/447>.

⁴⁶Peterson-Iyer, Karen. “Prostitution: A Feminist Ethical Analysis,” *Journal of Feminist Studies in Religion*. 14:9 (Fall 1998).

⁴⁷Rachel Moran, *Paid For: My Journey Through Prostitution*, (Norton: New York, 2013), p. 175.

⁴⁸As an example, Martha Bettis Gee, then of the PCUSA Child Advocacy office, heard this from members of two anti-trafficking task forces at an Amber Alert Conference with a focus on child sex trafficking (Salt Lake City, Utah conference).

⁴⁹Weitzer, R. *op. cit.*, p. 455.

⁵⁰See <http://cameronhouse.org/about-us/history/>.

⁵¹Zimmerman, *Other Dreams of Freedom*, p. 28. As cited in Peterson-Iyer, *op. cit.*, p. 12].

⁵²The Appendices to this report refer to studies of prostitution, both in the US and internationally. The General Assembly has also debated more holistic studies of sexuality, though a disproportionate amount of attention has been given to homosexuality in recent years.

⁵³Peterson-Iyer, Karen, *From Rescue to Solidarity: A Feminist Christian Response to Human Sex Trafficking*.” Paper presented to the Society of Christian Ethics, Chicago, January 2014, p. 25.

⁵⁴Neil Howard and Mumtaz Lalani, “Introduction, The Politics of Human Trafficking,” *St. Anthony’s International Review* 4, no 1, (April 2008): 5.

- ⁵⁵Janie A. Chuang, “Giving as Governance? Philanthrocapitalism and Modern-Day Slavery Abolitionism” *UCLA Law Review* 62 (2015): 1516.
- ⁵⁶Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 3, Nov. 15, 2000, 2237 U.N.T.S. 319 [hereinafter U.N. Trafficking Protocol].
- ⁵⁷Howard and Lalani, “Politics of Human Trafficking,” 5.
- ⁵⁸Victims of Trafficking and Violence Protection Act of 2000 (TVPA). Pub. L. 106-386, 106th Cong., October 28, 2000. www.gpo.gov/fdsys/pkg/PLAW-106publ386/pdf/.
- ⁵⁹Yvonne C. Zimmerman, “Christianity and Human Trafficking,” *Religion Compass* 5 (2011): 572. See also Elizabeth Bernstein, “Militarized Humanitarianism Meets Carceral Feminism: The Politics of Sex, Rights and Freedom in Contemporary Antitrafficking Campaigns,” *Signs* 36 (2010): 45–71; Elizabeth Bernstein and Janet R. Jakobsen, “Sex, Secularism and Religious Influence in US Politics,” *Third World Quarterly* 31 (2010): 1027–28.
- ⁶⁰Ibid.
- ⁶¹Janie Chuang, “[Giving as Governance? Philanthrocapitalism and Modern-Day Slavery Abolitionism](#),” *UCLA Law Review* 62 (2015): 1523.
- ⁶²Ibid, 1524.
- ⁶³Ann Jordan, “Forced Labor, Debt Bondage, and Human Trafficking: From Conceptual Confusion to Targeted Solutions,” Program on Human Trafficking and Forced Labor, Issue Paper 2, February 2011.
- ⁶⁴A resource list on trafficking assembled by Rev. Noelle Damico, plus adult discussion aids: <https://drive.google.com/file/d/0B8AMHn2zxY6oUG56cWxFZERoZzQ/edit?usp=sharing>.
Keynote presentation by Damico to the Presbytery of Mid-South, Memphis: <https://drive.google.com/file/d/0B8AMHn2zxY6oWHVkemtBUIVReUU/edit?usp=sharing>.
Memphis Keynote Slides: <https://drive.google.com/file/d/0B8AMHn2zxY6obC11YVpYd2xxLW8/edit?usp=sharing>.
10 Commandments for Faith-Based Organizations working against Human Trafficking Slides: <https://drive.google.com/file/d/0B8AMHn2zxY6obnVDdFNHR1ZRRzA/edit?usp=sharing>.
- ⁶⁵Bernstein, “Militarized Humanitarianism Meets Carceral Feminism” 61.
- ⁶⁶Ibid.
- ⁶⁷Letitia M. Campbell and Yvonne C. Zimmerman, “Christian Ethics and Human Trafficking Activism: Progressive Christianity and Social Critique,” *Journal of the Society of Christian Ethics* 34, no. 1 (Spring/Summer 2014,) 145–72.
- ⁶⁸Gloria Albrecht, *Hitting Home: Feminist Ethics, Women’s Work and the Betrayal of “Family Values”* (New York: Continuum Press, 2002), 13.
- ⁶⁹Campbell and Zimmerman, “Christian Ethics and Human Trafficking,” 158.
- ⁷⁰Ibid, 63–64.
- ⁷¹Chuang, “Giving as Governance?” 1518.
- ⁷²Ibid 1529, citing Robin Rogers, “Why Philanthro-Policymaking Matters,” *Society* 38 no. 5 (2011): 376. See also Kavita N. Ramdas, “Philanthrocapitalism: Reflections on Politics and Policy Making,” *Society* 38, no. 5 (2011), 393–95.
- ⁷³Lauren A. McCarthy, Human Trafficking and the New Slavery, *Annual Review of Law and Social Science*, Vol. 10:221–42.
- ⁷⁴Interpol, Types of Trafficking <http://www.interpol.int/Crime-areas/Trafficking-in-human-beings/Types-of-human-trafficking>.
- ⁷⁵U.S. State Department, “Trafficking in Persons Report,” July 2015. Print.
- ⁷⁶Julia O’Connell Davidson, Guest Editorial, “Trafficking, Modern Slavery, and the Human Security Agenda,” *Human Security Journal* no. 6, (Spring 2008): 12.
- ⁷⁷Jordan, “Slavery, forced labor, debt bondage, and **human trafficking**”, 2.
- ⁷⁸Ibid.
- ⁷⁹International Labour Organization (ILO), *Forced Labour Convention, C29*, 28 June 1930, C29, available at: <http://www.refworld.org/docid/3ddb621f2a.html>.
- ⁸⁰ILO Convention No. 29, art. 2.2.
- ⁸¹Freedom Network USA “Child Trafficking for Labor in the United States,” updated April 2015.
- ⁸²O’Connell Davidson, “Trafficking, Modern Slavery, and the Human Security Agenda,” 12.
- ⁸³Robert Steinfeld, *Coercion, Contract and Free Labor in the Nineteenth Century*, (Cambridge: Cambridge University Press, 2001): 16.

⁸⁴Christien van den Anker, “Making Human Rights Accessible: The Role of Governments in Trafficking and Migrant Labor Exploitation,” in *From Human Trafficking to Human Rights: Reframing Contemporary Slavery*, Eds Alison Brysk and Austin Choi-Fitzpatrick (Philadelphia: University of Pennsylvania Press, 2012): 161.

⁸⁵James Gray Pope, “A Free Labor Approach to Human Trafficking” University of Pennsylvania Law Review 158, (2010): 1849-1875, see also Rutgers School of Law-Newark Research Paper No. 089.

⁸⁶Dina Haynes, “Used, Abused, Arrested and Deported: Extending Immigration Benefits to Protect the Victims of Trafficking and to Secure the Prosecution of Traffickers,” *Human Rights Quarterly* 26, no.2, (2004): 239. Janie Chuang, “Beyond a Snapshot: Preventing Human Trafficking in the Global Economy,” *Indiana Journal of Global Legal Studies* 13, no. 1, (2006): 138.

⁸⁷U.S. Department of State Trafficking in Persons Report 2014.

⁸⁸Human trafficking and the “new slavery”: Definitions, enforcement, understanding, Journalist’s Resources, Accessed January 6, 2016, <http://journalistsresource.org/studies/international/human-rights/human-trafficking-new-slaveryproblemsdefinitionsenforcementunderstanding#sthash.4KDuoKbB.dpuf>.

⁸⁹UN Office of the High Commissioner for Human Rights (OHCHR), *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, 20 May 2002, E/2002/68/Add.1, available at: <http://www.refworld.org/docid/3f1fc60f4.html>.

⁹⁰Freedom Network, USA, A Rights-Based Approach to Combatting Human Trafficking, Accessed January 6, 2016 <http://freedomnetworkusa.org/wp-content/uploads/2012/05/Freedom-Network-A-Rights-Based-Approach-September-2010.pdf>.

⁹¹Pope, James Gray, “A Free Labor Approach to Human Trafficking.”

⁹²We present two contrasting cases for revision. From a farmworker protection perspective: <https://www.farmworkerjustice.org/sites/default/files/documents/7.2.a.6%20No%20Way%20To%20Treat%20A%20Guest%20H-2A%20Report.pdf> For an extensive discussion of H2-B visa issues from a critical standpoint: <http://www.cis.org/h-2b-guestworkers>.

⁹³The results of decriminalization generally (Germany, Australia, New Zealand) and of decriminalizing only prostitution itself (Sweden) are much debated, although Sweden’s experience was seen as enough of an improvement for Norway and Iceland to follow, hence the “Nordic” category. For a summary of impacts: <http://mic.com/articles/112814/here-s-what-s-happened-in-sweden-16-years-since-decriminalizing-prostitution#.r2lgNxyIG> Not all anti-trafficking organizations support decriminalizing “sex work,” but a significant number do, as do organizations of women involved in that labor. In the US, Rhode Island effectively decriminalized indoor prostitution from 2003-09; a study of reduced rape and sexually-transmitted diseases is summarized here: <http://newsroom.ucla.edu/releases/decriminalizing-prostitution-linked-to-fewer-stds-and-rapes> For a paper summarizing international decriminalization experience done for New Zealand in 2007, see: <http://www.procon.org/sourcefiles/newzealandreport.pdf>.

⁹⁴The persistence of prostitution raises questions about the values of compassion (appeals to Jesus’ forgiveness of adultery in John 8), consistent principles (the influence of absolute standards, prohibition), and realism about temptation (provide alternatives, reduce harm). Just as prostitution has existed throughout history, so public morals, religious influences, and economic conditions have shaped the extent and rationales for its practice. Most Christians today take pride in the increasing equality of women and the influence of love-based, monogamous marriage as a contributor to that more equal valuation, slow as this progress toward mutuality has been. Will even partial decriminalization of prostitution, perhaps combined with other forces commercializing sexuality, contribute to a regression to greater inequality, less healthy relations between men and women, and less tolerance of those who do not fit traditional “binary” expectations? This is some background for the report’s caution.

⁹⁵See Amnesty International’s posted position: <https://www.amnesty.org/en/policy-on-state-obligations-to-respect-protect-and-fulfil-the-human-rights-of-sex-workers/>.

⁹⁶http://www.nytimes.com/2015/08/29/opinion/buying-sex-should-not-be-legal.html?_r=0.

⁹⁷The earlier Peterson-Iyer article, “Prostitution: An Ethical Analysis,” outlines this argument more fully.

⁹⁸Freedom Network Statement in Support of Amnesty International Vote”, Freedom Network USA.

⁹⁹Op. cit. at 3.

¹⁰⁰Broughton, G. M. (2012). *Prosecuting innocence: An analysis of statutory efforts to stop the justice system’s re-victimization of exploited youth in America’s sex trade*. National Center for Prosecution of Child Abuse Update, 23(8). http://www.ndaa.org/pdf/Update%20Vol23_No8.pdf.

- ¹⁰¹Child Welfare Information Gateway. (2015). Child welfare and human trafficking. Washington, D.C: U.S. Department of Health and Human Services, Children’s Bureau.
<https://www.childwelfare.gov/pubPDFs/trafficking.pdf>.
- ¹⁰²<http://www.ecpatusa.org/2015/10/14/ecpat-usa-releases-first-ever-guide-to-states-to-stop/>.
- ¹⁰³“Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York”, Covenant House, May 2013.
- ¹⁰⁴<http://freedomnetworkusa.org/fn-member-org-safe-horizon-contributes-huff-post/>.
- ¹⁰⁵*And Boys Too*: An ECPAT-USA discussion paper about the lack of recognition of the commercial sexual exploitation of boys in the United States.
- ¹⁰⁶See the State Department Trafficking in Persons Report, 2010.
- ¹⁰⁷ Human Rights Council, Report of the Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, at [21] U.N. Doc. A/HRC/4/23 (January 24, 2007) (prepared by Sigma Huda).
- ¹⁰⁸*Child Trafficking in East and South-East Asia: Reversing the Trend* (2009, 84)].
- ¹⁰⁹ *Global Report on the Trafficking of Persons* (2012, 12)].
- ¹¹⁰ Ibid.
- ¹¹¹ *Just Globalization*, op. cit. at 2.

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