

Department of Defense Combating Trafficking in Persons



General Awareness Refresher Training Presentation 2014

(This is a modification of the Web-based Training.)

Introduction

Welcome to the Combating Trafficking in Persons (CTIP) General Awareness Refresher Training for Department of Defense Personnel. This course supplements the full-length CTIP General Awareness Training.

In this course you will review how to:

- Define trafficking in persons
- Identify common indicators of trafficking in persons
- Determine how to report trafficking in persons
- Identify recent updates to trafficking in persons law and policy

NOTE: This course will use the terms "trafficking in persons" and "human trafficking" interchangeably

Warning!

This training contains language and images depicting physical violence and sexual violence to accurately portray the nature of trafficking in persons. The Department of Defense has determined that this level of candor is necessary in order to properly convey the subject matter.



Trafficking in Persons in the Department of Defense

Trafficking in Persons in the Department of Defense

Trafficking in persons is modern-day slavery. It involves the exploitation of men, women, and children for sex or for labor. Trafficking in persons is a crime in the United States and in many other countries. The Department of Defense also prohibits trafficking in persons. The Department of Defense investigates human trafficking incidents that are reported by Service members, civilian employees, contractors, and others.



Reasons for Prohibiting Human Trafficking

- Human trafficking is prohibited because it is:
 - An abuse of human rights
 - Cruel and demeaning
 - Not compatible with military core values
 - An action that jeopardizes the Department of Defense's credibility and ability to achieve its mission
 - A crime that is against the Department of Defense's zero tolerance policy

Labor Trafficking Defined

Where?

Labor trafficking occurs in the Department of Defense both domestically and internationally. Labor trafficking most commonly occurs in the Department of Defense contracts that are labor intensive. These labor intensive industries include:

- Food services
- Domestic services
- Janitorial services
- Driving services
- Construction
- Hospitality

Who?

Men, women and children are trafficked for forced labor. Traffickers look for victims in vulnerable situations due to economic hardship, political instability, natural disasters, and other causes. Traffickers also exploit people who are vulnerable because of their age, social, economic or immigration status.

Labor Trafficking Defined Law

- As defined in Section 103 of the Trafficking Victims Protection Act {TVPA} 2000 {22 U.S.C. Section 7102(9)(b)}, labor trafficking as a severe form of trafficking in persons involves 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.

Labor Trafficking Example

In 2011, the United States Air Force initiated a labor trafficking investigation based on allegations against a subcontractor in Iraq. Allegations included:

- Delaying the payment of salaries to contracted drivers for over three months
- Withhold employee passports
- Coercing employees to sign fraudulent employment contracts



Sex Trafficking Defined

Where?

- Sex trafficking occurs both domestically and internationally, including on and around Department of Defense military installations. It is most commonly associated with:
 - Bars and brothels
 - Dance clubs and strip clubs
 - Massage parlors and spas
 - Escort services
 - Private parties



Sex Trafficking Defined

Who?

- Traffickers look for victims in vulnerable situations due to economic hardship, political instability, natural disasters, and other causes. Sex trafficking victims are most frequently women and children. They can be United States citizens or foreign nationals. Traffickers exploit people who are vulnerable because of their age, social, economic, or immigration status.

Sex Trafficking Defined Law

- As defined in Section 103 of the Trafficking Victims Protection Act {TVPA} 2000 {22 U.S.C. Section 7102(10)}, sex trafficking involves the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

Sex Trafficking Example

- In 2009, investigators in Seattle, Washington found evidence of sex trafficking involving a United States Army Service member and juvenile runaway youth.
- The primary victim was a child prostituted out of a United State Army Sergeant's apartment. He posted advertisements online and was paid directly for the services rendered. During the sentencing, the judge stated, "Whatever sentence I give you wont' heal the scars your actions imposed upon these victims." The sergeant was sentenced to 11 years in prison and seven years of supervised release for sex trafficking of a child and attempted sex trafficking of a child.

Child Soldiering Defined

- As defined by the Child Soldier Prevention Act of 2008 {22 U.S.C. 2370c to 2370c-2}, the term “child soldier” means –
 - i. Any person under 18 years of age who take a direct part in hostilities as a member of governmental armed forces;
 - ii. any person under 18 year of age who has been compulsorily recruited into governmental armed forces;
 - iii. Any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or
 - iv. Any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state.

Child Soldiering Defined

- Child soldiers can be found in different locations around the world. Countries identified as using child soldiers in governmental armed forces or governmental-supported armed groups are found in Africa, the Middle East, and Southeast Asia. Non-government supported groups also use child soldiers in various parts of the world.

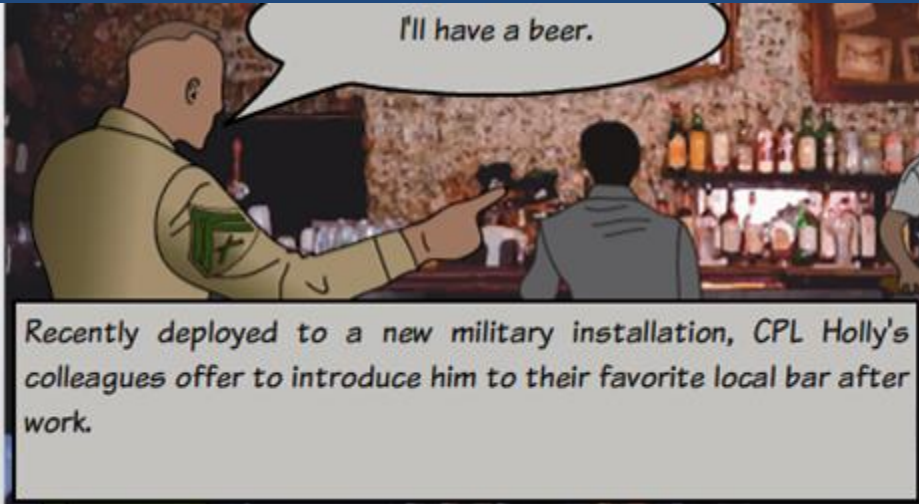
Note: In some circumstances in the United States Department of Defense, parental consent allows for an individual under 18 years of age to voluntarily join the military.



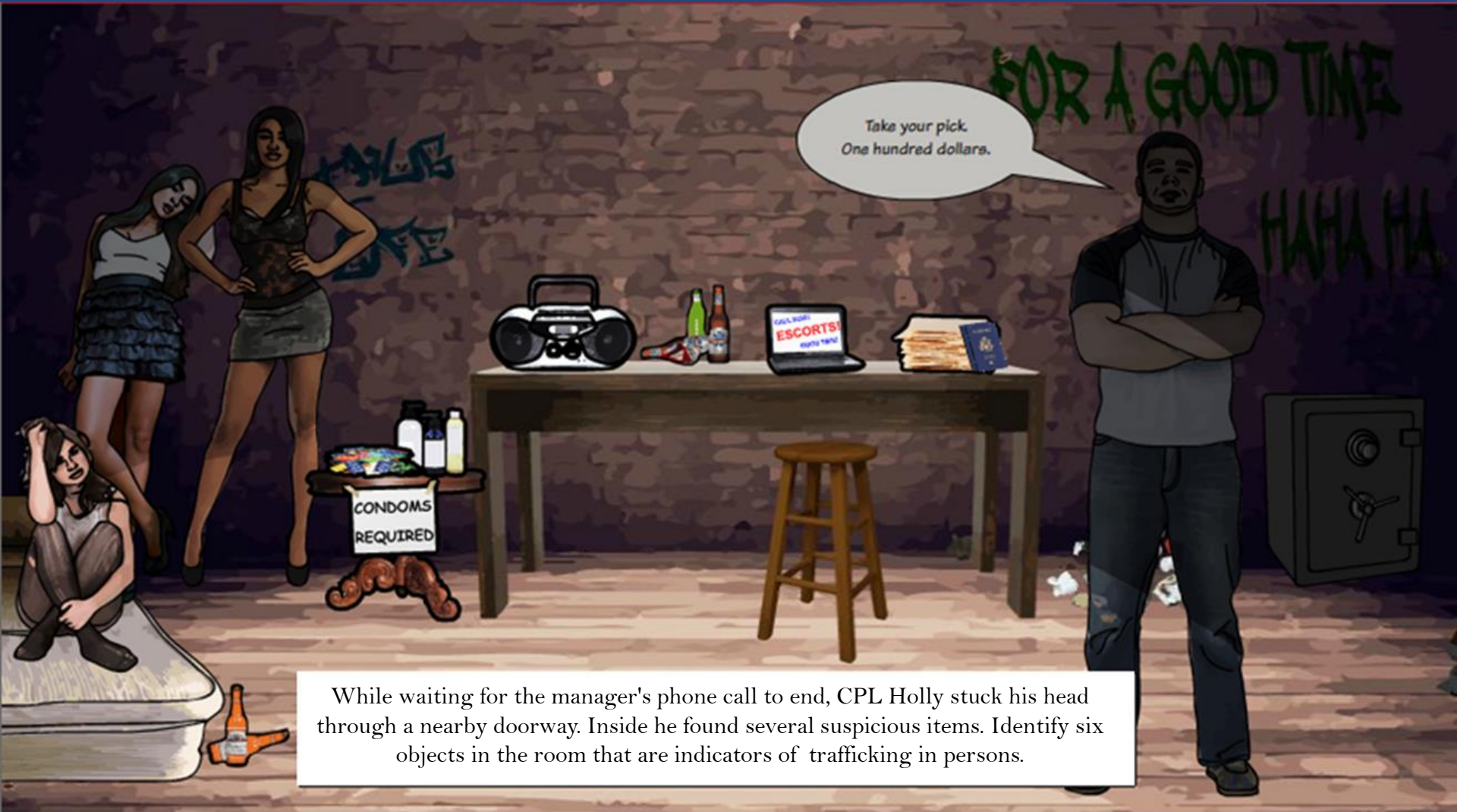
Identifying and Reporting Trafficking in Persons

- Over the next several slides, you will be asked to follow the stories of two characters involved in trafficking in persons scenarios.
- While navigating through each story, think about how the characters should respond in each scenario.

Scenario 1



Indicators of Trafficking in Persons



Decision Point

CPL Holly believes there are several possible indicators of sex trafficking in this bar. This is particularly disturbing because Service members appear to come to the establishment frequently. What should he do?

- A. Report the incident through his chain of command
- B. Call the Department of Defense Inspector General (IG) Hotline (The Department of Defense Inspector General (IG) Hotline (1-800-424-9098, <http://www.dodig.mil/hotline/>) provides a confidential avenue for any individual to report allegations of wrongdoing that fall under the purview of the Department of Defense, including trafficking in persons.)
- C. Leave the bar immediately, but he should not report the incident because it did not occur on the military installation
- D. Investigate further, then report the incident only after he has substantial proof of a sex trafficking violation

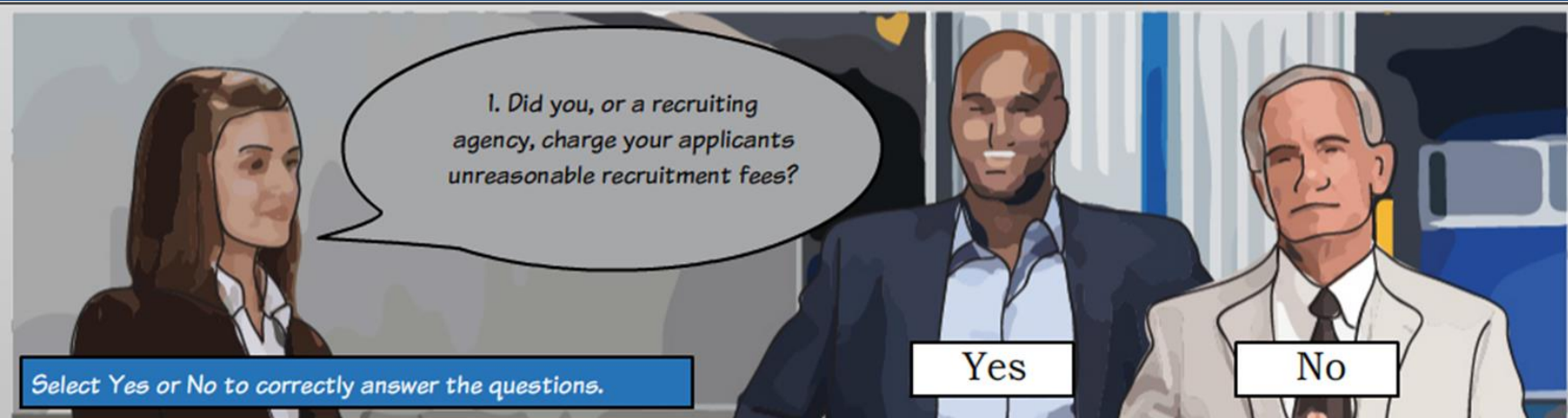
The correct answers are A and B. It is not your responsibility to investigate a situation if you suspect trafficking in persons. It is your responsibility to report it. When you encounter indicators of trafficking in persons, you should call the Department of Defense IG Hotline at 1-800-424-9098. It is a good idea to store this number in your mobile phone or keep it with your other phone contacts. You should also report the situation through your chain of command.

Scenario 2

Ms. Jones, a civilian employee, has a site inspection scheduled with two contractor project managers. Let's follow her story and then help the project managers respond to her questions about human trafficking.



Scenario 2, Question 1

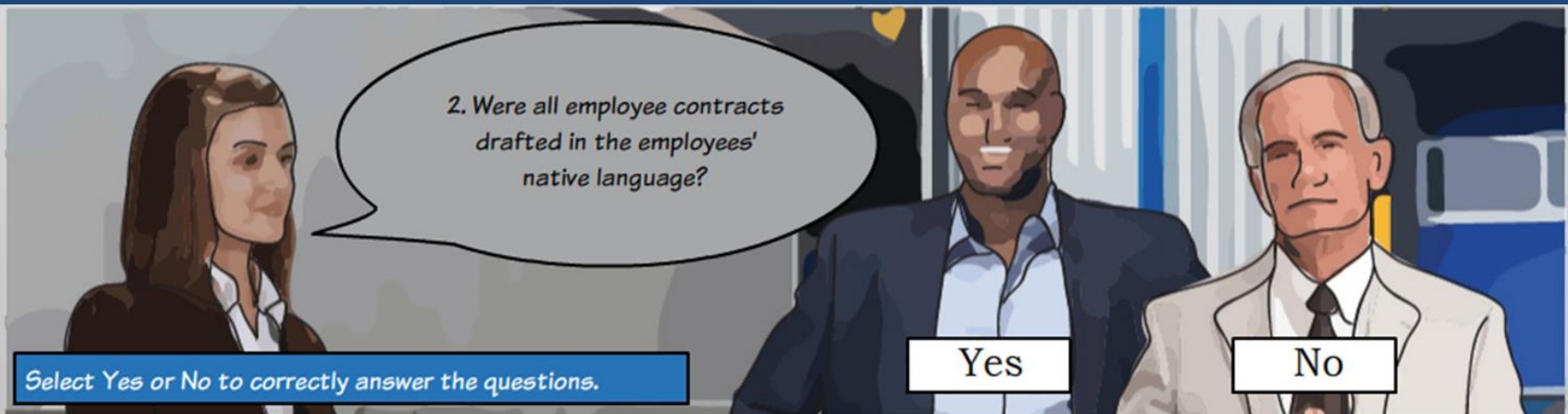


Correct Response - No

The National Defense Authorization Act (NDAA) for Fiscal Year 2013, Title XVII, prohibits charging recruited employees unreasonable placement or recruitment fees. Recruitment fees can sometimes lead to debt bondage. In these cases, workers are unfairly bonded to their work until they can pay off large fees.

Okay

Scenario 2, Question 2




Correct Response - Yes

Employment contracts are sometimes used to deceive individuals who are illiterate or do not speak the language. Deceptive contracts may indicate destination points or commitment dates that differ from initial promises.

Okay

Scenario 2, Question 3



3. Does every employee maintain control of his or her own passport?

Select Yes or No to correctly answer the questions.

Yes

No

Correct Response - Yes

Withholding passports is a method used to control an individual's freedom of movement. Employees must be in control of their own identification documents.

Okay

Scenario 2, Question 4

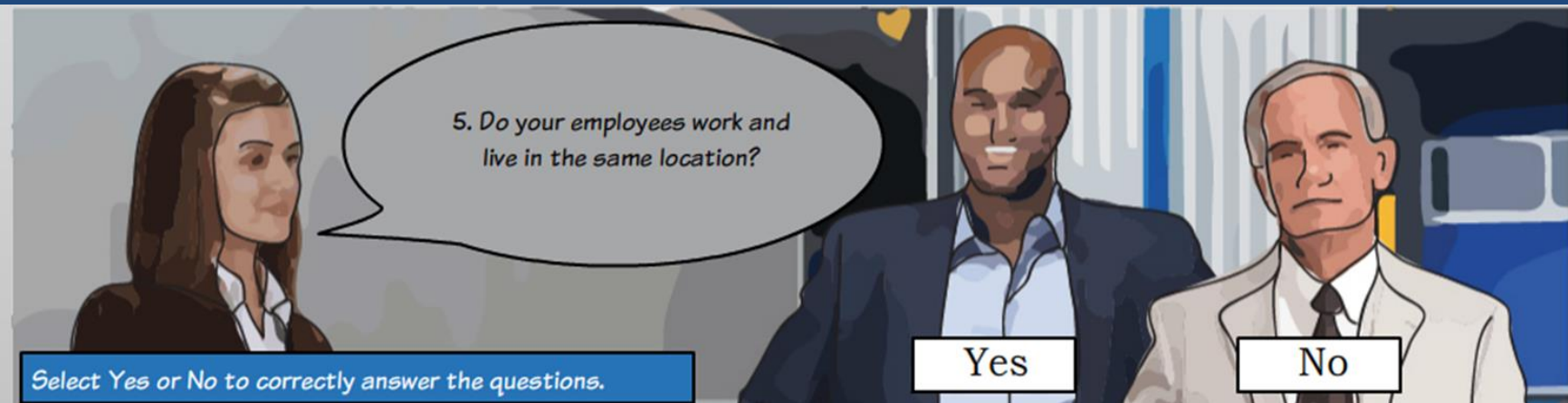


Correct Response - Yes

An employer cannot withhold pay without the employee's consent, which includes restrictions from withholding pay as a form of punishment or bondage.

Okay

Scenario 2, Question 5



Correct Response - No
Working and living arrangements should be safe and sanitary. Employees should not be compelled to live in the same location as the work site.

Okay

Trafficking in Persons Law and Policy

Trafficking in Persons Law and Policy

Over the last several years, Congress and the Executive Branch have developed new legislation and policy to address trafficking in persons.

- Executive Order 13627, 2012
- National Defense Authorization Act (NDAA) for Fiscal Year 2013
- Trafficking Victims Protection Reauthorization Act (TVPRA) 2013
- Federal Acquisition Regulation (FAR) Subpart 22.17
- Defense Federal Acquisition Regulation Supplement (DFARS) 222.17
- Uniform Code of Military Justice (UCMJ), 10 U.S.C. 47

Executive Order 13627, 2012

- Strengthening Protections Against Trafficking in Persons in Federal Contracts
- Strengthens the efficacy of the Government's zero-tolerance policy on trafficking in persons by calling for stronger prohibitions on contractor engagement in human trafficking-related activities, new tailored compliance measures particularly in at-risk industries and sectors, and additional training in support of monitoring, identification, and compliance efforts.

National Defense Authorization Act (NDAA) for Fiscal Year 2013

- Ending Trafficking in Government Contracting Act, Title XVII, Sections 1701-1708
- Allows for contract termination for acts that directly support or advance trafficking in persons, including, confiscating an employee's identity or immigration documents, offering employment using fraudulent pretenses, charging unreasonable placement or recruitment fees, and providing housing that fails to meet the host country housing and safety standards.

Trafficking Victims Protection Reauthorization Act (TVPRA)

2013

- The TVPRA 2013 is a reauthorization of the Trafficking Victims Protection Act (TVPA) 2000, which established a comprehensive approach to trafficking in persons by creating new criminal offenses, and establishing protection and assistance for victims. Among other things, the most recent update, TVPRA 2013, provides resources for holistic services for survivors, prohibits United States funds going to any country using child soldiers, and imposes reporting and compliance requirements on Federal agencies, including the Department of Defense.
- This reauthorization helps ensure United States Government taxpayer money does not support human trafficking.

Federal Acquisition Regulation (FAR)

Subpart 22.17

The United States Government has adopted a zero-tolerance policy regarding trafficking in persons. This policy states that Government contract shall:

- a. Prohibit contractors, subcontractors, and their employees from
 - i. Engaging in severe forms of trafficking in persons during the period of performance of the contract
 - ii. Procuring commercial sex acts during the period of performance of the contract
 - iii. Using forced labor during the period of performance of the contract
- b. Require contractors and subcontractors to notify employees of the prohibited activities described in paragraph (a) of this section and the action that may be taken against them for violations
- c. Impose suitable remedies, including termination, on contractors that fail to comply with the requirements of paragraph (a) and (b) of this section

Additionally, the FAR Clause 52.222-50 should be inserted into Federal solicitations, contracts, and subcontracts.

Defense Federal Acquisition Regulation Supplement (DFARS) 222.17

Supplements the Federal Acquisition Regulation (FAR) Subpart 22.17 in codifying the zero-tolerance policy against human trafficking in Department of Defense supply chains. This supplement includes requirements to:

- a. Adhere to:
 - i. Department of Defense instruction (DoDI) 2200.01 Combating Trafficking in persons
 - ii. DoDI 5525.11 Criminal Jurisdiction Over Civilians Employed By or Accompanying the Armed Forces Outside of the United States, Certain Service Members, and Former Service Members
- b. Develop Quality Assurance Surveillance Plans (QASPs) to monitor human trafficking compliance
- c. Include FAR Clause 52.222-50 in contracts and solicitations
- d. Report contractor noncompliance to the Geographic Combatant Commander.

Uniform Code of Military Justice (UCMJ), 10 U.S.C. 47

The UCMJ is the criminal code that applies to Service members and in time of declared war or a contingency operation, persons serving with or accompanying an armed force in the field. Certain offenses related to sex trafficking may be prosecuted under UCMJ including prostitution; patronizing a prostitute; pandering by compelling, inducing, enticing, or procuring an act of prostitution; and pandering by arranging or receiving consideration for arranging for sexual intercourse or sodomy.

Trafficking in Persons Law and Policy Exercise

Question 1

What provides specific guidance for Department of Defense acquisition workforce in reference to CTIP?



Defense Federal
Acquisition Regulation
Supplement (DFARS)

222.17

Question 2

What is the President's efforts to strengthen the efficacy of the zero-tolerance policy on trafficking in persons by calling for stronger prohibitions on contractor engagement in human trafficking-related activities.?



Executive Order

13627

Question 3

What reinforces previous human trafficking laws by enhancing protection and assistance for survivors of trafficking in persons?



Trafficking Victims Protection
Reauthorization Act (TVPRA)

2013

Question 4

What is the criminal code that applies to Service members and in time of declared war or a contingency operation, persons serving with or accompanying an armed force in the field?



Uniform Code of Military Justice
(UCMJ)

Question 5

What allows for contract termination for acts that directly support or advance trafficking in persons?



National Defense
Authorization Act
(NDAA) for Fiscal
Year 2013

Question 6

What law requires that suitable remedies be imposed on all Federal contractors that fail to comply with CTIP requirements?



Federal Acquisition
Regulation (FAR)
Subpart 22.17

In this course you reviewed how to:

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Resources

- For information related to CTIP in the Department of Defense, visit the CTIP Program Office website at <http://ctip.defense.gov/>.