

The Honorable Janet L. Yellen
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

December 8, 2022

Dear Secretary Yellen and Secretary Blinken:

The undersigned nongovernmental organizations are writing to urge the U.S. government to impose Global Magnitsky sanctions against individuals and entities engaging in human trafficking, including forced labor and sex trafficking. The lack of Global Magnitsky sanctions to address human trafficking is both a significant oversight and an opportunity to bring U.S. influence to bear in support of accountability.

The State Department has [called](#) human trafficking “a grave crime and a human rights abuse,” and President Biden has [said](#) it is “a stain on our society’s conscience and an affront to the ideals that form the basis of our national strength.” Congress has [found](#) that human trafficking is a tremendous source of income for criminal organizations, and the nexus between [sex trafficking and terrorism](#) is well established. With an estimated 25 million [victims](#) of human trafficking around the world at any time, and after the pandemic has exacerbated vulnerabilities to trafficking worldwide, it is more important than ever for the U.S. government to use targeted and effective measures to address this growing scourge.

We believe that targeted sanctions are such a tool. Indeed, Congress included a targeted sanctions [authority](#) in the original Trafficking Victims Protection Act of 2000, though the executive branch has never used it. Among other penalties, targeted sanctions against specific human traffickers and their networks would block the sanctioned parties from transacting with U.S. banks, businesses, and persons, reducing their access to and ability to benefit from U.S. markets and supply chains. Because human traffickers often depend on financial systems, private industries, and global networks to carry out and profit from their abuses, this financial tool that can target perpetrators overseas is well-suited to help stop their actions or provide a measure of redress.

Given the lucrative nature of human trafficking, financial tools like targeted sanctions are essential to promoting behavior change and accountability. In 2014, the [ILO](#) reported that human trafficking generates over \$150 billion in revenue each year. Additionally, some U.S. companies profit significantly from forced labor. Experts have estimated that [\\$144 billion](#) worth of goods made using forced labor enter the U.S. market every year. Forced labor is often either state-sponsored or supported, as in the case of Xinjiang, or widely embraced by specific industries, such as [fishing](#) or [palm oil](#). Unfortunately, many industries have built financial models on a low to zero cost of labor, making it less likely that they will change without external coercion. As part of a broader toolkit, targeted sanctions would increase pressure on companies to strengthen their own due diligence and supply chain standards and substantially restructure their financial and business models to avoid perpetuating profits from human trafficking.

Beyond their financial impact, we believe that the stigma of targeted sanctions can help spur prosecution by national authorities abroad, or provide a measure of justice in cases when those authorities refuse to act. Worldwide, victims face many barriers when seeking domestic legal remedies due to a lack of resources, the risk of harassment and retaliation, the difficulty of satisfying a judicial standard of proof, and the lack of political

will in law enforcement agencies. Even in the United States, some foreign diplomats who have trafficked in domestic workers and profited off their forced labor have then fled to jurisdictions that have been unwilling or unable to hold them to account. U.S. officials can use sanctions to press their partners to overcome these barriers, or they can use them to freeze and potentially seize an abuser's assets in the United States.

We understand there has been debate within the executive branch about the extent to which the Global Magnitsky program can be applied to human trafficking, even though the Biden Administration's [National Action Plan to Combat Human Trafficking](#) recognizes that the Treasury Department's "global [sanctions] programs focused on human rights abuse and corruption" can be used to "target human trafficking conduct." In our assessment, human trafficking is clearly a sanctionable abuse under the Global Magnitsky program's standards because it nearly always involves torture; cruel, inhuman or degrading treatment (CIDT); or a flagrant denial of the right to life, liberty, or the security of person. These, in turn, are all acts that are sanctionable under the Global Magnitsky Act's "gross violations of internationally recognized human rights" standard, when committed by state actors; and the implementing Executive Order 13818's more flexible "serious human rights abuse" standard, which applies to both state and non-state actors.

The international legal community clearly recognizes the links between human trafficking and torture and CIDT. For example, the UN Committee against Torture has repeatedly pointed to the established connection between torture and trafficking in its general [comments](#), [annual reports](#), and [concluding observations](#). In addition, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment observed in a [2016 report](#) that "trafficked [people] are routinely subjected to confinement, severe physical and sexual abuse, humiliation and threats for the purposes of commercial sexual exploitation, domestic servitude, forced and bonded labor and organ removal" and that those "practices unequivocally amount to torture and ill-treatment." Similarly, the [Special Rapporteur's report](#) mentioned that "model programmes developed to provide assistance to victims of classic torture are often used by organizations that assure psychological and medical assistance for trafficked women," underscoring that torture and human trafficking cause similar harms and impacts on survivors.

In addition to frequently involving torture and CIDT, human trafficking is almost always a "flagrant denial of the right to life, liberty or the security of person," as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Human trafficking often involves confinement of the body without free consent, which the UN Human Rights Committee has [described](#) as being contrary to the liberty of person. Human trafficking often violates individuals' bodily and mental integrity, which the committee finds essential to the security of person. Lastly, trafficking all too often entails life-threatening conditions that may also amount to a flagrant denial of these rights.

Some of the undersigned organizations have submitted case files recommending specific individuals and entities involved in human trafficking for Global Magnitsky sanctions. All of us believe that U.S. action in this regard would be impactful. The U.S. government has a responsibility to recognize the gravity of these abuses and encourage behavior change for this atrocity, one that implicates the United States on several levels. Using Global Magnitsky sanctions would be a fitting and impactful step toward both prevention and accountability.

Signed,

Corporate Accountability Lab
Human Rights First
Human Trafficking Legal Center
Liberty Shared
Pan American Development Foundation