

PRESIDENTIAL MEDAL FOR COMBATTING HUMAN TRAFFICKING

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Edited by Ron Fischer

The cluttered landscape of Federal civilian awards, medals and decorations is often hard to navigate and even harder to identify. Some were created by Congress but are now ignored by the agency charged with awarding them. Two good examples are the medals for Lifesaving on Railroads and Lifesaving on Highways. Although mandated by Congress, the Department of Transportation now refuses to award them. There are a substantial number of Presidential awards, some of which he may make in his own right, while others are awarded by him but in the name of Congress. Although some are designated as "Presidential" awards, they are actually awarded only in his name at the cabinet level. Some of the current awards made by the President include:

Presidential Medal of Freedom

Presidential Citizens Medal

Public Safety Officers Medal of Valor

Presidential Award for Distinguished Federal Civilian Service

National Medal of Arts

National Humanities Medal

National Medal of Science

National Medal of Technology and Innovation

Presidential Medal for Mathematics and Science Teaching

Presidential Early Career Award for Scientists and Engineers

Presidents Award for Leadership in Federal Energy Management

Preserve American Presidential Award

Presidents Environmental Youth Award

Young American Medal for Bravery

Young American Medal for Service

The President is very rarely the original advocate for establishing "presidential" awards. Most are either created by Congress or originate in one of the executive departments and are designated for award either by or in the name of the President. Although some of these awards (i.e., the Presidential Medal of Freedom and the Presidential Citizens Medal) may be subject to varying degrees of political influence, others focus very clearly on exceptional achievement in a specific arena. The most recent Presidential medal is a good example: it draws attention to a serious problem and seeks to reward outstanding achievement in combating that problem. This new medal is *the Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons*.

Background and definition of the Problem

"Human trafficking" and "people smuggling" are not the same thing. In people smuggling, those who are smuggled hire others to transport them from one country to another because they would otherwise be unable to legally enter their destination. Once they arrive, they are on their own and are free to fend for themselves. That doesn't mean they are not exploited or harmed by their smugglers. There are ample cases of illegal immigrants being raped, robbed and murdered.

Human trafficking, on the other hand, violates the victim's rights by coercion and or exploitation. Its primary goal is not to illegally transport people, but rather to exploit them for economic or sexual reasons. Thus, smuggling requires travel, but trafficking may not, even though the term "trafficking" suggests transportation or movement. Unlike most cases of human smuggling, victims of human trafficking are not permitted to leave upon arriving at their destination or after they come under the control of their traffickers. Instead they are held against their will by force or coercion to either work for the trafficker or to provide "services" to the trafficker or his clients. This can range from forced labor to commercialized sexual exploitation. In some cases it may be structured as a work contract with low (or no) payment or work on terms that otherwise exploit the victim. The exploitation of victims for economic reasons takes two primary forms.

Bonded labor: The victim becomes "bonded" when forced to work to repay a loan or service. The victim has little or no control over the terms of the "indebtedness," and his labor may not even be applied toward liquidation of the debt.

Forced labor: Victims are forced to work against their will under the threat of violence or some other form of punishment; their freedom to move about is restricted, and a kind of "ownership" is imposed on them. Men are at risk of being trafficked for unskilled work. Women are often forced into prostitution. Forced labor also includes domestic servitude, agricultural labor, sweatshop factory labor, janitorial, food service and other service industry labor, and forced begging.

Human Trafficking in the United States

The U.S. Department of Justice's 2011 report, "Characteristics of Suspected Human Trafficking Incidents, 2008-2010," reported the following;

From 2008 to 2010, Federal anti-trafficking task forces opened 2,515 suspected cases of human trafficking;

82% of suspected incidents were classified as sex trafficking and nearly half of these cases involved victims who were under the age of 18;

Approximately 10% of the incidents were classified as labor trafficking;

83% of victims in confirmed sex-trafficking incidents were identified as U.S. citizens, while most confirmed labor-trafficking victims were identified as undocumented immigrants (67%) or legal immigrants (28%).

According to the Department of State report, most of the victims in the United States were from Thailand, India, Mexico, Philippines, Haiti, Honduras, El Salvador, and the Dominican Republic (although U.S. citizens have also been victims of human trafficking). The State Department also noted that "vulnerabilities are increasingly found in visa programs for legally documented students and temporary workers who typically fill labor needs in the hospitality, landscaping, construction, food service, and agricultural industries." Human trafficking consistently occurred in high-population areas that serve as hubs for international travel and that have large immigrant populations. Thus, higher numbers of cases were found in California, New York, Texas, and Florida. This is consistent with the U.S. Department of Justice report that the largest concentrations of survivors of human trafficking were located in California, Oklahoma, New York, and Texas.

The Federal Response

The federal government has played an increasingly aggressive role in this arena, starting with the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386), the Trafficking Victims Protection Reauthorization Act of 2003 (H.R. 2620), the Trafficking Victims Protection Reauthorization Act of 2005 (H.R. 972), and the Trafficking Victims Protection Reauthorization Act of 2008 (H.R.7311). These laws provide the tools to combat trafficking in persons both worldwide and domestically. These laws also authorized the establishment of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons to assist in the coordination of anti-trafficking efforts.

In the United States, human trafficking is a federal crime under Title 18 of the United States Code. Specifically, 18 USC §1584 makes it a crime to force a person to work against her or his will, whether the compulsion is accomplished by the use of force, threat of force, threat of legal coercion, or "a climate of fear" (an environment wherein individuals believe they may be harmed by leaving or refusing to work). Under a related section (18 USC §1581) it is a federal crime to force a person to work through "debt servitude." Human trafficking as it relates to involuntary servitude and slavery is also prohibited by the 13th Amendment. Federal laws on human

trafficking are enforced by agencies within the Department of Homeland Security and the Department of Justice. (l)

(1) For further information, google “the Blue Campaign” by the Department of Homeland Security.

The federal government's efforts are driven in part by the President's Interagency Task Force, which is a cabinet-level entity created by the Trafficking Victims Protection Act of 2000. It was established to coordinate federal efforts in this area and meets annually and is chaired by the Secretary of State. The same legislation also created the Senior Policy Operating Group, which consists of senior officials and which coordinates interagency policy, grants, research, planning issued involving international trafficking in persons. The Senior Policy Operating Group meets quarterly.

Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons

Section 109 of the William Wilberforce Trafficking Victims Protection Act of 2008 authorized the President to establish *the Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons* and directed the establishment of procedures for selecting its recipients.

(2) The law provides that, "The President is authorized to establish an award ... for extraordinary efforts to combat trafficking in persons. To the maximum extent practicable, the Secretary of State shall present the award annually to not more than 5 individuals or organizations. Interestingly, the award criteria provide that the range of recipients should include nominees from the following categories:

U.S. citizens, including federal, state, and local public servants;

U.S. businesses, faith-based groups, non-government organizations, and federal, state, and local government entities;

Foreign nationals;

Foreign non-government organizations; and,

U.S. citizens or foreign nationals under age 30.

(No reason is given for the desire to make an effort to include people under the age of 30)

The "extraordinary efforts" needed to qualify for the award are:

Especially courageous conduct in a unique set of circumstances or in a particular case;

By an extended period of sustained achievement; or,

By particularly innovative efforts in a certain areas, such as prosecution, prevention, and partnership.

(2) Public Law 110-457 ("2008 TVPRA"), which amended the Trafficking Victims Protection Act of 2000 (22 USC §7101 et seq.)

The Medal: The medal itself was designed and developed for the State Department by the Army's Institute of Heraldry. It is stunning in its design, which includes elements of the Presidential seal that are also found in the Presidential Citizens Medal.



The Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons,
Obverse and Reverse



Medal presented to members of a Task Force receiving the Award as a unit.

Obverse and Reverse.



At the White House Forum to Combat Human Trafficking in May of 2013, Freedom Network founder and Chair Emeritus Florrie Burke was presented with the first ever Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons. The award is for her “sustained dedication and unparalleled leadership in combating modern slavery through the development and delivery of comprehensive services and the empowerment of survivors to move from slavery to independence, and the transformation of policy to eradicate all forms of human trafficking.” The award document is signed by President Barack Obama.

The award document was presented by Cecilia Muñoz, Director of the Domestic Policy Council and Ambassador Luis CdeBaca of the Office to Monitor and Combat Trafficking in Persons, U.S. Department of State.

Secretary of State John Kerry then presented Ms. Florrie R. Burke with the inaugural medal part of the *Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons*. Ms. Florrie R. Burke, is a human rights advocate, specializing in combating human trafficking.



Coalition to Abolish Slavery & Trafficking received the Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons. From left: Survivor Organizer Ima Matul, Executive Director Kay Buck, Survivor Advocate Evelyn Chumbow and President of the Board Butch Schuman.

Los Angeles-based Coalition to Abolish Slavery & Trafficking (CAST) is the first non-profit organization to receive the Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons. Secretary of State John Kerry presented a framed, engraved medallion to CAST at the beginning of the annual meeting of the President's Interagency Task force to Monitor and Combat Trafficking (PITF). CAST's Executive Director Kay Buck, Board President Butch Schuman, Survivor Organizer Ima Matul and National Survivor Network Member Evelyn Chumbow received the Presidential Award on CAST's behalf. Published on Apr 9, 2014.

Sources:

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Medal Photos courtesy of the US Army Institute of Heraldry

First awards of both medals from press releases, screen grabs, and photos from the White House Forum to Combat Human Trafficking.