

THE WHITE HOUSE

WASHINGTON

December 16, 2002

NATIONAL SECURITY PRESIDENTIAL DIRECTIVE/NSPD-22

MEMORANDUM FOR THE VICE PRESIDENT

THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF LABOR
THE SECRETARY OF HEALTH AND HUMAN SERVICES
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF HOMELAND SECURITY
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
ASSISTANT TO THE PRESIDENT FOR HOMELAND
SECURITY
COUNSEL TO THE PRESIDENT
DIRECTOR OF CENTRAL INTELLIGENCE
ADMINISTRATOR, AGENCY FOR INTERNATIONAL
DEVELOPMENT
COMMANDANT, U.S. COAST GUARD
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
DIRECTOR, NATIONAL SECURITY AGENCY
COMMISSIONER, U.S. CUSTOMS SERVICE

SUBJECT: Combating Trafficking in Persons (U)

This National Security Presidential Directive instructs federal agencies to strengthen their collective efforts, capabilities, and coordination to support the policy to combat trafficking in persons. (U)

Policy Principles

The policy of the United States is to attack vigorously the worldwide problem of trafficking in persons, using law enforcement efforts, diplomacy, and all other appropriate tools. Trafficking in persons is a transnational threat, involves grave violations of human rights, and is an affront to human dignity and the principles for which this country stands. We must combat this trafficking and protect and assist its victims both domestically and globally. (U)

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It is important that all relevant agencies in the United States Government work together to address this worldwide problem. Trafficking in persons is often linked to organized crime, and profits from trafficking enterprises help fuel other illegal activity. The growth of vast transnational criminal networks supported in part by trafficking in persons fosters official corruption and threatens the rule of law. Trafficking in persons can have a destabilizing effect on nations, particularly vulnerable less-developed countries where erosion of the rule of law and decreased foreign investment can lead to increased poverty, violence, and other negative societal consequences. Our commitment to eradicate trafficking in persons reflects our values and our responsibility to defend human rights; it is, therefore, a critical element of the foreign policy of the United States. (U)

Our policy must include:

- Vigorously enforcing the law against all those who traffic in persons, including recruiters, transporters, harborers, buyers, and sellers, and including members of international criminal cartels and networks;
- Raising awareness at home and abroad about this unacceptable practice and how it can be eradicated;
- Identifying, protecting, and assisting those exploited by trafficking;
- Reducing the vulnerability of individuals to trafficking through increased education, economic opportunity, and protection of human rights; and
- Employing diplomacy and foreign policy tools to encourage other nations to work with us to combat this crime and hold accountable those who are engaged in it. (U)

Our policy is based on an abolitionist approach to trafficking in persons, and our efforts must involve a comprehensive attack on such trafficking, which is a modern day form of slavery. In this regard, the United States Government opposes prostitution and any related activities, including pimping, pandering, or maintaining brothels, as contributing to the phenomenon of trafficking in persons. These activities are inherently harmful and dehumanizing. The United States Government's position is

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that these activities should not be regulated as a legitimate form of work for any human being. (U)

The policy of the United States is to treat trafficked people as victims. To that end, we will support initiatives that provide education and employment opportunities to victims of trafficking, as well as shelter and services as these victims rebuild their lives. We will also support initiatives to help prevent trafficking, particularly among vulnerable populations such as women and children, including effective educational campaigns to warn them of the dangers posed by traffickers. (U)

Structure

Given the transnational nature of this problem, strong coordination among agencies working on domestic and foreign policy is crucial. I have established the President's Interagency Task Force to Monitor and Combat Trafficking in Persons to coordinate domestic and international implementation of our policies to combat trafficking in persons in accordance with Executive Order 13257. The Task Force shall oversee the development of strategy, planning, and implementation in accordance with Executive Order 13257 of the United States Government policies on this issue, supported by a Senior Policy Advisory Group under the Democracy, Human Rights, and International Operations Policy Coordination Committee (PCC). (U)

Through the Senior Policy Advisory Group of the PCC, the Department of State, Department of Justice, Department of Labor, Department of Homeland Security, Department of Health and Human Services, Department of Defense, Department of the Treasury, U.S. Agency for International Development (USAID), Central Intelligence Agency, Office of Management and Budget, and others shall work together as needed to develop a coordinated strategy for active diplomatic engagement, marshalling law enforcement resources, gathering and sharing intelligence, obtaining international cooperation, and providing specialized law enforcement training as necessary to combat trafficking in persons. Under the direction of the Secretary of State, the Office to Monitor and Combat Trafficking in Persons in the Department of State will assist the Secretary, the Task Force, and the Senior Policy Advisory Group of the PCC with advice in the implementation of the Trafficking Victims Protection Act of 2000 (Division A of Public Law 106-386) and Task Force initiatives. (U)

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Definitions

This directive adopts the definitions contained in the Trafficking Victims Protection Act of 2000 (Division A of Public Law 106-386). (U)

Plan of Action

1. Implementing Training in United States Government Agencies

Departments and agencies shall ensure that all of the appropriate offices within their jurisdiction are fully trained to carry out their specific responsibilities to combat trafficking. This includes interagency cooperation and coordination on the investigation and prosecution of trafficking. At a minimum, the following Department of Justice components shall have training programs in place: the Federal Bureau of Investigation, the Civil Rights Division, the Criminal Division, the Office of Justice Programs, and the U.S. Marshals Service. In addition, the Departments of Homeland Security, State, Defense, Labor, and Health and Human Services, and other departments and agencies, as necessary, shall develop and implement training programs. (U)

The United States hereby adopts a "zero tolerance" policy regarding United States Government employees and contractor personnel representing the United States abroad who engage in trafficking in persons. Departments and agencies shall adopt policies and procedures to educate, as appropriate, personnel and contract employees on assignment or official travel abroad about trafficking in persons, to investigate, as appropriate, any allegations of involvement in trafficking by such personnel, and to punish, as appropriate, those personnel who engage in trafficking in persons. To the extent permitted by law, punishment may include disciplinary actions for United States Government personnel, and civil remedies such as debarment and suspension procedures for United States Government contractors engaged in trafficking. (U)

3. Developing Cooperation with State and Local Law Enforcement in the United States

To combat trafficking throughout the country, interagency and inter-jurisdictional cooperation is essential. Federal, State, and local law enforcement will need to take the initiative in investigations and prosecution. (U)

Local law enforcement officers play a crucial role in identifying trafficking in their jurisdictions. The Departments of Labor, Justice, Homeland Security, and Health and Human Services shall coordinate and offer specialized training and assistance to State and local law enforcement, as appropriate, to assist them in recognizing those exploited by trafficking and in combating trafficking rings and perpetrators. (U)

In addition, the training shall help law enforcement to distinguish between trafficking in persons and migrant smuggling and recognize efforts to abuse the immigration system for trafficking purposes. (U)

The Department of Health and Human Services, in conjunction with the Departments of Justice and Homeland Security, and other departments and agencies, as appropriate, shall develop a strategy to better identify and assist those adults and minors who have been victims of a severe form of trafficking. (U)

Strengthening Law Enforcement Cooperation: The Departments of Justice and State, and USAID, in consultation with other departments and agencies, shall continue to educate international visitors to the United States on U.S. anti-trafficking activities, and to provide expertise and assistance in training prosecutors, police, legislators, and judges overseas to combat human trafficking. Cooperation on investigations and prosecutions should be pursued as appropriate. (U)

Strengthening the Role of Civil Society Institutions: The Departments of State, Justice, Health and Human Services, USAID and others shall continue to support efforts to develop civil society institutions to promote the human rights of victims and populations vulnerable to trafficking, support law enforcement, and provide victims with services and protection. Our efforts to support the role of civil society will also help strengthen the rule of law, improve economic well-being, fight corruption, and generally help to promote democratic principles. These actions in support of civil society will help eliminate the conditions in which traffickers thrive. (U)

Use of International Instruments: The Department of State in consultation with relevant departments and agencies shall conduct a review of current U.S. treaty obligations and treaties to which the United States is not a party with a view toward strengthening international tools against trafficking. (U)

Diplomacy and the Use of the Trafficking in Persons Report: The Department of State shall continue to refine the methodology for gathering and analyzing information in order to produce its annual Trafficking in Persons Report. Its goals must be to make the Report as effective an instrument as possible for expanding dialogue with those countries interested in fighting trafficking and to highlight governments that have the weakest record with respect to fighting trafficking. The Department of State may draw on all available sources of information in order to prepare the most complete report. (U)

The Department of State shall use bilateral diplomatic efforts to heighten the awareness of a country's efforts, or lack thereof, to combat trafficking, to explain their specific placement on one of three tiers in the Trafficking in Persons Report, and to advocate specific steps for improving national and regional efforts to combat trafficking. (U)

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Strengthening the Work of Regional and International Organizations to Prevent and Combat Trafficking: The Department of State in conjunction with the Departments of Justice, Health and Human Services, Homeland Security, and Labor, and USAID shall, through the Senior Policy Advisory Group, develop priorities and objectives for combating trafficking in persons through multilateral institutions, including the United Nations, the G-8, the Organization for Security and Cooperation in Europe (OSCE), the Association of Southeast Asian Nations, the African Union, and the Organization of American States. (U)

5. Integrating and Coordinating International Programs

There are a variety of new and existing foreign assistance tools, including domestic and international grant-making

programs, contracts and sub-contracts, Memorandum of Understanding, technical assistance agreements, other funding mechanisms, public awareness campaigns, and other activities, that have been or can be used to combat trafficking in persons. (U)

Departments and agencies shall coordinate U.S. foreign assistance programs, including those that provide funding to governmental or non-governmental organizations, bilaterally, multilaterally, or through international organizations, and public awareness programs to combat trafficking in persons. Departments and agencies will seek to ensure that contractors receiving U.S. funding are not engaged in trafficking or activities intended to further trafficking. Departments and agencies will ensure that their priorities are consistent with the policy set forth in this Directive as well as the Department of State's annual Trafficking in Persons Report tier classifications. Departments and agencies will develop a consensus, through interagency consultations and in consultation with United States Missions overseas, on the highest priority countries to receive anti-trafficking assistance. (U)

Implementation

Department and agency heads shall expedite implementation of this Presidential Directive. Agencies shall review their internal structures, personnel requirements, capabilities, information systems, professional education programs, training procedures, legislative authorities, and budgets to accommodate the provisions of this Directive. The Democracy, Human Rights, and International Operations PCC shall monitor agency implementation of this Directive and advise Deputies on any actions needed to improve implementation. Department and agency heads shall, within 90 days of the effective date of this Directive, promulgate plans to implement this Directive. Plans should be submitted to and coordinated with the Senior Policy Advisory Group of the Democracy, Human Rights, and International Operations PCC. (U)

A large, stylized handwritten signature in black ink, appearing to read 'G. R. H.', is located at the bottom center of the page. To the right of the signature, there is a large, hand-drawn bracket-like shape that encompasses the signature and extends upwards towards the 'Implementation' section.