

# OUT OF THE SHADOWS: THE GLOBAL FIGHT AGAINST HUMAN TRAFFICKING

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## HEARING BEFORE THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED ELEVENTH CONGRESS SECOND SESSION

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## **OUT OF THE SHADOWS: THE GLOBAL FIGHT AGAINST HUMAN TRAFFICKING**

**THURSDAY, SEPTEMBER 30, 2010**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:05 a.m., in room 2172, Rayburn House Office Building, Hon. Howard L. Berman (chairman of the committee) presiding.

Chairman BERMAN. The committee will come to order.

In a moment, I will recognize myself and the ranking member for up to 7 minutes each—the ranking member for this hearing will be the gentleman from New Jersey, Mr. Smith; there is a certain appropriateness to that in this particular hearing—and also Mr. Royce for a 3-minute opening statement. Any other members who come can have 1-minute opening statements. And, without objection, members may also place written statements in the record.

Human trafficking, or “trafficking in persons,” is an affront to human dignity that links communities across the world in a web of money, exploitation, and victimization.

Trafficking encompasses many types of exploitative activities, including sex trafficking, slavery, forced labor, peonage, debt bondage, involuntary domestic servitude, and making children into soldiers.

The International Labor Organization estimates that 12.3 million children and adults are currently suffering from forced labor, bonded labor, and forced prostitution worldwide. Of that number, approximately 2.4 million are trafficked either internally or across national borders.

Human trafficking is a \$32 billion global criminal enterprise, second only to illegal drugs in the profits it generates for its perpetrators, which range from sophisticated criminal syndicates, to independently owned businesses with labor recruiters, to family operations.

Trafficking is a problem that can be effectively confronted only through cross-border cooperation, but it has proven very difficult to combat.

Next month marks the 10th anniversary of enactment of the Trafficking Victims Protection Act, authored by our colleague Chris Smith. That law provided protection and assistance for victims of trafficking, authorized public awareness prevention campaigns and strengthened the prosecution and punishment of traffickers.

We have reauthorized the Trafficking Victims Protection Act several times and, in the process made the act much more effective in protecting the most vulnerable and punishing the guilty.

One hundred fifteen other nations now have laws on the books banning all forms of trafficking, and the number of victims identified and traffickers prosecuted has grown over the years.

But trafficking remains a persistent problem, and many challenges remain—both at home and abroad—as we look to the next decade of anti-trafficking efforts.

Earlier this month, the Department of Justice and the FBI dismantled the Nation's largest human trafficking ring and indicted six recruiters for bringing 400 Thai laborers to the United States.

These laborers were lured to the United States with false promises of high-paying jobs. Some of the victims were duped into paying up to \$21,000 in recruiting fees. Once in this country, their passports were confiscated and they were forced to work under slave-like conditions. If the victims complained, they were threatened with deportation.

They lived without electricity, sanitation, and running water. They were cheated out of their wages for back-breaking work picking fruits and vegetables. Because their food rations were insufficient, many had to resort to eating leaves or fishing in rivers.

This example of forced labor trafficking involved labor brokers who convinced their victims that they were not “free” until they first paid off their recruitment fee debt. With a high debt, workers entered into a debt bondage situation and became vulnerable to exploitation.

We need to pay particular attention to this form of forced labor trafficking and examine the role of labor brokers and how their presence increases the chances of exploitation of workers. According to Anti-Slavery International, debt bondage is “probably the least known form of slavery today, and yet it is the most widely used method of enslaving people.”

The State Department's annual Trafficking in Persons Report contains a wealth of information about debt bondage, forced labor, and other forms of trafficking worldwide. The report also provides a country-by-country analysis and ranking, based on what progress countries have made throughout the year in their efforts to prosecute, protect, and prevent trafficking in persons.

We are honored to welcome Ambassador-at-Large Luis CdeBaca, who oversaw the compilation of this year's TIP Report. We are particularly interested in hearing from him about the major trends and challenges in trafficking, whether sanctions are a useful tool in persuading other nations to increase cooperation with the United States in anti-trafficking efforts, and the U.S. ranking in the report.

The fight against human trafficking is the modern-day continuation of the fight against slavery. It is the fight to give all people the dignity they deserve, and to prevent human beings from being reduced to machines for production or pleasure.

A number of my colleagues on both sides of the aisle have been leaders in the fight against human trafficking and in the months ahead we will continue our efforts to make the Trafficking Victims Protection Act as effective as possible.

In addition to Ambassador CdeBaca, we have an extraordinary and distinguished panel of experts with us today that will address some of the key issues associated with human trafficking.

I should let the audience and others who might be following this hearing know that, when we set this hearing, we expected Congress to be in session through next week. When it got into the early and middle of September, we expected Congress to be in session through Friday. And it turns out Congress recessed for the election last night.

The one thing I can assure people is that Members of Congress and members of this committee have a very high interest in this subject. Because of the schedule, a number of members aren't going to be at the hearing this morning. We have circulated the testimony and the information was passed around.

And now I am very pleased to turn to the ranking member for this hearing, the ranking member of the Africa and Global Health Subcommittee, the author of the original legislation, Chris Smith, for any comments he may wish to make.

[The prepared statement of Chairman Berman follows:]

Thursday, September 30, 2010

Verbatim, as delivered

**Chairman Howard L. Berman's opening statement at hearing, "Out of the Shadows: The Global Fight Against Human Trafficking"**

Human trafficking, or "trafficking in persons," is an affront to human dignity that links communities across the world in a web of money, exploitation, and victimization.

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Mr. SMITH. Mr. Chairman, thank you very much, and especially thank you for convening this very important hearing on human trafficking.

You know, Mr. Chairman, we have come a long way since a September 1999 hearing that I chaired on human trafficking in this very room—it was part of a series—almost 11 years to the day today. And that particular hearing, then-Assistant Secretary Howard Koh called human trafficking "a global plague" and said that, while the Clinton administration supported the objective of the bill to combat trafficking, he testified that the existing legislative framework was sufficient and that new legislation should not focus on developing new institutions or establishing onerous new requirements. Beefed-up reporting in the annual country reports on human rights practices, he said, would suffice.

Secretary Koh further testified that the administration sharply objected to singling out and sanctioning countries with poor records and government complicity in trafficking, but did agree on the need for alien asylum protection and enhanced criminal penalties for traffickers.

That said, we pushed hard and ahead, in a totally bipartisan fashion, and crafted comprehensive landmark legislation known as the Trafficking Victims Protection Act (TVPA).

So many remarkable people did so much—too many to name today—to help shape that bill. Top staffers on my committee, Joseph Rees, who was our general counsel, and David Abramowitz, who will be speaking momentarily on the second panel on the Democrats' side, were extraordinary in helping to craft that bill. And I thank them, because this is an enduring legacy for the most vulnerable and the weakest among us. On the Senate side, people like Mark Lagon and other staffers also played a vital role. And, again, it was totally bipartisan over there, as well.

As a direct consequence of the TVPA and faithful implementation of it since it was enacted, for the past decade the United States has

led the world in combating modern-day slavery. Much has been done; much more remains to be done.

Three Presidential administrations, one Republican and two Democrats, have vigorously sought to protect and rescue victims from being turned into commodities for sale. Three administrations have sought to punish traffickers with rigorous prosecutions and jail sentences, both here and promoting that abroad, commensurate with these heinous crimes. And in the last 3 years especially, nations have been strongly admonished to be compliant with the law's minimum standards or face significant sanctions.

Ambassador Mark Lagon did an amazing job at the TIP office under the Bush administration, as is Assistant Secretary Luis CdeBaca today under President Obama. The United States is, indeed, fortunate to have had and have individuals of their caliber, their competence, and their commitment leading the fight against trafficking.

In 2010, the good news is that convictions are significantly up worldwide, as is the identification and the response to the victims: Shelters providing safe haven—and we are trying in this country to expand the shelters that are available, and the beds as well.

As special rep for trafficking for the OSCE Parliamentary Assembly, I can also attest to the fact that significant progress has been made in many member states, including Bosnia, which I visited on several occasions. I have been to shelters in Sarajevo. And it was the focus of hearings we held, because, unfortunately, many of the peacekeepers and the police deployed there under the U.N. auspices were actually complicit in trafficking.

Today, I would strongly urge Ambassador CdeBaca to undertake a comprehensive reassessment of at least two Watch List nations, China and India, for failing to meet the minimum standards prescribed in the TVPA and for not taking significant action to comply.

I would respectfully ask that you undertake a serious analysis of the nexus between the PRC's barbaric one-child-per-couple policy and its consequences on sex trafficking. I know Ambassador Mark Lagon began to speak about that during his tenure in office, and I think the evidence is absolutely compelling and grows worse by the day.

This past Saturday marked the grim 30th anniversary of that anti-child, anti-woman policy. I would note parenthetically that more babies have been murdered by the one-child-per-couple policy, especially baby girls, than all the people slaughtered by Mao Tse-tung.

China's one-child-per-couple policy has resulted in the worst gendercide in history. Today, the missing girls of China, a massive crime against young women, means that an increasing number of men simply cannot find wives to marry. Some Chinese demographers have stated, by the year 2020, 40 million Chinese men won't be able to find wives, having been killed by sex-selected abortion, creating a colossal market for bride-selling and sex trafficking.

Earlier this week, we heard in this room, at a Tom Lantos Human Rights hearing chaired by Ed Royce, we heard from three North Korean women who made it across the border into China, thinking they were finding some kind of refuge and some kind of hope going there, only to be trafficked. And one of the women told

us that they are called “pigs” by the Chinese men who enslaved them. And because one of the particular women was beautiful—she is a model—she said, “They called me the best pig”—so dehumanizing to that woman and to all women.

Years ago, I held a hearing, also with North Korean refugees, and one of the women told us how she had made it across the border, first following her daughter. She was trafficked. When she and her other daughter—because news does not get back to the families; they were looking for her—they, too, were then trafficked.

So this magnet that has been created by the one-child-per-couple policy will only mean, going forward, that there will be more missing girls and a greater push by traffickers to bring women in.

In India, it is very similar, although it is not a coercive population-control program, but unfortunately women are not treated with the same equality to which they are entitled, and sex-selection abortion is rampant there. Some years ago, the Human Population Fund actually did a study and suggested that, in India, there are missing at least 60 million girls due to sex-selection abortions. Again, a huge magnet in India, as well.

And I would hope, Ambassador CdeBaca, that you will take a good, hard look at this nexus between this terrible crime of forced abortion and sex-selection abortion and human trafficking because it is only going to get worse.

I yield back, and I thank the chairman for convening this hearing.

Chairman BERMAN. Thank you very much.

I am pleased to yield 3 minutes to the gentleman from California, Mr. Royce, the ranking member of the Terrorism, Non-proliferation and Trade Subcommittee.

Mr. ROYCE. Thank you very much, Mr. Chairman. And thank you for calling this hearing.

The issue that really strikes us is the explosion of human trafficking that we have seen over the last few years. It is the magnitude of this explosion. And I think the thing we all ask is, why isn't this getting the attention it deserves? Why isn't more being done to leverage against this? I want to thank the chairman for holding this hearing to do exactly that.

I also want to thank Chris Smith for the legislation that he has offered up, that he has worked so hard to pass over the years in order to try to address this real travesty.

My hope, coming out of this hearing, is that it will focus attention beyond the NGO community to the wider international community about the fact that something has to be done to address and stop these practices.

And I think the State Department's report that it released, its annual Trafficking in Persons Report, in some ways, is a tool that we can use. It catalogs those human-rights abuses around the world. It was the first report to include the United States, and we are certainly not immune from this crime.

That is evidenced by the arrest and conviction, for example, of a New Jersey woman who smuggled girls from West Africa to the U.S., forced them to work every day, 14 hours a day, in her hair salons without ever paying them. Thankfully, this trafficker now faces 27 years in prison.

There are too many cases like that at home, but that 27-year conviction sends a message to other traffickers that, here in the United States, we are serious about this and there will be serious consequences to trafficking.

What we want to do is make certain that other nations also send that message, that there are serious consequences. In that respect, I am going to take a minute to criticize a portion of this TIP Report that falls short.

I was disappointed to see that Cambodia was bumped up a level. It is no longer identified among the world's worst violators of human trafficking. In some ways, the administration has released the pressure on Cambodia at a time when the situation is really out of control.

Put very bluntly, this is a slap in the face to the thousands of victims in Cambodia of this practice, because so many girls there continue to be forced into sexual slavery. You just saw the news report from "Dateline." Many here who are involved in this issue or concerned and following this issue saw that report, where they say Cambodia continues to be such a magnet for people who prey on the young.

There, children as young as 3 or 4 are sold to sex tourists. My own chief of staff traveled to Cambodia to work with some of the children just recently released from brothels. The stories that she relays to me were absolutely horrifying.

Sadly, NGOs and eyewitnesses report that Cambodia's Government continues to hamper trafficking investigations and frequently covers up the problem. As a matter of fact, the government goes after people who bring up the problem in Cambodia.

If I could ask for a few more minutes, Mr. Chairman.

Chairman BERMAN. I ask unanimous consent to give the gentleman an additional minute.

Mr. ROYCE. I would really appreciate it if you could, Mr. Chairman. Thank you.

The corruption is endemic. Local police and government officials are often directly involved in the trafficking. They are pocketing profits as a result. We should not be elevating Cambodia on that report.

Today we will also hear from one of our witnesses about trafficking in India, where caste-based discrimination against its Dalits results in millions of women and children being victims of human trafficking. Of the 3 million sex workers in India, nearly 40 percent are children, most are Dalits. The Indian Government has made recent efforts to protect Dalits, but, clearly, much more needs to be done to eliminate a very longstanding and entrenched practice.

No country is immune from the problem of human trafficking. Only with increased accountability and honesty can we help some of the world's most marginalized people.

I would like to thank the chairman once again for holding this important hearing.

Chairman BERMAN. Thank you.

The time of the gentleman has expired. The gentleman from Texas, Mr. Poe, is recognized for 1 minute.

Mr. POE. Thank you, Mr. Chairman. I appreciate you holding this hearing.

This issue thrives in darkness, and it is going to be, I hope, the goal of the United States to shed light on this human-trafficking nightmare, not only on the rest of the world but what takes place in the United States, as well.

In my other life, I was a judge in Texas forever and saw the results of some of these issues. And I think, being from Texas, I have to keep it simple. There are three people involved in human trafficking, at least: First and foremost is the victim. And the young girl that is kidnapped and forced into slavery is not a criminal; she is a victim of crime. Then you have the customer who pays for this slavery. And then you have the trafficker. You got three entities.

And, first and foremost, we need to regard the young woman—generally—as a victim and treat her as such. It is interesting, if we have a child brought into the United States that is trafficked here and she is rescued by the system, she is treated as a victim. If we have a child in Houston, Texas, that is trafficked to Los Angeles, that child is treated as a criminal. She is not rescued and put in some safe haven; she is put in the criminal justice system.

Chairman BERMAN. The time of the gentleman has expired.

Mr. POE. I thought I had 3 minutes. You just said a minute?

Chairman BERMAN. I did just say a minute. You don't like that? Do you want to compromise at 2?

Mr. POE. I would ask permission—

Chairman BERMAN. For an additional minute?

Mr. POE. Yes, sir. I will try to sum it up.

So that is the first issue. We have to treat the person as a victim.

The second guy, they need to be exposed, and we need to let the world know who they are. And if we capture them and they are prosecuted, let's put their photographs on the Internet so everybody knows who these people are.

And then the last person, the trafficker, they need to be punished to the fullest extent. Even one case, I had a Texas Ranger tell me, "Judge, when you get one of those in court, just get a rope." I am not so sure that that is really the answer, but we need to make sure that they are punished and that we also, then, control the visa system in this country where a person is an ex-con for child molesting and they leave our country, and the reason they are leaving is to go overseas and continue their evil ways, we need to make sure that you know, and the State Department, who these people are. And so, that is in a piece of legislation that is pending.

But the United States is the leader in human rights, and we need to make sure that we continue to be the leader in human rights throughout the world. And we need to protect our young resources, young women here and abroad.

Thank you, Mr. Chairman. I yield back.

Chairman BERMAN. Thank you.

The time of the gentleman has expired.

It is now my pleasure to introduce our first panel, a panel of one. Ambassador Luis CdeBaca was appointed by President Obama to coordinate U.S. Government activities in the global fight against human trafficking. He serves as senior advisor to Secretary Clinton and directs the State Department's Office to Monitor and Combat Trafficking in Persons.

Previously, Ambassador CdeBaca served as counsel to a committee that I am privileged to serve on, the House Judiciary Committee, and as a Federal prosecutor for the Department of Justice, leading investigations and prosecution of cases involving money laundering, organized crime, alien smuggling, official misconduct, hate crimes, and human trafficking.

Ambassador, it is very good to have you with us. Your entire statement will be placed in the record. Feel free to summarize, and then we will go through a round of questions.

**STATEMENT OF THE HONORABLE LUIS CDEBACA, AMBASSADOR-AT-LARGE, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF STATE**

Ambassador CDEBACA. Thank you, Mr. Chairman.

I would like to thank you, Ranking Member Smith, and the other members of the committee for convening this critical hearing on human trafficking and also for your support on this issue over the last decade and before, but, on a personal note, your support and leadership when I was a Judiciary Committee staffer working on this, intelligence, and other critical issues.

Almost 150 years have now passed since the Emancipation Proclamation was issued, and slavery persists in many forms. In the 1910s, the focus in Congress and the Justice Department was against European women brought here for sex slavery. In the 1930s, it was called peonage; it was U.S. citizens held in bonded labor in agricultural situations. The attention of the 1990s: Again, European women and sex trafficking. The Trafficking Victims Protection Act of 2000 hopefully breaks the pendulum of attention and then inattention to this problem that we have so often seen in those 150 years.

No matter the euphemism or the technical term or the technical label that we use, we are seeing things now that show how human trafficking cuts across these lines. We see victims held in servitude in factories, farms, and homes, bought and sold in prostitution and captured as child soldiers.

We have come to understand that men comprise a significant number of victims but also see the feminization of modern slavery clearly demonstrated, with women making up a majority of those trapped in commercial sex as well as in forced-labor situations.

Traffickers now are changing their method of control: More female recruiters, more subtle means of exploitation, greater psychological abuse. This crime impairs human rights, degrades public health, corrupts government officials, and weakens the rule of law.

Not limited to one gender, faith, or geographic area, the universality of this crime is reflected in the bipartisan consensus around this issue. The U.S. Government's sustained application of the "3-P" approach of protection, prevention, and prosecution through three administrations now is evidence of this consensus and commitment. And so I am glad to not only have succeeded Ambassador Mark Lagon at the Trafficking Office but that we are both able to come before you today in the spirit of that shared commitment.

So what is the Obama administration doing to fight modern slavery? I will certainly refer you to the much more fulsome version of

this testimony that we are putting into the record, but there are a few things that I would like to highlight in my oral presentation.

The annual trafficking report remains the United States' principal diplomatic tool to engage foreign governments on the issue of modern slavery, and we feel that it is the world's most comprehensive resource on anti-trafficking efforts by governments. It has prompted legislation, national action plans, and the implementation of policies and programs.

We are committed to using the tools of the TVPA. And, indeed, Harold Koh, now the legal advisor at the Department of State, has in the Obama administration been a very supportive and strong voice for application of the minimum-standards rankings and sanctions analysis. What a different 10 years makes from the testimony that he was sent to give that Mr. Smith references.

And so, what have we seen? While there is much to do, there are also many things that have changed for the better: A steady increase in sex-trafficking prosecutions and shelters for victims in Gulf states; greater efforts to address the forced begging of Koranic students in West Africa; passage of a law and formation of a national task force in Swaziland; cross-border cooperation and joint law enforcement efforts with Mexico; a significant uptick of victim identification in Albania and Montenegro; the naming of the first TIP czar on the island of Malta; and greater anti-trafficking collaboration by the Malaysian Government with the U.S. Government and NGOs, which have led to new trafficking investigations and prosecutions.

This litany would be impressive if it were the last decade's accomplishments. This is the last year.

Bosnia, as Mr. Smith points out, we feel is a particular success story—on Tier 3 for many years, ravaged and plagued by sex traffickers and organized crime. But the government changed course and aggressively tackled the crime because of the leadership, not just of the United States, the TIP Report, and programs, but also the Helsinki Commission, the OSCE, and other structures that the U.S. Congress supports. After a decade of hard work, Bosnia is now a Tier 1 country and a model for other countries that can make that journey.

We feel, as well, that the inclusion of the United States in this year's TIP Report, a testament to Secretary Clinton's insistence on partnership, provides such a model, as well, as we try to hold ourselves accountable to the same standards that we would expect of our foreign counterparts.

The TVPA recognized that this was not just a foreign policy imperative but also a domestic law enforcement priority, as Mr. Poe points out, requiring attention at the local and State level and coordination and expertise across agency lines. And so the Inter-agency Task Force on Trafficking at the Cabinet level and its working group, which I chair, the Senior Policy Operating Group, were created to coordinate those interagency policies, programs, and planning issues.

In the submitted testimony, we have a recitation of many of the things that have been done to coordinate, to implement the laws, the TVPA and its reauthorizations. And we would certainly call people's attention to that.

One thing that I would like to bring up specifically, though, is one of the mandates of the Wilberforce Act, the 2008 reauthorization. Responding to congressional concerns about guest-worker abuse, the State Department, with the Departments of Homeland Security, Justice, and Labor, consulting with nongovernmental organizations, developed an information pamphlet on the legal rights and resources available to aliens who are applying for non-immigrant visas. The pamphlet is given to visa applicants in the consulates overseas, and they hopefully travel with them. It is in multiple languages.

It has resulted in 148 calls to the national hotline this year. And, earlier this week, I heard from legal service providers who recounted that seasonal workers who had suffered in silence in previous years with the same employers, not knowing that they had rights in the United States, this year when they traveled had that pamphlet with them. And a number of calls to the hotline have resulted—workers who had not known of their rights or that there was somebody in the United States who would be willing to help them.

That pamphlet was a direct result of the work of the members of this committee and the staff of this committee in that authorization and is much appreciated by those of us who are on the front lines.

Going forward, in continuing the work of our predecessors in the Bush administration and the Clinton administration, the Office to Monitor and Combat Trafficking in Persons will continue to work with our interagency partners, State and local governments, and foreign governments to develop comprehensive anti-trafficking legislation to strengthen existing laws and train criminal justice officials to see victims as victims rather than merely illegal immigrants or criminals. We hope that this will lead to increased number of convictions for traffickers and complicit government officials, including military personnel and corrupt border officials.

We hope to strengthen victim protection and assistance by encouraging cooperation between governments and NGOs and enhancing the capacity of civil society to provide comprehensive services that fully address the needs of the victims. And we will wisely stretch every appropriation that you give us to do that.

We will support evidence-based research to evaluate the impact of our programs and to fill core data gaps so that we know that the money that we are spending on programs is well-spent. And we will leverage those resources even more by working with the private sector to have innovative public-private partnerships to solve this problem.

Mindful of those who suffered and died in bondage throughout the history of this country, and heeding President Obama's call in January for a recommitment to this ongoing struggle, we will continue to promote a global movement to abolish modern slavery.

I thank you for your important support of this issue, and I look forward to your questions.

[The prepared statement of Ambassador CdeBaca follows:]



**Ambassador Luis CdeBaca**  
**House Foreign Affairs Committee**  
**“Out of the Shadows: Global Human Trafficking”**

**Thursday, September 30, 2010**

Good morning. I am Lou CdeBaca. I am the Ambassador charged with directing the U.S. Department of State’s efforts to combat human trafficking and coordinating the Obama Administration’s interagency response to this global phenomenon. I would like to thank Chairman Berman, Ranking Member Ros-Lehtinen, and the Members of the House Foreign Affairs Committee for convening this critical hearing on human trafficking. Thank you for inviting me to speak on our efforts to address modern slavery over the last decade, and particularly in the last year.

As we all know, modern slavery comes in many forms. People are held in involuntary servitude in factories, farms, and homes; bought and sold in prostitution; and captured to serve as child soldiers. This is a crime that impairs human rights, degrades public health, corrupts government officials, and weakens rule of law. Modern slavery is a fluid phenomenon that responds to market demand and operates in zones of impunity that are created by vulnerabilities in laws, weak penalties, natural disasters, and economic instability. It is a crime that is not limited to one gender, faith, or geographic area but impacts individuals and societies across the globe. And the universality of this crime is reflected in the bipartisan consensus around this issue.

This is not a new crime. What is new is our ability to recognize it, and our determination to wage a sustained fight against it. Since the passage of the Trafficking Victims Protection Act (TVPA) of 2000 a decade ago, we have seen both appreciable progress and new trends. For instance, we have come to understand that men comprise a significant number of trafficking victims. Yet, we have also seen the feminization of modern slavery, with women making up a majority of those trapped in commercial sex as well as in forced labor situations.

We have found women held in modern slavery through deceit and force, picking cotton, mining conflict minerals, harvesting rice, toiling as domestic workers, dancing in nightclubs, exploited for pornography, and offered for commercial sex. We have come to understand the unique vulnerabilities of those who work in the home, with many countries not offering adequate legal protection to domestic workers. This feminization of modern slavery has been aided by growing numbers of women migrating for work and the increasingly unscrupulous and coercive nature of recruiting.

Such fraudulent recruitment practices affect both female and male workers. These practices include: work offers that misrepresent conditions, excessive recruitment fees, written contracts that workers cannot understand, and the switching of terms of employment after the original contract has been signed. In the so-called sex industry, recruiters do not merely make promises of a better life; they weave a tale of love and glamour that is quickly replaced by dependency and the abuse of what has been called “seasoning” – a term that is itself as offensive as the practice it describes. Traffickers are also changing their methods of control: they are using more female recruiters, more subtle forms of exploitation, and greater psychological abuse. And these

techniques demonstrate how interconnected sex and labor trafficking are, as more and more cases are being brought around the world involving the sexual abuse – both in prostitution and by their bosses – of women who migrated on domestic worker visas. These migrant women have been raped and threatened with harm by supervisors who control their work environment.

At the same time as these insights have been gained, much progress has been made since the passage of the TVPA and promulgation of the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (the “Palermo Protocol”). Such progress has been stimulated and promoted through the U.S. Government’s leadership and active engagement, where we have partnered with foreign governments and international and civil society to develop and implement strategies, policies, and programs to confront modern slavery. Indeed, there is now a global consensus that all acts of trafficking in persons and all its component parts should be criminalized, including forced labor, slavery, and certain slavery-like practices, even if the crime happened wholly within the country’s borders. The three “P” paradigm of prevention, protection, and prosecution is recognized worldwide.

One hundred and forty countries have become parties to the Palermo Protocol and 116 countries have enacted legislation prohibiting all forms of trafficking in persons. In the last year alone, 33 countries have enacted or updated anti-trafficking legislation. As a result, there has been a global increase in rescues and perpetrators brought to justice, with convictions for sex and labor trafficking up from 2,983 in 2008 to 4,166 in 2009 with labor trafficking convictions increasing significantly. New analysis of victim identification data also shows a 59 percent increase over the 30,961 victims identified in 2008.

Since 2001, the number of countries ranked in the State Department’s annual Trafficking in Persons (TIP) Report has more than doubled to include 177 countries, including – for the first time in the 2010 TIP Report – the United States. The advent of the Report’s ranking of the United States, supported by a frank analysis of our strengths and weaknesses at home, has been welcomed by anti-trafficking advocates and foreign governments alike. The TIP Report remains the U.S. Government’s principal diplomatic tool to engage foreign governments on human trafficking and the world’s most comprehensive resource on governmental anti-trafficking efforts. It has inspired and prompted legislation, national action plans, and implementation of policies and programs.

We have seen, for example, a steady increase in sex trafficking prosecutions and shelters for victims in some Gulf states; greater efforts to address the forced begging of Koranic students in West Africa; passage of a law and formation of a national task force in Swaziland; cross-border cooperation with Mexico; a significant uptick in victim identification in Albania and Montenegro; the naming of the first TIP “Czar” in Malta; and greater anti-trafficking collaboration by the Malaysian government with the U.S. Government and NGOs, leading to new trafficking investigations and prosecutions. Bosnia and Herzegovina also stands out as a particular success story. Bosnia was on Tier 3 for many years as a war-torn nation plagued by sex traffickers, but the government in recent years changed course and aggressively tackled the crime. After a decade of hard work, spurred by the TIP Report and supported by the United States, Europe, and the Organization for Security and Cooperation in Europe (OSCE), Bosnia is now a Tier 1 country with strong penalties for convicted traffickers and victim protection partnerships with NGOs.

Over the last decade, the Trafficking Office has been a leader in counter-trafficking programs out in the field – over 450 projects to combat modern slavery in 109 countries. At present, we have nearly 200 active projects in 65 countries totaling \$54 million, and this year, we will award approximately \$21.262 million. Our federal funds are awarded to international and nongovernmental organizations to support programs that address issues or deficiencies identified in the TIP Report. The Office's foreign assistance and programming is strategically targeted to countries ranked in the TIP Report on Tier 3 and Tier 2 Watch List as well as selected Tier 2 countries.

Our support and funding is making a difference. It has established, for example, model programs for comprehensive services for child victims for both short-term assessment and treatment and long-term placement. Our assistance has supported TIP trainings that bring labor inspectors, police, prosecutors, and NGOs together – in some countries, the first time they have ever met. We have funded specialized Police TIP Units for investigation of TIP cases and victim assistance coordinators to make it clear that victim protection is a governmental responsibility not solely to be outsourced to NGO partners. We have documented both short- and long-term medical needs of victims and survivors. These are but a few examples of the successes possible with targeted programming.

As mentioned above, the inclusion of the United States in this year's report is a testament to Secretary Clinton's insistence on partnership – to hold ourselves accountable to the same TVPA standards we expect of our foreign counterparts. Evaluating U.S. efforts to combat trafficking in persons provided an opportunity for self-assessment and growth, and was made possible by the structures that Congress set forth in the TVPA. The TVPA recognized that this was not just a foreign policy imperative but also a domestic law enforcement priority, requiring coordination and expertise across agency lines. Thus, the President's Interagency Task Force on Trafficking in Persons (PITF) and its working group, the Senior Policy Operating Group (SPOG), were created to coordinate emerging interagency policy, programs, and planning issues. Today, these groups include senior representatives from all major agencies. In the last year we have expanded SPOG to include members from the U.S. Department of Agriculture, the Equal Employment Opportunity Commission, and the Department of Interior.

It is worth noting that coordination among agencies is only as strong as each individual agency's commitment to a whole-of-government approach to combating trafficking. Indeed, EO 13257 expressly preserves each agency's or department's independence. President Obama has appointed numerous senior level personnel with not just a commitment to this issue, but also a background in combating human trafficking. With SPOG representatives who have experience investigating cases, publishing cutting-edge research, and advocating before Congress, our interagency coordination is stronger and more productive than ever before.

In 2010, the SPOG reconstituted the Grantmaking Committee, bringing together TIP programming agencies (including those with domestic grants) to share program information and address key areas for collaboration, such as evaluation and evidence-based practices. SPOG staff has received and circulated for SPOG review grant proposals from DOS, USAID, DOL, DOJ, and HHS, as well as requests for proposals for informational purposes. In the Trafficking Office, we have improved our own grant process and successfully eliminated the lengthy delays (as much as 20 months) in the review of applications and award of grants that existed until 2009. Most grants are now awarded in the same fiscal year, even as the number of applications

submitted has skyrocketed. This year, 531 applications were received from 323 organizations, requesting a total of \$288.4 million – not including the 38 additional applications for anti-trafficking programs in Haiti that followed the much-needed emergency appropriation following the earthquake.

All across agencies, committed civil servants are working to make progress in an area where reliable data is scarce. As such, our implementation of the TVPA and its reauthorizations has been steadily progressing – improving not only our understanding of this crime, but our responses to it. Among them:

Responding to Congressional concerns about guest worker abuse, the State Department, with the Departments of Homeland Security, Justice, and Labor, and in consultation with non-governmental organizations, developed an information pamphlet on the legal rights and resources available to aliens applying for employment- or education-based nonimmigrant visas. The pamphlet is available in multiple languages, including Spanish, Arabic, Ukrainian, Creole, and Portuguese, in keeping with the mandate to translate the pamphlet into languages spoken by the greatest concentration of employment- or education-based nonimmigrant visa applicants. Over the past year since the pamphlet was issued, the National Human Trafficking Resource Center has reported 148 calls to the hotline as a direct result of the TVPRA of 2008 legal rights pamphlet.

In the TVPRA of 2008, Congress also expressed concern about the treatment of domestic workers by diplomats in the United States, and the State Department worked closely with civil society organizations to establish a mechanism to report such cases directly to our Office of Protocol. We continue to work closely with DOJ as such cases arise. We have implemented measures intended to protect foreign domestic workers from abuse including, most notably, a new requirement that all domestic servants be paid by check or electronic funds transferred directly into a bank account so that salary payments can be verified. Other measures include pre-notification of application for A-3 and G-5 visas, proof of an employer's ability to pay prevailing or minimum wage, whichever is higher, and contracts spelling out a domestic worker's duties and remuneration, provided in a language he or she understands and kept on file with the Department of State. The Departments of State and Justice worked collaboratively to brief the foreign diplomatic corps on new procedures for registering domestic workers of foreign mission personnel, and a diplomatic note was circulated to all embassies, consulates, and international organizations emphasizing the importance of these new procedures. We also practice what we preach – the Department has revised the Foreign Affairs Manual to make it clear that abuse of domestic workers by U.S. diplomats will not be tolerated in our missions abroad. Additionally, we are beginning to consult with other host countries in order to develop international protection standards. The Department also meets with NGO representatives regularly to share these new procedures and to address any lingering concerns they may have, and in June 2009, submitted a preliminary report to Congress on the issue.

Per the TVPRA of 2008, the 2010 TIP Report also reflected new indicia for the fourth Minimum Standard, on whether a country makes “serious and sustained efforts to eliminate severe forms of trafficking in persons” with a focus on addressing the vulnerability of indigenous populations lacking documentation, and the use of suspended sentences for convicted trafficking offenders. The TIP Report continues to assess, per a fourth Minimum Standard indicator added by the 2005 TVPRA, foreign governments' efforts to reduce the demand for commercial sex acts. These

indicia have been incorporated into the rankings, and are found within relevant country narratives. In addition to the TIP Report, we are engaging diplomatically on these issues, and have seen increased attention paid to them by our international partners, especially those related to demand and the severity of sentences.

Since 2001, USAID has dedicated more than \$145 million to fight human trafficking in more than 70 countries through a mix of activities and programs that have focused on prevention, protection, and prosecution. A decade of experience in implementing USAID-supported anti-trafficking programs as part of the USG whole-of-government approach to human trafficking has provided a wealth of knowledge. Recent accomplishments include a synthesis of more than 30 TIP programs in eight Asian countries, the development of a training workshop for mission staff on trafficking in persons and gender-based violence, and a report that analyzed USAID's evaluation frameworks in TIP prevention and protection programs.

The Justice Department is vigorously using the criminal tools provided by the TVPRA of 2008, with record levels of federal activity and is supporting police and prosecutor training as state laws are passed to provide such tools. Additionally, DOJ is continuing to develop a model state anti-pimping and pandering law, based on the District of Columbia Code, as required by the TVPRA. The FBI is also continuing its anti-trafficking work, serving on 70 anti-trafficking task forces, providing services to victims through its victim-witness advocates, and training both U.S. and foreign law enforcement officers in the latest anti-trafficking investigative tactics.

The Department of Justice's Office for Victims of Crime (OVC) expanded the scope of its human trafficking initiative in FY 2009 by awarding funding to victim service organizations to develop comprehensive victim service models for U.S. citizens and legal permanent residents under the age of 18 in order to identify promising practices in the delivery of services to such minors. OVC also made grants to several other programs to directly provide services and case management for U.S. citizen child victims of sex trafficking.

As required by the TVPRA of 2005, the Justice Department's Bureau of Justice Statistics and National Institute of Justice used available data to conduct a "Comprehensive Research and Statistical Review and Analysis of Severe Forms of Trafficking, Sex Trafficking and Unlawful Commercial Sex Acts in the United States." This was a first attempt to gather and analyze data on TIP in the United States. Unfortunately, much data desired for the study could not be obtained, so DOJ and the SPOG research committee plan to build on this information.

The Department of Labor submitted its List of Goods Produced by Child Labor or Forced Labor to Congress in September 2009. The report describes the range of actions undertaken by DOL in response to the TVPRA mandates, and contains a list of 122 goods from 58 countries that DOL's Bureau of International Labor Affairs has reason to believe are produced by forced or child labor in violation of international standards. The report also describes the range of actions undertaken by DOL in response to the TVPRA mandates. One such activity is a contract with the Center for Reflection, Education and Action (CREA) to compile private sector good practices to combat child labor and forced labor in supply chains. This project will produce a compendium of good practices that can be used by businesses and other actors, and will be available to any interested party.

With the Inspectors General of the Departments of State and Defense, the Trafficking Office has been working to examine the federal footprint. The DOD Inspector General conducted an evaluation of a sample of contracts within the U.S. Pacific Command area of responsibility and released their report January 15, 2010. They reviewed 99 contracts and interviewed representatives from 39 prime contractors. They are scheduled to conduct an evaluation of contracts in Iraq sometime this spring. The DOS IG submitted its report to Congress on January 15, 2010, and has identified areas for potential future audit and investigative work. USAID's IG offices in Iraq and Afghanistan completed a review of a sample of four high-risk contracts in 2009. The SPOG continues to work pro-actively and across agencies to innovate and implement preventative measures in procurement, training, and contracting policies, through a procurement working group headed by DHS and the EEOC.

This admittedly long recitation of actions taken to implement the TVPA and its reauthorizations should answer any questions as to the activity that we have seen from SPOG agencies. But as always, there is more to be done. As we celebrate 10 years of progress and learning, we will not be complacent or satisfy ourselves with mere symbolic activity. Rather, we will draw on the courage, strength, and tenacity of trafficking survivors to inspire our actions.

The Office to Monitor and Combat Trafficking in Persons will continue to work with our SPOG partners and foreign governments alike to develop comprehensive anti-trafficking legislation, strengthen existing laws, and train criminal justice officials. This will lead to increased numbers of convictions for traffickers and complicit government officials, including military personnel. We will strengthen trafficking victims' protection and assistance by encouraging cooperation between governments and NGOs, and enhancing the capacity of civil society organizations so they might provide comprehensive services that fully address the needs of victims. We will support evidence-based research to evaluate the impact of our programs and fill core data gaps. We will partner with the private sector to leverage resources and expertise to develop innovative solutions to this age old problem.

Mindful of those who have suffered and died in bondage and heeding President Obama's call this January for a recommitment to this ongoing struggle, we will continue to promote a global movement to abolish modern slavery.

Thank you for your important support of this issue. I look forward to your questions.

Chairman BERMAN. Thank you very much, Ambassador.

We will begin the questioning. It is the chair's intent, because we have two panels and have the Pakistani foreign minister coming to the committee at 12:30 p.m., to limit the questioning to 5 minutes and one round for each panel.

I will yield myself 5 minutes to start.

Your testimony does an excellent job of giving us an overview of accomplishments in the fight against trafficking in the last 10 years. I would be interested—you talked a little bit about looking forward in your general thoughts about the next decade in terms of the fight against trafficking.

What is that going to look like? What should it look like? What are your key priorities? What particular countries do we need to put special emphasis on?

Ambassador CDEBACA. I think that the thing that we will hopefully see in the next 10 years and that we are working toward is to remove this from being a boutique issue. In many ways, human trafficking has been the thing that is, kind of, done after everything else with the law enforcement community. It is, you know, working on trainings, working on rule of law. Whether we are doing development work or whether we are talking to our foreign counterparts, trafficking often is then a separate conversation.

And I think that one of the things that we are working on that is very important to Secretary Clinton as well as to myself is to incorporate the trafficking office into the work of other parts of the Department, such as the INL and others, who have such an impact when they are doing law enforcement training, when they are getting that kind of mentoring and money out there.

We have seen this now with the inclusion of trafficking in the Merida process with Mexico, standing up and supporting trafficking units with the Mexican Government. I think that that type of joint law enforcement is going to be very important.

And we would like to support not just joint law enforcement where perpetrators are arrested both here and in the source country, doing that together, the way that we have done now with Mexico and Cambodia, but, in fact, have that become the international norm, especially countries that don't have extradition treaties with us, so that we know that the traffickers are being brought to justice.

So, on the law enforcement side, that is, I think, our priority, is that kind of collaboration and cooperation.

As far as victim protection, we are working, whether it is through international fora or otherwise, to make sure that victim protection comes to the forefront rather than being solely an adjunct to law enforcement, but rather that the best interests of the victim, the best interests of the child be the way that the governments look at this.

We think that moving out of a detention-based approach to trafficking-victim care—a cleaner, nicer jail for trafficking victims is better than a dirty and bad jail for trafficking victims, but it is the position of the United States that there should be no jail for trafficking victims. And I think that that is something that we will see continue in the next decade.

Chairman BERMAN. Thank you.

Just to follow up, is there a thought about what to do with our missions abroad, in terms of prioritizing and training and educating them on things they can be doing, in terms of their agendas, that raise this issue?

Ambassador CDEBACA. I think the leadership principle certainly comes into play. And one of the things that we have seen is that—and it doesn't mean that a good report comes from good activity, because it is up to the local government. But we have seen that, where a chief of mission is very engaged throughout the year, that the governments respond. We have seen with Ambassador Harry Thomas, for instance, in Manila, the level of engagement that he has brought with him as he has gotten his team in place is now being reflected back by the Philippine Government, and not just in words, but in actions.

And so, that is something that we are encouraging with the outgoing chiefs of mission. We are working with them at the Foreign Service Institute and otherwise, so that they land with a bang. I think that we also, then, see training both for the reporting officers and for diplomatic security agencies as being critical.

Chairman BERMAN. My time is about to expire, so I am going to yield 5 minutes to the gentleman from New Jersey, Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Ambassador, again, thank you for your leadership and testimony.

Let me just ask a couple of very quick questions. In my opening, I talked about India and China. Could you speak to those issues?

Our hope is that they are on Tier 3. Vietnam ought to be added, as well. And you and I have a whole fact sheet on why Vietnam, particularly on labor trafficking, ought to be there.

You know, last year, Fiji was—Fiji Islands—was Tier 3. When you look at the enormity, the scope, the government complicity in a place like China, or total indifference in some places, India as well—I mean, Mumbai has made some efforts, but it is far from effective—these countries need to be on Tier 3.

What we do at the penalty phase—and I know there is a great deal of pushback within the building and from the missions abroad, from our ambassadors very often. “Don't complicate state craft by injecting a human-rights issue of this caliber and weight.” But, you know, we need to speak truth to power, not some of the time, but all of the time.

So, please—and the nexus with the one-child-per-couple policy and sex-selection abortion, because it is only going to get worse. If you could speak to that and whether or not you would do a comprehensive study on that.

Ambassador CDEBACA. Well, as Secretary Clinton has pointed out when talking about 21st-century state craft, state craft and diplomacy exists not to sustain itself but to convey our national interests and our national values. And so I think that is why we see the human-trafficking issue being something that we are raising at the highest levels of government and not shying away from those often uncomfortable discussions with our friends and allies.

I will start with China. I, too, met with some of the North Korean refugees who were in town last week, and it confirmed what our reporting and other sources of information that are reflected in



last year's report had indicated, which is that the vast majority of the women in northeastern China from North Korea appear to be trafficking victims. They are not recognized by the Chinese Government. To the degree they are, they are either seen as a source of low-level corruption, payoffs, or they are deported.

One of the things that was troubling to me to hear from some of the women was that one of the only ways of escape was whether or not the clients, the men—South Korean men who use them for Web chat, sex chat videos, if they could get one of the clients to understand what had happened to them and have that man help them out. If the only way to escape from sex trafficking is to depend on the kindness of a customer, then we have a problem there.

But we also see the reports in other parts of the country—Burmese, Vietnamese, and other women trafficked across the borders for prostitution and brides—for the specific reason that you mentioned, as far as the population imbalance in China. And we are very worried about that, as well as the massive labor trafficking that occurs within the borders.

We are heartened by the fact that China recently ratified the Palermo Protocol. But we think that, at that point now, they need to look at their domestic law to bring it into compliance with Palermo.

Their definition of trafficking seems to be different than many. And you see these numbers about child-selling and false adoptions as what they seem to be wanting to work on. I will be going to China as a result in the coming month and beginning to have that conversation with them directly, because it is something that we feel we need to raise with them.

As far as India is concerned, I have certainly raised this, not only with Ambassador Shankar, but also with the foreign minister, as has Under Secretary Otero, Secretary Clinton, Bob Blake. Assistant Secretary Blake cares very much about this. I think he saw it in his iterations in the embassies in the region, recognizes that the south and central Asia region is kind of a hotspot for a lot of this activity.

We are heartened to see that India finally has characterized bonded labor as part of their trafficking fight in a communiqué to the field of last September. But bridging the Federal and state gap in India will be critical. You can't devolve power on such an important human-rights issue fully to the State and locals lest you do have simply those bright spots that we have identified, whether in Andhra Pradesh or in Mumbai.

So we are working with the Indians to use our experience with federalism, use our fight as far as how we manage the interplay between local law enforcement and the Federal anti-trafficking, as an example of how they can deal with that problem.

Chairman BERMAN. The time of the gentleman has expired.

The gentleman from Texas, Mr. Green, is recognized for 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman. I ask unanimous consent to place my statement into the record.

Chairman BERMAN. Without objection, it will be included.

Mr. GREEN. Thank you for being here, Mr. Ambassador.

One of the concerns—I mean, there are so many issues with trafficking in persons. One of the ones I am concerned about is forced

labor and government contracts in conflict regions. The State Department's 2010 TIP Report includes a special section on government procurement of forced labor. It states that, "Too often, it is reported that workers, particularly in combat zones, have been misinformed about their contracts, poorly housed, had their passports confiscated, and were required to pay back large recruitment fees."

On January 15, 2010, the offices of the Inspector General for the DoD, State Department, and USAID each submitted the first of a series of congressionally mandated reports that evaluate the incidence of human-trafficking violations among U.S. contractors abroad.

In your opinion, how serious is the problem of intentional or inadvertent government procurement or forced labor through contractors? And is the U.S. Government doing enough to address the problem?

And second is, what has DoD, State Department, and USAID done since the issuance of the January 2010 OIG report to address reported trafficking among contractors?

Ambassador CDEBACA. I think that is an excellent question, Mr. Green.

The thing that we have started to realize is that government procurement strategies, whether it is for service contracts in many of these war zones or whether it is the things we buy, that we end up having a footprint that dwarfs that of the private industry that we go to to encourage to look at their own supply chains. And so, not only have we been responding to the concerns that were initially raised with peacekeepers coming out of Eastern Europe and have flowed through that, but also are starting to look at procurement on the Federal acquisition side.

But as far as the overseas contractor issue, we are working with the inspectors general, convening meetings with the IGs from State, AID, and Department of Defense. They are going out into the regions, doing the samples of what they consider high-risk offices. And, as you know from the report that was submitted in January, some areas of improvement were noted, especially with people not knowing what the rules were, not knowing what constituted trafficking and forced labor.

We have taken one beginning step on that, as far as U.S. employees who are under chief-of-mission authority now, under the Foreign Affairs Manual, have heightened responsibilities for not mistreating their staff, and not only are reminded that they could be prosecuted back here in the United States, but also will have administrative punishments if they are caught doing that. We now need to take that out to the contractor level.

And I think that one of the things that is heartening for us in the interagency is that the Senior Policy Operating Group has now put together a working group on this contracting issue and the acquisitions manual, led by DHS—which also has a large footprint—DoD, and the EEOC. And their convening started after the last meeting of the interagency quarterly working group. We are going to be working with the Acquisitions Contractor Training Corps to make sure that the training officers get this out there.

One of the things that the IG found that was shocking to everybody was that a lot of the contracting officers just aren't even put-

ting this into the contracts. It is required. It is required because it is the right thing to do, but it is also required because Congress mandated it. And, yet, there are too many contracts where this just doesn't even show up.

Mr. GREEN. I appreciate that effort, because that is something, obviously, since we are paying the bill, we ought to be able to deal with it. And that is something our government can do directly.

So thank you, Mr. Chairman.

Ambassador CDEBACA. I would also note, if I may—and this is the intersection of policy and art that we often see and hear in this area. The big, hot film at the Toronto Film Festival in the last 2 weeks was about a whistleblower, a woman who had called attention to these exact problems during the Kosovo intervention. I think that the more that we see the public look at this as a problem, the more we will be able to drill that out into the agencies.

Chairman BERMAN. The time of the gentleman has expired.

The gentleman from California, Mr. Royce, is recognized for 5 minutes.

Mr. ROYCE. Thank you, Mr. Chairman.

I ask unanimous consent to enter into the record a statement of our ranking member, Ileana Ros-Lehtinen.

Chairman BERMAN. Without objection, that statement will be included in the record.

[The prepared statement of Ms. Ros-Lehtinen follows:]

**Statement by Rep. Heana Ros-Lehtinen (R-FL)**  
**Ranking Member, House Foreign Affairs Committee**  
**St. Thomas University Human Trafficking Forum**  
**St. Thomas University School of Law**  
**Miami, Florida**  
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Thank you, Monsignor Casale.

It is always a pleasure to return to St. Thomas University, and I am grateful to Monsignor Casale and the St. Thomas family for agreeing to host this event and help continue to raise awareness about the problem, challenges, and solutions.

I can think of no better place for today's forum, given the longstanding activism of your school on behalf of trafficking victims in South Florida and around the world.

In 2005, the Law School's Graduate Program in Intercultural Human Rights convened a symposium of governmental, nongovernmental, and academic experts that worked together to produce the Miami Declaration of Principles on Human Trafficking.

That important, consensus document celebrated its fifth anniversary earlier this year, and I appreciate the ongoing work of the Intercultural Human Rights program, under the leadership of Professors Siegfried Wiessner and Roza Pati.

I also remain grateful for Monsignor Casale's expert testimony before the House Committee on Foreign Affairs in late 2007, as we were working on the trafficking victims protection reauthorization bill that became law the following year.

To all of the students and faculty of St. Thomas University assembled here, I say: Thank you.

In its mission and its work, your school is a living witness to the immutable dignity of every person and the gravity of human trafficking.

Every year, hundreds of thousands of people are trafficked around the world, most of them women and girls.

They -- and millions more trapped in coercive situations within their own countries -- are forced to work in menial and dangerous labor and sexual servitude.

Of course, the tragedy of trafficking lies not in vast statistics, but in the individual lives, hopes, and dreams that are being crushed for a particular person, in a particular place, today:

- The young, Afghan boy sold into a male brothel in southern Iran;
- The North Korean girl sold into a so-called marriage in northeast China;
- The job-seeker lured to the United States by dishonest recruiters who promised her a lucrative job, but illegally hold her in menial servitude.

These are the slaves of the 21<sup>st</sup> Century.

The problem is not localized in any one place: Source, transit, and destination countries are scattered throughout the globe, and there are disturbing patterns of trafficking within our own hemisphere.

Ninety miles from our own coast, young Cuban boys and girls are exploited in a dehumanizing sex tourism industry that is used to draw travelers – and hard currency – from around the world.

An exposé in Spain's *El Mundo* newspaper earlier this year describes a grandmotherly madame trolling the resorts, offering 12-year-old prostitutes to visiting foreigners.

The chilling discovery of 72 Central and South American migrants shot dead three weeks ago in northeastern Mexico was a stark reminder of the deadly involvement of criminal and drug cartels in this human traffic.

Sadly, exploitation is not confined to those countries that share the Cuban regime's dismal Tier 3 status.

Just last week, the revelation of the largest human-trafficking case in U.S. history, involving hundreds of Thai farm workers in Hawaii, was a bracing reminder that trafficking is not some faraway problem that involves only developing nations.

It affects and involves industrialized nations just as significantly.

In the context of today's discussion, I want to spend my few minutes on the portion of the public sector that I know best – the United States Congress, and the Committee on Foreign Affairs, where I serve as Ranking Member.

I am proud of the initiative exercised by Congress.

Ten years ago, Congress, on a bipartisan basis, enacted the groundbreaking Trafficking Victims Protection Act (TVPA) in October 2000.

This occurred at a time when human trafficking was a non-issue for most governments worldwide.

Among other important provisions, that law instituted the State Department's annual Trafficking in Persons report and country tier rankings, which have since become important fixtures of the foreign policy landscape, as it makes a foreign government's

efforts to combat human trafficking a key consideration for us in developing our approach to these countries.

The point of the trafficking law was not just to “name and shame” problem governments.

It was intended to provide incentives for those governments to change – to avail themselves of insights and technical assistance from donor countries and nongovernmental organizations that would actually help them combat trafficking.

To that end, the original act authorized such technical assistance, and the latest reauthorization (in 2008) directed the President to establish such programs.

Thus, from the beginning, Congress has hoped to catalyze the type of public-private partnerships that many of today’s speakers are focusing on.

Since the original Trafficking Act, more than 115 countries have enacted laws against human trafficking.

Of course, enacting a law is worlds apart from than enforcing it, and successful prosecutions remain a missing piece of the puzzle in many countries.

But even that incremental progress is significant, and should be welcomed.

I was honored to be a primary cosponsor and floor manager of the most recent reauthorization bill – the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

That Act further strengthened the prosecutorial tools, and preventive and rehabilitative resources available to the United States Government in the fight against trafficking.

As with all prior trafficking bills, that law was strongly bipartisan (and in fact my staff worked closely with Ambassador CdeBaca, who was then serving as counsel to Chairman Conyers of the Judiciary Committee).

Turning from the past to the future, I want to note a few upcoming issues.

During negotiations on the 2008 reauthorization bill, I insisted on retaining section 107, which was meant to put a stop to the use of the Tier 2 Watch List as a “parking lot” for problem countries, as a means for these countries to avoid the sanctions associated with Tier 3 status.

The original law required the United States to list governments in one of three categories:

- Tier 1: Governments that fully comply with minimum standards for the elimination of trafficking;

- Tier 2: Governments that do not yet fully comply with minimum standards, but are making significant efforts to do so; and
- Tier 3: Governments that do not fully comply, and are not making any significant effort to do so.

The so-called “Tier 2 Watch List” was an Executive Branch invention, inserted in between Tiers 2 and 3.

Although Congress later formalized a Special Watch List, it was intended to identify countries deserving of extra U.S. scrutiny during the next year, and not to supplant the three-tier reporting structure and accountability measures.

Unfortunately, during the past decade, the Tier 2 Watch List has basically become a fourth category, where some countries have remained parked for years, even though – in the estimation of many – their records have clearly justified a Tier 3 designation.

To take one example, China.

It has long been suspected that China’s perennial appearance on the Tier 2 Watch List has been the result of political maneuvering and objections by the State Department’s Bureau of East Asian affairs, which fears China’s response and a potential diplomatic fallout that might result from a Tier 3 designation.

But the country tier designations must not become entangled with diplomatic niceties, or trade considerations.

Those designations are intended to speak the truth about a country’s efforts to combat trafficking.

Thus, next year – and, again thanks to the support of advocates such as those here today for Congressional efforts – countries that have been on the Watch List for two consecutive years will have to be listed in Tier 3, unless the President expressly exercises a carefully circumscribed waiver, which will expire at the end of 2012.

Looking ahead to the next Congress, the underlying bill will have to be reauthorized again, because the funding under the Wilberforce Act runs only through 2011.

I predict that – whoever controls the Congress – that effort will once again be solidly bipartisan, given the strong anti-trafficking sentiment on both sides of the aisle.

I look forward to working with my Democratic colleagues, with Ambassador CdeBaca and Secretary Clinton, and with the full array of anti-trafficking experts and NGOs on that reauthorization process.

In terms of additional legislation, I would like to take the occasion of this forum to announce that I will soon be introducing the Trafficking in Organs Victims Assistance Act.

Unlike the definitions used by some other governments and international organizations -- and the first clause of the Miami Declaration on Human Trafficking -- the U.S. legal definition of "severe forms of trafficking in persons" does not presently include the trafficking of persons for organ removal.

But with rising global demand for transplant organs, this horrific practice is a significant and growing problem.

For example, World Health Organization officials have estimated that around ten percent of all transplanted kidneys worldwide are obtained illegally.

The source of organs for tens of thousands of transplants in China cannot be properly documented, and there have been longstanding concerns regarding the claims about the voluntary nature of organ donations by executed prisoners.

There have been chilling reports of the abduction and transport of children for the purpose of harvesting their organs in countries as diverse as Afghanistan, China, and the Philippines.

Organ donors in places like Pakistan, Brazil, and Moldova are sometimes duped by false promises of large payments, or subjected to substandard medical care that leaves them scarred for life.

The money involved has made organ-related trafficking a cash cow for international criminal organizations.

It is hard to conceive a more direct assault on human dignity than this life-changing form of brutality and organs as commodities.

For these reasons, my bill will put organ-related human trafficking on par with other severe forms of trafficking in persons, thus making it subject to similar reporting and sanctions -- and eligible for anti-trafficking and victim rehabilitation assistance -- under U.S. law.

While I am grateful for the work that Congress is able to do in setting general policy priorities and providing resources, our efforts are not the most important thing in the fight against human trafficking.

We are not the ones on the front-lines every day, working to identify and assist individual victims and stop the traffickers who abuse them.



I want to commend the State Department's Office to Monitor and Combat Trafficking in Persons for the expertise and commitment they have demonstrated under the leadership of Ambassador CdeBaca and his predecessor during the last administration, Ambassador Mark Lagon.

But most of all, my hat is off to the law enforcement personnel, the legal aid clinic workers, the academic experts, and the array of committed NGOs, who have made it their mission to vindicate the rights of vulnerable and voiceless in South Florida and around the world.

You are the ones who look directly into the eyes of the men, women, and children victimized by trafficking, and provide the rest of us with the knowledge and the passion to make our own contributions to this noble cause.

Let us together continue our work to break the chains of human trafficking.

Thank you.

Mr. ROYCE. Thank you, Mr. Chairman.

By way of further information, this is a trafficking symposium that she and Ambassador CdeBaca held at St. Thomas University in Miami, Florida, 2 weeks ago.

So, thank you, Mr. Chairman.

I wanted to ask about the justification of Cambodia's promotion to Tier 2 status. As you go through the TIP Report, the point is you have 36 traffickers who were convicted, in comparison to 11 last year, and that is the argument.

But you read the report, and the report says that local police and government officials extort money or accept bribes from brothel owners sometimes on a daily basis in order to allow brothels to continue operating. In terms of the appeal court judge there, the appeal court president, he accepted \$30,000 in bribes for the release of brothel owners.

The corruption is absolutely endemic. The point I would make is that the conviction of 25 extra traffickers hardly justifies moving in the wrong direction when Transparency International now rates Cambodia 158 out of 180 in its corruption index.

The point I am making is that the corruption is so endemic there and the Cambodians that we talk to and the NGO groups are so traumatized by the fact that things are imploding so quickly in terms of the absence of any rule of law and the fact that the police are in on the corruption, and these girls at the age of, what, 3, 4 are being recruited in larger and larger numbers.

The point they make is that maybe this was a mistake, to tick this down the other direction. I would ask you for your observation on that.

Ambassador CDEBACA. It is tough, and I think especially in a country like Cambodia where there are these problems.

One of the things that we look at when we are looking at the ranking is what kind of effort the country has made and is making. This is one of the minimum standards that is mandated. And we had seen a shift in the willingness of the government to work on this, an uptick in prosecutions, a use of the anti-trafficking unit in a different way, not just simply going out and doing blind sweeps of the red-light district and then calling that a trafficking case, but instead more long-term investigations, working with some of the NGOs, like APLE, A-P-L-E, that does a lot of the child sex tourism investigations and child protection.

So, too, we have also seen a little bit more law enforcement cooperation with the United States, as far as not simply helping arrest our pedophiles so that we can then bring them back to the United States, or the Swiss or the German pedophiles so that they can be prosecuted in the home country, but then also stepping up and prosecuting the Cambodians who sold those children. That was something that Cambodia had always refused to do in the past, largely casting this as a problem of westerners coming to abuse their children.

So I think that, for me, that is one of the things that we see that is a bright spot, is their recasting and looking at trafficking in a new way.

The proof is in the pudding, though. And I think that, unfortunately, Cambodia is a country where we have seen—and in the report we always have the chart about what a country has done over the years. It has gone up and down and up and down. We would like to see Cambodia get on a glide path of success, but, given the endemic corruption, given the poverty, given the breakdowns in rule of law, it is very difficult.

Mr. ROYCE. We have seen other countries take similar measures and they have still been downgraded, unlike Cambodia. Yemen would be a case in point. They are taking these measures, but the argument is it is so endemic in Yemen that we are not going to adjust that.

The point I am making is, if they don't face sanctions, if there aren't consequences, then when you have a police department that is in on a racket, when you have appeals court judges that are part of the problem, and when you have a political class that is involved in this, then the situation is only going to get worse. As "Dateline" says, it is now a magnet for pedophiles. It needs to be addressed.

Thank you, Mr. Chairman.

Chairman BERMAN. The time of the gentleman has expired.

The gentleman from Virginia, Mr. Connolly, is recognized for 5 minutes.

Mr. CONNOLLY. Thank you, Mr. Chairman. And thank you so much for having this hearing on such an important topic.

I also would ask unanimous consent to enter my statement into the record.

Chairman BERMAN. Without objection, it will be included.

Mr. CONNOLLY. I thank the chair.

Let me just say—Mr. Ambassador, thank you for being here. I cannot imagine a more heinous crime than the denial of human autonomy. Because to do that is to say a human being is a thing, an object.

And in making sure that this is a priority for U.S. foreign policy, we need go no further than our own American history. We fought a civil war over the issue of human autonomy. Well, there are some revisionists that want to pretend it wasn't about slavery. From first to last, it was about human trafficking because there was a whole philosophy that said someone of color was a thing, an object. We fought a civil war to settle that question. And after that civil war, we no longer spoke of "these United States" in the plural; we spoke in the singular case, "the United States is."

There can be no more fundamental American value than the assertion of human autonomy. In our own Declaration of Independence, Thomas Jefferson wrote that among these inalienable rights were life, liberty, and the pursuit of human happiness—strange one.

And, therefore, it seems to me, from the wellsprings of our own founding, human trafficking—putting an end to human trafficking, insisting with other governments that they move this way up on the priority list and making sure our ambassadors and our representatives do the same is fundamental to who we are and to American character. So my question to you is candidly, how do you think we are doing? I mean, I have traveled widely. Ambassadors have full plates. There are lots of competing priorities. I mean, there are military, political—I understand. Not everything can be a priority because if everything is, nothing is. But I am concerned that it is possible that unless we ratchet up the importance of the subject, a busy Ambassador may—it may be further down the list of priorities but not his or her top five or three.

I would like your assessment of how well we are doing and what kind of mechanism do we have to make sure that the prioritization of this issue, as very fundamental to who we are, is impressed on new and reassigned Ambassadors?

Ambassador CDEBACA. I will be going this afternoon to an event that the Mount Vernon Ladies' Association and the Mount Vernon Black Women's Association will be jointly hosting that draws the exact parallel.

Mr. CONNOLLY. In the 11th District of Virginia.

Ambassador CDEBACA. I try to stay in the area. And I think that one of the things that is being talked about at this conference is how we have to capture that exact promise, the promise that was made to the people who were in chattel slavery, but also the promise that was made to those who were being held in indentured servitude, debt peonage. The first law that Congress passed when it came back in 1866 was to extend those protections to the Hispanic residents of the former Mexican territories.

Made it very clear that the promise of the 13th Amendment applied to anyone in the United States, whether it was the newly freed African American population or the newest arrival. And that is as true today as it was almost 150 years ago.

I actually think that the 150th anniversary of emancipation gives us an opportunity, an opportunity to tell our story to the world.

Mr. CONNOLLY. I have to interject, I have 43 seconds. How are we doing?

Ambassador CDEBACA. How we are doing is that I think we are seeing in many ways the antislavery and anti-trafficking fight

through the lens of the TIP Report and the lens of the TIP reporting, rather than necessarily seeing it through the lens of the overarching American value system. And I think that is something that we need to work on internally so it is not merely a “We have got to do the TIP Report this year and everything flows from that.” Rather it is “Here is this value that our country was born upon.”

The last 10 years have been a critical time in this fight, but they are a critical time because they are modernizing that promise that we made so long ago.

Chairman BERMAN. The time of the gentleman has expired. The gentleman from Texas is recognized for 5 full minutes.

Mr. POE. Thank you, Mr. Chairman.

Four of the worst abusers are Burma, Cuba, Iran and Zimbabwe, according to our own government. But yet they still have the ability to receive aid from the United States. We call it humanitarian or whatever. But how do we know that that aid is going to the right people in those countries?

The only leverage we have to get people’s attention is the almighty dollar. And if we quit giving them money, maybe they will get their country in order and quit promoting human trafficking or allowing it to exist. And this has to be an issue that the United States leads in. We can’t stick around and wait for the United Nations to do anything, because so many people in the United Nations are abusers of this whole process.

So I don’t think we ought to be giving aid to any country that promotes human trafficking, especially when we say they are the world’s worst abusers. It doesn’t make any sense to me. I would like you to clarify that.

But first, I have introduced legislation, along with my friend, Jim Costa—we are both co-chairs of the Victims’ Rights Caucus—to require people who have gone to our own penitentiaries for sexual assault, primarily of minors, if they travel abroad, they have to register with the State Department, and then the State Department has the authority, discretion, not to allow them to travel overseas.

Now, Ambassador, it is my understanding, and I would like an answer to this, that throughout the world, these middle guys, the customers, you know, the people that pay for the slavery, 25 percent of them are from the United States and they leave the United States to go abroad to seek out young children to have their way with them, and that is a blight on our country.

So what do you think about the issue of making sure that we know who these folks are when they come to see you and they want to travel abroad, not necessarily to do business but to do monkey business? What do you think about that?

Ambassador CDEBACA. A lot of the equities in that bill—and I know there are other similar bills as well—are actually things that are in some other parts of the State Department, and I don’t really want to speak for them.

As far as the trafficking office is concerned, I think one of the things that we find is critical, and it is one of the things that we judge a country on, is what they are doing to reduce the demand for child sex tourism in many ways. That can be everything from the posters that one would see or training for hoteliers to make

sure that the concierges and the front desk aren't collusive in bringing in these kids.

But what we see as reducing demand the most effectively is prosecuting these pedophiles, prosecuting the people who would sell a child to them. As far as the various restrictions on travel, again, I know that there are several different pieces of legislation out there.

One thing, though, that we have noticed as we have tried to look at this, especially in demand reduction for commercial sex with children, is that oft-repeated 25 percent figure comes into question a bit when one looks at the high percentage of Asian clients that are abusing children all over Asia.

Mr. POE. What is your opinion? Is it 25 percent, is it less?

Ambassador CDEBACA. I don't think we really know the actual number, but if you talk to police, again, and to the Cambodian example that Mr. Royce is concerned about, if you talk to the police and to activists in Cambodia, the unnoticed plague seems to be coming from Japan, Korea, China, et cetera.

And so I think that we need to make sure that we are focusing not simply on the Westerners in these countries, but other sex tourists as well, and harness those countries so that they start doing what we do, which is prosecute their people back home. We have a number of countries that don't expand extraterritorial jurisdiction over their traveling pedophiles, and I think that that is a U.S. practice that we need to export to the rest of the world.

Mr. POE. Last question. It just seems to me—and correct me if it is wrong—I am wrong—that countries are just kind of resistant to doing anything about this issue. And that is the sense I have based on your testimony and what I have heard from other people that, just, you know, that is not really something they want to get involved in for whatever reason; is that correct or not?

Ambassador CDEBACA. It is correct to some degree. I think that there are a number of countries that when they start to be, frankly, embarrassed in the international community, they don't want to be the country that is behind their neighbors, and they don't want to lose aid. So we have seen, for instance, in *The New York Times* about 3 weeks ago, the President saying it was the U.S. coming to them that made them act.

Mr. POE. Thank you.

Chairman BERMAN. The time of the gentleman has expired. The gentlewoman from California.

Ms. WATSON. Thank you, Mr. Chairman. I ask permission to submit my statement for the Record.

Chairman BERMAN. Without objection, so ordered.

Ms. WATSON. Ambassador, there are differences in the definition of trafficking in persons between the U.S. and the international community. For example, the U.S. definition omits the removal of organs and makes a distinction between prostitution and sex trafficking. Can you explain these differences and can you outline the implications and how do these differences inhibit the effective coordination between nations?

Ambassador CDEBACA. I will start with the second one and then move backwards.

Ms. WATSON. Thank you.

Ambassador CDEBACA. The U.S. definition, which has severe forms of trafficking being the parts of the trafficking fight that is based on the 13th Amendment's prohibition against involuntary servitude and slavery, is focused upon the involuntary servitude nature of what is being done. So whether that person is being held in compelled service for sex or for labor, they are considered to be a trafficking victim under the 13th Amendment analysis.

The Vienna negotiations for the U.N. Protocol, the exploitation of the prostitution of others, which is the way that the Palermo Protocol deals with the prostitution, the countries that have used that verbatim in their laws tell us over and over again that they see exploitation of the prostitution of others the way that we use the words "severe forms of trafficking."

So it is not that they are saying that it is having a prostitute, it is exploiting the prostitute. So on that issue, even though the words are dissimilar, the concept of the person who is being held in compelled service ends up being the same.

Where there is that difference is when it comes to the organ trafficking. The United States has interpreted the organ trafficking portion of the Palermo Protocol to criminalize those who would traffic a person in order to harvest their organ. Some countries are looking at it more expansively and looking at the trafficking in the organ itself.

And so if we had somebody who, you know, cases where somebody was being held in servitude to have parts harvested, that would be a slavery situation, that would be a trafficking case.

We have tried to explain to other countries, when they proffer their organ trafficking policy as something that meets our minimum standards from the TVPA or the Palermo Protocol, the difference between that thing, the liver or the kidney, what have you, and the person whose freedom is being denied them for the harvesting, that that is at the heart of the distinction that we make. It is the difference between slavery and illicit transport of a piece of contraband.

Ms. WATSON. Since you mentioned the purpose of trafficking in terms of organs and so on, do the countries see this kind of thing as a felony offense? Because certainly harvesting these different organs can certainly affect the health of a human being and can lead to a fatality. How do you make the difference?

Ambassador CDEBACA. Unfortunately, one of the things that we have seen is there has been more action kind of at the U.N. Conference-going level than there has been at the law enforcement level. And I think this is one of the things that, you know, we have heard a lot about the trafficking of organs, but we haven't seen much law enforcement activity against it; one big exception being the case here in the United States, here in the United States in New Jersey, with some folks who are doing some illicit organ trafficking. It is actually one of the few criminal cases that have been done out there, and that was a felony charge in that case.

Ms. WATSON. Since my time is almost up, do the other countries, the countries most involved in sex trafficking, organ trafficking, and so on, do they make a distinction and do they penalize people according to whatever the definitions are?

Ambassador CDEBACA. It is a little up in the air. Many of the countries have criminal law that simply tries to mimic the Palermo Protocol. Many of them are now changing that to something that is more closely related to the U.S. law, because the Palermo Protocol itself doesn't necessarily work in a courtroom.

Ms. WATSON. Thank you.

Chairman BERMAN. The time of the gentlewoman has expired.

The gentleman from New Jersey, chairman of the African and Global Health Subcommittee, Mr. Payne, is recognized for 5 minutes.

Mr. PAYNE. Thank you very much. The case that you talk about in New Jersey with the trafficking of organs, as you know, is still ongoing. It was very shocking, the complexity of the case of immigrants coming over, predetermined that, you know, their organs would be sold as a part of their coming into the country. So we hope that the prosecution will really convict these people in this heinous crime.

The fact that it is very difficult, according to a 2007 GAO report on human trafficking, concluded that U.S. Federal law enforcement agencies would benefit from improved interagency cooperation on investigations and prosecutions for trafficking crimes, including cooperation between Federal, State, and local enforcement elements. And I am sure that in law enforcement in general, this is not a new problem. It permeates the system.

But if, as the 2007 GAO report indicated, the U.S. Government is having trouble with law enforcement coordination on human trafficking crimes, what can we reasonably expect from other countries which have fewer resources, fewer support and capabilities than what the U.S. have in combating? Have we tried to work with them, or is it possible to have an interagency cooperation?

Ambassador CDEBACA. The GAO report was certainly correct. I think you are dead-on as far as seeing that as a problem in many of our law enforcement areas. One of the things that we have seen and that we are trying to mirror in this important civil rights crime is the experience that we had during the expansion of the hate crime laws in the 1990s where we realized that Federal hate crimes enforcement would never be able to capture the scope of hate crimes in the United States.

And so States started passing hate crime statutes, enlisting State and local law enforcement, and culturally State and local law enforcement were finally ready for that. You started seeing State and locals in places where the Feds had to be the only game in town, because the local sheriff may have been part of the Klan that was being investigated a generation ago.

We see the same thing happening in the human trafficking field, with all but 4 of the 56 States and territories having passed anti-trafficking legislation. That training is now getting out into the field, and we are starting to see more and more State cases. So we are glad that we don't have all of our eggs in that Federal basket.

Taking that, then, and looking at the rest of the world, many of the countries that we are dealing with don't have that Federal system.

There was a bilateral agreement that the Clinton administration entered into with Italy back in—and I want to say 1998—where

the folks from the State Department came back from that meeting, having agreed with the Italians that certain questions would be asked of victims when they were encountered. The Italians, because everybody in their system reports to the Justice Minister and the Interior Minister, within a week or two, they had all of that information out into the police forces around Italy, more than 300 cases as a result.

Our State Department folks came back, came over to the Justice Department and said, Okay, now order everybody to do this. And there are 17,000 independent police forces around the country that do not take orders from the Attorney General, as I think Eric Holder can attest to.

So it ends up being much more of the cultural shift that we have to have here in the United States, through the long-term, hard-core police training, policemen and prosecutors who do these cases getting promoted. Hopefully that ends up reflecting society's wishes more than something that comes down from on high.

So the types of police training, the types of structures, the task forces, et cetera, that we have put in place to try to increase that coordination, we are now taking and replicating those in other countries. And the countries that have stood up their own anti-trafficking units and had that kind of coordination are starting to see an impact.

Mr. PAYNE. Well, I think my time has about expired, so thank you very much.

Chairman BERMAN. The time of the gentleman has expired.

Ambassador, it has been wonderful to have you here. Thank you very much for not only your testimony here, but what you are doing in your position, and we want to support you.

We are now pleased to have a second panel and if they could come up and take their seats. We do have a slight logistical problem. We really have to adjourn this hearing no later than 12:20 p.m. or so.

I will begin the introductions. David Abramowitz is the director of policy and government relations at Humanity United where he leads outreach efforts to the U.S. Government, multilateral institutions, and international NGOs and provides strategic counsel and advice to a broad range of grantees.

Previously, Mr. Abramowitz served as chief counsel for this committee, where he worked on the Traffic Victims Protection Act, among many issues. He also worked at the Office of the Legal Adviser in the State Department.

And I just have to add, on a personal note, that as we have recessed our session until after the election, we come to a lame-duck session and people talk about what is the agenda in the lame duck. I have watched Mr. Abramowitz take the William Wilberforce Act, the reauthorization of the Trafficking Victims Protection Act, and knock himself out, working with friends and collaborators in the other body, to produce a piece of legislation when no one thought he had chance of doing it. This is a tribute to his commitment to this issue. We are really pleased to have him back here testifying on a subject he has demonstrated over and over again he cares greatly about.



Ambassador Mark Lagon is chair of the International Relations and Security Concentration and visiting professor in the Master of Science in Foreign Service Program at Georgetown University. He is also adjunct senior fellow at the Council on Foreign Relations.

Ambassador Lagon served as director of the Office to Monitor and Combat Trafficking in Persons at the U.S. Department of State from 2007 to 2009, as Mr. Smith mentioned earlier. He also served as Deputy Assistant Secretary of State for International Organization Affairs and on the staff of the Senate Foreign Relations Committee, where he was involved in these issues.

Dr. Aruna Uprety is the founder of the Rural Health Education Services Trust in Nepal. In 1995, Dr. Uprety began working with the American Himalayan Foundation on the problem of young girls in rural Nepal being trafficked to India. In addition to her work with the Rural Health Education Services Trust, Dr. Uprety also serves as a consultant to the United Nations.

You came a long way and we are very honored that you could be with us today.

Neha Misra is the senior specialist for migration and human trafficking at the Solidarity Center, AFL-CIO, an international workers rights NGO, based in Washington, DC. Previously, Ms. Misra was the deputy country director and program manager for the Solidarity Center's Countertrafficking in Persons project in Indonesia. Before her assignment in Indonesia, she worked in Bosnia and Herzegovina on postwar elections in democracy, and as a senior attorney adviser with the U.S. Department of Justice.

Dr. Beryl D'souza heads the Health Care Initiative of the Dalit Freedom Network and Operation Mercy India Foundation. Concerned with the issue of human trafficking and HIV/AIDS in India, Dr. D'souza works with Dalit activists and international medical professionals to improve the health and well-being of the Dalit people.

You also have come a long way.

So I thank all of our witnesses. Mr. Abramowitz, why don't you begin with testimony? Your entire statements will be included in the record, and it would be great if you can summarize them and then we will have questioning.

**STATEMENT OF MR. DAVID ABRAMOWITZ, DIRECTOR OF  
POLICY AND GOVERNMENT RELATIONS, HUMANITY UNITED**

Mr. ABRAMOWITZ. Thank you, Mr. Chairman, and Mr. Royce, and other distinguished members of the committee. Thank you for holding this very important hearing on the global fight against trafficking.

My ears were burning with both Mr. Smith and yourself, Mr. Chairman, talking about the work that I did. I happen to know that Doug Anderson, who is also sitting in the room, was there from the beginning on the TVPA, working with Joseph Reese and myself, and I think that should be noted.

At the end of the day, I remember any number of conversations that I had with Mr. Smith when he was the lead on some of the Trafficking Victim Protection Reauthorization Acts, as well as the act itself.

With you, Mr. Chairman, I have to say that despite the hard work that we all did at the staff level, at the end of the day I think these things wouldn't have happened without you. I think you should be very proud of the work that you have done and the accomplishments that came from it, as Ambassador CdeBaca was discussing.

It is a privilege for me to return to the committee in my new role as director of policy and government relations at Humanity United, a philanthropic organization that works to advance human freedom by combating modern-day slavery and to build peace and prevent conflict.

Mr. Chairman, as described in my written testimony, and as you recognized in your opening statement, trafficking continues to inflict suffering on tens of millions of people around the globe, including here in the United States, and may even have undergone a surge during the current global economic downturn, as I think Mr. Royce was suggesting in his opening statement.

Every victim of human trafficking, whether laboring in the fields where our food is grown, or in the streets where U.S. youth is sexually exploited, deserve the freedom to be a survivor.

Mr. Chairman, at Humanity United we believe there are solutions to these heinous abuses but that they require a unity of effort between civil society, which can work directly with survivors; the private sector, which can ensure supply chains are slave-free; and governments which can implement policies to help end this scourge.

In that regard, Mr. Chairman, the Trafficking Victims Protection Act of 2000, or TVPA, and its various reauthorization acts, establish a powerful framework for the United States which, as Mr. Smith noted, has been implemented vigorously by three administrations under Presidents from both political parties.

In particular, the Trafficking in Persons, or TIP Report mandated by the TVPA, has been a tremendous tool for catalyzing changes. As again Mr. Royce noted, it has been an important element of our diplomacy.

I ask that a document demonstrating how the TVPA has fostered real change, which was compiled by the Alliance to End Slavery and Trafficking, or ATEST, be entered into the record.

Chairman BERMAN. It will be included by unanimous consent.

Mr. ABRAMOWITZ. Mr. Chairman, as reflected in my written testimony, this year's TIP Report shows a dynamic analysis of trends in human trafficking. Countries continue to be downgraded as well as upgraded, and several key countries remain on Tier 3 and therefore subject to sanctions.

The overall assessment of U.S. performance on the international front, however, remains an unfinished story. My written testimony raises a number of concerns, including the following.

First, we need to continue to ensure that the TIP Report focuses on trafficking into both sexual and labor exploitation. This year's report continues the longstanding trend toward focusing a bit more on trafficking into labor exploitation. Yet I believe the report needs to capture more fully, for example, the risk facing women and children who migrate for legitimate labor purposes but end up being exploited sexually as well.

During my trip to Nepal last week, activists suggested that as many as 90 percent of women and girls who have migrated from that country face such dual exploitation. I was encouraged that Ambassador CdeBaca alluded to these phenomena in his testimony today.

Second, the administration needs to ensure continued high-level support for U.S. diplomacy on trafficking issues. Making a difference in primarily difficult cases laid out in the TIP Report will require high-level diplomatic intervention. For example, will human trafficking be raised at or around the President's summit with Prime Minister Singh of India later this year?

Mr. Chairman, I cannot emphasize too much the importance of combining the TIP Report with robust diplomacy. Earlier this month, as Ambassador CdeBaca alluded to, Senegal successfully completed a first-ever prosecution of those who were benefiting from child begging, and Senegalese officials specifically stated that this prosecution occurred as a result of the TVPA.

I believe the testimony from all members of this panel suggests that U.S. diplomacy needs to move toward encouraging better implementation of local statutes and rule of law in order to make a real dent in human trafficking, a view I strongly endorse.

This committee also has an important role in this effort. Every subcommittee should ensure that human trafficking is raised when assistant secretaries from regional bureaus of State come to testify before them, so that those responsible for day-to-day relations in the Department are sensitized to the importance of this issue.

Third, you should keep an eye on diverging approaches to trafficking within the U.S. Government. One of the reasons that it may appear that there is more focus on trafficking into labor exploitation is continuing differences in the executive branch on how to approach this issue. And I go into that more in my written testimony.

Mr. Chairman, this debate is distracting government from its real work and should be resolved.

Fourth, Mr. Chairman, as I laid out in my written testimony, you should ensure that the TIP Report is not merged with other human rights reports. I am happy to discuss that with you during the question-and-answer period.

Finally, Mr. Chairman, my written testimony has a number of additional suggestions regarding how U.S. law could be improved in the reauthorization bill the committee will consider next year.

Let me just highlight one at this point. The U.S. should enhance civilian protection in humanitarian crises to prevent trafficking when the vulnerable population often increases. I think this really goes to the point that Ambassador CdeBaca raised about taking trafficking out of being a boutique issue and bringing it into the mainstream.

In particular, Mr. Chairman, I believe the committee should support create an emergency response fund for the TIP Office that can be programmed as needed.

This was demonstrated most heavily this year after the Haiti earthquake. Rather than robbing Peter to pay Paul to address such urgent needs, an emergency fund should be established to deal with such unanticipated humanitarian crises. The Senate Appro-

priations Committee actually took a good first step this year by including language on this matter at the request of Senator Kerry. Institutionalizing such a fund in TVPA could be an important contribution to saving lives.

Mr. Chairman, the voices of the victims and survivors of human trafficking are indeed heard all too often from the shadows. We in civil society will work with you and this committee to ensure that we stay on the path to eradicating modern-day slavery and advancing the cause of human freedom.

Thank you Mr. Chairman, and I stand ready to answer your questions.

[The prepared statement of Mr. Abramowitz follows:]

Testimony by David S. Abramowitz  
Director of Policy and Government Relations  
Humanity United  
Before the Committee on Foreign Affairs  
U.S. House of Representatives  
September 30, 2010

"Out of the Shadows: The Global Fight Against Human Trafficking"

Mr. Chairman, Ranking Member Ros-Lehtinen, Mr. Smith, and other distinguished members of the Committee, thank you for holding this hearing on one of the most terrible human rights abuses – the widespread occurrence of modern-day slavery and human trafficking. It is a privilege for me to return to this hearing room where I have personally witnessed so many critical moments in the development of this country's foreign policy.

This time I appear in my new role as the Director of Policy and Government Relations at Humanity United. Humanity United is a philanthropic organization based in Redwood City, California that works to advance human freedom by combating human trafficking and ending modern-day slavery. As I will discuss below, our work encompasses a range of activities, including funding organizations that act domestically and abroad, supporting meaningful engagement of multinational corporations, and engaging directly in Nepal, from where I just returned a few days ago.

Mr. Chairman, human trafficking continues to inflict suffering on tens of millions of people around the globe. Estimates of those who are in various forms of human bondage range from 12 to 27 million people. President Khoo of Interpol recently estimated that human trafficking in all its forms yields \$32 billion dollars in profits every year.<sup>1</sup> David Arkless of Manpower, Inc. reports that despite this Committee's and the international efforts of a wide array of countries, the worldwide economic downturn has led to a surge in human trafficking as those desperate for some way to sustain themselves become more vulnerable to the predators who engage in modern-day slavery.<sup>2</sup> Hopefully this worrying rise in trafficking cases will subside as the global economy improves.

These statistics are sobering, particularly when we remember that they represent millions of individual stories of tremendous suffering and exploitation. In 2007, your Committee heard testimony from Zipora Mazengo, who came to the United States seeking a better life as a domestic worker to a Tanzanian diplomat here in Washington, DC, only to have her passport seized, to be forced to work up to 16 hours a day without pay just a few miles from this very building, and to be subject to serious physical abuse and denial of medical care. Ms. Mazengo, whose abuser left the country without ever providing compensation or paying for his crime, still seeks redress to this day.

Ms. Mazengo's story is only one of many that are occurring every day. Women and children are exploited in the streets and brothels of South Asia; migrant workers are being abused here in the United States and in distant countries; and agricultural

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<sup>1</sup> President Rhoo, Interpol, Speech at Interpol Conference on Human Trafficking, June 7, 2010, <http://www.thenational.ae/apps/pbcs.dll/article?AID=/20100608/FOREIGN/706079866/1002/RSS>

<sup>2</sup> David Arkless, Manpower, Inc., Speech at Carnegie Council, February 18, 2010, reprinted at <http://www.cceia.org/resources/transcripts/0260.html>

workers labor in fields in atrocious conditions around the world with little or no pay and no ability to leave. Mr. Chairman, this is not a far away problem – thousands of adults are trafficked into forced or exploitative labor here in the United States, and estimates of U.S. youth trafficked into commercial sex has been estimated to be as high as 100,000.

Each of these victims, Mr. Chairman, deserves the freedom to be a survivor. They deserve to have trafficking prevented, their own lives protected, and their perpetrators convicted.

Mr. Chairman, at Humanity United we believe that there are solutions to these heinous abuses but that they require a unity of effort between civil society, the private sector, and governments around the world. Non-governmental organizations can reach out to communities to educate at the local level, help free victims and provide essential services to survivors. The private sector can help ensure that its supply chains are free of slavery and labor exploitation, down to the raw material level, and that their employees do not avail themselves of trafficked women. And governments can institute policies and fund programs that can reduce and eventually eliminate widespread use of these human rights crimes.

In that regard, Mr. Chairman, this Committee has been a leader in creating and implementing a framework for U.S. and international efforts to combat human trafficking. It was almost 10 years ago today that the Trafficking Victims Protection Act of 2000 (TVPA) was signed in to law. That legislation, introduced by Representative Smith of New Jersey and Representative Gejdenson of Connecticut, with the bipartisan support of the late Senator Wellstone of Minnesota and Senator Brownback of Kansas has been implemented vigorously by three Administrations under Presidents from both political parties.

In addition to establishing the framework of preventing trafficking, protecting victims, and prosecuting perpetrators, the TVPA of 2000 required an annual report on human trafficking, to be prepared by the Office to Combat Trafficking in Persons (G/TIP), on the state of human trafficking around the world, which is commonly known as the TIP Report. The report rates countries as to whether they are meeting the minimum standards contained in the Act, whether they are making significant efforts to do so, or whether they are failing to even make such efforts at all.

Before turning to the latest TIP report, let me just remind the Committee of the amazing developments that have occurred as a result of your actions in creating this extraordinary human rights tool. Facing the exposure of terrible abuses within their border, real change has occurred. I ask that a document compiled by the Alliance to End Slavery and Trafficking (ATEST), a diverse coalition of U.S. based NGOs supported by Humanity United, which lists a number of these successes be entered into the record. This document demonstrates that from Cambodia to the countries of the Gulf, from Nigeria to Japan, the TVPA and TIP report have fostered real change that has saved lives and reduced abuses.

Mr. Chairman, looking at the Obama Administration and the Clinton State Department's development of the report, the news is mostly good. Secretary Clinton, whose focus on this issue began in the 1990's, has brought high-level attention to the issue of human trafficking, including participating in serious public launches of the last two TIP reports. She has appointed a very active Ambassador from whom you have just heard, Ambassador Luis CdeBaca, who has received strong support from Undersecretary for Global Affairs Maria Otero and Deputy Secretary of State Steinberg. The Department's Protocol Office has built on and strengthened efforts to prevent domestic workers of diplomats from being exploited.

The TIP report itself, in my view, continues to improve since its introduction in 2000. Continuing the work of the Bush Administration under Ambassadors John Miller and Mark Lagon, the Report continues to focus on the wide range of abuses that encompass human trafficking, with an increasing focus on trafficking into labor exploitation and such phenomena as child soldiers, while maintaining its attention to trafficking into sexual exploitation. Continuing the trend from 2009, and pursuant to the amendments this Committee pushed through in 2008, coverage of the 2010 TIP report has risen to include a total of 177 countries, including the United States. My overall view is that the report provides a reasonably factual assessment of the global situation. Looking in particular at the assessment of the overall performance of countries under the so-called Tier System, and the new rating system for child soldiers, there seems to be significant evidence that the State Department's analysis is still working:

- 23 countries were "upgraded" to show that their performance was improving, but 19 countries were "downgraded."
- Downgraded countries included countries that are important to the U.S. national interest, such as the Democratic Republic of Congo (which was given a Tier 3 rating), Switzerland (which was moved from Tier 1 to Tier 2), and Thailand and Vietnam (which were moved down to the Tier 2 Watch List).
- As has been the case in past years, Saudi Arabia and Kuwait remain on Tier 3. Eritrea, of particular interest to the United States given its proximity to Somalia, is also on Tier 3.

It is also notable that this year's report contains an assessment for the first time of the performance of the United States, concluding that it ranks as a Tier 1 country. While there are differences within the advocacy community over aspects of the assessment, I believe that ranking the United State is a step forward. In particular, I was particularly encouraged that the report contained a number of recommendations for the United States to improve its ant-trafficking programs, demonstrating that whatever progress it has made, the United States still has a ways to go.



The overall assessment of U.S. performance on the international front, however, remains a story that is still being written. There are a number of areas that the Committee should bear in mind as it continues its oversight:

- Orientation of the TIP report and maintaining a focus on both trafficking into sexual and labor exploitation. Trafficking into sexual exploitation and into labor exploitation by force, fraud or coercion are both heinous human rights abuses that cause tremendous human misery. While many groups focus more on one over the other, or more on activities in the United States versus abroad, we need to continue to ensure that we attach importance to all these phenomena. That has been the approach of Humanity United, which is working to build coherence in the field by fostering a coalition of NGOs that represents this spectrum of issues. There can be little doubt that the Administration cares deeply about both trafficking into sexual exploitation and labor exploitation, but the most recent report continues a trend of increased focus on trafficking into labor exploitation. In particular, the report would benefit from an analysis of the risk facing women who migrate for legitimate labor purposes that may well end up being exploited sexually as well. The 2010 report discusses this at various points, but given that on my recent trip to Nepal, activists suggested that the figure for such dual exploitation is as high as 90 percent of those who have migrated, this issue bears greater emphasis.
- Watch the “Conveyor Belt” closely. As you may know, in the 2008 William Wilberforce Trafficking Bill Congress pushed a new approach to the so-called “Tier 2 Watch List,” requiring that countries be moved to Tier 3 if they stay on the Watch List for two years (unless the President makes other determinations). A number of important countries, including India, China and the Russian Federation will be subject to this provision in June 2011. How the Administration implements this provision will tell us much about their seriousness of purpose. There will inevitably be discussions about adjusting the tier rating of individual countries to avoid creating friction in U.S. bilateral relationships. We need to make certain that the Administration does not give in to such temptations.
- Consider whether the Presidential Waiver Authority is being used properly. Countries that remain on Tier 3 are subject to certain sanctions, but there has been a growing tendency towards the end of the Bush Administration and now the Obama Administration to waive these sanctions because the President believes that providing such assistance is in the national interest or furthers the purpose of the Act. I was encouraged that the President, in his determination two weeks ago, kept sanctions on Eritrea. He also, however, extended waivers to many countries on the list. I would rather see an honest assessment of a country’s performance and a waiver where necessary, but over time the waivers may work to erode the impact of the TIP Report. With the Conveyor Belt beginning to work this year, there is a risk that an even

larger number of countries will go on to Tier 3, but will be waived. I hope that the Administration expands the use of a targeted waiver, using the authority to waive limitation for the most necessary assistance, rather than to provide blanket waivers.

- Supporting U.S. diplomacy on trafficking issues. In that regard, Mr. Chairman, the report and the “conveyor belt” will give an important opportunity for U.S. diplomacy to ratchet up action. The beauty of the trafficking framework is that the report gives a tool for active U.S. diplomacy. However, making a difference in perennially difficult cases will require high-level diplomatic intervention. We have seen the Secretary’s public commitment, and the Presidential trafficking proclamation earlier this year indicates a continuing White House interest. However, the real proof will be in upcoming high-level meetings. For example, will human trafficking be raised at the President’s summit with Prime Minister Singh later this year? If not, will the President meet with trafficking survivors? There are many ways high-level officials can express their interest, with a potential impact on our partners. Mr. Chairman, I cannot emphasize the importance of this point – one need only look to the recent report on the efforts to stop child begging in Senegal to see that the TIP report and robust diplomacy can help end the misery of millions. Earlier this month, authorities in that country successfully completed a first ever prosecution of those who were benefitting from child begging – a practice that has been ongoing for decades. Senegalese officials specifically stated that that this prosecution occurred as a result of the TVPA.<sup>3</sup> This approach needs to be executed on a large scale. In addition Mr. Chairman, I think that you need to recognize that Ambassador CdeBaca is a believer on these issues. It is important that the Committee raise trafficking not only through this hearing but with other senior department officials as well. Every subcommittee should ensure that human trafficking is raised when assistant secretaries from regional bureaus come to testify before them. Expressing the Committee’s interest in these issues across the Department and demanding accountability by those who are responsible for bilateral relations will do much to sensitize the Department as a whole to the importance of this issue.
- Ensuring that the Administration does not inadvertently downgrade the TIP Report. As in all Administrations, there are ongoing discussions on how to improve efficiency by consolidating reports on related subjects. I understand there are proposals on merging a number of human rights-related reports, including the TIP Report, into one large human rights document. While this might sound appealing, and at the risk of sounding parochial, I do not believe this makes sense in the TIP context. First, the TIP report may be the only annual report on trafficking issues – there is no parallel NGO report that reports annually on these issues on a global basis. Merging the TIP report

<sup>3</sup> *Supreme Court Forbids Children to Beg*, New York Times, September 12, 2010

with other reports will therefore take away from its impact. Second, the TIP report is unusual in that it both provides analysis and includes conclusions that have political impact through the imposition of sanctions. Congress has generally wanted to keep the annual Country Reports on Human Rights practices free of such political consequences, which endanger its objectivity. This principle will be undermined if the trafficking report is merged with the Human Rights reports.

- Evaluating whether the Administration is policing its own contracts. Over the years there have been a number of allegations on trafficking violations by contractors of the U.S. Government. The last two Administrations have established useful standards, but the review of those standards remains unclear. Earlier this year, I understand the Department of State's Inspector General's office provided the committee a summary of its activities and a report was due this summer. I urge the Committee to continue its oversight by working with the Inspectors General of the State Department, Defense Department, and USAID to look at their work in this area, as required by the Wilberforce Act. We can't be a leader in this field if the United States does not prevent trafficking in its own supply chain.
- Keeping an eye on diverging approaches to trafficking. Much has been made of the fact that the focus within the U.S. Government seems to be tilting to trafficking into labor exploitation. As I stated previously, I don't believe that this perception is justified, but it may be fueled by the amount of debate that is taking place internally on that issue. The debate appears to be between those who see the trafficking mandate as covering abuses involving the movement of people and those who believe that trafficking encompasses all forms of modern-day slavery, including inherited debt bondage and forced labor in place. It also reflects a difference of approach. Some would rather look at the whole spectrum of labor exploitation as requiring engagement with employers. Others believe that as abuses reach the realm of forced labor, criminal prosecution is the right response. Mr. Chairman, this debate is distracting the government from its real work and should be resolved. In that context, I think we need to remember that a narrow definition of trafficking would leave the State Department out of the game of pressing for reforms in key countries, such as India and elsewhere in South Asia, and would doom survivors to a world in which they would receive no protections. As strong as the language of the various slavery conventions may be, none of them have the language of protection and relief for survivors contained in the Palermo Protocol on human trafficking.
- Review the Department of Labor's standards for "best practices" to avoid the use of forced labor. Mr. Chairman, as you know, after completing a report on the origins of slave-made goods pursuant to the TVPRA of 2005 and 2008, the Department of Labor is working on best practices for companies to use to ensure that their supply chains do not include raw materials or goods

extracted by or made with slave labor. This set of practices, mandated by the TVPA, should come out later this year. These practices, if done correctly, could provide a safe harbor for firms that are interested in moving toward this area but are concerned about the right approach on these issues. Reviewing these new standards when they are promulgated, looking closely at the reception by the business community, and encouraging (depending on their content) their adoption will be an important moment in trying to engage the private sector in fighting modern-day slavery and could be critical to ending multinational corporations' involvement in this heinous abuse.

Finally, Mr. Chairman, I have some additional suggestions regarding how U.S. law could be improved to make U.S. anti-trafficking policies even more effective. In addition to some of the points above, which may suggest some possible amendments, here are a few additional thoughts:

- Enhancing civilian protection in humanitarian crises. The Administration has greatly emphasized the importance of protecting civilians during conflict or other times of vulnerability. We should be looking at ways in which we can institutionalize anti-trafficking protocols within the U.S. civilian protection approach in response to humanitarian crises. The latest TIP report approaches this by laying out principles in this regard, which the Committee could build on to ensure that these principles are applied consistently.
- Creating an emergency response fund for the State Department. On a related front, I believe the Committee should seriously support creating an emergency response fund for the TIP office that can be programmed at need. This was demonstrated most tellingly this year after the Haiti earthquake. A large number of children became homeless and those taken in prior to the earthquake under the "restevak" system were even more at risk. The State Department was able to scrape together some funding, sent an officer down to Haiti, and was instrumental in saving countless children, in part by focusing effort and by working with local partners. Rather than robbing Peter to pay Paul, an emergency fund should be established to allow this to be done on a more regular basis. A good first step has been taken with the direction in the Senate Appropriations Committee report on the FY2011 State, Foreign Operations Appropriations Act, included at the request of Senator Kerry, Chair of the Senate Foreign Relations Committee. Institutionalizing such a fund in the TVPA could be an important contribution to saving lives.
- Reauthorizing the Department of Labor's Report on slave-made goods. As I noted previously, pursuant to the TVPRA of 2005 and 2008, the Department of Labor has issued a report on goods made with forced labor. This report has been enormously important as a way of gathering basic but critical information, which otherwise would not be available, and of raising awareness among the business community. While DOL is assembling

additional research to do a follow up report, there is no statutory requirement for such a report. I would urge the Committee to consider requiring this report on a biannual basis to provide further updates on this issue. Congress should also look at restrictions related to the importation of slave made goods to see if further tightening of those provisions is possible.

- Sharpening U.S. policy based on the experience of other countries. Our continued success getting countries to adopt new policies on human trafficking provides an enormous opportunity for the United States to see what policies work, what obstacles there are to implementation, and how the minimum standards in the TVPA can be approved. In Nepal, for example, recently enacted laws that both outlaw human trafficking and regulate the export of foreign labor draw wide praise and contain important innovations, such as prosecution of those who use trafficked women and protection for the survivors through substituting written statements for oral testimony. Yet implementation has been hampered by the political stalemate, corruption, and lack of capacity. What are best practices and how do we solve this capacity conundrum? Should implementation of existing frameworks be a greater focus of the minimum standards in the TVPA? I was very encouraged that G/TIP held a meeting on best country practices earlier this week. The outcome of this convening should be obtained and reviewed by the Committee as you work up towards the reauthorization of the TVPA next year.
- Ensuring further research on trafficking. The trafficking field is still young, and we remain unclear about which interventions have the greatest impact. Additional research needs to be done both here and abroad. I recommend that the Committee become familiar with the research that the United Nations has performed through the UN Inter-Agency Project in Southeast Asia, often referred to as UNIAP. Their data driven approach helps target programming to specific vulnerable populations. Future major trafficking programs, such as the one being implemented in Nepal, need to have a research element that will assist in identifying the best possible interventions and will evaluate results. Looking at the domestic side, although it is not within the jurisdiction of the Committee, I note that there are a number of elements of the TVPRA of 2008 in which implementation has lagged. Research looking at trafficking into sexual exploitation in the United States, as well as the creation of a new model law to combat trafficking and sexual exploitation, has not been completed. Congress should consider ways to make sure these requirements are carried out. In addition, there may be some new ways to think about prevalence research in the United States. As the U.S. assessment provides, for example, federal and state collection of information needs to be more uniform. In addition, a number of surveys done by a variety of federal agencies or other entities, such as surveys on agricultural workers and at risk youth, could be modified to add some

questions that would provide additional information on the scale of trafficking in the United States.

Mr. Chairman, these are a handful of measures that should be considered by Congress in reauthorizing the TVPA, which expires on September 30, 2011. If this committee continues to act in a bipartisan manner in accordance with its traditional approach to this issue, you can ensure an even greater impact, and save more victims like those survivors who have testified before you in the past and continue to need your help. Mr. Chairman, the voices of the victims and survivors of human trafficking are indeed so often heard from the shadows. We need to listen to those voices and remember that whatever the obstacles, this is a fight worth waging. Those of us on this panel and the broader civil society stand ready to work with you to ensure that we are on the path to eradicating human trafficking and modern-day slavery and advancing the cause of human freedom.

Thank you, Mr. Chairman.

Chairman BERMAN. Thank you very much, Mr. Abramowitz.  
Ambassador Lagon.

**STATEMENT OF THE HONORABLE MARK P. LAGON, CHAIR,  
INTERNATIONAL RELATIONS AND SECURITY CONCENTRA-  
TION, AND VISITING PROFESSOR, EDMUND A. WALSH  
SCHOOL OF FOREIGN SERVICE, GEORGETOWN UNIVERSITY**

Mr. LAGON. Thank you, Mr. Chairman, Mr. Royce and members of the committee for inviting me to testify on a very important subject, the slavery of today. I want to note that the committee for years has been addressing the highest imperatives of human rights that transcend partisan lines, and if it weren't for members of this committee, such as the indefatigable Mr. Smith, there wouldn't be a Trafficking Victims Protections Act or a TIP Office, so thank you.

On its page 7, the latest TIP Report estimates that there are 1.8 trafficking victims for every 1,000 people in the world, and that is based on very conservative ILO estimate of 12.3 million victims globally, less than half of the estimate of scholar Kevin Bales. So, think about it. At least 1 out of every 555 people in the world today is a human trafficking victim.

I would like to comment on a couple of patterns today in the world, 10 years after the TVPA, the creation of the TIP Office and the Palermo Protocol, and then I would like to offer recommendations in four key areas of action.

The first trend that I want to highlight relates to rule of law. The main tangible impact of the TVPA, the TIP Office, U.S. diplomacy, and the Palermo Protocol have been passage of new laws addressing human trafficking in well over half the countries of the world. Yet rule of law consists in so much more than law on the books, whether in the United States or in the least-developed countries.

The TIP Report documents 7,992 prosecutions in the whole world in 2003, and then down to 5,506 prosecutions in 2009. And of those

5,506, only 432 were for labor-related trafficking. Prosecutions are limited. They are down from a few years ago and they are minimal for nonsexual exploitation. If we are to be plain, lots of effort is not apparently moving the needle of change a great deal. We need implementation of rule of law.

Secondly, I am often asked where are the most significant places in the world for the human trafficking problem. One answer is India because, of those 27 million people, Kevin Bales estimates, who are trafficking victims in the world, some two-thirds are there, chiefly in bonded labor.

China is another answer, due to migrating workers without a safety net; a female deficit, as Congressman Smith referred to; a wild-west kind of sex trade; official discrimination against Uyghurs and Tibetans; and a failure to treat North Koreans fleeing atrocious political and economic conditions as refugees. East Asia is of particular concern because it is a focus of both labor and sex-related trafficking.

And, finally, the Gulf is a major flashpoint because if you are a woman or if you are a foreign guest worker, or worst of all, if you are both, you are likely to be treated as a lesser human in the Gulf.

But despite all of these flashpoints and foci of trafficking, there are no lesser victims of trafficking. So I see another pattern 10 years after the TVPA, which contributes to the needle not moving as much to abolish slavery. It is the fissuring of efforts, the siloing of focus on particular groups. For instance, victims of forced labor are no less important than victims of sex trafficking and vice versa.

Sex trafficking is not the only source of exploitation and violence against women. A couple of examples. When I was executive director of the NGO Polaris Project, I met two Chinese women in Japan who were victimized for forced labor under a labor training program exempt from Japanese labor law.

Also with Polaris, I met with an African woman who was a human trafficking victim, served as a client by Polaris, here in our country, right here in Washington. And she noted she thought it was charming how Americans talk so much about cruelty to animals, but some humans like her are treated worse than animals.

As the TIP Office director who I would say established the parity of emphasis on labor slavery, I hope the pendulum isn't swinging toward focus on labor to the exclusion of sex trafficking. On page 8 of the 2010 TIP Report, it emphasizes that prostitution is not trafficking.

That may be counterproductive. I don't think prostitution is one and the same as slavery, but prostitution is the enabling environment of sex trafficking, whether in brothels or in seedy streets or, until recently, on Craigslist in the United States. Sex trafficking is the basic enabling environment of men fueling demand by purchasing, chiefly, females, and that problem of sex trafficking and the demand shouldn't lose attention.

There is another serious area of fissuring. Despite what some at the Department of Labor or the ILO or some businesses think, crossing borders is not a necessary element of trafficking. Whether the family freed from bonded labor that I met in Tamil Nadu, India, or the Mexican girl I met who was prostituted as a minor

in Chiapas, those people are every bit as much TIP victims as those who cross borders.

The global fight for dignity for human trafficking victims requires equal value and energy accorded to all of these victims.

Let me talk briefly about four things I think we need to do. First, we need to be an exemplar. When I was the TIP Office director, the essential premise was that the United States needed to be an exemplar in order to be an effective promoter of the anti-trafficking agenda internationally. I very much had in mind the problem of U.S. detainee policy undercutting U.S. promotion of freedom and credible antiterrorism policy, and that is a continuity between the different directors of G/TIP in multiple administrations.

Under the last administration we put a profile of the United States into the TIP Report. We disseminated the Department of Justice's annual report on the U.S. record widely, globally. And we got the Department of Justice to produce it in the same month as the TIP Report.

I would really like to commend Secretary Clinton for going farther, for including a profile with a ranking, with a grade, and more lengthy recommendations about areas of weakness.

Let's think about the problem at home. ECPAT, the NGO, commented recently in reading the profile of the United States in the TIP Report that according to U.S. Government statistics from 2008 and 2009, almost three times as many prostituted children were arrested as offered protection and assistance in the United States. We have got to be an exemplar.

Secondly, persuading other governments to do more benefits from offering a helping hand. It is not fully appreciated, but the assistance to NGOs and the most efficacious international organizations like the IOM is as an important part of U.S. policy as any. And that assistance should go to some governments too, those on Tier 2 and Tier 2 Watch List that have a will to change but deserve help.

I commend Ambassador CdeBaca for going to Africa on his first trip, and it is a good signal because less-developed African nations need not so much grading on a curve in the TIP Report as tangible assistance.

Being an exemplar and offering a helping hand are important complements to pressuring governments. But make no mistake: Pressuring governments we must. The TVPA has manifestly worked—in case after case we have seen how the report and the rankings have worked. Even among allies unused to prodding from the United States, Turkey, Israel, the Philippines, the UAE, even Ireland, as we have seen it recently appointing an anti-trafficking czar.

The Wilberforce TVPA reauthorization had a tremendously important and welcome provision in the time limit on Tier 2 Watch List status. Please, please conduct—

Chairman BERMAN. Sir, on the time limit.

Mr. LAGON. Okay, I will wrap up.

Chairman BERMAN. No, no, just repeat on the time limit.

Mr. LAGON. Yes. I said that the time limit on Tier 2 Watch List countries was probably the most valuable thing that you and your colleagues included in the TVPA reauthorization.



I urge you to conduct oversight in how the Department of State and the executive branch deal with that time limit because, in fair-mindedness, you gave flexibility to the Secretary of State and the executive branch to defer or avert an automatic Tier 3 ranking if the national interest was involved. Play your vigorous role, as ever, in looking at how that is dealt with.

And here is one other area for tougher love, which I know my friend David Abramowitz agrees on. One of the places where trafficking for labor and victimization of women converge is right here on U.S. soil: Diplomats mistreating domestic servants.

I met with a woman from Goa, India, who was a human trafficking victim of a Kuwaiti official stationed here in the United States. She said to me, across a table, that the family treated her far worse as a domestic servant here in the United States than in Kuwait, because they felt even less reason to think that they would face consequences in the United States than in a Gulf country. That should make us pause in horror. It was worse in our country because of the impunity delivered by diplomatic immunity.

Congress has made crystal clear in the TVPA, three times reauthorized, that attention should be paid to government officials found complicit in human trafficking. That is what we are talking about here and those cases should be cited specifically in the text of the TIP Report.

One final recommendation. For 10 years, governments, NGOs, and international organizations have been dedicating sizeable efforts to fighting trafficking. More definitive efforts, more definitive results, more movement of the needle to squeeze trafficking and make it less profitable will come about if businesses work together to help.

Let me be totally transparent here. I have been a paid consultant for a business engaged in corporate responsibility work in this area, LexisNexis Inc. In a week and a half, major businesses, including LexisNexis, from sectors as diverse as information technology, soft drinks, cosmetics, labor placement, energy, the auto industry, the airline industry, travel, entertainment and legal publishing will meet to talk about the feasibility of forming a Business Coalition Against Human Trafficking.

Businesses need to go farther than they have to date—not just dialogue with the government and the U.N., not just public awareness campaigns that don't involve any accountability for their own business operations, and not just single-sector accountability efforts, such as in electronics, chocolate or hotels. We can end human trafficking if businesses are fully engaged. But if they are not, or if they are working in siloed sectors, we can't have that impact.

Consumers are empowered by the Department of Labor report that indicates those goods tainted by forced and child labor. If those consumers knew that some businesses were actually trying to fight human trafficking rather than being enablers, those businesses would benefit.

The TIP Report and the TIP Office have done a lot to take the issue of human trafficking out of the shadows. You might want to think here at the committee about how that office has done something that the State Department has had terrible trouble with for 10 years, public diplomacy: Raising up our universal values; offer-

ing the United States as a partner; engaging publics abroad. That is a model for other policies.

Thank you for holding this hearing, taking this critical issue out of the shadows all the more.

[The prepared statement of Mr. Lagon follows:]

**Testimony of**

**Amb. Mark P. Lagon, Ph.D.**

*Chair for International Relations and Security, and Visiting Professor,  
Georgetown University Master of Science in Foreign Service (MSFS) Program, and*

*Adjunct Senior Fellow on Human Rights, Council on Foreign Relations*

**September 30, 2010**

**before the**

**House Committee on Foreign Affairs**

**at a hearing on**

**“Out of the Shadows:**

**The Global Fight Against Human Trafficking”**

Thank you Mr. Chairman, and Congresswoman Ros-Lehtinen, for inviting me to testify on an important subject: the slavery of today. This Committee has for years been committed to addressing imperatives of human rights which cross partisan lines, and were it not for Members of this Committee, including the indefatigable Mr. Smith, there would be no Trafficking Victims Protection Act (TVPA) or TIP Office. Thank you. I would ask that my full written statement be put into the Record, and I'll summarize my main points now.

On page 7, the latest TIP Report estimates there are 1.8 trafficking victims for every 1000 people in the world. And that is based on a very conservative International Labor Organization (ILO) estimate of 12.3 million victims globally – less than half of what scholar Kevin Bales estimates. So think about it: *at least* 1 out of every 555 people in today's world is a human trafficking victim.

Based in part upon my experience as the TIP Office Director, I would like to comment on two key priorities in the global context today ten years after the TVPA, the creation of the TIP Office, and the Palermo Protocol to the UN Crime Convention. Then I would like to offer recommendations on four key areas of action.

### ***Two Global Trends and Priorities***

**The Need for Rule of Law in Practice.** Human traffickers treat vulnerable groups such as women, children, migrants, minorities, and disadvantaged castes as if they are not human beings in full. They get away with it when -- through neglect, prejudice, and complicity -- societies, businesses, and government personnel permit them to, leaving those vulnerable groups without equal access to justice.

The main tangible impact of the TVPA, TIP Office's diplomacy, and Palermo Protocol has been the passage of new laws addressing human trafficking in well over half the countries of the world. This is a major achievement for rule of law, and demanding equal access to justice for TIP victims.

Yet rule of law consists of so much more than laws on the books – whether in the U.S. or the least developed of nations. There has been a lot of progress training law enforcement officials and empowering NGOs as their partners to help find victims and get them access to justice. But transformative change has not yet taken place. Of the TVPA's and Palermo Protocols 3 Ps—prosecution, protection, prevention—*prosecution* has been the emphasis to date. The *TIP Report* documents 7,992 prosecutions in the whole world in 2003, and down to 5,506 in 2009. Of the 5,506, only 432 were for labor trafficking. Prosecutions are limited, down from a few years ago, and minimal for non-sexual exploitation. Lots of effort is apparently not “moving the needle” of change a great deal. We need *implementation* of rule of law.

**The Need to Address All Vulnerable Populations.** I am often asked where are the more significant places for human trafficking globally -- beyond answering simply, "The Tier 3 countries." India is one, because of the 27 million TIP victims in the world Dr. Bales estimates, two-thirds are there, chiefly in bonded labor. China is another, because of the underrecognized extent of the problem in so many forms, due to migrating workers without a safety net, a Wild West sex trade, official discrimination against Uighurs and Tibetans, and failure to treat North Koreans fleeing atrocious political and economic conditions as refugees. East Asia is of particular concern, given the prevalence of human trafficking for both major forms: for labor and for commercial sex. And the Gulf is a major flashpoint, where despite some strides prompted by U.S. diplomacy and self-interest, to be a woman or foreign guest worker – or worst of all both – you are likely to be treated as a lesser human.

Despite global trafficking foci and flashpoints, there are no "lesser" victims of trafficking. Since TIP's essence is groups denied equal dignity, let us not in our anti-TIP policy privilege some victims over others. They are all of equal value in humankind.

One reason the ten year old effort is not moving the needle more is the fissuring of efforts and siloed focus on particular vulnerable groups. It is more than a mere division of labor.

For instance, victims of forced labor are no less important than victims of sex trafficking—and vice versa. That was a signature feature of my tenure directing the TIP Office.

Sex trafficking is not the only source of exploitation and violence against women. Take three examples: As Ambassador, I met a Burmese woman who had been beaten and had her head shaved in a forced labor camp in Thailand. As Executive Director of the NGO Polaris Project, I met two Chinese women in Japan who were victimized in a foreign labor trainee program exempt from Japanese labor law. *Chinese victimized in Japan*. I also met a woman from an African nation Polaris served as a client right here in Washington. She spoke of the attention America paid to treating animals humanely in the U.S.—since some people like her are treated like animals here. All females victimized for labor.

Some think sex trafficking has been overemphasized due to alleged moralism, but to focus solely on labor would be equally wrongheaded. As the TIP Office Director who established parity of emphasis for labor slavery, I hope the pendulum is not swinging toward focus on labor to the near exclusion of adult sex trafficking. On page 8 of the 2010 Report the highlighted "box" on "What Is Not Human Trafficking?" emphasizing that prostitution is not trafficking is counterproductive. I do not think prostitution is one and the same as slavery. Few contemporary abolitionists do. But prostitution is the enabling environment for sex trafficking – whether in brothels, or seedy streets or, until recently, on craigslist in the United States. Sex trafficking and its basic enabling environment of men fueling demand for purchasing (chiefly) females globally ought not to lose attention.

One sees fissuring elsewhere. Some devoted to combating sex trafficking focus only on children. (I myself serve on the Advisory Committee of ECPAT-USA, the leading NGO fighting commercial sexual exploitation of children.) This is easier territory given global consensus that there is no meaningful consent by minors to be prostituted. But sex trafficking is not confined to minors. First of all, if lured into the sex trade as a minor, does it suddenly become a choice the day someone turns 18? Moreover, we know that numerous adult females in the global sex trade are subject to force, fraud, or coercion – including subtle psychological terror and trickery – making them trafficking victims even under the strict standards of the Palermo Protocol.

There is one other serious area of fissuring: “Trafficking” may sound like it refers to crossing borders, but it actually refers to turning people into commodities robbed of autonomy. Despite what some at the Department of Labor, the ILO, and some businesses think, crossing borders is not a necessary element of trafficking. The families freed from bonded labor I met in Tamil Nadu, India or the Mexican girl prostituted as a minor I met in Chiapas, Mexico are just as much TIP victims as those who moved across borders.

So we need *rule of law* and *equal dignity*, both rightly understood. Rule of law depends on implementation, beyond passage of laws. And the global fight for the dignity of human trafficking victims requires equal value and energy accorded to *all* the victims. These two tests will be the basic signs to show whether we are successfully on the road to abolishing modern-day slavery.

#### **A Four-Pronged Mission**

Let me note four important areas of activity most important to meeting these two tests of success, and to stamping out human trafficking.

**An Exemplar.** First, the U.S. must be an exemplar. The clear continuity from Amb. John Miller’s tenure to mine to Amb. CdeBaca’s has been the steadily increasing emphasis on the U.S. being a good example, using the chairmanship of the inter-agency Senior Policy Operating Group codified by Congress. As TIP Office Director, a central premise was that the U.S. needed to be an exemplar to be an effective promoter of the anti-trafficking agenda globally. Let me say, I had very much in mind by analogy how U.S. detainee policy undercut U.S. promotion of freedom, good governance, and credible anti-terrorism policy internationally.

For example, it was pertinent to the country I focused on most: Mexico. I visited Mexico and its Attorney General in his office twice. I met with the Mexican Senate Majority Leader, head of the opposition to the Mexican President. I convened a trilateral meeting with Mexico, the U.S., and Canada, and included executive and legislative branch officials from each. Throughout this effort, we emphasized what the U.S. was doing – and not doing so well – at home. It surprised the Mexicans, who hate assessments, which they associated with the U.S. narcotics certifications. Mexico enacted a comprehensive TIP law and moved up to Tier 2 in 2008.

Under the last Administration we put a profile of the U.S. in the TIP Report, disseminated in hardcopy and CD-ROM the Department of Justice annual report on the U.S. record on TIP, and got DOJ to produce it same month as the TIP Report (assessing ourselves just as we assessed others). I think it is tremendous that Secretary Clinton has gone farther, including a profile with a ranking and more lengthy recommendations about areas of weakness.

ECPAT submitted a comment on that U.S. profile in the report, noting it did not say that according to U.S. Government's statistics from 2008 and 2009, almost three times as many prostituted children were arrested as were offered protection and assistance. To be transparent about this matter, as TIP Office Director I volunteered to co-lead the U.S. delegation to report to the UN Committee on the Rights of the Child on how we were implementing two Optional Protocols which the United States has ratified (on sale and prostitution of children, and on child soldiers). I knew we would face criticism for not having ratified the Convention on the Rights of the Child -- the Protocols' mother treaty, pardon the pun. Admitting failings is helpful in pressuring other governments to do more. I saw the South Korean head of that UN Committee at Georgetown University recently, and she noted that benefit of our candor.

**A Helping Hand.** Persuading other governments to do more also benefits from offering a helping hand. It is not fully appreciated, but the assistance given to NGOs and more efficacious international organizations – like the International Organization of Migration (IOM) – is as important a part of the U.S. policy as any. If this fight against human trafficking is about rule of law and access to justice, civil society organizations are crucial partners to law enforcement to identify victims, make them feel safe, and help them. Victims become more stable, helpful witnesses to punish their exploiters in the process.

A helping hand can be offered directly to some governments too. Training for law enforcement helps turn law on paper into reality. Law enforcement, immigration officials and judges in other countries (just like our own) need a helping hand to learn to see a victim as a victim, not as a dirty or willful criminal. Governments with a will to change (on Tier 2 and Tier 2 Watch List), but with limited resources deserve help. I commend the attention being paid to Africa now, where Amb. CdeBaca went on his first trip. Less developed African nations need not so much “grading on a curve” in the TIP Report as they need tangible assistance.

**Tough Love.** Being an *exemplar* and offering a *helping hand* are important complements to pressuring other governments. Yet make no mistake: pressure governments we must. After ten years, we still need the “tough love” embodied by the TIP Office and its unique report – one that gives grades. The TVPA has manifestly worked – as the rankings and global awareness raised by the report has put pressure on governments. Sure, there are intransigent governments, both undemocratic and democratic. Yet in case after case, we have seen how the report and rankings have worked, even among allies unused to prodding from the U.S.: Turkey, Israel, the Philippines, the UAE, even Ireland, which recently appointed an anti-trafficking “czar.”

When some say this “tough love” has not worked, it is flatly untrue. The TIP Office and the Report focus the mind of other governments on the problem; and they focus the mind of U.S. diplomats who would otherwise wish this issue not get in the way of other priorities.

I had the privilege to observe President Bush sign in the Oval Office the Wilberforce TVPRA Reauthorization this Committee launched. One of its most important and welcome provisions was a time limit on Tier 2 Watch List status. Please conduct oversight to ensure this device is used and the fair-minded flexibility you have given to the Executive Branch to defer or avert an automatic Tier 3 ranking is not misused in the name of alleged national interests. Some countries objectively deserve a ranking between Tier 2 and 3, but a so-called “Watch List” is only meaningful if there is a significant prospect of a downgrade to Tier 3.

There is one other area for tougher love. One of the places where trafficking for labor and victimization of women converge takes place right here on U.S. soil. Thanks to the ACLU, I met with a woman from Goa who was the human trafficking victim of a Kuwaiti official stationed in the U.S. She said the family treated her far worse as a domestic servant in the U.S. than in Kuwait because there was even less reason to think they would face consequences in the U.S. than in a Gulf country. That should make us pause in horror. It was worse *in our country* because of the impunity delivered by diplomatic immunity. I commend the TIP Office and now others at the Department for working hard to reduce the vulnerability of domestic servants to abuses qualifying as TIP by diplomats in the United States. Congress was crystal clear in the TVPA, thrice reauthorized, that attention should be paid to government officials found complicit in human trafficking. Official complicity is precisely the issue here. It is inevitable governments may exercise the option to withdraw accused diplomats rather than agree to lift diplomatic immunity to allow prosecution. Still, to meet the intent of the TVPA, these cases should be cited in the report (without using individual names as the Report never does) – as the TIP Office was overruled on in my tenure.

**The Role of Business.** So both carrots and sticks, both honey and vinegar, in U.S. diplomacy are essential. Secretary of State Clinton is carrying forward an approach of the Clinton and Bush Administrations to mobilize partnerships with NGOs, philanthropies, and businesses in our foreign policy. She calls “partnerships” a fourth “P” along with prosecution, protection, and prevention—more labeling a continuing, sound, non-partisan policy than introducing an initiative.

Chief among these partners is the business community. But it is high time businesses become more actively and tangibly involved in the global fight against human trafficking. For ten years, governments, NGOs, and international organizations have dedicated sizeable efforts to fight trafficking. More definitive results – more “movement of the needle” to squeeze trafficking and make it less profitable – will come if businesses work together to help. A business coalition would seize the opportunity to leverage varied and unique resources to take a quantum leap in the fight, with the goal to *abolish* trafficking. Let me be transparent here. I have been a paid consultant of a business engaged in a corporate responsibility campaign related to combating

human trafficking: LexisNexis, Inc. It is working with others to explore such a coalition. In a week and a half, major businesses from sectors as diverse as information technology, soft drinks, cosmetics, labor placement, energy, the auto industry, the airline industry, travel and hospitality, entertainment, legal publishing and information solutions, and entertainment are meeting to explore such a business coalition.

Businesses should go farther than they have to date: dialogue with government and the UN; public awareness efforts not involving accountability of their own business operations; and single-sector accountability efforts like apparel, electronics, chocolate, or hotels. How can we end human trafficking if businesses are not fully engaged in reducing enabling environments, and working across siloed sectors. If they did so, we would have a much more significant chance to abolish this contemporary form of slavery.

We must recognize that market demand is a powerful force. Demand for cheap products and commercial sex are drivers of human trafficking. The Department of Labor finally fulfilling the mandate of the 2005 TVPA Reauthorization to produce a list of goods tainted by forced and child labor empowers consumers. If consumers knew some businesses were committed to reducing human trafficking, then demand would become an enormous force for *good* – creating an incentive for businesses to get ahead of the curve and join the fight. Globalization need not inexorably lead to slavery – but it will take the proactive efforts of businesses to prevent it. It is not too much to ask: take preventive action against the most extreme and autonomy-denying forms of exploitation, which are manifestly illegal under domestic and international law.

### ***Out of the Shadows***

Human trafficking victims are indeed in the shadows -- vulnerable, women, men, children, migrants, and minorities marginalized socially and economically. Let us move from trafficking victimizing the marginalized, to actually *marginalizing trafficking* – through diplomatic pressure strengthened by being a good example and a helping hand to partners, and through the business community stepping up to the plate too. Only this way can we make sure that rule of law is *fully realized* and that *all* types victims are offered a chance to reclaim their inherent dignity.

The TIP Office and Report have done a lot to take the issue of human trafficking out of the shadows. It is worth thinking how much the TIP Office which Congress created ten years ago has found a formula for doing something in the last decade which has so flummoxed the State Department and Executive Branch – public diplomacy. Creative, feisty, unbureaucratic, the TIP Office has told the story of universal values and the partnership we offer to extend them. That role has been even more important than its traditional diplomacy, and has indeed strengthened that traditional diplomacy.

Thanks for your effort to take this crucial issue out of the shadows with a Full Committee hearing on it, and the chance for me to participate.



Chairman BERMAN. Very good. Dr. Uprety.

**STATEMENT OF ARUNA UPRETY, M.D., FOUNDER, RURAL HEALTH EDUCATION SERVICES AND TRUST, PARTNER, AMERICAN HIMALAYAN FOUNDATION'S STOP GIRL TRAFFICKING PROGRAM**

Dr. UPRETY. Mr. Chairman, I want to thank you and other members of the committee for inviting me to testify today here. I really feel that I am representing not only the two organizations that I am affiliated with—Rural Health and Education Service Trust and American Himalayan Foundation—but I am also representing my brothers and sisters from Nepal who are trying their best to combat this problem of human trafficking.

I would like to start with a story why I started this small organization. In 1992, when I was in Mumbai to take part in an international seminar on HIV/AIDS, we went to red-light areas and found out that there were more Mumbai working girls who were minors. And we talked with them, if they would like to come back to Nepal.

And one of the girls looked to us and said, “Now it is too late for you to ask this question. If you had asked this question when we were still in our village, we were not lured by the beautiful dreams. And if we had had education, maybe we didn't come here and then we would have been safe without dying.”

That statement, told to us with a very sad voice, made us feel that we had to do something in the villages where girls are treated very badly. They are not given the education and all the time they have to do household work. Because of gender discrimination, these girls are very much [unintelligible] To see, when they are asked to come to Bombay or any of the beautiful cities, and that was the seed for RHEST to be established.

And after establishing this organization, which started with 54 girls, we have now grown up to 7,500 girls, and they are getting education in different places, including the government, and at the same time we are trying to raise the issue of Gulf trafficking in many cases with the girls, with the teachers, with the committees, with their parents, and we have found that it has been—really worked very well.

And when you talk about Gulf trafficking, we used to think that it is only in India, in some Indian cities. Now we have said that it doesn't mean Gulf trafficking, not only to India, but even in other Middle East countries like Kuwait, Saudi Arabia, Indonesia, where girls are lured by the beautiful dreams that you are going to be house maid, you will have lots of money, you will have a very easy job. And once they land there, they find that they are victims of sexual abuse, they are not paid, and they have to be repeatedly abused by the owners.

And about only 2 months ago, we had very sad incident where 15 Nepalese women had committed suicide because they were sexually exploited by their owners, and they were there with the hope and dreams that they earn at least \$200 a month; but instead of that, their dead body came back to Nepal. And it was only because they were illiterate. They did not know where they were going, and they were very much—very easy to educate by the companies who

took them. That is why we are trying to put so much emphasis on education of the girls. And we have found that if the girls can be stayed in schools, and if she will know that if she will go somewhere, that this is without knowing what she is going to do, without knowing which place she is going, she can be the victim of sexual abuse, forced labor and be the victim of HIV/AIDS.

That is why we and many of my friends are trying to raise the issue in international labor as well as in the South Asian countries and with the strong lobby of our [unintelligible] And the media, Nepalese Government has started to bring some good things, and one of that is to raise the issue in the national labor. They have made Special Rapporteur of Human Trafficking in the Mumbai edition, and they now publish every year what are the problems and how it can be handled.

And we have also started working together with the police force in the border area. If they find that there are some women and girls who look innocent and who don't know where they are going, to stop them and find out what they are doing, where they are going. And if they are not satisfied with the questions and answers, they give them back to their parents. And this has really made some progress, and we are proud to say that it has really helped us in some ways.

But still we have a long way to go, because when we talk about forced labor and sexual trafficking, there is a big Mafia with the international organization, as well as lack of political commitment from our government, has really made this program in some way weak. We totally are trying hard, we are trying our best, but not all the time political people and members of Parliament listen to us, and they think it is not that big a problem.

But we think that in the 21st century it is slavery. And if a woman, if a girl is victim of sex labor and if she is trafficked, it is sinful for our country. It is sinful for our mission, and therefore we are trying our best to do that. And we have found that those girls who are trafficked, they are mostly—they are from the indigenous group and from the Dalit communities.

And from the literacy tests, we found that Dalit communities are where the girls and women have literacy rates low as 3 percent in women. It means that they are very easily lured by the beautiful dreams. And that is what we are trying to, with the help of the American Himalayan Foundation, to give education to the girls so that they will be in the schools and they would learn about the problems, they would learn about schools, about their lives. And we have found that we have been successful in some cases. Though, as they say, a thousand lives, a thousand lives—a long journey has to start with a single step. We are trying our best to start this long journey.

And we feel that international organizations and American Government really can do a lot to prevent this. And one of that is to make the STOP Girl Trafficking program very effective. It has to go through the community and not only in the [unintelligible], but in the villages, in the subs where it is for the people, specifically for the trafficker, who can go very easily, but for the people, it is difficult to go there. Because sometimes we have to walk about 2

to 3 days to reach those places, but traffickers are so smart that they can go very easily.

But we have to make sure, we have to make plans and programs that we also can reach it and make aware people about this issue of 21st century, the problems, the challenges which they have to face if they will be lured by those beautiful dreams.

So, Mr. Chairman, I am very happy to be here to give testimony and I certainly hope that you will help us, the U.S. Government and other international organizations, will help us combat this problem.

[The prepared statement of Dr. Uprety follows:]

Testimony  
of  
Dr. Aruna Uprety

Founder, Rural Health and Education Service (RHEST)  
Partner, American Himalayan Foundation's STOP Girl Trafficking Program

Before

House Committee on Foreign Affairs

On

Out of the Shadows: The Global Fight Against Human Trafficking

September 30, 2010

Mr. Chairman, I want to thank you and other members of the Committee for inviting me to testify today. I feel I am here representing not only the two organizations that I'm affiliated with: Rural Health and Education Service Trust (RHEST) and American Himalayan Foundation but my entire Nepalese brothers and sisters working on anti-trafficking issues in Nepal. It is a real honor to be able to participate in today's hearing and share with you some information on Nepal, the human trafficking problem focused on sexual trafficking of young girls and women, and the work of my affiliate organizations.

My organization, RHEST, is a small Non-Governmental Organization based in Kathmandu and we focus on anti-trafficking programs through education and health. Our partner organization, American Himalayan Foundation (AHF), is a San Francisco-based nonprofit organization with over twenty five years of experience in helping the people and ecology of the Himalaya. It specializes in supporting and leveraging projects related to basic health care, education, anti-trafficking, economic development and cultural preservation.

Our two organizations have been partnering since 1998 on an innovative anti-trafficking program called STOP Girl Trafficking. This Program addresses the pervasive problem of trafficking of young girls in Nepal by combating trafficking at its source – preventing girls from becoming victims. The program currently supports 7500 girls and since its inception, not a single girl has been lost to trafficking. The program has become a model, whose success is rooted in community involvement and empowerment of poor at-risk and vulnerable girls through the simple mechanism of identifying the girls and keeping them in school.

#### **Country Background**

Until Nepal became a republic in May 2008, it was ruled by monarchs, for most of its modern history, in relative isolation. A brief experiment with multi-party politics in 1959 ended with King Mahendra suspending parliament and taking sole charge in 1962. Democratic politics were introduced in 1991 after popular protests, but were marked by frequent changes of government. The last king of Nepal, Gyanendra, assumed executive powers in 2002 and 2005. Maoist rebels waged a decade-long campaign against the monarchy, leaving more than 12,000 people dead and over 100,000 displaced according to UN figures. When King Gyanendra's direct rule ended under public pressure in April 2006, the rebels entered talks with the parliamentary government on how to end the civil war. A peace deal was signed in November, although the Maoists continued to press for abolition of the monarchy. Parliament agreed to the condition in December 2007, and the Maoists emerged as the largest parliamentary party after the historic election in April 2008. The monarchy was abolished a month later, and a Maoist-dominated government took office in August. The Maoist-led coalition government disintegrated in May 2009, and was succeeded by another coalition excluding the Maoists. Nepal continues to be riven by political factions and feudal enmities. Today a fragile government is operating without a written constitution and there is no clear resolution in sight.

Nepal is one of the poorest and least developed countries in the world and its economy is heavily dependent on India. The UN estimates close to 30% of Nepalis live in poverty. Illiteracy rates are nearly twice as high in rural areas as urban ones, and the literacy rate for women is only 35%. The overwhelming poverty leads many families to consider education somewhat of a luxury, and

to prefer their children to perform wage labor and supplement the family income. According to *World Vision International Nepal*, three out of five girls do not enroll in secondary school. Drop out rates are high and completion rates are low in rural regions and only 46% of public secondary school students pass their School Leaving Exam (SLC) after grade 10. The combination of poverty and illiteracy makes girls not in school at much higher risk of being trafficked.

### **Trafficking Overview**

The US State Department's Annual TIP (Trafficking in Persons) Report has identified Nepal as a source country for girls and women trafficked to India and other countries for commercial sexual exploitation and forced labor. The period of Maoist insurgency exacerbated the situation and resulted in an increase in trafficking as many rural women and children were forced to flee to the safety of urban havens. Another serious and growing problem is that of child sex tourism and Nepal is cited as a hotspot.

*Cheli beti bech bekhan* (literally, "girls/women being bought and sold") is the Nepalese Expression for girl trafficking. According to U.S. Department of State's 2009 Trafficking in Persons (TIP) Report, 22,500 Nepalese women, girls and children are trafficked annually for the purpose of sexual exploitation. Girls in the age group 12-18 years are at most risk, and girls from marginalized groups such as the *Dalits* are most vulnerable. Nepal is categorized as a Tier 2 country in the 2009 TIP Report meaning that the Nepalese government does not fully comply with the Trafficking Victims Protection Reauthorization Act's (TVPRA) minimum standards for combating trafficking, but is making significant efforts to comply with the minimal standards for the elimination of trafficking. The government of Nepal has comprehensive anti-trafficking legislation, but a weak judicial and regulatory system and inadequate resources leads to weak enforcement. For example, the Ministry of Women, Children, and Social Welfare, the government agency primarily responsible for dealing with trafficking, has formed anti-trafficking task forces at both the national and district levels. But the annual budget for the District Task Force is just \$535.

Trafficking of Nepalese girls and women has been part of Nepalese history for many years. Deep poverty coupled with a cultural bias against women, makes rural Nepal a prime target for sex traffickers who lure young girls into the lucrative slave trade. The Nepali quote, "educating your daughters is like watering a flower in another man's garden" sums up the cultural attitude towards girls. The best a girl can hope for is to be married off very young, and spend her life working in the fields. It makes the girls very vulnerable to traffickers who promise the parents that their daughters will have good jobs, marriage and better lives.

Domestic violence against women is high in Nepal. Even in well-educated families, women are seldom given full freedom to decide about their lives. The patriarchal society discriminates against women and they do the bulk of the domestic work: cleaning, cooking and tending the fields.

The caste system still plays a very prominent role in Nepalese society. Most rural Nepalese villages remain physically divided along caste lines. Similar to segregation in the southern

United States or apartheid in South Africa, the law, until very recently, required that lower caste communities like the *Dalits* (untouchables) and the *Janjatis* (indigenous people), live and work separately from those of other castes. Laws were reformed in 1990, but historical, social and economic factors still result in segregation, especially in rural Nepal. The Dalit and other low-caste communities are ideal hunting grounds for predators looking for uneducated and unaware families with young daughters.

Nepalese girls and women are being trafficked primarily for the purpose of commercial sexual exploitation. Most go to India and work mainly in brothels where they become debt bonded and essentially enslaved. Some 7,500 children are also trafficked domestically for the ever-growing Nepali adult industry and sent to work in massage parlors, dance bars and local bars. Nepal's National Centre for AIDS and STD Control estimates more than 32,000 women work in the sex industry in Nepal, with girls under 18 comprising around half of all women involved.

#### **Government Response**

The Nepalese government has adopted various measures to combat trafficking of women and girls. Measures include:

- Formation of special Women Police Cell in Kathmandu and other cities to deal specifically with crime against women and children.
- Establishment of the Office of the National Rapporteur on Trafficking in Women and Children (ONRT) at the National Human Rights Commission in 2002. One of the objectives of this Office is to coordinate national, regional and international efforts to combat trafficking in Nepal.
- Establishment of special Anti-Trafficking Task Forces in collaboration with Non-Governmental and community-based organizations and at both the national and district levels.
- Enhanced collaboration with International Non-Governmental Organizations and UN agencies on trafficking issues.
- Joining the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. The convention was signed in Kathmandu in 2002.
- Strengthening laws and policies to combat trafficking issues and imposing harsher punishment for agents involved in trafficking.
- Initiating special shelter program for victims of trafficking and sexual abuse.

### **STOP Girl Trafficking (SGT)**

The UN Palermo Protocol gave us the “3P” paradigm: prevention, protection of victims and prosecution of traffickers. Within protection are the 4Rs: rescue, repatriation, rehabilitation, and reintegration. When RHEST and the American Himalayan Foundation came together in 1995, we realized early on that there were enough organizations involved in the important work of rescuing, repatriating, rehabilitating and reintegrating trafficked women. There were organizations doing wonderful and needed work, but they were all tackling the consequences of trafficking. We saw a bigger lever for change by addressing the cause: combating trafficking at its source - preventing girls from becoming victims. Hence, we launched our STOP Girl Trafficking (SGT) initiative in 1998 to prevent trafficking by identifying and helping keep at-risk girls in schools.

SGT prevents at-risk girls from being trafficked and empowers them to have a better future through education. For only \$100 per year, the program is able to keep a girl in school and prevent her from being yet another sex trafficking statistic. SGT has pioneered education as the most successful way of preventing girls from being sold and to date has put over 10,000 at-risk girls in school.

A hallmark of the SGT model is the long-term commitment made to each girl. Once an at-risk girl is identified, financial assistance and other activities support her right from entry into the program in the early grades onward until graduation from high school. A key characteristic is its focus on those most at risk: the poorest families, girls in alcoholic and abusive family situations and girls from oppressed communities like the *Dalits*. The program package of \$100 per girl covers: school fees, books, uniforms, school kit, mentoring, tutoring and classes in awareness of the tactics of traffickers.

Another distinguishing aspect of the SGT model is that it empowers the community to participate in the operation of the program. School Management Committees in the 400 schools that SGT girls attend actively participate in identifying at-risk girls. Committee members work closely with program staff and their input is also sought in designing of programs and activities to create more awareness on trafficking issues in the school, family and community.

### **Key Accomplishments**

Key accomplishments include:

- From 54 girls the first year, SGT’s footprint now covers 18 districts and 400 government schools in some of the poorest and most vulnerable areas of Nepal. 10,000 girls at risk of being trafficked are safe; 7,500 are in school and 2,700 have graduated.
- The graduation rate of these girls is 82%: double the national average of those who pass School Leaving Certificate (SLC) exams conducted by Nepal’s Ministry of Education for grade 10 students. Nepalese call this exam the “iron barrier” as students who fail cannot proceed further in their study.



- The program's drop-out rate is less than 1%.
- Since its inception, the program has not lost a single girl to trafficking.
- The program has a solid network of coordinators and field workers who maintain close relationships with the students, parents and teachers through regular visits and meetings that counsel students on the value of education and raise their awareness about trafficking.
- New and promising data on secondary effects are beginning to emerge. Villages are now approaching the program for inclusion as the value of education for girls is better understood. Educating only the most at-risk girls in a village appears to protect all the girls in that village, and sometimes even villages near it. And in a few villages where we have been operating longest, parents are beginning to enroll at-risk girls into schools on their own and without the program's support.
- Lastly, many organizations intervene and leave within a few years, but SGT has stayed with the girls and their families. This is recognized and appreciated by all and has contributed materially to the program's success.

#### **Profile of SGT Girls**

STOP Girl Trafficking works with poor and marginalized girls who are at risk of being trafficked. Here are profiles of three SGT girls:

*Laxmi Adhikari:* Laxmi's father passed away and her mother remarried and abandoned her when she was ten. She was forced to drop out of school and a woman promised her a private education and moved her from her village of Miya Patar, near Pokhara in mid-west Nepal, to Kathmandu. The promise of a better life soon turned into a nightmare as Laxmi had to endure four hellish years of work with no pay and physical and psychological abuse from the woman and her teenage son. In 2008, Laxmi was finally able to persuade the woman to take her back to her village to the family where she was working as a domestic servant prior to her slavery in Kathmandu. The host family in her village accepted Laxmi back even though they and the community in Miya Patar at large are mostly Muslims and Laxmi is a Hindu. The community approached Dr. Uprety and SGT for help. Laxmi is now in 4<sup>th</sup> grade at the local Muslim school. At 16 years of age, she is twice as old as most of the children in her class, but Laxmi is determined to stay in school. "RHEST and SGT are my family now. I trust them. I know they will look after me," says Laxmi.

*Nirasa Pariyar:* When SGT staff went on their visits to distribute school materials to Shree Maidan Secondary School in the Syangja district of Nepal, they came across a nervous looking little girl in tattered clothes. The girl's name was "Nirasa" which means sadness in Nepalese. Nirasa has two older sisters. The staff asked the mother why she gave such a name to her daughter. The mother, who craved a son, replied "I was sad when I gave birth to yet another daughter. So, I named her Nirasa." However, Nirasa's attitude towards her studies and life in general belies her name and she has blossomed during her years in the program.

*Sarita B.K:* Sarita is a 10<sup>th</sup> grade student at the Shree Bindabasini Higher Secondary School in Kaski. Sarita has been in the SGT program since 4<sup>th</sup> grade. Her father died when she was very young and it was hard for her mother to take care of a family of five daughters. Sarita's mother married off two of her sisters before they could finish their schooling. She feels that if the program had not supported her education then she would have been exploited. Sarita wants to be a nurse and serve her community.

### Testimonies

Here are three testimonies that we'd like to share from girls who have graduated from the SGT program:

*"I am from an indigenous community and live in Sindhupalchowk, Bhotechaur. SGT supported me from grade 9-12. I also completed my 29 months ANM course from Jiri Technical Institute. I am now working at the Shankarapur Polyclinic. There are lots of cases of trafficking in the Sindhupalchowk area. The girls and women are trapped by traffickers and are sold into sexual slavery. SGT not only started a scholarship program in Sindhupalchowk for the girls but it also launched a program to raise awareness about trafficking and the negative impact of early marriages amongst the student community. I would like to thank the SGT Program for their support and help." - Aaiti Maya Tamang*

*"I live in Barsing, Shyangja District. I got scholarship from SGT when I was in the third grade and the program supported me through grade twelve. Now I have completed my bachelors and am teaching at the government school where I studied. This credit goes to SGT. I am from the dalit (untouchable) community and in our community girls are not sent to schools but SGT helped me get an education. I would like to thank the program for supporting girl's education. I request the program to continue supporting girls from marginalized communities like mine and bring happiness in their lives." - Khem Kumari B.K*

*"I am Januka Shrestha from Sindhupalchow where trafficking of girls is one of the challenges in our community. Most of the girls do not go to schools and hence are very innocent and very easily trapped by trafficking agents. But I got the opportunity to go to school and graduate. I passed my school exams with distinction from Shree Kakaling Harisiddhi in the year 2010. SGT support has motivated me to do something for my community. I would like to study nursing and serve my community. I am very happy to get to this level." - Januka Shrestha:*

### Challenges

The prevention approach to combating trafficking by keeping at-risk girls at schools takes time and will continue to require patient investment. The gains of a prevention approach may diminish over time if such interventions are not accompanied by measures to overcome poverty, address discrimination and marginalization, and programs that offer employment and job skills development for vulnerable groups.

Another challenge is the difficulty of monitoring and evaluating current trafficking interventions.

The fact that sexual trafficking of girls is such a taboo subject in countries like Nepal represents another significant impediment to a successful intervention. Most families and community members are reticent to discuss the topic or acknowledge that trafficking is a problem in their community. This makes data collection and implementing various aspects of an intervention program difficult. We and others in the field need to develop appropriate monitoring and evaluation mechanisms.

Finally, the relative political instability of Nepal with frequent strikes and the wide geographic spread of our program where some towns are not fully accessible by road, make operation of our program difficult from a logistical standpoint.

### **Prevention Works**

RHEST and The American Himalayan Foundation have chosen to focus on a specific aspect of human trafficking, namely, trafficking of young Nepalese girls and women into sexual or domestic slavery. Furthermore, within the broad menu of preventative programs – providing education for high-risk groups; awareness raising and social mobilization, improvement of livelihood opportunities through income generation and vocational training; and interception of potential trafficking victims – we have to date focused largely on providing education opportunities for at-risk girls through scholarships and have combined this with a trafficking awareness program. We are considering expanding the program in the future by adding a microcredit and technical skills program for current and former girls of our SGT Program.

Mr. Chairman, notwithstanding the challenges I've described, a preventative approach to tackling trafficking of girls into sexual and domestic slavery works. Although rescuing girls is important, experience has shown that relatively few are able to return to normal lives in their villages. The spectre of HIV/AIDS follows the rescued girls. Even the few who are not HIV positive are shunned because they are viewed as "soiled" and "unclean." They also arouse suspicion as many become traffickers themselves. More germane, rescue is not effective as a method of preventing trafficking. Intervening at a point of high leverage – before the girls are trafficked – has the highest impact and is most efficient and effective because it stops trafficking from happening in the first place.

I would urge the U.S. Government to increase support for trafficking prevention programs in Nepal and elsewhere. In this regard, it would be good if the following best practices were encouraged:

- Supplement media and information campaigns aimed at prevention with economic development and educational initiatives targeted at those most at risk.
- Empower local nonprofits and community-based organizations working on preventing trafficking, and help build up their capacity and know-how.
- Improve the perceived value of girls in rural, poor communities in developing countries such as Nepal.

- Offer practical skills training for people working in the field. Trafficking is still a taboo subject in countries like Nepal. How can those working in the field create opportunities in communities to talk about the issue with those who are most vulnerable?
- Encourage rescued girls and women to become the public face and voice of preventative campaigns. Elevate them to leadership positions as their stories and experiences will resonate strongest with those most at risk.

Thank you, Mr. Chairman, for allowing me this opportunity to speak. I would be happy to answer any questions you or members of the Committee may have.

Chairman BERMAN. Thank you very much. Ms. Misra.

**STATEMENT OF MS. NEHA MISRA, SENIOR SPECIALIST, MIGRATION & HUMAN TRAFFICKING, SOLIDARITY CENTER, AFL-CIO**

Ms. MISRA. Thank you, Mr. Chairman, and members of the committee for this opportunity to present to you the Solidarity Center's view of human trafficking from a labor perspective. My very proud immigrant mother thanks you.

The Solidarity Center is an international NGO that promotes and protects workers' rights around the world, working in over 60 countries last year. As a workers' rights organization, the Solidarity Center has seen firsthand how violations of workers' rights and lack of labor standards and protections for workers make them vulnerable to human trafficking.

Human trafficking is a labor issue because it is often linked to the various forms of labor exploitation, and it is one of the worst forms of worker abuse. In 2010, a slave is not necessarily a person in chains or shackles; slavery is not simply ownership of one person over another.

Modern-day slavery can be much more subtle. Trafficking victims toil in factories that produce products that are exported to the United States. They harvest vegetables and process food that ends up on our dining room tables. They pick crops or mine minerals that are raw materials in the products we buy. They make the clothes and the shoes that we wear. They clean people's homes and take care of the young, elderly, and the sick. They are enslaved, not only through physical restraint, but also through coercion, fear and intimidation. In today's global economy, workers can be enslaved by threats of deportation, lack of viable alternatives, and especially debt.

There are many facets that make labor trafficking thrive around the world, and I just want to mention a few of these. One of them is the particular vulnerability of immigrant or migrant workers to human trafficking. Unsafe migration processes and the lack of labor or legal protections for immigrant workers make them easy targets for traffickers in the form of unscrupulous labor recruiters and employers.

Migrant workers are specifically excluded from the protection of labor laws in many countries simply because of their foreign status or because of the sector that they work in, including in the United States, such as domestic work or agriculture. Traffickers take advantage of this exclusion and the failure to monitor and enforce laws in sectors where migrant workers or immigrant workers work, and this increases the vulnerability of these workers to human trafficking.

It is not just undocumented immigrant workers that are vulnerable, but we are increasingly seeing in the United States and around the world legal immigrant workers being trafficked under what are called either temporary or guest worker programs. There are inherent structural flaws in temporary guest worker programs around the world that increases the vulnerability of foreign or immigrant workers to trafficking, such as being tied to a particular

employer that doesn't allow you, if the employer is abusing you, to leave. If you do try to leave, you face deportation.

A common theme for both documented and undocumented migrant workers, Mr. Chairman, is what you mentioned in your opening remarks which I would like to highlight, which is the world of labor recruiters and debt bondage. Increasingly around the world, we are really seeing the use by employers and by workers who are seeking to find work outside of their homes, they are using labor recruiters; and these labor recruiters are charging thousands of dollars to workers for the privilege of laboring for somebody else. And it is really these fees and these charges that are being placed on workers that is creating the situation of debt bondage.

The other area that I would like to emphasize where labor trafficking is thriving is within supply chains. It is difficult to quantify the exact number of trafficking victims that work in global supply chains, but as supply chains reach down to smaller and smaller suppliers, the chances increase that trafficking victims are part of the labor force.

The Solidarity Center believes the most effective way to eliminate forced labor, debt bondage, and other forms of slavery in supply chains is by empowering workers to have a voice in their workplace and supporting the right to organize and join unions.

The existence of codes of conduct in multinational corporation policies have failed to curtail trafficking practice in a number of sectors, including garment, textile, agriculture, and seafood processing. There is no easy solution to this problem, but we know that a key deterrent is the ability of unions and labor rights organizations to shine a light on these practices through on-the-ground investigations.

We believe that it is important for Congress and the administration to support such monitoring efforts and the efforts of workers to monitor their own workplaces. In order to get rid of trafficking in supply chains, we have to focus on corporate accountability and not just corporate social responsibility.

Governments also must play a major role in eliminating slavery in supply chains. There are examples around the world of governments' reluctance to hold employers accountable for trafficking in the workplace. When they do address trafficking for labor exploitation in the supply chain, they often blame the labor recruiter and don't hold the end-user, the employer who is exploiting the worker, liable for that trafficking. When cases are prosecuted, they also result in just small fines and no jail time for the perpetrators, which is barely a deterrent for exploitative employers.

I would also like to emphasize the importance of the Trafficking in Persons Report in highlighting labor trafficking. I have dealt with a lot of governments around the world who have complained to me about the Trafficking in Persons Report, but I have to tell you that it has been extremely important in Solidarity Center's work in being able to leverage and push governments to address issues of labor trafficking. Without this report, without being able to point to it and having cases of, such as in the Gulf, where legal migrant workers are trafficked for forced labor, it would be very difficult for us to get these governments to move.

So just in closing, in the interest of time, I would just like to highlight a few key initiatives that I think we need to focus on to address labor trafficking. These include reforming labor and other laws to include and protect immigrants and domestic workers.

Also, we have to pay equal attention to not just passing better laws but also implementing, monitoring, and enforcing these laws. This includes a greater role for labor inspectors. Labor inspectors must be engaged in and be an integral part of law enforcement initiatives to combat human trafficking. I have been to countries where literally there have been 5 to 10 labor inspectors for an entire country to monitor the situation for migrant workers, and that is just not going to help us solve this problem.

In addition, labor inspectors have to be given special training to know how, when they go into workplaces, what are the questions they need to ask that go beyond just the initial questions to find trafficking in the workplace.

We need to ensure that victims of labor trafficking not only participate in criminal prosecutions, but are also given access to civil suits where they can get withheld or back wages.

As I said earlier, we have to ensure that employers are held accountable for their role in labor trafficking and that they are held accountable not just for what they do but also for what the labor recruiters that they hire and the subcontractors that they hire, the abuses that they commit in their supply chains.

We have to place greater emphasis on safer migration processes for workers. And we have to have increased scrutiny of imports and exports to ensure that goods made from slave labor are not allowed into the marketplace. This also includes reviewing and reworking the role of ICE in overseas inspections.

We have to have strict regulation of labor recruiters in employment agencies, and we must have a strict policy of no fees being charged to workers, period.

We have to extend meaningful whistleblower protections to trafficked workers which allow workers and their representatives to sue to enforce all State, Federal, local, and employment laws, as well as the conditions in workers' contracts, without having to face deportation or removal.

And, finally, we need to put increased pressure and monitoring on States to include trafficking for labor exploitation into anti-trafficking laws and regulations and to increase prosecutions of labor traffickers, including employers, as the perpetrators of human trafficking.

Thank you, and I look forward to your questions.

[The prepared statement of Ms. Misra follows:]

**Testimony of**

**Neha Misra  
Senior Specialist, Migration and Human Trafficking  
Solidarity Center, AFL-CIO**

**Before the Committee on Foreign Affairs  
U.S. House of Representatives**

**Thursday, September 30, 2010**

*Out of the Shadows: The Global Fight Against Human Trafficking*



Thank you for the opportunity to present to you the Solidarity Center's view of human trafficking from a labor perspective, and to make recommendations for effective responses to combat this modern form of slavery.

My name is Neha Misra. I am the Senior Specialist for Migration and Human Trafficking at the Solidarity Center. We are an international NGO that promotes and protects worker rights around the world, working in over 60 countries last year. The Solidarity Center is an allied organization of the American Federation of Labor – Congress of Industrial Organizations (AFL-CIO), and a member of the Alliance to End Slavery and Trafficking (ATEST). Building upon more than 20 years of experience in the areas of child labor and migrant worker exploitation, the Solidarity Center raises awareness about the prevalence and underlying causes of trafficking for labor exploitation, and strives to unite disparate forces to combat the problem. Since 2001, the Solidarity Center has implemented more than 20 programs combating human trafficking in countries such as Thailand, Indonesia, Nepal, India, Sri Lanka, Pakistan, the Philippines, Bahrain, Qatar, Kuwait, Kenya, and the Dominican Republic. These programs include initiatives that address each of the four “Ps” that have become part of the anti-trafficking paradigm: prevention, protection of victims, prosecution (or as we prefer to describe it the “rule of law”), and partnerships.

As a worker rights organization, the Solidarity Center has seen first hand how violations of worker rights and the lack of labor standards and protections for workers make them vulnerable to human trafficking. Human trafficking is a labor issue because it is often linked to various forms of labor exploitation, and it is one of the worst forms of worker abuse.

### **Labor Trafficking is Prevalent in Today's Global Economy**

Despite the fact that the U.S. and international definitions of trafficking clearly include slave labor, policymakers and the general public typically conflate trafficking only with forced prostitution or commercial sexual exploitation. Many anti-trafficking laws around the world punish sexual but not labor exploitation.

Examples, however, abound around the world of human trafficking thriving in the context of worker exploitation:

- When immigrant workers<sup>1</sup> are forced to pay high fees, often at exorbitant interest rates, to labor recruiters to work abroad, they are vulnerable to debt bondage – a modern form of slavery. This is the case for 400 Thai workers who, according to a recent U.S. Justice Department indictment, were allegedly trafficked to the United

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<sup>1</sup> The term “migrant worker” is the internationally accepted term for a person who migrates for employment, whether temporary, seasonal, or permanent. In the United States, in everyday language, “migrant worker” refers to a seasonal or temporary worker, and “immigrant worker” refers to someone who migrates for work on a more permanent basis, or who has residency rights. I will use the common U.S. term of “immigrant worker” in my testimony modifying it slightly to refer to any person who leaves his or her country of origin to find a job abroad – whether temporary, seasonal or permanent.

States by Global Horizons Manpower under the H-2A visa program through false promises of decent work. The Thai workers “took on crushing debt to pay exorbitant recruiting fees, about \$9,500 to \$21,000. After they arrived in America, according to the indictment, their passports were taken and they were set up in shoddy housing and told that if they complained or fled they would be fired, arrested or deported.”<sup>2</sup> Millions of other workers – including for example, male Indian construction workers in Gulf countries and Vietnamese factory workers in Export Processing Zones in Taiwan – can tell a similar story.

- When buyers put pressure on suppliers all along supply chains for cut throat prices for their products, workers are the ones who are caught in the middle. This is the case for thousands of Burmese migrant workers who have been subject to forced labor and physical, emotional, and sexual intimidation in shrimp processing factories in Thailand that export to the United States. The factories rely on trafficked workers to stay within the cost structure.
- When labor laws and regulations are not implemented, monitored, or enforced – when labor inspection is weak or nonexistent – workers are vulnerable to labor trafficking. This is the case for millions of domestic workers<sup>3</sup> and agricultural workers in the U.S. and around the world who face extreme conditions of abuse, including physical and sexual violence, confiscation of passports, illegal confinement, dangerous working conditions, and non-payment of wages. These workers are often explicitly excluded from the protection of labor laws, even when they are citizens or nationals of a country, and their work is often relegated to the informal economy where there is little labor inspection.

Trafficking for labor exploitation often goes undetected. Immigration officials may categorize immigrant workers who are trafficking victims as undocumented workers and deport them. Police and labor inspectors may view involuntary servitude or debt bondage in sectors such as agriculture, construction, manual labor, and manufacturing as mere worker rights abuses, doing little to remedy the situation.

In 2010, a slave is not necessarily a person in chains or shackles. Slavery is not simply ownership of one person over another. Modern day slavery can be much more subtle. Trafficking victims toil in factories that produce products that are exported to the United States. Trafficking victims harvest vegetables and process food that ends up on our dining room tables. They pick crops or mine minerals that are raw materials in the products we buy. They make the clothes and shoes we wear. They clean people’s homes and take care of the young, elderly and sick. They are enslaved not only through physical restraint, but also through coercion, fear, and intimidation. In today’s global economy,

<sup>2</sup> Editorial, “Forced Labor,” September 7, 2010  
[http://www.nytimes.com/2010/09/08/opinion/08wed2.html?\\_r=2](http://www.nytimes.com/2010/09/08/opinion/08wed2.html?_r=2)

<sup>3</sup> The term “domestic worker” refers to a person who provides services - such as childcare, cooking, and cleaning - to or within a household.

workers can be enslaved by threats of deportation, lack of viable alternatives, and especially debt.

While trafficking for labor exploitation has many facets, there are a few major trends in our globalized world that make workers particularly at risk.

#### **The Particular Vulnerability of Immigrant Workers to Human Trafficking.**

Immigrant workers are particularly vulnerable to human trafficking. In our publication *The Degradation of Work. Trafficking in Persons from a Labor Perspective: The Kenyan Experience*, the Solidarity Center explains this phenomenon:

Migration and trafficking in persons are often distinguished from one another by the notion that migration is characterized by choice and trafficking by coercion, deception, or force. But in today's global economy, migration and trafficking exist along a continuum. Men, women, and children may start out migrating for the promise of well-paid jobs and end up being coerced to work under exploitative conditions such as in sweatshops, in construction, on plantations, in domestic work, or in prostitution. Given the large numbers of workers who migrate for work globally, this peculiar vulnerability of [im]migrant workers to trafficking is significant.<sup>4</sup>

Unsafe migration processes and the lack of labor and other legal protections for immigrant workers make them an easy target for traffickers in the form of unscrupulous labor recruiters and employers. Immigrant workers are often explicitly excluded from the protection of labor and other laws – either because of their immigration status or because of the sector they work in (such as domestic work). Traffickers take advantage of this exclusion – and of the failure to enforce and monitor laws when they do exist – increasing the vulnerability of migrant workers to human trafficking.

#### **Trafficking as an Inherent Vulnerability in Temporary Labor Migration Schemes<sup>5</sup>**

It is not only undocumented immigrants who are vulnerable. Immigrant workers that travel to destination countries (such as in the U.S., Europe and the Middle East) under temporary labor programs – also sometimes referred to as guestworker, sponsorship or circular migration programs - are particularly vulnerable along a continuum of

<sup>4</sup> Available at: [http://www.solidaritycenter.org/files/pubs\\_kenyatraffickingreport.pdf](http://www.solidaritycenter.org/files/pubs_kenyatraffickingreport.pdf)

<sup>5</sup> Portions of this section of the testimony have been modified from a joint submission of the Solidarity Center, the AFL-CIO, the New Orleans Workers' Center for Racial Justice (NOWCRJ), and Centro de los Derechos del Migrante (CDM) in response to the U.S. Department of State, Office to Monitor and Combat Trafficking in Persons' (G/TIP) *Request for Information for the 2010 Trafficking in Persons Report* (Public Notice 6921).

exploitation and abuse that includes human trafficking, forced labor, debt bondage and involuntary servitude.

Temporary migration schemes are increasingly being promoted by governments around the world to fill demand for cheap labor. In practice, however, these schemes create a legalized system and structure for employers to exploit their workers, and increase workers' vulnerability to human trafficking and other forms of severe labor exploitation. This includes the U.S. H-2 visa guestworker program.

As noted in the 2008 Department of State Trafficking in Persons Report:

[T]he number of cases reported to the Department of State has raised concerns that labor trafficking is occurring within the context of this otherwise legal form of transnational labor migration. An example of this phenomenon: A worker is recruited in his hometown in a South Asian country for a two-year construction contract in a Gulf state. The labor recruiting company tells the worker that he will earn \$250 a month in addition to overtime payments for more than 40 hours worked in a week, and he will receive free room, board, medical care, and one day off per week. Upon arrival, however, the worker discovers that he is to be paid \$120 per month with no paid overtime, and deductions of \$15 a month are to be taken from his paycheck for food. He was deceived by the labor recruiter, who collaborated with the worker's Gulf state employer, and now he is exploited by the employer who has confiscated the worker's passport and threatens to turn him over to immigration authorities as an undocumented migrant if he does not continue working. Through threatened abuse of the legal process (immigration laws) the employer has coerced the migrant worker to continue his labor on terms to which the laborer did not consent. This is trafficking in persons.<sup>6</sup>

Experts who have studied guestworker or temporary migration programs have concluded that inherent structural flaws in such programs, coupled with weak labor standards enforcement, have created a "modern-day system of indentured servitude."<sup>7</sup> These programs may result in a "rise in the incidence of unpaid wages, confiscated passports, confinement, lack of job training, and even violence against migrant workers who are legally present in a number of countries."<sup>8</sup> Workers are often unable or unwilling to report violations of both criminal and civil laws as they have lost confidence in the destination government's ability to protect their rights. All too often workers are

<sup>6</sup> U.S. Department of State, Trafficking in Persons Report, June 2008, available at: <http://www.state.gov/g/tip/rls/tiprpt/2008/105379.htm>

<sup>7</sup> *Close to Slavery: Guestworker Programs in the United States*, Southern Poverty Law Center, available at: [www.splcenter.org](http://www.splcenter.org)

<sup>8</sup> International Organization for Migration, "Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study," IOM Migration Research Series (December 2003), p. 8.

punished for coming forward rather than getting the protections they deserve as victims of exploitation.<sup>9</sup>

Among the structural flaws of temporary or guestworker visa programs are:

- Debts incurred for recruitment, visa, travel, and extension fees prevent guestworkers from speaking up about labor violations out of fear of being sent home without having earned the money to pay off the debts.
- Structural inequalities block workers from coming forward
- Tying temporary or guestworkers visas to one particular employer, which is common in temporary labor programs, prevents them from reporting labor violations as the fear arrest, detention and deportation
- Workers face retaliation and deportation when reporting labor violations (by both the government and employers)

The structural flaws have resulted in temporary or guest workers commonly suffering abuse and exploitation in the workplace (similar to undocumented immigrant workers), including:

- Confiscation of passports and other legal documents, which restricts freedom of movement
- Exorbitant recruitment fees; often resulting in debt bondage
- Physical and emotional abuse or violence
- Sexual harassment, abuse or violence
- Threats of deportation (if workers attempt to leave the worksite or complain about working conditions)
- Discrimination
- Intimidation
- Restrictions to the freedom of association and right to organize
- Restrictions on having visitors on the worksite
- Restriction of the freedom of movement – often workers are unable to leave fenced-off worksite by their own volition
- Dirty, unsafe, and unhealthy living conditions
- Lack of access to health or medical care
- Lack of payment or under-payment of wages
- Forced overtime
- Bait and switch schemes by which workers are offered one job and are forced to do work in a different job where the pay may be less or conditions worse

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<sup>9</sup> See the testimony of Founding Member and Organizer of the Alliance of Guestworkers for Dignity Daniel Castellanos, Executive Director of the New Orleans Workers' Center for Racial Justice Saket Soni, and grassroots labor leaders and former guestworkers Aby K. Raju and Miguel Angel on *The H-2B Guestworker Program and Improving the Department of Labor's Enforcement of the Rights of Guestworkers*, Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, U.S. House of Representatives, April 23, 2009.

In extreme cases, which unfortunately are all too common, the totality of the circumstances constitutes human trafficking for labor exploitation, forced labor and involuntary servitude.

Similar to immigrant workers who are excluded from most labor law protections around the world – such as domestic workers and agricultural workers – temporary or guest workers suffer due to a lack of enforcement of core labor standards. They are often denied the right to organize and join unions; labor inspections of their workplaces are rare or rife with corruption so their wage and hour and occupational safety and health rights may be violated with impunity. The structure and processes of temporary or guestworker programs around the world create vulnerabilities to coercion.

### **The Role of Labor Recruiters in Enabling Human Trafficking**

A common theme in the trafficking of immigrant workers – both undocumented and documented – is the role of labor recruiters or employment agencies and debt as a form of bondage.

Companies and employers around the world increasingly rely on labor recruiters or employment agencies to help them find workers – through both legal and illegal channels. Employers may use labor recruiters and employment agencies to reduce their responsibility and liability for the workers they employ; often ignoring the unscrupulous tactics used by recruiters. At the same time, immigrant workers increasingly rely on employment agencies or labor recruiters to help them to find work and to migrate as they have few job opportunities at home.

Recruiters and employers have shifted the burden of recruitment and migration fees, including transportation costs, travel documents, medical tests, and housing and meal expenses during training or while in transit, to the workers themselves, reducing the costs to the employer. In order to pay these fees, which can be thousands of dollars, workers may take out loans at exorbitant interest rates or their wages may be withheld for months or even years. This has led to the modern day form of slavery called debt bondage – whereby a worker's labor is demanded as a means of repayment for a loan or other form of debt. Debt bondage is internationally recognized as a form of exploitation for trafficking in persons. Workers in debt bondage may be forced to stay at a particular job for a particular employer to pay off a debt. If the employer abuses or exploits the worker, the worker often cannot leave because of the huge debt. Although charging recruitment fees to workers may be illegal in some countries, and the practice is prohibited under international conventions, enforcement is lacking, and the practice continues to thrive, not just internationally but also in the United States.

As noted by the *New York Times* in a recent editorial:

In the abuse of legal foreign workers, the numbers vary but the methods are the same. It is slavery without shackles. Its perpetrators seldom have

to resort to violence or even threats of violence. Since workers are buried in debt before they even leave their home countries, the threat of being fired and deported is enough.

To lose a guest-worker job means irreparable harm: destitution, unpayable debt, the loss of mortgaged family land. Under these conditions, a worker will accept any abuse, live and work in squalor and do what he is told. Everyone else – the middlemen; the companies that get ‘cheap, compliant labor,’ . . . and the . . . buyers [of cheap products] subsidized by suffering – is satisfied.<sup>10</sup>

In addition to promoting debt bondage, labor recruiters commonly lie to workers about the conditions of work or who their employer will be; the types of visas they will be given; swap or replace employment contracts; and commit various other abuses of worker rights.

### **Trafficking in Supply Chains**

Human trafficking for labor exploitation is also a problem all along supply chains. It is difficult to quantify the exact number of trafficking victims that work in global supply chains but as those supply chains reach down to smaller and smaller suppliers the chances increase that trafficking victims are part of the labor force. When employers – in the form of buyers and multi-national corporations (MNCs) – demand cheap or unrealistic pricing structures, they should not be surprised to find severe labor abuses, including slavery, in their supply chains. Similarly, when employers contract out or hire unregulated subcontracted suppliers, they should not be surprised to find that they have trafficking victims in their supply chains. When employers refuse to enforce or claim that it is too difficult to monitor adherence to core labor standards in their supply chains, they will find forced labor, debt bondage, and other severe forms of labor exploitation there.

The Solidarity Center believes that the most effective way to eliminate forced labor, debt bondage and other forms of slavery in supply chains is by empowering workers to have a voice in their workplace, and supporting their right to organize and join unions. We believe that governments, MNCs, employers, labor recruiters and others must adhere to core labor standards and respect workers’ human and labor rights in order to affect change in practices all along supply chains. The existence of MNC codes of conduct have failed to curtail trafficking practices in any number of sectors including garment/textile, agriculture, and seafood processing. There is no easy solution to this problem but we know that a key deterrent is the ability of unions and labor rights organizations to shine a light on these practices through on the ground investigations. We believe it is important that the Congress and Administration support such monitoring efforts, and the efforts of workers to monitor their own workplaces. Ultimately, workers and trade unions must be empowered to monitor supply chains because history shows that

<sup>10</sup> Editorial, “Forced Labor,” September 7, 2010  
[http://www.nytimes.com/2010/09/08/opinion/08wed2.html?\\_r=2](http://www.nytimes.com/2010/09/08/opinion/08wed2.html?_r=2)

abuses in the workplace only end when workers have the power to ensure that their rights in both International Labor Organization (ILO) conventions and national laws are respected.

Governments must also play a major role in eliminating slavery in supply chains. Examples abound of governments around the world reluctant to hold employers accountable for trafficking in their workplaces. Even when trafficking for labor exploitation is addressed, the labor recruiter is blamed and not the employer who perpetrates the exploitation. This lack of political will translates into ridiculously few cases of human trafficking for forced labor or other forms of severe labor exploitation from being prosecuted around the world. When cases are prosecuted, they often result in small fines and no jail time for the perpetrators – barely a deterrent for exploitative employers. A friend in the U.S. government once jokingly said to me that he thought that the U.S. government had prosecuted more cases of employers abusing Thai workers than the government of Thailand. While my friend was joking, this may in fact be true. The U.S. Department of Justice is playing an important leadership role globally, by prosecuting high profile cases, such as the Global Horizons case, that may educate other governments of trafficking of temporary workers and within supply chains. The U.S. government, however, must do more to ensure that U.S. corporations are held accountable for their practices abroad. To that end, the State Department needs to put more emphasis on site visits to suspect industries. To do this, it must expand the number of labor officers and attaches in the field, something that the Congress has called for generally but which the Department has yet to act upon in any meaningful way.

It is important to note while I have placed a strong emphasis in my testimony about the trafficking of workers who cross borders, this is not required within the definition of human trafficking. Trafficking of workers occurs within borders, and movement or transportation is not a prerequisite to this form of exploitation. Nationals or citizens of country may also be trafficked within their own country. It is the same lack of labor protections and standards that make such workers vulnerable.

#### **Initiatives to Combat Trafficking for Labor Exploitation**

Ten years after the passage of the Trafficking Victims Protection Act, the United States has emerged as a leader in raising awareness about the scope and methods of trafficking for labor exploitation. In fact, you can track the U.S. government's understanding of labor trafficking by comparing the 2001 U.S. Department of State *Trafficking in Persons Report* with the 2010 Report – the coverage of trafficking for forced labor, debt bondage and other severe forms of labor exploitation grew exponentially in each report. While continuing to keep an important focus on trafficking for commercial sexual exploitation and forced prostitution, the TIP Report does a commendable job of exposing the forces that lead to labor trafficking around the world. While we hope that the Solidarity Center (and other labor organizations) advocacy has played a role in this greater understanding exemplified in the *TIP Report*, I want to emphasize how important the *Office to Monitor and Combat Trafficking in Persons (G/TIP)*'s leadership on the issue of labor trafficking



has been for Solidarity Center's and other like-minded organizations' work around the world.

As noted by ATEST, both the U.S. Department of Labor's *List of Goods Produced by Child Labor or Forced Labor Report* and the *TIP Report* have assisted advocates like the Solidarity Center in three significant ways:

1. **Leverage:** U.S. "ranking" of governments' efforts to combat trafficking and forced labor has had significant positive effects. Despite the complaints from some governments, these same countries nevertheless do indeed work to achieve a higher ranking by increasing their efforts to address the problem. We have found that the threat of sanctions is a powerful tool, and the *TIP Report* designations publicize problems that governments cannot ignore, forcing them to act. The *TIP Report* even has an impact on countries that do not receive U.S. aid, such as many Gulf countries, because these rankings impact their reputations. U.S. diplomatic missions, international NGOs, and local groups have used the report as a way of engaging with potential partner governments to create and implement a roadmap for improvement—efforts that may have saved countless victims from exploitation.
2. **Awareness:** The *TIP Report* plays a vital role in raising awareness around the world of modern day slavery. Myths and untruths abound globally about the scope, types, and means of these severe forms of exploitation. For example, many policy and government actors see human trafficking only as an issue of forced prostitution, when in fact hundreds of thousands of immigrant workers around the world are trafficked for labor exploitation even after migrating through legal channels. By explaining these under-reported and under-addressed types of trafficking, the *TIP Report* spurs governments to face some of the often hidden forms of trafficking or slavery in their countries. It also provides members of civil society (NGOs, unions, community and faith-based groups) with a tool to advocate for reforms with governments and legitimate employers, as well as other actors. The *TIP Report* also serves as a catalyst for increased dialogue among intergovernmental actors, such as the UN Office of Drugs and Crime and the International Labor Organization, because it causes them to focus their own reporting efforts and engagement with particular countries identified in the *TIP Report*.
3. **Clarity of Problem:** The DOL List of Goods, while still relatively new, is having a similar effect. By simply answering the question, "Is a good produced with child labor or forced labor—yes or no?", the report has provided us with a tremendous resource to leverage governments into action, and to keep such issues from being hidden.

For example, the *TIP Report* has given the Solidarity Center leverage to engage Gulf countries on the serious problem of the trafficking of legal immigrant workers in the

region. Trafficking for labor exploitation, in sectors such as domestic work, construction, and the service industry, is a much bigger problem in countries such as Qatar, the United Arab Emirates, and Kuwait than trafficking for sexual exploitation. These countries have publicized their efforts to combat sex trafficking, but have pushed back against the notion that the challenges faced by millions of migrant workers who are vulnerable to debt bondage, forced labor and involuntary servitude should be addressed within a human trafficking framework. The Solidarity Center, with funding from the G/TIP office, has made significant strides in recent years to move this agenda forward. This would not be possible without the leadership of the G/TIP office in exposing labor trafficking through the *TIP Report*; and the input provided by organizations such as the Solidarity Center and other NGOs into the report.

### **The Role of Organized Labor in Combating Trafficking**

Organized labor has a long history of fighting on a global scale a range of worker rights abuses, including forced labor, debt bondage, and involuntary servitude, which are the end result of trafficking in persons. As trafficking for labor exploitation is clearly a worker rights issue, trade unions and labor support organizations have an important role to play in combating it. To that end, the Solidarity Center conducts programs around the world with such partner organizations to find practical, sustainable solutions. Examples of our work include:

- In Jordan, we partnered with the Jordanian General Trade Union for Workers in Textile, Garment, and Clothing Industries (GTUTI) to organize immigrant workers in the Qualified Industrial Zones (QIZ). We assisted the GFJTU in producing materials on immigrant workers' rights in the various languages of the QIZ workers – many of whom come from Bangladesh, Nepal, Vietnam and China.
- In Indonesia, we trained government labor inspectors on the danger signs of human trafficking for labor exploitation, and focused on the importance of inspecting and monitoring migrant worker holding centers.
- In Kenya, we built the capacity of the Kenyan Union of Domestic, Hotel, Educational Institution, Hospital and Allied Workers (KUDHEIHA) in the high-tourist coastal areas to train their members in the tourist sector to recognize trafficking for sexual exploitation in their hotels, and establish a referral network to rescue victims.
- In Indonesia, Kenya, and the Dominican Republic, the Solidarity Center is helping to empower domestic workers to fight for their rights and reduce their vulnerability to forced labor and human trafficking. This includes organizing domestic workers, advocacy to include them w/in domestic labor laws, and building support for an ILO Convention on domestic worker rights.

- In the Dominican Republic, the Solidarity Center built the capacity of a Dominican construction sector union to overcome xenophobia and racism in the sector by organizing and fighting for the rights of Haitian immigrant construction workers.
- Our Asia and Middle East offices are working together on a cross regional program – bringing together activists in countries of origin and countries of destination to ensure that immigrant workers are educated regarding their rights, the prevention of trafficking, and by providing them with protection services such as legal aid (portable justice).

### **Recommendations for Initiatives to Combat Trafficking for Labor Exploitation**

My colleague Stephanie Richard from the Coalition to Abolish Slavery and Trafficking (CAST) said to me the other day that she wanted to print T-shirts that said, “End Worker Exploitation, End Human Trafficking.” While it is a simple slogan, there is a lot of truth behind it. As the International Labor Organization (ILO) has noted, “Where labor standards are rigorously adhered to, workers are well unionized and labor laws are monitored and enforced – for all workers, indigenous or migrant – the demand for trafficked people and services is likely to be low.”

Key initiatives to combat trafficking for labor exploitation therefore include:

1. Many stakeholders in the anti-human trafficking field refer to the four Ps: prevention, protection of victims, prosecution of traffickers, and partnership as a key framework to combat the problem. The Solidarity Center believes that the third “P”, “prosecution” should actually be broadened to an “R” – the “Rule of Law.” An approach to trafficking that encompasses the rule of law broadens the scope of efforts. Rule of law creates an enabling environment that allows for initiatives that include preventive measures that may address the underlying causes of forced labor. These initiatives may include:

- a. Reforming labor and other laws to include and protect immigrant and domestic workers. All workers – whether national or foreign, documented or undocumented – must have equal protection under the law, and receive full protection of the laws. In addition, governments and employers must recognize and enforce all ILO core labor standards, including the freedom of association and right to organize.

Equal attention must be paid not only to passing better laws, but also implementing, monitoring, and enforcing those laws.

As domestic workers are particularly vulnerable to human trafficking, the U.S. government must continue to support, and advocate to other governments to support, the planned ILO Convention on Decent Work for Domestic Workers.

- b. To that end, governments must enhance the role of labor inspectors. Labor inspectors must be engaged in and be an integral part of law enforcement initiatives to combat human trafficking. In particular, labor inspectors must be given special training to recognize the signs of human trafficking in a workplace. Governments must also ensure that there are sufficient numbers of labor inspectors.
  - c. Providing compensation to victims, including payment of withheld or back wages.
  - d. Penalizing abusive workplaces. Strengthening enforcement and penalties against employers who are found to have trafficked workers or to companies who have bought products made by slave labor. Employers must be held accountable for the abuses of their subcontractors, including labor recruiters, and for abuses in their supply chains.
- 2. Emphasis must be placed on safer migration processes for workers. This includes pre- and post-departure training for workers on their rights in the countries of destination. Governments have a crucial role to play in educating workers about their rights. Enforcement of labor standards depends on workers being able to report violations; they therefore have to be able to recognize violations.
- 3. Increased scrutiny of imports and exports to ensure goods made by slave labor are not allowed in the marketplace. This includes reviewing and re-working the role of ICE in overseas inspections. Currently, ICE must notify governments of their intent to inspect workplaces that export products to the U.S. – such notification results in the “cleansing” of these workplaces to remove any signs of trafficking or forced labor. U.S. law does not allow evidence collected by unions or non-governmental sources to be the basis for restricting the importation of products made by slave labor. This must be reformed.
- 4. Strict regulation of labor recruiters and employment agencies. Specifically, the elimination of recruitment fees to workers, shifting costs back to the employer. Workers should not be required to pay any fees associated with recruitment, the migration process, or placement PERIOD. Employers must be held liable for the abuses of labor recruiters that they hire. In addition, workers must have a way to ensure that a recruiter is legitimate and licensed.
- 5. Extending meaningful whistleblower protections to trafficked workers, which allow workers and their representatives to sue to enforce all state and federal labor and employment laws as well as the conditions in workers’ contracts without having to face deportation or removal. Ensure confidentiality so that victims can access public services as mandated by the TVPA without fear that their traffickers or another entity may find out and seek retribution.

6. Increase pressure and monitoring on states to include trafficking for labor exploitation into anti-trafficking laws and regulations, and to increase prosecutions of labor traffickers, including employers, as perpetrators of human trafficking.

Thank you again for the opportunity to testify. I welcome your questions.

Chairman BERMAN. Well, thank you very much. You talked about a lot of issues that I have been interested in for a long time. Dr. D'souza?

**STATEMENT OF BERYL D'SOUZA, M.D., MEDICAL DIRECTOR AND ANTI-HUMAN TRAFFICKING DIRECTOR IN INDIA, DALIT FREEDOM NETWORK**

Dr. D'SOUZA. Thank you, Congressman Berman, for organizing this most significant hearing and inviting me to appear today with this prestigious panel.

I would like to speak about India's progress in combating human trafficking, the challenges looming ahead, and four approaches to the crisis that are seeing success.

Of the 28 million people around the world that the U.N. considers human slaves, the U.N. recognizes that most live in India and most are Dalits. Today, Dalits are the largest number of people categorized as modern-day slaves. So we really cannot have a discussion about human trafficking and not look at India and regard the problem of the Dalits.

Because of their poverty and the resulting desperation and lack of options, trafficking is not simply a problem the Dalits face, it is an atrocity that has swept Dalit culture in all parts of the nation. Debt bondage is the Dalit destiny most feared. It is inherent in every Dalit religion and the life of every Dalit person. Their lack of access to education, health care, and a living wage leaves most Dalits resigned to a hopelessness that, without an intervention, will not change.

The 2010 TIP Report placed India on the Tier 2 Watch List for the 7th year and defined it as a nation in which the number of victims of severe forms of trafficking is very significant or is significantly increasing.

I am the daughter of a Dalit woman. I have dedicated my life to joining others in my country to end Dalit trafficking.

Despite the bleakness of the situation, especially for India's 250 million Dalits, India is making progress in combating human trafficking. First, and most notably, the country's top leaders have spoken into the public record that human trafficking is India's number-one social problem, with estimates of 100 million people involved—

Chairman BERMAN. Who has said that?

Dr. D'SOUZA. This has been—

Chairman BERMAN. The government you say?

Dr. D'SOUZA. Yes, our home minister.

Chairman BERMAN. Thank you.

Dr. D'SOUZA [continuing]. A crisis that should be dealt with by all stakeholders with a stern and iron hand.

Second, there are committed individuals using their position to end this crisis. The 2010 TIP Report recognized Mr. Sattaru Umapathi as one of the nine global heroes. An anti-human-trafficking officer, he led rescue operations, contributed to multiple convictions, forged partnerships with NGOs, and educated his state law enforcement community about victim rights. He is a true champion for victims everywhere.

Third, dedicated NGOs are combating trafficking through rescue and restore, as well as preventive and preemptive programs. The NGO with which I am affiliated, the Dalit Freedom Network, and all its India partners are driving into the problems from both on-ramps and seeing results.

But there are still major challenges looming ahead for India. As we anticipate the publication of the 2011 TIP Report, we recognize that India is at serious risk for demotion to Tier 3 if significant efforts at improvement are not initiated and registered in the next 6 months.

Only 7 percent of India's police personnel have received anti-trafficking training. The government's anti-human-trafficking units lack sufficient personnel and funding. The existing laws, while substantive, do not focus on the rights and needs of victims. There are a low number of prosecutions and convictions of known traffickers.

Due to lack of time, I will conclude with four approaches that are gaining traction and can serve as a template for other nations.

First, we are seeing that the end of trafficking begins with education. Education changes a nation. The education of India's most vulnerable children becomes the most significant means of preventing the selling and exploitation of these children into the workforce and the sex trade.

We educate Dalit children so they are worth more than the meager income they can make in the factories employing them. To date, there are 100 of these schools and nearly 25,000 children enrolled. Approximately 30 percent of the children are children of bonded laborers. They are studying hard, learning English, and preparing for a higher education and a future that does not know desperate poverty.

Education is a preemptive strike in any nation in which its most vulnerable children are at risk of being trafficked.

Second, the end of trafficking draws near when we economically empower marginalized populations. No longer are prostitution and debt bondage the only options for the poor. Dalits are being trained in marketable skills, finance management, and being offered micro loans to establish their own businesses and earn enough income so that they do not fall prey to fraudulent money lenders that demand exorbitant interest so that even a small loan can never be repaid. We cannot underestimate the horrors that follow when poor parents are forced to sell their own children in an attempt to pay down their debts.

Third, human trafficking is deterred when societies pursue health care for all its citizens. Preventative health care, health hygiene, HIV and AIDS education, and safe labor practices all promote healthy communities and produce healthy economic factors. Most Dalits are forced into debt bondage because of a medical crisis that could have been avoided through proper health care.

Finally, we find that advocacy efforts in India and abroad are yielding positive results and should continue to be specific and targeted, beginning with internal advocacy before the Indian Government and extending to our international allies who seek to stand with us before their own government in our united efforts to end Dalit trafficking.

Thank you, again, Congressman Berman and this committee.

[The prepared statement of Dr. D'souza follows:]



**Dr. Beryl Ann D'souza, M.D.**  
**Medical Director and Anti-Human Trafficking Director in India**  
**Dalit Freedom Network**

**Testimony before the United States House of Representatives**  
**House Committee on Foreign Affairs**  
**Washington, D.C.**

**September 30, 2010**

Good morning.

Before I begin, I wish to thank Congressman Berman and the Committee on Foreign Affairs for organizing this most significant hearing and for inviting me to present along with this prestigious panel.

In my testimony before you today, I will give a brief introduction and then cover three topic areas: India's progress in combating human trafficking; the challenges looming ahead for India; and four approaches to the crisis that are showing success. My hope is that these remarks will be of assistance as the United States Congress considers how it may accomplish its role in the global fight human trafficking, and specifically in India, where 250 million of its citizens live freedom under this threat of human enslavement every day.

**Human Trafficking: A Major Global Problem; A Major Indian Problem**

While it is abundantly clear that human trafficking is a massive problem around the globe encompassing people from nearly all walks of life and all social backgrounds, the largest victims of human trafficking in any country are, no doubt, the poorest, the most disfavored, and the most disenfranchised. When we think of the world's most impoverished people, our minds are often drawn to the nation of India, the world's second most populous nation. Because of the extensive poverty in this nation of more than one billion people, both in the urban slums and in the vast array of villages spread across the sub-continent, human trafficking has taken firm root and is burgeoning.

Human trafficking is destroying the lives of millions of individuals in India today. Individuals like Shanti, who at a very young age was forced by her own family into prostitution because their economic situation was so desperate. Shanti's mother had been forced into prostitution and had no intention of seeing her daughter follow her into this dangerous and degrading occupation. However, the cycle of poverty in their family created an unbreakable intergenerational bondage, which forced Shanti into the sex industry when she was in her early teens. Three years later, Shanti's mother died, and Shanti was rescued by a social worker. She was brought to the shelter home that Dalit Freedom Network and its India partners operate in Bangalore. Today, Shanti is safe, healthy, and receiving training in marketable skills that will help her



earn an income in a dignified, non-destructive manner. Today, Shanti hopes for a brighter future and is confident that the cycle of slavery for the women in her family will end with her.

Sadly, this is not the story for most of those trafficked in India today.

The United States Trafficking in Persons Report has, in 2010, once again placed India on the Tier Two Watch List. As acknowledged by India's Minister for Labor and Employment in her introduction of "Responding to Trafficking for Sexual Exploitation in South Asia," India is a source, destination, and transit area for trafficking in persons for both in-country and cross-border trafficking.<sup>1</sup> There are many cases of persons being trafficked from India to countries in the Persian Gulf area, the Middle East, and Europe.<sup>2</sup> A 2001 study indicated that India was one of the top 10 origin countries of migrants where the mode of illegal entry into the European Union was a result of either trafficking or smuggling.<sup>3</sup> Additionally, the number of women and children trafficked to India from neighboring countries, such as Bangladesh and Nepal, allegedly accounts for ten percent of the coerced migration in India.<sup>4</sup> It is estimated that every year between 5,000 and 10,000 Nepalese women and girls are trafficked to India for the purposes of commercial sexual exploitation.<sup>5</sup> Another estimate points to between 40,000 and 200,000 women and girls from Nepal working in brothels in various cities in India.<sup>6</sup> However, India's Human Trafficking into the sex trade does not merely involve inter-country trafficking; according to one estimate, 90 percent of India's sex trafficking is internal.<sup>7</sup>

What perhaps is even more troubling is the estimated number of children pulled into this heinous industry, and the 2010 Trafficking in Persons report is quick to highlight this grim distinction. The report states that there are currently no efforts by the Government of India to prevent Indians from participating in local child sex tourism.<sup>8</sup> Despite a 1969 law requiring the registration of the birth of a child, data from India's last social survey indicated that approximately sixty percent of births were unregistered.<sup>9</sup> A lack of identity documentation contributes to children's vulnerability to trafficking.<sup>10</sup> According to one estimate, the figures of children in prostitution in India range from 300,000 to 500,000.<sup>11</sup> Pedophilia-related tourism has also been reported in certain parts of India, including Goa and some parts of Kerala.<sup>12</sup>

Unfortunately, despite attempts to account for the number of child and adult victims who fall prey to national and international trafficking, there are no exact numbers as to the extent and magnitude of trafficking and commercial sexual exploitation that occur within India.<sup>13</sup> As the Indian Minister of Home Affairs stated in 2009, "The scale of human trafficking in India is not clear, but it is a fair assumption that it is on a very large scale."<sup>14</sup>

Commercial sexual exploitation is the most virulent form of trafficking in South Asia. Women and young girls are often duped into believing promises of well-paid employment in large cities, such as Mumbai, only to find out too late that they are being forced into prostitution or marriage.<sup>15</sup> Trafficking also occurs in other forms, such as exploitive organ donation,

<sup>1</sup> "Responding to Trafficking for Sexual Exploitation in South Asia." United Nations Office on Drugs and Crime: January 2008. ii.

<sup>2</sup> *Id.* at 5.

<sup>3</sup> *Id.* at 6.

<sup>4</sup> *Id.* at 5.

<sup>5</sup> *Id.* at 6.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 5.

<sup>8</sup> "Trafficking in Persons Report." Tenth Ed. Dept. of State, United States of America: June 2010. 176.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> "Responding to Trafficking for Sexual Exploitation in South Asia" at 6.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> "Trafficking in Persons Report." Tenth Ed. Dept. of State, United States of America: June 2010. 175.

<sup>15</sup> *Id.*

illegal adoptions, and labor exploitation.<sup>16</sup> India's International Labor Organization defines forced labor, which is India's largest trafficking problem, as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."<sup>17</sup> Labor exploitation occurs in various economic sectors, including agriculture, construction, sweatshop production, and domestic service.<sup>18</sup> As reported in 2010 by the United States Department of State, some domestic servants and low-skilled laborers are fraudulently recruited for work in India and then led into forced labor, including debt bondage.<sup>19</sup> In other cases, high debts incurred to pay recruitment fees leave Indians vulnerable to exploitation by employers in foreign countries where some are subjected to involuntary servitude, including nonpayment of wages, restrictions of movement, unlawful withholding of passports, and physical or sexual abuse.<sup>20</sup>

In India, the demographic suffering most deeply from trafficking-related conditions are those positioned at the lowest rung of the nation's social strata: the Dalits. Because of their poverty and the resulting desperation and lack of options, human trafficking is not simply a 'problem' Dalits face. It is an endemic that has swept Dalit culture in all parts of the nation and around the world. Trafficking is the Dalit destiny most feared. It is inherent in every Dalit village, in the life of every Dalit person. Their lack of access to education, healthcare, and equality-based opportunities for advancement leave most Dalits resigned to the hopeless fact that, without an intervention, they have little chance at an improved life.

Of the 28 million people around the world that the UN considers human slaves in the trafficking industry, the UN recognizes that most live in India and most are Dalits.

#### **India's Progress in Combating Human Trafficking**

I would like to frame my main remarks today by maintaining that despite the grim situation for India's Dalits, India has achieved a degree of progress in combating human trafficking.

First, and possibly most notably, India's top political leadership has openly admitted that human trafficking is a national problem.

On November 15, 2008, in New Delhi, at a UN Delivery of Justice Colloquium, **the Chief Justice of the Supreme Court of India, the Honorable Justice K.G. Balakrishnan, stated,** "The scourge of human trafficking needs no introduction. Every year, millions of individuals are trafficked all over the world and are coerced into living conditions that amount to slavery, forced labor and servitude." He also stressed the requirement of having comprehensive legislation to deal with crimes of human trafficking. At the same event, **the Honorable Dr. Justice Arijit Pasayat of the Supreme Court of India** stated "there was no bigger problem in India today than human trafficking. It is for all stakeholders, like judicial officers, prosecutors, police officers to identify problems faced so that the problems can be tackled sternly with an iron hand."

Most recently, on May 11, 2009, **Ashwani Kumar, head of the Central Bureau of Investigation (CBI) in India,** told a seminar on human trafficking in New Delhi that "*India occupied a "unique position" as what he called a source, transit nation, and destination of this trade.*" Also in May 2009, **India's Home Secretary, Madhukar Gupta,** remarked that by his estimates "*at least 100 million people were involved in human trafficking in India.*" A CBI statement added that "*studies and surveys sponsored by the Ministry of Women and Child Development estimate that there are about 3 million prostitutes in the country, of which an estimated 40% or 1.2 million, are children.*"

<sup>16</sup> "Responding to Trafficking for Sexual Exploitation in South Asia" at 3, 5.

<sup>17</sup> *Id.* at 21.

<sup>18</sup> *Id.* at 22.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

The fact that these key leaders in the nation have recognized human trafficking as an issue that must be addressed is a crucial step forward in the battle to free India's modern day slaves.

In addition to its leaders taking this issue seriously, India has good local laws, substantive laws, and special legislation intended to combat and prevent human trafficking.

Article 23 of India's Constitution, prohibits forced labor and trafficking of human beings.<sup>21</sup> Indian Penal Code 1860 criminalizes the acts of selling and buying minors for the purpose of prostitution; the kidnapping, abduction, inducing, procuring, and importing of persons for the purpose of illicit intercourse; and slavery, among others.<sup>22</sup> The Bonded Labor System (Abolition) Act, 1976 ("BLSA"), and Child Labor (Prohibition and Regulation) Act, 1986 ("CLA"), prohibit forced labor and child labor, respectively.<sup>23</sup> Juvenile Justice (Care and Protection of Children) Act, 2000 ("JJA"), aims to protect and care for children who are particularly vulnerable to trafficking by empowering the state government to constitute Child Welfare Committees to look into situations of concern and to dispose cases for the care, protection, treatment, development, and rehabilitation of children.<sup>24</sup>

India's primary legislation dealing with human trafficking is the Immoral Traffic Prevention Act 1956 ("ITPA"). This Act grants six main provisions regarding trafficked persons.

*Warrantless Search and Removal of Persons*<sup>25</sup>

Whenever a special police officer or trafficking police officer has reasonable grounds to believe that an offense is being committed in violation of the ITPA, he may conduct a warrantless search of the premises where the alleged violation has been or is being committed. When conducting a warrantless search, at least two female police officers must also be present. Upon entering the premises, the officer is entitled to remove all the persons found on the premises. After a person's removal, the officer must produce her before the appropriate Magistrate. A registered medical practitioner must examine her for the purpose of determining her age, whether any injuries have been conferred upon her through sexual abuse, and whether she has acquired sexually transmitted diseases. Should it be required that a woman or girl removed from the aforementioned premises be interrogated, it is to be done by a female police officer. If no female police officer is available, the interrogation is to be done only in the presence of a lady member of a welfare institution or organization recognized by the state government.

*Rescue of Persons*<sup>26</sup>

Where a Magistrate has reason to believe that any person is living, carrying, or being made to carry on prostitution in a brothel, he may direct a police officer to enter such a brothel and remove the person. The person must then be presented before the Magistrate who issued the order.

*Temporary Custody of Removed or Rescued Persons*<sup>27</sup>

When the officer removing or rescuing a person is unable to produce the person before the appropriate Magistrate, the officer will produce her before the nearest Magistrate of any class, who shall pass orders as he deems proper for her safe custody until she is produced before the appropriate Magistrate. No person is to be detained in custody for a period

<sup>21</sup> *Id.* at 16.

<sup>22</sup> *Trafficking & The Law*. Human Rights Law Network: New Delhi. 2006. 34.

<sup>23</sup> *Id.* at 34.

<sup>24</sup> *Id.*

<sup>25</sup> The Immoral Traffic (Prevention) Act, 1956, sec. 15. [Amended in 1986.]

<sup>26</sup> *Id.*, sec. 16.

<sup>27</sup> *Id.*, sec. 17.

exceeding ten days from the date of the order; or restored to or placed in the custody of a person who may exercise a harmful influence over her.

*Inquiry by Magistrate*<sup>28</sup>

Upon the removed or rescued person being produced before the appropriate Magistrate, he shall, after giving her an opportunity to be heard, cause an inquiry to be made as to i) the accuracy of the information he received about the activity conducted on the premises; ii) her age, character, and antecedents; iii) the suitability of her parents, guardian, or husband for taking charge of her; iv) the nature of the influence which the conditions in her home are likely to have on her if she is sent home. The Magistrate may clarify the capacity or genuineness of the parents, guardian, or husband to keep such a person by causing an investigation to be made by a recognized welfare institution or organization. In conducting the inquiry, the Magistrate may summon a panel of five respectable persons to assist him, three of whom must, whenever practicable, be women.

While the inquiry is being made, the Magistrate may pass orders as he deems proper for the safe custody of the person. No person is to be kept in such custody for a period exceeding three weeks from the date of such an order or to be kept in the custody of a person likely to have a harmful influence over her. If the rescued person is a child, the Magistrate may place her in any institution established or recognized under any Children Act enforced by the state for the safe custody of children.

*Protective Custody of Removed or Rescued Persons*<sup>29</sup>

If, upon completion of the inquiry, the Magistrate finds that the information he received about the activity conducted on the premises is correct and that the removed or rescued person is in need of care and protection, he may order that she be detained in a protective home or other custody that he deems suitable for a period no less than one year and no more than three. Such custody cannot be that of a person or body of persons of a religious persuasion different from that of the person. Those entrusted with the custody of the person, including the persons in charge of a protective home, may be required to enter into a bond, to be enforced no longer than three years, relating to the proper care, guardianship, education, training, and medical and psychiatric treatment of the person, as well as supervision by a person appointed by the court.

*Protective Homes*<sup>30</sup>

No person or authority, other than the state government, shall establish or maintain any protective home or corrective institution except under and in accordance with the conditions of a license issued by the state government. Wherever practicable, the management of the protective home or corrective institution should be entrusted to women.

In summary, India's leadership recognizes human trafficking as an atrocity and recognizes the gravity connected to its abolition. It has enacted laws toward this end. This can only mean greater attention at the highest levels of government and greater fiscal and political power assigned to combat this problem in the future.

However, it is not only India's government that can make a difference. Committed and compassionate individuals and organizations are stepping forward to contribute their resources and expertise to help put an end to this form of modern day slavery. The 2010 TIP report highlights the work of Mr. Sattaru Umapathi as an individual who was recognized this year as one of nine global heroes in the fight against human trafficking.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*, sec. 21.

“Sattaru Umapathi, the anti-human trafficking officer of the Crime Investigation Department for the state of Andhra Pradesh, has led numerous interstate and intrastate rescue operations across India. Officer Umapathi has played a key role in rescuing victims and arresting traffickers; he has contributed to multiple convictions, leading to sentences ranging from four to 14 years’ imprisonment. He also forged partnerships with NGOs across the country and implemented UNODC anti-trafficking protocols in his state police department. Officer Umapathi has changed the mindset of his state’s law enforcement community by teaching officials to stop treating trafficking victims as criminals. He has organized judicial conferences and addressed a colloquium in New Delhi, helping educate the judiciary about the need to treat victims with empathy. Officer Umapathi argued for application of the more stringent sections of Indian law in trafficking cases, such as laws related to minors in prostitution, import of foreign girls, and unlawful compulsory labor. He successfully implemented a rescue protocol that included the payment of \$220 as interim relief for trafficking victims. Thanks to Officer Umapathi’s dedicated efforts, Andhra Pradesh is becoming a model for other Indian states fighting human trafficking.”

Thanks to the efforts of dedicated individuals like Mr. Umapathi and so many others across the nation of India, the state of Andhra Pradesh, along with the state of Maharashtra, was highlighted in the 2010 TIP Report as a state making significant progress in the area of prosecution of traffickers in the area of the sex industry.

Organizations are following the lead of individuals in India and are also focusing on the issue of human trafficking. These organizations are developing specialties in the areas of rescue, rehabilitation, reintegration, and most notably, prevention and pre-emptive strategies for putting an end to the trafficking epidemic in the sub-continent in this generation.

The organization “Prajwala” focuses on community-based prevention, especially among second-generation victims of human trafficking. They coordinate with the police to offer rescue and transition to traumatized children women working in the sex industry.

“Bombay Teen Challenge” runs “Jubilee Homes” for daughters of women in prostitution. They also offer victim protection centers and vocational training classes, as well as HIV testing in Bombay’s red light districts.

The organization with which I am affiliated, Dalit Freedom Network, and its India partner, Operation Mercy India Foundation, seek to prevent and pre-empt human trafficking through a four-pillared approach, which includes education, healthcare, economic development, and advocacy, all specifically targeted on behalf of the Dalit people of India. Our 100 schools for Dalit children use Community Health Workers and Economic Development officers to bring a human rights-based approach to the basic essentials of life.

Our schools have enrolled nearly 25,000 Dalit children, many of whom come from at-risk backgrounds where trafficking was a viable option for their futures. In the city of Sivakasi, in the state of Tamil Nadu in South India, the child labor capital of India, we now have children graduating from high school who had originally been bonded to labor in fireworks factories.

Our economic development programs have empowered thousands of women to save money and start small businesses. In the city of Kolar, Karnataka, young widows who previously went to the urban centers to earn money from prostitution are now skilled seamstresses and small business owners through our programming.

Our healthcare initiative has given dignified care to sex workers with HIV/AIDS and provided education for prevention of disease to school children, pregnant women and village-dwellers in nearly 10,000 communities around the nation. With a focus on disease prevention, the healthcare initiative frees Dalits from high healthcare bills forcing them into debt bondage and the trafficking industry.

Our justice and advocacy work has opened four anti-human trafficking units which combine shelter homes with vocational training centers to help rescue trafficked women and young girls and then reintegrate them into society in a positive way.

Stories like these are repeated over and over again in every state across India as we at Dalit Freedom Network and Operation Mercy India Foundation begin to see victories over the national fight against human trafficking of India's Dalits. The potential for great change is there. The time is now, however, to see how much farther all stakeholders are willing to go to bring an end to modern day slavery and a lasting change that will transform individual lives and communities.

#### **Major Challenges Looming Ahead for India in the Fight to Eradicate Human Trafficking**

Despite good laws and wholehearted efforts by dedicated individuals and committed organizations to the prevention and eradication of human trafficking in India and for the Dalit people, there are still major challenges in moving forward.

As we anticipate the publication of the 2011 TIP Report, we recognize that India has been categorized as a Tier 2 Watch List member for the last seven years. As per the new regulations of the TVPA Wilberforce Reauthorization Act of 2008, India is at serious risk for demotion to Tier 3 if significant efforts at improvement are not initiated and results for those efforts not registered in the next six months. Unfortunately, we fear the risk of demotion may be quite high. In other words, India still faces a number of challenges as it seeks to address the issue of trafficking in 2010 and beyond.

A survey conducted by the National Human Rights Commission found that only seven percent of India's police personnel received any kind of anti-trafficking training.<sup>31</sup> Although the Government of India has established thirty-eight Anti-Human Trafficking Units ("AHTU") around the country, including in the state of Andhra Pradesh, some non-government organizations ("NGO") claim that they lack sufficient personnel and funding.<sup>32</sup> The effectiveness of these units in combating human trafficking has yet to be determined.<sup>33</sup>

Despite India's adoption of the previously mentioned ITPA, the rescue and rehabilitation of human trafficking victims is not yet positive. Most rescue attempts only occur because of the prompting of NGO activists,<sup>34</sup> and when such efforts are made, they take place in the form of police officers carrying out "mass raids" on brothels.<sup>35</sup> They are not given appropriate information, counseling, or medical treatment and are placed in sub-standard housing.<sup>36</sup> According to the United Nations Office on Drugs and Crime, there is "an immense need for better shelter facilities for the victims."<sup>37</sup> For instance, many shelters function beyond capacity, are less than hygienic, and offer poor food, and some government shelters do not permit child victims to leave the shelters—including for school—in order to prevent their re-trafficking.<sup>38</sup> Additionally, rescued women and girls receive no support for their emotional, mental, physical, or social recovery.<sup>39</sup>

Furthermore, because sex trafficking victims are not protected from brothel keepers, pimps, and other traffickers, they remain vulnerable to threats, blackmails, and enticing by the same traffickers.<sup>40</sup> Consequently, rescued victims go back to

<sup>31</sup> *Id.* at 3.

<sup>32</sup> "Trafficking in Persons Report" at 173-74.

<sup>33</sup> *Id.* at 174.

<sup>34</sup> *Id.* at 172.

<sup>35</sup> *Trafficking & The Law*. Human Rights Law Network: New Delhi. 2006. 20.

<sup>36</sup> *Id.*

<sup>37</sup> "Responding to Trafficking for Sexual Exploitation in South Asia" at 3.

<sup>38</sup> "Trafficking in Persons Report" at 174.

<sup>39</sup> *Trafficking & The Law* at 20.

<sup>40</sup> *Id.*

the same or similar workplaces, with most cases resulting in more exploitive conditions.<sup>41</sup> In other situations, traffickers approach shelter managers and pretend to be family members in order to have the victims released to them.<sup>42</sup> The Human Rights Law Network reported the following account that occurred in 1997 in Hyderabad:

Based on a newspaper report, the Andhra Pradesh High Court ordered the rescue of minor girls. They were then kept in a jail for some time and then some of them who were HIV positive were sent to an NGO and others were released. Most of them are back in commercial sex work again.<sup>43</sup>

Another NGO recounted that in a handful of recent cases, lawyers representing pimps, brothel managers, and corrupt police officers successfully arranged for child sex trafficking victims to be released from protective shelters, and the children were subsequently re-trafficked, incurring greater financial debt to the traffickers due to the lawyers' fees.<sup>44</sup>

One problem with India's current laws for protecting trafficked persons is that they do not focus on the rights or needs of trafficked persons.<sup>45</sup> For instance, Section Eight of the ITPA prohibits the act of solicitation for prostitution, resulting in the detention and punishment of women in prostitution, including sex trafficking victims.<sup>46</sup> Additionally, corrupt law enforcement officials allegedly continue to "facilitate the movement of sex trafficking victims, protect brothels that exploit victims, and protect traffickers and brothel keepers from arrest and other threats of enforcement."<sup>47</sup>

Another gap within India's legal system is the lack of prosecution and conviction of known traffickers. For instance, according to a UNIFEM study published in 2006, in a survey of over 4,000 persons, the survivors of commercial sexual exploitation indicated that the reporting of trafficking occurred in only about forty percent of the cases, and of those reported, the number of prosecutions against traffickers was very low.<sup>48</sup> Moreover, in 2009, an Indian NGO reported to the United States Department of State that 161 bonded child laborers were rescued in New Delhi and Tamil Nadu, but none of the children's labor traffickers were convicted.<sup>49</sup> Rescued persons often choose not to testify against their traffickers because of their fear of retribution from the traffickers.<sup>50</sup> Those who are willing and able to testify may not necessarily have the chance to do so because trafficking victims have historically been unnecessarily detained or prosecuted themselves for violations of other laws.<sup>51</sup>

A third problem is the lack of access that trafficking victims have to funds intended for their benefit. For instance, although every government-recognized victim of bonded labor is entitled to 20,000 Indian Rupees (\$443) under the BLSA from the State and Central government, rehabilitation funds were reportedly embezzled in 2009 by public officials, resulting in victims being denied such funds.<sup>52</sup> During that same period, there were no reports of such officials being convicted or sentenced for trafficking-related offenses.<sup>53</sup> NGO efforts remain the primary catalysts for the release of government funding to needy recipients. Unfortunately, NGOs often have difficulty securing rehabilitation funds. Under the Ujjwala scheme, the Ministry of Women and Child Development funded ninety-six projects intended to protect and

<sup>41</sup> *Id.* at 20-21.

<sup>42</sup> "Trafficking in Persons Report" at 174.

<sup>43</sup> *Trafficking & The Law* at 21.

<sup>44</sup> "Trafficking in Persons Report" at 174.

<sup>45</sup> *Trafficking & The Law* at 25.

<sup>46</sup> "Trafficking in Persons Report" at 173.

<sup>47</sup> *Id.* at 174.

<sup>48</sup> "Responding to Trafficking for Sexual Exploitation in South Asia" at 6.

<sup>49</sup> "Trafficking in Persons Report" at 173.

<sup>50</sup> *Id.* at 175.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* at 173, 174.

<sup>53</sup> *Id.* at 173.

rehabilitate female trafficking victims, but some NGOs have claimed to have difficulty receiving timely disbursements of government funding for their shelters under that scheme.<sup>54</sup>

Clearly, there remains much work to be done by all stakeholders to effect a significant and lasting change within the country.

#### **Recommendations for All Stakeholders in Addressing Human Trafficking in India in 2010 and Beyond**

Ultimately, as a global community, we want to see individual lives transformed and permanently released from the horrors of human trafficking. We believe this is an opportune time to act on behalf of victims of human trafficking both around the world and within India.

I recently met a young woman I will call Haseerah. She comes from a Dalit background and had been sold into the sex industry by her impoverished parents before she had reached puberty. By the time she was 18 years old, she had been sent to a brothel in Mumbai where she endured immense suffering. She was trapped there because of financial conditions at home that required her to do what she did so her extended family could eat. After ten years and giving birth to two children fathered by clients, the brothel owner sent her back to her village. She had fallen ill and tested positive for HIV. By the time I met Haseerah, the staff at our shelter home had already begun providing medical care and emotional counseling and had enrolled her in some vocational training courses that would help her to provide for herself when her health allowed. Although trafficking had destroyed her life at an early age, we hope to help her reclaim it again and restore to her a sense of dignity in her remaining years. Today, because of the efforts of a few, Haseerah has hope for a future that does not include enslavement in a brothel.

The Dalit people of India and all trafficking victims worldwide need advocates in government who will defend their human rights and restore to them their dignity. It is time for all of us to increase efforts at rescue and rehabilitation, but also move beyond these reactive strategies and adopt global pre-emptive methodologies to stop human trafficking before it begins in any individual life.

How will we accomplish these lofty and yet significant goals?

First, we believe the end of human trafficking and the start of community transformation begin with education. We believe that education changes a nation and are seeing the truth of this being borne out in rural India today. Education must be the cornerstone of any anti-human trafficking program and is the ultimate pre-emptive strike against trafficking that, on all levels, will bring a permanent change to our global societies, especially those in India. Education brings hope and freedom from a life of enslavement. Education becomes the preemptive means of preventing the selling and exploitation of Dalit children into the child labor and sexual trafficking industry. We educate children so they are worth more than the meager income they can make in the factories employing them. We educate children so they can step into futures that have promise and opportunity and are not marked by desperate poverty, one of the greatest push factors into human trafficking and enslavement.

Second, the end of human trafficking and the start of community transformation draw near when we economically empower marginalized populations, educating them with marketable skills. No longer are prostitution and debt bondage the only options for the poor. In this generation in India we are training Dalit men and women in new trades, marketable skills, and financial management, and offering them micro-loans to establish their own businesses and earn enough money so they do not fall prey to the moneylenders who demand fraudulent fees and exorbitant interest rates so that even a small

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<sup>54</sup> *Id.* at 174.



loan can never be repaid. We cannot underestimate the horrors that follow when poor parents are forced to sell their own children in an attempt to pay down their debts.

Third, the end of human trafficking will require the understanding that healthcare is a basic human right, which cannot be denied to anyone despite their social standing in the community. Poor health is a major “push factor” leading people toward debt bondage of a magnitude which is often intergenerational. Work-descent discrimination claims the lives of those who, if they could simply remain healthy, could manage their own economic circumstances. Preventative healthcare, health and hygiene education, and dignified and safe labor practices all promote healthy communities and produce healthy economic factors which bring an end to the need for human trafficking. By curtailing human trafficking, we also hope to reduce the occurrence of HIV/AIDS in India as a huge proportion of commercial sex workers are now becoming infected with this virus.

Finally, we believe advocacy efforts in India and abroad are yielding positive results and should continue to be specific and targeted with requests, beginning with the Indian government, and extending to our friends and allies around the world who seek to stand with us in our efforts to end Dalit trafficking.

Within India, our advocacy efforts advocate that trafficking victims are not penalized for forced prostitution. We seek penalties for traffickers who exploit individuals in forms other than sex trafficking (i.e., forced labor, exploitive organ donation, etc.).

We seek shelters and specialized care for adult male victims of trafficking.

We advocate for special immigration benefits and repatriation for foreign trafficking victims so they are not deported and returned to unsafe living situations.

We lobby for the enacting of strict policies guarding victims from the solicitation of pimps, brothels, and traffickers by seeking legal restraining orders or other restrictions against such persons.

We appeal to local government to adopt more effective punishments for trafficking violations and encourage local enforcement officers to consistently implement such penalties.

#### **Conclusion and Thanks**

In closing, I would once again like to thank Congressman Berman and the Committee on Foreign Affairs for inviting me to join this panel of speakers today. I sincerely hope that my remarks will help the United States Congress to recognize the progress India and its many stakeholders are making to combat human trafficking. I also urge the United States to increase its commitment to work alongside India to free the staggering numbers of victims of human trafficking. Together we can achieve change and see victories. We can rescue individual lives and transform entire communities. We can ensure that India does not drop to Tier 3 on the TIP Watch List. We can bring hope to the Dalit people. We can put an end to human trafficking now and forever.

Thank you. At this time I would be delighted to answer any questions you have.

**End Dalit Trafficking. Make Slavery History.**

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Chairman BERMAN. Well, thank you all very much. It was fascinating and important.

I am going to yield 5 minutes to my colleague, Mr. Royce, to begin the questioning.

Mr. ROYCE. Thank you, Mr. Chairman, very much.

And I will ask Dr. D'souza a question.

In your written testimony, you mentioned Prime Minister Singh's statement. His statement was, "Even after 60 years of constitutional and legal protection and support, there is still social discrimination against Dalits in many parts of our country. Dalits have faced a unique discrimination in our society that is fundamentally different from the problems of minority groups in general." That was his quote.

How important was his statement, and how has it affected the treatment of Dalits as a consequence of that statement?

Dr. D'SOUZA. Yes, I think Prime Minister Singh deserves an accolade for his bold statement and being bold enough to address the issue of human trafficking and the relationship to the Dalit atrocities and the Dalit situation in India.

I think the entire issue of Dalits has been a political issue in the Indian Government ever since we have had our independence. And by boldly declaring that as an issue, it has led to more preemptive measures, both from within the government as well as with the nongovernmental organizations, to deal with this significant problem.

Mr. ROYCE. Do you think it has changed in any significant way the perception and maybe led to a situation where Dalits are less susceptible to human trafficking? Do you think it has an impact among Dalits and amongst society in general that has assisted?

Dr. D'SOUZA. Absolutely. I think Prime Minister Singh addressing and accepting the issue of Dalits from the Indian Government stance has been seen very welcomed by the Dalit community. The fact that they are being quantified, the fact that they are being addressed and their rights are being discussed has been very significant.

Mr. ROYCE. The TIP Report recognizes certain heroes. One that they elevate you mentioned, Sattaru—do I say "Umapathi"?

Dr. D'SOUZA. That is right.

Mr. ROYCE. Okay. He is the anti-human-trafficking officer in Andhra Pradesh. His work, of course, has led to multiple convictions of human traffickers. A lot of NGOs now across India have formed a partnership as a result of his activity and in Tamil Nadu, as well.

Aside from highlighting his good work, how can we export some of the lessons? How do we expand on what is being done in those states and get other states involved? What are some of the ideas that might suffice to build the momentum on this?

Dr. D'SOUZA. Well, again, I would like to appreciate what has been discussed by Ambassador CdeBaca in the initial part about how trafficking should not be seen as a boutique issue but more a basic primary human-rights issue. And how, by accolading Umapathi, we are actually encouraging various law enforcement agencies within our country, different states across the country, to look at it as the significant issue it is and to encourage behavior,

to exchange information, to exchange resources, to exchange best practices. That is the way to go ahead.

Mr. ROYCE. We find that some of the answers here in the United States, too, are training of law enforcement. What was the percentage you gave on training today in trafficking?

Dr. D'SOUZA. It is about 7 percent of our police personnel.

Mr. ROYCE. Yes.

Dr. D'SOUZA. It is only 7 percent of our police personnel that have had adequate training in regard to dealing with victims of human trafficking.

Mr. ROYCE. Your point is, if that became a focus, along with the education of young women and young people and their equal opportunity through education, that that, more than anything else, would—

Dr. D'SOUZA. That is right.

Mr. ROYCE. What are some of the ways that we might be able to promote the advocacy for education for everybody in society, including Dalits?

Dr. D'SOUZA. Again, access. Advocating for education and making sure it is accessible to everybody. In our country or in other different countries where you have so many social injustices all connected and so intertwined that it seems impossible to actually do any progress, you have to work together in a concerted manner to ensure equal opportunity, whether it is access to education, whether it is access to universal health care. Because these are the really critical roots that will actually ensure development happening.

Mr. ROYCE. Thank you very much, Dr. D'souza.

Thank you again, Mr. Chairman.

Chairman BERMAN. Well, thank you.

And I yield myself time. We are approaching this moment where I have to leave. I would love to stay. The great thing about being the last person to question and the chairman is that if I had the time, there are threads here that I would like to pursue for the next half hour with you, and I am not going to be able to.

But there was an interesting connection between much of the testimony that all of you gave in a certain way, even though different things were focused on. So, Ambassador Lagon talks about the focus on the prosecution side of it and raises the implication of, are we doing enough in the area of both protection and prevention?

And then Dr. Uprety describes a very specific situation of young Nepalese women and girls lured by their dreams, and there is nothing in their education at home or in school that points out the dangers of what could befall you, and how many people could avoid being victims of human trafficking by just focusing on that aspect of making people aware of the pitfalls of doing some of the things that they are enticed to do at a point where they still are not in harm's way.

And then Dr. D'souza adds the notion that maybe you also need a component of other alternatives, not just the warnings of what could befall you, but the notion that there are other opportunities, other avenues.

And then Ms. Misra spoke. I have been very interested in the issues of migrant labor and how to deal with the exploitation that

comes from it. But the point that all of you, and particularly Ms. Misra, have driven home is that exploitation turns into a slavery, trafficking kind of—is a fairly thin line between getting shorted on your paycheck and in the end being held, in a sense, in bondage.

And we have talked about, how do you get through some of this? If you are going to have guest-worker programs to deal with labor shortages in certain areas, like farming, to what extent could Mexico, as a government, be the source of selection, protection of the workers who would be coming over, rather than private recruiters working on behalf of grower interests here, but charging the person more than, in effect, the grower for bringing them in. If you could turn it into a bit of a government-to-government thing, you could avoid many of those issues.

And the notion that you are stuck in that situation with one employer and that your alternatives are staying there under what could be horrid conditions or going back to your home country, rather than that person knowing that he could lose the worker to another grower or employer who isn't engaging in those kinds of practices could be a great deterrent.

So these are very interesting things.

I want to ask Mr. Abramowitz one question, though. You talked in your testimony about urging us to focus on the importance of the administration's implementation of the new features of the Trafficking Victims Protection Reauthorization Act of 2008 relating to moving countries from Tier 2 Watch List to Tier 3, where the sanction would apply, and the question of Presidential waivers.

Spell that out a little bit. What should we be concerned about here?

Mr. ABRAMOWITZ. Well, Mr. Chairman, I think this came up in several of the other testimonies, including Ambassador Lagon as well as Dr. D'souza. As was referenced, the TVPRA of 2008 amended the Trafficking Victims Protection Act of 2000 so that, rather than countries being able to stay on the Tier 2 Watch List forever—which has been the situation with a number of countries, including India, China, and Russia—after 2 years, they are going to have to go down to Tier 3 if they haven't been able to move up.

I think that this is going to cause a lot of hydraulic pressure on the Trafficking in Persons Office to try to find ways, for example, as Mr. Royce suggests might have happened to Cambodia, to move them up from the Tier 2 Watch List up to Tier 2 so that they can avoid that, because this is the second year for a number of those countries.

The alternative to that, though, is, if it is determined that there is no real progress being made, let's say within India because it goes from 7 percent to 7.1 percent of the number of police officers trained, then those countries are going to fall down to Tier 3 and, therefore, be subject to sanctions.

I would rather have an honest assessment, have the countries fall down, and then the President make a determination as to whether assistance needs to be cut off or not. However, I do think that there is some risk that, if a number of countries do go down to Tier 3 and there is a wide range of waivers that the President then implements—because, in India, we need to continue cooperation, or Russia, we need to continue democracy assistance, what-

ever the national interest is—then I think there is a possibility that the officials in foreign countries will say, Oh, this is not a big problem because the President will just waive for us.

I do think that the name and shame issue remains something that is a very, very powerful motivator. It is not just because of the threat of sanctions, but Ambassador CdeBaca said today that the threat of sanctions is a component of that.

So my own view is that we need to try to see if the administration will not only continue on its assessment but also will look at maybe, perhaps, targeted waivers of assistance that really go to pushing forward rather than just wholesale waivers in the national interest.

Chairman BERMAN. My time has more than expired. I didn't realize the gentlelady was here. Could I invite the gentlelady to take over the questioning and the chair? Because I have to go someplace where you may be joining me very soon.

Ms. JACKSON LEE. Mr. Chairman, in light of that, can I just take 3 minutes or so and not hold you?

Chairman BERMAN. All right. The gentlelady is recognized for 3 minutes.

Ms. JACKSON LEE. Okay. I did not want to miss this hearing, Mr. Chairman, because I think the issues before us are so very vital. And I had an overlapping immigration hearing that, likewise, is facing a number of concerns.

So let me say that human trafficking is the most dastardly attack on human dignity and the values that one holds for the respect we have for humanity. We cannot describe it any way other than that it cuts off and extinguishes the life of someone without killing them, and particularly women who are vulnerable and with great—women and children, in particular.

We were holding a hearing in the Judiciary Committee on human trafficking in the United States. So none of us are immune from this. And I want to thank the chairman for this hearing. Coming out of the shadows is very important.

Let me ask two questions. And I am just selectively—David, because we have worked together—to highlight the vileness of it. But what should our first aim be if we want to take the high goal of extinguishing human trafficking around the world?

And then, if I could ask Aruna, if you would, likewise, tell us the lowest ebb that victims fall into and what we should do for those victims.

David?

Mr. ABRAMOWITZ. Thank you, Ms. Jackson Lee.

It is very hard because there are so many different interventions that we need to consider. I think what Dr. Uprety is doing in terms of trying to educate women and girls, in particular, and also offering, as was said, some hope for the future, through talking about additional educational opportunities and so on, is an important part of the prevention piece.

I think that in terms of trying to ensure that we use our diplomacy to try to make sure that discriminated populations, like Dr. D'souza said, are really highlighted, I think that Mr. Royce, one of the things that we should think about is trying to see if the President can raise the issue of the Dalits in some way. I think if the

First Lady were to meet with Dalits while she was in India, that would have an amazing—

Ms. JACKSON LEE. Raise the issue—I am sorry?

Mr. ABRAMOWITZ. Of Dalits—that is, the discriminated populations in India that have historical social discrimination against them. If she were to meet with a Dalit population and talk about the importance of education, those kinds of steps can have an important impact on raising issues in ways that are difficult to quantify but I think could have a real impact.

I will just leave it at that and turn it over to Dr. Uprety.

Ms. JACKSON LEE. Thank you very much.

Doctor?

Dr. UPRETY. From my discussion with the police officers before I came here, we have found that girls below 12 had also been trafficked. And, from my personal experience, when I had been in some places where children are trafficked for circus, a 9-year-old girl had been trafficked from a district of Nepal to India. And later on, after 2 or 3 years, she came back, and now she is one of our students.

So, if you will look at that, children below 10 can also be trafficked, and 12, 13 also can be trafficked. And that is the saddest part of this human trafficking.

Ms. JACKSON LEE. So, we need to, in conclusion, Mr. Chairman, take this to the highest level of our psychic, be as hostile against it as possible, and let people know that, when you are trafficked, you are also sexually violated and abused.

And I join you—I know the First Lady has many issues. She is an eloquent spokesperson. And so I would like to join in that effort and join, also, as raising my voice against this dastardly deed.

Thank you very much, Mr. Chairman.

Chairman BERMAN. Thank you.

While I would really love to pursue some of the things more, we can't. We are going to rush off to something else; I think all three of us have to do that and we are very grateful you came. We are going to follow up on your testimony and your suggestions and take it very seriously and maybe even raise this issue in our next meet meeting.

Thank you very much.

Mr. ABRAMOWITZ. Thank you, Mr. Chairman.

[Whereupon, at 12:25 p.m., the committee was adjourned.]

# A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING RECORD

**FULL COMMITTEE HEARING NOTICE**  
**COMMITTEE ON FOREIGN AFFAIRS**  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515-0128

**Howard L. Berman (D-CA), Chairman**

September 23, 2010

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at <http://www.hcfa.house.gov>)**:

**DATE:** Thursday, September 30, 2010

**TIME:** 10:00 a.m.

**SUBJECT:** Out of the Shadows: The Global Fight Against Human Trafficking

**WITNESSES:** **Panel I**

The Honorable Luis CdeBaca  
Ambassador-at-Large  
Office to Monitor and Combat Trafficking in Persons  
U.S. Department of State

**Panel II**

Mr. David Abramowitz  
Director of Policy and Government Relations  
Humanity United

The Honorable Mark P. Lagon  
Chair, International Relations and Security Concentration,  
and Visiting Professor  
Edmund A. Walsh School of Foreign Service  
Georgetown University

Aruna Uprety, M.D.  
Founder, Rural Health Education Services and Trust  
Partner, American Himalayan Foundation's Stop Girl Trafficking Program

Ms. Neha Misra  
Senior Specialist, Migration & Human Trafficking  
Solidarity Center, AFL-CIO

Beryl D'souza, M.D.  
Medical Director and Anti-Human Trafficking Director in India  
Dalit Freedom Network

**By Direction of the Chairman**

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive hearing devices) may be directed to the Committee.



## COMMITTEE ON FOREIGN AFFAIRS

## MINUTES OF FULL COMMITTEE HEARING

Day Thursday Date 9/30/10 Room 2172 RHOBStarting Time 10:05 A.M. Ending Time 12:25 P.M.Recesses -      (      to      )

## Presiding Member(s)

Howard L. Berman (CA), Chairman

**CHECK ALL OF THE FOLLOWING THAT APPLY:**

Open Session	<input checked="" type="checkbox"/>	Electronically Recorded (taped)	<input checked="" type="checkbox"/>
Executive (closed) Session		Stenographic Record	<input checked="" type="checkbox"/>
Televised	<input checked="" type="checkbox"/>		

**TITLE OF HEARING or BILLS FOR MARKUP:** *(Include bill number(s) and title(s) of legislation.)*  
 Out of the Shadows: The Global Fight Against Human Trafficking

**COMMITTEE MEMBERS PRESENT:**

Howard L. Berman, Chris Smith, Donald Payne, Edward Royce, Diane Watson, Ted Poe, Gerald Connolly, Gene Green, Sheila Jackson Lee

**NON-COMMITTEE MEMBERS PRESENT:**

n/a

**HEARING WITNESSES: Same as meeting notice attached? Yes  No**   
*(If "no", please list below and include title, agency, department, or organization.)*

**STATEMENTS FOR THE RECORD:** *(List any statements submitted for the record.)*

- Pamphlet from the American Himalayan Foundation on STOP Girl Trafficking - submitted by Howard L. Berman
- Statement of Ileana Ros-Lehtinen dated 9/13/10 at the St. Thomas University Human Trafficking Forum - submitted by Ed Royce
- Article from ATEST entitled Impact of U.S. Anti-Trafficking Reports on Certain Countries - submitted by David Abramowitz

**ACTIONS TAKEN DURING THE MARKUP:** *(Attach copies of legislation and amendments.)*  
 n/a

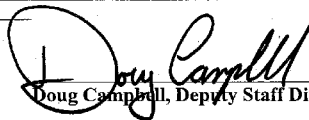
**RECORDED VOTES TAKEN (FOR MARKUP):** *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting
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TIME SCHEDULED TO RECONVENE \_\_\_\_\_

or

TIME ADJOURNED 12:25 P.M.

  
 Doug Campbell, Deputy Staff Director

COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

STATEMENT OF  
THE HONORABLE ENI F.H. FALEOMAVAEGA  
CHAIRMAN, SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE  
GLOBAL ENVIRONMENT

before the  
COMMITTEE ON FOREIGN AFFAIRS

“Out of the Shadows: The Global Fight Against Human Trafficking”

SEPTEMBER 30, 2010

Mr. Chairman, human trafficking is one of the world's most despicable practices. It reduces a person to a commodity and steals his or her freedom and humanity. Human trafficking, in fact, is nothing more than modern-day slavery.

The dangers resulting from human trafficking are not limited to the victims themselves, though their psychological degradation, trauma and humiliation is enough reason to fight this illegal business. Profits generated from human trafficking provide organized crime groups with funding to perpetuate crime, engage in drug trafficking and even terrorism. In 2008, the International Labor Organization (ILO) estimated annual profits from human trafficking to be as high as \$32 billion. Sadly, that figure has most likely grown since then.

Traffickers rarely allow victims to receive medical treatment, and since an overwhelming majority of trafficking victims are used for sexual exploitation, human trafficking is a vector for the rapid transfer of HIV/AIDS, tuberculosis, avian influenza and other contagious diseases.

I commend you, Mr. Chairman, for convening today's hearing, and I thank the witnesses for providing us an opportunity to raise public awareness of this inhumane practice.

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**OPENING STATEMENT OF  
THE HONORABLE RUSS CARNAHAN (MO-03)  
COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES**

**Hearing on  
*Out of the Shadows: The Global Fight Against Human Trafficking*  
Thursday, September 30, 2010, 10:00 a.m.  
2172 Rayburn House Office Building**

Chairman Berman and Ranking Member Ros-Lehtinen, thank you for holding this hearing regarding current trends and efforts to combat international trafficking in persons. I appreciate the attention that is being given to this topic and hope to gain further insight on effective prevention of all forms of trafficking, including sex trafficking and labor exploitation.

An estimated that two to four million people are trafficked annually, both internally and across national boundaries, while as many as 12.3 million adults and children around the world are victims of forced labor or prostitution. Despite the broad recognition that human trafficking is one of today's leading criminal enterprises and impacts every country, serious gaps in effective responses from policy to laws and enforcement to prevention continue to exacerbate the problem.

I am encouraged that the U.S. government and the international community have taken significant steps in the past decade to accelerate anti-trafficking. Ten years have passed since the United Nations negotiated the international standards against trafficking in persons and the U.S. enacted the Trafficking Victims Protection Act, emphasizing a comprehensive policy of prevention, protection, and prosecution. Globally, we have seen improvement in the amount of victims protected and violators prosecuted. However, we must strive to do more to combat the root causes of this global phenomenon, which feeds on the conditions of the vulnerable, including youth, women, ethnic and religious minorities, and those in poverty and conflict zones. Given the public health, labor, human rights, and national security implications of human trafficking, it is imperative that we strengthen our global partnerships and work to fill the gaps in combating international trafficking in persons.

I look forward to hearing testimony from our witnesses on their evaluations of the current preventative initiatives the U.S. government supports such as public awareness, education campaigns, and employment opportunities for at-risk populations. As a strong advocate for the empowerment and rights of women and girls, I specifically am interested in recommendations on how the U.S. government, both bilaterally and in conjunction with our international partners, may improve its efforts to reach this disproportionately affected population.

In closing, I'd like to thank the panelists for their testimonies and presence here today. I hope that your answers and opinions will further our understanding the current trends in human trafficking and how the U.S. and the international community may expand on the improvements we've made over the past decade.

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The Honorable Gerald E. Connolly (VA-11)

**HCFA Hearing: Out of the Shadows: The Global Fight Against Human Trafficking  
Thursday September 30, 2010  
10am**

Human trafficking is a reprehensible crime which objectifies people as a means to a profit. According to the 2010 Trafficking in Persons Report (TIP), 62 countries have yet to convict a human trafficker and 10 countries continue to lack laws, policies, or regulations to prevent victims' deportation. About 600,000-800,000 people are trafficked across global borders each year. At least 56% of these involve female victims. If one includes trafficking within countries in total figures, the estimate of trafficking victims rise to a range of 2-4 million people each year. But trafficking is not just happening in faraway places—it's happening within the United States' borders too.

According to the 2010 TIP Report, "The United States is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor, debt bondage, and forced prostitution."<sup>1</sup> Northern Virginia and the Washington Capital Region are home to organizations whose mission statement is to eliminate the heinous occurrence of human trafficking. The existence of such anti-trafficking groups is no mistake, and their work is valuable and needed. As recently as June 2010, an article in a Richmond-based magazine described the prevalence of such activity in Richmond. The article detailed a 2006 FBI case that involved Korean women "being used in brothels from Rhode Island to Virginia."<sup>2</sup> Similarly, there were reports in the Washington Post in 2006 about massage parlors as fronts for prostitution rings.

The myriad causes of human trafficking cannot be solved overnight. The commoditization of men, women, and children in order to turn a profit is perhaps one of the most despicable characteristics of trafficking. Oftentimes, victims of trafficking have few financial resources. Sometimes they are misled with promises of working in a restaurant and then are sexually exploited. Other times, they are perpetual indentured servants in an already exploitative job. Moreover, as trafficking victim advocates have stated in the past, the tendency to treat trafficking victims as criminals does not help the situation. Neither does the fact that in many countries, local law enforcement authorities may be working with traffickers. Another disturbing aspect of trafficking, especially in the case of women and girls, is that they are often forgotten. Once they are trafficked and exploited, they fade into obscurity, becoming anonymous slaves with little chance to escape. This is why it is so difficult to pinpoint exact trafficking numbers.

Over the last decade, the United States has actively fought human trafficking through provisions laid out in the Victims of Trafficking and Violence Protection Act of 2010. The annual Trafficking in Persons report is a credible, detailed survey of violations in various countries. The Office to Monitor and Combat Trafficking in Persons at the State Department, under the leadership of Ambassador CdeBaca, fulfills much needed duties in the United States' foreign policy apparatus.

I look forward to the Ambassador's testimony today, along with the testimony of today's other notable witnesses. Thank you, Mr. Chairman. I yield back.

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<sup>1</sup> 2010 *Trafficking in Persons Report* United States State Department.

<sup>2</sup> Peter Galuszka *The New Slavery* Style Magazine (June 2010).

**Statement of Congressman Gene Green  
House Committee on Foreign Affairs  
“Out of the Shadows: The Global Fight Against Human Trafficking”  
September 30, 2010**

Thank you, Mr. Chairman for holding this hearing today and I would like to welcome our panelists. Thank you all for being here.

This year, we acknowledge the tenth anniversary of the enactment of the Trafficking Victims Protection Act or TVPA, an important statute in the fight against human trafficking. The annual report on international global trafficking (or TIP report) by the State Department, as required by the TVPA, has become an invaluable resource on this matter.

Now we have a more accurate picture of the nature of human trafficking and can follow trends that were not as visible, such as the prevalence of labor trafficking and unexpected high number of males who are trafficked annually.

I am also happy to see Secretary Clinton’s push to include the United States in this year’s TIP report. It is important that our country be measured as well – to be seen as a leader on this issue, as well as to learn from our own strengths and weaknesses in combating human trafficking.

Though I recognize the progress that has been made over the past decade, there is much work to be done.

The State Department’s latest Trafficking in Persons Report estimates that there are 12.3 million adults and children in forced labor, bonded labor, or forced prostitution around the world today. Of this number, there were just over 4,000 successful trafficking prosecutions in 2009. These are disturbing numbers that call for action.

In particular, I am troubled by that several of the BRIC nations, such as China, India and Russia, have been placed on the Tier 2 Watch List. Human trafficking is not a matter that the United States and our partners in Europe can combat alone. We must find ways to persuade more nations to join us in this important cause.

I hope this committee and the panel before us can have a frank discussion on this important matter and provide a strong direction in curbing human trafficking around the world.

Thank you again, Mr. Chairman.

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MATERIAL SUBMITTED FOR THE RECORD BY MR. DAVID ABRAMOWITZ, DIRECTOR OF  
POLICY AND GOVERNMENT RELATIONS, HUMANITY UNITED



### Impact of U.S. Anti-Trafficking Reports on Certain Countries

#### Cambodia:

- Cambodia's placement on Tier 3 in the 2003 Department of State *Trafficking in Persons Report* (TIP Report) was instrumental in persuading the Cambodian government to counter child sex trafficking.
- In particular, an active U.S. diplomatic mission, led by Ambassador Charles Ray, was able to use the designation to persuade Cambodia to address child sex trafficking seriously. This included specific actions, including collaborating with the International Justice Mission, that led to freeing victims from abuse, and arresting and convicting perpetrators.
- In the years following Cambodia's placement on Tier 3, the TIP Report has helped to maintain pressure on the Cambodian government and provided a critical tool for advocates in engaging with the government.

#### India:

- The TIP Report played a crucial role in putting trafficking for sexual exploitation on the U.S.-India bilateral agenda. Advocates hope that the increasing focus in the TIP Report on bonded slave labor in India will provide a similar opening.
- Shortly after the Department of Labor's *List of Goods Produced with Forced and Child Labor* was published, International Justice Mission's office in Chennai was approached by a local official asking for assistance in investigating child labor in the silk industry (silk being one of the goods included on the list).

#### Gulf Cooperation Council (GCC) Countries:

- The TIP Report has been instrumental in moving countries such as the United Arab Emirates, Qatar, and Bahrain to recognize and acknowledge their human trafficking problems – in particular, trafficking of migrant workers for labor exploitation through legal temporary migration schemes.
- Before the TIP Report highlighted such cases of trafficking, many GCC countries denied they had problems with trafficking for labor exploitation, focusing primarily on trafficking for sexual exploitation. While these countries may not be concerned about sanctions, they are concerned about reputational damage from being placed on the Tier 2 Watch List or Tier 3. Solidarity Center has found that the TIP Report has opened up tremendous space for NGOs, unions, and community and migrant worker associations to advocate for reforms to improve the lives of migrant workers in the GCC.
- For example, in Qatar, the TIP Report has been a critical tool in encouraging local NGOs and especially the National Human Rights Committee (NHRC) and the Qatari Foundation for Combating Human Trafficking (QFCHT) to be more proactive in combating trafficking in persons. As a result, the government of Qatar, together with QFCHT, launched "The Arab Initiative for Building National Capacities for Combating Human Trafficking".



# ATEST

The Alliance to End Slavery and Trafficking

- In Kuwait, the increased sensitivity to the issue of trafficking generated by the TIP Report has allowed local partners, such as the Kuwait Trade Union Federation (KTUF), to be more effective in advocating for migrant worker rights. The TIP Report helped galvanize a department within the KTUF, with a leader who is speaking out internally and externally about the need to address trafficking in persons. The KTUF is now participating in public events and cooperating with Embassies of countries of origin, putting this issue on the agenda and catalyzing discussion around issues such as changing laws.
- The TIP Report has also helped catalyze responses that have had regional impact. For example, the 2001 TIP Report raised awareness of the abuses faced by children used in the traditional sport of camel racing, who were brought from Bangladesh and other countries into various Gulf states. Shortly thereafter, the regional sporting association voluntarily banned the use of children under 15 in such races, and UAE and Qatar, where many regional races take place, prohibited the practice by law. Media scrutiny continues for alleged violations of the ban, helping to hold governments accountable for enforcing it.

## Indonesia:

- Indonesia's placement in Tier 3 in the 2001 and 2002 TIP Reports prompted it to assign a set of capable and energetic officials to create a task force on human trafficking. This task force succeeded in shepherding a national anti-trafficking law into place in 2007. The law would not have been passed without the pressure imposed on the Indonesian government through the TIP Report.
- The Solidarity Center has found that Indonesian government officials take requests for information for the TIP Report very seriously, in part because the U.S. Embassy Labor Officers are personally involved.

## Israel:

- Israel was placed in Tier 3 of the TIP Report in 2001 in large part for its failure to address the trafficking of women from Eastern and Central Europe into Israel for sexual exploitation. Civil society contacts indicate that while human trafficking was a known problem, the government made little effort to address it prior to the TIP Report. Its placement on Tier 3 caused it to take significant steps to address the problem.
- From 2002-2003, the Israeli government became significantly more engaged in combating trafficking. Since then, the Government of Israel has established a new anti-trafficking framework (including passing an anti-trafficking law in 2006), opened shelters, and prosecuted and convicted traffickers, in some cases handing out stiff sentences.
- Awareness by the Israeli government has also increased about trafficking into labor exploitation and of abuses by labor recruiting agencies, with the Israeli government prosecuting perpetrators of forced labor and recruitment fraud. In 2009, the Israeli government broke up a major human trafficking ring that had been responsible for trafficking an estimated 2000 women into Israel.



#### **Japan:**

- The release of the TIP Report in 2004 with a Tier 2 Watch List ranking for Japan put strong international pressure on Japan. The ranking gave significant traction to domestic anti-trafficking advocates, and triggered the Japanese government to act. Polaris Project considers the TIP Report ranking to have been a critical step forward in building the political will for the eventual passage of a human trafficking law in Japan.
- The TIP Report's inclusion of a section on issues related to foreign "trainees" brought to Japan to work as apprentices in the labor sector created significant media attention. The Japan Network Against Trafficking in Persons (JNATIP), a coalition of domestic NGOs, was able to do some advocacy efforts around the issue. As momentum built, the issue of reforming the trainee system appeared to be taken more seriously by the government of Japan and was included in the official 2009 National Action Plan.

#### **Malaysia:**

- Malaysia's Home Minister attributed the passage of Malaysia's 2007 anti-trafficking law to the "US Blacklist," i.e., the TIP Report.
- Malaysia was ranked in Tier 3 in 2009, when the TIP Report cited a report by the U.S. Senate Foreign Relations Committee indicating that Malaysian government officials were involved in a scheme to take arrested migrant workers to the border of Thailand and sell them into forced labor in Thailand and on Thai fishing boats. The Malaysian Government denied the accusations, and then a few weeks later arrested several government officials for being involved in this exact scheme.
- The Solidarity Center has found that its main partner, the Malaysian Trade Union Congress (MTUC), sees the TIP Report as instrumental in raising awareness about the exploitation and trafficking of migrant workers in Malaysia. The Malaysian government is quick to deport migrant workers who report abuse or end up in undocumented status. The MTUC is advocating for government reforms to allow trafficking victims, who may be in an undocumented status, to come forward and receive legal remedies.

#### **Nigeria:**

- The TIP Report was an important catalyst for combating trafficking in Nigeria, particularly the trafficking of women to Italy for sexual exploitation.
- After Nigeria's 2004 designation as a Tier 2 Watch List country, the wife of the President of Nigeria helped develop a comprehensive framework, including research on prevalence, the establishment of frameworks, and implementation of new prevention, protection, and prosecution mechanisms.
- Government efforts to intercept attempts to traffick women have steadily increased, with 1000 interceptions in 2007 and 1269 interceptions recorded in 2008, when Nigeria reached Tier 1 ranking in the 2009 TIP Report. Prosecutions

# ATEST

The Alliance to End Slavery and Trafficking

have also increased since 2004, with 67 convictions of traffickers taking place between 2004 and 2009.

**Swaziland:**

- The removal of a threshold test for covering countries in the TIP Report allowed Swaziland to be included for the first time in 2009. Its designation as a Tier 3 country led to an immediate response.
- Following its ranking in Tier 3, the Government of Swaziland immediately took steps to create a new framework and establish a task force to implement new anti-trafficking programs. The TIP office is actively monitoring implementation of this new framework. While results of these efforts remain to be seen, this immediate response indicates the continued importance of the TIP Report.

**Thailand:**

- The Thai government has created a working group specifically focused on the TIP Report. The working group reviews the Thailand narrative and recommendations to help guide its efforts.
- The Thai government's attention to the TIP Report has resulted in changes in line with US recommendations; for example, a small increase in prosecutions for labor trafficking in 2009-2010. We are aware of convictions in four labor trafficking cases since May 2009, including the Anoma case, which is mentioned in the TIP Report. While this is significant, the penalties were weak, and many more cases go unprosecuted. The TIP Report continues to highlight the improvements the Thai government needs to make towards prosecutions.

MATERIAL SUBMITTED FOR THE RECORD BY ARUNA UPRETY, M.D., FOUNDER, RURAL HEALTH EDUCATION SERVICES AND TRUST, PARTNER, AMERICAN HIMALAYAN FOUNDATION'S STOP GIRL TRAFFICKING PROGRAM



**STOP GIRL TRAFFICKING**

AMERICAN HIMALAYAN FOUNDATION

### Saving Girls

Upwards of 20,000 girls from the poorest parts of Nepal are trafficked every year — sold by their desperate parents or lured by the false promises of traffickers. These girls, sometimes as young as nine, end up in the brothels of India where they become slaves. Many are HIV positive, within two years, and are dead before they are out of their teens.

Our approach to combating this modern-day slavery is revolutionary and surprisingly effective.



AMERICAN HIMALAYAN FOUNDATION  
909 Montgomery Street, Suite 400  
San Francisco, California 94133

Tel: 415.268.7243 [www.himalayan-foundation.org](http://www.himalayan-foundation.org)

## The Solution: Education

**W**e go to the source, into the villages where girls are at risk, and put those girls in school. For a small investment — \$100 pays for everything: school fees, books, school uniforms, tutoring — we can keep a girl safe at home and in school for a whole year. And the longer the girls stay in school, the more they learn, and the more their families learn to appreciate their worth. Education frees them. It gives them a way past hopelessness.

### Changing the Game

Dr. Aruna Upadhyay, our visionary partner, went to the brothels in India, where over a hundred thousand Nepali girls are trapped. The heartbreak of their situation pushed her to focus on prevention — breaking the cycle of trafficking and violence from the start. She pioneered the approach of getting at-risk girls into school. In the beginning, she had to go door to door in each village to convince the families that sending girls to school was worthwhile.

Ten years ago, we started with 52 girls. This year we have 7,000 in 400 schools across Nepal, and we could add 1,000 girls every year.

### It works. How do we know?

Reluctance to send girls to school is dropping away, and whole villages are asking to be included in our work. Educating the most at-risk girls in a village spreads enough knowledge to keep traffickers at bay. Our girls are motivated: despite their odds, they pass their high school leaving exams at double the national average. And we have not lost one girl to trafficking.



*This is where the girls come from: villages like these throughout Nepal.*



*Aruna Upadhyay spreads the word: stay in school! and stay safe. "Nepali girls trapped in brothels and in the hands of traffickers are not safe for us. If we had the money, we would be able to go to school and learn and work. We would never have landed here. Please, keep this from happening to other girls."*

*Education as a way of  
stopping trafficking  
is revolutionary.  
It breaks the cycle of  
poverty and illiteracy.  
Join us.*

*Help make a sea change  
in one generation.*



**QUESTIONS FOR THE RECORD  
THE HONORABLE RUSS CARNAHAN (MO-03)  
COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES**

**Hearing on  
*Out of the Shadows: The Global Fight Against Human Trafficking*  
Thursday, September 30, 2010, 10:00 am  
2172 Rayburn House Office Building**

Questions to Ambassador Luis CdeBaca:

**Question:**

The U.S. government and the international community widely recognize the need to comprehensively approach the issue of human trafficking, using a “3P” paradigm of prevention, protection, and prosecution. The State Department’s 2010 TIP report indicates that we must work together with civil society, the corporate sector, and across governments through the “fourth P” of partnership. Please comment on your recommendations for and the benefits of these types of enhanced partnerships.

**Answer:**

One of the themes of our 2010 Annual Trafficking in Persons Report was progress through partnerships. Creating new partnerships and strengthening existing ones are a vital component to our anti-trafficking approach because they leverage resources, extend expertise, and stimulate innovative initiatives. It takes governments and civil society working together in partnership to best identify, protect and assist victims. Civil society partners can provide invaluable training to first responders, such as law enforcement, medical professionals, and teachers; critical information on the special needs of trafficked individuals; and the provision of direct services. Civil society partners in the field can also provide good lead information on the perpetrators and traffickers, leading to arrests and prosecution by law enforcement. Partnerships with private sector corporations are important to strengthening corporate social accountability, enhancing supply-chain monitoring, and encouraging businesses to provide job-training or employment for trafficking survivors. Partnerships with innovative technology companies can result in cutting-edge solutions to human trafficking challenges. Partnerships with journalists and media makers are key to ensuring that culturally sensitive, responsible, and accurate stories are relayed about the true nature of human trafficking while partnerships with research institutions and academics are important to ensuring that evidence-based research reports advance our knowledge and inform our strategies and programs. Partnerships with foreign governments and regional and international organizations are also essential for sharing “promising practices” and information on human trafficking thereby bridging the gaps among source, transit, and destination countries. The best part of all these partnerships is that there are limitless possibilities for collaboration.

**Question:**

Women and girls have been increasingly disproportionately targeted at victims of human trafficking. This is due, in large part, to societal disparities between men and women, as reflected in educational and employment opportunities and accordingly higher rates of poverty within the female population. In our efforts to combat the root causes of human trafficking, how are we targeting outreach to women and girls? Additionally, how are we ensuring our treatment of victim's is responding to uniquely female needs? Please comment on how we may improve both prevention and treatment programs to meet the needs of women and girls.

**Answer:**

We recognize the importance of identifying and addressing the needs of trafficked women and girls, and of prevention and protection programs. In every region, we have programs focused on meeting trafficked women and girls' unique needs, and our staff frequently travels abroad to observe "promising practices" and make on-the-ground assessments of our programs in an effort to maximize their effectiveness. We highlight several illustrative examples below that represent a swatch of approaches tailored for assisting trafficked women and girls. In Moldova, we are supporting Winrock International's efforts to raise awareness among at-risk women, particularly those in rural areas of Transnistria. The project seeks to empower these women by offering vocational training and entrepreneurship development to increase their skills and domestic employment opportunities.

In Cote D'Ivoire, we are funding a non-governmental residential facility for young trafficked girls (ages 11 to 18 years) which provides them with counseling, medical services, literacy, vocational training, and repatriation assistance.

We are also supporting Afghan Women for Afghan Women's efforts to open a shelter exclusively for women and girl trafficking victims and to educate local law enforcement on the needs of this population. We are providing Apne Aap Women Worldwide India Trust with funds to strengthen the capacity of community-based self-help centers to support women and girl trafficking victims in red light districts and highly-impooverished and vulnerable areas in India. Apne Aap is also providing specialized training, mentoring, and education to these centers to create a sustainable structure to support these women and girls.

Our office is also supporting the Heartland Alliance to protect Iraqi sex trafficking victims in Iraq, Jordan, Lebanon, and Syria by training law enforcement, human rights, and women's organizations and linking them into a protection network.

In the Philippines, we are funding the organization International Justice Mission to provide recovery, rehabilitation, and reintegration protection services based on the special psychosocial and medical needs of women and girls. In Thailand, our office is funding the New Life Center to provide comprehensive services for girl victims of trafficking, including forced labor. Shelter services are geared to the particular needs of girls—specifically, mental health and medical services, education and vocational training, life skills and citizenship advocacy for tribal persons in Chiang Mai. In Vietnam, we are supporting the Alliance Anti-traffic Vietnam for a

project that targets previously unaddressed economic, social, emotional, and legal needs of trafficked women and girls. In Cambodia, we are funding World Hope International in implementing an assessment center in Siem Reap, which creates a safe environment and comprehensive services for girl survivors of commercial sexual exploitation. The project also seeks to challenge the stigma that girls and women face upon returning to their communities.

In Costa Rica, we are funding the Rahab Foundation which educates women and adolescents on their rights in order to prevent victimization and provides services tailored to this population. Finally, in Nicaragua, we are supporting the Chinandega Women's Association in promoting social and cultural changes in both private and public spheres to reduce trafficking and sexual commercial exploitation of women and girls with a gender sensitive and human rights focus.

The programs above shed light on many "promising practices" and we encourage the development of further strategies to both raise public awareness and address the systemic contributors and structural vulnerabilities that lead women and girls to be susceptible to trafficking. We also recommend enhancing victim protection and assistance for women and girls by encouraging cooperation between governments and NGOs to ensure there is a full array of comprehensive services for this population.



**QUESTIONS FOR THE RECORD  
THE HONORABLE RUSS CARNAHAN (MO-03)  
COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES**

**Hearing on  
*Out of the Shadows: The Global Fight Against Human Trafficking*  
Thursday, September 30, 2010, 10:00 am  
2172 Rayburn House Office Building**

Questions to Ambassador Mark P. Lagon:

- The U.S. government and the international community widely recognize the need to comprehensively approach the issue of human trafficking, using a “3P” paradigm of prevention, protection, and prosecution. The State Department’s 2010 TIP report indicates that we must work together with civil society, the corporate sector, and across governments through the “fourth P” of partnership. Please comment on your recommendations for and the benefits of these types of enhanced partnerships.

**Answer:**

As I said in my testimony, partnerships are important. Secretary Clinton’s emphasis on this 4<sup>th</sup> “P” is welcome, if not new. Assistance to NGOs and efforts to engage corporate actors have been a focus of the TIP Office, and other actors like UNODC, for several years. NGOs are particularly valuable partners. They help identify hidden victims often disparaged as criminal or undocumented. They are perceived as safer than law enforcement by victims worldwide. They extend the capacity of governments to provide protection, and in turn stabilize the lives and trauma of victims, such that they can be valuable witnesses advancing prosecution of traffickers.

Secretary Clinton is continuing a policy of engaging businesses to fight human trafficking – as the TIP Office highlighted good corporate actors as exemplars in its public communications in my tenure. I am encouraged by movement of businesses to go beyond sectoral efforts (hotels, chocolate producers, apparel, and electronics) and embrace cross-sectoral efforts to address human trafficking. A notional Business Coalition Against Human Trafficking (BCAT) about which I have offered advice would be just such an effort. Valuable contributions of businesses must involve building public and employee awareness, but *also* increasing efforts to scrub their operations and supply chains to see that they are not tainted with human trafficking.

- Women and girls have been increasingly disproportionately targeted at victims of human trafficking. This is due, in large part, to societal disparities between men and women, as reflected in educational and employment opportunities and accordingly higher rates of poverty within the female population. In our efforts to combat the root causes of human trafficking, how are we targeting outreach to women and girls? Additionally, how are we ensuring our treatment of victim’s is responding to uniquely female needs? Please comment on how we may improve both prevention and treatment programs to meet the needs of women and girls.

**Answer:**

Women and girls are indeed vulnerable to human trafficking, due in part to limits on their economic viability (e.g., lack of access to education and inability to inherit property in the Arab world as documented by UNDP's annual Arab Human Development Reports). Basic sexism which assumes "boys will be boys" and always purchase commercial sex leaves demand untouched as a driver for sex trafficking which can be diminished. Moreover, I agree with Amb. DeBaca that many of victims of trafficking for labor (vice sexual) exploitation are female.

Both *prevention* before exploitation and *protection* afterward it needs to be tailored to needs of females. *Prevention* for females needs to include economic empowerment and awareness efforts (such as about the dangers of domestic servitude for migrant workers, as the Minister for Women's Affairs India discussed with me in New Delhi). *Protection* needs, for instance, to take account of the physical and psychological traumas involved in sex trafficking. There may be more trafficking for labor than trafficking for sex in the world (especially if one accounts for bonded labor of disadvantaged castes by the millions in South Asia), but there are special, acute traumas involved in the violence against females and high-volume of intercourse partners which sex trafficking entails.

**QUESTIONS FOR THE RECORD  
THE HONORABLE RUSS CARNAHAN (MO-03)  
COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES**

**Hearing on  
*Out of the Shadows: The Global Fight Against Human Trafficking*  
Thursday, September 30, 2010, 10:00 am  
2172 Rayburn House Office Building**

Questions to Dr. Aruna Uprety:

**Question:**

- The U.S. government and the international community widely recognize the need to comprehensively approach the issue of human trafficking, using a “3P” paradigm of prevention, protection, and prosecution. The State Department’s 2010 TIP report indicates that we must work together with civil society, the corporate sector, and across governments through the “fourth P” of partnership. Please comment on your recommendations for and the benefits of these types of enhanced partnerships.

**Answer:**

Yes, the paradigm needs to be expanded to include a partnership component. The problem of human trafficking cannot be addressed by any one sector alone. It calls for a cross-sectoral approach where the top down approach of governments can be combined with the grassroots strength of civil society and the innovation and resources of the corporate sector. However, these partnerships need to be designed with input from all stakeholders or else it may not be successful. Various players need to be encouraged to collaborate so as to avoid duplication of efforts and wastage of resources.

**Question:**

- Women and girls have been increasingly disproportionately targeted at victims of human trafficking. This is due, in large part, to societal disparities between men and women, as reflected in educational and employment opportunities and accordingly higher rates of poverty within the female population. In our efforts to combat the root causes of human trafficking, how are we targeting outreach to women and girls? Additionally, how are we ensuring our treatment of victim’s is responding to uniquely female needs? Please comment on how we may improve both prevention and treatment programs to meet the needs of women and girls.

**Answer:**

We have had our STOP Girl Trafficking Program in Nepal for over twelve years. Our model is one where we identify at-risks girls and help them stay in school and receive education. The

communities that we work with are closely involved in identifying at-risk girls and in their education. We support and work with the girls till they complete their basic education which is through high school. Anti-trafficking awareness activities are built into the program. Girls are provided counseling and as they get close to graduation they get to participate in workshops related to skills building, etc. There is a lot that can be done to improve prevention programs. Here are some suggestions:

- Educate people about trafficking especially in rural communities and point of origins or transits for trafficked victims
- Provide practical skills training to people working on the field. trafficking is still a taboo subject in countries like Nepal. how can those working in the field encourage communities to talk about the issue, etc.
- Supplement media and information campaign aimed at prevention with economic development and educational initiatives targeted at those most at risk
- Encourage rescued girls and women to become the public face and voice of preventative campaigns. elevate them to leadership positions as their stories and experiences will resonate the most amongst those most at risk
- Empower local nonprofits and community-based organizations working on preventing trafficking, and helping build up their capacity and know-how

**QUESTIONS FOR THE RECORD**

**THE HONORABLE RUSS CARNAHAN (MO-03)  
COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES**

**Hearing on  
*Out of the Shadows: The Global Fight Against Human Trafficking*  
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Questions to Ms. Neha Misra:

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- Question: The U.S. government and the international community widely recognize the need to comprehensively approach the issue of human trafficking, using a “3P” paradigm of prevention, protection, and prosecution. The State Department’s 2010 TIP report indicates that we must work together with civil society, the corporate sector, and across governments through the “fourth P” of partnership. Please comment on your recommendations for and the benefits of these types of enhanced partnerships.

*Solidarity Center Response:* Partnerships are crucial to combating human trafficking. Governments should forge partnerships with civil society in all areas, including prevention, protection, and prosecution. For example, labor inspection is a key to preventing and finding cases of labor trafficking. Inspection regimes, however, are often weak and rife with corruption. A more effective way to conduct labor inspection is to use a multi-agency, multi-disciplinary team including NGO and union representatives that is fully briefed and trained in advance of inspections or workplace raids. Partnerships with unions and workers in their workplaces are also effective ways to monitor trafficking and forced labor in supply chains. Unions can work with employers to monitor workplaces where trafficking is prevalent, for example, in the hotel/tourism sector and in the transportation sector. The Solidarity Center has worked with such unions in Kenya, Indonesia, and the Philippines for example.

Please note that while partnerships with the corporate sector are key, governments must continue to maintain a focus on corporate accountability – not simply social responsibility. In other words, corporations must be responsible and held accountable for their supply chains.

- Question: Women and girls have been increasingly disproportionately targeted as victims of human trafficking. This is due, in large part, to societal disparities between men and women, as reflected in educational and employment opportunities and accordingly higher rates of poverty within the female population. In our efforts to combat the root causes of human trafficking, how are we targeting outreach to women and girls? Additionally, how are we ensuring our treatment of victims is responding to uniquely female needs? Please comment on how we may improve both prevention and treatment programs to meet the needs of women and girls.

*Solidarity Center Response:* From the Solidarity Center's perspective, it is about economic and employment opportunities. We have seen from first hand experience that women and girls who are trafficked -- either for labor or sexual exploitation and forced prostitution -- more often than not start out as migrant workers -- they leave their home in search of a job or economic opportunities. A lack of viable economic opportunities at home and unsafe migration processes make them particularly vulnerable to human trafficking. Governments must focus on creating jobs where people live. They also must specifically address viable economic opportunities for women. Women should not be able to make more money in prostitution than they do in a factory. Governments should also think about the impact of trade and economic policies on local employment and development. In addition, low-income women tend to toil in the informal economy. We must make efforts to bring "women's work," including domestic work (household services), into the formal economy -- where it is subject to regulation and protections, including minimum wage, health and safety protections, benefits, and safety nets that will catch women workers when problems arise. Moreover, girls education must focus on preparing them for viable economic opportunities and educating them about safe migration. There are a number of initiatives that specifically target vulnerable women and girls including several Solidarity Center programs funded by USAID and G/TIP. In these programs, we have focused on girls education -- keeping girls in school, providing them information about safe migration (ex: much more likely to be successful migrant if you wait until you are at least 18), etc. The Solidarity Center also focuses activities on adult women workers, providing them information about safe migration and the danger signs of trafficking. We work with our local partners to advocate to governments for policies that focus on women's employment and formalizing "women's work."

Answers from Dr. Beryj D'souza, M.D.  
DALIT FREEDOM NETWORK  
India Director Healthcare Initiatives and Anti Human Trafficking Director

**QUESTIONS FOR THE RECORD  
THE HONORABLE RUSS CARNAHAN (MO-03)  
COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES**

Hearing on  
*Out of the Shadows: The Global Fight Against Human Trafficking*  
Thursday, September 30, 2010, 10:00 am  
2172 Rayburn House Office Building

**Question One**

- **The U.S. government and the international community widely recognize the need to comprehensively approach the issue of human trafficking, using a “3P” paradigm of prevention, protection, and prosecution. The State Department’s 2010 TIP report indicates that we must work together with civil society, the corporate sector, and across governments through the “fourth P” of partnership. Please comment on your recommendations for and the benefits of these types of enhanced partnerships.**

Beginning with education and extending our efforts to activities that impact entire communities and the entire nation, we firmly believe individuals, civil society, and governments in India and around the world can and should work in cooperation and through partnerships to bring an end to the modern-day slavery of human trafficking and prevent it from happening to future generations.

The United States Congress can take up the challenge to work in partnership with the nation of India to combat human trafficking. Together we can see victories; we can achieve improvement.

My recommendations for partnership include collaborations and opportunities on a variety of levels:

- **Indian Government Partnerships**: We have already seen some success (although small thus far) in the area of training of intra-governmental agency representatives (police forces in anti-trafficking). These efforts are a genuine start at eradicating the problems that India faces in its efforts to combat human trafficking within its borders.

As I stated in my testimony, my organization, the Dalit Freedom Network, has an ethos based on partnership, and with regard to advocacy we have specific goals

that can best be realized and fortified through the commitment and partnership of the Indian government:

- Within India, our advocacy efforts advocate that trafficking victims are not penalized for forced prostitution. We seek penalties for traffickers who exploit individuals in forms other than sex trafficking (i.e., forced labor, exploitive organ donation, etc.).
- We seek shelters and specialized care for adult male victims of trafficking.
- We advocate for special immigration benefits and repatriation for foreign trafficking victims so they are not deported and returned to unsafe living situations.
- We lobby for the enacting of strict policies guarding victims from the solicitation of pimps, brothels, and traffickers by seeking legal restraining orders or other restrictions against such persons.
- We appeal to state and local governments to adopt more effective punishments for trafficking violations and encourage local enforcement officers to consistently implement such penalties.

All of these India-based advocacy goals will require partnership with local, state, and Central governments in India for us to accomplish these objectives with any success.

- Intergovernmental Partnerships: Government partnership can be intra-governmental or intergovernmental between the Indian Government and those of other nations. There is no doubt that the U.S. can play an essential and constructive role in helping to empower the Indian government to implement its anti-slavery and anti-child labor laws. The U.S. can help combat slavery in India through special educational and training programs for India's law enforcement, with the aim of sensitizing them to the effective role they can play to identify the problem and improve the prevention and prosecution of human trafficking in India.

Although India has the necessary legislation in place to combat the trafficking of human beings, this atrocity continues largely unchallenged, and the ongoing toleration of these practices is recognized at the highest levels of the Indian judicial system. An examination of the discourse being issued from the Central Government of India evidences preparedness on India's part to bring the atrocity of human trafficking into the public forum.

For example, on November 15, 2008, in New Delhi, **the Chief Justice of the Supreme Court of India, the Honorable Justice K.G. Balakrishan**, stated in a public address, "The scourge of human trafficking needs no introduction. Every year, millions of individuals are trafficked all over the world and are coerced into living conditions that amount to slavery, forced labor and servitude." He also



stressed the requirement of having comprehensive legislation to deal with crimes of human trafficking. At the same event, **the Honorable Dr. Justice Arijit Pasayat of the Supreme Court of India** stated that there was no bigger problem in India today than human trafficking. On Monday, May 11, 2009, **Ashwani Kumar, head of the Central Bureau of Investigation (CBI) in India**, told a seminar on human trafficking in New Delhi that India occupied a “unique position” as what he called a source, transit nation, and destination of this trade. Also in May 2009, **India’s Home Secretary, Madhukar Gupta**, remarked that **at least 100 million people were involved in human trafficking in India**. A CBI statement added that “studies and surveys sponsored by the Ministry of Women and Child Development estimate that there are **about 3 million prostitutes in the country, of which an estimated 40%, or 1.2 million, are children.**”

According to many, while India formally rejects human trafficking, it continues to act insufficiently to end these horrific practices, as seen by its relegation to the Tier 2 Watch List by the U.S. State Department’s Trafficking in Persons Office for the seventh consecutive year. The U.S. can play an essential and constructive role in helping to empower the Indian government to implement its anti-slavery and anti-child labor laws. The U. S. Government must take the lead, especially with our allies, to address the size and scope of the global slave trade. As suggested by the **Honorable Dr. Justice Arijit Pasayat of the Supreme Court of India on November 15, 2008**: It is for all stakeholders, like judicial officers, prosecutors, police officers to identify problems faced so that the problems can be tackled sternly with an iron hand.

Partnering with India in its efforts to combat human trafficking can also look like working more closely with American-based NGOs that take a broad range of actions to eliminate modern day slavery in India. The Dalit Freedom Network welcomes partnership with the United States Congress in its endeavors to spearhead new legislation that will require greater accountability of American corporations doing business in India to protect India’s most vulnerable workforce. DFN lauds the United States House of Representatives for passing House Concurrent Resolution 139 on July 24, 2007. HCR 139 expresses the sense of Congress that the United States should address the ongoing discriminatory practice of “Untouchability” against the Dalit people with the Central Government of India.

- **Corporate Partnerships**: It is important to recognize that, while valuable, in developing economies corporate partnerships have limited impact since the majority of people are not placed in corporations. UN CEDAW observed that, in India, “...93 per cent of the workforce that is in the unorganized sector is facing job insecurity and unfavourable conditions of work while the Unorganized

Sector Workers Social Security Bill (2003) is pending. It is also concerned about the persistence of the wage gap between women and men. In addition, it is concerned about the increase in the population of poor urban women engaged in unskilled labour with poor work conditions and lack of access to basic amenities and health care." (Concluding comments of the Committee on the Elimination of Discrimination against Women: India, 2 Feb 2007). Adoption of efforts by U.S. corporations doing business in India to identify and end the work performed by bonded laborers also bespeaks of effective partnership on the part of the U.S. A rejection of imported goods made by India's child labor force is another evidence of good partnership on the part of the United States government.

- **Civil Society Partnerships:** Civil society partnerships are one of the most important ways I see partnership moving forward in the battle against human trafficking. NGOs from around the world who specialize in specific portions of the 3-P Model must partner together to put an end to modern-day slavery. There is such a large number of anti-trafficking NGOs around the world, all of which seem to do the same work on a small scale. Perhaps these NGOs could sign joint agreements whereby each individual group could do large-scale work in areas in which they are most qualified, most equipped, or most resourced. For instance, DFN has signed an MOU with IJM (International Justice Mission) in India whereby IJM will use its specialty skills and combine its efforts with DFN's specialty skills, thereby freeing more trafficked slaves. Additionally, there is a need for a set of best practices or quality assurance principles that could be drafted, agreed upon, and signed by NGOs in India or around the world to help maintain standards for those working among victims of human trafficking.

#### Question Two

- **Women and girls have been increasingly disproportionately targeted at victims of human trafficking. This is due, in large part, to societal disparities between men and women, as reflected in educational and employment opportunities and accordingly higher rates of poverty within the female population. In our efforts to combat the root causes of human trafficking, how are we targeting outreach to women and girls? Additionally, how are we ensuring our treatment of victims is responding to uniquely female needs? Please comment on how we may improve both prevention and treatment programs to meet the needs of women and girls.**

Thank you for asking this question, which is of great concern to us in India today. Women and girls, especially from the lowest rung of Indian society, often feel a dual oppression, not only from societal discrimination, but also due to the severe gender bias. Thank you for

giving us the chance to address this notion that women are the main victims of human trafficking.

We at the Dalit Freedom Network focus a large amount of our work on promoting the equality of women and providing equal opportunities for them to succeed in life and be empowered to better their own future. This starts with a concerted effort in our schools to have an equal representation of girls in our schools. Most parents don't want to send their girls to school because they feel girls are not worth educating. Without an education, girls are often, then, sold into trafficking.

Our Economic Development programming focuses on women who are left by their alcoholic husbands to provide for the finances of their ever-growing families. The women must learn financial management skills, as well as business knowledge, and a vocation. Our micro-finance and micro-economic initiatives give women a positive chance at a future that breaks the cycle of poverty and oppression that leads them into a life of trafficking.

Our Healthcare Initiatives target women's health issues – mainly pregnancy and childcare. Girls tend to be less healthy than boys, more underfed than boys, and less likely to receive medical treatment than their brothers if they fall ill. DFN's Healthcare Initiatives include a special emphasis on the girl child in all aspects of her health and well-being.

We believe that improving treatment for victims of human trafficking could include having an increasing number of women in charge of anti-trafficking programs, especially in the areas of rescue and rehabilitation, providing additional sensitivity training to police and judges, and placing more women in the Judiciary, etc.

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**Congresswoman Barbara Lee, of California  
Questions for the Record**

**Committee on Foreign Affairs**

*“Out of the Shadows: The Global Fight Against Human Trafficking”*

2172 Rayburn HOB

September 30, 2010

Questions to Ambassador CdeBaca:

**Question 1:**

The United States has trade agreements with nations where trafficking remains prevalent. By setting low labor standards in free trade agreements, there are no incentives to encourage our trading partners to develop an agenda to protect the rights and lives of those most vulnerable to being trafficked.

*Is the administration adequately pushing to address the issue of trafficking during negotiations of these agreements?*

**Answer:**

The Administration recognizes the role of trade in creating economic opportunities, as well as the importance of ensuring that all workers share in the benefits of trade liberalization. To that end, the United States includes enforceable labor obligations in its free trade agreements. Each party must implement in its law and practice the fundamental labor rights as stated in the 1998 ILO *Declaration on Fundamental Principles and Rights at Work*.

**Question 2:**

I recently introduced a resolution, H. Con. Res. 318, which supports the ideals and objectives of the Millennium Development Goals (MDGs). This resolution calls on the President to ensure the United States contributes meaningfully to the achievements of the MDGs by the year 2015 and reiterates the importance of efforts to empower women and girls in working to achieve these goals.

Do you believe addressing the issues of poverty and lack of opportunities for women and girls is an essential element of any strategy to address the root causes of global human trafficking?

**Answer:**

Women and girls are frequently targeted as victims of human trafficking; they face particular challenges given societal disparities between educational and employment

opportunities for men and women. A comprehensive anti-trafficking strategy includes identifying and addressing the root causes and systemic contributors of trafficking that lead women and girls to be vulnerable to trafficking. In every region, we have prevention and protection programs focused on women and girls' and their distinctive needs. Our program's staff regularly travels abroad to examine "promising practices" and make field assessments of our programs in an effort to maximize their effectiveness. We also support evidence-based research to inform our strategies and programs focused on this specific population.

We provide several illustrative examples below that represent some tailored prevention approaches for women and girls as well as some programs which aim to prevent re-victimization by providing vocational and skills training for female trafficking victims. In Moldova, we are supporting Winrock International's efforts to raise awareness among at-risk women, particularly those in rural areas of Transnistria. The project seeks to empower these women by offering vocational training and entrepreneurship development to increase their skills and domestic employment opportunities.

In Costa Rica, we are funding the Rahab Foundation which educates women and adolescents on their rights in order to prevent victimization and provides tailored services to this population. In Nicaragua, we are supporting the Chinandega Women's Association in promoting social and cultural changes in both private and public spheres to reduce trafficking and sexual commercial exploitation of women and girls with a gender sensitive and human rights focus.

In Cote D'Ivoire, we are funding a non-governmental residential facility for young trafficked girls (ages 11 to 18 years) which provides them with counseling, medical services, literacy, vocational training, and repatriation assistance.

In India, we are supporting Apne Aap Women Worldwide India Trust's efforts to strengthen the capacity of community-based self-help centers to support women and girl trafficking victims in red light districts and highly-vulnerable areas. Apne Aap is also providing specialized training, mentoring, and education to these centers to create a sustainable structure to support these women and girls.

In Thailand, our office is funding the New Life Center to provide comprehensive services for girl victims of trafficking. Shelter services are geared to the particular needs of girls—specifically, mental health and medical services, education and vocational training, life skills and citizenship advocacy for tribal persons in Chiang Mai. In Vietnam, we are supporting the Alliance Anti-traffic Vietnam's project which focuses on previously unaddressed economic, social, emotional, and legal needs of trafficked women and girls.

**Question 3:**

Last week, the United Nations hosted the largest gathering of heads of state since the 2000 Millennium Summit, in order to review and accelerate progress towards meeting the

MDGs. At this summit, Secretary General Ban-Ki Moon announced pledges of more than \$40 billion over 5 years in support of the newly launched Global Strategy for Women's and Children's Health.

It appears to me that efforts to improve women and children's health and combat trafficking cannot be undertaken in isolation. Are there critical areas in which we can focus some of these new resources in order to have the most immediate impact in curbing the incidence of human trafficking and particularly sex trafficking of women and girls?

**Answer:**

Yes, human trafficking and health issues are interlinked. Strong support for women and children's development needs, including promotion of sound health policies, lead to stronger communities and diminish women and children's vulnerability to human trafficking. In addition, we recognize that human trafficking leads to devastating health consequences for trafficking victims, ranging from severe physical wounds to sexually transmitted infections to debilitating mental health issues, including depression, post traumatic stress disorder, and suicide attempts. Human trafficking also contributes to other health problems such as substance abuse and malnutrition. Resources can be targeted to the medical community because medical students, health providers, nurses, and doctors can play an important role in identifying and caring for victims of human trafficking. There are several potential intervention nodes as the medical community may come into contact with trafficking victims at different stages of the trafficking and recovery process. As a result, it is important to ensure this critical sector is educated on trafficking "red flags"; the physical and psychological impacts on victims; and the available resources. It is also important to fund the development of medical protocols for recognizing, reporting, and treating human trafficking victims. And, there is a need to support public health researchers because more evidence-based research and data will contribute to more accurate estimations of the health impacts of human trafficking and the establishment of more effective prevention programs.

**Question 4:**

I have traveled to India in the past and witnessed the plight of the women involved in sex trade.

Do you believe it is good policy to have condom distribution in red light districts?

**Answer:**

It is the policy of the US Government to encourage the identification, protection, and rescue of trafficking victims and support comprehensive HIV prevention, care and treatment to most at-risk populations – including persons in prostitution. The health risks associated with prostitution and its intersection with trafficking in persons requires constant outreach, demand reduction campaigns, and support for alternatives. Our international policies aim to provide both a zero-tolerance, victim-centered approach for

trafficking in the commercial sex industry as well as the “palliative care, treatment, or post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides,” that Congress called for in the legislation that created PEPFAR.

**Congresswoman Barbara Lee, of California  
Questions for the Record**

**Committee on Foreign Affairs**

*“Out of the Shadows: The Global Fight Against Human Trafficking”*

2172 Rayburn HOB

September 30, 2010

Questions to Ambassador Mark P. Lagon:

**International Trade- Labor Rights & Trafficking**

The United States has trade agreements with nations where trafficking remains prevalent. By setting low labor standards in free trade agreements, there are no incentives to encourage our trading partners to develop an agenda to protect the rights and lives of those most vulnerable to being trafficked.

*Is the administration adequately pushing to address the issue of trafficking during negotiations of these agreements?*

**Answer:**

When I served as Director of the State Department TIP Office, I saw the negotiation of bilateral trade agreements as a moment of leverage to deal with labor rights pertinent to reducing human trafficking. A number of agreements in play were with states in the Gulf with some of the most acute human trafficking problems (notably where the rights of legal guest workers and women were not established or enforced). The appetite for USTR or State Department regional specialists (e.g., for the Middle East or Latin America) to add to the freight of “asks” in negotiating trade agreements was meager. In my view, then and now, creating protections against the most severe forms of exploitation – which human trafficking represents -- should not be seen as too high a bar to ask a nation to meet in bilateral trade talks. I will note that Colombia has had a top ranking in recent TIP reports, and that is worth considering in the context of a U.S.-Colombia Free Trade Agreement.

**Prevention Through Development**

I recently introduced a resolution, H.Con.Res. 318, which supports the ideals and objectives of the Millennium Development Goals (MDGs). This resolution calls on the President to ensure the United States contributes meaningfully to the achievement of the MDGs by the year 2015 and reiterates the importance of efforts to empower women and girls in working to achieve these goals.

*Do you believe addressing the issues of poverty and lack of opportunities for women and girls is an essential element of any strategy to address the root causes of global human trafficking?*



**Answer:**

Poverty is one of the roots causes of human trafficking. Poverty leads to desperation or a desire to help one's family (a parent sending remittances back to family in a migrant's origin country or a parents ignoring the risks of trafficking in sending a child to work elsewhere). We must work to create more opportunities for disadvantaged groups to have safer and more decent work worldwide. I endorse the recommendations of Kristof and WuDunn in their wonderful book, Half the Sky, of investing in girls this way.

Nonetheless, while needed on its own merits, I feel strongly that a broad, diffuse anti-poverty policy should not be the first and central element of a comprehensive anti-human trafficking policy. The chance of seeing the "needle move" empirically on reducing trafficking will be limited if we focus on this diffuse effort. We need to focus on rule of law and its implementation: laws against forms of human trafficking; training of law enforcement and immigration officials to see victims as victims rather than as disposable or culpable; access to justice for the marginalized groups vulnerable to trafficking; and diminishing the corruption which serves as the oil in gears of global trafficking. In this regard, I recommend the recent seminal essay by Gary Haugen and Victor Boutros in Foreign Affairs, "And Justice for All" – about development relying on access to justice.

**Prevention Through Development**

Last week, the United Nations hosted the largest gathering of heads of state since the 2000 Millennium Summit, in order to review and accelerate progress towards meeting the MDGs. At this summit, Secretary General Ban-Ki Moon announced pledges of more than \$40 billion over 5 years in support of the newly launched Global Strategy for Women's and Children's Health.

It appears to me that efforts to improve women and children's health and combat human trafficking can not be undertaken in isolation.

*Are there critical areas in which we can focus some of these new resources in order to have the most immediate impact in curbing the incidence of human trafficking, and particularly sex trafficking of women and girls?*

**Answer:**

Just as human trafficking must not be examined in isolation, efforts to address women and children's health in the context of MDGs need to incorporate considerations about human trafficking. The Global Strategy for Women's and Children's Health should account for the fact that human trafficking represents a major health risk to women and children on multiple fronts – physical injuries, HIV/AIDS, OB-GYN-related complications and harm, and deep psychological trauma. The TP Office funded a study spearheaded by Harvard public health scholar Jay Silverman which revealed the extend

of HIV/AIDS exposure of sex trafficking victims moved from Nepal to Mumbai, India; exposure increased the younger the females were.

**Contraception**

I have traveled to India in the past and witnessed the plight of the women involved in sex trade.

*Do you believe it is good policy to have condom distribution in red light districts?*

**Answer:**

Condom distribution is a worthy public health intervention. However, access to brothels to address public health must not take precedence over the primary imperatives of (1) getting minors out of brothels, based on the rock-solid international consensus that prostitution of minors does not involve meaningful volition, and (2) limiting the enabling environment for sex trafficking. Without a sex industry, the demand of males to turn females into mere commodities would not exist. The idea that working relationships with brothel proprietors are needed to address public health represents an appalling surrender in a matter of rule of law involving acute forms of violence against and dehumanization of girls and women.

**Congresswoman Barbara Lee, of California  
Questions for the Record**

**Committee on Foreign Affairs**

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September 30, 2010

Questions to Dr. Aruna Uprety:

**Question:**

**International Trade- Labor Rights & Trafficking**

The United States has trade agreements with nations where trafficking remains prevalent. By setting low labor standards in free trade agreements, there are no incentives to encourage our trading partners to develop an agenda to protect the rights and lives of those most vulnerable to being trafficked.

*Is the administration adequately pushing to address the issue of trafficking during negotiations of these agreements?*

**Answer:**

NO COMMENTS AS THIS IS OUTSIDE MY AREA OF EXPERTISE.

**Question:**

**Prevention Through Development**

I recently introduced a resolution, H.Con.Res. 318, which supports the ideals and objectives of the Millennium Development Goals (MDGs). This resolution calls on the President to ensure the United States contributes meaningfully to the achievement of the MDGs by the year 2015 and reiterates the importance of efforts to empower women and girls in working to achieve these goals.

*Do you believe addressing the issues of poverty and lack of opportunities for women and girls is an essential element of any strategy to address the root causes of global human trafficking?*

**Answer:**

YES, THE TWO MAIN TRIGGERS OF HUMAN TRAFFICKING IN NEPAL IN MY OPINION ARE POVERTY AND THE MARGINALIZED STATUS OF WOMEN IN NEPALSE SOCIETY. MY ORGANIZATION WORKS IN 19 DISTRICTS OF NEPAL AND WE TARGET AT-RISK GIRLS IN SOME OF THE POOREST AND MOST VULNERABLE COMMUNITIES. THE GIRLS WHO ARE TRAFFICKED ARE ALL POOR AND THEY AND THEIR FAMILIES ARE EASILY LURED BY

TRAFFICKERS WHO PROMISE THEM GOOD JOBS IN THE CITIES, MARRIAGE AND A HAPPY LIFE.

LITERACY RATE AMONGST WOMEN IN RURAL AREAS OF NEPAL IS LESS THAN HALF THAT OF MEN. IF A FAMILY HAD A CHOICE BETWEEN EDUCATING A SON OR A DAUGHTER, IT IS USUALLY THE SON THAT RECEIVES THE EDUCATION WHEREAS THE DAUGHTER IS CONFINED TO DOING HOUSEHOLD CHORES AND WORKING IN THE FIELDS. DAUGHTERS AND GIRLS ARE SEEN AS BURDENS. AS LONG AS GIRLS ARE NOT APPRECIATED, RESPECTED AND TREATED EQUALLY, THEY WILL ALWAYS REMAIN VULNERABLE TO TRAFFICKING.

**Question:**

Last week, the United Nations hosted the largest gathering of heads of state since the 2000 Millennium Summit, in order to review and accelerate progress towards meeting the MDGs. At this summit, Secretary General Ban-Ki Moon announced pledges of more than \$40 billion over 5 years in support of the newly launched Global Strategy for Women's and Children's Health.

It appears to me that efforts to improve women and children's health and combat human trafficking can not be undertaken in isolation.

*Are there critical areas in which we can focus some of these new resources in order to have the most immediate impact in curbing the incidence of human trafficking, and particularly sex trafficking of women and girls?*

**Answer:**

GOVERNMENT FUNDING SEEMS TO BE WEIGHTED MORE HEAVILY TOWARDS PROSECUTION. WE WOULD LIKE TO SEE MORE RESOURCES GOING TOWARDS PREVENTION EFFORTS.

**Question:**

**Contraception**

I have traveled to India in the past and witnessed the plight of the women involved in sex trade.

*Do you believe it is good policy to have condom distribution in red light districts?*

**Answer:**

MY ORGANIZATION DOES NOT WORK DIRECTLY WITH TRAFFICKED GIRLS.  
OUR FOCUS IS ON PREVENTING GIRLS FROM BEING TRAFFICKED IN THE  
FIRST PLACE.

**Congresswoman Barbara Lee, of California**  
**Questions for the Record**

**Committee on Foreign Affairs**  
*“Out of the Shadows: The Global Fight Against Human Trafficking”*  
2172 Rayburn HOB  
September 30, 2010

Questions to Ms. Neha Misra:

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1. **International Trade- Labor Rights & Trafficking:** The United States has trade agreements with nations where trafficking remains prevalent. By setting low labor standards in free trade agreements, there are no incentives to encourage our trading partners to develop an agenda to protect the rights and lives of those most vulnerable to being trafficked.

*Question: Is the administration adequately pushing to address the issue of trafficking during negotiations of these agreements?*

***Solidarity Center Response:***

If a country were to adopt laws and regulations giving effect to the ILO core labor standards and it enforced those laws, trafficking for labor exploitation would be dramatically reduced in that country. However, in most of the U.S. free trade agreements now in force, a country is only obligated to enforce its existing laws as they are directly related to (a) the right of association; (b) the right to organize and bargain collectively; (c) a prohibition on the use of any form of forced or compulsory labor; (d) a minimum age for the employment of children and the prohibition and elimination of the worst forms of child labor; and (e) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health. In most cases, a country's laws were and continue to be far below minimum international standards and even then are poorly enforced. In such cases, the labor chapters of these trade agreements provide only modest leverage, if any, in improving a country's labor laws.

It is unclear the extent to which previous administrations specifically raised the issue of trafficking with FTA countries at the time the agreements were negotiated or ratified. Of note, the issue of forced labor and trafficking was raised by the US Congress with regard to the Oman FTA. In 2006, the Senate Finance Committee adopted unanimously an amendment offered by Senator Conrad during the mock mark-up that would ensure that no good produced by forced labor or human trafficking would benefit under the FTA.

The amendment was offered and supported in part over concerns regarding the exploitation of migrant workers in Oman. The Bush Administration ignored these concerns and sent up the implementing legislation without the bipartisan amendment.

In the most recent U.S. free trade agreements, which include the labor provisions negotiated between the Congress and White House in May 2007, a party is required “to adopt and maintain in its statutes and regulations, and practices thereunder, the following rights, as stated in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up (1998).” Though the contours of this commitment remain unclear, a country that has laws that are consistent with the ILO core labor rights and that effectively enforces them should not have a major labor trafficking problem. The US-Peru FTA is currently the only FTA containing this language in force. To our knowledge, the issue of labor trafficking has not been raised under any formal mechanisms of the US-Peru FTA to date.

The Obama Administration is now moving forward with negotiations for a Trans-Pacific Partnership FTA. This negotiation currently includes the United States, Brunei, Singapore, Malaysia, Vietnam, Australia, New Zealand, Chile and Peru. Some of these countries have serious labor trafficking problems. It is important that this issue be raised during the course of negotiations. Further, the administration should consider additional language in the trade agreement that provides, for example, specific protections for migrant workers related to the labor recruitment process, as a form of prevention of human trafficking.

2. **Prevention Through Development:** I recently introduced a resolution, H.Con.Res. 318, which supports the ideals and objectives of the Millennium Development Goals (MDGs). This resolution calls on the President to ensure the United States contributes meaningfully to the achievement of the MDGs by the year 2015 and reiterates the importance of efforts to empower women and girls in working to achieve these goals.

*Question: Do you believe addressing the issues of poverty and lack of opportunities for women and girls is an essential element of any strategy to address the root causes of global human trafficking?*

***Solidarity Center Response:***

Addressing poverty and the lack of opportunities for women and girls is absolutely an essential element of any strategy to address the root causes of global human trafficking. From the Solidarity Center’s perspective, it is about economic and employment opportunities. We have seen from first hand experience that women and girls who are trafficked -- either for labor or sexual exploitation and forced prostitution -- more often than not start out as migrant workers – they leave their home in search of a job or economic opportunities. A lack of viable economic opportunities at home and unsafe migration processes make them particularly vulnerable to human trafficking. Governments must focus on creating jobs where people live. They also must specifically address viable economic opportunities for women. Women should not be able to make more money in prostitution than they do in a factory. Governments should also think about the impact of trade and economic policies on local employment and development. In addition, low-income women tend to toil in the informal economy. We must make efforts to bring “women’s work,” including domestic work (household services), into the

formal economy – where it is subject to regulation and protections, including minimum wage, health and safety protections, benefits, and safety nets that will catch women workers when problems arise. Moreover, girls’ education must focus on preparing them for viable economic opportunities and educating them about safe migration. There are a number of initiatives that specifically target vulnerable women and girls including several Solidarity Center programs funded by USAID and G/TIP. In these programs, we have focused on girls’ education – keeping girls in school, providing them information about safe migration (ex: much more likely to be successful migrant if you wait until you are at least 18), etc. The Solidarity Center also focuses activities on adult women workers, providing them information about safe migration and the danger signs of trafficking. We work with our local partners to advocate to governments for policies that focus on women’s employment and formalizing “women’s work.”

3. **Prevention Through Development** (continued): Last week, the United Nations hosted the largest gathering of heads of state since the 2000 Millennium Summit, in order to review and accelerate progress towards meeting the MDGs. At this summit, Secretary General Ban-Ki Moon announced pledges of more than \$40 billion over 5 years in support of the newly launched Global Strategy for Women’s and Children’s Health.

It appears to me that efforts to improve women and children’s health and combat human trafficking cannot be undertaken in isolation.

*Question: Are there critical areas in which we can focus some of these new resources in order to have the immediate impact in curbing the incidence of human trafficking, and particularly sex trafficking of women and girls?*

*No response.*

4. **Contraception**: I have traveled to India in the past and witnessed the plight of the women involved in sex trade.

*Question: Do you believe it is good policy to have condom distribution in red light districts?*

*No response.*



Answers from Dr. Beryl D'souza, M.D.  
DALIT FREEDOM NETWORK

India Director Healthcare Initiatives and Anti Human Trafficking Director

Congresswoman Barbara Lee, of California

Questions for the Record

Committee on Foreign Affairs

Hearing on

*"Out of the Shadows: The Global Fight Against Human Trafficking"*

2172 Rayburn HOB

September 30, 2010

**International Trade- Labor Rights & Trafficking**

The United States has trade agreements with nations where trafficking remains prevalent. By setting low labor standards in free trade agreements, there are no incentives to encourage our trading partners to develop an agenda to protect the rights and lives of those most vulnerable to being trafficked.

***Is the administration adequately pushing to address the issue of trafficking during negotiations of these agreements?***

Dalit Freedom Network encourages any and all of the current administration's efforts to address the issue of trafficking during its free trade talks and to set higher labor standards in free trade agreements that will encourage all U.S. trading partners to develop more protectionist agendas.

- At the least, trade agreements could target items known to be produced by slaves. See p 16-17 list of approximately 20 items from India in US Department of Labor "List of Goods Produced by Child Labor or Forces Labor" 2009
- Given that the UN ILO reports and keeps close watch on industries and trade in competitive sectors, the current administration during free trade talks and when negotiating agreements with India should acknowledge UN ILO findings that in India, "Bonded labour exists in a range of sectors, including both those facing extreme competitive pressures, such as handloom weaving and rice mills, and those expanding rapidly, such as brick kilns and stone quarrying." (from 'Forced Labour: Facts and Figures, The Cost of Coercion: Regional Perspectives, Asia'; UN ILO May 2009).

- The administration may wish to consider the merits of a geographical focus when examining trade agreements involving Asia. This is supported in UN ILO 2009 full report (The Cost of Coercion, UN ILO Report of the Director-General, 2009, p. 17-19): “Given the complex nature of Asian bonded labour, a targeted approach in particular sectors by region can be advisable. Such an approach has been taken by the Government of Punjab province in Pakistan which, with ILO support, envisages an integrated programme to combat bonded labour in brick kilns.”

#### **Prevention through Development**

I recently introduced a resolution, H.Con.Res. 318, which supports the ideals and objectives of the Millennium Development Goals (MDGs). This resolution calls on the President to ensure the United States contributes meaningfully to the achievement of the MDGs by the year 2015 and reiterates the importance of efforts to empower women and girls in working to achieve these goals.

#### ***Do you believe addressing the issues of poverty and lack of opportunities for women and girls is an essential element of any strategy to address the root causes of global human trafficking?***

Yes, I wholeheartedly believe that addressing issues of poverty—the number one push factor—and lack of opportunities for women and girls is an essential element of any strategy to address the root causes of global human trafficking. This is especially true in India where the majority of trafficking victims are women and girls who are either deceived or unwillingly enter the trafficking underworld because of the extreme poverty of their families.

The vast majority of the “extreme poor” in India are Dalits. Dalit Freedom Network is concerned that the MDGs will not be achieved without evidence of success of these goals being met in India.

The Indian government is making progress, but as questioning by UN revealed, India needs encouragement to give stats on women victimized. India’s most recent report to the UN did “not provide sufficient statistical data, disaggregated by sex, caste, minority status and ethnicity, on the practical realization of equality between women and men in all areas covered by the Convention and does not provide information on the impact of, and results achieved by, various legal and policy measures described in the report.” (see p. 3, Concluding comments of the Committee on the Elimination of Discrimination against Women: India, 2 Feb 2007)

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Women's and Children's Health. It appears to me that efforts to improve women and children's health and combat human trafficking cannot be undertaken in isolation but must be achieved in partnership on the part of all government and non government stakeholders.

***Are there critical areas in which we can focus some of these new resources in order to have the most immediate impact in curbing the incidence of human trafficking, and particularly sex trafficking of women and girls?***

Yes, women's health is an important focus area as we've found in our DFN medical program.

Other "critical areas" that need the focus of resources in order to curb the incidence of human trafficking, particularly the sex trafficking of women and girls are:

- to increase Dalit women's legal literacy and improve their access to justice in bringing claims of discrimination and violation of rights
- to develop a national plan of action to address the issue of gender-based violence in a holistic manner,
- to enforce laws preventing discrimination against Dalit women
- to take affirmative action to increase women's participation in the judiciary,
- to provide free legal services to poor and marginalized women in rural and tribal areas in addition to urban areas
- to monitor the quality and impact of such services in regard to ensuring women's access to justice.

These were all suggested by UN Committee on the Elimination of Discrimination against Women in Feb 2007.

Another critical area of trafficking that needs the attention of all stakeholders is manual scavenging, officially forbidden by law but still in practice. A UN CEDAW document on manual scavenging estimated that 1.3 million manual scavengers are Dalit women. The UN strongly recommended to India "to address all the impediments to eradicating this practice, including by putting in place modern sanitation facilities and providing the Dalit women engaged in this practice with vocational training and alternative means of livelihood."

#### **Contraception**

I have traveled to India in the past and witnessed the plight of the women involved in sex trade.

***Do you believe it is good policy to have condom distribution in red light districts?***

Yes, condom distribution and instruction and demonstration about correct condom usage, which is equally important, have been proven to be a significant but not absolute protection against sexually transmitted diseases and HIV.