

**BEST PRACTICES AND NEXT STEPS:
A NEW DECADE IN THE FIGHT AGAINST HUMAN
TRAFFICKING**

HEARING
BEFORE THE
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
AND HUMAN RIGHTS
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

—————
JUNE 13, 2011
—————

Serial No. 112–88

—————

Printed for the use of the Committee on Foreign Affairs



Available via the World Wide Web: <http://www.foreignaffairs.house.gov/>

—————
U.S. GOVERNMENT PRINTING OFFICE

66–898PDF

WASHINGTON : 2011

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON FOREIGN AFFAIRS

ILEANA ROS-LEHTINEN, Florida, *Chairman*

CHRISTOPHER H. SMITH, New Jersey	HOWARD L. BERMAN, California
DAN BURTON, Indiana	GARY L. ACKERMAN, New York
ELTON GALLEGLY, California	ENI F.H. FALEOMAVEGA, American Samoa
DANA ROHRBACHER, California	DONALD M. PAYNE, New Jersey
DONALD A. MANZULLO, Illinois	BRAD SHERMAN, California
EDWARD R. ROYCE, California	ELIOT L. ENGEL, New York
STEVE CHABOT, Ohio	GREGORY W. MEEKS, New York
RON PAUL, Texas	RUSS CARNAHAN, Missouri
MIKE PENCE, Indiana	ALBIO SIRES, New Jersey
JOE WILSON, South Carolina	GERALD E. CONNOLLY, Virginia
CONNIE MACK, Florida	THEODORE E. DEUTCH, Florida
JEFF FORTENBERRY, Nebraska	DENNIS CARDOZA, California
MICHAEL T. McCAUL, Texas	BEN CHANDLER, Kentucky
TED POE, Texas	BRIAN HIGGINS, New York
GUS M. BILIRAKIS, Florida	ALLYSON SCHWARTZ, Pennsylvania
JEAN SCHMIDT, Ohio	CHRISTOPHER S. MURPHY, Connecticut
BILL JOHNSON, Ohio	FREDERICA WILSON, Florida
DAVID RIVERA, Florida	KAREN BASS, California
MIKE KELLY, Pennsylvania	WILLIAM KEATING, Massachusetts
TIM GRIFFIN, Arkansas	DAVID CICILLINE, Rhode Island
TOM MARINO, Pennsylvania	
JEFF DUNCAN, South Carolina	
ANN MARIE BUERKLE, New York	
RENEE ELLMERS, North Carolina	
VACANT	

YLEEM D.S. POBLETE, *Staff Director*

RICHARD J. KESSLER, *Democratic Staff Director*

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS

CHRISTOPHER H. SMITH, New Jersey, *Chairman*

JEFF FORTENBERRY, Nebraska	DONALD M. PAYNE, New Jersey
TIM GRIFFIN, Arkansas	KAREN BASS, California
TOM MARINO, Pennsylvania	RUSS CARNAHAN, Missouri
ANN MARIE BUERKLE, New York	

CONTENTS

	Page
WITNESSES	
The Honorable Luis CdeBaca, Ambassador-at-Large, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State	5
Ms. Deborah Cundy, vice president, Carlson Companies	27
Ms. Chai Ling, founder, All Girls Allowed	34
Ms. Nancy Rivard, president and founder, Airline Ambassadors International	45
Mr. Philip Kowalczyk, president, The Body Shop	49
Mr. Kevin Bales, co-founder and president, Free the Slaves	56
Mr. David Abramowitz, director of policy and government relations, Humanity United	67
LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING	
The Honorable Luis CdeBaca: Prepared statement	8
Ms. Deborah Cundy: Prepared statement	30
Ms. Chai Ling: Prepared statement	37
Ms. Nancy Rivard: Prepared statement	47
Mr. Philip Kowalczyk: Prepared statement	52
Mr. Kevin Bales: Prepared statement	59
Mr. David Abramowitz: Prepared statement	71
The Honorable Donald M. Payne, a Representative in Congress from the State of New Jersey: Prepared statement	82
APPENDIX	
Hearing notice	108
Hearing minutes	109
The Honorable Russ Carnahan, a Representative in Congress from the State of Missouri: Prepared statement	110
The Honorable Ted Poe, a Representative in Congress from the State of Texas: Prepared statement	111
Questions submitted for the record to the Honorable Luis CdeBaca by the Honorable Donald M. Payne, a Representative in Congress from the State of New Jersey	112
Questions submitted for the record to the Honorable Luis CdeBaca by the Honorable Ted Poe, a Representative in Congress from the State of Texas ...	120
The Honorable Luis CdeBaca: Material submitted for the record	121
Ms. Nancy Rivard: Material submitted for the record	129
Mr. David Abramowitz: Material submitted for the record	131
The Honorable Christopher H. Smith, a Representative in Congress from the State of New Jersey, and chairman, Subcommittee on Africa, Global Health, and Human Rights: Material submitted for the record	140

BEST PRACTICES AND NEXT STEPS: A NEW DECADE IN THE FIGHT AGAINST HUMAN TRAFFICKING

MONDAY, JUNE 13, 2011

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
AND HUMAN RIGHTS
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:30 p.m., in room 2172 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order.

I'd like to welcome all of you this afternoon to this important hearing on human trafficking. The focus, of course, is on the continuing fight to end human trafficking in all of its forms and manifestations.

Significant progress has been made since I authored the landmark legislation known as the Trafficking Victims Protection Act of 2000, or the TVPA, to address trafficking around the world almost a decade ago. But new forms and methods of trafficking are consistently and constantly emerging, and we have to constantly recalibrate our efforts to stay ahead of them.

At this hearing, we'll be examining in particular the most effective policies and tools developed by the government and the private sector to combat human trafficking. No country, and few industries, are untouched by this pervasive human rights abuse.

Traffickers use airlines to move their victims, hotels to exploit sex trafficking victims, and unsuspecting buyers to pay for goods that have been made with raw materials tainted by forced and bonded labor.

It is estimated that there are anywhere from 12–27 million sex and labor trafficking victims in the world at any given time. We know that organized crime, street gangs, and pimps have expanded into sex trafficking at an alarming rate. It's an extremely lucrative undertaking. A trafficker can make some \$200,000 a year off just one victim. Unlike drugs or weapons, a human being can be held captive and sold into sexual slavery over, and over, and over again. It turns a child, or a woman, or anyone into a commodity.

And we are just beginning to understand the full scope of labor trafficking. The International Labor Organization estimates that countries import and export billions of dollars worth of goods made by labor trafficking victims. Unsuspecting buyers purchase these

goods perpetuating the profits of traffickers and the misery of the victims.

The TVPA was a landmark bill with a bold strategy that included sheltering, asylum, and other protections for the victims; long jail sentences and asset confiscation for the traffickers; and tough sanctions for the governments that fail to meet minimum standards prescribed by the Act.

It was met, initially, with a wall of skepticism and opposition. And I think David Abramowitz remembers so well, on both sides of the aisle there were people who thought that it was a solution in search of a problem.

When you talk trafficking, people thought you were talking about drug trafficking, and there was a very myopic and narrow-minded view about that.

One major problem, especially from the Clinton administration, was the naming and ranking of countries based on compliance with the establishment of commonsense minimum standards, clearly articulated prevention, protection, and prosecution benchmarks enforced by sanctions and penalties against egregious violators.

Fortunately, reality won out over ignorance and a very, very fine bipartisan coalition was formed, and the TVPA was signed into law by President Clinton 2 years later after its introduction in the year 2000.

The Trafficking in Persons Report, which is written by the State Department's Office to Monitor and Combat Human Trafficking, currently headed by Ambassador Luis CdeBaca, not only summarizes the rankings and performance of each nation every year, but also provides detailed recommendations as to how each country can improve its efforts.

The report has become a resource and a diplomatic tool of extraordinary value. In the last 10 years, we have seen over 130 countries change their laws to better fight human trafficking. Successful prosecutions have increased dramatically. The number of victims identified and rescued goes up significantly each year. But still, much more needs to be done.

In 2009, close to 50,000 victims were rescued worldwide, more than any other recorded year; yet, this is just a fraction of the 12–27 million slavery victims suffering around the world.

Parts of the TVPA were reauthorized in '03 and '05, and 2008. Of course, some of it is permanent law, but those parts that needed to be reauthorized were done so, and we are now preparing to reauthorize sections of the legislation again this year.

This hearing provides an opportunity, and an important opportunity, to see what new and effective measures are being taken by various stakeholders, and what the U.S. Government can do to help encourage and facilitate those efforts.

Of particular interest are the evolving roles of public-private partnerships. In the past 5 years, several effective initiatives that aim to prevent trafficking and assist victims had been undertaken by the private sector. Joining us at this hearing is a representative of Carlson Wagonlit, which has taken a lead in developing best practices for the hotel industry.

The Body Shop is using their brand to raise awareness of human trafficking and to campaign for country-specific solutions. Airline

Ambassadors, a non-governmental organization, is identifying gaps in trafficking prevention on airlines, and developing training for the worldwide industry.

Other NGOs, such as All Girls Allowed, have exposed government policies, such as China's brutal one-child-per-couple policy that fuels trafficking demand, and contributes directly to the exploitation of girls and women.

I'm particularly pleased to welcome Mr. David Abramowitz as a witness before our subcommittee today. Prior to his current position with Humanity United, Mr. Abramowitz served for many years as chief counsel with the House Committee on Foreign Affairs, and he has been involved in the drafting and negotiations of the TVPA since it was first being worked on back in 1998.

Mr. Abramowitz is well known as a leading expert in the human trafficking field, and is a stalwart advocate of trafficking victims around the world, and it's a privilege to have him here with us today; although, I'm used to seeing him right here. David, thank you for being here.

This hearing will highlight the need to harness the insights and the expertise of government and various actors from civil society alike. Such coordinated efforts should always be an emphasis of public policy, but are particularly necessary in times of severe budgetary constraints, such as now facing our global economy.

Such partnerships bring together a broader range of expertise, leverage resources to obtain better results, and spread awareness to people who can make a difference, but who may otherwise never hear about human trafficking.

I look forward to hearing the testimonies of our witnesses as we look to strengthen the global fight against human trafficking. Mr. Payne will be joining us, our ranking member, very shortly, but I would like to recognize Ms. Bass for an opening statement, if she may.

Ms. BASS. Thank you very much, Mr. Chair.

Chairman Smith, human trafficking is a significant and complex international and national crisis that requires significant attention.

Many organizations in my district in Los Angeles have demonstrated significant leadership in addressing trafficking both internationally and domestically. The leadership of the Coalition to Abolish Slavery and Trafficking, the Thai Community Development Corporation, the Covenant House are just three organizations that I'm proud to represent. And I'd like to thank their ongoing leadership in combating trafficking.

I'd also like to recognize Chairman Smith for your diligent work and committed work to end trafficking around the world. Chairman Smith, your work on the Trafficking Victims Protection Act of 2000, and its subsequent reauthorizations have been tremendous, and I look forward to working with you on this year's bill.

The United States Justice Department estimates that nearly 18,000 men, women, and children are trafficked across our borders annually. Unfortunately, many victims do not receive the level of emotional and physical assistance that they need.

One of the most disturbing elements of trafficking is that a large percentage of the trafficking victims are minors. In fact, the aver-

age age at which girls become victims of sexual exploitation in the U.S. is 13.

These young victims require special attention and care. And as a long time advocate for children, and particularly foster youth, I will be introducing legislation that will strengthen the ability of child welfare professionals to identify and support victims, and will provide specialized support for trafficking victims within the foster care system.

I look forward to working alongside my colleagues on this committee, as well as joining forces with our witnesses today to move this legislation forward.

Last, I'd like to recognize our expert panelists today. Your leadership in combating trafficking is inspiring, and has truly made a difference throughout our world. I look forward to hearing your testimony today, and discussing how we can collaborate and expand the best use to curb trafficking through prosecution, protection, prevention, and public-private partnerships. Thank you very much.

Mr. SMITH. Ms. Bass, thank you very much for your statement, and for your comments, and I look forward to working with you on these very important issues.

I'd like to now yield to Ms. Buerkle, the Gentlelady from New York.

Ms. BUERKLE. Thank you, Mr. Chairman.

It is a sobering statistic that 12.3 million people around the world are in forced labor, bonded labor, and forced prostitution. Unfortunately, too many of us still think primarily of the Civil War when we hear the term "slavery." We are disconnected from certain ugly realities of our modern world.

I agree with Chairman Smith that effectively fighting worldwide trafficking and slavery requires a collaborative approach that involves all levels of the government, NGOs, law enforcement, and health care professionals, as well.

I would add one more partner to that list, the American people.

Trafficking and enslavement of millions of people should be an issue of grave concern to all Americans. We should be engaged because it not only affects us as a country, our security, and our commerce, but it also speaks to our common humanity.

I applaud the witnesses today for their diverse efforts to address what I believe is the seminal global issue of our time. Thank you to Chairman Smith for all of your efforts, and all that you do to promote human rights.

I look forward to hearing from all of our panelists during the next question and answer period, as well as their testimony.

Thank you, Mr. Chairman, and I yield back my time.

Mr. SMITH. Ms. Buerkle, thank you very much for your statement, and for your leadership on human rights issues in general, and on trafficking in particular. Thank you.

I'd like to now welcome to the witness table Ambassador Luis CdeBaca, who coordinates U.S. Government activities in the global fight against contemporary forms of slavery.

Ambassador CdeBaca directs the State Department's Office to Monitor and Combat Trafficking in Persons, which assesses global trends, provides training and technical assistance and advocates for an end to modern day slavery.

Ambassador CdeBaca formerly served as counsel to the House Committee on the Judiciary, where his portfolio for Chairman John Conyers included modern day slavery issues. He has also served as a Federal prosecutor with the Department of Justice, where he convicted dozens of abusive pimps and employers, and helped to liberate hundreds of victims from servitude.

I want to, on a very personal note, thank the Ambassador for his exemplary commitment to ending this heinous practice. He eats, sleeps, and breathes this issue. You talk to him and he's a man with an idea every day on how to combat slavery. So, again, we are well served as a country having him at the helm over at Department of State. Mr. Ambassador.

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, Chairman Smith and members of the subcommittee. Thank you for the invitation to testify today, and for your leadership in the fight against modern slavery.

More than 10 years ago, a group of women who had been enslaved in the commercial sex trade by the Cadena family in Florida testified before this committee. As a Federal prosecutor, I brought over a dozen of their traffickers to justice. It was their courage that led the way to the path-breaking legislation that updated our anti-slavery laws and launched a new abolitionist movement.

Looking back, we've seen the effects of this decade of development, cases ranging from upstate New York to Georgia, from New Hampshire to Saipan. The TVPA has had dramatic results at the Federal level, and state and territorial governments have followed.

Just in the last few months we've seen legislatures from Washington and Hawaii, to Vermont and Tennessee becoming among the most recent to pass laws that track with the TVPA, and we hope soon that we'll see universal adoption of modern anti-trafficking laws in all of our states and territories.

We've seen innovators, such as the witnesses that you've brought together for today's hearing. We've seen results from the Federal Government, and I'd offer for the record a document prepared earlier this spring by the Cabinet-level task force about those activities. But even now we see a movement that is maturing and expanding.

With governmental leaders like Washington State Attorney General Rob McKenna, who next week when he is sworn in as president of the National Association of Attorneys General, will make trafficking the flagship issue of his term.

With civil society heroes like Rachel Lloyd, whose innovative methods at GEMS are helping girls on their journey out of modern slavery and back into society. With successes like the National Human Trafficking Resource Center operated for HHS by the Polaris Project, which receives an ever-growing number of calls linking victims up with NGOs and law enforcement who can help them. With coalitions of NGOs and advocates, such as the Freedom Network, the New York State Anti-Trafficking Coalition, U.S. PACT, Demand Abolition, ATEST, and more. We're working for real-world

results rather than just symbolic gestures. And bloggers, like Amanda Kloer and Youngbee Dale, who are using new media to inform, inspire, cajole, and change.

Because in a decade of delivery, it is results that matter. The symbolic work has largely been done, the baseline work of definitions and concepts, and laws and programs. That's been very much done, achieved consensus and stability, but around the world, as well as at home, it is implementation and results that will make or break this movement in the next decade.

Having working on the original TVPA and subsequent reauthorizations, I know all too well that while nobody favors human trafficking, good people who care deeply sometimes disagree about how best to fight this crime.

Mr. Chairman, you've worked to bring together those diverse voices and to ensure that the United States remains innovative and in the lead. Indeed, the careful balance that you struck in the 2008 reauthorization ensured that the United States' definition of trafficking and the application of minimum standards would continue to drive international norms. The vision of the TVPA and the carefully crafted compromises of the 2008 bill deserve the continued support of this body.

I would like to take one note of personal privilege and urge this subcommittee and the full committee to continue one of the most important things that Congress can do, and that is to get out on the road and see these people for yourselves. Get out on the road and have your staff see these people.

One of the things that made the 2008 bill reflect the reality on the ground, for instance, was a trip that Sheri Rickert from your staff, myself, and some others were able to take to Thailand and Cambodia to go into the shelters, to go into the red light districts, to see human trafficking once and for all. And I think that that's something that, unfortunately, again in this time of budget constraints, in this time when there's so much pressing work to do at home we often don't remember that it's those trips, it's those experiences, it's holding the trafficking victims in your arms that informs what we then come back and do here in Congress, or in the administration. So, I certainly would urge that kind of continued involvement on the part of the staff and members of the committee.

The challenges facing the United States and governments around the world might not be, at this point, so much issues of creating new legislation as the often more difficult activities of implementation, political will, and resources. So, in my written testimony I've outlined more fully a range of promising practices and forward-looking innovations that will help governments live up to the commitments that they've made, and shape the next 10 years as a decade of delivery.

These are solutions that harness the power of the business community and the consumer, but also challenge them, challenge them to know as much about their slavery footprint as they want to know about their carbon footprint, to advocate locally and nationally for a world without slavery.

And to reject the culture of 'boys will be boys,' and choke off the demand for commercial sex and cheap goods that fuels this crime.

But as important as innovation and partnership with civil societies are, it remains a core governmental responsibility to fight against modern slavery. And the best tool for assessing those efforts is, and continues to be, the annual Trafficking in Persons Report.

Leaders in Africa, Latin America, and around the world have credited the report as a motivating factor for their actions as governments. As Congress considers reauthorizations, it is important that we maintain and strengthen this diagnostic and diplomatic tool.

Because it's incumbent upon governments around the world to go farther than just acknowledging the problem exists, and passing laws that criminalize all types of human trafficking, moving forward our measure of success, whether assessing foreign governments or our own, can no longer just be whether a government has enacted a law that looks good on paper; but rather: "Is that law implemented broadly and effectively?"

All governments can and must do more. If otherwise functioning legal systems aren't responding to the needs of trafficking victims, developed countries can't just stand by and presume that they're doing well. Developing countries can't absolve themselves of responsibility by pleading lack of capacity, because crimes are usually not solved with money, they're solved with political will and standards, and high expectations for police, prosecutors, and judges.

Governments shouldn't just aggressively pursue traffickers, they have to couple enforcement with robust victim identification and protection efforts, and proactive attempts to prevent this crime. And we must affirmatively partner with NGOs. NGOs asking the government to act is not partnering, working together is.

We've come a long way in the last decade. Last week an attorney for the women who testified here a decade ago joined me at a meeting of the United States-Russia Presidential Civil Society Working Group. She continues to represent those clients, but she also has become a global leader in victim rights advocacy, sharing the lessons that she has learned from them and dozens of subsequent clients.

It struck me during those meetings last week that the lessons and examples of the Cadena case continue to inform how we fight this crime today. The strength of those women and girls, and their success today, 10 years later, and having been reintegrated into our society as survivors must continue to serve as a call to action for us to deliver on the uniquely American promise of freedom.

We must continue to be a strong voice for those women, for other survivors, and the millions of victims who remain lost in the shadows unable to break free or speak out. It is they who inspired a decade of development. It is us who owe them a decade of delivery. Thank you.

[The prepared statement of Ambassador CdeBaca follows:]

Ambassador Luis CdeBaca
 Testimony before the House Foreign Affairs Subcommittee on Africa, Global Health and Human Rights
 Monday, June 13, 2011

I'd like to thank Chairman Smith and Ranking Member Payne for the invitation to testify today, and I'd like to commend both of you for your leadership in our fight against modern slavery. As we approach the reauthorization of the Trafficking Victims Protection Act, I look forward to working with you and your colleagues on crafting an effective bill that will sustain the United States' anti-trafficking efforts.

More than ten years ago, a group of women who had been enslaved in the commercial sex trade testified before this committee. As a federal prosecutor, I had the honor of speaking as these women's voice in court, and we succeeded in putting their abuser behind bars. But before Congress, the women spoke for themselves and told us all that we could do more. We needed to seek out the victims of modern-day slavery, offer them stronger protections, and bring traffickers to justice. Their voices and their courage helped lead the way to the path-breaking legislation that updated our century-and-a-half old anti-slavery laws and renewed the United States' commitment to the fight against emerging, modern forms of slavery.

A decade later, we find ourselves at a point to ask, "What lies ahead?" In the last ten years, we have seen more than 130 countries enact modern anti-trafficking laws consistent with the 3P Paradigm of prevention, protection and prosecution originally enshrined in the UN Palermo Protocol. More victims are being identified, more prosecutions are taking place, and we have begun to forge effective partnerships among governments, the private sector, and civil society that will improve our ability to prevent and respond to this crime.

Across our country, states from Washington and Hawaii to Vermont and Tennessee are among the most recent to pass anti-trafficking legislation that tracks with the TVPA. We hope in the next year to see universal adoption of modern anti-trafficking statutes by all states and territories.

I am personally proud of the progress we have made in combating modern slavery. Having worked on the original TVPA and subsequent reauthorizations, I know all too well that while nobody favors human trafficking, good people who care deeply sometimes disagree about how best to fight this crime. Mr. Chairman, you have worked to bring together those diverse voices and ensure that the United States continues to innovate and drive meaningful change to combat trafficking. Indeed, the careful compromises that you helped shepherd in 2008 ensured that both the TVPA's definition of trafficking in persons and the application of minimum standards tracked international norms. They have enabled us to credibly advance the fight against contemporary forms of slavery both overseas and here at home. There is no doubt that more can and should be done, but the challenges before us may not be as much issues of authorization so much as the often more difficult activities of implementation. As Congress considers reauthorization this year, the vision of the TVPA and the carefully crafted compromises of the 2008 bill deserve the continued support of this body.

Today I hope to outline a range of promising practices and forward-looking innovations that will help governments live up to the commitments they have made and shape the next ten years as a decade of delivery.

Ambassador Luis CdeBaca
 Testimony before the House Foreign Affairs Subcommittee on Africa, Global Health and Human Rights
 Monday, June 13, 2011

As has been the case throughout the early years of this movement, strong and effective government action will continue to be central to this fight. Our best tool for assessing those efforts is the State Department's annual *Trafficking in Persons Report*. This report currently ranks more than 180 countries, including the United States, according to a set of minimum standards set forth by Congress in the TVPA and consistent with the 3P Paradigm. In the report every country is ranked against itself in terms of its progress, and against its capacity to deal with this crime. A particularly relevant example for this subcommittee is the case of Nigeria. Though that country lacks the capacity of many countries in the developed world, its government has nonetheless developed innovative structures and partnerships for dealing with this crime. For the last two years, Nigeria has merited placement on Tier 1 in our report. I was happy to learn that the Association of Southeast Asian Nations has asked a Nigerian delegation to demonstrate their innovative practices at a conference in Singapore next month.

Leaders around the world have credited the *Report* as a motivating factor for government action. As Congress considers reauthorization, it is important that we maintain and strengthen this diagnostic and diplomatic tool.

To determine rankings, the *Report* looks to government action as opposed to the successes of civil society or NGOs in a particular country, because governments must not outsource their responsibility for combating trafficking. The first steps a government must take in the fight against modern slavery are to acknowledge that the problem exists and to pass laws that criminalize all forms of human trafficking and prescribe sentences commensurate with the severity of the crime. Again, much of the international community has laid this groundwork, but now it is incumbent upon governments around the world to go farther. Moving forward, our measure of success—whether we are assessing foreign governments or our own—can no longer be just whether a governmental enactment of a law that looks good on paper, but whether that law is implemented broadly and effectively.

All governments can and must do more. Even if a country has a well established rule of law and sufficient economic resources, that does not mean its government can stand by and presume that the mere existence of an anti-trafficking law will be adequate to meet this challenge. In such cases where general legal and social systems function well, we must ask whether those systems are serving the victims of this crime, or excluding them. Victims are often unwilling or unable to self-identify, and because of cultural expectations or unfamiliarity with their rights, many do not even know they are victims of trafficking. That's why it is incumbent upon such governments not only to aggressively prosecute traffickers, but to couple effective law enforcement with robust victim identification and protection efforts, and proactive attempts to prevent this crime.

Effective implementation of a legal framework also means refining and strengthening available tools to adapt to a growing and changing understanding of modern slavery. For instance, in recent years we have learned about the particular vulnerability to trafficking among migrant populations, and the practices of unscrupulous labor recruiters who may move their victims across borders. We have recognized the widespread sexual abuse experienced by women in labor trafficking. While governments in the receiving countries must prosecute traffickers,

Ambassador Luis CdeBaca
Testimony before the House Foreign Affairs Subcommittee on Africa, Global Health and Human Rights
Monday, June 13, 2011

engage in careful screening of potential victims, and protect survivors, it is also necessary for governments in sending countries to crack down on fraudulent recruitment practices. The future of this struggle must be informed by our evolving knowledge of this crime and the different ways to fight it.

Of course, we know that prosecution alone will never be enough to provide justice to the victims of trafficking; that requires a comprehensive system of victim services that ensures survivors are able to return to society. Around the world, governments struggle to identify victims, and fewer victims have access to the programs necessary to deliver the support and resources they need after being liberated from enslavement. In the United States, Federal Government agencies partner with nongovernmental organizations throughout the nation, including the territories, to help ensure that victims of trafficking receive the benefits and services they need to restore their lives and achieve self-sufficiency. In addition to these successful efforts, we—like all countries—can and must do more. And so, pursuant to Congress’s mandate in the TVPA to “measure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection, and assistance to victims of trafficking,” Secretary Clinton asked the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons to pay particular attention to this critical issue over the coming year.

Beyond traditional approaches to the 3Ps, in the years ahead, private-public partnerships will give us new ways of looking at this crime and new, sophisticated ways of fighting it. Recent innovations and commitments from the private sector have given us renewed hope of making inroads when it comes to prevention.

Prevention has long been the afterthought of the 3Ps in comparison to its seemingly more tangible counterparts of prosecution and protection. Prevention has either been relegated to the realm of poster campaigns in airports and train stations, or regarded as an abstract goal tied to massive structural problems such as gender inequality and poverty. That thinking is quickly changing, and that change must begin by considering the way those of us in the United States interact with trafficking on a day-to-day basis, which we all do. Forced labor is prevalent in the production of a wide range of raw materials, from cotton and chocolate and coffee to steel and rubber and tin. All of us come in contact with products tainted by labor trafficking, and even reputable and responsible corporate citizens can profit from abuse. It is this knowledge that has enabled us in recent years to focus on the importance of supply chain monitoring and to call for increased leadership from the private sector.

Consumer spending and corporate investment in business are significant motivators that can turn around a system that has allowed traffickers and economies to operate with impunity. There is an increasing push for consumer transparency, certification, and more rigorous regulation. Research suggests companies investing in fair labor practices and labeling their products accordingly improve conditions on the ground and drive up the demand for their products.

A new push for corporate accountability is emerging, which demands companies focus their attentions beyond the places where their products are manufactured or processed, and look

Ambassador Luis CdeBaca
Testimony before the House Foreign Affairs Subcommittee on Africa, Global Health and Human Rights
Monday, June 13, 2011

additionally at the sources of their human capital and the methods of recruitment tied to their supply chains, as well as the places where the raw materials are collected, harvested, or mined. Effective supply chain monitoring must go all the way down to raw materials. Such research will lead to an understanding of supply and demand factors that affect the workers whose labor contributes to downstream profits.

The aim of supply chain monitoring is to find trafficking wherever it occurs, whether in manufacturing, harvesting of raw materials, or the commercial sexual activity aimed at business travelers. This knowledge will allow companies to staff and source their supply chains in a manner that diminishes the demand traffickers satisfy through violence and exploitation.

We have already seen private-sector actors take the first steps by embracing the notion of supply-chain monitoring. A conference last winter produced the Luxor Implementation Guidelines to the Athens Ethical Principles. The Athens Ethical Principles are the product of a 2006 meeting of NGOs, governments, businesses, international organizations, and individuals, and they express a set of values opposed to trafficking in persons. But it was the Luxor conference that put in place standards for implementing those principles. According to the guidelines, they seek “to help move beyond aspirational statements to the development of standard operating procedures – a way to move beyond principles to practice and implementation.” To date nearly 600 companies have adopted the guidelines.

The Luxor Guidelines represent the future of the way we look at demand for forced labor. If there were no demand for the cheap goods tied to forced labor, then suddenly the profit motive for traffickers would no longer be worth the risk of engaging in a criminal enterprise.

And though the success of this approach requires motivated and willing private-sector actors, the government side of partnerships is critical as well.

California recently enacted a law that serves as a good example of legislation encouraging the private sector to look at their supply chains and consider their impacts on labor trafficking. California now requires its largest retailers and manufacturers to make public whatever efforts, or lack thereof, they have made to eliminate human trafficking from their supply chains. This is not a burdensome piece of legislation; it does not require corporations to adopt sweeping new policies for monitoring their supply chains. It just requires transparency.

Beyond legislating, governments can use their leverage as consumers to curb the demand for forced labor. We have already taken steps in the US government’s procurement and contracting policies to protect against both sex and labor trafficking. The Department of Homeland Security and the Equal Employment Opportunity Commission co-chaired a temporary working group on implementation of the Federal Acquisition Regulation to combat modern slavery and its contributing factors like the demand for commercial sex. The group is developing a training program for the federal acquisition workforce to be considered for adoption by all agencies and deployment at the Federal Acquisition Institute.

Ambassador Luis CdeBaca
Testimony before the House Foreign Affairs Subcommittee on Africa, Global Health and Human Rights
Monday, June 13, 2011

Additionally, if government at all levels made commitments to reduce their slavery footprint—to support private-sector partners that had adopted anti-trafficking practices—the ripple effect could be tremendous. Forging partnerships to raise awareness about slavery footprint issues holds great potential. The State Department Trafficking in Persons Office is currently working with civil society and private sector partners to develop a tool that will allow individuals to determine not only their slavery footprint in their purchasing habits, but the steps they can take to reduce it.

This idea—how an individual can reduce his or her slavery footprint—may guide the next ten years of this struggle more than anything else. Because at the end of the day, ambassadors and lawmakers telling people, governments, or corporations what they should be doing isn't going to be enough to make meaningful progress against human trafficking. Of course, governments must remain diligent. But the solutions we seek will emerge as more and more of us ask, "How are we going to hold ourselves accountable for the way we contribute to modern slavery?" Part of this will happen through innovations such as our Slavery Footprint tool, which will make the reality of modern slavery much more identifiable and personal to the public.

Last week, an attorney for those trafficking survivors who testified here a decade ago joined me at a Presidential working group. It strikes me that the lessons and examples of the Cadena case years ago continue to measure how we fight this crime today. The strength of those women—and their success, having been reintegrated into society as survivors—must continue to serve as a call to action. We must continue to be a strong voice for them, for other survivors, and for the millions of victims who remain lost in the shadows, unable to break free or speak out. In that way, we can deliver on the unique American promise of freedom.

In the coming months, I look forward to working with Congress as you craft legislation to reauthorize the TVPA, and take us into the next ten years of this struggle. I hope that we can all embody the leadership necessary to deliver on our promise to combat this horrific crime.

Thank you again for the invitation to testify, and I'm happy to answer your questions.

###

Mr. SMITH. Mr. Ambassador, thank you very much for your testimony.

Mr. Marino, do you have any opening statement?

Mr. MARINO. No.

Mr. SMITH. Thank you.

Let me just begin the questioning with a couple. First of all, with regards to the TIP office, and I know that these kinds of requests need to go through Office of Management and Budget, but do you have sufficient staff, Mr. Ambassador, to do the extraordinarily important work that you and your staff do?

Ambassador CDEBACA. Well, you certainly identified the route that that question needs to go through. We, certainly, have seen the advantage of having more staff in the office over the last 1½ years. We've grown such that we've been able to add a person or two to each of our teams. We have four teams of public engagement which works very much with not only here in the Congress, but our public-private partnerships, a lot of our prevention activities, the program staff, the political affairs staff that does the report each year, and our admin staff.

And one of the things that we've seen, as we have been able to add a couple of bodies to each of those teams, is we're able to move past merely a report that accuses a country of doing something to a relationship with those countries, both a diplomatic relationship and a programmatic relationship. So, if we maintain those levels we'll be able to continue to serve those relationships at the high level that we're doing right now. If we had more staff, we would certainly look to having even more engagement. We have certainly seen how that lower caseload, as it were, is achieving results in countries.

When I first came to the office, some of our reporting officers had 35 or even 40 countries on their docket, and now we're looking at 20 to 25 countries at most. Optimally, if we could get down to 15 or so, people really would be able to have a very strong working relationship, and could achieve change in those countries.

Mr. SMITH. One of our witnesses in the second panel, Deborah Cundy, vice president of Carlson, you and I both heard her speak very eloquently as to what Carlson is doing to combat trafficking in the hotels. And she points out in her testimony that, "In 2004, Carlson was approached by the U.S. Department of State to sign the travel industry's Code of Conduct," and she talks about how hotels are complicit in these activities, but often they're unwitting facilitators. And I'm wondering how the progress has been with companies other than Carlson. Are you finding a reluctance on the part of hotel chains and the like, and are they perhaps looking at the example of what Carlson has done, and looking to emulate it?

Ambassador CDEBACA. One of the things that we've seen is that the Carlson Companies took a very brave, and unfortunately for many years a very lonely stand with the Code of Conduct. And it's only now in recent years that we've seen other of the big hotel chains start to respond.

We've been trying to work with hotel companies, for instance, in a project that we have in Mexico trying to get materials out about child sex tourism, and other things. But at the end of the day, I think that the fear that many of the corporations had at being as-

sociated with this crime, even if it was that they were fighting it, the notion of having the term “slavery” associated with them was so nerve racking to many of these companies that when we would talk with them, they would say we’d love to do something. Of course, we’re against modern slavery, but we don’t really want anybody to know what we’re doing.

So, there’s been a couple of the large hotel companies that we’ve talked to about things they can do within their own company. But at the end of the day, it seems like the response is coming after, to use a farm analogy, after the horse is out of the barn.

We recently saw the Hilton Hotels look to join the Code of Conduct. That was after a scandal broke in one of their hotel properties in southeastern China. There’s currently pressure on the Wyndham Group because of some cases in California in which, I think it was Travelodge, which is one of their brands, was implicated in a sex trafficking ring. So, this is something that we see more and more energy coming to as corporations that are getting the rude wake-up call of a case happening on their property, are now finding a potential place of refuge in the Code of Conduct. And we want to encourage them not to wait until something bad happens on their property, but to join the Carlson Companies earlier rather than later.

Mr. SMITH. You know, today we’ve invited Nancy Rivard from Airline Ambassadors, and Philip Kowalczyk from The Body Shop, which are two other extraordinarily effective models for the rest of the industry. But I’m thinking in a subsequent hearing of inviting, and maybe they will come, maybe they won’t, we did it with the Global Online Freedom Act, with Google and Microsoft, to invite some corporations that are not necessarily doing what they ought to be doing. But hopefully today is a gentle prod to all the rest to sign the Code of Conduct. And, more importantly, after you sign it, implement it, and be very faithful.

Is there anything you’d want to say about those other companies, or to Airline Ambassadors, they deal with the airline industry, or with The Body Shop?

Ambassador CDEBACA. Well, one of the things that we’ve seen, and we saw this recently now with Delta Airlines, signing the Code of Conduct, is that there should not be a 10- or 15-hour respite for the trafficker once they’ve made it passed the gauntlet of law enforcement, or others in the source country, and before they come to our shores where they’re going to exploit their people.

That time on the airplane is a time when victims could be identified. It’s a time when people can be educated. It’s the ultimate captive audience. So, what we’ve seen, whether it’s the work that Airline Ambassadors has done, it’s trying to harness the energies of folks in the airline industry to do charitable work outside of their working hours, or what’s happening within the confines of the plane. It’s something that I think bears great looking at.

What we’ve seen as far as The Body Shop is a very interesting extension of their brand. It wasn’t designed, I don’t think, to be one of the selling points of The Body Shop. My understanding is when it was founded, it was very much trying to be an ethical and responsibly sourced company, and it has then grown into one of its selling points. And it should be a selling point.

A natural extension of what The Body Shop has done throughout the years, throughout the last 30 years as being a responsible corporate citizen has been the work that it's doing with ECPAT. So, what we see, especially with these petitions, use of The Body Shop as an advocacy vehicle, as a new model of corporate social responsibility.

I think that one of the things that I would like to see, and The Body Shop is, I think, a pioneer in this, is moving past the idea that corporate social responsibility is something you do when business is done, or something that you do as an adjunct to your business; and, instead, the notion that this is actually part of a very productive business model.

Mr. SMITH. Let me just ask you—one of the hallmarks of the TVPA, and one of the most difficult provisions for us to get enacted into law—it held up the conference for a long time—was the T-visa. We're hearing from some of the NGOs that the Family Unification Program, one of the hallmarks of it was bringing family members, in addition to providing asylum, to the individual who has been harmed by trafficking so that the retaliatory tool the traffickers had would be mitigated, and so that the trafficked person, the victim, would be able to perhaps get additional support as she or he goes through the healing process.

How many family unifications is the State Department facilitating at this time? Has it stopped? And, if so, why?

Ambassador CDEBACA. Well, there is currently a backlog in the Family Unification Program with the lack of a budget and the various negotiations that were going on around that, everything was put into limbo.

This is a program that's been traditionally administered by the Bureau of Population, Refugees and Migration, so a PRM program. We have, now that the smoke has cleared and we've seen what the internal budget cuts are at the State Department, G/TIP has kicked in some money in an agreement with PRM so that we can clear that backlog.

As far as going forward, though, I think that there is an open question as to whether we have the funding to see that program into FY 2011 and 2013.

Mr. SMITH. Is it a matter of prioritization, or is it a matter of—I mean, there's not enough money in any other pocket of money that could be used?

Ambassador CDEBACA. I will shake whatever trees need to be shaken. I think that we'll work with the committee and others to try to identify other trees to shake, if necessary. This is the first time that G/TIP has put money into this program. And, obviously, it was redirected away from other programs that we would have done. So, we'd like to find a solution to this, as well.

Mr. SMITH. Thank you. Anything we can do as a subcommittee I'm sure both sides of the aisle would be very happy to assist. Because, again, that was a very difficult provision. There were those who suggested at the time that both the T-visa itself and bringing family members over would be exploited. Nothing like that has happened over the last decade. If anything, it has been too slow in being implemented, so if we could be of assistance, please let us know.

Let me ask just a few final questions. First, one of our witnesses will be testifying, Chai Ling, about the issue of—from All Girls Allowed—the egregious issue, one of the worst issues I think ever to confront humankind, and that's the issue of the missing girls in China and in India, largely attributable to sex-selection abortion. It has become increasingly a magnet for human trafficking in both of those countries, especially in China, where the one-child-per-couple policy has made brothers and sisters illegal. And the question is, since this is a wave as men get into marriageable age and there's a dearth of potential brides out there, we know that the traffickers will, and are already, sweeping into action to buy and sell women to be exploited in China.

I know the TIP report will be released soon. You might want to tell us when, today. We'd love to hear. But my hope is that your office has adequately brought that issue on board in terms of an exacerbating problem for trafficking and for victims.

Ambassador CDEBACA. Indeed. Yes, Mr. Smith, this is something that we continue to report on, and something that I raise in my discussions with our Chinese counterparts. The Chinese have a inter-ministerial anti-trafficking council now, which makes it perhaps a little easier for us to plug up with them and be able to have some of these types of conversations.

I think that as we pointed out in the TIP report last year, and has been in other interventions on our part, this notion of the skewed sex ratio in China, that as you say results from these policies, is having a destabilizing effect that we have noted, and will continue to discuss with the Chinese; especially as we see the importation of women from other countries, or the trapping of those who would try to flee the regime in North Korea. It is a problem, and it's something that we need to continue to push on.

I think that one of the things that we hope to be able to tell you very soon is an exact date for this year's release of the TIP report. We will definitely make the June—June is when it's supposed to come out, and June is when it will come out. We've got a Secretary of State who's having to go wheels up a little sooner than she thought because of yet another volcano that's erupting, this time in Africa. So, scheduling the next couple of weeks has been difficult over the last few days, but we'll be letting your office know very soon exactly when the report will be coming out.

Mr. SMITH. Thank you very much.

Let me ask you, Kevin Bales of Free the Slaves will be testifying shortly, and will bring a tremendous amount of focus on the issue of what's going on in eastern Congo. Frankly, I've been there and I have seen the devastation that has resulted from the minerals and wars, if you will, the exploitation of people, slavery.

He and others have signed a letter that went to the Secretary of State opposing a delay or phase-in of the reporting requirements of Section 1502 of the Dodd-Frank Wall Street Reform Bill, and a letter was sent back on March 17th that puts the administration at least on the side of saying they are not for a delay. But I'm wondering where all of that is right now in terms of that section, is it being implemented?

Ambassador CDEBACA. Congressman, I'd have to check on that and circle back to you. And I'll try to get you an answer forthwith.

Mr. SMITH. Appreciate that.

Finally, just two final questions. David Abramowitz in his testimony, and we heard some similar testimony earlier at a hearing that you were at with the Helsinki Commission from the Solidarity Foundation, but he makes a very strong appeal that there be an elimination of fees for foreign labor contractors, fees assessed on the worker, if it's assessed on the company itself, apparently that's okay, but on the laborers themselves, full disclosure, and enforcement, and points out that the Wilberforce legislation had some very good provisions that were lost between the House and the Senate; they passed in the House but not in the Senate. And I'm wondering if you think the elimination of broker fees, labor contractor fees, is something that would help to mitigate labor trafficking, and if you would support legislative initiatives in that regard?

Ambassador CDEBACA. I'll take those backwards, if I could.

Mr. SMITH. Sure.

Ambassador CDEBACA. Obviously, I think we'll have to continue discussions with the committee and with your office as far as any particular legislation before we'd be able to give you feedback on supporting particular things. But I do think that this is something that we've been pointing out in the last few TIP reports. It's something that concerns us greatly, the amount of fees that are charged by these brokers, even when the broker delivers, and so often they do not. So often it's the bait and switch in the labor recruiting that lends itself toward a debt bondage or a peonage type of situation.

The company store doesn't, necessarily, happen through the deductions later on. It's already happened before the person even travels because they owe so much money. So, it's something that we've been highlighting, and it's something that really clicked into focus for us, I think, in the last few months in the wake of the Libya problems, when so many of the returning Bangladeshi migrant workers who were coming back to Bangladesh are reporting to IOM that they—while they were in Libya before the Ghadafi regime began to target its own citizens, the workers of whom there are almost 3 million foreign guest workers, routinely had had their passports taken and owed so much money to the labor recruiters that they had to stay there, effectively, for every day of their 3-year term just to pay the debt back. So, what we've seen is people who, in effect, are renting themselves to the recruiters. They know that they're not going to get very much money.

It's something that needs a solution, and we want to work with you and the committee to find a solution.

Mr. SMITH. I'm planning an additional hearing, and would invite the Department of Defense in to speak. And this would be a follow-up to two previous hearings that I put together 7 years ago on the use of labor brokers to bring people into Iraq, where huge amounts of monies were being expended for very laudable goals, but these people were given—it was a typical modus operandi of a trafficked laborer, they took their passports, the agreement that they had made as to what their salary would be was drastically cut. They lived in subhuman housing, and we had Ambassador Miller here, coupled with some DoD representatives, and they kept telling us they're going to do better. And I'm wondering if they are doing better in terms of DoD. It was very discouraging.

Ambassador CDEBACA. This is of concern. It's something that was raised in the Cabinet meeting earlier this year, it's something that Secretary Gates had a lot of—continues to have a lot of personal interest in, and we think that we'll be meeting with soon to be Secretary Panetta as soon as he's in place.

What we've seen is, as you'll recall, the Wilberforce Act mandated the Inspectors General from DoD, State, and USAID start looking at these contracting situations. And what we've found is that in many cases the contracting officers did not, necessarily, know to include these types of provisions, these kind of safeguards into their contracts.

So, as far as the State Department is concerned, we've issued a Procurement Information Bulletin, or a PIB, in this March with additional reporting requirements making sure that the contractors are providing trafficking and "know your rights" type of briefings to the third country nationals and subcontractors, making sure that they can't withhold the passports, informing them about the zero tolerance policy on the use of commercial sex, or human trafficking.

So, we're seeing this idea of being able to tighten up the Federal Acquisitions Registry, but I do think that it's something that needs as much light shone on it as possible. We want to make sure that we are doing the right thing, that our slavery footprint, as well—if we're going to ask the consumer to look at their own slavery footprint, we have to look at it as a government.

Mr. SMITH. Thank you, Mr. Ambassador. Ms. Bass.

Ms. BASS. Yes, thank you.

I'd like to ask you a couple of questions related to technology and this issue. The Center for Missing and Exploited Children, advocacy groups, private companies and universities like the one in my district, the University of Southern California, have established guidelines and recommendations on how to utilize cutting edge technology to fight trafficking and child exploitations. Examples of innovative approaches include the use of photo DNA, mandating ISPs to stop child porn access, et cetera.

I wanted to know how, in your opinion, the State Department has embraced these technologies, and incorporated into its toolkit to prevent trafficking?

Ambassador CDEBACA. Well, the child pornography issue is a very serious one that the State Department deals with not through the TIP office, but through the Bureau of International Narcotics and Law Enforcement Affairs. So, one of the things that we've been doing through funding resident legal advisors and intermittent legal advisors is to take the U.S. techniques, whether it's through NCMEC, whether it's through the Child Exploitation and Obscenity section at Justice, whether it's through Project Safe Childhood, the ICACs, these other ways in which we're trying to prevent online exploitation of children, and making linkages, so there's linkages, for instance, with Scotland Yard and the Irish, and others. So, these are the types of things that through the Bureau of International Narcotics and Law Enforcement we are trying to make sure is available to other countries.

One of the biggest problems that we've seen is that there are a number of countries that don't even have laws against child por-

nography. So, last week in the United States-Russia Presidential Joint Dialogue, for instance, the Child Protection Subcommittee was grappling with how can we get a normalization of these laws across the countries, because with the Internet, if there's no child pornography law in a small country in eastern Europe, well, they have an Internet portal. They'll be—all of the pedophiles will flock to that.

Ms. BASS. Do you know if that's come up in the United Nations? Are there efforts there?

Ambassador CDEBACA. Well, there are efforts through the UNODC, the U.N. Office of Drugs and Crime, and others to try to work on it. And through a number of the conventions, it's something that countries are supposed to be addressing. But as far as coming into compliance, it's taken a while. So, this is something that there's going to be a joint U.S.-Russian NGO summit in August in Lake Baikal to try to bring together folks from the Commonwealth, the independent states where, unfortunately, a lot of the child pornography that's being seen these days is coming out of eastern Europe. So, it's something that the State Department is very much looking at, and wants to be on the cutting edge of.

Ms. BASS. So, this conference that you're talking about is dealing with this issue, specifically, or about a range of issues and this is on the list?

Ambassador CDEBACA. A range of issues, and this is on the list, but it's going to be very much focused on this with the assistance of the National Center for Missing and Exploited Children.

Ms. BASS. Thank you. Second question. Online trafficking has become a growing problem, especially in the face of large sporting events. I don't know if you saw some of the coverage that was done around the Super Bowl that a couple of the major cable news networks talked about.

What efforts are being made to curtail this activity within the State Department? To your knowledge, has the FCC engaged in cracking down on Internet service providers and content Web pages? I also wanted to—kind of connected to that is, how do you prosecute traffickers without violating First Amendment rights, and how can government agencies work together to crack down on these abusers?

Ambassador CDEBACA. Well, this is something that the FBI and the Justice Department have more direct jurisdiction over than does the State Department, since it's largely a domestic enforcement issue. But I think that you go right to the crux of the issue as far as regulating content.

Now, soliciting a crime is, and I'm not a First Amendment scholar, but I was a prosecutor for a long time.

Ms. BASS. And you worked on the Judiciary Committee, right?

Ambassador CDEBACA. I did. And soliciting a crime is not typically thought of as protected speech, so there are some ways to deal with this.

I think that one of the big issues, of course, is not necessarily through government regulation, but consumer to business activism. The old media version of this played itself out over the last year with the removal of the spa ads from The Washington Post. Most people knew that these spa ads were fronts for prostitution. This

wasn't the Elizabeth Arden or the Red Door that was advertising in the sports page. The names were much more risqué than that. But it took the advocacy community, it took business owners, it took folks saying to The Washington Post Company, I don't want to advertise in your paper because these other advertisers that are advertising something that you couldn't just look at it and say that's obviously illegal. It was advertising a spa.

From a law enforcement perspective you couldn't say well, we know it's illegal so, therefore, we'll go after them, because that's not the burden of proof for a criminal case. So, the advocacy community, the other advertisers, and the people of the Washington area properly did something that the First Amendment likely would have stopped the DC government or the Federal Government from doing, which is they made it to The Washington Post feel like it should do the right thing and pull those ads out.

So, I think that some of the pressure on the service providers, whether it's Backpage, Craigslist, et cetera who have seen these problems, some of that ends up needing to come from the consumer side as much as it does from the regulatory side.

Ms. BASS. One final question, if you don't mind, Mr. Chairman. I'm still stuck on your earlier comments about the foreign workers on U.S. bases. Could you talk a little bit more about that so we have minors, we have people that U.S. companies are recruiting that get involved in sex trafficking on bases?

Ambassador CDEBACA. One of the things that this committee has dealt with now since the Kosovo wars is the problem of the follow-on when we're deployed.

Ms. BASS. The what?

Ambassador CDEBACA. The follow-on. It's not just the American troops, it's the people who are providing services to them, it's the folks who are being brought in, often third country nationals—

Ms. BASS. Right.

Ambassador CDEBACA [continuing]. To run the canteens, to run the commissaries. There's an entire "other than U.S. military" presence.

Ms. BASS. I understand that.

Ambassador CDEBACA. And this is something that as far back as the Kosovo-Bosnia interventions, we saw this problem. There it was very much sex trafficking with the Albanian mafia setting up nightclubs and bars that were frequented by the contractors, were frequented sometimes, as well, by our troops. It was not uncommon to hear about police contractors, and other security contractors just flat out buying the women to have as their own as concubines for 6 months at a time.

That has largely been regulated and policed, but what we've seen, there was an article in The New Yorker just last week, is that the recruiting of third country nationals into the missions in Iraq and Afghanistan continues to be a concern. It's a concern to us. We're working through the Inspectors General to try to make sure that those third country nationals, if they're brought in in support of our mission, that they're done so with full understanding of what they're going to be doing, how much they're going to get paid, how they're going to be used, if they have freedom of movement, all of those things; as opposed to being, basically,

brought in in a debt bondage-type of situation, confined to quarters, or used for both sex and labor trafficking.

Ms. BASS. And, Mr. Chairman, this is what you said you were going to have a hearing on subsequently? Yes, I'd be very interested in that. Thank you.

Mr. SMITH. Thank you very much. Mr. Marino.

Mr. MARINO. Thank you, Chairman. Good afternoon, Ambassador.

Ambassador CDEBACA. Good afternoon.

Mr. MARINO. I had a couple of questions that I was going to delve in to, but my friend and colleague, Congresswoman Bass, has sparked my interest in the child pornography side of this.

I was a U.S. Attorney for quite a while, and that was one of my main missions, is prosecuting those that perpetrated, created, and sold child pornography. The toughest issue we ran into was dealing with countries like Russia, other European countries, as well, who just have no laws for pornography. A great deal of the pornography does come from overseas, not to mitigate that there is child pornography taking place right here in the United States.

What have we been able to do as far as sanction-wise in getting Russia and countries like Russia to take a serious look at this, because in my opinion and in my experience, it is not even on the back burner. It's an issue that they share no interest in. It's an issue that generates billions of dollars for their economy. It's an area whereby those involved in the organized crime aspect of things are becoming obscenely wealthy, and it's all for the dollar, the money that they're making.

So, we can send them letters, we can publicly make statements, but what are we specifically doing to address the issue with getting support from law enforcement, the President, the Prime Minister of Russia?

Ambassador CDEBACA. I can only speak to that which I've been involved in, and we're not the lead on that, obviously, so we could make sure that we get a more fulsome response. But, as I mentioned earlier, I'm the head of the Migration Subcommittee for the United States-Russia Presidential Bilateral Commission, and my counterparts on the Child Protection Subcommittee, I was present when they were reporting out, and we do overlap, so we tried to make sure that the two committees lash up, especially as far as child trafficking, child slavery in Russia as often members of the African minorities, members of the migrant communities, whether it's the Uzbeks, or the Tajiks, or others. So, the child pornography is kind of one removed from me, much as in the U.S. Attorneys offices, the trafficking and child sexual exploitation AUSAs are often not the same person, but they have to work very closely together because there's so much of an overlap.

One of the things that we've seen that's very positive over the last year with the Medvedev Presidency is the appointment of a Child Protection Advisor in the President's staff. For the first time, someone whose job it is to look at this. They're looking, among other things, at child pornography. They're looking at making sure that the orphanages don't simply become breeding grounds that the traffickers or pornographers show up on the 18th birthdays when the girls are released from the orphanages with no other options.

So, we do think that this is something they're looking at holistically. We've talked to folks from the Duma who are working on the pornography legislation. And it's something that the Obama administration really wants to support through the relationship, what we call the reset with the Medvedev government.

Mr. MARINO. I'm not pointing any finger at any particular administration, but the only way to deal with this, in my opinion, is, first of all, worldwide recognition. But equally important is economic sanctions, severe economic sanctions, and I have not seen that yet from this present administration, and from past administrations, as well.

What is it going to take for us to seriously, wholeheartedly start implementing these sanctions? Can you give us some suggestions at what perhaps we in Congress can do?

Ambassador CDEBACA. Again, Congressman, I'd be hesitant to do so considering that my office is not the bureau that handles child pornography. So, I wouldn't want to speak out of turn, but it's something that I'll certainly pass on to Assistant Secretary Brownfield and his folks, and we can hopefully circle back and have a conversation.

Mr. MARINO. Good, thank you. I yield my time.

Mr. SMITH. Thank you very much.

I do have two final questions. I've got a dozen, but I'll submit the remainder for the record.

On May 11th, the Foreign Affairs Committee had a hearing chaired by Ileana Ros-Lehtinen. We heard harrowing testimony from past Peace Corps volunteers about how they had been sexually abused as volunteers. Pleas to Peace Corps supervisors to help to address unsafe situations, or for assistance following the attacks went unheeded, and in many cases were met with a "blame the victim" attitude.

A major concern that I raised during that hearing with Aaron Williams, the Peace Corps director, was whether there were arrests of alleged perpetrators in foreign countries, whether or not they were followed up with meaningful prison sentences. Something that David will remember, we learned with the earlier TIP work that we would hear about arrests, but then we wouldn't hear about prison sentences, and some countries were actually gaming the system of saying, "Oh, we arrested umpteen hundreds of people," but none of them went to jail. They didn't even get a slap on the wrist.

I suggested that Peace Corps Inspector General, Kathy Buller, be in contact with the G/TIP office to ascertain whether or not there is a nexus between failures in prosecution and sentencing practices for sexual violence against Peace Corps volunteers in any given country, and such failures in prosecuting and punishing sex trafficking, and I'm wondering if there's a correlated lack of prosecutorial capacity, or perhaps political will with regards to this?

And I would hope that you would meet with Ms. Buller, if you haven't already. We also believe, I believe and will be putting this into the reauthorization, that the Peace Corps, and I would appreciate your thoughts on this, ought to be part of the President's Interagency Task Force because they certainly, I think, could provide some insights there.

Secondly, and this will be my final question, you mentioned that China has a ministerial anti-trafficking group that you are now engaging about the trafficking problems in the People's Republic of China, what is their response to concerns that the one-child policy and the consequent number of missing girls is feeding the trafficking pandemic in China?

On June 1st, I joined Chai Ling and other human rights organizations at a very troubling press conference, and they showed a video about gendercide, the targeting of girls for destruction, simply because they happen to be girls, for sex-selection abortion, and in some cases the baby is born through suffocation. And one woman even talked about how she applied a wet towel to her baby girls in order to destroy them simply because they were girls.

And the bottom line of the video was that the most dangerous three words nowadays in some countries are these: "It's a girl." If it's a girl, she is subjected, whether an ultrasound finds it while the baby is still in utero, or the baby once born is discovered to be a girl, she is killed.

How did the Chinese, your interlocutors, respond to that issue of they're creating a demand for trafficking? Do they understand that?

Ambassador CDEBACA. I think their actions perhaps speak louder than their words, Mr. Smith. One of the things that we have, in fact, expressed concern to the Chinese over is that there have been so many cases of forced prostitution and forced labor that are going uninvestigated, and unprosecuted by the Chinese, when they're spending most of their time and efforts under the rubric of anti-trafficking on prosecuting child abduction cases by parents who want children, who can't have them, who are stealing children to be able to fill that need.

So, I think that what we've seen is the effect. As far as a Chinese response that links the cause to the effect the way that we do, that's not something that we're seeing.

Mr. SMITH. Was it raised? Did we raise it, specifically, that the one-child-per-couple policy is creating a huge magnet for the traffickers?

Ambassador CDEBACA. I've raised it with my counterparts from IMOAT in the course of talking about the problem of child abductions, the problem of the forced marriages whether it's from the South or from the Northeast, et cetera, and how this is kind of all of a part of the shortage of women, the skewing of the sex roles, et cetera; not sex roles, but the skewing the proportions. And it's something that we'll continue in those discussions to raise.

It's something that I think that, again, if we look at their actions, they're having to act in a particular way because of the outcome. But as far as a desire to engage with us on that, that's not something that I'm seeing.

Mr. SMITH. I would hope that they realize there is a tsunami of sex trafficking. We've only seen the beginnings of it. In China today, as you know, the average age of marriageable age is 25. The one-child-per-couple policy has been in existence since 1979, so systematically these girls have been eliminated. They're just not there: the missing girls of China, and it's only going to get worse, so I

strongly encourage that this be a front and center issue with your Chinese colleagues.

Anyone else who would like to make a final comment?

Mr. MARINO. Chairman, may I—I'd like to at least like to get one more question into the record.

Sir, could you please tell me first, do you have anything to do with monitoring child soldiers?

Ambassador CDEBACA. The child soldiers is handled in two different ways within the annual Trafficking in Persons Report. In the particular country narratives, when we're looking at how a country is doing, we look at forced conscription as one of the forms of human trafficking. So, it goes into the country reports.

There's also the Child Soldier Prevention Act, which is part of the TVPA Reauthorization of 2008, that mandates that a list be put together that has particular sanctions for being associated with that list that should be published in the Trafficking in Persons Report each year. That's handled by one of our sister bureaus, the Bureau of Democracy, Rights, and Labor. So, the answer is yes, but it's kind of a bifurcated system as we look at the child soldiers.

Mr. MARINO. Okay. Perhaps I could ask my question at least to get it on the record, and I could get a response sometime in the future.

In 2010, the Trafficking in Persons Report identified six countries involved in recruiting and using child soldiers; Burma, Chad, the Democratic Republic of the Congo, Somalia, Sudan, and Yemen. President Obama waved sanctions for four of the six list countries, Chad, the Democratic Republic of the Congo, Sudan and Yemen.

Given that one of America's tools to combat trafficking in persons in foreign nations is the prohibition of U.S. assistance for military defense and training do you have an answer, or could you get an answer for me why has the President issued waivers for these countries that the State Department has found to recruit and use child soldiers?

Ambassador CDEBACA. We can get you something. There's, actually, I think something that was transmitted to Congress in the last Congress, and we'll try to make sure that we get that up to you.

Mr. MARINO. Thank you. I appreciate that.

Ambassador CDEBACA. Thank you.

Mr. MARINO. Thank you, Chairman.

Mr. SMITH. Let me just—did you want to respond to the Peace Corps question?

Ambassador CDEBACA. Yes, we will definitely link up with our Peace Corps counterparts. I think it is important.

One of the things that we have been very much trying to do in the TIP office is to use the trafficking issue to have an impact upon both sexual violence and domestic violence, and how they're treated by a number of these countries. Here in the United States, we very much have built our anti-trafficking response, our modern anti-slavery response, on the gains of the last 30 years from the DV and sexual violence movements.

What we recognize is that there's a lot of countries where it's the reverse. There hasn't been a sexual violence or victim rights movement. There hasn't been a domestic violence victim rights move-

ment in these countries, but they're starting to work on trafficking. So, we want to be able to go to some of these countries and say look, these things that we've been telling you about trafficking, relationships of power, the need for serious law enforcement responses, the need for prevention and for cultural change, those things also need to happen on family violence, and sexual violence. So, we want to be able to have those conversations around rape and other things. So, we'll work with the Peace Corps.

One of the things that I've noticed, however, is that at least historically, the Peace Corps was very loathe to get involved with things that they thought of as law enforcement-like, because they didn't want to be seen as law enforcement training. They didn't want the possibility that they'd be kind of lumped in with the security services, or with other government agencies. So, that has been an issue, but we saw, for instance, with the Peace Corps volunteer in Belize, who was a Federal prosecutor who took 2 years off to go into the Peace Corps, simply because of his background, he necessarily ended up having an impact on the people in Belize. And, as a result, we've seen some change on the ground. So, when the Peace Corps is doing anti-trafficking work, it does make a change.

Mr. SMITH. This is my final question, but on an emergency fund for disaster areas, would you—is that something that G/TIP would support, particularly in light of what happened in Haiti?

Ambassador CDEBACA. Well, Mr. Smith, we actually were able to move a lot of money around very quickly last year in order to respond to the Haiti earthquake. And we've—in fact, one of my staff members is in Haiti right now following up. It's a problem whenever there's an emergent situation. We often then come back to Congress to try to get a supplemental, or to get some special budgeting done. But it's very much robbing Peter to pay Paul, and that's what we did last year, it's what we'll continue to do, when necessary. But there are programs in other parts of the world, some of them in Africa, and others, that had to be repositioned into Haiti, so anything that will make it so that we don't have to shut down an existing program to respond to an emergency would certainly allow us to respond that much more quickly, and that much more effectively.

Mr. SMITH. But wouldn't a more permanent fund, something that we could help craft through our reauthorization—Niger had their money and as you said, robbing Peter to pay Paul, a country that desperately needed the funding lost it in order to go to Haiti.

Ambassador CDEBACA. It's certainly something that we've love to talk to your staff about. And as you put together the reauthorization, if there's particular language that we can look at, or that we can toss around, it's something that we'd certainly want to continue to talk about.

Mr. SMITH. Thank you. Mr. Ambassador, thank you. I deeply appreciate, we deeply appreciate your testimony and your leadership. And we'll move on now to our second panel. Appreciate it.

Ambassador CDEBACA. Thank you, Mr. Chair.

Mr. SMITH. We'll begin first with Ms. Deborah Cundy, who is vice president in the office of the chairman at Carlson Companies, a global travel and hospitality company based in Minneapolis, Min-

nesota, which includes such brands as Radisson Hotels, Country Inn & Suites, Carlson Travel, and T.G.I. Friday's restaurants.

For the past decade, Ms. Cundy has worked closely with Carlson chairman and former CEO, Marilyn Carlson Nelson, on projects involving gender equality, economic growth, and human rights issues, particularly the protection of children from sex tourism.

Then we'll hear from Ms. Chai Ling from All Girls Allowed. She's the founder of All Girls Allowed, an organization dedicated to restoring life, value, and dignity to girls and mothers, and to revealing the injustice of China's one-child policy.

Ms. Chai Ling also established Zenzabar Foundation, and serves as one of its board members. The Foundation supports the most inspirational and influential humanitarian efforts of student leaders to grant opportunities. A key student leader herself in the 1989 Tiananmen Square movement, Ms. Chai was subsequently named Glamour Woman of the Year, and nominated twice for the Nobel Peace Prize.

We'll then hear from Ms. Nancy Rivard, who is president and founder of Airline Ambassadors International, which seeks to provide humanitarian aid to children in need, and international development and relief to underprivileged communities around the world.

Ms. Rivard has expanded Airline Ambassadors International to include 6,000 members, including some outside of the airline industry. She started the Child Trafficking Initiative at Airline Ambassadors International, and created a training program that teaches airline personnel best practices to identify potential trafficking victims.

We'll then hear from Mr. Philip Kowalczyk who is the president of The Body Shop, North America. He has led The Body Shop's Stop Sex Trafficking of Children and Young People campaign across the United States, Canada, and Mexico, since it was launched in August 2009. He has ensured that comprehensive training and high-profile awareness programs were developed to support the mission of the campaign.

Since the campaign began, under Mr. Kowalczyk's leadership, the brand has won six awards for its efforts to raise awareness and drive positive change for children and young people affected by sex trafficking.

Then we'll hear from Mr. Kevin Bales, co-founder of Free the Slaves, a non-profit organization that frees slaves, helps former slaves stay free, advocates that the government and corporations change policy, and carries out research.

Mr. Bales is also emeritus professor at Roehampton University in London, and professor at the Wilberforce Institute for the Study of Slavery and Emancipation, at the University of Hull. He has authored several books on modern day slavery, including "Ending Slavery: How We Free Today's Slaves," which outlines a 25-year plan to stop slavery and human trafficking, identifying what governments, the U.N., business communities, and individuals can do to end this egregious form of human rights abuse.

Then we'll hear from Mr. David Abramowitz, who is director of policy and government relations at Humanity United, responsible for informing the organization's policy-based advocacy activities,

leading outreach efforts to the U.S. Government, multilateral institutions, and international NGOs, and providing strategic counsel and advice to a broad range of grantees.

As I mentioned in my earlier statement, Mr. Abramowitz previously served as chief counsel for the House Committee on Foreign Affairs working on the TVPA of 2000 in all of its iterations, its reauthorizations, as well as a wide range of other foreign policy legislation. So, Mr. Abramowitz, thank you for being here.

I would like to note that Annette Lantos, the wife of Tom Lantos, the former chairman of this committee, is here with us, and she's always most welcome. Thank you, Ms. Lantos, for being here today.
Ms. Cundy.

**STATEMENT OF MS. DEBORAH CUNDY, VICE PRESIDENT,
CARLSON COMPANIES**

Ms. CUNDY. Chairman Smith, distinguished members of the subcommittee, thank you for the honor to testify on an issue that threatens the well being of every society on our planet-human trafficking.

One of the most frustrating aspects of trafficking for all of us is that it's difficult to put metrics around it given its underground nature. But there is much that we do know. And increasingly, many in business feel that given what we do know, we must act. We know human trafficking is one of the largest illicit activities in the world. And we know that, for the most part, it affects the most vulnerable among us—the poor, the uneducated, the women and the children.

We also know that it is projected to yield the traffickers \$32 billion in annual revenue, and that's the dark side. But there are also rays of light. We know that in just one decade of focused efforts since the Palermo Protocol of 2000 and the historic Trafficking Victims Protection Act, we have made significant progress—particularly when it comes to awareness building among the public at large, and in recent years we've been encouraged by the increasing number of partnerships being forged across sectors to solve this complex problem.

As background to my company's involvement in combating the sexual exploitation of children in tourism, it might be helpful for you to know that Carlson is a privately-held 73-year-old travel and hospitality company based in Minneapolis, Minnesota, which has a presence in 150 countries.

Our hotel brands include Radisson, Country Inns & Suites, Park Inn, and Park Plaza, and most of these are franchised properties. We are also a majority owner in the Rezidor Hotel Group which operates our brands in Europe, Africa, and the Middle East, and is publicly traded on European stock exchanges. There are, in total, about 1,070 hotels operating under a Carlson brand employing more than 70,000 people. Other Carlson companies include Carlson Wagonlit Travel, which is the world's largest travel management company, and T.G.I. Friday's restaurants, but today I'll focus on the hotel operations.

As Chairman Smith referenced, in 2004 Carlson was approached by the State Department to sign what is known as the travel industry's code of conduct to protect children from sexual exploi-

tation. We were shocked to learn that at any moment in time more than 2 million children are being sexually abused. In the travel industry, this abuse is sometimes play out in hotels at tourism sites around the world. And, as mentioned, there are hotels that are complicit in these activities, but often they are unwitting facilitators.

The code of conduct basically asks that the signatory train its employees in what to look for, and how to report it so that the employee base becomes a virtual army of eyes and ears. The code asks that the signatory raise awareness among its customers, that it includes language in its supplier contracts and corporate ethics policy repudiating the sexual exploitation of children, and that it reports annually on its activities to the code secretariat.

I am proud to say that our chairman and then CEO of Carlson, Marilyn Carlson Nelson, made the decision that Carlson would be the first global North American travel company to sign the code, but not before we had some spirited internal debate about the pros and cons of such an action. We live in a litigious society. Our legal department was concerned about possible liability, and our public relations department was worried that the public would associate our brands with child trafficking. In the end, however, we have had nothing but positive reaction to our signing by all of our stakeholder groups.

The brief video I'd like to share with you now is one element in Carlson's module on human trafficking that's included in what we call our "Responsible Business" training, which every hotel employee goes through. In this, you'll see a few scenarios designed to help our employees know what kind of behavior to watch for as it pertains to a possible child trafficking situation.

[A video is played.]

Ms. CUNDY. While Carlson was the first global hotel company in North America to sign the code, we would have gladly given up our leadership position to have others join us. As a matter of fact, we have offered to share our training materials with any of our hotel competitors. We've always felt that there are many ways in which we can compete against each other, but on this issue, we must join hands.

And, yet, for 7 years, we remained the only hotel company to sign until, as we've discussed, just a few months ago when a significant milestone was reached and the world's largest airline, Delta, and the global hotel chain, Hilton, both signed the code of conduct to protect children from sexual exploitation. And we salute our industry colleagues for doing so.

To be fair, we know that while the majority of hotels have not signed, a few are doing some things to prevent the problem, but we feel that signing the code provides all of us with a consistent template for implementation of these programs, a way to share best practices, a third-party monitoring tool to insure that we are all doing our part, and a very public shared commitment.

We look forward to the day when engagement by the travel industry in anti-trafficking initiatives is not considered just to be a corporate social responsibility activity, but rather a normal business practice. In fact, the goal should be that one day we will have

normalized corporate efforts to combat human trafficking to such a degree that they are embedded in every industry.

At Carlson, we believe that business can be one of the most powerful forces for good on the planet. We see examples of that in The Body Shop, in LexisNexis, in Manpower, Ford, Microsoft, Delta Airlines, Chiquita, and dozens of other companies that are using their resources, their problem-solving skills, and their voices to engage in this issue. They are examining their own practices, training their employees, and educating their customers and shareholders.

But with any complex problem, no one sector can solve it alone. Business, government, civil society and academia must partner more closely. We must understand each other's unique roles and leverage them. There are pieces of this complex problem that each of us must be accountable for in collaboration with one another to solve.

Conferences on the issue of human trafficking abound. They are enlightening and build networks to be sure. NGO coalitions are ever-forming. Trade organizations, such as the International Travel Partnership, are exploring this issue, and select businesses are self-organizing to mount their own efforts, like the Business Coalition Against Human Trafficking.

All are useful endeavors, but perhaps the time is right for a formalized convening of a cross sector advisory board over a sustained period of time focused specifically on human trafficking. The hope is that this initiative would accelerate progress through partnerships and capitalize on the increasing desire of the business community to make its contribution to this fight.

On behalf of Carlson, I thank the subcommittee for the work you are doing, and for the privilege to support your efforts.

[The prepared statement of Ms. Cundy follows:]

United States House of Representatives
Subcommittee on Africa, Global Health and Human Rights
“Best Practices and Next Steps: A New Decade in the Fight Against Human
Trafficking”

Statement presented by
Deborah Cundy
Vice President, Carlson

June 13, 2011

Chairman Smith,
Ranking Member Payne,
Distinguished Members of the Subcommittee

Thank you for the honor to testify on an issue that threatens the well being of every society on our planet – human trafficking.

One of the most frustrating aspects of trafficking for us all is that it’s difficult to put metrics around it given its underground nature. But there is much that we do know. And increasingly, many in business feel that given what we know, we must act. We know human trafficking is one of the largest illicit activities in the world. And we know that, for the most part, it affects the most vulnerable among us – the poor, the uneducated, the women and the children.

We also know that it is projected to yield the traffickers \$32 billion in annual revenue. That’s the dark side. But there are also rays of light: We know that in just one decade of focused efforts since the Palermo Protocol of 2000 and the historic Trafficking Victims Protection Act, we have made significant progress – particularly when it comes to awareness building among the public at large, and in recent years, we’ve been encouraged by the increasing number of partnerships being forged across sectors to solve this complex issue.

As background to my company’s involvement in combating the sexual exploitation of children in tourism, it might be helpful for you to know that Carlson is a privately-held, 73-year old travel and hospitality company which has a presence in 150 countries.

Our hotel brands include Radisson Hotels, Country Inn & Suites, Park Inn and Park Plaza – most of these are franchised properties. We are also a majority owner in The Rezidor Hotel Group which operates our brands in Europe, Africa and the Middle East and is publically traded on European stock exchanges. There are, in total, about 1,077 hotels operating under a Carlson brand employing more than 70,000 people. Other Carlson companies include Carlson Wagonlit Travel (the world's largest travel management company) and T.G.I. Friday's restaurants. But for today's purposes, I'll focus on the hotel operations.

In 2004, Carlson was approached by the U.S. State Department to sign what is known as the travel industry's Code of Conduct to protect children from sexual exploitation. We were shocked to learn that at any moment in time, more than 2 million children are being sexually abused.

In the travel industry, this abuse is sometimes played out in hotels at tourism sites around the world. There are hotels that are complicit in these activities but often they are unwitting facilitators.

The Code of Conduct basically asks that the signatory train its employees in what to look for and how to report it so that the employee base becomes a virtual army of eyes and ears. The Code asks that the signatory raise awareness among its customers, that it includes language in its supplier contracts and corporate ethics policy repudiating the sexual exploitation of children and that it reports annually on its activities to The Code Secretariat.

I am proud to say that our Chairman and then CEO of Carlson, Marilyn Carlson Nelson, made the decision that Carlson would be the first global, North American travel company to sign The Code. But not before we had some spirited internal debate about the pros and cons of such an action. Our legal department was concerned about possible liability and our public relations department was worried that consumers might associate our brands with child trafficking - even if we were doing something to fight it. In the end, we have had nothing but positive reaction to our signing by all stakeholders groups.

The brief video I'd like to share with you now is one element in Carlson's module on human trafficking that's included in what we call our "Responsible Business" training which every hotel employee goes through. In this, you'll see a few scenarios designed to help our employees know what kind of behavior to watch for as it pertains to a possible child trafficking situation.

(RUN "HOTEL SCENARIO" VIDEO)

While Carlson was the first global hotel company in North America to sign the Code, we would have gladly given up our leadership position to have others join us. As a matter of fact, we have offered to share our training materials with any of our hotel competitors. We have always felt that there are many ways in which we can compete against each other...but on this issue, we must join hands.

Yet for 7 years, we remained the only hotel company to sign ...until just a few months ago when a significant milestone was reached: The world's largest airline, Delta, and the global hotel chain, Hilton, both signed the Code of Conduct to protect children from sexual exploitation. And we salute our industry colleagues for doing so.

To be fair, we know that while the majority of hotels have not signed, a few are doing some things to prevent the problem, but we feel that signing The Code provides all of us with a consistent template for implementation of these programs, a way to share best practices, a third-party monitoring tool to ensure that we are all doing our part and a very public shared commitment.

We look forward to the day when engagement by the travel industry in anti-trafficking activities is not considered to be a "corporate social responsibility initiative" but rather a normal business practice. In fact, the goal should be that one day we will have "normalized" corporate efforts to combat human trafficking to such a degree that they are embedded in every industry.

At Carlson, we believe that business can be one of the most powerful forces for good on the planet. We see examples of that in the Body Shop, in LexisNexis, in Manpower, Ford, Microsoft, Delta Airlines, Chiquita and dozens of other companies that are using their resources, their problem solving skills and their voices to engage in this issue. They are examining their own practices, training their employees and educating their customers and shareholders.

But with any complex problem – no one sector can solve it alone. Business, government, civil society and academia must partner more closely. We must understand each other's unique roles and leverage them. There are pieces of this problem that each of us must be accountable for in collaboration with each other to solve.

Conferences on the issue of human trafficking abound. They are enlightening and build networks to be sure. NGO Coalitions are ever-forming. Trade organizations - such as the International Travel Partnership – are exploring this issue and select businesses are self-organizing to mount their own efforts such as The Business Coalition Against Human Trafficking.

Perhaps the time is right for a formalized convening of a cross sector federal advisory board over a sustained period of time that is focused specifically on Human Trafficking. The hope would be that this initiative would accelerate progress through partnerships and capitalize on the increasing desire of the business community to make its contribution to this fight.

On behalf of Carlson, I thank the subcommittee for the work you are doing and for the privilege to support your efforts.

Mr. SMITH. Ms. Cundy, thank you very much for your leadership, and for bringing that video. Having seen it in Rome when you presented it, both I and everyone there were greatly moved by your leadership, so thank you so much.

Ms. CUNDY. Thank you, Congressman.

Mr. SMITH. Ms. Chai Ling.

**STATEMENT OF MS. CHAI LING, FOUNDER, ALL GIRLS
ALLOWED**

Ms. CHAI. Well, thank you, Chairman Smith, for your three-decade-long tireless work to improve human rights around the world. And on behalf of all the victims, we are grateful.

There has never been a more dangerous time to be a child in China. The one-child policy and a culture preference for sons has led to the elimination of millions of China's girls, which in turn has created an influx of young men and an increased demand for brides. What has emerged is a black market for stolen children unlike anything the world has ever seen, leaving Chinese families fearful every day for their own children's safety.

There are 37 million more men than women in China today. Even with the child rearing cost, purchasing a child bride is the most economical way to guarantee the son will have a bride when he's ready to marry. There's just simply not enough daughters for all the sons in China.

June 1st, as you mentioned earlier, we were able to create a coalition and declaration against gendercide in China, and India, and around the world. We're thrilled to be part of that process. However, the child trafficking and gendercide is no longer just the issue of human rights, but issue of security of nations.

According to leading experts and their presentation on June 1st, unless China is doing something drastically to end the gender imbalance on their one-child policy, there will be over 50 million men in 2020.

What we're about to see in this video is that trafficking will not stop, but only increasing. So, please play the video right now.

[A video is played.]

Ms. CHAI. Thank you. Now you have seen this devastating trafficking problem exposed in China, which is only growing. I'd like to speak for a moment of our anti-trafficking method at All Girls Allowed.

All Girls Allowed exists to restore life, value, and dignity to girls and mothers, and to reveal the injustice of one-child policy. Our AGA team is inspired by our love to Jesus, and our desire to follow him as we're commanded to act justly, love, mercy, and work humbly with our God.

We're grateful for our brave and courageous local volunteers in China. It is their work that keeps us going every day. We're thankful to Women's Rights in China, Sister Jing Zhang sitting right behind me; she has spent thousands of hours on the phone coordinating our rescue efforts on the ground in China. And, also, I'm grateful to the film crew who produced this—many parts of these clips are from China's Stolen Children. There is a 90-minute video, you're more than welcome to all take a look all the devastating trafficking situations taking place in China today. But we have

seen some really good successes with this very small team, but dedicated believers, and we are able to make a difference in China.

The first and foremost important step we do is to research. We examine specific areas of China to determine the root causes and the magnitude of the trafficking problem. And this map is China, and you see the red dot is Fujian province. It's a hot bed for trafficking. We found after months of research a city with 3 million people that could have up to 600,000 people as a result of child bride trafficking.

[Another slide is displayed.]

Ms. CHAI. These are very young girls who are trafficked and sold to marry men in that city as a result of these 37 million excess men that will not be able to find wives because their wife was eliminated under China's one-child policy, and the preference for sons.

So, in 2003, a young woman who was trafficked in as a child bride in her 20s was beaten to death, and to make the case, and show to stop all the rest of the girls from escaping. The Putian village was widely known as Child Bride Village and the government has not addressed this problem.

These women in the photos are still looking for their own families after being sold and forced to marry.

A second method we use is countrywide rescue campaigning. We have names, photos, and relevant information for over 2,175 children who are currently missing in China. Parents who lost children campaign together, tour the country with banners, pamphlets, and rescue hotline numbers hoping to free children and create awareness. This photo shows the banner that we use on campaigns. For the hearing, we'll unroll one of them here just so you can get a taste and flavor of what it's like to try to rescue the children in China. And here are the names and the profiles of these missing children. It's a massive amount of work by all volunteers, many families of the parents, and they have the names of the children, and when they were stolen or trafficked, and how to contact them, and what the physical characteristics that could help identify them as well.

We would love to get your help, Chairman Smith, to send this to the Chinese leaders, and to the counterpart who is doing some work to end the trafficking of children, so they can help these parents who have put their life on hold, and their family on hold while looking for their lost ones.

I want to share some good news. On one of the campaigns a worker found this young baby, Little Bean. She was only 3 years old when she was trafficked. She was playing outside with her mother, and her mother went home to grab some water. The next thing she knew, when she came out a few minutes later, her daughter was gone. And 7 months later after our workers traveled 30 cities and counties, sent out 50,000 fliers and received over 100 hotline calls, she was able to be reunited with her family. This is a happy, joyful picture in which she's taking down her own missing child, missing person posters and is in her father's arm. But still many more are searching and waiting.

Unfortunately, the act of petitioning and organizing on behalf of the children is not considered a legal act in China. Rather than helping parents finding their sons and daughters, the government

has been cracking down on these volunteers, and detaining or imprisoning them. This photo is the amount of the volunteers and the parents of missing children who are detained for the activity to find their children.

So, today we have four specific requests for China; that China would focus on helping us find these 2,175 children, and China would focus on regions known for trafficking problem, especially in Fujian province. And that province has such a common trafficking problem buying child brides, so when the parents go over there to try to find their kids, nobody thinks twice about it or sees it as not something they should be doing. And the three brides we were able to reunite, each of them had multiple siblings. A quarter of the siblings there a result of child trafficking. That's number three.

China should spend some money and resources any way that is effective but respectful and encouraging towards parents who are searching for their children, rather than detain them, or harass them, or punish them. We ask that China would create a system similar to the U.S. Amber Alert system that immediately begins searching and rescuing at the moment that the child disappears.

The father who we saw in the clips of the video, his daughter was missing in 2005, but the case was not established until 2008. That's too late. Thank you for your time.

[The prepared statement of Ms. Chai follows:]



2,175 Stolen Children and the 'Child Bride City' of Putian Exposing China's Massive Trafficking Problem

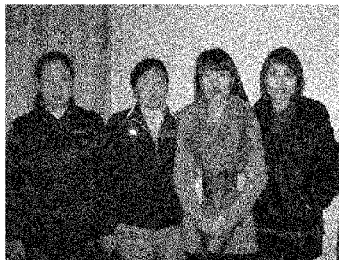
Chai Ling, Founder of All Girls Allowed, June 13th, 2011
House Committee on Foreign Affairs
Subcommittee on Africa, Global Health, and Human Rights

Introduction: The One-Child Policy and the Child Bride Market

There has never been a more dangerous time to be a child in China. The One-Child Policy and a cultural preference for sons has led to the elimination of millions of China's girls, which in turn has created an influx of young men and an increased demand for brides. What has emerged is a black market of stolen children unlike anything the world has ever seen, leaving Chinese families fearful every day for the safety of their children.

There are 37 million more men than women in China. Many of these 'bare branches' will never wed, settle down, and create their own families. Because of this, some Chinese families are willing to go to desperate measures to ensure that their sons will marry. Even with the costs of rearing a child, purchasing a child bride is the most economical way to guarantee that a son may wed when he is older. The cost of purchasing and raising a child bride is less than ten percent of the cost of a traditional wedding.

This practice is not an age-old cultural tradition that should be respected. It is the kidnapping and selling of toddler girls to be raised as slaves. It is a recent, tragic consequence of the One-Child Policy and extreme poverty. Today in China, 550 children are stolen **every day**, usually from poor families unable to afford childcare—that's 200,000 children a year. In comparison, the U.S. sees 115 kidnappings **per year**. We can expect this problem to get much worse as the gender imbalance increases.



Each of these women is looking to be reunited with her family.

In this statement, we are making a case for the following four requests:

- 1.) That China would focus on finding 2,175 children: <http://www.zgfg.org/cr.aspx>.
- 2.) That China would focus on regions known for trafficking problems, especially Fujian Province.

- 3.) That China would spend money and resources to help parents who are searching for their children in a way that is effective, respectful, and encouraging.
- 4.) That China would create a system similar to the U.S.'s Amber Alert system to immediately begin the search and rescue process the moment a child disappears.

All Girls Allowed

All Girls Allowed exists to restore life, value, and dignity to girls and mothers and to reveal the injustices of the One-Child Policy. Our AGA team is inspired by our love for Jesus and our desire to follow Him, as we are commanded to act justly, love mercy and walk humbly with our God. We work in places in China that have the greatest need in order to counter the many negative effects of the policy, such as the infanticide of baby girls, the selective abortion of girls, abandonment, and trafficking. Many of our anti-trafficking workers are parents who have lost their own sons or daughters to kidnapping. These volunteers use two primary methods to create change on a large scale, and to touch hearts on a personal scale, for thousands of families: (1) Research and (2) Rescue Campaigning.

Method 1: Research

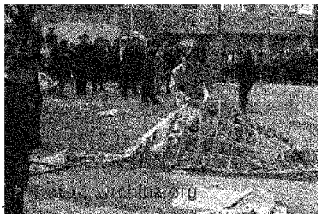
When discussing the best practices for combating trafficking, the very first item is research. From research, all other strategies and systems may emerge. Our workers spent months examining one hotbed area for trafficking in China through surveys, demographic research, and other investigative methods. They created a seven-page report on the city of Putian in Fujian Province, where potentially hundreds of thousands of child brides live trapped, waiting to be wed, or already bound inside of a forced marriage.

The root causes of trafficking must be understood before real progress can be made in ending the problem. Combating trafficking includes both rescue and prevention. Attached to the end of this statement is an abbreviated report on child bride trafficking in the city of Putian. Included in this report are the root causes of trafficking specific to Fujian Province and personal stories, statistics, and information about rescue campaigns. This report provides a good example of documentation that can act as a basis to work from when tackling such a massive problem.

Method 2: Rescue Campaigns

The second method AGA uses in the battle against trafficking in China is rescue campaigning.

After compiling names, photos, and other information for 2,175 children who are currently missing in China, rescue workers printed large banners and pamphlets that can be carried from



village to village in extensive rescue campaigns. They created an online database of profiles, as well as a rescue hotline for tips about the missing children. The volunteers regularly campaign throughout the country with these materials, hoping to rescue children and to create awareness. They share the specific profiles of children, as well as information on how to

report trafficking. Education for parents, siblings, and even grandparents is key to the prevention of kidnapping and to finding lost children. In one case, a 3-year old girl named Little Bean, who had been taken from her front yard June 1st, 2010, was returned to her family through these efforts. Someone called the rescue hotline with a tip, and the rescue workers contacted local authorities and worked with them to rescue the child.



In this picture, Little Bean and her father take down her MISSING CHILD poster.

Unfortunately, the act of petitioning and organizing on behalf of missing children is not considered a legal activity in China. Rather than helping parents find their sons and daughters, the government has been

cracking down on these volunteers and detaining or imprisoning them.

Though the government makes campaigns harder for parents, we have not lost hope. The importance of each missing child cannot be overemphasized. Each precious little one has parents eagerly searching, crying out, and waiting for their baby to come home. We ask that the leadership of China would not only do more to end trafficking, but would also specifically focus on finding these 2,175 children.



Here volunteers were detained by police for participating in a campaign to rescue their sons and daughters.

Because of a recent government crackdown following the Middle East uprisings, all of our humanitarian workers are facing pressure and scrutiny. The work itself is difficult and can be discouraging even without this added load, so we call on leaders in China to give more freedom to humanitarian workers as soon as possible.

We hope and pray that today, eyes will be opened to see trafficking as a real problem, not only for China, but for the surrounding nations.

What is Currently Being Done by China

In April 2009, Chinese security and police forces launched a campaign to reunite trafficked children with their families. During this nine-month anti-trafficking campaign, police rescued a total of 14,717 women and children. Police also arrested 17,528 suspects, including 19 who had a level A (most wanted) warrant against them. The authorities have been able to match thousands more through various methods, including DNA databases and social media. The Ministry of Public Security has begun to crack down on organized crime groups trafficking children to be used as beggars. A new online campaign to publish photographs of child beggars is helping to reunite families with children who have been kidnapped. Yet, so far our research has shown that very little to nothing is being done about the problem of child brides.

Neighboring Nations

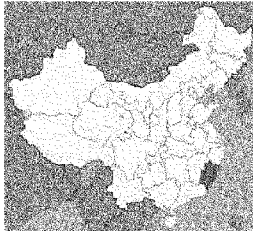
Two-thirds of human trafficking cases uncovered by the Myanmar Police Force's anti-trafficking units in 2009 involved women being trafficked into China for the purpose of forced marriage. Out of 155 human trafficking cases uncovered in 2009, 103 involved the forced marriage of girls and women, according to Myanmar Police Force figures. Most of the victims were lured by the promise of a relatively high-paying job in China but were then sold off to Chinese men, a spokesperson from the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region told The Myanmar Times in 2010 (<http://www.mmmtimes.com/2010/news/512/n51206.html>). "Most of the trafficked Myanmar women were sold to men in villages and poor communities in China, where Chinese men do not think of this practice as trafficking; instead they consider it as paying a dowry," UNIAP national project coordinator Daw Ohnmar Ei Ei Chaw said.

"Men pay anywhere from RMB20,000 to RMB40,000 (US\$2900 to \$5800)—or even more—to a broker for a trafficked woman to be their wife, depending on the woman's looks and age. They even have a wedding ceremony in their village. However, if this happens without the consent of the woman, it is clearly a trafficking case," she said. While we recognize and support the recent police and security mobilization to rescue child beggars, it is clear that much more must be done to prevent the further trafficking of brides in China.

Our research also shows that the problem is growing. The majority of trafficking cases that affect China and surrounding nations are under-reported and are directly related to China's overwhelmingly large number of men.

Case study: Putian: A Major Center of Child Bride Trafficking

Putian City is situated in the central coast of Fujian Province, population 306.97 million. The Putian area has a large number of trafficked women, many of whom lived the life of a child



bride and cannot find their loved ones in distant areas for various reasons. Some were sold when too young, and after years of helplessness, the memory of their original homes has faded. From 2009 to 2011, during three separate campaigns, AGA and associated organizations helped reunite three former child brides from Beigao Town of Putian with their loved ones in faraway Guizhou province. They had almost no memories of their hometowns, only vaguely recalling a few words of their original dialect. The three victims were transported on trains through circuitous routes from Guizhou to Fujian. AGA

volunteers with these scanty clues tried to match the womens' memories to maps to find similar sounding towns and hamlets. Volunteers also turned to the media. After repeated efforts volunteers reunited these trafficking victims with their biological parents.



Volunteers educate the public and distribute information.

The AGA volunteer group started an educational campaign on March 27th, 2011, along the entire Putian coast. Volunteers received six requests for assistance from trafficking victims who were abducted at young ages. Within a short period of time, through local television and print media coverage, nearly 30 young women made contact with AGA volunteers to say that they had been stolen as children and sold as child brides. Everywhere that volunteers talked with

local residents, the stories were the same. In Pinghai town, the average thirty year-

old grew up with seven or eight siblings, even up to a dozen or more. Of these “siblings,” more than a quarter were bought and “adopted”—almost every household raised child brides. In the coastal fishing communities, the One-Child Policy has been largely ineffective because the villagers are not deterred by government fines.

Hundreds of Thousands of Trafficked Child Brides

Zhenping Village, Donghai Town, is 30 kilometers away from Putian city proper. Of the 900 households in this settlement with a population of 4,300, there are nearly a thousand trafficked child brides.ⁱ A notorious case of a child bride being beaten to death occurred in 2003. The village was widely reported as a “Child Bride Village” in the media. According to a 2005 survey, the local primary school had 60 sixth grade students including 33 girls. 14 of them were child trafficking victims, accounting for 42.4% of the total number of girls. The fifth grade had 31 girls. 7 were trafficked, accounting for 22.6% of the total number of girl pupils.ⁱⁱ

However, the government has never conducted any investigation on the problem of trafficked child brides.

Conservative Estimate Using Beigao Town, Putian, as an Example

Using only the most conservative methods would still produce shockingly high numbers of child brides in the Putian region. In the 1980’s and 1990’s, rural Putian families had seven to eight children on average. In some families, the number could be even higher. Over a quarter of the children were bought. For example, Xiao Guangyan was kidnapped from Guizhou and raised in a household of eleven siblings, including three child brides. Peng Qinglan, another trafficking victim, had eight “siblings,” including two trafficked girls. Two of Wong Qinghua’s six “siblings” were bought. Wong Qinqin had many “brothers.” She was purchased as a child bride. In fact, eight children in these four families were trafficked girls bought to be raised as child brides. Five of them were eventually married to their “adopted brothers” inside the family.

In the 1980’s, during the most rampant period of its child trafficking trade, Beigao Town had a population of approximately 160,000ⁱⁱⁱ. If average household size was ten (eight children plus

two parents), there would have been 16,000 households. To use a conservative estimate, if one out of five households purchased a child bride, this gives a number of 3,200 child brides in Beigao Town alone.

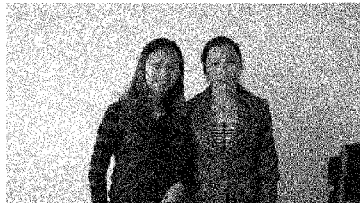
To use Beigao, an average sized township, as a baseline, Licheng District, which includes six townships including Beigao, would have at least 19,200 child brides. There are six administrative districts in Putian City. Extrapolating from Licheng's numbers would give an estimate of Putian's child bride population at 120,000 (This number does not include trafficked boys). In other words, the most conservative estimate produces a number of 120,000 child brides trafficked to Putian in the 1980's and 90's.

The Pessimistic Estimate Using Beigao as an Example

As mentioned, the average Beigao family in the 1980's raised eight children. If four of these children married outside of the family and one son married a child bride within the family, then a single family in the 80's would have produced five families today. In other words, one of every five of Putian's households today would have been formed from the union of a child bride. Excluding the possibility of multiple child brides, if an average family bought only one child bride, there would be 16,000 child brides in Beigao. Extrapolating with this number, Licheng District would have 96,000 child brides and the entire Putian region would have 576,000 child brides. In other words, the population of child brides in Putian region amounts to nearly 600,000.

Beigao is not the township with the highest concentration of fishing villages in Putian. It is not among the towns where the child bride trafficking problem is the most severe. We have used Beigao as the example for our calculations to obtain a more objective number. Coastal villages in Xiuyu District such as Litou and Pinghai had much higher proportions of trafficked women. In our campaigns in those areas, half the women we came into contact with had no memory of their childhood homes and origins, let alone their birth parents.

Based on the two estimates above, Putian's child bride population ranges between 120,000 and 600,000. Even the lower estimate is shocking for a city the size of Putian. This number represents the suffering of 120,000 families and the sorrow of 120,000 girls and young women who have lost their precious freedom.



Twenty years after her abduction, with the help of AGA, Peng Qinglan (left) and Xiao Guangyan (right) finally found their biological parents.

Four Major Factors of Rampant Human Trafficking (specific to Fujian Province)

First, the coastal fishing villages are the traditional home base of many overseas Chinese. Economic conditions are generally far better here than in the Chinese interior. Families in this area could and still can afford fines for an "illegal" surplus population. Even government Family Planning

Commission officials and their relatives purchase trafficked children with impunity. Local residents compete to have children. Marriage ages are generally rushed, with girls usually married at 17 and boys at 19. If not enough children are born, a family will buy children of both sexes. Trafficked boys are used to augment labor; girls are raised as child brides. The fishermen do not worry about the problem of children registration, especially after the end of rationing of clothing and basic foodstuffs. In 2010, Beigao residents had an average income of 19,068 yuan^{iv} compared to the national average of 5,919 yuan^v. Governmental population policy fines are thus relatively affordable for the coastal fishermen who enjoy early prosperity. Even today, new families typically give birth to more than three children.

Second, a fishermen's family serves as a basic economic unit. A fishing boat has to be served by the hard physical labor of at least five or six men, who are usually father and sons. If it is impossible to produce a sufficient number of boys, local families do not hesitate to buy children. The number of men in a family is taken as a sign of pride. As a result, for a long time men in these fishing villages have found it difficult to find wives, especially since local women tended and still tend to marry outside of the villages. Bride prices (to be paid to a woman's family) are also extraordinarily high. The purchase of a trafficked young girl, even with the cost of rearing, is still more economical. Putian's economic structure, in addition to the rather unique single family fishing households, also includes the manufacturing of genuine or fake name brand footwear and clothing. There exists a large-scale demand for labor, which is common throughout the coastal areas of Fujian. Similarly, human trafficking has been prevalent in these areas. Additionally, the coastal region of Fujian has become a center of illegal drug trafficking. In fact, Beigao was named a focus point of the government's anti-drug trafficking campaign.^{vi} The Taiwanese fishing industry also has added more demand for cheap labor from the Mainland, absorbing large numbers of local young males and giving additional incentive to local families to buy boys. Correspondingly, more girls are trafficked into the region to become child brides to accommodate the gender imbalance.

Third, the deep-rooted discrimination of girls and women persists. Many parents will not disclose to a boy they have bought that he was "adopted." However, it is different for girls. To dispel their psychological reluctance to marry men who were reared as their "brothers," the family will easily disclose the girls' origins as trafficked children. Local families almost uniformly inform trafficked girls that they are from Changle, another Fujian city. The neighboring city of Changle has become an important transfer market for trafficked populations. Police have cracked a number of human trafficking rings that traded in Changle. These criminal groups are usually organized by families. The kidnapping and transport of children is thus streamlined and comprehensive. Chongqing government reported on August 16, 2010 that it arrested, during a rescue operation in Changle, 17 suspects, all members of an extended family, who kidnapped 15 children ranging from ages 2 to 7.^{vii}

Fourth, the local government and police acquiesce help to condone the purchasing of trafficking victims by local families. Authorities know that almost every household has a child bride, but have never investigated the increase of the unregistered population or the sudden

appearances of children in a family. Many of the purchasers are friends and relatives of the authorities. Similar situations exist in larger areas of Fujian province. Protests to local authorities are unlikely to produce any result other than violent retaliation by human traffickers.

Conclusions Regarding Rampant Human Trafficking in Fujian Province and Elsewhere

An official of the Putian Welfare Department, when talking about the case of the child bride who was beaten to death, said that the government was aware of trafficked child brides in Pingyang village, but considered it outside of their jurisdiction. He said that if a girl was born outside of the legal quota, the Population Planning Bureau would be responsible. However, human trafficking is entirely the police's concern. If the child brides are not registered with the government, the welfare departments have no methods to register them, since laws on adoption do not apply. The official considered child brides in remote areas to be normal. He did not think reporters should have investigated this problem, asking "Would you help them find wives?"^{viii}

Putian's rapid economic rise in the last few decades has progressed concurrently with the expanding child bride trafficking problem. As families have witnessed the unhappy results of child bride unions, very recently the purchase of young girls solely for the purpose of becoming brides has abated somewhat. However, nationally the problem has become more serious. Since 2005, Northern provinces like Shaanxi, Shanxi, Henan, and Shandong have seen a sharp increase in the number of missing girls. In Heilongjiang Province in May 2007, nine girls went missing at the same time. Four were eventually rescued by the Heilongjiang police, but the rest remain missing. In October 2008, four students of the Commercial School in Jilin City went missing. The local police department would not take the case until over a month later in order to manipulate crime statistics in the jurisdiction.^{ix}

The number and price of trafficked girls have overtaken the number of trafficked boys as a result of the severe gender imbalance produced by the One-Child Policy in poor rural areas. For the foreseeable future, the trafficking of girls and young women will only increase due to the large and growing demand for brides in the countryside.

ⁱ <http://www.geerga.com/node/179>

ⁱⁱ http://www.xiancn.com/gb/news/2005-12/23/content_748098.htm

ⁱⁱⁱ Guizhou governmental press, Haixia Dushibao, June 26, 2006

^{iv} Putian City website.

^v Chinese National Statistical Bureau

^{vi} Haixia Dushibao, June 26, 2006

^{vii} http://www.xbpf.gov.cn/platform/news_view.asp?newsid=5013

^{viii} http://www.xiancn.com/gb/news/2005-12/23/content_748098.htm

^{ix} Urban Evening Paper, Nov. 5, 2008

Mr. SMITH. Ms. Chai Ling, thank you very much.

Ms. CHAI. Thank you.

Mr. SMITH. Ms. Rivard.

**STATEMENT OF MS. NANCY RIVARD, PRESIDENT AND
FOUNDER, AIRLINE AMBASSADORS INTERNATIONAL**

Ms. RIVARD. It's an honor to address the U.S. Congress Committee on Foreign Affairs Subcommittee on Africa, Global Health, and Human Rights.

I was so inspired by the video from All Girls Allowed, it made me think to say that we right now have a 30-second spot on American Airlines, and I would love your assistance in re-shooting that spot as a tool for public awareness around this issue.

Ms. CHAI. Praise God, thank you.

Ms. RIVARD. I founded Airline Ambassadors in 1996 for airline personnel using their travel privileges to help children. We are the only humanitarian organization of the overall airline industry, and are leading the effort to raise awareness on the issue of human trafficking and modern day slavery.

In 2009, on a humanitarian mission in Cambodia, we rescued an abandoned little girl in the slums outside Angkor Wat. It was written up in an American Way magazine article of September 2010, which would request be included in the record. We also learned there were thousands more girls just like here, who were bought out of the provinces and sold into the brothels of Bangkok and Phnom Penh. We realized that many of these children were being transported on commercial airlines. That's when I knew Airline Ambassadors had to get involved.

On our next humanitarian mission to the Dominican Republic, our team reviewed the behavioral indicators of trafficking victims and their predators, and stayed alert as we boarded our flights to the United States. Astonishingly, on every airline, U.S. Air, Delta, and Jetblue we correctly identified a trafficking situation. The flight attendants on each airline did not know what to look for or how to respond, but were anxious to help after we told them what they should do. We realized how vital a role that airline personnel could play as front line of defense for international security.

Congressman Chris Smith and Joe Pitts supported us by hosting congressional briefings to airline partners and embassies to encourage airlines and airports to raise awareness about this issue, and outreach to the travel industry. American Airlines issued a bulletin to flight attendants as a direct response to these briefings, and several embassies offered to connect us with their domestic airlines and airports. Funding is needed for proper follow-up for training and materials.

I, again, would like to acknowledge Delta Airlines as the first U.S. airline to sign the code of conduct for the Protection of Children from Sexual Exploitation in Travel, and acknowledge other companies in the travel sector, such as Carlson, Hilton Worldwide, and Global Exchange Tours. The code is an industry-driven responsible tourism initiative, and an important way to demonstrate corporate social responsibility on this issue.

Airline Ambassadors has developing a training specific for airline, airport, and hotel employees to identify the visible signs of

trafficking, and protocols to respond. We provided our first training just before the Super Bowl at DFW, and we had an overwhelming response. It was attended by flight crews from four airlines, TSA, and airport personnel. We distributed 10,000 wallet cards with red flag indicators to participants, and also on flights leaving DFW.

It is estimated that 800,000 persons are trafficked across international borders every year. Every week, we receive reports from flight attendants who are seeing cases of trafficking. Just yesterday I learned about an observant passenger who alerted a Swiss Air crew from Zurich to Chicago of a suspicious situation with 30 young girls. The flight returned to the gate and international security handled the problem. The Swiss Air Crew said they see those situations all the time, but they don't know what kind of action to take.

We ask for your support in engaging the travel industry to implement training programs specifically addressing human trafficking. This committee is invited to review our training and help promote it as a best practice for airlines, airports, and hotel staff around the world. We'd love to partner with Carlson on the hotel aspect for sure. The airline industry already provides recurrent emergency training for crews, so incorporating this subject would not be too expensive. And, again, I said we could adapt the in-flight video that we now have on American Airlines.

On May 31st, 2011, just a couple of weeks ago, the flight attendant unions of APFA and AFA joined us at the signing of landmark trafficking legislation by Governor McDonnell at Dulles Airport. That represents the support of 70,000 flight attendants and 22 airlines.

We are also partnering with the First Lady of the Dominican Republic, Dr. Margarita Cedeño de Fernández, to launch the first human trafficking Web portal during the United Nations General Assembly. I'm honored to extend a personal invitation to every member of the Foreign Relations Committee to join us at this historic event.

As you are aware, human trafficking is a major human rights issue of our time. It is not just a cause, it's impacting lives every day. Just last week I met young trafficked boy in Haiti, who was so severely abused he didn't even know his own name, 12 years old. I saw three young victims thrown into a dark, mosquito infested jail with no chairs and a filthy cement floor, because there's nowhere else to put them. The Bureau for Protection of Minors in Haiti has identified 13,000 trafficked victims just in the last year in Haiti. We are building safe houses to protect these children and give them the care they need. Please support our efforts to raise awareness in the travel industry and protect children in the United States and the world. Thank you.

[The prepared statement of Ms. Rivard follows:]



Ms. Nancy L. Rivard
President, Airline Ambassadors International
June 13, 2011
House Committee on Foreign Affairs,
Subcommittee on Africa, Global Health and Human Rights

It's an honor to address the US Congress Committee on Foreign Affairs Sub-Committee on Africa, Global Health and Human Rights.

I founded Airline Ambassadors in 1996 for airline personnel using their travel privileges to help children. We are the only humanitarian organization of the overall airline industry and are leading the effort to raise awareness on the issue of human trafficking.

In 2009, on a humanitarian mission in Cambodia, we rescued an abandoned little girl in the slums outside Angkor Wat. We also learned that there were thousands more girls like her, who have been "sold" by their families, like merchandise into lives of sexual slavery. Many of these are transported on commercial airlines (American Way 9/2010), and this is why I knew why Airline Ambassadors had to get involved.

On our next humanitarian mission to the Dominican Republic, our team reviewed behavioral indicators of trafficking victims and their predators, and stayed alert as we boarded our flights back to the U.S. Astonishingly, we correctly identified trafficking situations on each of our departing flights – on Delta, Jetblue and USAir! The flight attendants on each airline did not know what to look for and how to respond, but were anxious to help after we told them what they should do. We realized how vital a role that airline personnel could play as a front line of defense for international security.

Congressman Chris Smith and Joe Pitts supported us by hosting Congressional Briefings to Airline Partners and Embassies to encourage airlines and airports to raise awareness about this issue and outreach to the travel industry. American Airlines issued a Bulletin to flight attendants as a direct response to these briefings and several Embassies offered to connect us to their domestic airlines and airports. Funding is needed for training and materials.

I would like to acknowledge Delta Airlines as the first U.S. Airline to sign the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel, as well as Carlson Companies, Hilton Worldwide and Global Exchange Tours. The "Code" is an industry driven responsible tourism initiative, demonstrating global corporate social responsibility on this issue.



Airline Ambassadors has developed a training specific for airline, airport and hotel employees to identify the visible signs of trafficking and protocols to respond. We provided a training just before the SuperBowl, which had an overwhelming response and was attended by flight crews from four airlines, TSA, and airport employees. 10,000 wallet cards with red flag “indicators” were distributed to participants and to flight attendants on flights out of DFW.

It is estimated that 800,000 persons are trafficked across international borders each year. Every week, we receive reports from flight attendants who are seeing cases of trafficking. Yesterday, I learned about an observant passenger who alerted a Swiss Air crew (Zurich to Chicago) of a suspicious situation with 30 young girls, the flight returned to the gate and airport security dealt with the situation. The Swiss Air Crew said they see similar situations all the time – but didn’t know what kind of action they should take.

We ask for your support in engaging the travel industry to implement training programs specifically addressing human trafficking. This committee is invited to review our training and help promote it as a “best practice” for airlines, airports and hotel staff around the world. The airline industry already provides recurrent emergency training for crews each year and incorporating this subject would not be expensive or difficult.

On May 31st, 2011 the flight attendant unions APFA (Association of Professional Flight Attendants) and the AFA (Association of Flight Attendants) collectively representing 70,000 flight attendants from 22 airlines joined Airline Ambassadors at Dulles Airport for the signing of landmark human trafficking legislation by the Governor of Virginia.

We are also partnering with the First Lady of the Dominican Republic, Sra Margarita de Fernandez, to launch the first human trafficking web portal during the United Nations General Assembly in September 2011. I am honored to extend a personal invitation to each member of the Foreign Relations Committee to join us at this historic event.

As you are aware, Human Trafficking is a major human rights issue of our time. It is not just the latest cause...it is impacting lives everyday. I met a young trafficked boy in Haiti last week that was so severely abused he did not know his own name. I saw three young victims thrown in a dark, mosquito infested jail, with nothing but one blanket on the filthy cement floor – simply because there was no where else to put them. The Bureau for the Protection of Minors picked up 13,000 trafficked children in Haiti in the last year. We are building safe houses to protect these children and get them the care they need. Please support our efforts to raise awareness in the travel industry and protect children in the U.S. and around the world.

Mr. SMITH. Ms. Rivard, thank you very much.
Mr. Kowalczyk.

**STATEMENT OF MR. PHILIP KOWALCZYK, PRESIDENT, THE
BODY SHOP**

Mr. KOWALCZYK. Thank you, Chairman Smith and the members of the committee and subcommittee.

At The Body Shop, we believe that business should be both profitable and a force for good. The principle way that we do this by using our beauty boutiques as a platform to inform customers on social and environmental issues. In doing so, we invite them to join us and together campaign to create long-term change. This approach was pioneered by our founder, Dame Anita Roddick, who created The Body Shop in the UK in 1976, and we've grown our brand from one boutique to over 2,600 in 65 countries today.

I imagine for many of you in this room, the fact that the numbers are in the millions of children who are trafficked every year and sexually exploited, in virtually every country across the world, is something that you've known for many years. At The Body Shop, it was only 5 years ago that we became aware of the extent of this underground issue. As a business that has 35 years campaigning for social and environmental change, it was a natural step for us to explore how we could contribute to providing a solution.

We responded by creating a global partnership with ECPAT International, and together we launched the Stop Sex Trafficking of Children & Young People campaign in 2009. In the U.S. and Canada we have partnered with ECPAT, and the Somaly Mam Foundation to achieve specific and actionable goals.

In the first instance, our goal has been to raise funds to bring immediate relief to help children and young people who have been impacted by sex trafficking. But, ultimately, we are working to inspire long-term change by raising awareness of this issue, and by facilitating the voice of the consumer to be heard by those with the decision-making powers.

From the outset, our campaign strategy focused on the belief that abuse on this scale could be stopped if decision-makers take action. Fundraising is important to support the immediate relief, but this is only a band aid. The real answer to create sustainable change lay in influencing decision-makers to change legislation.

How do we do this? As an international retailer with stores in high-profile locations like shopping malls and street locations across the world, we have an incredible opportunity to reach millions of people from all walks of life using our boutiques to communicate and inspire action. We have the ability to create a platform that captures and mobilizes the voice of our consumers.

Add to that equation another incredible asset, 50,000 dedicated staff across the world who are trained to talk about the campaign with our customers, and with that we have the ingredients to deliver some groundbreaking change.

When we can inspire customers to lend their voice to the signing of a campaign petition, we create a loud and united voice which, we believe decision-makers are responding to.

Of course, the petition call to action has to be nationally relevant and very specific to changes that are needed across the globe. To

deliver this, we and ECPAT International created specific calls of action relevant to country-specific issues.

So, for example, in the United States, we are calling for the states to introduce “safe harbor” to protect and prevent any person under the age of 18 from being charged and prosecuted, or incarcerated for prostitution. In some states this exist, in most it does not.

In Germany, we’re calling for the government to strengthen the protection of victims during the investigation and legal proceedings. In South Korea, the call to action centers on training police and teachers to help prevent trafficking.

While we know we have a long way to go to fulfill the potential of our campaign we have already had some successes which have created change to protect children and young people not just today, but in the future.

Around the world, in less than 12 months, more than 6.2 million people have come to The Body Shop and signed our petition in 50 countries around the world. This is the biggest petition in a proud 35-year history at The Body Shop.

So far, we’ve presented the petitions to governments in nine countries, and have already helped to create legislative change. And, again, a few specific examples might help.

In Malta, the government responded to our campaign by signing the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Child Abuse, a major international treaty which will greatly improve the protection and support for children.

In Malaysia, the government responded to the petition by committing to ratify the Optional Protocol to the U.N. Convention of Child Rights on the sale of children, child prostitution, and child pornography.

In the Netherlands, the Minister of Security and Justice responded by accepting personal responsibility to increase police protection and support the children affected.

We’ve also helped change legislation in Switzerland and Norway, and have received assurances by the Ministers in South Africa and Portugal that our call to action will be delivered.

We believe this is just a start. With 33 petitions to be presented to governments around the world in the coming months, we’re confident that we can help create further change. We’re also preparing for a presentation to both the European Union and the United Nations Human Rights Council in the hope that we can influence even greater action.

We’re proud of the achievements in gathering the support of more than 6 million people worldwide on this issue of child sex trafficking; of raising more than \$3 million to support relief and advocacy efforts. We are very aware that there is a long way to go, but we’re committed to this issue and confident that we can continue to work with our customers and other affiliates in order to be able to make a difference.

I pay tribute to our customers and my colleagues around the world who demonstrated beyond any doubt that as a business, if you empower people to become involved, they will gladly respond and speak out to help create change.

Chairman Smith, I'm grateful to have been invited here today to share the details of The Body Shop commitment to tackling child sex trafficking, and hope that what the subcommittee has heard is helpful in supporting the work of your subcommittee, and inspiring the private sector to play a role in eliminating the commercial sexual exploitation of children and young people. Thank you for listening.

[The prepared statement of Mr. Kowalczyk follows:]

The Body Shop Stop Sex Trafficking of Children & Young People Campaign

1. Philip H. Kowalczyk
2. President, The Body Shop Americas and Executive Board Member, The Body Shop International
3. Monday, June 13th
4. The name of the congressional committee and subcommittee—
“House Committee on Foreign Affairs, Subcommittee on Africa, Global Health, and Human Rights.”

At The Body Shop we believe business should be both profitable AND a force for good. The principle way we do this is by using our beauty boutiques as a platform to inform customers about social and environmental issues. In doing so, we invite them to join us and, together campaign to create long term change. This approach was pioneered by the founder of our business, Dame Anita Roddick, who created The Body Shop in the UK in 1976, and grew our brand from one boutique to over 2,600 across 65 countries today.

I would imagine that for many of you in this room, the fact that more than ONE million children are trafficked every year and are sexually exploited in virtually every country across the world is something you have known for many years. For The Body Shop, a business that has spent 35 years campaigning for social and environmental change, it was only five years ago that we became aware of the extent of this underground issue. It was then a natural next step for us to explore how we could contribute to providing a solution.

We responded by creating a global partnership with ECPAT International (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) and together we launched the Stop Sex Trafficking of Children & Young People campaign in 2009. In the US & Canada we have partnered with ECPAT, and the Somaly Mam Foundation to achieve very specific goals.

In the first instance, our goal has been to raise funds to bring immediate relief to help children and young people who have been impacted by sex trafficking. Ultimately, we are working to inspire long-term change by raising awareness of the issue by facilitating the voice of the consumer to be heard by those with decision-making powers.

From the outset, our campaign strategy focused on the belief that abuse on this scale could be stopped if decision-makers took action. Yes, fundraising is important to support immediate relief but this is only a band aid. The real answer to create sustainable change lay in influencing decision-makers to change legislation.

How do we do this? As an international retailer with boutiques in high profile locations in shopping malls and street locations across the world, we have an incredible opportunity to reach literally millions of people from all walks of life by using our boutiques to communicate and inspire action. We have the ability to create a platform that captures and mobilizes the voice of our customers.

Add to the equation another incredible asset – 50,000 dedicated staff across the world who are trained to talk about the campaign with our customers, we have the ingredients to deliver something ground-breaking.

If we can inspire customers to lend their voice by signing a campaign petition, we can create a loud and united voice which, we believe decision makers will respond.

Of course, the petition call to action must be nationally relevant and very specific to the changes we want to achieve. To deliver this, we and ECPAT International created specific calls to action relevant to country specific issues.

Here are some of the examples

1. In the UNITED STATES, we are calling for all states to introduce "safe harbor" to protect and prevent any person under the age of 18 from being charged, prosecuted or incarcerated for prostitution. In some states this exists. In most it does not.
2. In GERMANY we are calling for the government to strengthen protection of victims during investigation and legal proceedings
3. In SOUTH KOREA the call to action centers on training police and teachers to help prevent child trafficking.

While we know we have a long way to go to fulfil the potential of our campaign, we have already had some successes which have created

change to protect children and young people not just today, but long into the future

Around the world, in less than 12 months, more than 6.2 million people have come to The Body Shop and signed our petition in 50 countries around the world. This is the biggest petition in the proud 35 year history of The Body Shop.

So far, we have presented petitions to governments in nine countries and already helped to create legislative change. Here are just a few examples:

- In Malta the government responded to our campaign by signing the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Child Abuse, a major international treaty which will greatly improve the protection and support for children
- In Malaysia the government responded to the petition by committing to ratify the Optional Protocol to the UN Convention of Child Rights on the sale of children, child prostitution and child pornography.
- In the Netherlands, the Minister of Security and Justice responded by accepting personal responsibility to increase police protection and support children affected.

We have also helped to change legislation in Switzerland and Norway, and have received assurances by Ministers in South Africa and Portugal that our call to action will be delivered.

We believe this is just the start. With 33 petitions to be presented to governments around the world in the coming months, we are confident we can help create further change. We are also preparing a presentation to both the European Union and the United Nations Human Rights Council in the hope we can influence even greater action.

We are proud of our achievements in gathering the support of more than six million people worldwide on the issue of child sex trafficking; of raising more than US\$3 million to support relief and advocacy efforts. We are very aware that there is a long way to go in the fight to protect children and young people from sex trafficking but are committed to this issue and confident we can continue to work with our customers to make a difference.

I pay tribute to our customers and my colleagues around the world who have demonstrated beyond any doubt, that as a business, if you empower people to become involved and make a difference they will gladly respond, and speak out to help create change.

I am grateful to have been invited here today to share details of The Body Shop commitment to tackling child sex trafficking, and hope that what the subcommittee has heard is helpful in inspiring the private sector to play its role in eliminating the commercial sexual exploitation of children and young people.

Thank you for listening.

Mr. SMITH. Mr. Kowalczyk, thank you very much for your testimony, and for the leadership of The Body Shop.

I'd like to now recognize Mr. Bales.

**STATEMENT OF MR. KEVIN BALES, CO-FOUNDER AND
PRESIDENT, FREE THE SLAVES**

Mr. BALES. Thank you. Thank you for the opportunity to speak today.

I'll concentrate most of my remarks on the situation in eastern Congo, but I also have to say it was great fun and enormously exciting to work with the Norwegian Body Shop staff and help them with training not long ago with our sister organization, the Norwegian Anti-Slavery Society.

Since the beginning of human history, conflict and slavery have marched together. Since the end of the Cold War, we have since this time and again in Sierra Leone, the former Yugoslavia, Burma, Uganda, Sudan, and in the Congo. Civil war destroys the rule of law. Without the protection of the law, the average citizen is prey to violent men and made more vulnerable by their predations.

Without the rule of law, anything and anyone can be stolen. The natural world is decimated and nation's resources are swallowed up by criminals, and the people become disposable tools in what is simply armed robbery on a massive scale.

All this is true of the eastern Congo, but there is an additional truth that we must face, and that is our own responsibility in this crime. We are not guilty of violence, or culpable for this slavery, but we are responsible for generating a market for the minerals that feed the power of the armed gangs.

We have real need for these minerals, and the supply chain is complex. But we also have a duty to unravel this complexity, and to confront the ongoing rape, slavery, and murder of the people of eastern Congo.

I have been with the people in eastern Congo. I have shared their meals, I have joined them in their churches. They are reduced to bare subsistence. Before the armed thugs, they are lambs to the slaughter. And the weapons that enslave and murder them are paid for with the profits from the minerals we buy.

My written testimony contains precise descriptions of the different types of slavery found in eastern Congo, and detailed suggestions for how we might all work together to end that brutality. Two of those suggestions are for provisions that can be added to the Trafficking Victims Protection Act, which have been developed by the Alliance to End Slavery and Trafficking, a coalition of hands-on expert anti-slavery and anti-trafficking organizations, of which I am a proud member.

One would require greater business supply chain transparency. The broad support by businesses for a similar new law in California makes a strong argument to extend that transparency to all American citizens.

The second would close loopholes in the Smoot-Hawley rules. Those loopholes are one of the reasons for the very small number of enforcement actions.

Additionally, I want to point to the need to build and enhance our existing public-private partnerships. In order to deprive the armed gangs of their funds, this is necessary, because the existing supply chain remediation focused on the minerals after they leave the Congo is not enough.

This requires working with the people there to produce slave-free and conflict-free minerals. In this way, our concerns and desires for clean computers, for supply chain transparency has a meeting point with the desire of local people for freedom, livelihoods, and security.

This is not a problem we can solve alone. These local communities are our best and true allies. Our goal should be communities that can articulate their own goals for their lives, and feel some sense of control over their destinies. We know this is possible.

In India, we and our partners work with whole villages who are enslaved in rock quarries. With support through liberation, training in citizenship and rights, protection committees, and the assignment of legal mining leases, these communities are transformed.

Such methods are crucial for eastern Congo, because liberation brings development. When freed slaves work for themselves and their own family they unleash an enormous potential, both for production and for the consumption that drives the economy. This freedom dividend causes local economies to spiral upward and helps to stabilize communities.

Also, the United States needs to be closely involved in making sure that peacekeepers are adequately resourced, and that peacekeeping is focused on those locations that are economically important. Without security, there can be no transparency, no slave-free and conflict-free minerals, nor can there be protection for the natural world, for the pristine cloud forests, and the rare mountain gorillas which are such a powerful economic engine across the border in Rwanda. Remember that the per capita income in the Congo is \$280 per year, while the average mountain gorilla generates around \$28,000 a year for their local economy.

When I was in the eastern Congo, I was astounded that most of the people I met were not despairing. They were doing their best to rebuild their lives and their families. We don't have the right to despair if they don't. Instead, we should learn from them and restore our own belief in them, and their home. eastern Congo is an amazing resource for the whole planet in both natural beauty and needed minerals. Let's join the people there in visualizing their country without destruction, without slavery, where communities can support themselves sustainably, and we are excited to go as tourists. Then let's work with them to achieve that vision.

Finally, it's rare that I get to speak directly to people who hold sufficient power to bring slavery to an end, so I must tell you that your's can be a legacy of freedom, not just for the Congo, but for the whole world.

There are 27 million slaves in the world today, a very large number, but the smallest fraction of the global population to ever be in slavery. These slaves generate something like \$40 billion a year for their masters. But, again, that is the smallest proportion of the global economy ever represented by slave labor.

Slavery is illegal in every country, and denounced by every faith tradition. Slavery now lurks in the dark and hidden criminal edges of our global society. In fact, it is standing on the edge of its own extinction. With a strong concerted push, we can end slavery.

For years in our work of liberation and rehabilitation of slaves around the world, we have been carefully calculating the cost of freedom and of building new lives. The cost of bringing slavery to an end would be, to our best estimate, around \$12 billion over a period of some 25 years, a sum to be raised from all governments and all people of goodwill.

The result would do to slavery what a similar concerted effort has done to Smallpox. Where once there were millions of cases each year, there are now a handful, and those are quickly dealt with.

We know how to end slavery. Thousands of freed slaves around the world are proof of that. And while we still lack the resources and awareness to make that happen, perhaps our greatest need is leadership. So, I finish with a question for the committee, will you be the leaders that rid not just the enslaved mineworkers of the Congo of slavery, but the world of slavery? Thank you so much.

[The prepared statement of Mr. Bales follows:]

House Committee on Foreign Affairs
Subcommittee on Africa, Global Health and Human Rights

June 13, 2011

Written testimony of Dr. Kevin Bales, President, Free the Slaves, Washington DC

Thank you, Chairman Smith and Ranking Member Payne, for the invitation to share the views of Free the Slaves on the important topic of today's hearing.

My testimony today addresses slavery in the mining of conflict minerals in the Democratic Republic of Congo, the link between this slavery and products that we buy and use, the laws that pertain to this situation of "conflict minerals"; and possible responses and solutions for this problem. I base this testimony on the work of Free the Slaves in Eastern Congo, the detailed research we have carried out there, whose publication is forthcoming this week in a report entitled *The Congo Report: Slavery in Conflict Minerals*¹, and my own experiences there as I studied the extent and types of slavery to be found in the region.

Slavery in Mining in the DRC

Tin, tungsten, tantalum, and gold are extensively mined in the Eastern Congo. These minerals are ubiquitously known today as "conflict minerals" for their role in fueling the world's deadliest ongoing conflict.² These tainted minerals follow a complex supply chain around the world, with most mineral supplies sold to smelters in Asia and Europe. Having been smelted, further refined and processed, the minerals are incorporated into component parts, and then assembled by end user companies in a range of products, from portable electronics to medical devices to advanced aeronautics. At the end of these supply chains are consumers – who unintentionally play a role in fueling the conflict and underwriting modern slavery and the worst sexual violence in the world.³

Minerals sourced from mines and surrounding zones controlled by armed groups pass from points along a supply chain with unreliable, falsified, or simply nonexistent documentation. Military and civilian authorities have proven unable to fulfill their most basic regulatory responsibilities and are simply preoccupied with extorting illegal "taxes" along trade routes and at checkpoints. This is a system that rewards illicit trade and discourages formalization. Such extortion by armed groups enriches war coffers and fuels the conflict. It also has the effect of making the cost of living in and near mining zones prohibitive, driving families to take desperate measures. Living and working in

¹ Sections of this report represent extracts from a draft of the report: *Free the Slaves: The Congo Report: Slavery in Conflict Minerals*, forthcoming in June 2011, at <http://freetheslaves.net/congo>.

² The degree to which these minerals have fueled the armed conflict has been widely discussed. See, e.g. the G8 Muskoka Declaration, June 25-26, 2010, available at:

<http://www.canadainternational.gc.ca/g8/summit-sommct/2010/muskoka-declaration-muskoka.aspx?lang=eng>.

Free the Slaves concurs with the general view that the competition for control over mineral profits has played a central, but not exclusive, role in exacerbating conflict, regional instability, poor governance, and underdevelopment.

³ For a list of goods connected to minerals from eastern DRC, see the Slavery Impact Calculator at www.freetheslaves.net/congo.

squalid conditions, families quickly borrow beyond their meager means, finding themselves in debt bondage slavery at the mercy of shaft owners, lenders and their armed hosts. Women, who by some accounts simply are not allowed to be present at points of extraction, have few options for contributing to household income. As a result, girls and women are coerced into prostitution. Many become sex slaves to members of armed groups, sometimes forced into “marriage.”

Minimal benefit beyond immediate survival is derived from mining activities for many of those who physically extract and transport the minerals. Even so, in a country where the average income is only around US\$1 per day, many miners earn more than they could in any other activity. In the absence of alternative livelihoods, eastern DRC’s minerals are an essential lifeline for the region’s struggling poor, prompting many local groups to assert that miners would be devastated by full-scale boycotts of minerals sourced from the region. A mining ban instituted by President Kabila in Congo’s eastern provinces in September 2010 and subsequently lifted in March 2011 did have a negative impact on the economy. Partly as a result of pending U.S. regulation, end user companies have put pressure on their suppliers to no longer source from eastern Congo as of April 2011, resulting in the continuation of a *de facto* ban for many exporters. However, this impact must be weighed against the overall benefit of these measures, since they have played a role in catalyzing corporate action and leading to the recent withdrawal of the Congolese army, at least for the time being, from Bisie, the most important cassiterite mine in North Kivu province.

Though not all artisanal miners and workers in related activities are enslaved in eastern DRC, slave labor is present along the supply chain of minerals from the region. Likewise, slavery as a form of gender-based violence within Eastern DRC needs to be more fully acknowledged and understood.⁴ Although there is growing awareness of the frequent incidents of horrific rapes against women and girls, for many the violence goes beyond specific attacks and is a long-term reality, taking the form of sexual slavery and forced “marriage”.

Forms of Slavery in Mining Sector

While there is work yet to be done to further determine the extent of slavery, it is possible to identify several forms of slavery that are used in the extraction of these minerals or allied to mineral extraction, namely:

1. Forced labor by armed forces (both national army and militias)
2. Debt bondage slavery
3. Peonage System based in corruption and coercion
4. Sexual slavery
5. Forced Marriage
6. The recruitment and use of children by armed forces and groups
7. Child slavery

⁴ See: Kirsten Johnson, Jennifer Scott, Bigy Rughita, Michael Kisielewski, Jana Asher, Ricardo Ong, Lynn Lawry, “Association of Sexual Violence and Human Rights Violations With Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo” *Journal of the American Medical Association*, Aug. 4, 2010, 304, 5, 553-562. This first large scale representative sample survey also highlights a significant incidence of sexual violence perpetrated against men.

1. Forced labor by armed forces – Forced labor at the hands of military groups exists along a continuum. At the extreme end are villagers rounded up at gunpoint by an armed group and put to work under threat of violence. No payment is offered, there is no freedom of movement or choice, and resistance is met with violence to the point of murder. The work may entail digging of minerals, hauling of ore, or processing, such as sorting, of mineral ore. This enslavement has marked parallels in state-sponsored slavery in countries such as Burma where armed groups take complete and violent control of local populations for similar types of work.

In order to exercise psychological control over forced workers, in addition to the control based on the threat of violence, some of those transported to the mines by armed groups are told that each week or so they will be allowed to keep the minerals they have produced on a particular day for their own profit. A number of those interviewed described a system of mandatory labor whereby everyone in a mine would be required to work for a designated official on a particular day (often the same day each week). This system, known as *salongo*, is an adaptation and perversion of a traditional custom of mandatory communal labor originally conceived as time set aside to work for a local tribal leader or on public works. This traditional practice was previously adapted by colonial administrations to justify forced labor and was known at the time as the *corvée system*.

The inter-relation between different types of enslavement is demonstrated by what a Walikale human rights defender described as the collusion between *commerçants* (small buyers) and armed forces in mines to force individuals to work for them: A *commerçant* may approach a military leader to say that he has X tons of minerals in Bisie, and negotiates to have them transported to Njingala. The *commerçant* will have purchased these minerals from armed groups who have used forced labor for their extraction, from a money-lender or local official having debt-bonded workers, or will have their own debt-bonded workers in the mines. The *commerçant* agrees to pay the commander for the transport of the minerals, and the commander then sends out troops to arrest individuals to force them to port the bags (without pay or choice).

2. Debt Bondage – In addition to workers captured and forced into the mines, some workers travel to the mines in hope of securing a livelihood. These workers often find themselves trapped in debt bondage as well as mandatory labor requirements enforced by armed groups. Debt bondage appeared to be one of the more common forms of slavery in the mining communities. As in similar debt bondage situations, money, food, tools, or some other item of value are advanced to the worker to set them up in the mining work. The repayment of the “advance” and the debt it represents is soon compounded by other charges (real or fraudulent), high interest rates, as well as false accounting. The worker (and their families if they have accompanied the worker) then find themselves in a situation where they must do anything for the lender – including digging and porting.

The civil society chief in Walikale described a system whereby a lender/recruiter may force an individual to work off a debt in a mine, with enforcement of the debt and violent control provided by the judiciary, police, and local leaders who receive a percentage/cut of the minerals produced. Informants stated that this is for debts starting at \$100 USD. When in the mining sites, partially due to extraordinary inflation, free workers who have not initially taken on debt can become further indebted because the costs of basic services and food that are prohibitively expensive relative to income

received. In mining areas, such as Bisie, cassiterite is the currency – varied amounts of minerals are bartered for food and other goods. Informants stated that a worker could be held for 10 to 15 years in debt bondage slavery if they don't die first, and that lenders may sell or transfer the debt, and thus the worker, to other people.

3. *Peonage System* – There are very close parallels in the use of judicial corruption to ensure enslaved mine labor in the DRC and the historical use of the same methods to coerce African-American mine workers in the American South in the period from 1870 to 1940. In the US this systematic enslavement, for historical legal reasons, became known as the *peonage system* and that tends to be its descriptor today when it is discovered in other countries. A member of law enforcement, a local official, or a member of a militia will arrest an individual. The arrest will have no basis in law and is simply a way of gaining control over a person in order to exploit their labor. The arrest will then be typically followed by one of three outcomes. The individual may simply be put straight to work as a prisoner under armed guard; or there may be some type of fallacious trial or hearing in which the individual will be “sentenced” to work and again taken to the mines as a prisoner; or, finally, the arrested person will be “convicted” and then fined a significant sum of money. Unable to pay the fine, the individual will either be sent to the mine to “work off” the fine, or the debt will be sold to someone who wishes to acquire an enslaved mine worker. All of these variations reflect the complete breakdown of the rule of law in the region and how that vacuum is filled by the corrupt.

4. *Sexual Slavery and Pervasive Sexual Violence* – Girls and women ultimately carry the greatest burden in this war, for their bodies are literally taken and used both as weapon and battlefield. In our meetings, group after group described how militias and the Congolese army alike target women and girls in their attacks on villages and will often take them into the bush to serve as sexual slaves. Some women and girls wind up in mining sites this way, while others are lured into mining zones by older women who promise to provide for them but in fact sell them for sexual exploitation in exchange for small quantities of mineral ore. Girls as young as 12 are prostituted by these older women, and there is great demand for young girls and teenagers. Still other girls are born into the mines, likely doomed to sexual predation from birth.

From one account, women aren't allowed to work in the actual mines. And because women make even less than men – less than a dollar a day – they often feel they must resort to prostitution, and indeed feel pressure from family to do so. The dearth of alternatives is particularly pronounced for girls since there are rarely schools near mining sites and they feel increased pressures from their family to contribute to household income in these communities, where inflation of prices on basic goods is extraordinary and the cost of living prohibitive. No woman or girl in the mining zones is free to refuse sex to the armed men who control the mines. If there is a problem with a miner, for instance, his wife or a daughter could be forced to have sex with a military leader, and may be taken into sexual slavery.

5. *Forced Marriage* – There was an interesting distinction made by some informants concerning the treatment of women taken by force from their communities by armed groups. While non-government forces were described as taking women by force and enslaving them into sexual exploitation, and that government forces were known to do the same, there were also descriptions of members of government forces taking women by force but then keeping them as “wives.” This description involved the holding of a

woman by a single individual, and that over time this relationship would be transformed into one of traditional (though clearly forced) marriage.

6. *Recruitment and Use of Children by Armed Forces and Groups* – So-called “child soldiering” is also linked directly to the mining sector because children are taken from the local communities to build the ranks of armed forces and are then found to be present exerting control over mining zones – this is well-documented by international and local agencies.

7. *Child Slavery* – One of our research partners found a total of 388 children working in two mining areas in North Kivu. Of these, 89% of the children ASSODIP interviewed were either already enslaved or perilously close to being enslaved. Their stories paint a grim portrait of life in the mines from the perspective of those most vulnerable to physical, mental and sexual abuse. Work directly linked to mineral extraction involves the use of children to dig, clean, shovel, pick and transport minerals, as well as pounding ore with hammers. Children are forced to do this work for hours on end without payment or for wages that only cover their basic subsistence. Children are also used in commercial sex trafficking and other types of sexual slavery, in looting, to bring food and firewood to other workers, and as workers in small businesses around the mines.

Congolese Law and Slavery

It is not necessary here to review all of the international instruments that concern slavery in its many forms. The prohibition against slavery is a fundamental principle of international law, a peremptory norm, from which no derogation is ever permitted.⁵ As such, it is a crime of universal jurisdiction, illegal no matter where it occurs. There are a number of international treaties that specifically outline the crime of enslavement⁶. As party to these treaties, the state of DRC is bound to its principles. The law of treaties obliges all member states to refrain from “acts which would defeat the object and purpose” of the treaties they are party to.⁷

In addition, the acts of modern day slavery documented in this report violate the Constitution of the Democratic Republic of the Congo, which entered into force in 2006, and the Congolese penal code. One gap in the law appears to be for civilian acts of labor trafficking committed without weapons. However, we must be clear: there is very little chance for most of these laws to be consistently implemented in the short term. There is little to no law enforcement infrastructure in the mining areas of eastern Congo, and social services including child protection are virtually unheard of. Still, it’s important for outside stakeholders to know the legal norms that have developed within the country. One hopes that such legal norms will foster corporate, community and individual norms and build the backbone for a real state response.

⁵ M. Cherif Bassiouni. (Autumn 1996) "International Crimes: 'Jus Cogens' and 'Obligatio Erga Omnes'." *Law and Contemporary Problems*. Vol. 59, No. 4, Pg. 68.

⁶ The 1926 Slavery Convention; 1956 *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*; ILO Conventions C105: *Abolition of Forced Labour Convention*, and - C182: *Worst Forms of Child Labour Convention*, the Palermo Protocol, and the *Rome Statute of the International Criminal Court*, UN Doc A/CONF.183/9; 37 ILM 1002 (1998); 2187 UNTS 90 (Rome Statute). The Rome Statute opened for signature 17 July 1998 and entered force for DRC on 1 July 2002.

⁷ *Vienna Convention on the Law of Treaties*, May 23, 1969, 1155 U.N.T.S. 331; 8 I.L.M. 679 (1969), Art 18.

Appropriate Responses and Solutions

The acts of slavery prohibited under international and Congolese law clearly apply to enslavers who are physically present in Congo's mines. But what regime applies to multinational companies doing business along the (long) international supply chains that the minerals travel on their way from the mines into our laptops and light bulbs, our pacemakers and precious jewelry?

In 2010, the U.S. Congress included a DRC conflict minerals provision⁸ as part of its Wall Street reform law, requiring publicly traded companies to disclose annually their "due diligence on the source" of conflict minerals originating in the DRC. The law's goal is to ensure that the minerals trade does not illegally benefit armed groups or lead to widespread labor and human rights abuses in Congo.⁹

Meanwhile, the Organisation for Economic Co-operation and Development (OECD) has developed guidelines on the responsible management of conflict minerals.¹⁰ The guidelines include a *Model Supply Chain Policy for A Responsible Global Supply Chain of Minerals from Conflict-Affected or High-Risk Areas*. Under the policy, a company sourcing from conflict-affected areas commits to "neither tolerate nor by any means profit from, contribute to, assist with or facilitate the commission by any party of... *any forms of forced or compulsory labour*, which means work or service which is exacted from any person under the menace of penalty and for which said person has not offered himself voluntarily; [or] *the worst forms of child labour*..."¹¹

While strictly voluntary, the UN Security Council and eleven African nations comprising the International Conference on the Great Lakes Region endorsed the OECD guidance document, which has also been backed by the private sector. Important momentum exists to harmonize the OECD guidance with industry due diligence initiatives like iTSCi (the ITRI Tin Supply Chain Initiative) and the Conflict Free Smelter (CFS) program, a joint project of the Electronics Industry Citizenship Coalition (EICC) and the telecommunications industry's Global e-Sustainability Initiative (GeSI).

In addition, there may be criminal or other legal liability in the United States or other consumer countries, beyond the scope of this analysis, for companies who knew or should have known of slavery violations within their supply chain.

Addressing the Underlying Vulnerabilities Faced by Artisanal Miners

One of the most promising practices in anti-slavery work is to implement rights-based community development efforts that will sustainably protect mining communities from slavery and other human rights abuses. In particular, this approach involves consulting with local communities to determine their priorities, which may include access to education; support for forming true mining workers' associations, as Free the Slaves and its partners are pursuing in Ghana, where slavery in gold mining also exists; and

⁸ The Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub.L. 111-203), § 1502. All stakeholders await the final implementing regulation with baited breath.

⁹ See *id.*, § 1502(c)(1)(B)(ii).

¹⁰ Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas at <http://www.oecd.org/dataoecd/62/30/46740847.pdf> (last visited April 24, 2011).

¹¹ *Id.*, pp. 13-16.

developing alternative livelihoods through agricultural development, micro-credit programs, and vocational training.

In pointing to potential solutions, it is also essential to recognize the correlation between enslavement and widespread insecurity, impunity and an absence of rule of law.

Recommendations to the U.S. Government

With regard to the U.S. government's role in Congo, we urge the Obama Administration to acknowledge and make full use of its influence over Congolese and neighboring governments, making it a high priority to wield that influence so that they fulfill their obligations to their own citizens. With other Congolese advocacy groups, we recommend the appointment of a Special Envoy to the Great Lakes Region to stay constantly informed and maintain consistent diplomatic pressure throughout the region,¹² and we thank members of this subcommittee and other members of the House of Representatives for supporting that approach.

With regard to Congress, Free the Slaves, together with other anti-slavery organizations within the Alliance to End Slavery and Trafficking (ATEST), has proposed a package of draft provisions for inclusion in the Trafficking Victims Protection Reauthorization Act of 2011. ATEST is a diverse alliance of U.S.-based human rights organizations, acting with a shared agenda to end modern-day slavery and human trafficking around the world.

I will discuss two of those proposals today, because they relate to the supply chain from eastern Congo's mines to U.S. consumers. First, we recommend that you adopt a provision requiring U.S.-based companies, both public and private, to be transparent about the efforts they are making to address risks of slavery in their supply chains and provisions of services, in their labor recruitment practices, and in adopting zero tolerance policies toward employees participating in the commercial sexual exploitation of children.

Similar to the new law enacted in California in 2010, this proposed provision would require retail sellers and manufacturers doing business inside the United States to develop, maintain, implement, and publically disclose their policies on eliminating human trafficking and slavery from their supply chains and throughout their business operations.

It is worth noting that, with the momentum created behind the new law in California, advocates in other states are already considering similar state legislation. Passage of a federal law would pre-empt states' passage of additional laws, protecting companies from having to ensure compliance with multiple and likely different state requirements. In the meantime, federal action would prevent a competitive advantage for companies that do not happen to do business in California and, thus, are not subject to the requirements of its law.

The DRC Conflict Minerals law is a great first step with regard to minerals from eastern Congo, but it is unclear whether the implementing regulations will specifically address due diligence with respect to extreme human rights abuses at the mines, which Free the Slaves and other anti-slavery groups have recommended.

¹² See Letter to Secretary of State Hillary Clinton from 17 advocacy and responsible investor groups, January 7, 2011; on file with Free the Slaves and available at www.freetheslaves.net/congo.

Second, we recommend a provision that closes the loophole in the Smoot-Hawley Tariff Act of 1930, which aims to prevent importation of goods that have been identified as having been made with forced or indentured labor.

The current legislative and regulatory framework to prevent goods produced by forced labor and slave labor from passing into the stream of commerce in the U.S. is gravely inadequate. The Smoot-Hawley Tariff Act contains a major loophole for goods made with forced labor or convict labor if those goods cannot be produced in the United States in sufficient quantities to meet the consumptive demands of American consumers. Similarly, other mechanisms meant to address slavery and trafficking in the stream of commerce suffer from similar problems of limited scope, broad exceptions, and inability to provide information about specific suppliers whose goods are tainted. Consequently, there are fewer than 40 enforcement actions on record in the past 80 years.

I thank you, Mr. Chairman, Ranking Member Payne, and members of this subcommittee for this opportunity to be heard on the critical problem of slavery in the Democratic Republic of the Congo, and U.S. government efforts to address the problem of slavery and human trafficking in DRC and around the world.

Mr. SMITH. Mr. Bales, thank you very much for your leadership, and your organization which is doing pioneering work. Thank you. Mr. Abramowitz.

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

Mr. ABRAMOWITZ. Thank you, Mr. Chairman and Ranking Member Payne, and other members of the committee for holding this hearing on one of the most pressing human rights challenges of our time, the widespread occurrence of modern day slavery and human trafficking. I ask that my full written statement be made part of the record.

Mr. SMITH. Without objection; yours as well as other members of the panel.

Mr. ABRAMOWITZ. And I'll just summarize my remarks in some oral remarks since I'm the last of a very distinguished panel who have really plowed the ground before me.

Thanks for your generous introduction, Mr. Smith, but as we all know, it's your leadership that all of us up here honor, and the way which you've pursued this issue for more than 10 years through the original TVPA, and before, bringing this issue to light. And we really want to thank you for your commitment, including the commitment of you and your staff and this Congress.

Mr. Chairman, other witnesses have described the scale and scope of modern day slavery, the third largest and fastest growing transnational crime. Regrettably, this is not a far away problem that affect distant lands. It remains a shock to most Americans, but thousands of adults are trafficked into forced labor or sexual slavery right here in the United States, and estimates of U.S. youth tracked into commercial sex are as high as 100,000.

Mr. Chairman, at Humanity United we believe there are solutions to this heinous abuse, but ending trafficking and slavery requires a unity of effort between civil society, the private sector, and governments around the world. And I was very pleased when I saw the composition of this panel bringing together the private sector, as well as those of us in civil society who have been working on this matter. And I commend the committee for putting that together.

For our part, Humanity United is supporting the Alliance to End Slavery and Trafficking, or ATEST that Mr. Bales just referred to, a coalition of 12 members of civil society that I described in my written testimony.

ATEST has been working on the Trafficking Victims Protection Act, its implementation, and also on the reauthorization bill, and the recommendations I will outline below are drawn from its proposal.

As I just indicated, Mr. Chairman, there's no need to remind you of the leadership role this committee has taken with respect to fighting human trafficking. One of the strong points of this legislation has been it's bipartisan nature which has sustained the framework created by the TVPA over the last decade. I think it's of paramount importance that this strong bipartisan support from introduction to Presidential signature remain a key part of this effort.

In my written testimony, Mr. Chairman, I have laid out a number of lessons we have learned over the past 10 years, and I'm happy to answer any questions you have on those. Let me focus on what we have learned about how the U.S. Government can best achieve change.

The annual Trafficking in Persons Report can highlight forms of abuses and identify solutions. The TVPA's tier ranking system can name and shame, and spur governments to action. However, we have learned the report and rankings are not enough.

The U.S. Government must conduct robust diplomacy both by the Trafficking in Persons office and the Department of State's regional bureaus, as well as creative action in the field where each Embassy has a critical role to play in catalyzing change.

The U.S. Government also needs resources to leverage change. While at the end of the day this responsibility lies with a particular foreign government, U.S. assistance, judiciously employed, can be critical to go from willingness to actual action.

As we consider these evolving developments, Mr. Chairman, there are a number of important reforms that should be considered as you move forward in the next 10 years of combating human trafficking.

First, as was discussed on the earlier panel, and as you mentioned, Mr. Chairman, we need to address the issue of foreign labor recruiters and brokers, one of the leading drivers of the phenomenon of slavery and trafficking today. Recent testimony you heard before the Helsinki Commission just a few weeks ago details these practices, and I would ask the statement by Ms. Neha Misra on May 23rd, 2011 be made part of the record.

Mr. SMITH. Without objection, so ordered.

Mr. ABRAMOWITZ. In this regard, Mr. Chairman, we know recruiters deceive young girls with promises of legitimate employment only to bind them into sexual exploitation. Exploitation by labor recruiters is happening right here in the United States, in our fields, in our factories, and on our streets. In my written testimony, I cite a recent case where 400 Thai workers were lured to the United States and put into modern day slavery.

Mr. Chairman, I believe the abuses of labor recruiters and brokers can be ended, and that effort can start right here in the United States, and can have a huge demonstration effect for other countries around the world.

As you mentioned, this House has already adopted such an approach in 2007, but that provision did not become part of the final legislation. ATEST has reviewed this House passed provision, and I have described the revised framework in my written testimony. As you mentioned, elimination of fees that end up being abusive and lead to debt bondage, disclosure before the worker leaves his or her country, just as the government is requiring the contractors to do, as Ambassador CdeBaca indicated. And enforcement through a registration system paid by the foreign labor recruiters themselves.

Second, Mr. Chairman, I would point to the need to maintain funding for international anti-trafficking programs, and to authorize contingency funding for emergency situation and unexpected opportunities.

As I discussed earlier, we are only going to make further progress if smart diplomacy can be leveraged with targeted U.S. initiatives. I understand that the cuts in the FY 2011 budget has led to a 23 percent decrease in the TIP office's programs this year, a reduction that is as deplorable as it is unwise. I urge that the committee reauthorize assistance for international anti-trafficking programs at no less than the amounts currently authorized in the TVPA.

The United States also needs to be able to rapidly deploy experts and staff, and this was discussed when you were talking to Ambassador CdeBaca. For example, I understand that after the fall of the Ben Ali regime in Tunisia during the Arab spring, officials in the Tunisian Government communicated that they now could finally start talking about trafficking problems that the regime has refused to admit, and expressed a willingness to enter into a dialogue with the United States on these issues. The United States must have the ability to move quickly in these kinds of opportunities.

The upcoming independence of South Sudan may be another such opportunity to help create a new framework for a new country recognizing that the challenges that we see at this very moment as conflict is breaking out between North and South may delay that, but there will be an opportunity to help them get this issue right which has caused so much pain to their own population, and it's something that we should be ready for.

Finally, as you mentioned, efforts to combat trafficking must be part of the response to natural disasters or manmade emergencies, and we—I talked about the Haiti example, as you referred to with Ambassador CdeBaca.

Third, Mr. Chairman, as Mr. Bales mentioned, and as I described at length in my written testimony, corporations can join the fight to end slavery in our time. We see examples of this at our table, and there are other ways that corporations can move forward to really try to help all of us end this abuse, and I would just direct you to the testimony and the reference to the California law that Mr. Bales mentioned.

Fourth, Mr. Chairman, we need to continue the integrity and strength of the annual Trafficking in Persons Report, which will be issued by the Department of State later this month. I spoke of the report and its merits earlier, and happy to answer your questions on some of its success.

I am most concerned, Mr. Chairman, that there will be legislative efforts to undermine the impact of the report. Making the report a biannual process or making the report appear earlier in the calendar year would have the effect of undermining the impact that the report has today for reasons I discuss in my written testimony. And I think we should—the first rule here should be let's do no harm. And I'd be happy to talk to you, your staff, and to members of the community as proposals might come up.

We must also carefully review the effects on the report of the "automatic downgrade" provision that was added in 2008, by which countries that have been on the Tier 2 Watch List automatically face sanctions if they remain on that list for more than 2 years.

The implementation of this provision has both produced change, but has also upped the pressure and debates within the State De-

partment, and we need to see how this provision is implemented in the coming report.

Finally, Mr. Chairman, I have some additional suggestions regarding how U.S. law could be improved to make anti-trafficking policies even more effective, including enhancing the State Department's response in the field, authorizing compacts with willing countries, insuring the Department of Labor continues the publications of its reports on goods made with forced and child labor. These are all contained in my written testimony. I hope you and your staff will have a chance to review them.

Mr. Chairman, Ranking Member Payne, these are a number of measures that should be considered by Congress in reauthorizing the TVPA, and we at ATEST would be happy to meet with you and your staff to have further discussions about these matters.

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, save more victims and help their journey to move beyond their terrible experience and become survivors.

Mr. Chairman, I commend you for recognizing that every part of society—government, private business, civil society, and as was discussed, every human being who believes in the dignity of each of us—has a role in eliminating this heinous abuse.

We stand ready to work with you, and I want to thank you for inviting me to present this testimony.

[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
Subcommittee on Africa, Global Health, and Human Rights
U.S. House of Representatives
June 13, 2011
Best Practices and Next Steps:
A New Decade in the Fight Against Human Trafficking

Mr. Chairman, Ranking Member Payne, and other distinguished members of the Subcommittee, thank you for holding this hearing on one of the most pressing human rights challenges of our time—the widespread occurrence of modern-day slavery and human trafficking.

Mr. Chairman, I am testifying as the Director of Policy and Government Relations at Humanity United. Humanity United is a foundation 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 to end human trafficking domestically and abroad, supporting meaningful engagement of multinational corporations, and engaging directly in South Asia.

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 has estimated that human trafficking in all its forms yields \$32 billion dollars in profits every year.¹ David Arkless of Manpower, Inc. reported last year that despite this Committee's good work and international efforts by 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 perpetuate modern-day slavery.²

Mr. Chairman, as you well know, this is not a matter of numbers; each individual story of tremendous suffering and exploitation is a human rights tragedy that violates our values and beliefs. Regrettably, this is not a far away problem that affects distant lands. It remains a shock to most Americans but 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 become a survivor. They deserve the assurance that the trafficking of others will be prevented, that their own lives will be protected, and that their perpetrators will be convicted. And we need to help raise their voices.³

¹ 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/RS>

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

³ The Committee has helped lift these voices up for years. Virtually every panel that this committee has heard from has included the voice of victims. In 2007, for example, the 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

Mr. Chairman, at Humanity United we believe there are solutions to this heinous abuse, but ending trafficking and slavery requires 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. I was pleased Mr. Chairman to see the other members of this panel, including the distinguished leaders of business who are making such an important effort to eliminate slavery.

At Humanity United, we support a coalition of 12 civil society organizations that work across all areas of human trafficking. The Alliance to End Slavery and Trafficking, or ATEST, has been working on the implementation of the Trafficking Victims Protection Act of 2000 and its progeny as well as making proposals for the reauthorization of the TVPA you are considering this year. ATEST is also looking to broaden its engagement to the business community, further elevating the voices of survivors, and helping build the broader U.S. movement. Humanity United is also looking to engage the business community and other stakeholders to try to eliminate forced labor around the world, which I will discuss later in my testimony.

Mr. Chairman, there is no need to remind you of the leadership role this Committee has taken with respect to fighting human trafficking, as you shepherded through Congress the Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations. One of the strong points of this legislation is its bipartisan nature, which has sustained the framework created by the TVPA over the last decade. I think it is of paramount importance that this strong bipartisan support, from introduction to Presidential signature, remains a key part of this effort.

As we look forward, Mr. Chairman, we should think about the lessons we have learned over the last 10 years, a few of which I will highlight here. First, Mr. Chairman, we have learned so much about the forms and pernicious nature of this abuse, whether it involves the subtle forms of coercion that binds the victim to the abuser, or the hidden slavery in the guise of legal employment. Second, we have seen that the sometimes-divisive dichotomy between sex and labor is not always helpful, as sexual abuse is a driver of vulnerability and those exploited for labor also find themselves sexually exploited as well. Third, given our understanding that in any given week each of us may well have eaten, driven, dressed or texted with some good that is made, at least in part, with forced labor or slavery, we must employ a unity of approach to really impact this problem.

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.

Fourth, and in that connection, the complexity of this issue leads to the need to address this abuse from all its different perspectives. Whether one views trafficking and slavery through a prism of transnational crime, human rights, labor, humanitarian law, migration, sexual violence, and other varied frameworks, we must all come together and find new ways to collaborate with each other in order to create a comprehensive approach to this issue. Let me give one example of how this comprehensive approach is evolving: Even though domestic service in homes has often been excluded from “work” and therefore has remained unregulated, just last week preliminary approval was given to a new convention negotiated under the auspices of the International Labor Organization that will help prevent abuses by creating a new framework for those who are all too often exploited out of sight of everyone but the abuser. We are not there yet but we are getting there.

Finally, Mr. Chairman, I think we have also learned how the United States can best achieve change. The annual *Trafficking in Persons Report* can highlight forms of abuses and identify solutions. The TVPA’s tier ranking system can “name and shame” and spur governments to action. However, these actions are not enough—robust diplomacy both in the field and at Foggy Bottom through the relevant regional bureau and the Trafficking in Persons Office, along with resources to support new initiatives and demonstrate that the United States can assist willing governments, is critical to catalyze the action needed to reduce trafficking and slavery wherever they exist.

As we consider these evolving developments, Mr. Chairman, there are a number of important reforms that should be considered as you move forward into the next 10 years of human trafficking:

First, we need to address the issue of foreign labor recruiters and brokers—one of the leading drivers of the phenomenon of slavery and trafficking today. Recent testimony you heard before the Helsinki Commission details these practices, and I would ask unanimous consent that a statement by Ms. Neha Misra on May 23, 2011, be made part of the record.

In this regard, Mr. Chairman, let me make a few brief points. Mr. Chairman, it has become clear that exploitation is not only occurring in the brothels of Pnomh Penh or in the rice mills of southern India among the citizens of those countries. It is happening as labor recruiters and brokers help move workers to the palm oil plantations of Malaysia and construction workers to the Gulf countries. It is happening as recruiters deceive young girls with promises of legitimate employment only to bind them into sexual exploitation. And it is happening right here in the United States—in our fields, in our factories, and on our streets.

As you may well know, last year the Justice Department handed out indictments related to a case of 400 Thai workers who were lured to the United States with the promise of good work at fair pay in U.S. agriculture, and even obtained a visa under

the H-2A program. Instead they were forced to take on crushing debt, their passports were confiscated, and they were told if they complained they would be deported.⁴

Mr. Chairman, I believe the United States and the rest of the international community must address the abuses of labor recruiters and brokers, and it can start right here in the United States. If the United States adopts a framework for ensuring that these types of abuses does not occur here, and applies it to both foreign recruiters and recruiters based in the United States, we can make a huge impact—both to prevent abuses within our borders and to promote the elimination of abuses around the world.

This House has already adopted such an approach once. In the House-passed version of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, that you helped sponsor, the House adopted such a structure by a near unanimous vote. Unfortunately, that did not become part of the final legislation.⁵

ATEST has reviewed this House-passed provision and made suggestions to improve this foresighted measure. ATEST's proposal, which has been provided to the Committee, provides for a number of different protections:

1. **Elimination of Fees:** No foreign labor contractor, or agent or employee of a foreign labor contractor, should be allowed to assess any fee to a worker for any foreign labor contracting activity. Such costs or fees may be borne by the employer, but that these fees cannot be passed along to the worker. Failure to eliminate these fees will lead to continued debt bondage for too many workers.
2. **Disclosure:** Foreign labor contractors and employers must be required to fully disclose to the worker—writing both in English and in the language of the worker being recruited—all of the terms and conditions of their work. This includes such matters as the identity of the employer, the charges the worker must face, the withholdings that a worker will face, and the protections afforded by U.S. law, along with hotline numbers.

⁴ "Six People Charged in Human Trafficking Conspiracy for Exploiting 400 Thai Farm Workers," Press Release, U.S. Department of Justice (Sept. 2, 2010), found at <http://www.justice.gov/opa/pr/2010/September/10-crt-999.html> Unfortunately, the lure of a better life has been exploited all too many times. For example, at the University of Michigan earlier this year, I heard the chilling story of two young women from West Africa who came to the United States looking for a better life but were forced to work in a hair braiding salon for up to 20 hours a day for little pay.

⁵ Sec. 202(g), William Wilberforce Trafficking Victims Protection Act of 2007, 110th Cong., 1st Sess. (passed by the House on December 4, 2007).

3. **Enforcement:** As in the 2007 legislation, a registration and enforcement system that penalizes recruiters and complicit employers who do not follow the requirements of the system.

Mr. Chairman, the focus of this provision is on disclosure, although the revised provision has some enforcement mechanisms as well. There may be some skepticism about the ability of disclosure to address such serious abuses. I note, however, that I have repeatedly heard that one of the most effective parts of the 2008 reauthorization was a requirement to give all legal visa holders information on their rights in the United States, which has led to a significant increase in reporting of trafficking victims through the National Hotline.

Second, Mr. Chairman, I would point to the need to maintain funding for international anti-trafficking programs and to authorize contingency funding for emergency situations and unexpected opportunities.

Mr. Chairman, we should recognize that while we have a long way to go on ending the abuse of human trafficking, we have accomplished much in the last year and most of the "low hanging fruit" has been picked. We are only going to make further progress if smart diplomacy cannot be leveraged with targeted U.S. initiatives.

We cannot do take such steps without the resources that the United States can bring to the table to help promote change, demonstrate how progress can be made, and encourage foreign governments to work in partnership with the United States. I understand that the cuts in the FY2011 budget has led to a 23 percent decrease in such programs this year, a reduction that is as deplorable as it is unwise. I urge that the Committee reauthorize assistance for international anti-trafficking programs at no less than the amounts currently authorized in the TVPA.

The United States also needs to be able to rapidly deploy experts and staff along with these resources where a new partnership suddenly becomes possible. We are seeing rapid changes in government that may create new opportunities. For example, I understand that after the fall of the Ben Ali regime in Tunisia, officials in the Tunisian government communicated that they now could finally start talking about the trafficking problems that the regime had refused to admit, and expressed a willingness to enter into a dialogue with the United States on these issues. The United States must have the ability to move quickly in these kinds of opportunities.

The upcoming independence of South Sudan is another such opportunity. Given the recent outbreak of conflict along the North-South divide, South Sudan is likely to be focused on its security to the North in the days after its immediate independence, as well as concentrating on basic issues of governance. Yet there will be an opportunity to try to establish a strong anti-trafficking framework with the creation of the new state, particularly given the history of slavery being part of the exploitation by the North of the South during the long years of conflict that ended with the Comprehensive Peace Agreement of 2005.

Finally, efforts to combat trafficking in persons must be part of the response to natural disasters or man-made emergencies, as was demonstrated most tellingly last year after the Haiti earthquake. A large number of children became homeless and those taken in prior to the earthquake under the “restevek” 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.

Third, Mr. Chairman, as has been discussed by your other distinguished panelists, and as I mentioned previously, corporations must join the fight to end slavery in our time. At Humanity United, we believe business and markets can be instrumental in building peace and advancing human freedom. In that connection, and as I have indicated, Humanity United believes that corporations and business can be part of the solution in ending slavery and trafficking, as reflected by your invitation to those who are appearing before this panel. Corporations, with their worldwide reach and deep engagement with labor—either directly or through their contractors and subcontractors—have the opportunity to ensure that severe exploitation is eliminated in all their operations and products they touch on. Increasingly, members of the business community are recognizing that they not only have the opportunity but also the responsibility to stop trafficking and slavery, and consumers are increasingly expecting them to exercise that responsibility. So do we.

We need to recognize, however, that this work is not easy. Much of the most severe exploitation occurs at the very bottom of the supply chain. Whether it is the charcoal mined with slave labor that is an input to the pig iron used to build the automobiles we drive or the shrimp yielded by the worst forms of child labor before the fish are sent to processing plants, global corporations will need to go deep into their supply chains to ensure the products we all use are untainted by labor from modern-day slavery. Fortunately, as companies are considering how to do this work, the United States is doing more to help identify solutions. The voluntary guidelines recently proposed by the Consultative Group created by the Department of Agriculture point to key principles for this work. We also hope that the standards being reviewed by the Department of Labor as mandated by the Trafficking Victims Protection Reauthorization Act of 2005, which have been delayed by some time, will also make a contribution in this area.

Mr. Chairman, even without guidance from the U.S. Government, there are already many companies that are making a significant effort to take these steps, but others are further behind. This lack of consistency needs to be addressed. We were encouraged that Governor Arnold Schwarzenegger signed into law S.B. 657, the

California Transparency in Supply Chains Act of 2010. This law requires every company that does a certain amount of business in that state to disclose, beginning next year, what efforts—if any—they have in place to eliminate slavery and trafficking from their supply chains. This will allow all of us to assess the companies reached by that law, whether leaders in the field are doing what they should and to identify the stragglers that need to be worked with and urged to do more.

We believe that the policies behind the California law could be strengthened by requiring similar provisions in Federal law covering the broadest possible range of companies throughout the United States. I want to commend you Mr. Chairman, for working closely with Ms. Maloney on legislation, which she hopes to introduce in this Congress.

Fourth, Mr. Chairman, we need to continue the integrity and strength of the annual *Trafficking in Persons Report*, which will be issued by the Department of State later this month. I spoke of the report and its merits at the hearing last year, so I won't repeat myself. Let me just repeat here, as I indicated earlier, that this report and its country-by-country rating system has been instrumental in increasing the ability of the United States to affect change around the world.

I am most concerned, Mr. Chairman, that there will be legislative efforts to undermine the impact of the report. Making the report a biannual process, or making the report appear earlier in the calendar year would have the effect of undermining the impact the report has. As difficult as it is to negotiate the report within the State Department, we have seen that action by foreign governments frequently takes place in the last three months before the report comes out. I believe that making it a two-year process could release pressure and slow progress. Similarly, with many parliaments out and government work frequently slowing at the end of the year, moving the date of the report toward the beginning of the year, as some have proposed, could fail to make use of this precious period.

We must also carefully review the effects on the report of the "automatic downgrade" provision that was added in 2008, by which countries that have been on the Tier 2 Watch List automatically face sanctions if they remain on that list for more than two years. The implementation of this provision has both produced change but has also upped the pressure and debates within the State Department, and we need to see how this provision is implemented.

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 the international area. ATEST has made a wide-ranging proposal that covers both international and domestic efforts, and I ask unanimous consent that a summary of those recommendations be placed in the record. In addition to the ideas described above, there are a number of other recommendations in the international area that should be considered:

- Increasing State Department's response in the Field. The State Department has made a significant difference by distributing pamphlets that you helped create in the Wilberforce TVPRA of 2008, which have educated thousands of workers and has significantly increased the number of calls to the National Hotline. But more could be done. The Department of State can help enhance education of persons migrating to the United States, obtain evidence from survivors of crimes in the United States, and direct survivors to assistance in their own countries. Such efforts could help obtain more convictions and further deter trafficking.
- Enhancing the Report by Highlighting Successes. The *Trafficking in Persons* report is focused primarily on the country rating systems, although it has listed heroes and best practices. However, a more formal way of recognizing successes by individual countries could create a positive incentive for countries to do better, as they could be singled out for their efforts and decrease the patina of criticism the report is often subject to.
- Authorize programs for threshold countries and for efforts to overcome specific problems. A number of countries that may be willing to do more on trafficking sometimes are not able to devote resources to key reforms. Emphasizing the need to help such countries, as well as developing programs to eliminate trafficking from a certain sector, could significantly increase U.S. diplomatic leverage in making an impact on slavery and trafficking.
- Authorizing compacts with certain countries. Similarly, where the United States is able to identify countries that have governments that are committed to fighting trafficking, the United States should enter into arrangements or compacts with such governments to further their efforts, including providing strategic funding for such countries. Language has been developed for this proposal, and has been introduced in the Senate by Senators Boxer and Burr in the form of S. 185.
- Provide the G/TIP office with special research funding. This will enable the office to investigate certain areas, gather baseline information and study the impact of the programs it funds, as well as other impactful research.
- 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, and, although not an ATEST should proposal, should consider setting a

time frame for the transmission of the best practices that the Department of Labor currently has under consideration. 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 last year and that work continues. 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.

The recommendations from ATEST also include proposals to address various domestic laws, including protecting children in foster care, closing loopholes in sex tourism crimes, and making sure that municipal corporations are subject to accountability for their transgressions. We are discussing these matters with the committees of relevant jurisdiction.

Mr. Chairman, Ranking Democratic Member Payne, these are a handful of measures that should be considered by Congress in reauthorizing the TVPA, and we would be happy to meet with you and your staff. 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, save more victims, and help them in their journey to move beyond their terrible experience and become survivors. Mr. Chairman, I commend you for recognizing that every part of society—government, private business, civil society, and every human who believes in the dignity of all—has a role in eliminating this heinous abuse. We in civil society stand ready to deepen the conversation with all these forces and work with you to ensure that we are on the path toward eradicating human trafficking and modern-day slavery and advancing the cause of human freedom.

Thank you, Mr. Chairman.

Mr. SMITH. Mr. Abramowitz, thank you so much for your testimony. I did read your testimony. It's filled with very useful recommendations, as usual, so I do on behalf of the committee thank you for that, as well.

I'd like to yield to my good friend and colleague, Mr. Payne, our ranking member of the subcommittee.

Mr. PAYNE. Thank you very much, Mr. Chairman. And because of the longstanding conflict, I was unable to get here earlier, I will just ask to have my opening statement included in the record.

Mr. SMITH. Without objection.

[The prepared statement of Mr. Payne follows:]

Opening Remarks
Congressman Donald Payne

Africa, Global Health and Human Rights Subcommittee Hearing

Best Practices and Next Steps: A New Decade in the Fight Against Human Trafficking

Monday, June 13, 2011, at 2:30 pm 2172 Rayburn

Let me start by commending you, Congressman Smith on calling this important hearing. Human trafficking – a pernicious form of modern slavery is an affront to human dignity that the world must not tolerate. Unfortunately, this human tragedy is also estimated to be today's leading criminal enterprise, involving as much as an estimated \$32 billion dollars yearly, linking communities across the globe in a deplorable web of profit, exploitation and lost lives. Trafficking in persons exists in virtually all countries around the globe. It manifests in diverse exploitative forms, including sex trafficking, forced labor, debt bondage, involuntary domestic servitude, child labor, and child conscription. The U.S. government, according to conservative estimates, determined that between 600,000 to 800,000 victims are trafficked across borders annually, while the International Labor Organization estimates a stunning 12.3 million adults and children around the world currently undergo forced and bonded labor and forced prostitution. This human tragedy warrants targeted action by the U.S. government and the international community.

Despite the global scale of this insidious crime, we are just beginning to understand the nature and severity of the problem, and we continue to improve our responses accordingly. With the enactment of the Victims of Trafficking and Violence Protection Act in 2000, authored by Mr. Smith, the U.S. government's efforts against human trafficking have accelerated significantly. The law focuses on three P's—Prevention through raising awareness, Protection of victims, and Prosecution and punishment of perpetrators. Since passage, U.S. government agencies have disbursed an estimated \$686 million from FY2001 to FY2009 in anti-trafficking foreign assistance, and an additional \$36.5 million were enacted in the Foreign Operations budget for FY2010. As the legislation is due for reauthorization this year, I look forward to recommendations by our esteemed witnesses, including our legal expert David Abramowitz, on how we can further strengthen our policy response and programming. Honorable Ambassador Luis CdeBaca, I thank you for your dedication and service to this cause, and I look forward to your testimony on the state of U.S. efforts to combat human trafficking globally.

Given the sheer magnitude and global scope of the problem, the U.S. must work with the international community to effectively combat human trafficking. In 2000, the UN General Assembly adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, also known as the Palermo Protocol. The Palermo Protocol also emphasizes the three P's, and it establishes a framework for international cooperation, including assistance in investigations and prosecutions and provisions for the extradition of offenders. Through the Office on Drugs and Crime (UNODC), the UN offers assistance to help member states comply with the Protocol. Additionally, to streamline efforts across the different UN agencies, and to further raise the profile of this tragic crime, the UN created the UN Global Initiative to Fight Human Trafficking (UN GIFT). This initiative seeks to create partnerships between multilateral institutions, governments, and the private sector to combat

human trafficking. As part of these efforts, one of UN.GIFT's primary goals is to increase the amount of data available on human trafficking, and its 2009 report represents the first global assessment of the scope of human trafficking and the various law enforcement activities countries around the world are taking to stop this practice. A thorough understanding of the problem is the first step to global solutions.

Despite our substantial bilateral and multilateral efforts, many challenges remain. In Africa, at times weak governments, poor legal and judicial systems, and widespread poverty prevent adequate country response to human trafficking cases. Many sub-Saharan African countries are both a source and a destination for trafficked persons, and at times, regions such as West Africa, are transit areas for trafficking across the ocean to both Europe and the US. According to the State Department's 2010 reports, only two countries on the continent, Mauritius and Nigeria, qualified as Tier 1, -- meaning that they are fully complying with minimum standards for combating human trafficking. Yet, even there, the crime is rampant. In Nigeria, trafficking of persons is thought to be the third most common crime, after financial fraud and drug trafficking. UNICEF reportedly estimates that at least 10 children are sold every day across the country, and too few perpetrators are caught. Across Africa, trafficking for the purpose of forced labor remains a deplorable but common practice, especially in the agricultural and mining sector, but also in domestic servitude and commercial sexual exploitation. In Ghana, where child labor is rampant, the government has worked diligently to combat the practice, rescuing 116 children who were forced into child labor for the fishing industry in the country's Volta Lake area last month and the Ghanaian government worked with INTERPOL to arrest and convict 28 arrests perpetrators. Child labor in gold and diamond mines, as well as in agricultural settings, such as tea, cocoa and other plantations remains a deplorable practice. The U.S. Cocoa Industry is working with the World Cocoa Foundation to combat child labor in Ghana and Cote d'Ivoire, but much more public-private partnership is needed to combat this troubling crime. Mr. Bales, I look forward to your testimony on the global prevalence of human trafficking, and insights you gained while working in Africa to end this form of modern slavery.

The global trends are further aggravated during conflict, post-conflict and natural disaster crisis situations. In cases such as the Haiti earthquake in January last year, the limited capacity of the Haitian government to combat trafficking was even further weakened. Across Africa, conflicts displaced millions of people and traumatized local communities, leaving them particularly vulnerable to human trafficking. In conflict zones, abductions of women and children by armed groups for the purpose of sexual slavery, and as child soldiers remain a horrendous practice. In eastern Chad, the United Nations points to forced recruitment by various armed groups operating in the country and the neighboring Sudan, of refugees, and particularly children. While we lack sufficient information in Somalia to determine a Tier ranking, there is troubling evidence that armed groups recruit among Somali refugees in camps in East Africa. The United Nations reports that an estimated 2,000 children were abducted by the Somali insurgent group Al Shabaab in 2010 for military training in southern Somalia.

Human trafficking in all its forms is an unacceptable crime— an affront to the most basic human rights— and requires vigorous action. It must be effectively confronted through cross-border cooperation, and the difficulties we encounter to date call for reinforced multilateral engagement.

Mr. PAYNE. And I'll yield to you for your questioning, and then follow as is—okay.

Mr. SMITH. Thank you, Mr. Payne.

Let me just ask a couple of questions. And, again, all of your testimonies are filled, replete with very useful suggestions.

And, Mr. Bales, you might have noticed in my questioning of Ambassador Luis CdeBaca that I asked him about the letters that have been sent by you, and a consortium of other—and several other NGOs. Are you satisfied with the response that was sent in March by the Department?

Mr. BALES. Yes, I think so. And, also, I think to answer the question you asked of Ambassador CdeBaca, as I understand it, the regulations on DRC exports are expected to be released by the SEC in early August.

Mr. SMITH. Okay, thank you.

Ms. Cundy, you spoke about the legal department being reluctant, at first. What were their—in order to share that false concern—although legal departments, they're paid to keep corporations out of trouble—what were their concerns, and can you share that so that we could amplify that and make sure that other legal departments don't repeat those concerns?

Ms. CUNDY. Yes, Congressman, up to a point. I'm not exactly sure all of the issues that they might have been looking at, but I do know that in the end, the code of conduct is not binding. Our legal department, I think, might have felt that should something occur after we've signed the code, what does that mean for us?

In the end, they felt that since we are aware of the problem, it had been brought to our attention that, frankly, for us not to sign the code might actually put us at more exposure.

Mr. SMITH. So, it wasn't a concern about a potentially false allegation by an employee resulting in a defamation suit or some other—

Ms. CUNDY. No, not that I'm aware of. I don't think that was—

Mr. SMITH. It had to do with the code, itself. Okay.

If I could ask you, as well, when an employee recognizes a potential act of human trafficking, to whom does he or she report, and is law enforcement immediately notified? How is that actually done?

Ms. CUNDY. Yes. Yes, they are told to report to the management of the hotel.

Mr. SMITH. Okay.

Ms. CUNDY. The management of the hotel then contacts law enforcement immediately. And, of course, how law enforcement, depending on where the location is, decides to follow-up is something that's within their purview.

Mr. SMITH. And, Ms. Rivard, when a flight attendant recognizes a potential trafficking situation, you had mentioned previously, I heard you speak to, during long flights in particular, very often a flight attendant will notice a disconnect, if you will, between a man and perhaps some other people who are traveling with him, mostly women and children, and that opportunities present themselves as they go to the ladies' room. To whom do they report when they have a suspicion of a trafficking in progress?

Ms. RIVARD. Yes. This happened last week, my girlfriend who was going to Costa Rica, and there was a 50-year-old man with a 9-year-old Dominican girl. And she noticed that the man wouldn't let the little girl talk to her at all. She brought her cheesecake, wouldn't let—tried to go in the bathroom with the little girl. And when she stopped him, saying it's not appropriate, he kept his foot in the door and said, "Woman, get out, it's none of your business."

She on her own told the pilots who radioed ahead to airline dispatch to have the authorities at customs meet that case. And sure enough, it was a trafficking situation. So their procedure is, basically, just to tell the pilots, and the pilots notify SOC, security operations command, at headquarters.

Mr. SMITH. I had raised your best practices, and actually handed out your brochure to OSCE participants at the last Parliamentary Assembly, and at least two of the representatives said that their national airline, it was the Dutch and the Swedes, were very, very interested. Has there been any fruit from your work with other airlines adopting that best practice?

Ms. RIVARD. Not so far. I mean, we'd certainly be very interested, and we're pursuing Delta right now. We'd love to support them in training—

Mr. SMITH. And Delta would bring Aeroflot in, right? Is that correct?

Ms. RIVARD. They could. I'm not exactly who is part of their alliance. But I have not had luck so far. Many of the airlines are nervous about associating their brand with this issue, afraid maybe that the flight attendants would be too vigilant and they would get a lawsuit. Although, we're pitching this to the airlines that this is an issue of child protection. And that like Carlson found out, this is ultimately good for their brand.

I would like your support in helping to convince more airlines of this. And I need your support and connections to airlines that are interested in the training, because we have developed—

Mr. SMITH. Do you think a White House Summit or something along those lines would be helpful?

Ms. RIVARD. That would be fantastic, yes.

Mr. SMITH. I think the subcommittee could pursue that idea, and it would include, obviously, the great work that Ms. Cundy has done with her group.

MS. CUNDY. That would be greatly appreciated.

Mr. SMITH. We'll pursue that, and hopefully they'll be open to it.

Let me ask Mr. Abramowitz if I could, you pointed out that David Arkless' research suggests that "worldwide economic downturn has led to a surge in human trafficking worldwide, as those desperate to sustain themselves have become more vulnerable to traffickers due to economic distress."

The correlation between economic downturns, generally, and this very, very severe one that we've experienced throughout the world, what are you seeing, is it more labor trafficking, sex trafficking, both?

In your testimony, you also talked about the unified approach rather than this dichotomy, false as it has been over the years. If you could speak to that, as well.

Mr. ABRAMOWITZ. Thank you, Mr. Chairman.

I think that you have to look at it from both sides. You have populations who may be under stress because of the change in economic circumstances that they're under. There may be a factory that is closed and, therefore, they're willing to take more risks to try to move in order to seek some sort of better economic opportunity. Therefore, it comes from the sort of the bottom end, as well as the top end because as there is shrinking profits, there is a need for those, whether they're making bricks in India or elsewhere in terms of the multinational trade. They're looking to reduce the cost that they have, so there's both a push and a pull.

With respect to the issue of whether we've seen more into the sexual exploitation or labor exploitation, I don't think we really have the data to really give a conclusive answer. Obviously, again, the presumption would be that there would be increased vulnerability because there would be more women who would be more willing to take risks, or others who would be more willing to take risks and, therefore, would be more vulnerable to exploitation.

I think in terms of the false dichotomy issue, clearly there is no doubt that there is recruitment specifically into sexual slavery. I think that the point is, is that a lot of the different activities that we see that are related specifically to labor recruiting, for example, on the economic side often ends up with also sexual exploitation involved. So, an individual leaves Nepal to go to India because perhaps sexual violence or other reasons have driven them to take that risk. They think they're going into a domestic situation. Maybe they end up in a domestic situation as they thought, but then they're exploited there not only for their labor, but also they fall into the trap with sexual exploitation, so you see both phenomena. Thank you.

Mr. SMITH. If I could, to you again, you talked about elimination of fees, disclosure, and enforcement. You reminded us that the '07 legislation had a registration and enforcement system that penalizes recruiters and complicit employers that do not follow the requirements in the system.

Could you elaborate on how you think that might help end this labor trafficking problem that is only escalating? And if you could, I mentioned earlier about the Department of Defense, and that when we held those two hearings, I was deeply disappointed in the Pentagon's responses. They told us now we're going to rectify. Do you see any evidence, perhaps, that they've really taken to heart that we should not be complicit in Iraq or anywhere else with these labor traffickers who impose huge sums on people who think they're getting a good deal, and they get an awful deal?

Mr. ABRAMOWITZ. Thank you, Mr. Chairman.

With respect to the first question, I think the notion is, is that we need to set certain standards for foreign labor recruiters, including as was discussed, the elimination of fees. I will say that the administration has taken an important step by really restricting the amount of fees in certain programs involving legal workers. There were recent regulations that the Department of Homeland Security has put forward in draft that did really try to restrict fees. But, of course, that's only on one part of the program.

Then the second part is, as was discussed, the worker really needs to understand what it is that they're moving to. So often

they don't understand that there will be this fee, that fee, this cost for training, et cetera, where they're going to be. And, of course, we've seen cases, including the U.S. Government cases, where laborers thought they were going to the Gulf but they end up in Baghdad. Clearly, that is a huge problem. Once they're there they're sort of stuck there. They may have gotten huge debts, so then it becomes a problem that exploitation occurs.

With respect to enforcement, I think that you can take a spectrum of different approaches to this, but it seems that there needs to be some mechanism so that once a laborer recruiter, or broker has been registered with a government entity that there be some ability to pursue them if it turns out that they've misinformed the worker, or brought them into a situation where there could well be exploitation. So, I think there has to be some enforcement mechanism. Exactly what that looks like—there was, of course, one of the—in place of the 2007 provision that we've been discussing, there was a fraud in foreign labor contracting provision that was put in, that has just now been starting to be pursued as a prosecutorial method.

In terms of the Department of Defense, Mr. Chairman, it's very hard to evaluate it. I think that one of the reasons that the Office of Inspector General was brought into this was because it's—the contracting procedures of the government are complex enough that if you really are not pursuing and really doing the training that's necessary with respect to the contractors, themselves, then they're not really going to—and the employees who are working with the contractors, they're not going to know about these provisions.

I think the Defense Department has its problems. The New Yorker story that you referred to indicated a wide range of different problems that, obviously, the Defense Department has more work to do.

I think Secretary Gates did make some very important statements at the February meeting of the President's Inter-Agency Task Force, and I think that's going to be something that Secretary Panetta is going to have to follow-up with.

I think in the Defense Department, it's all about leadership from the top. There are a lot of things that happen there, that only happen because the civilian leadership is committed to it, so I think that's the avenue we need to pursue.

Mr. SMITH. Mr. Bales. Thank you.

The corporate responsibility for those, particularly tech companies, but others who are benefitting from it, as we all are through many devices that would otherwise not be used or available, for the minerals from DR Congo.

Could you name some names of some of the corporations that are doing well, and others that perhaps are doing very poorly, who are deriving their minerals from DR Congo?

Mr. BALES. You know, I'm not sure that I can.

Mr. SMITH. Okay.

Mr. BALES. And the reason why is that the names that would be familiar to us are those who are so close to us on that supply chain that they are—it's not that they're whitewashed of responsibility any more than we are as consumers, but they are a very long distance away from those smelters, processors, and component manu-

facturers, primarily in Southeast Asia which supply components, which are then very difficult to link back to DR Congo; not least because so much of the minerals are being smuggled out of the Congo, thus making Rwanda, which does not have coltan, for example, one of the largest coltan exporters in the world.

Until we crack that duplicity at the Congolese, Rwandan, and Burundi borders, we will never be able to be absolutely certain, and we'll never be able to make a fair comment about which companies are doing well, and which aren't.

Admittedly, there are a number of large electronic companies which are on record as wanting to do the right thing, but at the moment I worry that they don't have the mechanisms to achieve that, because those of us on both sides of this table aren't able to help them to do that.

Mr. ABRAMOWITZ. Mr. Chairman, could I just add something?

Mr. SMITH. Yes.

Mr. ABRAMOWITZ. I think that Mr. Bales really has pointed to a very significant problem. If you look at any number of good corporate citizens across the different spectrum of industries, they will tell you that they are making efforts, but it's very, very difficult.

If you're buying apparel from China, you don't know whether that apparel has been made with Uzbek cotton or not, so knowing whether you're contributing in some way to the global supply chain is very, very challenging.

There are members who are—companies that are members of various stakeholder, multi-stakeholder initiatives that bring together a wide range of industry groups and others who are really trying to make efforts in this area. A number of them work on both environmental and labor issues, but there has been a lot of focus on environmental issues, and not as much on labor issues. So, even where there's an effort to do things in partnership, there's really—there needs to be more effort made to really try to trace these supply chains, figure out better mechanisms so that they can actually know what's going on. And then, also, to press those multi-stakeholder initiatives who are saying that they want to look at labor issues, to really focus more of their auditing on those labor issues so that they can really try to do the best they can. Thank you, Mr. Chairman.

Mr. SMITH. Thank you. Mr. Bales, maybe you might want to answer this.

As we know, no woman or girl in the mining zones is free to refuse sex to the armed men who control the mines. If there's a problem with a miner, for example, his wife or daughter could be forced to have sex with a military leader, and may be taken into sexual slavery.

What attempts have been made to target this specific form of slavery? What would you suggest are the most helpful approaches? And, obviously, probably the largest deployment of U.N. peacekeepers, are in DR Congo. Is this sufficiently a part of their mandate to protect women against sexual violence, particularly in the mining area?

Mr. BALES. This is, indeed, the largest deployment of U.N. peacekeepers in the world. And it's certainly part of the training and mandate of the peacekeeping forces. However, from my own experi-

ence, those peacekeeping forces are, for the most part, sort of in Fort Apache. They're in small communities, there are boundaries around it. It's very difficult given their defensive and protective role to carry out the kind of operations that would take them into places like the BCA mine that you just described which, as far as I know, has only rarely been even visited by a U.N. peacekeeper. When it has been, they have been out-manned and out-gunned by the rebel groups which control that mine.

It points to the earlier situation that we were talking about, the dichotomy between sex and labor trafficking and slavery, because the fact is that the reality for any woman enslaved, whether it is in a mine, a field, a factory, or a brothel, there will be sexual assault. Sexual assault and rape are part of slavery for women. That's the way it's been for all of human history.

And the situation there is one in which it operates where without any hope of redress to the rule of law, and the chaos of that situation, and the armed gangs which have basically carved up that part of the Kivus like mafias, meaning that it is very difficult to reach in.

The best response that we have worked to so far in our own organization is to begin to organize local communities to begin to take on that vigilance for themselves, that they can never at this time rely upon from government and official sources.

Mr. SMITH. Thank you. Chai Ling, if you could, "The act of petitioning an organizing on behalf," this is your statement, "of missing children," and that includes, obviously, those who have been trafficked, "is not considered a legal activity in China. Rather than helping parents find their sons and daughters, the government has been cracking down on these volunteers and detaining or imprisoning them."

Could you expand on the Chinese Government's response? Is this something that the police have been involved in, the trafficking, perhaps, of these children? A member of IJM frequently testified here and said that there is an Achilles' heel in all of our trafficking efforts, it's often the police, particularly at the local level, who receive large sums of money, or they're able to exploit the victims, themselves.

And I'm wondering why, if a parent is looking for his or her child who has been sold into slavery, that they get penalized, and they end up doing time—perhaps, if you could speak to that issue?

Ms. CHAI. Yes. The pictures in the PowerPoint presentation, those pictures are volunteers and victims' families who are looking for their children. They were detained when they went to Beijing to protest, and to petition the government to pay attention to this issue. They were looking for assistance. They were put in detention for over 20 hours.

However, in Putian City, within the Fujian province, the reason why we believe why there's such a massive amount of child bride trafficking is because for over the past 30 years they have no police force or actions taking place, or government to prevent this kind of massive proliferation of child bride trafficking. We believe that might be a result of corruption between government officials and the family planning committee. Even family planning committee

members, they themselves are purchasing child brides as well, together with the local police force, and the traffickers.

Mr. SMITH. In your opinion, is there a sufficient understanding and appreciation of what the one-child-per-couple policy has done among international policymakers, national and international, like the United Nations, the Human Rights Council, for example?

I mean, it was 10 years ago that the U.S. Department of State's Human Rights Report said that there may be as many as 100 million missing girls in China attributable to the one-child-per-couple policy, or largely attributable to it. And that's 10 years ago, and the situation, apparently, has only gotten worse.

Ms. CHAI. Yes. I personally was shocked to learn how pervasive the one-child policy has been, and I used to believe that I was a human rights expert for China. That is until I came to your November 2009 hearing on China's one-child policy. My eyes were opened, and I realized this is the Tiananmen massacre taking place every single day, over 35,000 children are forcefully and coercely being eliminated. Many of them are girls. And now we see the clear impact of the one-child policy, because the one-child policy led to many other—400 million children killed in the past 30 years, and contributed to an imbalance of over 37 million single men that, as a result of the gendercide, and these 37 million additional single men in China right now have become the biggest driver of sex trafficking and crimes in China, and potentially around the world.

Mr. SMITH. Thank you.

Ms. CHAI. You're very welcome. And I do believe that this is such an urgent matter that all policymakers, leaders from President Obama and the White House, and the leaders of both parties from the U.S. Congress and the leaders from the United Nations really need to rise up to take immediate urgent action to call for the leaders of China to end the one-child policy.

On January 1, President Hu Jintao visited the United States, and he was challenged by Speaker Boehner, and Chairwoman Ileana Ros-Lehtinen on the one-child policy, and he has stated that there's no forced abortion in China, and most recently with China's census study, China has clearly become old before it's getting rich. This whole one-child policy is creating massive social crimes, instability within China which will impact the world for sure. President Hu continues to maintain that the one-child policy will not end for a very long period. So, it is really upon us, the leaders of the world, to end this crime, try to end the child trafficking, and trafficking in China, period. And also end the source of all evil that is one-child policy right now.

Mr. SMITH. Thank you.

Mr. PAYNE. Mr. Chairman?

Mr. SMITH. Yes.

Mr. PAYNE. Thank you very much, certainly appreciate the testimony that I've reviewed, and the answers to questions raised by the chairman.

The whole question in certain countries, and primarily I guess you, Ms. Rivard, there—I think airlines do know of where—I mean, the world knows where sex trafficking really goes on. Of course, it's difficult to just try to take one person at a time to apprehend or arrest. I mean, it's important because every child is important. But

the problem is so big that I wonder if you feel, in your opinion, that these countries simply look the other way and do you, which we know they do, but do you see any improvement today as say opposed to 20 years ago, or 15, 20, 10 years ago of destinations for sex exploitation where tourists go to the destinations? People know about Indonesia, for example. I understand that even in some of the Canary Islands, as quietly as it's kept, it's a big sex trafficking there.

As a matter of fact, it was only in the last maybe 5 to 10 years that the Dominican Republic started to advertise its beaches. I mean, it has as much beautiful beaches as any other of the Caribbean Islands, but it wasn't until recently that they built hotels on beaches, which meant that all of the trafficking, I mean, all of the tourism, by and large, say to the Dominican Republic was—much of it had to do with, you know, there was gambling, but also the prostitution.

So, I guess my question is do you see any more, in your opinion, commitment on the part of governments, like in DR, or Indonesia, or places where it's just known, any more commitment on their part to try to combat it, or do they accept it as a necessary evil for their national economy?

Ms. RIVARD. Well, I do think that, for example, Mrs. Fernandez and the Dominican Republic cases, I laud her leadership as a Tier 2 country to try to take some action on human trafficking.

I think the big critical issue here is public awareness. I used to work those flights, New York-Dominican Republic, and see those girls on those flights, and noticed that they were very provocatively dressed, had no idea really about the issue of human trafficking until the last year. Now they're calling Atlanta the new Thailand. They're bringing in little Thai girls and putting up in hotels in Atlanta, and men can go to visit—have an exotic experience with a Thai girl and be home with their families for dinner that night.

I know that I've become a lot more aware in the last 1½ years, 2 years, and I think it's necessary that we who are becoming alert to the severity and atrocity of this problem on the planet help spread public awareness. And we need to do that to the airlines, we need to do the countries, airports, and the general public.

Mr. PAYNE. Thank you. I really commend you for the initiative that you took in creating this organization.

The question of exploitation in minerals, you know, we passed the Conflict Minerals bill. It's part of the Frank-Dodd Wall Street Reform Act, Section 1502, which I'm proud to be a co-sponsor of, and its current implementation process. The SEC has proposed that public companies disclose if and how they are involved in the manufacture, mining, or final end use of conflict minerals.

Do you think that this legislation will be strictly enforced? I guess Mr. Bales, or Mr. Abramowitz would—as you know, when we started many years ago on the Conflict Diamond resolution, people said Congressman Payne, you're not going to be able—how are you going to identify diamonds and so forth. So, many of us, Mr. Rangel, Mr. McDermott and others got involved in the conflict diamond law, which has had an impact, a good impact on the monitoring of—and elimination of some of the conflict diamonds. So, I wonder

what do you think about the Conflict Minerals bill, and what do you think that—how could we work toward making it meaningful?

Mr. ABRAMOWITZ. Well, we very much welcome that bill. And we're very supportive of it, and I think it helped to put some of those provisions—think through some of those provisions.

I think it's a first step, and I'll point to two things. First is the, as I said in my testimony about the recent passage of the Transparency Law in California that covers all businesses over a certain size, requiring them to look and explain precisely how slave labor might be fitting into the products that they sell.

Now, that doesn't have any penalties to it. It simply requires that they put something on their Web sites and in their materials that explain, how they're going to understand that and trace it, or to say at this moment that we're not doing anything about it; which, of course, then holds them up to real question about the fact whether they actually care about whether they're using slavery in their products.

The point here is that that's moving large-scale retailers, especially, and we've been in a series of talks with Walmart about how best to address the tracing of their supply chains. And it's very much going to include conflict enslaved minerals from the Congo, as well.

Mr. BALES. We've recommended that, along with the ATEST coalition, that that be considered to be brought into the TVPA Reauthorization. And we think that would be a great second step, one that allows the business community to act without any kind of rough stuff, as it were, on the legal side. But it gets people moving in the right direction.

The second part is simply that I was just in Brazil, and I was actually looking at cassiterite mines run by artisanal miners, cassiterite being one of the key conflict enslaved minerals from the DRC. In Brazil in the Amazon, cassiterite mines run openly with cooperative well-paid miners who were very happy.

It's about both looking on the right side and on the wrong side, and helping to better identify those minerals that we're happy to use, and making sure they get a premium to flow into the global supply chain. And as we begin to squeeze down and cutoff those that we're very concerned about, while not harming the people at the bottom of that artisanal scale even when it exists in a place like the Congo.

Mr. ABRAMOWITZ. Very briefly, I don't have very much to add to what Mr. Bales said, but a couple of points.

I think there is concern in the State Department about this provision, in particular because of the concerns that Mr. Bales was just referring to, that this could cause a number of companies to really try to figure out ways to stop purchasing from the DRC because they can't guarantee that the minerals that they're purchasing are not coming from these mines.

There's a number of new ideas that are being put forward. The one that Mr. Bales just presented about the idea of identifying good mines that you could focus business activity is one of them. And, in fact, there's a dialogue that's going on between the NGO community that Free the Slaves is participating in to look at it, and one of the issues is the mapping that was also required by the—you try

to actually map what's going on, because I think that there's a factual deficit that is making it more difficult.

Finally, just one last point which is, I think that in many cases when you hear about reluctance by companies, there are a number of different reasons. And one is that people never know when they're going to do enough. When is it that they can say yes, these are the measures I've taken in place, and being aren't going to be asking me or criticizing me for doing more?

And in that vein, we have a number of interesting developments, an agriculture bill that was passed a couple of years ago, create a consultative group that listed out different voluntary practices for how you could guarantee that you were not importing slave-made food into the United States. The Department of Labor is currently reviewing a set of standards for a variety of different sectors which once it's put out, it's been in the Department of Labor for a couple of years now, could give guidelines to companies to say hey, here's a touchstone for us. And I think it is incumbent on us to try to figure out what some of those realistic standards would be to help those companies really implement things that could have real impact.

Mr. Chairman, I would like to say that ATEST does—I have a sheet of various different proposals from ATEST. That's just on a two-page sheet, and I would ask that that be included in the record, if you would.

Mr. SMITH. Without objection.

Mr. ABRAMOWITZ. Thank you, Mr. Payne.

Mr. PAYNE. Thank you. I do think that that's a good idea, that there could be an attempt to identify legitimate companies.

I have had a number of meetings with President Kabila in the DRC, and the DRC itself does not benefit from these illegal operations. And, therefore, in my conversations with him, he would be looking for help in order to control these companies. Now, it's very difficult because of the vastness and the U.N.'s mandate may not cover illegal mining, so it's a pretty difficult situation to handle. But I do think that we should, perhaps, have more conversation, because they would know the legitimate companies, as opposed to the illegitimate ones.

And even much of the—it's alleged that some of the mining that is done by Rwandans in the DRC is not officially mandated by the government. It's these former, as a matter of fact, as you know, the name of the group that went to Congo after the genocide and actually aligned themselves in the old days with the Government of Congo to end the wars that occurred, into harm way and the ex-FAR who were there, but also some ethnic Rwandees that still are in that area. So, it is a complex area to sort out, but I do think that if we do concentrate we might be able to come up some better results.

So I'm going to ask you to comment on—I'm not—that—don't know that you're totally familiar with Section 307 of the Tariff Act of 1930, which actually was passed, but it said that if there is a consumption demand by the U.S., if it's something that the businesses just got to have, that the restrictions don't apply, which is a big loophole.

And I'm wondering if our Conflict Resolution Act will supersede this law, or whether we need to take another look at this, that

things have changed since 1930. Whether we might look at trying to amend that consumption and demand section of the Tariff Act of 1930.

Mr. ABRAMOWITZ. Well, Mr. Bales mentioned that in his testimony. Let me just say very briefly that that provision was originally designed to try to keep products out that were created with cheap labor that the U.S. couldn't compete with. So, it was actually a sort of infant industry's protection provision; therefore, there was this exception where it said if the companies in the United States needed that particular commodity, then it could be brought in without the exception.

And, in fact, as Mr. Bales indicated, that is a proposal that's in the ATEST proposals. It actually was in a Customs Enforcement and Trade Reauthorization Bill that was passed out of the Finance Committee last Congress that Senator Grassley and the chairman of the committee worked together on, but it did not move forward at the end of the last Congress. So, there is discussion actually going on in the Senate whether there should be some changes to that. And I think—I don't know, Mr. Bales, do you want to add anything else?

Mr. PAYNE. Thank you. Also, as we know, the ILO in Geneva tend to take on these questions and try to tackle some of these issues. Are they, in your opinion, funded enough? How could we cooperate more with the ILO, or how can we make it more effective since it's an organization that has been in existence for as long as the U.N. has. Is it strong enough? Does it need more beefing up? Do we participate in the ILO? You know, there are many international organizations we have not actively competed in, so how do we stand with the ILO, I mean, the International Labor Organization?

Mr. BALES. We, in fact, particular well in the ILO, and are particularly well thought of there because of the long-term support of things like the IPECL Program, the International Program for the Elimination of Child Labor, which has been based on U.S. Government funding for many years now, since the Clinton administration.

But when you ask what could it do better, or how could we help it to do better, one of the—there's actually a fundamental problem in the organization of the ILO, which arises from the fact that it was established in 1919. It was established to represent labor bodies, employer bodies, and governments. So, it has a tripartite system representing people who should absolutely be there, employers, labor unions, and governments, but which fails now to take on the fourth major player on the global stage, which are the non-governmental civil society organizations.

And it's a curious fact that a great deal of the ILO publications that come from that tripartite system are actually written for them and produced by non-governmental organizations, which are not allowed to have an official role within the ILO.

I've spoken with the ILO leadership about this, but it would be interesting if our Government were to say as its major funder we'd like you to consider including everyone at the table within the ILO.

The other side of that is just there's a bang for buck question. The U.N. and ILO salary levels are pretty significant compared to

say those of civil society, and you have to make some decisions about how those salary levels might balance up to what's being provided.

I will point to a number of places where the ILO has done brilliant work. And I'm thinking especially of Brazil at the moment, and the fact that on the 20th of this month there will be a new extension of the Brazil Pact for businesses which is a way to remove slave labor from the product chain. That will be launched here in Washington for North America on the 20th of this month sponsored by the ILO. That's fantastic work. But, as you can see, it's like, for all of us, it's a mixed bag.

Mr. ABRAMOWITZ. Mr. Payne, if I can just say briefly that I think you have to look at what instruments can be used for what purposes, at what time, in the best way. So, for example, just last week, the ILO's committee that is looking at a number of different problems on the labor side concluded a convention that for the first time will regulate domestic work.

As you may know, there's been a tradition that individuals in the household, people who are providing childcare services, or household services are not considered workers because it's a private matter within the household. And this has led to a great deal of exploitation all around the world. And under the auspices of the ILO, they recently concluded this convention that will, for the first time, institute reforms that, if adopted, will make that a much more difficult abuse to carry out.

Is this something that the United States will become a party to? It's unclear, there's a lot of state law issues that are involved. It's very complex when you're talking about some of these types of issues. But the United States was very involved in negotiating the convention, and had a lot of expertise which helped create a framework which will, perhaps, allow our laws to come into harmony and bring in best practices that we have, as well as others.

There are also some programs that they do that only the ILO can do. There are some countries that are concerned about various bilateral programs in various areas, only they can bring a multilateral effort. But I think that—I agree with Mr. Bales, you have to sort of look at each individual program and figure out where it is that you can invest and get the biggest bang for your buck. Thanks.

Mr. PAYNE. This is my last question or two in regard, again, and I keep going to ILO. I worked on the docks in Newark for 4 years when I was in college, so that's why I guess I slip up. However, and always have been concerned about maritime issues.

One of the other inequities, of course, dealing with ILO and what they try to deal with, and it's something that has gone on for decades, and decades, and that's the so-called flags of convenience.

As you know, there are three or four countries that certify their ships are seaworthy. Once again, an exploitation of workers. I think the shipping industry is probably one of the biggest exploitation of workers, whether it's cruise ships, whether it's companies, import/export. And the flags of convenience, of course, allow countries like Liberia, Panama, America, Carolinas or some countries that will certify that a ship is seaworthy and, therefore, is covered under the flags of convenience. And there was a great—I served on

a World Refugee and Rehabilitation Committee in Geneva from '69 to '81, and during that time a ship actually broke in half because it was sunk because it was not seaworthy, but it was approved under flags of convenience, approved in one of these countries that actually certifies that this ship is seaworthy, and that the conditions are so forth. And that's something no one really wants to deal with. It's something I think we should certainly still take a look at it.

Interestingly enough, these countries' companies are run by former U.S. naval officers. It's been that way the last 50 years. It's really a sham which nobody deals with. So, I just raise that. I mean, that's a request because of serving not in part of it, but I see this, too, as being a part of exploitation of labor that countries are looking the other way and not dealing with the inhumane conditions of workers.

Matter of fact, that goes way back to the Titanic, you know, when they looked at bodies to recover after the Titanic situation and crash. They would actually look at the fingernails of people to see if there was oil or grease under it, or their dress, when they decided which bodies to recover. Once again, the workers were just left, and we took the wealthy people, the passengers and so forth. So, we've had for many, many decades in that industry inequities. Once again, abuse, taking advantage of workers who are weak.

Just have one last question. Ms. Cundy, in regard to the—and I really commend your company and what you do. There is no question that probably some of the most—we know that women are abused throughout the world, and in the U.S. they still only make I think it's up to 72 cents on a dollar compared to men. When I came to Congress it was only 59 cents, so moving up, a little too slow, should be equal pay for sexes. But the industry certainly as we could just see here right in New York, we don't have to go to Indonesia, you know, to see the inequities, or the pressure that domestics, as we could see California, the former Governor there, and with the problem at the hotel in New York with the former president of the World Bank. So, it's probably not a secret in the industry that the people who work in cleaning, the maids and so forth, probably are subjected to this—if it happens on Fifth Avenue, you can imagine how it happens around the world.

Is there—do you think that there could be an increased focus on even education so that these poor vulnerable women are protected, many of them immigrant people in countries, people that fear for their jobs? They many times are accused by the management if a customer approaches and abuses them, and they're afraid to report it because many times then they become the victim, and may be terminated from employment.

Is there anything that you all are doing, maybe even starting here in the U.S., in addition to what you've been doing traditionally?

Ms. CUNDY. Well, we did sign the U.N. Global Compact which, of course, commits us to insuring that we have in place policies that respect human rights. And that is an international document. So, I would say that women are at risk around the world in any circumstance in which they find themselves vulnerable. I think that by training our hotel employees, men and women alike, about

this particular issue, it empowers them to a certain degree that they feel more confident that their company would not retaliate should they, themselves, run into an uncomfortable experience.

Mr. PAYNE. Thank you very much.

Mr. BALES. Mr. Payne, if I may.

Mr. PAYNE. Yes.

Mr. BALES. I was very pleased that you raised that issue about flags of convenience, because we've been noticing a very significant increase in reports of slavery on ships, particularly on fishing vessels, and particularly in the Pacific and Southeast Asia region. Russian ships, in particular, but the number of reports continue to increase.

It also seems to parallel what I think we're all aware of, is that increasing piracy in the world's oceans. And it's—I agree with you, there's a kind of shocking historical parallel here that we would be talking at the beginning of the 21st century about one of the key issues at the beginning of the 19th century, which was about how do we deal with ships that are carrying slaves?

Now, it's not slave trade any more, but it's enslaved ship workers whose treatment is horrific, and we've had reports of simply the murder of workers on shipboard. And, of course, their bodies are very easy to dispose of at sea.

It raises some very interesting questions, I think especially for the United States Government, in that we have from the very beginning of our Republic, a series of Supreme Court rulings that made it possible for ships that seem to have been carrying slaves to be confiscated by the Government based on, according to the Supreme Court ruling, circumstantial evidence of that, not direct evidence, as well as the fact that we, and particularly the British Navy took part in anti-slavery work of patrols looking for such ships that had slaves on board.

There's a question about whether our existing long neglected legal mandates in that direction actually would expect us to take on, again, the responsibility of dealing with people who are in slavery on board ships out at sea outside of our jurisdiction.

I'd point you to the work of Tobias Wolff, a professor at the law school at Stanford, who has published on particularly that issue, and suggests that probably we should be considering what our responsibilities are in that way. Thanks.

Mr. PAYNE. Well, you're actually—as you may know, the abolition of transatlantic slavery was pushed, of course, originally by Mr. Wilberforce in Great Britain, and the U.S. finally also approved the abolition; although slavery continued, but there was a law that said that if taken at high sea they can be returned, and usually went to Sierra Leone. That's what they called the Free-town, as the capital of Sierra Leone long before Liberia became a place for ex-enslaved people.

I think that it is something that I, ironically, just happened to have spent several days in Connecticut a few days ago where they were commemorating Harriet Beecher Stowe's book, "Uncle Tom's Cabin," which exposed slavery in the United States, and Lincoln actually gave her credit for actually bringing this issue. It was a best seller, as a matter of fact, that year. And the Amistad, I think which was the case that John Quincy Adams came out of retire-

ment as a former President to take the case of these Caribbean enslaved people who overtook the *Amistad*, and won that case. That was the first case in American history that went toward people who had been in bondage.

So, this is an area that I have had a long interest in, and certainly something that we are going to try to continue. There are many, many problems in the world, and we can't deal with them all, but I think this is one that's been around for a long time. And like I said, with the increase in piracy not only in the area of the Somali region, but in other parts of the world it's happening, it's increasing quietly.

And the other problem with this is that in many instances, the health of the workers are not checked out, and diseases can be—you've got products and persons who are working in these substandard conditions, certainly we're having a hard time getting health care in the U.S., you know, for everyone, so you can imagine some people working in the bowels of a ship from Malaysia, or Singapore, or somewhere in Africa on these ships working. So, there are tremendous potential for catastrophic problems that can engulf us in this nation, and the world. So, it's something I think we need to pay a little bit more attention to.

Of course, as we know, resources are becoming more and more scarce for everything, so it's difficult time to try to start a new initiative, that's for sure, and we're trying to hold on to what we have already, which is going to be diminished.

So, these are just issues I think that will come up in the future, and I appreciate all of you for what you do to assist us in public policy to give us good ideas to try to put it into legislation and move forward. Thank you very much. Thank you, Mr. Chairman.

Mr. SMITH. Thank you. Let me just conclude with a couple of very quick questions, and note that without objection a submission to the record from the United States Conference of Catholic Bishops, and testimony from Julia Ormond previously given here at the Helsinki Commission will also be made a part of the record from her group, ASSET.

Let me just ask first to Mr. Kowalczyk: 6.2 million signatures, 50 countries—how do you choose what it is in each respective country that you will campaign on? Does the TIP Report help?

And let me ask all the questions, and then please, all of you answer. Secondly, to Ms. Rivard, you pointed out that 30 young girls were headed from Zurich to Chicago on Swiss Air. Has Swiss Air shown an interest now in your training? You also mentioned the TSA attended the Airline Ambassadors training at Dallas/Fort Worth around the Super Bowl of last year. Does TSA normally get training, or is that something that needs to be institutionalized?

Let me ask perhaps Mr. Bales and Mr. Abramowitz, if you would, SB 657, the California Transparency and Supply Chains Act of 2010, obviously covers about, according to testimony we received, about 80 percent of the corporations; will that affect the corporations that are doing business, or as part of their supply chain coming out of DR Congo? What is the value-added of a Federal law? Is it that they report to the SEC? Do they get the other 20 percent? Is it that it is a Federal law? If you could speak to that.

And, finally, Mr. Abramowitz, you might want to speak to this, and this is a more generic question, but Nancy Ely-Raphel, John Miller, Mark Lagon, Luis CdeBaca, ambassadors, and the first, obviously, she was a director, all had an upward fight with other people in the State Department who simply did not want to recognize trafficking as a severe problem.

There's always this internal warfare that goes on within State, as you know; how do we get to the point where, at least for the first stage, the naming of the countries, is done based absolutely on the record of those countries' performances, and whether or not part two, meting out punishments, that is to say penalties, that might be more of a political process based on what we think we might be able to achieve.

But I know, regardless of the administrations, Bush administration, Clinton, although he left before it was implemented, Obama, his administration, there's always this tension between the vested interest, the people who think that statecraft requires that human rights get subordinated to an asterisk on page four. And I'm deeply concerned about that.

It seems like we're always in this fight to get countries added to Tier III that ought to be on Tier III. You were very much a part of the effort to get the parking lot of being on the Watch List 2 years, or you are lowered. We have this problem, and how can we fix it, if you have any thoughts along those lines?

And one last question, Ms. Cundy. The concierges often are asked—in your video it was very clear that somebody who is being asked a question and he immediately saw that this was a problem—what kind of training do they get? Because very often they're asked in a hotel where can we go for church, where can we go for entertainment, best restaurants, and certainly there needs—there's an understanding by the concierges where the traffickers and the exploiters are. What kind of training do they get to ensure that they're not wittingly or unwittingly being complicit in trafficking?

Mr. KOWALCZYK. That's a lot of questions, and I'll tackle the first one, which has to do with the fact that it is a worldwide issue, and the needs around the world are different.

The Body Shop's ambition was not to become an expert in this subject, but to provide a platform to allow people around the world to have a common platform and a voice. For expertise, we relied on our partnership with ECPAT, as subject matter expert as it related to finding and helping to create action agenda items that were relevant for each country for the stage of development of where that country was. So, there are two or three things that I would point to.

One of them is that while the topic is difficult no matter what country you bring it to, the response has been universally supported from both our customers' point of view, and our associates' point of view, which is terrific.

Secondly, ECPAT exists on a worldwide basis, but it's not the worldwide part of it, it's the local connection points and the number of affiliates that they're interacting with that lay out the objectives by country that have made a difference.

We committed at the beginning of the campaign that we would make these objectives measurable and trackable, so we created a

scorecard. I'm sorry, we didn't, ECPAT did in conjunction with support from The Body Shop, and the scorecard is something that allows us to be able to track, to make sure that progress, in fact, is being made.

And third and finally, we also committed that a global report would be created in order to be able to, first of all, raise awareness and to allow for involvement. Secondly, to show that progress can happen, and it doesn't happen at the same pace in every part of the world, but progress is progress.

Ms. RIVARD. Yes. I wanted to point out that there is a need for coordination among law enforcement, and among airlines, and different sections of airlines. At our training, I didn't specifically ask the TSA employee whether they received human trafficking training, but they were very anxious to do that, and to coordinate with the airport coordinator, with this SOC, Special Operations Command at American Airlines.

The pilots said they didn't receive any training like this, and lots of times if a flight attendant reported something they wouldn't take it seriously. And sometimes they said when they called in a problem, that SOC didn't take it—and let's say they called for a medical emergency, and a wheelchair showed up, there is a need for coordinated response. I know some meetings were started called "Blue Lightning," with Homeland Security, TSA, FBI, ICE, the airlines where we come up—and that's what I'm asking for congressional review of our training, where we come up with a coordinated unified response among the issues.

The other thing is, if there could be some kind of economic incentive for the airlines to sign ECPAT, because right now, I mean, there are a lot of people being trafficked, and somebody is paying for those tickets. The bottom line, the airlines are making money, and maybe they don't want to disrupt that, or by taking a public stand make themselves a target to the cartels.

If something is legislated, perhaps this would be a protection for them, and certainly creating an economic incentive for them to go in the right direction.

Mr. BALES. I'm going to add a tiny bit to say when we conducted a piece of research with the National Institute of Justice on trafficking in the United States, one of the top needs we found was training across the board.

We spoke to border patrol agents who ask us where can we get training, border patrol agents. So, I just strongly say TSA, Border Patrol, I think all Peace Corps volunteers should have anti-trafficking, anti-slavery training because they are going to be in places where they can recognize it.

And I'll just say that we're even in talks with the Church of Latter Day Saints to have trafficking training for all the young people that they send out as missionaries around the world. We're looking for anyone who is going door-to-door and talking to them about what kind of training we can see that would be effective.

Now, in terms of the effectiveness, or the value-added of a Federal law patterned on that California law, I think there's two parts. Obviously, the simple part is that it would cover those companies that are not operating in California. That goes without saying. But I think the key here is really about creating a culture, creating an

atmosphere in the United States in which corporations and consumers are working together and thinking through what they might do to ensure that they are not consuming slave-made goods.

At the moment, we have something of a strange notion of a moral watershed on the supply chain. And most consumers believe that there's some kind of moral watershed that separates them from the corporations, and the wholesalers, and the suppliers all the way back, that somehow being a consumer is a pure act, but every step before it is somehow to be tainted. But the fact is that there is a moral watershed, but it actually exists with the slaveholder and the slave master. Those criminals are guilty of enslavement.

The people who come after, the suppliers, the transporters, the wholesalers, retailers, the consumers aren't guilty, but they are all responsible. And it's about creating that atmosphere and culture of responsibility that we think that that kind of transparency lies, a first step to build that culture of responsibility.

Mr. ABRAMOWITZ. Mr. Chairman, just adding to that before I turn to your second question to us. I think that there is also a difference having this kind of a transparency provision at the Federal level. First of all, there is a role that the SEC can play that in terms of someone who can look at this issue, not that they'll be spending a huge amount of resources, but they can have some impact on looking at the various different disclosures that are made.

Second of all, I think it's different if you're trying—one of the things that I think the TVPA was just marvelous at is that it created a standard by which other countries were forced to look at, and see that they needed to improve their own internal work on the particular issues that you so masterly brought through Congress.

So, if we have a California state law, it's one thing. If we have a U.S. Federal law, it's the demonstration effect. It's the ability to go to other countries and say you need to be regulating your companies, which will force them to be looking at the supply chains within their own countries; which, frankly, as we've been discussing all afternoon is really where a lot of these significant issues come about.

I think that you raise a very delicate issue in terms of the State Department, and how we look at it. As I indicated in my testimony, we need to improve the overall unity of effort within the State Department.

The Trafficking in Persons Office has done, I think, a marvelous job throughout its time, and it's in part due to some of the very strong leadership that the office has had over the course of its existence. But we need greater effort from both the regional bureaus that are responsible for the bilateral relations, as well as the Embassies, and the ambassadors, themselves. So, a couple of points.

First, I do think we have to think about this in historical perspective. I was not here at this time. I think you were a little bit closer to it, but when the Human Rights and Democracy Bureau was first created under the Carter administration, as I understand it, it was very, very difficult. They had a long time where they were completely pushed aside, and really had no strong role in the policy formulation process.

People can question how much progress they've made, but I think they are very much in the mainstream of the State Department, and have very important roles, whether it's in international negotiations dealing with a variety of different issues that are difficult to work on. So I think that even though 10 years is a decade, still I think the life of this office within the institution is short. We need to continue to have strong leadership, continue to sustain it, continue to provide it resources.

Second, I think that we need to help generate more data. One of the proposals that I didn't discuss, but it's in my testimony, is about giving G/TIP the ability to do certain targeted research in certain places. If there is data that is irrefutable, it makes it more difficult for the political lens to be put on to issues. So, data which, of course, is a huge struggle in this area, as several different members of the panel have referred to today, is something that to continue working on, including in our own country.

Third, in terms of trying to look at how we can improve the State Department, and looking at the whole effort, one hopes that there will continue to be senior leadership at the Department, and that questions regarding human trafficking are raised as confirmation processes move forward.

I'm in a conversation with ATEST members to try to come up with a battery of questions that we can try to provide to the Senate Foreign Relations Committee as a way of making sure that they understand that for every ambassador, there is going to be some accountability with respect to the Senate and members of the Senate.

I think that extends here, too. You know, schedules are very challenging here, but when there are Assistant Secretaries of State from the regional bureaus who come before the committee, I think you or others who are interested in this issue, raising this issue not only in questions for the record, but actually orally raising these kinds of issues can indicate that this is an issue that's not going away, that they have to deal with this issue in order to try to succeed in their positions.

I think that people in the State Department are generally people of goodwill. They all believe that these abuses are heinous. It's when they try to look at these issues in this broader perspective; but, honestly, the very wide range of issues, that it becomes difficult for them, say why should we be singling this out as an issue that we should have sanctions on, as opposed to all the other complicated issues that I have to deal with everyday. And we need to change that calculus, perhaps through some of the ways that I just described. Thanks.

Ms. CUNDY. Mr. Chairman, if a guest asks a concierge for some kind of sexual services which are illicit, they're instructed to not provide recommendations. If a guest asks for some other kind of entertainment in a similar vein which is legal, they might be instructed to go to a certain club, or disco, that type of a thing. But I don't know, I guess it was Mr. Bales who mentioned the realistic standards and the supply chain. It's just hard to know whether or not at any of these establishments the workers are there voluntarily, or if they're coerced, or victims of trafficking.

Mr. SMITH. Thank you. Okay.

One final question, and that is to Chai Ling and that would be, it is in my experience, rightly or wrongly, that when it comes to China, very often human rights are low on the totem pole, as I say.

Right before the Olympics, Frank Wolf and I traveled to China, and we brought a list of 732 political prisoners, we brought issues related to trafficking. The person, the woman who was handling trafficking for the Embassy was outstanding, crackerjack, knew what she was talking about. We brought up other issues of Internet problems, the censorship issue, the Dalai Lama, all the religious freedom issues, tried to meet with house church people, were denied it. They were all arrested except for one. It was their call that they wanted to meet with us.

The point was, when we met with the U.S. Ambassador, he, very noble person, was more concerned, it seemed, as to what venue he was going to be attending, track and field, or some other, than the human rights, the whole basket of issues, including human trafficking.

Fast forward to right now, we have just picked, or the U.S. administration has picked, a new ambassador who is very, very focused on trade, an accomplished man when it comes to commerce, having headed up Commerce.

Do you have concerns that our Embassy is not responsive to the one-child issue, in general, and its impact on trafficking? Luis CdeBaca, I believe, gets it, and is very concerned about that issue, and sees the nexus with one-child policy and its impact, consequentially, on trafficking victims, and it's only going to get worse. But are you convinced that the new ambassador being deployed gets it, because the past has been, regardless of illustration, less than stellar, at least from my point of view, and past is over prologue.

Ms. CHAI. Well, thank you, Chairman Smith. I really appreciate the opportunity to just focus the spotlight on China again, that in the past China's human rights abuses have been left mostly at the level of lip service, very little action has been taken. And the most recent article in Newsweek discussed a nation with men without women, and really revealed the serious implications of a country with such a massive quantity of excess young men who are restless, and potentially can lead to a very aggressive military expansion policy. History has proven from those scholars and experts that for countries like Germany and Japan, when they have male youth bulge, imbalance tends to lead to international war.

So, that's the situation we're really facing with China. As we start making this argument connecting the current massive human right abuses under one-child policy with the threat to our future and our peace, both to the United States and to also the world at large, we have seen renewed interest from both parties' congressional leaders. I just met with Ambassador Verveer before I came to the hearing. She has also expressed interest to form a bipartisan coalition to really address this issue. And she expressed that if we get together we could potentially stop this once and for all.

So, I am excited with a cautious optimism, but I want to thank you for your hearing, and your commitment, and your three-decade long leadership on this issue. You have been doing this consistently, even though sometimes you're alone. But you have not given up, so I thank you for your leadership.

Can I add one more thing? About how China's one-child policy is leading to trafficking to the United States, if I may. We have cases which have not been resolved in which Chinese women under the one-child policy, to escape, come to the United States to have a chance to give birth to a son, but they end up being trafficked into this country. Their traffic route is through Mexico, and typically they are raped repeatedly, and they eventually are trafficked in through buses, and then to New York. And now we don't exactly know their final location.

Once they arrive in New York, they're immediately harassed, they say they have to pay up to \$90,000 for the trafficking fee, but they don't have the money, so they have to commit to service; otherwise, the rape pictures will be sent to their home and family, so they'll be shamed forever in their villages. So, they are coerced into agreeing to a labor contract, but they are currently working in Chinese restaurants, and for the past year they were only paid \$10,000 when they work 6, 7 days a week, and 16-hours a day.

So, when we share this information with the FBI, local police enforcement, due to various definitions of trafficking, whether they are qualified for visa issue, and who—because these women were so afraid to be deported back to China—they were not able to tell us exactly where the location is. And the FBI, law enforcement could not determine whose jurisdiction, authority we can go after to try to get these women help.

So, I urge you and other congressional leaders, and Congressman Payne to maybe potentially look into some kind of amnesty, or to grant these women a chance to be protected while they step forward to reveal what's really going on. And the FBI officer would require them to come to testify in public. And, again, these women are terrified. They don't want to step forward, because they know once they do that, some of their family members in China will be dead. And it has happened before.

So, I'd like to see some kind of protection to be given to these women so they can at least step forward to talk about the severity of this international trafficking ring. Now the issue is not just China's gangsters, but they're connecting with gangsters in Mexico, and to this country, so we don't know how big a problem we're dealing with right now, but certain effort, and attention, and international collaboration need to take place to provide these victims some chance to speak out of the truth.

Mr. SMITH. Thank you. They can get protection under our current law, but you can share all of that very specific information. They could also get asylum. And, frankly, if they are of some help to law enforcement, it would be appreciated, but we'll follow up on that with you.

Anything further our panelists would like to add, or Mr. Payne?

Mr. PAYNE. Just on that also, in testifying they can—I think arrangements could be made that they could testify without their identity being known. There are international cases in Arusha with the genocide in Rwanda where the witness is protected from knowing who it is.

Secondly, I just have a quick question. If the Government of China realizes what is happening, and with the growing gender disparity between male and female, there can certainly be a real

problem on your hands with young men who are restless. One, they turn to gambling. Two, they turn to drinking. After they are drunk and they lost their money, then they turn to fighting. So, this can be a growing security problem for the PRC.

I wonder if you think that—we all know it, and they all know it, and if they project the anomaly that will continue to grow, do you think that they would finally decide that perhaps this policy of encouraging, and much of it, I guess, is inferred, a person would like to have a boy. I mean, it's all around the world, even in the United States. I had a friend say, "It's a boy," I said, "Well, what would you say if it was a girl?" Be as enthusiastic. So, we know that that is just what happens everywhere.

But if it starts to become a real problem, they can't put them all in—you can't have a military of 50 million people. I mean, you've got to do something with these men. So, I wonder if they will start thinking about maybe amending, only not because they've changed in their heart, but because it becomes a massive security problem for them.

What do you think? I mean, maybe too far in the future, but it has to be something that they know, too, and are grappling with, I'm sure.

Ms. CHAI. Exactly, I think. Congressman Payne, we thank you for your statement, and your sense of urgency. That's exactly the problem we're facing right now, that even the Federal Government's Family Planning Committee member last October showed concerns of this growing gender imbalance, and their strategy and policy is they're going to go after these people who abort the baby girls very severely.

So, on one hand we applaud their paying attention to this problem right now. So, they're two-fold. One is ending one-child policy as soon as possible. It's really a necessary step to basically ending that growing gap of gender imbalance, to end sex trafficking, and massive potential social instability. That's the first and foremost need and it should be done.

The second front on the gendercide part is to combat China's, or Asians' overall culture of son preference. Yes, all cultures have some level of son preference or male preference, but to what extent will the female side, the girl, the women be sacrificed in exchange for getting their son?

Under the one-child policy, where only one child is allowed to survive, the whole practice, that whole culture led to massive killing of baby girls.

On June 1st, we showed another little clip of a documentary where in India, a mother killed eight of her own baby girls, because she really want to have a son. So, in China many of these killings are taking place in a very early stage when they detect they are pregnant with a baby girl. They abort the baby girl, or the mother after she found she just gave birth to a baby girl, she will be immediately locked up, the baby girl will be grabbed out of her arms, and she'll be disposed of by the husband or the mother-in-law.

And in that video tape you saw that young couple who did not have a birth permit, but gave birth to a baby girl. And when the baby girl was only 40 days old she was forced to be sold. So, these are massive problems creating the issue we're dealing with right

now, a crisis of what do we do with China's 37 million single men? What do we do with 163 million men around the world?

Trafficking definitely is not going to be a problem going away overnight, but it requires a level of urgency both from congressional leaders, and also from those in the private sector, and the NGOs. So, I commend all of you who are here for your moral leadership, and your amazing commitment to this effort.

Mr. PAYNE. Well, thank you very much. And I think it's something that we need to deal with worldwide on the value of women. Even in our country, when you hear a descendant of say a former President, you know, it's usually the one that keeps the name, the male, Teddy Roosevelt, Franklin Delano Roosevelt. They were kind of related. When it tends to be a female, too many instances the name—there could still be as many relatives of the former outstanding people in every country, but it seems like if you have that last name of this outstanding President, or King, or Emperor that gets more attention, like the Habsburgs in Austria. It's a Habsburg, you know that it's usually the man. But there has to be as many female Habsburgs, but you never see them highlighted. You don't even know who they are. Somebody came up to me and said, "I'm a Habsburg," I said, "Oh, great." But the men you do know. So, it's a problem I guess no bigger than the group of us here will be able to solve, but it is something that we need to—hopefully, it will take hold in some international organizations and really the status of women, just in general. It shows how damaging the second-class citizenship of women really has global impacts.

Thank you, Mr. Chairman.

Mr. SMITH. I'd like to thank our very distinguished panel, extraordinary panel of experts for your insights and wise council to help us. You've been very, very generous with your time today, and the subcommittee is very appreciative of that. And you've given us a number of actionable items for the reauthorization which is imminent. So, I do thank you especially for that, and look forward to seeing you all again.

The hearing is adjourned.

[Whereupon, at 6:12 p.m., the subcommittee was adjourned.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING RECORD

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS
Christopher H. Smith (R-NJ), Chairman

June 9, 2011

You are respectfully requested to attend an OPEN hearing of the Subcommittee on Africa, Global Health, and Human Rights, 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: Monday, June 13, 2011

TIME: 2:30 p.m.

SUBJECT: Best Practices and Next Steps: A New Decade in the Fight Against Human Trafficking

WITNESSES: Panel I
The Honorable Luis CdeBaca
Office to Monitor and Combat Trafficking in Persons
U.S. Department of State

Panel II

Ms. Deborah Cundy
Vice President
Carlson Companies

Ms. Chai Ling
Founder
All Girls Allowed

Ms. Nancy Rivard
President and Founder
Airline Ambassadors International

Mr. Philip Kowalczyk
President
The Body Shop

Mr. Kevin Bales
Co-founder and President
Free the Slaves

Mr. David Abramowitz
Director of Policy and Government Relations
Humanity United

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 202-225-3021 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 listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, and Human Rights HEARINGDay Monday Date June 13, 2011 Room 2172 RayburnStarting Time 2:30 p.m. Ending Time 6:12 p.m.Recesses 0 (to) (to) (to) (to) (to) (to)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session Executive (closed) Session Televised Electronically Recorded (taped) Stenographic Record

TITLE OF HEARING:

Best Practices and Next Steps: A Decade in the Fight Against Human Trafficking

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Chris Smith, Rep. Donald Payne, Rep. Tom Marino, Rep. Ann Marie Buerkle, Rep. Karen Bass

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

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.)

*Prepared statement from Amb. CdeBaca**Prepared statement from Ms. Chai**Prepared statement from Ms. Rivard**Prepared statement from Mr. Kowalczyk**Prepared statement from Mr. Bales**Prepared statement from Mr. Abramowitz**Prepared statement from Rep. Carnahan**Prepared statement from Rep. Poe**Questions for the Record from Rep. Payne**Questions for the Record from Rep. Poe**Administration's trafficking accomplishments**American Way magazine article on trafficking**Prepared statement of Ms. Neha Misra**Legislative proposals on trafficking from ATEST**USCCB report: The United States' Response to Human Trafficking:**Achievements and Challenges**Prepared statement of Julia Ormond**American Airlines' Human Trafficking Bulletin*

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 6:12 p.m.


Subcommittee Staff Director

**OPENING STATEMENT OF
THE HONORABLE RUSS CARNAHAN (MO-03)
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS
U.S. HOUSE OF REPRESENTATIVES**

**Hearing on
Best Practices and Next Steps: A New Decade in the Fight Against Human Trafficking
Monday, June 13, 2011, 2:30 pm.
2172 Rayburn House Office Building**


Chairman Smith and Ranking Member Payne, thank you for holding this hearing on international trafficking in persons. I hope we can work towards more effective prevention of all forms of trafficking, including sex trafficking and labor exploitation.

An estimated 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 law enforcement and prevention continue to exacerbate the problem.

I would particularly like to call attention to human trafficking in Africa, where trends in child labor, child soldiers, forced marriage, sexual servitude, and prostitution are enormous challenges to stability and growth. In the Democratic Republic of Congo, illicit mineral trade and many years of civil war have resulted in the widespread use of child soldiers and sexual and gender based violence, perpetuating cycles of aggression and extreme poverty. In Cote D'Ivoire and Zimbabwe, women and girls are systematically recruited from neighboring countries and forced into prostitution. And in Sierra Leone, communities still work to recover from a decade long civil war, notorious for its recruitment and abuse of child soldiers, while ongoing conflicts in Sudan, Somalia, and Chad continue these practices. It is clear that more work must be done to strengthen security sectors and address permeable borders, corruption, and rising cultural normalization of trafficking on the continent.

To that end, 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.

In closing, I'd like to thank the panelists for their testimonies and presence here today. I hope that your answers and opinions will improve our ability to address this global crisis.



**Statement for the Record of the Honorable Ted Poe
Committee on Foreign Affairs, Subcommittee on Africa, Global Health, and
Human Rights, U.S. House of Representatives
Hearing: "Best Practices and Next Steps: A New Decade in the Fight Against
Human Trafficking"
*Monday, June 13, 2011***

Mr. Chairman, thank you for calling this important hearing today on human trafficking, which is truly a matter of modern day slavery.

I have a particular interest in this issue as a former criminal judge, co-chair of the Victims' Rights Caucus, and Member of Congress from Texas, the state that accounts for 25% of human trafficking in the U.S. according to the Department of Health and Human Services. Houston, Texas is known for a lot of wonderful things, but unfortunately, it is also known as a hub for human trafficking.

While we hear about the trafficking of drugs or guns, we often overlook the trafficking of living, breathing human beings, many times children, that occurs right here in the United States. It is critical for the United States to focus its attention on this growing issue both domestically and abroad. Here at home, we must dedicate resources to preventing this crime and to helping trafficked victims at both the federal and state level.

I look forward to hearing from our witnesses today on the progress that has been made here in the U.S. and learning about what more can be done to prevent this heinous crime from occurring in our backyards. I am particularly interested to hear how the businesses, represented by some of today's panelists, are addressing this issue. I hope the example they are setting encourages other businesses, especially those in the travel industry, to adopt similar practices.

Human trafficking is a horrendous crime, and the criminals who engage in trafficking of children are the scum of the earth. The United States needs to be a model for the rest of the world by vigorously prosecuting these offenders to the fullest extent of the law and by ensuring that trafficking victims have access to the resources they need.

Thank you for your time and for holding this hearing. I yield back.



Questions For the Record by
Congressman Donald Payne

Africa, Global Health and Human Rights Subcommittee Hearing

Best Practices and Next Steps: A New Decade in the Fight Against Human Trafficking

Monday, June 13, 2011, at 2:30 pm 2172 Rayburn

For Panel I:

Africa and Haiti:

- **Ambassador CdeBaca:** The use of child soldiers in Africa is a critical problem. In 2010, President Obama waived the application of the Child Soldiers Prevention Act of 2008 (P.L. 110-457) to Chad, the DRC, and Sudan—to what extent, if at all, does U.S. security assistance, or other U.S. aid programs, attempt to address the continued use of child soldiers in these countries? **How do U.S.-funded anti-TIP programs address the issue? How would you characterize the efforts of the respective governments of Chad, the DRC, Sudan, and Somalia in removing child soldiers from the ranks of their security forces?**

No response received at time of printing

- **Ambassador CdeBaca:** Across Sub-Saharan Africa, widespread poverty, poorly enforced or nonexistent law enforcement and immigration controls, and weak government oversight act as permissive factors in human trafficking and exploitation. This phenomenon is aggravated in areas of conflict, where the abduction and forced recruitment of child soldiers is common. **What are the primary source- and transit countries for human trafficking in Africa, and what are the main regional drivers for this phenomenon? Do humanitarian crises in Africa generally lead to increases in human trafficking, and, if so, under what circumstances? How can we work to enact effective prevention?**

No response received at time of printing

Ambassador CdeBaca: Which African countries have made the most progress in confronting human trafficking, and what types of “best practices” may be adaptable elsewhere on the continent, given generally limited state resources and capacity?

No response received at time of printing

- **Ambassador CdeBaca:** Where in Africa has the United States focused the greatest policy attention and resources to the issue of human trafficking? What types of U.S. programs have been most effective on the continent?

No response received at time of printing

Ambassador CdeBaca: Human trafficking in Africa is wide spread, and often a regional, cross-border issue. There are a variety of aggravating factors, such as weak law enforcement capacities, porous borders, corruption, and in some cases cultural norms that may facilitate human trafficking. **Seeing the regional aspect of this important problem, how do we work with regional bodies to improve their responses? How, and to what extent are African countries working together to combat human trafficking? What initiatives have the African Union and/or regional economic entities like the Economic Community of West African States (ECOWAS) undertaken to address the issue? How might the U.S. government and other international donors best support regional anti-trafficking initiatives?**

No response received at time of printing

Ambassador CdeBaca: Through your office's annual trafficking in persons report, you have found that the government of the *Democratic Republic of Congo* is not taking adequate steps to address slavery in the DRC, even though slavery in the mining sector appears to be widespread. The State Department recently released a strategy paper on how to address conflict minerals in DRC, as required by the Dodd-Frank. **Please explain how the State Department's DRC strategy on conflict minerals will help make progress against slavery in eastern Congo? At what level within the State Department are you currently finding the greatest level of engagement on Congo, and what are the challenges to giving the tragedies in Congo the full attention of the US government?**

No response received at time of printing

- **Ambassador CdeBaca:** I, together with Colleagues in both the Senate and the House, have recently sent letters to the Administration, demanding the appointment of *a Special Envoy to the Great Lakes Region* – a move that then Senator Obama supported when he introduced a bill that created a mandate for the appointment of this Special Envoy. **Can you explain how such an Envoy might be helpful in resolving issues such as slavery in the conflict zones of eastern Congo? What type of pressure does the US government apply to the government of Congo, and also to neighboring countries like Rwanda and Uganda, when nationals of their countries are participating in widespread human rights abuses in Congo's mining area?**

No response received at time of printing

- **Ambassador CdeBaca:** In some African countries and regions, notably in Sahel countries such as Sudan and those of north-west Africa, hereditary servitude and abduction into slavery are practiced. For example, during Sudan's decades-long North-South civil war, the abduction of ethnic Dinka and Nuba children from

Southern Sudan into slavery in the North was reportedly common. **In which countries are hereditary slavery and abduction into slavery practiced, and how widespread are these phenomena? What are effective policy responses?**

No response received at time of printing

- **Ambassador Luis CdeBaca:** The 2010 TIP report states that in *Haiti* prior to the 2010 earthquake an estimated 225,000 children were enslaved as “restaveks,” (which is a term to describe the practice of child domestic servitude in the homes of extended family members or other parental guardians) who are not biologically related to the enslaved children. In the earthquake’s aftermath, the State Department warns that even more children are likely vulnerable to such exploitation. **What anti-TIP lessons have been learned from the U.S. government response to the earthquake in Haiti—and how will such lessons be incorporated into future responses to natural disasters internationally?**

No response received at time of printing

USG Efforts:

- **Ambassador CdeBaca:** A 2007 U.S. Government Accountability Office (GAO) report on monitoring and evaluating international anti-TIP projects conducted by the State Department, Department of Labor (DOL), and USAID found that “U.S. government-funded anti-trafficking projects often lack some important elements that allow projects to be monitored, and little is known about project impact due to difficulties in conducting evaluations.”¹ **What, if anything, has changed since 2007 with regard to monitoring and evaluating anti-TIP programs? Do you think we are measuring the right indicators to understand how countries are doing? Should we expand our indicators?**

No response received at time of printing

- **Ambassador CdeBaca:** Between FY2001 and FY2009, the U.S. government has obligated approximately \$686 million on international anti-TIP assistance. **In your opinion, have U.S. programs to support anti-TIP efforts internationally been a success? Please explain. What measures are used to evaluate anti-TIP programs? What are examples of programs that have not been effective—and what lessons have been learned from these experiences for future anti-TIP program design?**

No response received at time of printing

Ambassador CdeBaca: Some have argued that primary factors contributing to forced labor trafficking include: the continuing demand for cheap labor and goods, global trade agreements with limited labor standards and protections, and state policies for migrant

¹ GAO, “Human Trafficking: Monitoring and Evaluation of International Projects Are Limited, but Experts Suggest Improvements,” GAO-07-1034, July 2007.

workers. Additionally, the 2007 Trafficking in Persons Report states that “a significant share of the exploitation in modern-day slavery is linked to the production of products for export.” **How can the US improve its policy framework to ensure that products imported to the US are not produced with slave labor? In your view, would it be helpful in the efforts to combat trafficking in persons if certain provisions in U.S. law, such as the “consumptive demand” clause in Section 307 of the Tariff Act of 1930 were repealed?**

No response received at time of printing

- **In your opinion, are current U.S. programs to combat TIP effectively responding to forced labor trafficking? Where do you see opportunities for improvement?**

No response received at time of printing

- **Ambassador CdeBaca:** There remains ongoing concern among various observers that international U.S. anti-TIP programs too heavily emphasize one of the three Ps, to the detriment of the others. **In your opinion, how would you like to see resources divided among these three core strategic goals of anti-TIP efforts? Which aspect of the three Ps is currently over emphasized—and which is underemphasized?**

No response received at time of printing

- **Please describe U.S. efforts to incorporate a “fourth” P on public-private partnerships. What are the strategic goals, how will those goals be achieved, and how will emphasis on this fourth P affect resources and funding for the original three Ps?**

No response received at time of printing

- **Please describe U.S. efforts to incorporate a “fourth” P on public-private partnerships. What are the strategic goals, how will those goals be achieved, and how will emphasis on this fourth P affect resources and funding for the original three Ps.**

No response received at time of printing

- **Ambassador CdeBaca:** According to the 2010 TIP report, women represent 56% of human trafficking victims. **Please describe what makes women a particularly vulnerable group to human trafficking victimization. In your opinion, are current U.S. anti-TIP initiatives internationally sufficiently addressing issues related female victims of trafficking? How can existing efforts be improved or modified?**

No response received at time of printing

- **Ambassador CdeBaca:** A 2007 GAO report on human trafficking concluded that U.S. federal law enforcement agencies would benefit from improved interagency coordination on investigations and prosecutions for trafficking crimes, including cooperation between federal and state and local law enforcement elements.²
 - **If, as the 2007 GAO report indicated, the U.S. government is having trouble with law enforcement coordination on human trafficking crimes, what can be reasonably expected from other countries, which have fewer resources, support, and capabilities than the United States, to combat trafficking in persons?**

No response received at time of printing

- **What types of assistance programs has the U.S. government provided to foreign governments to enhance anti-TIP law enforcement investigations and prosecutions? In which countries have such programs yielded the most improvement—and where do anti-TIP investigations and prosecutions continue to face challenges?**

No response received at time of printing

- **Ambassador CdeBaca:** The Department of State has often noted that NGOs, including faith-based and women's issues advocacy groups, have been essential in the promotion and implementation of anti-TIP policies and programs.
 - **In your opinion, what types of anti-TIP efforts can such NGOs perform that the U.S. government cannot? Where, if at all, does the U.S. government have a comparative advantage over NGOs?**

No response received at time of printing

- **Are there certain forms of human trafficking that are less focused on by NGOs than other types? If so, to what extent does this affect the U.S. government response to TIP? And how can such potential imbalances in priority or effort be overcome?**

No response received at time of printing

- **Ambassador CdeBaca:** Some observers have noted that total obligated anti-TIP foreign assistance may be exaggerated because the Department of Labor's reported anti-TIP funding does not disaggregate funding to combat forced labor and child labor, the latter of which is not necessarily TIP.

² GAO, "Human Trafficking: A Strategic Framework Could Help Enhance the Interagency Collaboration Needed to Effectively Combat Trafficking Crimes," GAO-07-915, July 2007.

- **What efforts are being made to harmonize funding totals across agencies so that they are comparable and accurately reflect funding committed to combating TIP?**

No response received at time of printing

- **Is there redundancy and overlap between anti-forced labor assistance programs conducted by the State Department and the Department of Labor? Please describe.**

No response received at time of printing

- **Ambassador CdeBaca:** 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, are poorly housed, have their passports confiscated, and are required to pay back large recruitment fees.”³ Also, the Offices for the Inspector General (OIG) for the Defense Department (DOD), State Department, and the U.S. Agency for International Development (USAID) each submitted congressionally mandated reports that evaluate the incidence of human trafficking violations among U.S. government contractors abroad.

- **In your opinion, how serious is the problem of intentional or inadvertent government procurement of forced labor through contractors—and is the U.S. government doing enough to address this problem?**

No response received at time of printing

- **In your view, have the responses by DOD, the State Department, and USAID to the OIG reports been sufficient to address reported trafficking vulnerabilities among contractors?**

No response received at time of printing

Multilateral Cooperation:

- **Ambassador CdeBaca:** *What impact, if any, has the United Nations Convention on the Rights of the Child or its Optional Protocol on the Sale of Children had on preventing international child trafficking? Do you think the Convention is a valuable mechanism for addressing the issue? Why or why not?*

No response received at time of printing

³ U.S. Department of State, Global Office to Monitor and Combat Trafficking in Persons, Trafficking in Persons Report, 2010.

- **Ambassador CdeBaca:** In July 2010 the U.N. General Assembly adopted a resolution to establish the Global Plan of Action to Combat TIP. The U.S. position statement on the resolution, while endorsing its passage, noted that the U.S. government would “not support efforts in the future to turn the Global Plan of Action, or any mechanism that may be established to review implementation of this action plan, into a formal ongoing mechanism in New York that will divert resources from technical assistance and other activities related to the Palermo Protocol.”⁴

- **In what ways is the U.N. Global Plan of Action to Combat TIP different from the existing U.N. Palermo Protocol to combat TIP, and a supplement to the U.N. Convention Against Transnational Organized Crime?**

No response received at time of printing

- **Given the recent adoption of the U.N. Global Plan of Action to Combat TIP, what, if any, new obligations or initiatives will the U.S. government develop to support this new Global Plan?**

No response received at time of printing

- **Ambassador CdeBaca:** In light of the sheer magnitude and global reach of human trafficking activities, it is impossible for any one country to combat these practices alone. In testimony you delivered before the U.S. Equal Employment Opportunity Commission earlier this year, you spotlighted the importance of international efforts to address this challenge, stressing the “global growth of understanding of the issue and a maturation of our response through the ‘3 Ps’ of prosecution, protection, and prevention.” Clearly, U.S. efforts to prevent human trafficking, assist victims, and prosecute suspected traffickers must also be coordinated with the international community. **How has U.S. ratification of the Palermo Protocol, adopted by the UN General Assembly in 2000, helped facilitate efforts by the U.S. Government to respond to human trafficking in a multilateral fashion?**

No response received at time of printing

- **Ambassador CdeBaca:** The **UN Office on Drugs and Crime (UNODC)** plays a critically important role in global efforts to tackle human trafficking, providing technical support to UN member states to strengthen national legislation and law enforcement capabilities related to human trafficking; raising public awareness of human trafficking through information campaigns, including PSAs; and managing a voluntary trust fund to help victims. **Can you elaborate on how the U.S. benefits from UNODC engagement on this issue, and how the U.S. can continue to support the work of UNODC and other UN agencies as they work to combat human trafficking?**

⁴U.S. Mission to the United Nations, Ambassador Rick Barton, U.S. Representative for Economic and Social Affairs, “Explanation of Position Statement by Fredrick Barton, U.S. Minister Counselor to the Economic and Social Council, on the UN Global Plan of Action against Trafficking in Persons,” July 30, 2010.

No response received at time of printing

- **Ambassador CdeBaca:** Negotiations are currently underway in Geneva at the International Labour Organisation - governments, trade unions, and employer federations from around the world - to draft a new international labor convention for domestic workers, who often suffer from bonded labor. This convention will be put to a vote on June 16. If adopted, it will for the first time establish global labour standards for some of the world's most vulnerable workers. **How is the US involved in these negotiations? What is your estimation of the current negotiations, and the usefulness of such a labor convention?**

No response received at time of printing

- **Ambassador CdeBaca:** In 2008, the UN Human Rights Council renewed the mandate of the UN Special Rapporteur on Trafficking in Persons, who is tasked with monitoring human trafficking around the world and advancing concrete recommendations to combat this practice. While the U.S. was not yet a member of the Council at that point, since the U.S. joined the Council in 2009, it has enjoyed victories on a number of important policy fronts. **How do you view the importance of the Special Rapporteur position in terms of ongoing global efforts to combat human trafficking? Moreover, since the U.S. has announced it will run for re-election to the Council when its term expires in 2012, what additional steps does the U.S. plan to take during the remainder of its current term and during its next term to support the Human Rights Council's work on this issue?**

No response received at time of printing

Ambassador CdeBaca: According to a University of London School of Oriental and African Studies survey released in November 2010, Uzbekistan engages in systematic and forced mobilization of children into the cotton labor industry. Uzbekistan is considered a Tier 2 Watch List Country in the 2010 Trafficking in Persons Report and must make, "significant efforts to bring themselves into compliance with minimum standards" to avoid a Tier 3 ranking. Yet, to date, Uzbekistan has routinely denied that there is a forced child labor problem in their country, and did so yesterday before the Committee on Applications of Standards at the International Labor Organization regarding Convention 182, prohibiting the worst forms of child labor. **Based on this information, how is your office assessing Uzbekistan's efforts to bring itself into compliance with minimum standards, or for it to make commitments to take additional future steps over the next year, if the Uzbek government refuses to admit that there is forced child labor in the harvesting of Uzbek cotton?**

No response received at time of printing

**Questions for the Record of the Honorable Ted Poe
Committee on Foreign Affairs, Subcommittee on Africa, Global Health, and
Human Rights, U.S. House of Representatives
Hearing: "Best Practices and Next Steps: A New Decade in the Fight Against
Human Trafficking"
*Monday, June 13, 2011***

Ambassador CdeBaca:

Do you believe steps need to be taken to increase federal penalties for traffickers in the United States?

No response received at time of printing

What steps are countries that are actively engaged in the fight against human trafficking doing to arrest and prosecute those that buy sex --sometimes called "buyers" or "johns"--from trafficked children?

No response received at time of printing



MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE LUIS CDEBACA, AMBASSADOR-AT-LARGE, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF STATE

**Obama Administration Accomplishments
on Combating Trafficking in Persons as of February 2011**

President's Interagency Task Force & Senior Policy Operating Group

- On February 3, 2010, Secretary of State Hillary Rodham Clinton chaired the first meeting of the President's Interagency Task Force to Monitor and Combat Trafficking (PITF) under the Obama Administration. The task force focused on three notable areas: the need for an increase in actionable intelligence, full implementation of the Federal Acquisition Regulation requiring a prohibition on human trafficking and the procurement of commercial sex in U.S. government contracts, and expanding anti-trafficking work into broader agency efforts. Together, the task force released a joint statement of commitment to action (<http://www.state.gov/opa/prs/ps/2010/02/136458.htm>).
- The Senior Policy Operating Group (SPOG) met in March, June, and September and became more efficient in its operations, with active committees, new business focused on coordination issues, and advance briefing materials.
- PITF and SPOG invited the participation of the U.S. Department of Agriculture, the Equal Employment Opportunity Commission, and the Department of the Interior. While these agencies have always been federal partners in anti-trafficking efforts, their inclusion has helped to expand federal coordination, such as in the areas of forced labor in imported agricultural goods, civil enforcement within the workplace with attention to trafficking and sexual violence, and support of anti-trafficking efforts in U.S. insular areas.
- Three revitalized committees advanced substantive areas of the SPOG's work: Research & Data focusing on statistics and data collection, Grantmaking documenting promising practices of federal grantees, and Public Affairs coordinating public affairs messaging.
- ODNI convened an ad hoc working group on intelligence to discuss ways to strengthen collection and dissemination of actionable intelligence.
- The Department of Homeland Security and the Equal Employment Opportunity Commission co-chaired a temporary working group on implementation of the Federal Acquisition Regulation to combat modern slavery and its contributing factors like the demand for commercial sex. The group is developing core training for the federal acquisition workforce to be adopted by all agencies and deployed at the Federal Acquisition Institute.
- The SPOG continually examined the implementation status of the Trafficking Victims Protection Reauthorization Act of 2008 so that each agency could continue to move forward and coordinate where possible and required.
- The SPOG surveyed all member agencies for trainings currently conducted and is developing a platform to share training resources, thereby increasing efficiency and collaboration.
- SPOG member agencies shared information on technology solutions to trafficking issues and are partnering with private sector partners to engage and create unique initiatives.
- With participation of SPOG member agencies, the 2010 *Trafficking in Persons Report*, for the first time, included a ranking and full country narrative for the United States. It generated significant press, foreign government interest, and praise from the NGO community, advancing U.S. diplomatic efforts on human trafficking worldwide. Moreover, it was accomplished with full transparency and the input of civil society through a call for information in the Federal Register.
- SPOG member agencies continued to share funding opportunities and grant awards to inform funding decisions and ensure they are not duplicative but are instead strategic and smart.

Department of State

- Secretary Clinton released the *Tenth Anniversary Trafficking in Persons Report* covering 177 countries, including the first-ever U.S. ranking and narrative. Since 2000, the Report has encouraged the enactment of anti-trafficking laws in over 120 countries, increased the numbers of victims identified and traffickers facing justice, and prodded recalcitrant governments to take their first significant anti-trafficking steps, planting the seeds for sustained political commitment to protection, prevention, and prosecution.
- The Department responded quickly to the earthquake in Haiti through bilateral and multilateral diplomacy, internal leadership, and rapid deployment of resources – both \$1.04 million in anti-trafficking funds and \$5.5 million in supplemental appropriations – to strengthen Haitian institutional and civil society capacity to respond to modern slavery.
- The Office to Monitor and Combat Trafficking in Persons conducted two fair and transparent competitive grant reviews to support grassroots prevention, prosecution, and protection projects worldwide. During Fiscal Year 2010, the Office made \$33.37 million in awards to 98 projects in 51 countries. As of January 2011, \$74 million has been allocated to 211 projects in 76 countries addressing both sex and labor trafficking, including projects focusing on areas such as child sex tourism, demand reduction, debt bondage, and child labor.

- The Department augmented its ongoing work to help protect domestic workers of foreign diplomats in the United States and hold those diplomats accountable for the treatment of their workers, including implementing a system to track allegations of abuse and for non-governmental organizations (NGOs) and attorneys to report cases, and meeting with foreign government officials and NGOs to learn about and consider additional protections.
- The Bureau of Diplomatic Security began the process of developing an anti-trafficking unit at its headquarters to support its field offices, increase participation in task forces, centralize case referrals and offer training, particularly on interviewing and supporting victims of human trafficking.
- The Bureau of Diplomatic Security and the Bureau of Democracy, Human Rights and Labor, together with the Department of Defense, engaged in a multi-stakeholder initiative to develop the International Code of Conduct for Private Security Service Providers. Private security companies that sign the Code commit to uphold a number of principles related to company policies and the conduct of personnel, including commitments not to engage in human trafficking and to report any instances of human trafficking they discover to the competent authorities. To date, approximately 70 private security companies have signed the Code, including many that contract with the U.S. government.
- The Bureau of Consular Affairs distributes at all visa issuing posts a "know your rights" brochure – developed by State in consultation with the Departments of Homeland Security, Justice and Labor and NGOs – to recipients of visas in certain visa classes vulnerable to trafficking. The brochure has generated nearly 1,000 calls to the National Human Trafficking Resource Center hotline.
- The Department also advanced successful multilateral policy, including the development of a victim-centered OAS Regional Plan of Action, adoption of a comprehensive trafficking in persons decision at the United Nation's Transnational Organized Crime Convention's Conference of the Parties, and protection of the primacy of the UN Trafficking in Persons Protocol in a Global Plan of Action developed at the UN level.

Department of Defense

- The Office of the Under Secretary of Defense for Personnel and Readiness (OUSD (P&R)) developed a core awareness interactive multimedia training module to educate all military and DOD civilian personnel. The training was updated in 2010 and is mandatory for all members of DOD.
- DOD Inspector General (IG) submitted a report to Congress January 15, 2010, on DOD's Combating Trafficking in Persons (CTIP) contracting efforts. IG Recommendations:
 - The Standard Procurement System should be modified so that the mandatory Combating Trafficking in Persons clause prohibiting the procurement of commercial sex cannot be removed during solicitation or contract document build.
 - The DOD law enforcement community should proactively share trafficking convictions information with contracting offices.
 - Relevant contract quality assurance plans should include combating trafficking in persons considerations. Actions are being taken to implement IG recommendations.
- DOD IG continues to conduct evaluations of DOD overall efforts regarding trafficking. The second of a three part series of evaluations regarding DOD contracts within U.S. Central Command was completed in December 2010.
- The OUSD for Personnel and Readiness maintains DOD instructions for implementing statutory requirements and recommended suggestions to the DOD Combating Trafficking in Persons (CTIP) program. The instruction is directive in nature, states the DOD TIP policy, assigns responsibilities, and seeks to reduce demand by increasing awareness and deterring activities by DOD military, civilian, and contract personnel that support or facilitate trafficking in persons. It was revised in 2010 requiring DOD Components to report training on trafficking.
- A DOD CTIP website <http://ctip.defense.gov> displays information regarding training, events, and links to other agencies' trafficking websites.
- Public Service Announcements (PSA) regarding combating commercial sex and labor trafficking are broadcast on the American Forces network and the Pentagon Channel.
- The Defense Incident-Based Reporting System (DIBRS) Manual was revised to incorporate the FBI's new Uniform Crime Reporting (UCR) Human Trafficking Offense Codes that address commercial sex acts and involuntary servitude, allowing DOD to obtain data on criminal incidents reported by the Military Services.
- DOD continues to participate in governmental task forces and non-governmental conferences, panels, and seminars that involve combating trafficking:
 - Federal Agency Task Force on Missing and Exploited Children (ongoing quarterly)
 - Sexual Assault Advisory Council Subcommittee on Research (ongoing quarterly)
 - Senior Policy Operating Group for Trafficking in Persons (ongoing quarterly)
 - President's Interagency Task Force for Trafficking in Persons (annually)

- DOS Foreign Exchange Program Briefings (ongoing, periodic)
- NATO Officers Orientation Course, National Defense University (ongoing, periodic)
- DOD CTIP Presentation to Georgetown Law School Students (annually)
- Several request for presentations/training throughout the year from various agencies within or outside of DOD.

Department of Justice

- Prosecutions
 - Initiated a record number of human trafficking prosecutions involving forced labor and sex trafficking by force, fraud, or coercion, including prosecutions of unprecedented scope, impact, and complexity.
 - Brought largest human trafficking case in U.S. history against members of multinational conspiracy charged with exploiting hundreds of Thai agricultural workers across multiple states.
 - Convicted ten defendants in connection with multi-national organized criminal network that engaged in human trafficking and fraud in foreign labor contracting charges, exploiting guestworkers from multiple countries for forced labor in 14 states.
 - Secured longest sentence in U.S. history in a single-victim forced labor case, sentencing trafficker to 20-year prison term for holding Nigerian domestic servant in forced labor for over eight years.
 - Secured conviction and 37-year sentence against sex trafficker who used threats, violence, and manipulation of addictive drugs to compel U.S. citizen teens into prostitution in Maryland.
 - Secured conviction and 20-year sentence against sex trafficker who used threats and violence to compel young U.S. citizen women into prostitution in Hawaii.
 - Continued to combat commercial sexual exploitation of children through the Innocence Lost National Initiative. Since its inception in 2003, the 39 Innocence Lost task forces and working groups have recovered over 1,200 children and led to over 600 convictions in state and federal court, according to FBI statistics.
- Coordination
 - Launched Human Trafficking Enhanced Enforcement Initiative to strengthen coordination, both within DOJ and among federal law enforcement agencies.
 - Within DOJ, enacted internal coordination protocols enhancing coordination among United States Attorney's Offices, the Executive Office of the United States Attorneys, the Criminal Division's Child Exploitation and Obscenity Section, and the Human Trafficking Prosecution Unit, to strengthen victim identification and prosecution efforts in child and adult sex trafficking cases, disseminate guidance, and facilitate increased engagement of Department's human trafficking subject matter experts in early stages of investigation and prosecution.
 - Within the interagency, collaborated with the Departments of Homeland Security and Labor through Federal Enforcement Working Group to enhance coordination among federal prosecutors and federal agents through launch of pilot interagency Anti-Trafficking Coordination Teams (ACTeams) to develop and implement coordinated interagency investigation and prosecution strategy.
 - Advanced U.S.-Mexico Human Trafficking Bilateral Enforcement Initiative, in collaboration with the Department of Homeland Security and Mexican law enforcement counterparts, to develop high-impact bilateral investigations and prosecutions to dismantle international human trafficking networks, resulting in landmark indictments charging members of sex trafficking networks under both U.S. and Mexican law.
- Outreach, Training, and Capacity Building
 - Developed Anti-Human Trafficking Task Force Strategy and Operations e-Guide to provide continually updated resources and guidance to enhance efficacy of task force operations nationwide.
 - Held National Conference on Human Trafficking to exchange cutting-edge expertise in human trafficking investigation, prosecution, victim assistance, and prevention to task force members, federal, state, and local law enforcement, government agencies, and non-governmental victim assistance organizations.
 - Organized Pacific Regional Conference on Human Trafficking to bring together over 300 federal, state, and local law enforcement and non-governmental victim assistance providers from U.S. territories and their counterparts in foreign governments across the Pacific region to enhance capacity to combat human trafficking regionally.
 - Promulgated Model State Criminal Provisions on Pimping, Pandering, and Prostitution pursuant to Section 225 of the Trafficking Victims Protection Reauthorization Act of 2008 to serve as a resource to state and local jurisdictions to facilitate effective state and local enforcement of laws criminalizing pimping, pandering, prostitution, and commercial sex.
 - Conducted 38 Trafficking in Persons programs to build prosecutorial capacity in 13 countries, and organized programs for over 180 foreign visitors to participate in training programs with DOJ's human trafficking experts.

- Victim Assistance
 - Funded Enhanced Collaborative Model to Combat Human Trafficking, bringing together law enforcement and victim service grantees to combat sex and labor trafficking of all victims, foreign and domestic, adult and minor.
 - Launched demonstration projects to provide comprehensive trafficking victim services to domestic minor victims of sex and labor trafficking, and to conduct study to evaluate efficacy.
 - Funded the ongoing efforts of programs across the United States to provide comprehensive services to foreign national victims of human trafficking.

Department of Agriculture

- During the past year, USDA's Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products developed recommendations to the Secretary of Agriculture regarding guidelines to reduce the likelihood that agricultural products imported into the United States are produced with the use of child or forced labor. This group was established pursuant to Section 3205 of the Food, Conservation, and Energy Act of 2008. The group represents a diverse set of government, private sector, academic, and non-governmental organization entities.
- On December 21, 2010, the Consultative Group presented its recommendations to Secretary Vilsack. Within one year following receipt of these recommendations, the Secretary of Agriculture is mandated to release guidelines for a voluntary initiative to enable entities to address issues raised by the Trafficking Victims Protection Act of 2000. At the end of January 2011 USDA reported to Congress the recommendations, which are available at http://www.fas.usda.gov/info/Child_labor/Childlabor.asp.

Department of Labor

- The Department of Labor's Wage and Hour Division (WHD) has been participating in a Federal Enforcement Working Group (FEWG) with the Department of Justice, the Federal Bureau of Investigation, the Department of Homeland Security – Immigration and Customs Enforcement (DHS-ICE), and the Department of Labor's Office of Inspector General (DOL-OIG). As part of the FEWG, WHD is participating in the development and implementation of a Pilot Federal Anti-Trafficking Coordination Team (ACTeam) Program to ensure that federal enforcement agencies develop and implement a coordinated, comprehensive strategy to proactively identify and assist human trafficking victims; develop victim-centered, multi-disciplinary human trafficking investigations; and produce high-impact human trafficking prosecutions resulting in the conviction of traffickers, the dismantling of trafficking organizations, and the forfeiture of proceeds and instrumentalities of trafficking offenses.
- On May 4, 2010, DOL entered into a revised Joint Declaration, followed by revised Letters of Arrangement with the Mexican Embassy and Mexican Ministry of Foreign Affairs, updating 2004 arrangements between the two countries. The updated arrangements aim to ensure that Mexican workers in the United States are informed about their labor rights through information sharing, outreach, education, training, and exchange of best practices. Such information can assist vulnerable workers, including those who may have been trafficked. DOL is also expanding the program to include partnerships with embassies from Central America and the Caribbean. On December 2, 2010, ambassadors from nine Central American and Caribbean countries met with Secretary Solis to learn about the program and potential areas for partnership.
- On December 15, 2010, DOL released three reports on child labor and/or forced labor in foreign countries, including the ninth annual Findings on the Worst Forms of Child Labor. In addition, DOL released an update to the Bureau of International Labor Affairs (ILAB) List of Goods Produced by Child Labor or Forced Labor, which identifies 128 goods from 70 countries that ILAB has reason to believe are produced by forced labor, child labor or both, in violation of international standards. Finally, DOL released a proposed revision to the current List of Products Produced by Forced or Indentured Child Labor pursuant to Executive Order 13126 of 1999, which includes 29 products from 21 countries. All three reports include information on persons trafficked into situations of severe labor exploitation, such as forced labor, servitude, or debt bondage.
- On March 15, 2010, a final rule became effective regarding the Temporary Agricultural Employment of H-2A Aliens in the United States. This regulation strengthens protections for agricultural guest workers, a group at risk for trafficking, and U.S. workers performing the same work for the employer by: reinstating requirements that employers provide documentation as part of their application; reinstating the methodology used to compute wage rates; and strengthening transportation safety requirements. These regulations further seek to avoid exploitation of workers by prohibiting foreign recruiters from charging workers certain fees. These regulations also strengthen the ability to ban employers who have committed violations of the agricultural program from filing future applications for similar guestworker visas.
- DOL's Office of the Inspector General (OIG) was involved in investigating a case (Giant Labor Solutions) that led to the government seeking over \$6 million dollars in fraudulent profits via asset forfeiture. The investigation

disclosed a Eurasian organized criminal enterprise that conspired and filed fraudulent labor applications that permitted over 1,150 illegal foreigners to enter the United States on work visas. The exploitation and intimidation of these foreign workers through fear, threats of deportation, and other adverse immigration consequences subjected them to conditions of servitude.

Department of Health and Human Services

- Certifications and Eligibility Letters completed in Fiscal Year (FY) 2010:
 - Certifications: 449
 - Eligibility Letters: 92
 - Eligibility for Interim Assistance: 12
- As of December 31, 2010, funds administered by the Office of Refugee Resettlement (HHS/ORR) supported 110 agencies in 130 locations to provide case management services to victims of trafficking and their family members.
- HHS/ORR funding assisted 966 trafficking victims and family members to receive case management services during FY 2010.
- HHS distributed 720,733 *Rescue & Restore Victims of Human Trafficking* public awareness campaign materials (posters, brochures, etc.) in FY 2010.
- The HHS-funded National Human Trafficking Resource Center (NHTRC) received 11,381 calls and 753 emails in FY 2010.
- HHS continues full implementation of Section 212(a)(2) of the Trafficking Victims Protection Reauthorization Act of 2008, which requires the HHS Secretary to promptly determine if an alien child in the United States who may be a victim of trafficking is eligible for interim assistance. The HHS Secretary delegated authority to implement this provision to the Assistant Secretary for Children and Families who further delegated it to the Director of the Office of Refugee Resettlement. This means that ORR screened approximately 8,300 unaccompanied alien children during FY 2010 for trafficking.
- ORR issued State Letter 10-05 that outlines and describes the process by which an individual may request eligibility for federally funded assistance for an alien child who may have been subjected to human trafficking (<http://www.acf.hhs.gov/programs/orr/policy/sl10-05.htm>).
- ORR's Anti-Trafficking in Persons Division (ATIP) has two Child Protection Specialists dedicated to reviewing requests and facilitating the prompt delivery of assistance to eligible children. Since the passage of the Trafficking Victims Protection Reauthorization Act of 2008, ATIP Child Protection Specialists have conducted training and outreach activities regarding services for foreign child trafficking victims including:
 - A training at the Human Trafficking and Exploitation of Children in the United States conference sponsored by Loyola University in Chicago, IL, which was attended by immigration attorneys, health and social service providers, federal law enforcement, and child welfare representatives, among others;
 - Two special trainings for new Immigration and Customs Enforcement Victim Assistance Coordinators on working with foreign born minor victims of trafficking;
 - A presentation on special considerations in identifying and serving foreign child victims of trafficking to Lutheran Immigration and Refugee Service (LIRS) affiliates. ORR currently has two grants with LIRS. One grant includes the provision of both long-term foster care for unaccompanied alien children and digital fingerprinting services for sponsor background checks. The other grant is for provision of follow-up services for unaccompanied alien children following their release from ORR care and custody; and
 - A training at the ORR Consultation in June 2010 on the challenges of serving child trafficking victims. The Consultation was attended by refugees, State Refugee Coordinators and health coordinators, refugee service organizations, and ethnic self-help organizations.
- On September 30, 2010, the HHS Administration for Children and Families (ACF) awarded a three-year \$799,333 grant to Polaris Project, a Washington, DC-based anti-trafficking organization, to operate the National Human Trafficking Resource Center (NHTRC). NHTRC is a dedicated, toll-free, U.S. national telephone hotline (1-888-3737-888) that provides emergency assistance 24 hours a day, seven days a week, every day of the year. Polaris Project has been operating the hotline since December 2007. The NHTRC provides service referrals for victims, passes on tips to law enforcement agents, and provides information and training on human trafficking. The NHTRC will develop online training modules on human trafficking issues that will be available on its website (<http://nhtrc.polarisproject.org>).
- During FY 2010, ATIP conducted four WebEx trainings on domestic minor sex trafficking, leveraging resources to serve victims, emerging outcomes of the HHS Per Capita services contract, and the Trauma Resiliency Model. Nearly 350 people participated in Shared Hope International's training on "Domestic Minor Sex Trafficking: How to Identify and Respond to America's Prostituted Youth," and over 260 people participated in ACF's Family Youth Services Bureau's training on "Runaway and Homeless Youth Programs: Resources for Conducting Outreach and Providing Services to Trafficked Children and Youth." Participants included social

service providers, federal and local law enforcement, academic researchers, state officials, and representatives from international entities.

- In addition to the work conducted by ORR, ACF's Family and Youth Services Bureau (FYSB) funds the Street Outreach Program (SOP) to provide critical services to U.S. runaway and homeless and street youth who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.
 - In FY 2010, FYSB awarded a total of \$16.5 million to 157 SOP programs.
 - Between October 1, 2009, and September 30, 2010, SOPs reached over 838,414 youth and young adults up to age 21 and distributed 514,755 health and hygiene products.

Department of Education

- The immediate goal is to provide school districts with expanded services to address child trafficking.
- The Office of Safe and Drug-Free Schools consolidated and augmented its existing work around child safety to build a more comprehensive program to educate school districts about trafficking and commercially sexually exploited children. This strategy included:
 - A fact sheet that describes how human trafficking affects schools, the signs that school staff should be aware of, and how to report incidents of trafficking (<http://www2.ed.gov/about/offices/list/osedfs/factsheet.html>);
 - A web page to provide districts with up-to-date information and consolidated resources relevant to child trafficking (http://rems.ed.gov/index.php?page=resources_Additional§ion=111);
 - Identifying what school districts are doing that is considered effective in addressing the trafficking problem, including utilizing the OSDFS listserv to solicit ideas about what is working;
 - Planning for a webinar series created in collaboration with grantees already working on issues of child trafficking;
 - Active participation in the Missing and Exploited Children Federal Working Group sponsored by the Office of Juvenile Justice and Delinquency Prevention; the Senior Policy Operating Group; and the Department of Justice External Strategy Working Group;
 - Planning 2011 conference sessions similar to the presentations on trafficking given at the 2009 OSDFS National Conference; (<http://www.osdfsnationalconference.com/Presentations/115.%20Morning%20Plenary%20-%201.uis%20CdeBaga.pdf>);
 - Presented Department of Homeland Security training on trafficking to chiefs of school police from 40 of the largest jurisdictions in November 2010; and
 - Assisted Grossmont Union High School District (San Diego, CA) in the development of a 90-minute program to teach school staff about identifying commercially sexually exploited children and what to do when they are identified.

Department of Homeland Security

- In July 2010, the Department of Homeland Security (DHS) launched the Blue Campaign – a first-of-its-kind campaign to coordinate and enhance the Department's anti-human trafficking activities. The Blue Campaign harnesses and leverages the varied authorities and resources of the Department of Homeland Security to deter human trafficking by increasing awareness, protecting victims, and contributing to a robust criminal justice response. The campaign is led by an innovative cross-component steering committee comprised of representatives from 17 operational and support components from across DHS. The 2010 accomplishments included:
 - Expanded training for state, local, and international partners
 - The Federal Law Enforcement Training Center (FLETC) developed and disseminated an interactive web-based training course for state, local, campus, and tribal law enforcement on human trafficking. FLETC, with support from the DHS Office for Civil Rights and Civil Liberties, also began developing a second web-based human trafficking course for DHS personnel.
 - ICE trained over 35,000 law enforcement, non-governmental organizations, and foreign officials about human trafficking, including regional trainings in Guatemala, Austria, Malaysia, Suriname, Jordan, Bahamas, El Salvador, and Egypt (FY 2010).
 - New domestic and international public awareness campaigns
 - U.S. Customs and Border Protection's (CBP) *No Te Engañes* (Don't Be Fooled) campaign ran in Guatemala, El Salvador, and Mexico. The awareness campaign, which included television, radio, and print media, informs potential migrants of the dangers of human trafficking and how to avoid becoming a victim.
 - U.S. Immigration and Customs Enforcement's (ICE) *Hidden in Plain Sight* print media campaign featured newspaper advertisements in Chinese, English, Korean, Spanish, and Thai. The campaign was printed in 50 newspapers across the United States whose total readership was an estimated five million people.

- Increased investigations
 - ICE initiated 651 cases with a nexus to trafficking in persons, representing their highest number of cases initiated to date in this enforcement category. Additionally, ICE human trafficking investigations resulted in 300 criminal arrests, 151 indictments, 144 convictions, and \$3.2 million in seizures (FY 2010).
 - The Coast Guard Investigative Service (CGIS), working with local and state law enforcement officials as well as DHS partner agencies, developed innovative ways to bridge information and intelligence sharing gaps in identifying, investigating, and prosecuting human trafficking cases within the maritime jurisdiction of the United States Coast Guard. The CGIS has also established two Special Operations Groups (SOG) in Miami and Key West, Florida for the specific purpose of proactively identifying, investigating, and prosecuting human and narcotics trafficking organizations and individuals.
- Improved victim protection
 - ICE increased the number of full-time Victim Assistance Coordinators to 18 – the highest number to date. ICE also created a first-of-its-kind Continued Presence Pamphlet to increase awareness about temporary immigration relief available to trafficking victims.
 - U.S. Citizenship and Immigration Services (USCIS) reached the annual statutory cap of 10,000 U visas (not including eligible family members) approved for victims of violent crime, including human trafficking. USCIS also granted T nonimmigrant status to 796 victims of human trafficking and their families – the highest number granted since the creation of the T visa program in 2002.
 - CBP disseminated new “shoe cards” and “tear cards” to potential human trafficking victims. The discreet, multi-lingual cards contain information about human trafficking and the number for the National Human Trafficking Resource Center.
 - USCIS published a pamphlet entitled “Immigration Options for Victims of Crimes” for law enforcement, healthcare providers, and others who may encounter human trafficking victims to raise awareness about victim identification and available forms of immigration relief.
- Enhanced partnerships
 - The Blue Campaign hosted stakeholder meetings in July and December 2010, with over 100 participants from non-governmental, state, local, and private sector organizations. The stakeholder meetings facilitated targeted outreach efforts including engagement with emergency management and medical professionals, as well as an interagency workshop at the Ecuadorian Embassy for consulate officers from across the United States.
 - The Private Sector Office developed a virtual toolkit of the Department’s anti-human trafficking resources for distribution to businesses across the nation. The toolkit was distributed to thousands of employers, including those in the lodging, transportation, entertainment, agricultural, manufacturing, and construction industries.
 - DHS created a consolidated web page to serve as a one-stop resource for partners and stakeholders seeking information on human trafficking and the Department’s role in combating it. The webpage includes resource libraries for victims, concerned citizens, law enforcement, community organizations, and the private sector. Visitors to the webpage can sign up for the Daily Human Trafficking and Smuggling Report issued by the DHS Open Source Enterprise.
 - ICE is collaborating with the Department of Justice (DOJ) and Department of Labor (DOL) on a nationwide Human Trafficking Enhanced Enforcement Initiative designed to streamline federal criminal investigations and prosecutions of human trafficking offenses. The initiative was developed through interagency collaboration among DHS, DOJ, and DOL to streamline rapidly expanding human trafficking enforcement efforts. As part of the initiative, ICE will participate on specialized joint investigative Anti-Trafficking Coordination Teams (ACTeams) in select districts around the country. The ACTeams will be comprised of federal prosecutors and federal agents from multiple federal enforcement agencies, who will implement a strategic action plan to combat identified human trafficking threats. The ACTeams will focus on developing criminal human trafficking investigations and prosecutions to protect the rights of human trafficking victims, bring traffickers to justice, and dismantle human trafficking networks.
 - ICE hosted the NGO Liaison Working Group, which brings together NGO partners involved in combating modern slavery and other exploitation-related crimes to discuss common challenges and share recent developments in each organization’s work.

United States Agency for International Development

- In 2010, USAID continued to strengthen its internal structures and capacity to more effectively combat trafficking in persons.
- Training:
 - In February, USAID designed and delivered a two and a half day training workshop on trafficking in persons and gender based violence. Twenty-five Agency employees from missions in Africa, Europe, Asia,

- and Latin America attended the training, which was conducted in Washington, DC. The training focused on identifying human trafficking in the field and developing effective programs to address it.
- In April, USAID developed a two-hour trafficking training module and incorporated it into the Agency's gender integration training for Agency staff at missions in Tanzania, Thailand, and the Dominican Republic.
 - In December, the Agency developed a two and a half day regional trafficking training for mission staff and other USG employees in the field, the first of which was held in Guatemala City in February 2011. Thirty-seven participants attended, representing several USAID missions (Guatemala, Peru, the Dominican Republic, and Haiti), U.S. embassies (Guatemala and Honduras), Immigration and Customs Enforcement, and implementing partner organizations. Three Guatemalan government employees from the Secretariat against Sexual Violence, Exploitation, and Human Trafficking also participated.
 - USAID/Timor-Leste incorporated trafficking into its Mission training sessions for USAID staff.
 - The Agency completed the initial draft of its Field Guide to Combat Trafficking in Persons designed to provide technical guidance to mission personnel on the design, implementation, and evaluation of anti-trafficking programming. The guide is a practical tool built around prevention, protection, prosecution, and partnership.
 - Compliance: In compliance with the Federal Acquisition Regulation, the anti-trafficking clause, which prohibits the purchase of commercial sex and use of forced labor, was incorporated into contract templates in USAID's Global Acquisition and Assistance System.
 - Data:
 - USAID updated and expanded its analytical database designed to improve transparency and strengthen intra-agency and interagency coordination on U.S. assistance to combat trafficking. The database includes all USG anti-trafficking assistance from 2001 through 2009 and shows funding countries, types of anti-trafficking assistance, agencies, and implementers.
 - In 2010, USAID collected the results of its four year project in Uzbekistan: 2,547 victims were provided with assistance, 68,440 people in nine regions of the country received consultations via hotlines, and 44,137 people were reached through anti-trafficking awareness-raising efforts.
 - Assessments: USAID conducted a trafficking assessment in Vietnam documenting the scope and nature of sex and labor trafficking within each country and providing recommendations for stakeholders.
 - Highlights of 2010 USAID programming include:
 - Greater emphasis on comprehensive programming to addresses all "3Ps" – Prevention, Prosecution, and Protection. For example, in Nepal the Agency launched a five year \$6.8 million project to strengthen protection of sex and labor and trafficking victims, increase law enforcement capacity to combat trafficking, and improve anti-trafficking awareness raising efforts.
 - Increased focus on combating trafficking through technology. The Agency partnered with NetHope and the Demi and Ashton Foundation to support design and implementation of mobile and other technology innovations to combat labor and sex trafficking in Russia – effectively turning the tools used by today's traffickers against them.
 - A pledge of \$8 million for continued support for MTV-EXIT's Asia regional anti- trafficking awareness campaign and expansion of it to Timor-Leste. The campaign targets youth whose behavior creates demand for sex and labor trafficking and youth most at risk of being trafficked. To date, this project has reached approximately 7.5 million viewers throughout Asia Pacific and South Asia.
 - Continued efforts to increase the capacity of the Government of Mexico to address labor and sex trafficking. As a result of USAID support, 3,725 Mexican government officials received specialized trafficking training in 2010.
 - The launch of a \$2 million project in Kosovo to increase the quality, variety and duration of social integration services available to sex trafficking victims, increase civil society activities to prevent sex trafficking, and reduce factors that increase vulnerabilities to sex trafficking.

Equal Employment Opportunity Commission

On January 19, 2011, the Equal Employment Opportunity Commission conducted a meeting entitled "Human Trafficking and Forced Labor" in order to educate and inform the public about the problem of labor trafficking and the EEOC's role in combating the problem. The meeting provided a public forum for participants to lay out the current state of the problem, challenges, opportunities, and recommendations to EEOC Commissioners and staff for how to improve its work in this area. The meeting included testimony from Ambassador CdeBaca, federal government officials, representatives of community and advocacy groups, and a worker victimized by modern slavery. Text of the witnesses' written testimony may be accessed at <http://eccc.gov/eccc/meetings/1-19-11/index.cfm>.

MATERIAL SUBMITTED FOR THE RECORD BY MS. NANCY RIVARD, PRESIDENT AND FOUNDER, AIRLINE AMBASSADORS INTERNATIONAL

EDITOR'S NOTE

Human Cost of Trafficking



Left: Somnang on the day Deborah Quigley and team found her. Right: Deborah and Somnang this past June.

SOMNANG WAS A KARAOKE BABY. SHE wasn't planned. She wasn't acknowledged. She wasn't provided for. Her birth was nothing more than an accident — one of the far too many accidents that are the end result of prostitution rings linked to the karaoke-bar scene in the Third World. In fact, Somnang wasn't even "Somnang" for the first part of her life. She was homeless, clothesless, hairless and, as a sad reminder of the utter lack of compassion from her biological mother, nameless.

It's unknown how she lasted more than three years on her own. Speculation is that villagers near her hometown of Siem Reap, Cambodia, gave her enough nourishment to sustain an existence, albeit one wrought with peril. When Deborah Quigley found her, the malnourished 3-and-a-half-year-old was trying to draw clothes on her body with a red marker. Deborah and her colleagues looked at her sweet, innocent face and recoiled in shock. Deborah and the other members of Airline Ambassadors International (AAI) were in Siem Reap for this very reason: to help the hapless and to deal a blow to the international human-trafficking racket that sells 2 million women and children into slavery each year. But the all-too-real face of grinding poverty and parental neglect that stared back at Deborah made the retired flight attendant freeze. She handed the child a yellow balloon.

For more information about AAI, please visit www.aai.org

The child waved her hand ever so slightly and allowed a faint smile.

September is Washington, D.C.'s Human Trafficking Awareness Month, and our flight attendants are leading a global campaign that's taking the fight to the human traffickers. UNICEF estimates that at this moment, 27 million people are being held against their will around the globe. An overwhelming figure indeed, reinforced by other overwhelming figures: Human trafficking is a \$32 billion annual black-market business; 800,000 people are trafficked across international borders every year; children are coerced or kidnapped and transported through airports every day; and one victim is trafficked across international borders every minute. Given her circumstances, Somnang would have very likely become one of these statistics.

Spearheaded by Nancy Rivard, a 30-year veteran flight attendant for AA, AAI now has more than 6,000 members across the aviation industry. In addition to acquiring space on carriers for medical and rescue personnel, as well as food and medical supplies, AAI teaches flight attendants how to recognize the signs that might indicate someone is being trafficked on their flight. No small feat, given the scope of the territory covered by flight attendants, coupled with the number of people onboard their planes. A Herculean undertaking indeed, but it's working — and it's being noticed in the corridors of power.

"American Airlines is taking exem-

plary steps to ensure its flight crews are equipped to notice and respond appropriately when human traffickers attempt to use airlines to traffic women and girls internationally," says Rep. Chris Smith of New Jersey. "It is my sincere hope that all U.S. airlines will soon follow their example of visionary corporate responsibility in the fight against human trafficking."

Nancy visited the Dominican Republic in 2009 to educate AAI team members on trafficking watch signs. On this education-oriented trip, Nancy and crew identified and reported three cases of human trafficking. As Herculean undertakings go, our flight attendants not only perform myriad challenging roles in their day-to-day lives, but they are also the front line of defense against this ghastly underworld syndicate.

The Karaoke Baby flashed Deborah a smile, and Deborah melted. She scooped the child in her arms and took her to the nearby New Hope clinic, run by Australian Kerry Hunter. The baby was given a name: Somnang, which means, appropriately, "new hope." Kerry is Somnang's foster mother now, and the Karaoke Baby is healthy and happy.

Our flight attendants are tasked with a Herculean undertaking. Please show them your appreciation. Please thank them.

Adam Pitluk
Editor

Bulletin

Distribute to: All Flight Attendants

Bulletin 91
Date: 18AUG10

ATTENDING INSTRUCTIONS

Please file Bulletin 91 in front of the Title Page of your Inflight Manual and record on the Bulletin Record. All Flight Attendants must file this Bulletin. Expired Bulletins MUST be removed from manual, reference HEDIR from your personal mode in DEC manual, reference HEDIR/SVC/FMAN) to verify effective bulletins.

HUMAN TRAFFICKING

As a responsible global citizen, American Airlines has an obligation to raise awareness about the increasing prevalence of human trafficking, according to the U.S. Department of State. Human trafficking is the fastest growing criminal industry in the world, second only to drug trafficking. This illegal activity has been documented in over 130 countries, including the United States, and ranges from the poor and vulnerable in society. The despicable crime includes forced labor, bonded labor, and forced prostitution.

Background

- Human trafficking generates over \$32 billion annually for organized crime.
- Each year over 2 million women and children are sold as commodities.
- One victim is trafficked across international borders every minute.
- Boys and girls are recruited, coerced or taken from airports, train stations, malls, schools, parties, and theme parks.
- Victims of trafficking for the sex trade can be girls or boys, women or men.
- Trafficked persons are often transported from one place to another using public transportation, including commercial airlines.

What to look for: A trafficked person may...

- May be accompanied by someone who controls their every movement (e.g., may be restricted from publicly use or talking about the return independently).
- Have injuries or signs of physical abuse.
- Appear malnourished.
- Have fear, nervousness, or look like they are not happy where they are.
- Have few personal possessions, or wear inappropriate clothing.
- Avoid eye contact and appear hesitant to talk to strangers.
- Be fearful of authority figures, especially law enforcement.

How Flight Attendants can make a difference

- Be observant of passengers on board your flights.
- Trust your instincts; if something doesn't feel right, take the time to investigate.
- Be alert for children who appear uncomfortable with their traveling companion. The following indicators may signal that a child (often in abnormal) is in trouble:
 - The child likely isn't traveling with parents to be shielding them.
 - The child is not free to talk.
 - The child may not appear and/or sound alert.
 - The child may appear to be drugged.
 - The child may appear in shabby clothes, but traveling with well-dressed adults.

Flight Attendant Procedures:

- If you suspect that a passenger may be a victim of trafficking, initiate passenger non-threatening conversation, and ask targeted questions:
 - Ask why they are traveling; are they going on vacation or visiting relatives?
 - Ask where they will be staying, who will be meeting them, what will they be doing, etc.
 - Assess their body language and overall demeanor.
 - Take note of the traveling companion's behavior, especially the child, for any signs of distress or if the child appears to be in a panic.
 - Inform other flight attendants, and make their introduction with the suspect passengers.
 - Contact the Captain and inform him/her of your suspicions.
 - Provide the Captain with specific details of the situation and explain why you believe the behavior exhibits the signs of human trafficking.
 - Clearly communicate to the Captain that you think law enforcement assessment may be warranted.
 - The Captain will evaluate the information and, if appropriate, involve SIC and/or law enforcement to resolve the concerns.
 - Keep in mind, authorities may not always respond and a CAP may meet the flight.
 - If you are at the airport, and observe a suspicious situation, call the Human Trafficking Hotline.
 - Submit an AAR Event Report within 24 hours.

Human Trafficking Hotline 1-888-373-7838

Airline crewmembers can support international security efforts, and provide valuable information to authorities to help in the global fight against human trafficking. More information about human trafficking is available on the Crew Security website and the following public website:

<http://www.innocentiairbnbk.org>

Thank you for your support.

MATERIAL SUBMITTED FOR THE RECORD BY MR. DAVID ABRAMOWITZ, DIRECTOR OF
POLICY AND GOVERNMENT RELATIONS, HUMANITY UNITED



Testimony of Neha Misra
Senior Specialist, Migration and Human Trafficking, Solidarity Center
Before the Commission on Security and Cooperation in Europe
(U.S. Helsinki Commission)
May 23, 2011

*“Slavery without Shackles”:
Labor Exploitation and the Trafficking of Vulnerable Workers around the World*

Thank you to the U.S. Helsinki commission for the opportunity to present the Solidarity Center’s view about “labor trafficking in troubled economic times”, and especially to highlight the vulnerability of immigrant workers¹ to trafficking and forced labor within legal structures in the U.S. and around the world.

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 globally, working in over 60 countries. 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 immigrant 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, “rule of law”), and partnerships.

Trafficking for Labor Exploitation in Today’s Global Economy

The Solidarity Center especially appreciates the Helsinki Commission’s focus in this hearing on trafficking for labor exploitation and the focus on “abusive, unethical, and illegal business practices that . . . contribute to human trafficking and forced labor.” As a worker rights organization, the Solidarity Center has seen firsthand how violations of worker rights and the lack of labor standards and protections for workers increase their vulnerability to human trafficking.

Too often the media and the public see human trafficking only as a crime of organized syndicates, of criminal gangs, or underground criminals who exploit undocumented immigrant workers. While this is of course true in some contexts, we are increasingly seeing trafficking for labor exploitation happening in the context of legal structures of employment and business – with traffickers who are employers and labor recruiters, not gang members.

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

¹ 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.

- When immigrant workers are forced to pay high fees, often at exorbitant interest rates, to labor recruiters to work in another country, they are vulnerable to debt bondage – one of the most pervasive forms of modern day slavery. This is the case for 400 Thai workers who, according to a U.S. Department of Justice indictment, were allegedly trafficked to the United 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-\$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.”² Millions of other workers – including for example, Moldovan migrant agriculture workers in Italy and Vietnamese workers toiling in factories in Malaysia – can tell a similar story.
- When buyers pressure suppliers all along supply chains to achieve cutthroat prices for their products, workers are the ones that bear the burden as labor costs are often the first ones to be cut, increasing workers vulnerability to severe forms of labor exploitation, including human trafficking. This is the case for thousands of Burmese migrant workers who have been subject to forced labor and physical, emotional, and sexual intimidation in seafood-processing factories in Thailand, which 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 trafficking for forced labor and other forms of severe labor exploitation. When workers face retaliation for trying to exercise their rights or when workers lack access to avenues to address abuse, workers are vulnerable to human trafficking. This is the case for millions of domestic workers,³ agricultural workers, and immigrant workers in the United States and around the world who face extreme conditions of exploitation, 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.

In 2011, a slave may not be in chains or shackles, but they are no freer. Slavery is not simply ownership of one person over another. Modern day slavery is much more subtle. Trafficking victims toil in factories that produce products that are exported to the United States, Europe, and other destinations. 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, workers can be enslaved by threats of deportation, lack of viable alternatives, and especially debt.

While trafficking for labor exploitation has many facets, several major trends in our globalized world endanger workers, particularly those most at risk and most in need of protection. In developed economies like in the United States and Europe, we are seeing an increase in cases of trafficked immigrant teachers, nurses, construction, and service sector workers – all in these destination countries with valid visas, shining a light on the structural failures within our economic and employment systems that increase immigrant workers’ vulnerability to severe forms of labor exploitation. Multinational corporations, employers, businesses, labor recruiters and others exploit these failures.

² Editorial, “Forced Labor,” September 7, 2010, http://www.nytimes.com/2010/09/08/opinion/08wed2.html?_r=2

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

Trafficking as an Inherent Vulnerability in Temporary Labor Migration Schemes

Of particular concern are temporary labor migration schemes – sometimes referred to as guestworker, sponsorship or circular migration programs – that are increasingly being promoted by governments around the world to fill demand for cheap labor. In practice, these schemes create a legalized system and structure for employers to exploit workers, and increase workers' vulnerability to human trafficking and other forms of severe labor exploitation. Such programs have been plagued by a long history of abuses ranging from labor violations to visa fraud, debt bondage, involuntary servitude and trafficking for labor exploitation. This includes, among many others, the U.S. H-2B visa guestworker program, seasonal agricultural programs in Canada and Europe, and the "kafala" or sponsorship system in the Gulf Cooperation Council (GCC) countries.

The Alliance to End Slavery and Trafficking or ATEST, of which the Solidarity Center is a member, recently described the problem in a submission to the U.S. Department of Labor as follows⁴:

It is by now beyond dispute that temporary "guestworker" programs have long worked to the detriment both of the U.S. workers who are bypassed in favor of foreign workers, and for the foreign workers who fall prey to unscrupulous employers and their labor contractors.⁵ Of particular concern to our members, key aspects of the program lead to human rights violations such as debt peonage (or debt bondage), trafficking for labor exploitation and involuntary servitude, all forms of modern-day slavery. Guestworkers' vulnerability is greatly increased by the use of labor recruiters or foreign labor contractors who lure impoverished and desperate foreign workers to jobs within the United States described as plentiful and lucrative. The opportunity to work in the U.S. comes with an intolerably high price tag that includes inflated transportation, visa, border crossing and other costs, and "recruitment fees." Often, workers literally mortgage family properties or take out loans from loan sharks at exorbitant rates in order to meet these obligations. Companies within the United States claim no knowledge of their recruiters' actions and escape legal liability on these grounds. The recruiters themselves often remain beyond the reach of the U.S. legal system.

Once guestworkers arrive in the United States, the well-paid jobs that have been offered [often] do not materialize. Workers are left without work at all, or without work for the length of time promised them. Favorable terms and conditions of work offered in the home country are replaced by harsh conditions. Job contractors transfer workers, for a price, to other contractors. Workers who are dissatisfied with the jobs face overwhelming subtle and not-so-subtle pressures to acquiesce. Passports and other immigration and identity documents are confiscated [by employers] to ensure that workers do not run away. Families back home are threatened [by recruiters] with physical violence, as well as family bankruptcy due to loss of their investment in the worker. Workers who dare speak up for

⁴ ATEST Comments on RIN 1205-AB58, Temporary Non-Agricultural Employment of H-2B Aliens in the United States (Employment and Training Administration, 20 CFR Part 655 and Wage and Hour Division, 29 CFR Part 503), May 17, 2011.

⁵ Southern Poverty Law Center, 2007. "Close to Slavery: Guestworker Programs in the United States," <http://www.splcenter.org/pdf/static/SPLC/guestworker.pdf>; Closed and Criminal Cases Illustrate Instances of H-2B Workers Being Targets of Fraud and Abuse, GAO 10-1053; testimony submitted by members of the Guestworker Alliance for Dignity to the House Committee on Oversight and Governmental Reform Domestic Policy Subcommittee, "The H-2B Program and Improving the Department of Labor's Enforcement of the Rights of Guestworkers," April 9, 2009; The Costs of Coercion: Global Report under the Follow Up to the ILO Declaration of the Fundamental Principles and Rights at Work, International Labor Organization, International Labor Conference, 98th Sess. 2009 Report I(B), http://www.ilo.org/wcmsp5/groups/public/...ed_norm/---relconf/documents/meetingdocument/wcms_106230.pdf.

their rights face job loss, followed by deportation to their home countries and blacklisting. These factors lead workers to fall into myriad situations that rise to the level of a severe form of human trafficking, most notably coercion through abuse or threatened abuse of the law or legal process.

As noted in a recent ILO report, these conditions create a program that is ripe for human rights violations. Human trafficking abuses involving H-2B visas have been documented with frequency in recent media.

While the description above refers to the U.S. temporary guestworker program, the same scenario repeats itself around the world – for example, in Canada, Europe, the GCC, and around Asia. The common element is that these workers are trafficked within legal visa systems, fully documented, and that structural flaws within these programs allow workers to be trafficked.

Two other major common themes emerge:

1. The role of foreign labor recruiters in taking advantage of the lack of labor rights and inherent structural failures in these programs to exploit immigrant workers; and,
2. The need to provide greater protections to workers and opportunities for them to report abuses and advocate for their own rights.

The Role of Labor Recruiters in Promoting Human Trafficking

Foreign labor contractors or recruiters are increasingly relied upon by employers, businesses, and multi-national corporations to facilitate the movement of labor from one country to another. While many labor recruiters behave ethically and are engaged in lawful conduct, other recruiters are often complicit with or directly involved in trafficking of workers. Recruiters often charge exorbitant fees for their services, forcing workers into debt bondage, falsifying documents, and deceiving workers about their terms and conditions of work increasing vulnerability to human trafficking.

The incidence of known human trafficking cases involving foreign labor recruiters is increasing dramatically in the United States. The aforementioned Global Horizons case and the Signal workers case are just two recent examples. Many U.S.-based service providers state that regulating labor recruiters is one of the most important initiatives needed to combat human trafficking in the United States – both labor recruiters based in the U.S. and abroad. Employers rely on labor recruiters who have operations both in the U.S. and in foreign countries – as they use a system of subcontracting to find workers. The operations of such recruiters need to be regulated on both ends of the spectrum.

Stricter regulation of labor recruiters is needed to protect workers entering the United States from human trafficking and other abuses such as wage theft. Stronger legal frameworks will help to prevent unregulated actors from conspiring to fraudulently deceive workers about the terms and conditions of work.

To that end, ATLSI has made a series of recommendations to include regulation of labor recruiters/foreign labor contractors in the 2011 Reauthorization of the Trafficking Victim Protection Act (TVPRA 2011). Similar provisions were passed in the 2008 House of Representatives version of the TVPRA. We have learned even more since 2008 about the need for greater regulation of foreign labor recruiters. As such,

ATEST recommends, with the support of a number of worker and immigrant rights groups in the United States, the following for inclusion in the 2011 TVPRA:

1. **Elimination of Fees:** No foreign labor contractor, or agent or employee of a foreign labor contractor, should be allowed to assess any fee (including visa fees, processing fees, transportation fees, legal expenses, placement fees, and other costs) to a worker for any foreign labor contracting activity. Such costs or fees may be borne by the employer, but these fees cannot be passed along to the worker. This is one of the most crucial elements to eliminate debt bondage for immigrant workers.
2. **Disclosure:** Foreign labor contractors and employers must be required to fully disclose to the worker in writing in English and in the language of the worker being recruited, all of the terms and conditions of their work. This includes:
 - The identity of the employer and the identity of the person conducting the recruiting on behalf of the employer, including any subcontractor or agent involved in such recruiting.
 - A signed copy of the work contract, including all assurances and terms and conditions of employment, from the prospective employer for whom the worker is being recruited, including the level of compensation to be paid, the place and period of employment, a description of the type and nature of employment activities, any withholdings or deductions from compensation and any penalties for terminating employment.
 - The type of visa under which the foreign worker is to be employed, the length of time the visa is valid and the terms and conditions under which this visa will be renewed with a clear statement of whether the employer will secure renewal of this visa or if renewal must be obtained by the worker and any expenses associated with securing or renewing the visa.
 - An itemized list of any costs or expenses to be charged to the worker. Including but not limited to: the costs of housing or accommodation, transportation to and from the worksite, meals, medical examinations, healthcare or safety equipment costs, and any other costs, expenses or deductions to be charged the worker.
 - A statement describing the protections afforded the worker by U.S laws and regulations, including protections in the Trafficking Victims Protection Act of 2000 (Division A of the Public Law 106486), as well as relevant information about the procedure for filing a complaint and the telephone numbers for the Department of Labor hotline and the National Human Trafficking Resource Center hotline number.
3. **Registration:** A Department of Labor administered process for foreign labor contractors to obtain a certificate of registration. Employers must be required to use only foreign labor contractors who are properly registered under this system.
4. **Enforcement:** A Department of Labor established administrative process for receiving, investigating, and adjudicating complaints against the compliance of either employers or foreign labor contractors. Criminal and civil rights of action for workers themselves are also key to preventing trafficking.
5. **Accountability:** Workers must be protected from retaliation and employers must be held accountable for the actions of foreign labor contractors that they hire.

Worker Rights as a Means to Prevent Trafficking for Labor Exploitation

As described earlier, immigrant workers must be included fully in the protection of labor laws and have access to mechanisms to exercise their rights and report abuses to reduce their vulnerability to trafficking. Threats of retaliation, deportation, and visas being tied to a particular employer all increase the incidence of trafficking for labor exploitation. For this reason, ATEST also recommends a provision for the 2011 TVPRA that provide temporary immigration relief to workers who are whistleblowers of severe labor exploitation. There have been a number of human trafficking cases recently in the United States where workers who raised the alarm about severe abuse by employers have initially been threatened with deportation as a way to keep them quiet. These workers have had to remain in the United States in an undocumented status in order to stay in the country to pursue their cases against the abusive employers. After many years, these same workers have been certified as trafficking victims and receive "T" visas, but had to struggle for many years without status. Examples of this include the Global Horizons case and a group of Indian workers known in the media as the Signal Workers. ATEST recommends that a provision be included in the TVPRA 2011 to give trafficked workers like these access to temporary immigration relief in the United States while they pursue claims here, even if they are not initially identified as trafficking victims.

Trafficking in Supply Chains

Another major trend in the global economy is the use of trafficking, forced labor, and slavery victims all along supply chains. It is difficult to quantify the exact number of trafficking victims who work in global supply chains but, as those supply chains reach down to smaller and smaller suppliers, the chances increase that the labor force includes trafficked people.

- When employers (buyers and multinational 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 production lines
- 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 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. 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 Office to Monitor and Combat Trafficking in Persons (G/TIP) at the State Department also plays an important role through its annual Trafficking in Persons Report in highlighting the lack of (but need for) prosecutions for forced labor and other forms of trafficking for labor exploitation in countries around the world.

The U.S. government, however, must do more to ensure that U.S. corporations are held accountable for their practices abroad. We must increase government scrutiny of imports and exports to ensure goods made by slave labor are not allowed in the U.S. marketplace. To this end, the State Department needs to put more emphasis on site visits overseas to suspect industries. To do this, it must expand the number of labor officers and attachés in the field, something that the Congress has called for generally but which the Department has yet to act upon in any meaningful way.

In addition, the Department of Homeland Security must review and rework the role of Immigration and Customs Enforcement (ICE) in overseas inspections. Currently, ICE must notify foreign governments of their intent to inspect workplaces that export products to the United States. 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.

Conclusion

Secretary of State Hillary Clinton said, in the opening of the 2010 *TIP Report*, “Ending this global scourge is an important policy priority for the United States... and no one should claim immunity from its reach or from the responsibility to confront it.”

We agree. It is not an oversimplification to say that if we end worker exploitation, we can end human trafficking. 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.”

Thank you, again, for the opportunity to testify and for your help in combating global trafficking and supporting the rights of workers everywhere. I welcome your questions.



1700 Pennsylvania Avenue, NW
Suite 520
Washington, DC 20006
T: 202-503-3200
E: info@endslaveryandtrafficking.org
www.endslaveryandtrafficking.org

REAUTHORIZATION OF THE TRAFFICKING VICTIMS PROTECTION ACT

WHO WE ARE:

The Alliance to End Slavery and Trafficking (ATEST) is a diverse alliance of U.S.-based human rights organizations, acting with a shared agenda to end modern-day slavery and human trafficking around the world. We work together to create fundamental change—from strengthening laws and business standards to building public will—to change the accepted norms that enable the phenomenon to persist around the world. The fact that the enslavement and trade in human beings exists in our modern world as a disturbingly large, highly profitable illicit industry is unacceptable. Legal nowhere but present across the globe, slavery damages our communities, taints the products and services we consume and the profits we earn, and is one of the most pressing human rights challenges of our time. ATEST member organizations include: Coalition to Abolish Slavery and Trafficking (CAST), Coalition of Immokalee Workers (CIW), ECPAT-USA, Free the Slaves, International Justice Mission, Not For Sale Campaign, Polaris Project, Safe Horizon, Solidarity Center, Verité, Vital Voices Global Partnership, World Vision, and one individual member, Julia Ormond, former U.N. Goodwill Ambassador and president and founder of the Alliance to Stop Slavery and End Trafficking (ASSET).

THE OPPORTUNITY:

The Trafficking Victims Protection Act (TVPA) of 2000, which has been reauthorized in 2003, 2005 and 2008, must be reauthorized again in 2011. This is an opportunity to continue the fight to end modern-day slavery in our generation. Although the United States has taken significant steps to combat human trafficking through a comprehensive approach commonly referred to as the 4P's (prevention, protection, prosecution and, most recently, partnership), more needs to be done. ATEST members struggle daily to effectively address this issue both here in the U.S. and abroad. Our recommendations stem from our programmatic work helping survivors in the field and working hand-in-hand with the U.S. government and international agencies addressing this issue. Our recommendations are also bolstered by the 2010 Trafficking in Persons (TIP) report, which included, but was not limited to, strengthening enforcement tools related to the restriction of importing goods made from forced and child labor; strengthening enforcement of temporary worker programs; intensifying enforcement and workers' rights infrastructure; mandating victim identification training for immigration, detention and removal officers, and immigration services officers; increasing funding for victim services; and increasing U.S. government efforts to identify and assist U.S. citizen victims. We urge the President and Congress to expeditiously enact a Trafficking Victims Protection Reauthorization Act in 2011.

ATEST RECOMMENDATIONS FOR TVPA REAUTHORIZATION IN 2011¹:

Prevention of Human Trafficking and Modern Day Slavery

- Require state foster care programs to report in their annual plan, which is tied to federal funds, how they address the issue of child labor trafficking and commercial sexual exploitation of children or how they plan to do so in the future.
- Strengthen regulation of foreign labor recruiters (in the U.S. and abroad) to prevent human trafficking.
- Require retail sellers and manufacturers doing business inside the U.S. to develop, maintain, implement, and publically state their policies on eliminating and preventing human trafficking and slavery from their supply chain.
- Direct the Department of Labor to update the child-made and slavery-made products list and to include further information on certain products.
- Create an effective mechanism to ensure that goods consumed in the U.S. are not produced using forced or indentured labor or by benefit of human trafficking.

¹ This document is a summary of a more comprehensive ATEST document that includes proposed statutory language, detailed explanations, and salient case examples to illustrate the issues highlighted. The complete document may be found at www.endslaveryandtrafficking.org.

- Encourage country of origin governments and human rights organizations to establish pre-departure education sessions for persons going to work in the U.S. on non-immigrant visas to ensure that workers know their rights; allocate funds for development and distribution of pamphlets required by TVPRA 2008; and develop and fund a "Know Your Rights" video to play continually in local languages while individuals wait in line at U.S. consulates.
- Provide a mechanism for non-immigrant visa holders to find assistance and/or file a complaint about a trafficking experience in the USA from their country of origin.

Protection of Trafficking Victims

- Extend immigration protections to individuals who have been subject to fraud in foreign labor contracting.
- Provide immigration relief for those who have left the U.S. after the human trafficking occurred but who continue to cooperate with law enforcement.
- Ensure that law enforcement makes timely responses to requests for continued presence.
- Provide flexibility for human trafficking victims willing to cooperate with law enforcement where law enforcement has not responded to their efforts.
- Harmonize T and U-visa holders' eligibility for adjustments of status.
- Enhance the self-sufficiency of trafficking victims who have pending T or U-visa applications by providing them with earlier access to employment authorization.
- Allow T and U-visa holders to adjust their status to that of lawful permanent residents even after their T and U-visas have expired.
- Ensure that the definitions section of the TVPA includes a definition for "abuse or threatened abuse of law or legal process."
- Provide the right to seek restitution for child survivors of sex crimes by U.S. citizens in foreign places and civil remedies for personal injuries to child survivors of human trafficking.
- Strengthen the influence of G/TIP by elevating the Ambassador position to Assistant Secretary.
- Designate a portion of the TIP Report to highlight anti-trafficking successes.
- Clarify the definition of trafficking to ensure that trafficking survivors are not required to show proof of movement.

Prosecution of Human Trafficking and Modern-Day Slavery Cases

- Prohibit employers from holding workers' identification and immigration documents.
- Criminalize the exploitation of children by U.S. citizens living overseas, and prevent sex tourists from using cultural "acceptance" of sex with children as an affirmative defense.
- Enhance trafficking prosecutions by providing whistleblower protections to exploited workers.
- Establish an office within the Internal Revenue Service to focus on violations of the internal revenue laws by persons who are under investigation for conduct relating to human trafficking.
- Exclude crime victims' restitution under the Internal Revenue Code so survivors of trafficking and modern-day slavery may rely on the entirety of funds recovered from their traffickers to rebuild their lives.
- Designate Department of Labor Wage & Hour funding specific for training, investigations and for specialized investigators for human trafficking.
- Clarify that corporations and municipal governments cannot escape accountability for trafficking crimes.

Partnership and Increased Capacity to Combat Modern-Day Slavery

- Authorize an emergency fund available for the unexpected needs of human trafficking survivors occurring in the U.S., which can be tapped by service providers and law enforcement to meet emergency needs such as shelter, interpretation, legal services and medical care.
- Enhance access to legal services for human trafficking victims in the U.S., including access to immigration and civil remedies and criminal victim-witness advocacy.
- Create a separate authorized pool of funding for law enforcement human trafficking taskforces.
- Support threshold programs to bring countries on the Tier II or Tier II Watch List into compliance.
- Provide assistance (grants, cooperative agreements, or contracts) for an eligible country with a significant prevalence of trafficking in children that enter into a Child Protection Compact with the U.S. to support policies and programs to eradicate the trafficking of children.
- Encourage G/TIP to address and eradicate severe forms of TIP from particular sectors or regions by developing a comprehensive approach to the problem.
- Strengthen G/TIP's capacity to act quickly and effectively to prevent trafficking in post-conflict and emergency situations.
- Provide G/TIP with the authority and resources to carry out or commission investigations and data collection on slavery and trafficking prevalence so as to measure and improve effectiveness of its own programs and the effectiveness of national government initiatives to combat slavery and trafficking.
- Increase current authorization of appropriations for victim services and law enforcement activities in the U.S.

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS

Excerpts from "The U.S.' Response to Human Trafficking: Achievements and Challenges" S. Feldman, Apr 2011



**The United States' Response to Human
Trafficking: Achievements and Challenges**

Sara Feldman, Policy Advisor

United States Conference of Catholic Bishops/Migration & Refugee Services

April 2011

Human trafficking is a horrific crime against the basic dignity and rights of the human person. Defined as the recruitment, transportation, harboring or receipt of persons by means of force, fraud, or coercion,¹ human trafficking is a multi-billion-dollar-a-year growth industry.² In fact, it is the fastest growing criminal industry in the world, and is tied with the illegal arms industry as the second largest, after the drug-trade. Though efforts to combat it have been increasing, human trafficking has been experiencing a dramatic resurgence in recent years.³ An estimated 800,000 persons are trafficked annually within or across international boundaries, half of whom are children. According to the State Department's 2010 Trafficking in Persons (TIP) report, 12.3 million adults and children are currently held in modern-day slavery, including forced labor and prostitution. Millions more are trafficked within their own national borders for a variety of purposes, including forced labor, bonded labor, sexual servitude, and involuntary servitude.

The United States has begun to recognize and respond to this problem, but much still needs to be done. While awareness of human trafficking is growing, the vast majority of victims remain trapped in situations of exploitation and oppression. This paper will review the progress that has been made by the United States to address the scourge of human trafficking to date; identify the areas in which U.S. efforts to prevent trafficking, protect victims, and prosecute traffickers has fallen short; and suggest steps for improving the U.S. response going forward.

Background

Trafficking victims mostly come from less-developed countries and regions, such as Asia, India, the former Soviet Union, Central and South America, and throughout Africa. Their destinations span the globe; they often end up in Germany, Italy, the Netherlands, Israel, Australia, Japan, Canada, and the United States. While those in developing countries are the most vulnerable to this kind of exploitation, the crime of human trafficking affects virtually every country in the world. There are 127 countries of origin for trafficking victims, 98 transit countries, and 137 destination countries⁴, while uncounted numbers of people are trafficked within the borders of their own countries. Historically, trafficking has been defined largely as trade in women and children for prostitution or other forms of sexual exploitation. However, more recently the definition has been expanded to include individuals trafficked to participate in forced labor and

services, along with those trafficked for the purpose of organ removal.

Victims of human trafficking are commonly linked by poverty and lack of opportunity. They are also connected by their desperation and urge to escape the double trap of privation and their perception of migration as an accessible escape route. Other factors which make individuals exceptionally vulnerable to trafficking include family disintegration; government corruption; lack of parental education; indebtedness; lack of the rule of law in the home country; lack of governments' monitoring of trade, work environments, and child labor; domestic violence; and parental discrimination favoring boys over girls. Often those who become trafficking victims seek to escape life in a dreary village or oppressive slum, with the hope of finding opportunity and a brighter future in a more developed land. In chaotic situations of mass displacement, traffickers often prey on the most vulnerable, making refugees and internally displaced persons at particularly high risk of being trafficked.

It is in these environments that human traffickers flourish, tempting unsuspecting victims with promises of employment, education, and, in some cases, love. At the end of the journey, whether across the ocean or to a nearby town, they find coercion, abuse, entrapment, and exploitation in a brothel, a massage parlor, an illicit factory, or an agricultural outpost. By the time they are rescued, if ever, they are shattered by physical, mental, and psychological abuse in the roles of prostitutes, domestic servants, or manual laborers. Many become ill with disease or become infected with HIV. Some lose their lives.

The Catholic Response to Human Trafficking

The Catholic Church has long been active in the fight against human trafficking in all its forms. The Catholic response to the migration of people in general rests on the principles of Catholic social teaching, central to which is the sacredness and dignity of human life. As the United States Conference of Catholic Bishops' (USCCB) Committee on Migration put forth in the statement On Human Trafficking in 2007,⁵ "The movement of people across boundaries is a part of a collective human experience. There is an element of this experience that must be eradicated: the trafficking of human beings through the use of fraud, force, and coercion for the purpose of forced prostitution or forced labor. Human trafficking is a horrific crime against the basic dignity and rights of the human person. All efforts must be expended to end it...to ensure that,

Excerpts from "The U.S.' Response to Human Trafficking: Achievements and Challenges" S. Feldman, Apr 2011

one day soon, trafficking in human persons vanishes from the face of the earth."⁵

Catholic Social Teaching and Migration

This commitment to end slavery in all its forms is rooted in the Catechism of the Catholic Church. It forbids acts or enterprises that, for any reason, lead to the enslavement of human beings – to their being bought, sold, and exchanged like merchandise, in disregard for their personal dignity.⁶ During the Second Vatican Council in 1965, the Catholic Church reaffirmed its historic concern about human trafficking, stating that "slavery, prostitution, the selling of women and children, [and] disgraceful working conditions where [people] are treated as mere tools for profit, rather than as free and responsible persons; all these things and others of their like are infamies indeed. They poison human society...and are supreme dishonor to the Creator".⁷

The U.S. Church's Anti-Trafficking Work

Operationally, the Catholic Church has placed the elimination of trafficking as an important priority in the areas of public education, advocacy and services to trafficking victims. The Church works diligently to raise awareness within the Catholic community about the problem, including training to help diocesan staff identify and assist victims of trafficking. These awareness-raising efforts include the sponsorship of roundtables and conferences on the subject and the convening of public meetings on several occasions to educate the Catholic faithful and others on human trafficking. All of the Church's training and education is directed toward one end: advancing the best interest of the victims. This education and training are intended to help people to identify victims when they see them, and to empower them to act on what they see.

Part of this effort is driven by the Catholic Coalition Against Human Trafficking, which consists of about twenty Catholic organizations which convene quarterly and work together on advocacy and public outreach. The coalition was instrumental in providing important input on certain provisions of the Trafficking Victims Protection Act of 2000 and its successors, the Trafficking Victims Protection Reauthorization Acts of 2003 and 2005 and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and is now preparing to weigh in on closing the gaps that still remain as the next TVPA reauthorization comes around in 2011.

The USCCB works closely with the Departments of Health and Human Services and Justice to raise awareness about this problem and to assist its victims. The U.S. government also relies on Church networks overseas to help combat trafficking and slavery. According to Ambassador John R. Miller, former

Director of the U.S. State Department's Office to Monitor and Combat Trafficking in Persons, "the Catholic Church is already well underway in getting involved in this problem. [On a trip in 2007, I] met with Vatican officials to learn how we can work within the structure of the Catholic Church to end the demand for victims of sex trafficking. We will also work to identify Bishops around the world who are potential allies in the fight against human trafficking and slavery. I think the Church will have a special role to play, helping everyone to look at this education issue and helping address demand."¹¹

The U.S. Response to Human Trafficking

Human trafficking is not a problem that exists merely on faraway shores and in developing countries. It is estimated by the U.S. State Department that between 14,000 and 17,500 human beings each year are trafficked into the United States to work in the sex trade or as slave labor.¹² However, it is very difficult to gauge the actual prevalence of trafficking in the United States, due to the covert nature of the crime and a lack of adequate data collection on trafficking in the United States. About one-third of foreign born victims trafficked into the country are children.¹³ U.S. citizens are also trafficked within the United States, although estimates of how many are not readily available. Women and children have been forced to work in prostitution and child pornography rings, while men, women, and children have been forced into different types of manual labor, without pay or protection. The best available data suggest that at least 100,000 U.S. children a year are victimized through the practice of child prostitution.¹⁴

Contrary to popular belief, most trafficking of foreigners into the United States is for the purposes of forced labor, not sex work. Some common areas into which foreign national victims are trafficked include domestic servitude, agriculture, manufacturing, restaurant work, janitorial services, hotel services, construction, health and elder care, hair and nail salons, and strip club dancing.¹⁵ Even though they are here legally, documented temporary workers are at particularly high risk of being trafficked, as they can fall prey to fraudulent recruitment practices in which they accrue large debts and end up in debt bondage. There is also a high incidence of trafficking among the domestic workers of foreign diplomats. The most common countries of origin for trafficking victims identified in the United States are Thailand, Mexico, the Philippines, Haiti, India, Guatemala, and the Dominican Republic. Eighty-two percent of these foreign adult victims and 56 percent of foreign child trafficking victims were labor trafficking victims.¹⁶

Domestic trafficking victims, in contrast, are more often encountered in sex trafficking situations than as forced laborers.¹⁷ More attention has been paid to domestic

Excerpts from "The U.S.' Response to Human Trafficking: Achievements and Challenges" S. Feldman, Apr 2011

trafficking in the U.S. in recent years, as trafficking has traditionally been thought of as involving the crossing of an international border. Under the U.S. law defining "severe forms of trafficking in persons", transportation or physical movement does not need to take place in order for the crime of human trafficking to occur. Further complicating the issue is the fact that women and children arrested for prostitution in the United States are not consistently screened for trafficking, and both adults forced into prostitution and children involved in it are usually treated as criminals, not as victims. Training and education of law enforcement is starting to change this, but there is still a long way to go.

Services to Victims

So, what actually happens to foreign national trafficking victims when they end up in the United States? Unfortunately, most trafficked individuals never escape their horrific situations. Traffickers use a variety of methods to keep their victims captive, including passport confiscation, nonpayment of wages, restriction of movement, threats to harm the victim's family, psychological abuse and manipulation, isolation from the community, and physical and sexual abuse.²⁴

Those who are fortunate enough to escape or be rescued are in immediate need of safety and security. They are terrified of the traffickers who brought them to the United States, and many show signs of post-traumatic stress disorder, among other mental health problems. In addition to basics like food and shelter, they need assistance with legal issues (concerning their own immigration status and the prosecution of their traffickers), medical and mental health needs, employment, access to public benefits, and family reunification. The best way to meet these complex needs is through a comprehensive case management system staffed by trained professional social workers experienced in dealing with this population. It is all too easy for survivors without the proper support to be captured again by their traffickers, or to voluntarily return if their most basic needs are not being met. Providing them with a secure, safe, and nurturing environment is crucial to ensuring their survival and their return to society as contributing members.

Once those who are identified are removed from the trafficking situation, attorneys and social service agencies often have to advocate to have them interviewed and certified by law enforcement so that they receive the proper paperwork that entitles them to government assistance. Foreign national victims of a severe form of trafficking in the United States have certain rights and, once certified, are eligible for benefits including immigration relief, social services, and access to

refugee benefit programs. However, social services and benefits only last a few months, and in that time service agencies – who are contracted by the federal government – must find medical help, housing, food, clothing, jobs, and counseling for them. Before victims are certified they are limited in the services they can receive, and they are not authorized to work. Due to a chronic lack of funding, there is a serious undersupply of attorneys who are available to work with this indigent population. When available, immigration attorneys work, usually on a pro-bono basis, to file immigration relief for the victim, as well as for their children or spouses.

Some cases of trafficking will be prosecuted, and some victims must testify before a court. Because involvement in the trial is time consuming and emotionally draining, some survivors suffer an emotional relapse, lose their jobs and risk losing their housing. Once their immigration application is approved, certain family members, usually children, are paroled into the United States legally as derivatives of the victim. After many years of separation, parent and child are reunited. These are happy but often stressful times, as the child and parent may not know each other well.

No one is officially tracking the lives of these survivors after they are done receiving federal benefits, but some of them continue to remain in contact with the agencies that served them. Some successful former clients own their own businesses, get married, and have children. Others remain vulnerable and find themselves in exploitative jobs and relationships. Their cycle of violence continues. But at least they know there is help available to them somewhere. Many, many more go unidentified, without hope and with the belief that no one, anywhere, cares about them.

In 2010, 801 foreign national trafficking victims and 147 of their family members received services from USCCB subcontractors, local NGOs receiving funding through the national HHS-USCCB Per Capita Services Program. Fifty-seven percent of these were men and 43 percent were women. In 2009, the Department of Justice issued grants to 27 victim assistance organizations working in conjunction with law enforcement task forces nationwide.²⁵ These grants focus on emergency assistance for foreign victims until an individual is certified or decides not to work with law enforcement. This bifurcated system, with one agency responsible for serving pre-certified victims and the other responsible for certified individuals, is cumbersome and unwieldy.

Moreover, while there has been a 210 percent increase in certifications of foreign victims over the past five years²⁶, there has been no increase in funding to serve these victims. HHS regularly runs out of funding well before the end of the

Excerpts from "The U.S.' Response to Human Trafficking: Achievements and Challenges" S. Feldman, Apr 2011

year, leaving social service agencies to pick up the tab or let victims go unserved. In addition to the more than 700 foreign born (potential) victims identified by HHS-funded outreach programs in 2009, over 1,000 American citizen victims were also identified. The majority of identified U.S. citizen victims were children found in prostitution.²⁷

Prevention Efforts

Any comprehensive strategy to fight human trafficking has to attack the demand for trafficked persons. As with any illicit trade, it is extremely difficult to get at the root cause of the problem. The United States has taken some important steps to address demand for commercial sex and cheap labor. For example, the U.S. Department of Labor (DOL) now publishes a list of goods from countries it has reason to believe were produced by child labor or forced labor.²⁸ DOL also carries out civil law enforcement in the workplace and targets industries that employ at-risk workers, including restaurants, construction, and agriculture. The U.S. government also focuses on prevention efforts with its government contractors, within temporary worker programs, and with U.S. and foreign diplomats, as these are areas in which exploitation and trafficking have occurred with some frequency. Public awareness campaigns are also a part of this prevention strategy; DHS conducted three extensive human trafficking public awareness campaigns in 2009. Additionally, the U.S. government provides international assistance aimed at preventing trafficking, protecting victim, and prosecuting traffickers overseas.

The Trafficking Victims Protection Act²⁹

The TVPA of 2000 not only set forth the standard legal U.S. definition of human trafficking, but also established the framework for U.S. anti-trafficking efforts and created a form of legal relief for foreign national trafficking victims in the United States. Prior to its enactment, no comprehensive federal law existed to protect victims of human trafficking or to prosecute their traffickers. The U.S. Catholic Bishops praised the passage of this law at the time, signaling it as an historic moment in the battle against human trafficking which brought worldwide attention to the phenomenon and demonstrated U.S. leadership on the issue.³⁰

The TVPA created the "3 P" approach to combating human trafficking, focusing on prevention, protection, and prosecution, and established a system for monitoring other nations' activities that contribute to human trafficking, in the form of the State Department's annual Trafficking in Persons, or TIP, Report. The results of the TIP report can impact non-humanitarian U.S. aid and assistance to countries with low grades for efforts to address human trafficking. In this way, the law was meant to provide an incentive for other countries to improve their record on human trafficking, the first time the

United States had undertaken such an effort. The law also created greater statutory maximum sentences for traffickers, provided resources for protection of and assistance for victims of trafficking, created avenues for interagency cooperation, and established anti-trafficking education programs overseas. As defined in the TVPA, children involved in commercial sex are automatically victims of trafficking, regardless of their citizenship status and whether or not any state or international borders have been crossed.³¹

The TVPA of 2000 provided two principal types of immigration relief for foreign trafficking victims:

- 1) continued presence, which allows temporary immigration relief and work authorization for victims who are also potential witnesses in an investigation or prosecution and,
- 2) T non-immigrant status (T-visa), which allows for legal immigration status for up to four years for victims who cooperate with "reasonable" law enforcement requests for assistance with an investigation or prosecution. Testimony against the trafficker is not required, but it does count in an applicant's favor.³² In 2009, continued presence was issued to 299 potential victim-witnesses, and 313 T visas were granted. T-visas were issued to 273 family members of victims. Approximately 500 T visa holders, including victims and their family members, became lawful permanent residents in 2009, which puts them on a path to obtaining U.S. citizenship.³³

The reauthorizations of the law in 2003 and 2005 strengthened and streamlined some of the provisions of the original law. In 2005, for example, the Department of Labor was directed to publish a list of goods from countries that the department had reason to believe were made with child labor or forced labor in violation of international standards. This took place for the first time in September of 2009.³⁴ However, it was not until 2008 that major changes and additions were made to the U.S. anti-trafficking regime.

Remaining Challenges and Recommendations

Since the enactment of the TVPA in 2000, the Departments of State, Justice, and Health and Human Services have made great strides in implementing the law. Because of their joint and individual efforts, general awareness about the reality of human trafficking has increased, more victims have been identified and referred for services, and more traffickers have been brought to justice. In 2008, the law was strengthened to extend additional protections to victims here in the United States and to fortify the safety net for children who are at risk of being trafficked. It also mandates increases in prevention

Excerpts from "The U.S.' Response to Human Trafficking: Achievements and Challenges" S. Feldman, Apr 2011

efforts, both at home and overseas. However, more can still be done to identify, protect, and serve these victims. Based on our years of experience serving foreign born trafficking survivors in the United States, MRS/USCCB makes the following recommendations for filling these gaps and addressing the challenges that remain.

More resources should be devoted to victim identification, especially through the use of task forces and training of state and local law enforcement officials.

Considering how many victims are estimated to be trafficked into the United States each year, it is surprising that so few are identified. This fact points to the biggest challenge and area for improvement with respect to human trafficking in the United States: victim identification. In addition to the training of law enforcement personnel, more needs to be done to educate the general public on this issue. This is especially needed in the case of teachers, medical professionals, clergy, and others who regularly come into contact with, and often have the trust of, people outside of their homes. However, training of law enforcement should be the highest priority. Most victims of human trafficking who have been referred to NGOs and other service providers have been initially identified by Federal and local law enforcement.³⁵

Anyone can come into contact with a victim, but they are often hard to recognize and will generally not self-identify as victims. The methods traffickers use to keep foreign national victims in bondage, such as threats to turn the victim over to immigration authorities or harm the victim or his/her family members, keep victims in a perpetual state of fear. Victims often are not aware that they have rights and don't trust law enforcement. In other cases, they have developed "Stockholm Syndrome", in which the captive feels loyalty, or even emotional attachment, to the captor, regardless of the danger or risk in which they have been placed. This presents a considerable challenge to victim identification. It is extremely difficult to identify oppressed people who live in the shadows in our communities, not knowing they can be helped. Even more difficult is finding those who are fearful of what will happen to them if they are found.

While the reauthorization of the TVPA in 2003 included a provision which allows referrals by state and local law enforcement authorities of trafficking victims for certification, federal guidance on this provision has not been forthcoming. The TVPRA of 2008 took this a step further by requiring law enforcement to refer child trafficking victims for care. However, we have found that many federal, state and local officials, including Border Patrol agents, are unaware of the certification process and services available to trafficking victims. While we applaud increased efforts in recent years to train Border Patrol agents in victim identification, many

agents are still following procedures which would not enable them to recognize a potential trafficking victim. Since state and local authorities as well as U.S. Custom and Border Protection officials often encounter trafficking rings and victims without recognizing them as such, more education should be provided to federal authorities and by the federal government to state and local governments for this purpose.

In addition to a public awareness campaign and training of law enforcement officials, more resources need to be invested in local anti-trafficking task forces. An emerging best practice model, these task forces combine the resources and know-how of local, state and federal law enforcement agencies, local and federal prosecutors, as well as NGOs and victims' service organizations. In fact, the majority of the documented cases of domestic trafficking have been identified as a result of law enforcement task force identifications.³⁶

Services should be made available to victims from the point they are rescued until they are self-sufficient and in good health.

For those who have been identified, it would benefit them greatly to be able to receive survivor services for a longer period of time. It is much more likely that a person who has been trafficked will re-enter an exploitative relationship, face economic hardship, or suffer ongoing medical or mental health problems if their support system. Currently, pre-certified victims are limited to nine months of services, while the service period for certified victims is a mere three months. Support programs provide for initial health screening, health-care, employment referral and other services, but do not follow the victim beyond the initial stages of assistance.

The lack of flexibility in the timing of service delivery is highly problematic. If a victim gets certified quickly, they receive fewer services than those for whom the process takes longer. It would greatly benefit victims if the programs serving them had the flexibility to provide the services when the individual needs them, regardless of whether or not they've yet been certified.

There are a number of reasons certified foreign national trafficking victims would benefit greatly from a longer service period. First of all, participation in the criminal investigation and trial often delays self-sufficiency. Due to the time required of the victim witness by law enforcement and the U.S. Attorney, as well as the anxiety, acute stress, and re-traumatization suffered by the victim as they have to continually re-tell their story and anticipate facing the trafficker, clients are often unable to maintain employment and, therefore, face eviction. Additionally, the lack of a familial and social support network makes it more difficult for

Excerpts from "The U.S.' Response to Human Trafficking: Achievements and Challenges" S. Feldman, Apr 2011

the client to quickly secure housing, employment, and medical and mental health services.

The application process for immigration relief via the T visa is lengthy and complex. In many states, U.S. attorneys prosecuting cases have advised immigration attorneys to delay the filing of the T visa until the culmination of the trial to prevent information in the T visa from becoming discoverable. At this point, the client is often no longer eligible for services, increasing the likelihood that the client may not ever apply for the T visa and will thus become undocumented, putting them at risk for trafficking.

While trafficking victims are currently eligible for three months of basic services after victim certification, the length of the service period should be two to three times longer so that victims can utilize necessary services until they are back on their feet. A longer, flexible service period would better enable them to enter society as healthy, productive individuals. This is their opportunity to start over and make a better life for themselves after suffering unimaginable hardship. The United States has come a long way in protecting these traumatized individuals. It would be a shame not to support them during this essential period of integration into American society.

More funding should be made available to victims of human trafficking.

In the TVPRA of 2008, Congress appropriated funds for services to foreign born trafficking victims through the Department of Health and Human Services and the Department of Justice through 2011, the amount allocated falls far short of the need. In fact, while the TVPRA of 2008 authorized \$12.5 million for foreign born trafficking victims to HHS, only \$9.8 million was appropriated in 2009 and 2010, respectively. That funding level has not risen since ORR first began providing services to human trafficking victims. MRS/USCCB recommends an appropriation of \$17 million for foreign national trafficking survivors, including not less than \$12 million for victim services, an amount which would allow for a longer service period, more intensive public education and training of law enforcement, and the expansion of services to other categories of trafficking victims, namely U visa holders and family member derivatives of T visa holders.

As human trafficking becomes more public and more victims are identified, more funding is needed to provide services to trafficking victims. Due to competing interests and limited funds, HHS is compelled to set limitations on the length of services for foreign national victims, leaving them vulnerable to potential exploitation and undocumented status. Trafficking victims, traumatized by their experience, require comprehen-

sive care, not just emergency assistance and help in finding a job. Because the TVPRA reauthorization of 2005 expanded programs to assist U.S. citizen and permanent resident victims, HHS has needed to serve a higher number of victims in recent years, while the number identified continues to grow.

Passage of the TVPRA of 2008 has again increased the number of victims served. At the same time, current funding levels are not adequate to serve the number of victims that request them, and those that are being served would benefit greatly from a longer service period. HHS regularly runs out of funding for trafficking services before the service year is over. In fact, during each of the past four years, HHS was unable to serve all the clients who were eligible for services, and ran out of funding before the end of each year. MRS/USCCB, as the sole entity to contract with the federal government to provide these services, covered this shortfall with funding reserved from program efficiencies, thus ensuring that no clients went without services. Over those four years, \$429,000 of USCCB's own funds were used to cover service periods that HHS was unable to pay for.³⁷ Additionally, HHS should direct more of their anti-trafficking funds to services for victims instead of toward infrastructure needs.

U Visa recipients and paroled family members of trafficking victims should be eligible for trafficking victims' services and work authorization.

Currently, trafficking victims who are granted a U visa as a victim of crime are not eligible for trafficking victims' services. While they are legally allowed to work, they cannot access any benefits at all until they are finally granted Legal Permanent Resident status. In some cases, pre-certified trafficking victims who have been enrolled in a victims' services program end up having to leave the program and cease to receive services once they are granted a U visa. These trafficking victims are being unfairly punished for the fact that they have been granted another form of legal relief. This leaves them even more vulnerable to being re-trafficked or exploited, since they may feel they have nowhere else to turn to meet their basic needs.

Family members of trafficking victims must wait until they receive T visa derivative status, which can take over a year, to be eligible for trafficking victims' services and work authorization. These family members are those who are vulnerable in their home countries because of safety concerns and lack of financial support by the family breadwinner, who is often the trafficking victim himself.³⁸ While the U.S. government is able to bring these family members to the United States as humanitarian parolees prior to their receipt of T visa derivative status, these family members are not eligible

Excerpts from "The U.S.' Response to Human Trafficking: Achievements and Challenges" S. Feldman, Apr 2011

for services and do not have the authorization to work legally in the United States.

In order to meet all victims' basic needs and prevent their further exploitation, U visa recipients and trafficking victims' family members who are paroled into the United States should be eligible for benefits to the same extent as trafficking victims, and trafficking victims' family members who are paroled into the United States should receive work authorization.

Federal agencies should better coordinate efforts, especially in the certification, protection, and care of victims.

The creation of a State Department Office to Monitor and Combat Trafficking in Persons in the TVPA has helped focus the efforts of the U.S. government in the last several years. The initiatives undertaken by the office include an interagency task force to coordinate efforts and initiatives to combat trafficking and the sponsorship of conferences to educate the public and others about the issue. The office's annual Trafficking in Persons report, which identifies sending countries and holds them accountable for not addressing the issue in their countries, has also been quite helpful in pressuring other countries to improve their anti-trafficking efforts.

Despite significant progress in this area since 2000, coordination between federal agencies, such as the Department of Homeland Security, the Department of Justice and the Department of Health and Human Services, could be improved. For example, information on victims and prosecutions should be more readily shared between the agencies, and questions about implementation of the law should be jointly considered and addressed. Increased collaboration between these agencies and the non-governmental agencies that serve trafficking victims is also needed.

Federal agencies should homogenize data collection on trafficking victims.

Each federal agency that works to combat human trafficking and serve trafficking victims currently has its own data collection mechanism, and that data collection has been spotty to date. This makes it difficult to correctly assess the number of victims identified, certified and served, and makes protecting victims a challenge. In terms of service provision, HHS and DOJ programs do not use the same data collection method, and not all survivors are served by these two agencies. In addition, some states fund services for survivors and may have their own data collection mechanisms. For these reasons, HHS should, in conjunction with DOJ and DHS, develop a joint data collection instrument and database for collecting and analyzing data about trafficking victims who are served by their respective programs. At a minimum,

the instrument should include a unique client identifier, demographic information, an assessment of the client's needs, information about client expenditures, and information about the outcome of services.

ORR/HHS should continue to utilize NGOs and a centrally coordinated case management model to best serve trafficking victims.

In the realm of service provision, the United States has developed a solid foundation for trafficking victim services. A per-capita mechanism administered through a mission-driven agency with established relationships and expertise allows the federal government to maximize its funds, build a national infrastructure for response, and provide direct service agencies with a national contact for education and consultation. A centrally-administered program ensures efficiency and the ability for national, standardized data collection. By partnering with an NGO with experience in administering and monitoring federal programs, the government ensures accountability of federal funds and the delivery of quality services. In its 30-year history of service provision to vulnerable migrants, MRS/USCCB has found a public/private partnership to be essential in fulfilling its mission to serve vulnerable populations. The government benefits from the unique position of the NGO to identify gaps in service, pool resources and advocate for necessary programmatic and legislative improvements. MRS/USCCB recommends that the government continue to seek the expertise of NGOs as it focuses on improving trafficking victim services.

Conclusion

The issue of trafficking in persons is one of the most important human rights issues facing the world today. The United States has taken significant steps in the past several years to address this problem. The historic passage of trafficking legislation in 2000 established the framework for the U.S. response to trafficking, and places the United States as a moral leader in the effort to eradicate the scourge of trafficking from the face of the earth. Victims have been identified and cared for, and traffickers have been deterred at home and overseas. However, there is so much more we can and must do.

The upcoming 2011 reauthorization of the Trafficking Victims Protection Act presents an opportunity to make great strides toward the elimination of human trafficking. The U.S. Catholic Bishops will continue to work toward that goal, and look forward to partnering with the United States government and the international community to put an end to the very worst kind of exploitation: the buying and selling of human beings. No one should have to endure this modern-day form of slavery, and the United States should do everything in its power to put an end to this practice.

Excerpts from "The U.S.' Response to Human Trafficking: Achievements and Challenges" S. Feldman, Apr 2011

Endnotes

- 1 The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, otherwise known as the Palermo Protocol, was developed in 2000 and represents the consensus of the international community on the definition of human trafficking. Per the Palermo Protocol, "Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs". The Trafficking Protocol entered into force on 25 December 2003. By June 2010, the Trafficking Protocol had been signed by 117 countries and 137 parties. – UNDOC – Signatories to the C10C Trafficking Protocol.
- 2 Catholic Relief Services, "Human Trafficking Has Global Reach" <http://crs-blog.org/human-trafficking/>.
- 3 Ibid.
- 4 UN Office on Drugs and Crime, Trafficking in Persons: Global Patterns: April 2006.
- 5 USCCH Statement "On Human Trafficking", 2007.
- 6 Paragraph no. 2414, www.ipjc.org.
- 7 Gaudium et Spes, 1965, www.ipjc.org.
- 11 <http://www.renewamerica.com/columns/kralis/060804>.
- 12 2009 Trafficking In Persons (TIP) Report. <http://www.state.gov/tip/rls/tiprpt/2009/>.
- 13 Based on estimates by the U.S. government of the numbers of all trafficking victims and comparing those figures with widely cited figures of foreign-born children in the sex trade in the United States, MRS/USCCH estimates conservatively that about one-third of foreign born victims trafficked into the country are children.
- 14 The National Report on Domestic Minor Sex Trafficking, Shared Hope International, 2009. http://www.sharedhope.org/Portals/0/Documents/SHI_National_Report_on_DMST_2009.pdf.
- 15 2010 Trafficking In Persons (TIP) Report. <http://www.state.gov/documents/organization/142984.pdf>.
- 16 Ibid.
- 17 Ibid.
- 24 2010 TIP report.
- 26 Ibid.
- 27 Ibid.
- 28 Ibid. The U.S.' Response to Human Trafficking: Achievements and Challenges
- 29 Ibid.
- 30 The TVPA originally became law in 2000. It was subsequently reauthorized in 2003, 2005, and 2008.
- 31 Statement of Bishop Nicholas DiMarzio, October 2000.
- 32 National Report on Domestic Minor Sex Trafficking, Shared Hope International, 2009. http://www.sharedhope.org/files/SHI_National_Report_on_DMST_2009.pdf.
- 33 2010 TIP report.
- 34 Ibid.
- 35 Ibid.
- 36 "Human Trafficking Into and Within the United States: A Review of the Literature", Clawson, Dutch, Solomon and Grace, August 2009; aspc.lhsgov.gov.
- 37 "Study of DHS Programs Serving Human Trafficking Victims", <http://aspc.lhsgov/hsp/07/HumanTrafficking/Final/index.shtml>.
- 38 MRS Anti-Trafficking Services Reflections Paper, 2010.

Copyright © 2011, United States Conference of Catholic Bishops, Washington, D.C. All rights reserved. No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission from the copyright holder.

TESTIMONY OF JULIA ORMOND
FOUNDER & PRESIDENT
ALLIANCE TO STOP SLAVERY & END TRAFFICKING
(ASSET)
BEFORE THE
COMMISSION ON COOPERATION & SECURITY IN EUROPE
THE U.S. HELSINKI COMMISSION
MAY 23, 2011

Mr. Chairman, distinguished Members of the Committee and staff, good morning.

Initially, I engaged around the issue of slavery and human trafficking shocked and spurred into action by reports of sex-trafficking. To me, nothing then seemed more heinous than the repeated rape and violence endured by its victims.

At first, I met in California with survivors representing a wide variety of the faces of slavery. Other travels around the world took me to Russia, Ghana, Thailand, Cambodia, India, and Europe. These trips provided me with a creepy and shocking perspective of how slavery invades not merely the lives of its victims, but my own life as well – how I am unwittingly connected to it; ultimately connected to its systematic violence. People often ask me “where in the world is it worst?” My answer is: “in my own home”

It is simply not possible to sit easily in Los Angeles and forget the enslaved children I have met. Children from whom I have walked away, and left to an uncertain fate.

What keeps me up at night – what haunts me – are the victim’s stories. I will never forget the story of the girl who crawled out of an eight floor window for fear of her life in sex slavery. But I can equally never forget the child enslaved in the fishing industry who jumped ship into the Thai sea to float on a barrel for two days and a night before being rescued because that was his safest option, or the child who was chained, whipped and scarred for life while maybe working on our carpets. Or the child soldier forced to burn his village, kill his mother and rape his sister for someone else’s war. Or the stories of the artisanal miners of gold who begin a two-year life expectancies, just to provide me with a trinket. Or the enslaved garment worker who make my clothing. Or footage of Mayan agricultural slaves in Florida picking my tomatoes.

Just as those forced into sex slavery, they all deserve our compassion. They all deserve our attention. And they all deserve our commitment to end all forms of slavery and human trafficking.

In 2007 I founded the Alliance to Stop Slavery and End Trafficking, otherwise known as ASSET. ASSET is an advocacy organization, dedicated to combating slavery and trafficking by amplifying the voice of the victim, and supporting systemic solutions.

I have come to define “enslavement” as:

“When one person completely controls another person, uses violence or violent threat to maintain that control, exploits them economically and pays them effectively nothing. Trafficking is a process of enslaving someone.”

Under the tenure of Ambassador C. deBaca, the 2010 Annual Report of the U.S. State Department’s Office to Monitor and Combat Trafficking in Persons notes that more people are trafficked into forced labor than commercial sex. Yet ask any member of the public what proportion of this issue is sex-trafficking, and the usual response is about 80%. To the contrary, the International Labor Organization has recently stated that for every one person forced into the sex trade, nine people around the world are forced to work.

And among labor trafficking victims, the practice is most prevalent in the agriculture and mining industries. The forced labor of these victims taints many of the products that we purchase and rely on every day, such as coffee, chocolate, clothing, micro-chips, electronics, even the brake pads in our cars. To quote the TIP Report, “it is impossible to get dressed, drive to work, talk on the phone, or eat a meal without touching products tainted by forced labor.”

The United Nations has documented the shift from trafficking in weapons and drugs, to trafficking in people. And now specifically, the trafficking of children. The U.N. Office on Drugs and Crime has cited that in Europe, the profits from human trafficking has overtaken the profits in the trafficking of drugs. Yet the United States government spends more in ONE DAY fighting the war on drugs, than it spends in an entire year fighting the trafficking of people.

We all have a role to play in supporting solutions – and there are many solutions. Every single place I travelled, solutions await the resources to scale and meet a drastic need.

In order to resource these solutions, however, it is vital to get the story straight, and media can play a crucial role. Sex will always sell, whether the story is good or bad. But we need the media to cover the issue fairly, proportionately. Media outlets must set aside deliberate resistance of losing advertising revenue, and instead articulate how businesses can use their influence over supply chains to recreate the map, to illuminate the worst areas of poverty in the world, where slavery and trafficking take hold.

As advocates, we need to do a better job articulating to the public the enormous challenges that today’s complex supply chains present to business. We need to articulate

that the CEO is most often not the criminal. This is criminal activity tainting their supply chains, most often around raw materials, just as shoplifting is criminal activity occurring at the other end of the supply chain, at the point of purchase.

Only by rediscovering the supply chain, and influencing each step of it by encouraging best practices, can we implement real solutions; can the NGO work with the CEO. A supply chain without a policy of best practices is like a computer without virus protection – you will most likely become infected with a virus or tainted by labor violations.

We need companies to come to the table and collaborate in finding better solutions, to work with governments and the NGO community, who can offer victims safety and rehabilitation, and can assist vulnerable communities. We cannot accurately and efficiently access victims without the assistance of the companies that influence infected supply chains.

I think one of the most crucial pieces that I have learnt is that this is a verification of process – whether you are growing, picking, selling tomatoes out of Florida, or implementing Fair Trade's exemplary standards in the developing world's small farms – you will find slavery. The point is that the better your practices, the less you will find. And the better your practices, the better your response.

ASSET's solution was to be primary sponsor of the California Transparency in Supply Chains Act of 2010, authored by Senator Darrell Steinberg and signed into law by Governor Schwarzenegger in September 2010.

This law came into effect in January 2011, and it requires retailers and manufacturers operating in California with over \$100 million in worldwide gross receipts to publicly disclose their efforts to eradicate slavery and human trafficking from their supply chains. The law will apply to just over 3,000 companies – around 4% of California's companies, who represent approximately 87% of economic activity in the state.

This new law is one small step in a long journey forged by others that ASSET has joined. I hope if it is applied well, that it will represent a watershed in the sharing of knowledge, and will enable active consumer, investor and other stake-holder engagement, will encourage a pooling of resources and will get us closer to concrete, measurable results.

The California Transparency in Supply Chains Act will for the first time enable consumers to choose to support businesses that are creating best practices, using their purchasing power to encourage them to bring their expertise and knowledge of supply chains into the equation. Investors can influence corporate governance and social responsibility practices, providing incentives to companies to elevate human rights and place them at the heart of their strategy.

In one sweep it will educate companies unaware of a possible problem not just of their own potential vulnerability, but also the devastating impact of using company influence to drive profit up by forcing the prices of raw materials down, to a level where labor violations and criminal activity and suicide are the outcome for the raw material workforce. For today's enslaved.

It will create an environment where those companies already doing the right thing, can more robustly and publically turn it into part of their brand identity. And for the next step in the process to occur; Congress should enact federal legislation that will empower consumers with information disclosing the presence of slavery and trafficking in the corporate supply chain.

Thank you for listening, and I look forward to your questions.

