

Testimony of Ambassador-at-Large Luis CdeBaca  
U.S. Senate Foreign Relations Subcommittee on East Asian and Pacific Affairs  
April 7, 2011

I'd like to thank Chairman Webb, the Ranking Minority Member, and the members of the subcommittee for the opportunity to testify today.

As Congress considers the reauthorization of the Trafficking Victims Protection Act, I welcome the opportunity to work with lawmakers and to engage in frank discussions about what is working well in our fight against modern slavery, as well as those areas where we can strengthen and improve our efforts.

One of the most important tools at our disposal is the annual Trafficking in Persons Report. Last year, the 10<sup>th</sup> installment of the report was issued comprising narratives about the state of human trafficking in 177 countries, including for the first time the United States.

In the decade since the first TIP Report, the number of countries included has more than doubled. A more important statistic, however, is that since the first TIP Report in 2001, the number of countries placed on Tier 1—those countries complying with the TVPA standards for combating trafficking—has grown from 12 to 30. At the same time, the number of countries on Tier 3 has decreased from 23 to 12. Since the release of the first TIP Report, more than 120 countries have enacted anti-trafficking laws, the number of victims identified and traffickers prosecuted has increased significantly, and recalcitrant governments have taken the first steps toward curbing this heinous crime.

Of course, when we view these successes next to the enormity of the problem of modern slavery, it is clear how much work remains and that more than a decade after the passage of the TVPA, we have only begun to address the issue of modern slavery. And we cannot meaningfully address this issue without focusing on Asia.

The International Labor Organization tells us that the prevalence of forced labor and sexual servitude is higher in Asia than anywhere else in the world, where nearly three in every 1,000 inhabitants have fallen victim. The International Organization for Migration and the World Bank have shown that the majority of the more than 200 million transnational migrants in the world are from Asia. Within the growing pool of Asian migrants is a huge population of people who are victims of sex and labor trafficking.

The Asia-Pacific Center for Security Studies recently published a report which surveyed mid-level government officials, law enforcement and military officers from the region. More than 97 percent of those surveyed viewed human trafficking as a fairly important or very important concern in Southeast Asia, compared to 73.5 percent who said the same about South Asia, 54.1 percent in Northeast Asia, and 85 percent in Oceania. This statistic not only reflects the significant scope of the problem, but also the increased awareness among government and law enforcement.

Furthermore, the Association of Southeast Asian Nation (ASEAN) member nations have not formulated regional strategies to combat modern slavery as the Council of Europe and the Organization of American States have done.

While some countries in Asia have passed legislation to prohibit trafficking, governments as a whole have not yet shown the political will to hold the traffickers to the fullest account by imposing sentences commensurate with the severity of the crimes. Some countries focus solely on sex trafficking, but their efforts are misdirected by treating the women as illegal immigrant prostitutes or criminals rather than recognizing them as victims. Forced labor cases are sometimes treated as administrative violations, if they are addressed at all.

The unfortunate result of these ongoing problems was that the number of countries in Asia downgraded in the 2010 TIP Report was greater than the number upgraded. The specific findings in last year's TIP Report with regard to Asian countries paint an even more startling picture.

In recent years, we have learned a lot about the forced labor of migrant workers in the fishing and seafood processing industries. In a 2006 study, the ILO found that 43 percent of Burmese in the Thai fishing sector who have given over possession of their identity documents to their employers cannot access these documents when they want to. In many cases, the employers hold onto these documents purposefully to restrict their employees' movement, even though without them, migrants are vulnerable to arrest and deportation.

A UN survey of men and boys who were victims of forced labor on Thai fishing boats (which travel throughout the Pacific region) found that 29 of 49 (59 percent) reported seeing a murder by the boat captain. The problem of forced labor on fishing vessels in the Pacific region is one on which we are attempting to gain greater information and encourage governments to address. However, the inherently isolated nature of work on these vessels, and the legal jurisdictions of the waters in which these boats operate make this a particularly difficult challenge.

We know that there are tens, and possibly hundreds of thousands of foreign migrant workers – many of whom are trafficked – in the Southeast Asian fishery industries. While this problem is widespread, in Thailand, we are aware of only six traffickers convicted by the Royal Thai Government for the forced labor of foreign workers in the industry – all but one of whom were freed on bail after conviction, pending their appeals. While the convictions represented successes in Thailand's efforts to combat trafficking, their limited number speaks to the work that still needs to be done.

Farther east, Vietnam reported to us that last year, they did not criminally prosecute any labor trafficking offenders, but they fined 98 recruitment companies a total of \$10,900 and revoked the licenses of two firms. That's an average of only \$111 per firm and a total of less than what one worker pays to be recruited for a job abroad. During these last months before the release of the new TIP Report, we are working with our colleagues in the country teams of U.S. missions abroad to encourage significant efforts and commitments that can be reflected in the new Report.

Indeed, a lack of avenues for redress of complaints by Indonesian, Bangladeshi, Sri Lankan, and Nepalese men and women in many East Asian destination countries denies them justice and a chance of effective recovery. It also fails in providing a deterrent through tough criminal sanctions to traffickers. Clearly, we have to elevate the ramifications for this type of exploitation above the cost of doing business.

In South Korea, the government has had some success prosecuting sex traffickers and offering services to the victims. There is a known presence of women and girls in sexual servitude, including foreign women recruited to work on entertainment visas as singers and bars near U.S. military facilities. We know that women such as these often incur thousands of dollars in debts, contributing to their vulnerability to debt bondage upon arrival. The issue of child sex tourism – one that the U.S. government attempts to tackle head-on through extraterritorial application of relevant laws – is also one shared by South Korea and Japan, and the 2010 TIP Report sets forth how men from those countries fuel the demand for sex trafficking in Cambodia and other poorer countries. But unlike the United States, South Korea has never prosecuted one of its citizens for child sex tourism, and Japan's last prosecution was in 2005.

The reality is that enforcement regimes in the Pacific region are woefully inadequate. Resource constraints, corruption, and a lack of political will have created an enabling environment in which sex slavery and forced labor thrives, and exploiters rarely face meaningful penalties.

Yet clear successes are being registered, and those successes help illustrate the importance of the TIP Report as a tool for motivating government action on modern slavery.

In the past year, the Philippine Government has taken important steps to address the trafficking of its citizens within the country and abroad; the government has publicly linked these efforts to the threat of a downgrade to Tier 3 in the 2011 TIP Report. The hundreds of backlogged trafficking cases in the court system are beginning to be fast-tracked, corrupt officials are being identified and punished, the government has increased resources available to combat trafficking, and most importantly, mechanisms to improve the government's anti-trafficking responses are being institutionalized.

In Indonesia, a Tier 3 ranking last decade led to the establishment of a human trafficking task force and in 2007 the passage of anti-TIP legislation. In 2009 Indonesia prosecuted the largest number of labor trafficking offenders (79) of any East Asian government.

Malaysia's Home Minister credited the TIP Report as a factor leading to the passage of that country's 2007 anti-TIP legislation. In 2009, Malaysia was given a Tier 3 ranking based in part on a report issued by this Committee implicating Malaysian government officials in a trafficking scheme. Since that ranking, the government has increased the number of investigations and prosecutions, cracked down on trafficking-related corruption in the government, conducted a public information campaign about trafficking, and enhanced collaboration efforts with the NGO community.

While ranked Tier 2 Watch List just a few years ago, perhaps the strongest Tier 1 jurisdiction in the Pacific region is Taiwan – thanks to its political commitment to carrying out a series of tough

anti-trafficking reforms. Now, foreign victims of trafficking in Taiwan stand a much greater chance of being identified, subsequently given assistance to get back on their feet, and gain legitimate employment with legal immigration status. Taiwan authorities have made a commitment not just to enforcement, but to victim care, and that's making them stand out.

In a region of the world where the challenge of modern slavery is so great, change is going to be slow and difficult. But we cannot allow slow progress to be used as an excuse to roll back what we know is working. Specifically, it is critical that the TIP Report remain a central tool in our government's anti-trafficking efforts.

The honest and thorough country narratives in the TIP Report take into account the findings of the U.S. government, foreign governments, and the wide range of civil society actors who are part of the fight against modern slavery. As mentioned before, a major roadblock to effective anti-trafficking efforts in some Asia countries is the denial by governments of trafficking problems. If we hope to motivate governments to take appropriate action to curtail modern slavery, accurate reporting must be the first step. This commitment often means telling friends truths that they may not want to hear. But as Secretary Clinton has said:

“Countries come to us and ask very forcefully not to be dropped in their category and we hear them out and we tell them [...] the kinds of things that we would look to that would demonstrate the commitment that we think would make a difference, to talk about best practices, to share stories. And some countries have listened and the results speak for themselves. Others have not.

Now this is a process that is fraught with all kinds of feelings and I recognize that, but the easiest way to get out of the tier three and get off the watch list is to really act. And we had some real friends, friends – countries that are friends on so many important issues, and they were very upset when we told them that they were not going to progress and, in fact, were in danger of regressing. And then they said, ‘Well, what can we do?’ And we said, ‘Well, we’ve pointed this out, we point it out again, and we will stand ready to help you.’”

Additionally, the cases of governments citing the TIP Report itself as a specific factor in motivating anti-trafficking actions are too many to be ignored. As long as governments are moved to address the problem either in reaction to a bad ranking or concern about a potential downgrade, the value of the TIP Report in those cases is evident. Our office is mandated to monitor and combat trafficking in persons; the most effective tool we have in carrying out those two charges is the TIP Report.

Diplomatic engagement with governments in the Pacific and East, South and Central Asian regions has increased over the last two years. We regularly seek input for and responses to the TIP Report, and feed an ongoing dialogue on prospective improvements, centered on recommendations found in the TIP Report.

We have particularly ramped up engagement with governments facing a potential statutory downgrade to Tier 3, three of which are in EAP (China, Micronesia, and Philippines) and three

of which are in South Asia (Bangladesh, India, and Sri Lanka). We have ensured that governments were made aware of this amendment to the TVPA and its implementation in the 2011 TIP Report starting in 2009. I have since personally discussed this issue with senior officials in four of these six countries.

During these last months before the release of the new TIP Report, we are working with our colleagues in the regional bureaus and at embassies abroad to encourage significant efforts and commitments that can be reflected in the new Report. The separate TVPA sanctions decisions—to be issued by the President not later than 90 days after the Report's release—will likely ensure that other important US government equities are not adversely affected by restrictions on bilateral assistance or MDB lending.

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Again, I thank the subcommittee for the invitation to testify today, and I'm happy to answer questions.