

COMBATING HUMAN TRAFFICKING IN ASIA

HEARING
BEFORE THE
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AND PACIFIC AFFAIRS
OF THE
COMMITTEE ON FOREIGN RELATIONS
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CONTENTS

	Page
CdeBaca, Ambassador Luis, Ambassador at Large, Office to Monitor and Combat Trafficking in Persons, Department of State, Washington, DC	4
Prepared statement	7
Responses to questions submitted for the record by Senator John F. Kerry	22
Responses to questions submitted for the record by Senator Benjamin L. Cardin	24
Webb, Hon. Jim, U.S. Senator from Virginia, opening statement	1
Inhofe, Hon. James M., U.S. Senator from Oklahoma, opening statement	3
Prepared statement	3

COMBATING HUMAN TRAFFICKING IN ASIA

THURSDAY, APRIL 7, 2011

U.S. SENATE,
SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:20 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Jim Webb (chairman of the subcommittee) presiding.

Present: Senators Webb, Boxer, and Inhofe.

OPENING STATEMENT OF HON. JIM WEBB, U.S. SENATOR FROM VIRGINIA

Senator WEBB. Good afternoon. This hearing will come to order. Today, we will hear testimony about America's efforts to combat the exploitation and trafficking of people in Asia.

The U.S. Government has long recognized the negative impacts of human trafficking. Within the Congress, the Trafficking Victims Protection Act, TVPA, has mandated actions on a national and international level intended to reduce the flow of trafficking and to assist victims. In light of the TVPA reauthorization this year, today's hearing will examine the impact of our legislation on our antitrafficking efforts in Asia.

Over the past year, I've heard from several regional governments, American officials in the region, and other stakeholders about the unique nature of human trafficking in Asia. The routes coming out of Asia appear to be among the most diverse of any region in the world, with routes flowing between Asian countries and out to other regions. Many countries serve as sources and destinations of trafficking victims. Calculating the flow of people within and across borders is difficult, given the range of activities that can be considered trafficking. These include forced prostitution, forced labor, domestic labor, child abduction, and child soldiers. In Asia, all forms can be found.

Trafficking affects the region's security, in terms of border security and law enforcement. It also affects the region's economy. The economic incentives that create the demand for human trafficking play a role in thwarting efforts against it. Trafficking networks often operate as criminal syndicates—flexible, accommodating to demand, and profitable. Yet, without an accurate baseline and regional perspective, it is difficult to determine how flows of people are affected by changes in laws and enforcement activities against trafficking.

A key area of concern for today's hearing is the methodology for compiling the State Department's "Trafficking in Persons Report," the TIP Report, which is the Department's primary tool for documenting the scope of this issue. The TIP Report is required by Congress and has been issued annually since 2001. The United States was first included in the report last year. Unlike many other reports mandated by Congress, such as the State Department's "Countries Report on Human Rights," this report is required to document the problem and grade countries on their antitrafficking efforts. The TVPA mandates four minimum criteria for domestic antitrafficking efforts and laws, and then judges a country's compliance with these standards. If a country is not in compliance, then the TVPA mandates that its efforts to comply be evaluated against 11 criteria to determine if these efforts can be considered significant. The TIP Report ranks each country as Tier 1, Tier 2, a Tier 2 Watch List, or Tier 3, with Tier 1 countries judged as having full compliance with the TVPA criteria, Tier 2 countries as not being in compliance but making "significant efforts to come into compliance," and Tier 3 countries as not being in compliance and not making significant efforts.

The Tier 2 Watch List, a special category, includes countries ranked on Tier 2 that also meet the following three criteria: one, the number of victims in the country is significant or increasing; two, the country fails to provide evidence of increasing antitrafficking efforts and decreasing complicity in trafficking by government officials; and three, the country makes commitments to take additional steps, over the next year, to come into compliance.

The report itself focuses on prosecutions of trafficking violators, protection of identified victims, and prevention of trafficking activities. Countries are required to provide data on their antitrafficking efforts, and this information is used by our embassies to prepare findings and recommendations for the TIP office in Washington.

The account by a U.S. Embassy is the first and primary input for the TIP Report. But, the report's final ranking may not agree with an embassy's recommendation, as was the case last year with respect to Thailand.

One key concern with the report process is that a country is judged by the progress it has made over the past year rather than against a consistent, measurable standard for each tier ranking. One country's ranking on a tier has no relation to another country with that same ranking. Moreover, a country that has a strong judicial and law enforcement system, such as Singapore, which has been ranked before as a Tier 1 country, having full compliance, can be downgraded if its efforts from year to year are not seen as increasing, based on the methodology in place.

Arguably, the international community has committed to prevent, suppress, and punish trafficking in persons through international protocols and incentives. However, the United States attempt to enforce these commitments through TVPA and TIP Report, in many cases, has created confusion and resentment. Several countries in Asia have protested the lack of transparency in the report process and the rankings.

In Asia, it's hard for many to understand why a country like China, the second largest economy in the world, with substantial

financial and law enforcement resources, has consistently remained on the Tier 2 Watch List for the past 6 years, despite a questionable record, whereas other countries fluctuate, such as Malaysia, between Tier 2, Tier 2 Watch List, and Tier 3. To many, the report process appears to lack a clear matrix for weighing the data provided by governments in defining a government's effort. For example, there's no clear definition of words such as "progress," "significant," and "increasing." The findings seem, to many, to be subjective. And for this reason, the report has been criticized for being influenced by politics instead of by objective data.

I think we all support the intentions of the State Department to prevent human trafficking and to assist victims. However, our engagement with Asia is in danger of being hindered by the approach of this report, and especially the way countries are ranked in this report. For this reason, it's critical that we develop an approach that improves on antitrafficking efforts and strengthens our diplomatic relations. This approach is even more important in the context of Asia, a region of vital economic and security importance for the United States.

I hope this hearing today can generate constructive discussion and suggestions for how our legislation can be refined in order to improve American antitrafficking efforts, while promoting positive incentives for countries to partner with the United States in combating this serious global problem.

To help us examine these issues, I would like to welcome Ambassador Luis CdeBaca today to testify with us. Ambassador CdeBaca is the Ambassador at Large for U.S. antitrafficking efforts. He serves as senior advisor to the Secretary, and directs the State Department's Office to Monitor and Combat Trafficking in Persons. Mr. CdeBaca formerly served as counsel to the House Committee on the Judiciary and as a Federal prosecutor in the Justice Department, where he was honored with the Attorney General's Distinguished Service Award for his service.

And, Ambassador, we appreciate your coming today.

And, at this time, I would like to invite the ranking member, Senator Inhofe, to make an opening statement.

**OPENING STATEMENT OF HON. JAMES M. INHOFE,
U.S. SENATOR FROM OKLAHOMA**

Senator INHOFE. Thank you, Mr. Chairman. Because of the constraints that I have on my time this afternoon, and because my statement pretty much echos your statement, I'm going to submit it for the record, because I want to stay long enough to hear Ambassador Luis CdeBaca's statement. So, if I may do that, I would appreciate it, without objection.

[The prepared statement of Senator Inhofe follows:]

PREPARED STATEMENT OF HON. JAMES M. INHOFE,
U.S. SENATOR FROM OKLAHOMA

Thank you, Mr. Chairman, for holding this hearing on human trafficking in Asia. The existence of human trafficking in any part of the world should be of utmost concern to the United States. Our action—or nonaction—in combating these practices is a reflection upon our Nation's deepest and most cherished values.

The State Department's 2010 "Trafficking in Persons Report" reveals that East Asia is home to some of the world's most pernicious trafficking rings. Three of the countries in this region, Burma, Papua New Guinea, and North Korea, were award-

ed a Tier 3 ranking in the State Department's report, indicating that they both fail to meet minimum international standards for combating trafficking and are not making significant efforts to comply with these standards. Sadly, the vast majority of other states in Asia, while making some visible efforts to improve, also fall short of these requirements. Only two countries in this expansive region, Taiwan and South Korea, fully satisfy these basic, internationally accepted standards, and I applaud them. Today's hearing is most fitting as there is much that needs to be done.

The reports we hear from Asia are disheartening. As those assembled in this hearing likely already know, no single ethnicity, gender or nationality is immune from the destructive impact of trafficking. Yet, unfortunately, some states are clearly more negligent in their conduct than others. In Burma, the commercial sex trade and forced prostitution are rampant, children are unlawfully conscripted into armed service and compulsory labor remains a widespread and serious problem, particularly among ethnic minority groups. In Papua New Guinea, crime rings and foreign businesses arrange for women to enter the country, only to bring them to logging and mining camps, fisheries, and entertainment sites where they are exploited in forced prostitution and involuntary domestic servitude. Men, too, are exploited for labor, where some receive almost no pay and are compelled to continue working for the company indefinitely through debt bondage schemes. These reports, and others like them, are commonplace throughout the region. From North Korea to Cambodia and Mongolia to Malaysia, few are left untouched.

A country of particular concern in this region is China. As it continues to grow in prominence as an economic player, we cannot turn a blind eye to the acts of coercion and human degradation there, which so clearly defines their Communist regime. There continue to be reports that Chinese children are being forced into prostitution and labor, and many of these young laborers are the children of migrant workers. Some are as young as 10 years old. In November 2009, an explosion killed 13 such children while they labored at a fireworks facility in Guangxi province. In Western China, reports tell of children being forced to pick cotton on army-sponsored farms under the pretense of a "work-study" program to receive "vocational training." Finally, the commercial sex trade is also very prevalent, both within China and across its borders.

These accounts are only the beginning of the broader human rights abuses in China. During my career as a U.S. Senator, I have consistently fought for democracy, economic freedom, human rights and religious freedom in Communist China. We must remain critical of the Chinese dictatorship and their disregard for the dignity and welfare of their own people. We cannot allow the prospects of economic gain distract us from the realities of the unjust governance there. It is my hope that someday soon, the people of China will have their own democratic "Chinese Spring."

My hope today is that we can assess how to effectively address the global problem of human trafficking. The Trafficking Victims Protection Act has been an encouraging step in the right direction. Yet, there is always room for improvement. Perhaps, adjustments in the scope and focus of the State Department's work might yield even greater results within the Department's relatively limited resources. I am anxious to hear the testimony of Ambassador Luis CdeBaca, whose experience in the Office to Combat and Monitor Trafficking will shed light on which initiatives have been effective and which might be better focused or revised. Further, I commend Ambassador CdeBaca's efforts in a cause that is worthy of our attention and action.

Thank you, again, Mr. Chairman for holding this hearing on human trafficking in Asia.

Senator WEBB. Thank you very much, Senator Inhofe.
And, Ambassador, welcome.

**STATEMENT OF AMBASSADOR LUIS CDEBACA, AMBASSADOR
AT LARGE, OFFICE TO MONITOR AND COMBAT TRAFFICK-
ING IN PERSONS, DEPARTMENT OF STATE, WASHINGTON,
DC**

Ambassador CDEBACA. Thank you, Senator Webb, Senator Inhofe, Senator Boxer.

I would like to thank the subcommittee for having this hearing and for the opportunity to testify about our fight against modern slavery.

It's very important, in fact, for this particular subcommittee to hold this hearing, because one cannot meaningfully address this grave issue around the world without focusing on Asia. The International Labor Organization tells us that the prevalence of modern slavery is higher in Asia than anywhere else in the world; men, women, and children enslaved at home and abroad, whether for sex or labor.

A recent survey showed that more than 90 percent—excuse me—97 percent of mid-level officials surveyed in Southeast Asia viewed human trafficking as an important security concern for their countries. And yet, despite that statistic, governments, in the main, have not yet shown the political will to hold the traffickers accountable. Some focus solely on sex trafficking, but their efforts are then undercut by treating the women not as victims, but as illegal immigrant prostitutes or criminals. Forced labor cases are treated as administrative violations, if they are addressed at all. And in some countries, structures are established and meetings are held, but no one ever seems to go to jail. Corruption, for instance, makes laws hollow, at best.

The three-P approach of the Trafficking Victims Protection Act that focuses on prevention, prosecution, and protection, and of the United Nation's trafficking protocol, is, in too many countries in the region, a three-D approach of denial, detention, and deportation of victims.

But, all is not dire. In parts of Asia, clear successes are being registered to illustrate the importance of the Annual Trafficking in Persons Report, now in its 10th year, as a diagnostic and diplomatic tool. For instance, the Government of the Philippines has taken recent steps to address the trafficking of its citizens within the country and abroad, an effort that the government has publicly linked to the possibility of a downgrade to Tier 3 in this year's TIP Report.

In Indonesia, a Tier 3 ranking was met, a few years ago, first by anger and denial, and then quickly by the establishment of a task force and passage of a comprehensive law. Within a few years, they were prosecuting the greatest number of labor-trafficking offenders of any country in East Asia.

Malaysia's Home Minister credited the United States report as a factor leading to the passage of that country's 2007 law. But, then the law was basically ignored. In 2009, Malaysia was given a Tier 3 ranking. And independent reporting by the Senate Foreign Relations Committee implicated Malaysian officials in trafficking. Following that ranking of Tier 3, the government has created new structures and laws, increased the number of investigations and prosecutions, cracked down on trafficking-related corruption, conducted a public information campaign, and, most importantly, begun to cooperate with civil society groups in a way that they have never done so before.

While it was in danger of falling to Tier 3 just a few years ago, on Tier 2 Watch List, perhaps the strongest jurisdiction in the Pacific that is on Tier 1 currently is Taiwan. Now, instead of being locked up or deported, foreign victims stand a much greater chance in Taiwan of being identified, obtaining assistance, employment, or

legal immigration status, and of seeing their abusers brought to justice.

In each of the cases that I've mentioned, and many more in the region, the successes have come only after a frank and honest evaluation in the report. The rankings and narratives in the United States report each year are compiled, as you said, through interagency collaboration, interactions with governments and civil society, and field observation and research. We receive detailed information from our embassies, and we solicit input from non-governmental and international organizations, as like. Our subject-matter experts travel to engage with governments and to collect data. We host specific roundtables, where our civil society survivors and U.S. Government officials can share information. And our staff is diligent in monitoring the most up-to-date reporting, research, and intelligence on modern slavery. This time of year, drafts of narratives and proposals are flowing back and forth between the TIP office and our counterparts at post.

In the minority of nations where there are disagreements about the ranking, we convene an internal review process. This structured review process ensures a thorough and honest result that blends our office's expertise with the on-the-ground insights from our counterparts at post.

A previously skeptical multilateralist observer has said of the report that it has made an indisputable contribution to the evolution of a global consensus around the problem of trafficking, and, specifically in Southeast Asia, has served as the impetus for major reform initiatives.

If we hope to motivate reluctant governments to take appropriate action, accurate reporting is critical. That can mean telling friends truths that they might not want to hear. As Secretary Clinton has said, "While this is a process that's fraught with all kinds of feelings, the easiest way to get out of Tier 3 or get off the Watch List is to act." Governments cite the U.S. report as a specific factor in motivating actions, even if they had publicly denied the problem or attacked the report in earlier years.

Each of the success stories that I mentioned earlier came after Tier rankings that were considered painful, even controversial, at the time. Some worried that such rankings would put other policy priorities at risk. But, when the governments looked at the evidence and how standards were applied, they realized that the rankings by the United States Government were fair. We were able to move past denial to fruitful engagement. And our other relationships, such as counterterrorism, military cooperation, and trade, did not suffer.

Now, perhaps some of that stems from the inclusion of recommendations and delivery of action plans that we've been doing in the Obama administration in order to meet these concerns about transparency, in order to meet these concerns about what we're really looking about in the report, from honest engagement throughout the year, and from the advance notice that we give governments so that they're ready on the day the report comes out, rather than being caught off guard.

But, it's not just the report. Flowing from that accurate assessment comes technical assistance, partnerships, and 45 programs in the EAP region, totaling nearly \$15 million in foreign assistance.

Results-oriented cooperation in this matter is one of the five pillars of our Asian-Pacific strategy, as pronounced by Secretary Clinton in Honolulu, in January. It carries out our foreign policy priorities and advances values that aren't just American, but are universal.

As Assistant Secretary Kurt Campbell recently testified before this subcommittee, promotion of democracy and human rights is an essential element of American foreign policy, because it is who we are, as a people. When people or governments in Asia ask, "Why does America care," about people held in modern slavery in their countries? Our answer is equally simple. This is who we are. This is what we do.

Thank you, Senator.

[The prepared statement of Ambassador CdeBaca follows:]

PREPARED STATEMENT OF AMBASSADOR AT LARGE LUIS CDEBACA

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 10th 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 antitrafficking 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 3 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 mis-

directed 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 U.N. 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 impor-

tantly, mechanisms to improve the government's antitrafficking 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 antitrafficking 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 antitrafficking 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 antitrafficking 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 antitrafficking 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 2 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 U.S. Government equities are not adversely affected by restrictions on bilateral assistance or MDB lending.

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.

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

Senator WEBB. Thank you, Ambassador.

I have a series of questions that I want to ask in this hearing, related not to the goals of this legislation, but to the implementation and to the appearance and reality of fairness as different countries are evaluated in this process.

What I’d like to do is defer to Senator Boxer for her first round of questions—obviously, former chair of this subcommittee—to go ahead and let her start the questioning.

Senator BOXER. Well, thank you so much, Mr. Chairman. And thanks for holding this hearing. I just have a couple of questions. And I’m thrilled that I have this opportunity.

Earlier this year, I introduced, along with Senators Burr, Cardin, and Scott Brown, a bill called the Child Protection Compact Act, or CPCA. The bill was developed in collaboration with World Vision and the International Justice Mission, as well as a number of other NGOs. If enacted, it would give the Department of State additional tools to combat child trafficking in a targeted, comprehensive fashion.

Specifically, the CPCA would authorize the United States to enter into 3-year agreements, or compacts, with countries that have a high prevalence of trafficking but lack the resources and technical expertise to combat this epidemic.

In order to enter into a compact with the United States, countries must admit they have a trafficking problem, they have to prove they have the political will to do something about it. And the bill does cap the amount of assistance a country could receive at \$15 million over a 3-year period.

And to ensure protections, it specifically states that funding should be withdrawn if the receiving country violates the conditions of the compact.

Ambassador, do you believe that the targeted, comprehensive approach of these compacts would a useful and effective tool for the State Department to combat human trafficking? And would it help incentivize countries to improve their trafficking records?

Ambassador CDEBACA. Thank you, Senator. The easy answer to that is “Yes.” We think that this would be a useful tool. The devil, of course, is in the details. And we need to look at the specific language, department-wide—

Senator BOXER. OK.

Ambassador CDEBACA [continuing]. To be able to get back to you about the particulars of this draft of the CPCA. There was some concerns, in the last Congress, about a portion of the CPCA that, frankly, didn’t have to do with trafficking.

Senator BOXER. OK.

Ambassador CDEBACA. But, I think that—

Senator BOXER. But, would you work with us really closely? Because, I think, you know, we need to do this. I am getting in-

creasingly disturbed from stories that I hear about even babies being harmed. And I just can't even handle that. And I just—so, if there's something bureaucratic that we did, or something that you think is unworkable, we'll work with you. But, you'll be available to us?

Ambassador CDEBACA. We will. We'll be at your service, because—

Senator BOXER. Good.

Ambassador CDEBACA [continuing]. One of the things that we've recognized is that, looking back over the last decade, cumulatively, the amount of money that the United States has spent on this fight is about equal to a little bit less than a month of what we spend on the drug war.

Senator BOXER. I hear you.

Ambassador CDEBACA. And so, the notion of taking a look at the funding, at the programs—how do we get not just the report that comes out once a year and has the diagnostic, how do we get the programs out and work with those governments—

Senator BOXER. Right.

Ambassador CDEBACA [continuing]. On law enforcement and training and everything else? And that—your bill certainly addresses that—

Senator BOXER. Well, that's what we're trying to do, trying to break through the inertia.

Like you, I've read ghastly stories about women from Asia being abused by their employers after traveling abroad for work. I'm sure you saw the story last year of a Sri Lankan housemaid whose Saudi Arabian employers nailed—I can't even say this—24 nails and needles into her body. And those had to be surgically removed. In another incident, the body of a female Indonesian maid was found on the streets of Saudi Arabia.

Ambassador, how do you work with governments in Asia to help them increase protections for their citizens who travel overseas for work? And is the Saudi Arabian Government receptive to working to improve conditions for migrant workers from Asia and elsewhere?

Ambassador CDEBACA. Senator, it's been difficult to work with both the sending and receiving countries. We've been trying to work with the South Asian and—Southeast Asian sending countries to be able to have those conversations that they, themselves, often can't have with the countries in the gulf and other places, because we recognize that the abuse is often so horrible, often behind closed doors.

I was in Singapore in December when, I think, the story of the woman who was found in the dumpster in Saudi Arabia came out and was reported in the press. And it was interesting to see the reaction in Singapore. Even though it was an Indonesian maid that that had happened to, a lot of the people we were meeting with in government started looking at their own situations and started saying, "Well, how can we work with the sending countries, whether it's the Filipinos"—et cetera.

So, I think that, while we will continue to try to work with Saudi Arabia, the UAE, the various places where these things happen, we

need to have a bigger conversation between sending countries, as a whole, and receiving countries, as a whole.

The days of divide and conquer, where the receiving countries knew that the sending countries were dependent upon remittances—

Senator BOXER. Right.

Ambassador CDEBACA [continuing]. And were afraid to complain—those days seem to be falling apart, both as the trafficking fight intensifies, but also—when these stories come out—

Senator BOXER. Right.

Ambassador CDEBACA [continuing]. It changes people's behavior—

Senator BOXER. Right. Well—

Ambassador CDEBACA [continuing]. Around the world.

Senator BOXER [continuing]. That's why I like the idea of this compact—having these compacts, because then it's not just a vague, you know, fading thing—I mean, if they say they're going to do certain things, whether they're a sender or receiver.

My last question, with your indulgence, if I might, Mr. Chairman.

On Monday, CNN reported on the enslavement of men aboard Thai fishing boats and the horrific conditions they're forced to endure, often for years. These men, many from Cambodia and Burma, are often lured onto these boats with the false promises of good wages, but, instead, they're forced to work without pay for long hours and in dangerous and extreme conditions.

According to Lisa Rende Taylor from the U.N. Interagency Project in Human Trafficking, "Even when they tire, even when they're sick, the captains compel them to continue to work harder by essentially instilling an environment of fear. So, if someone gets sick, they're killed and thrown overboard."

The U.N. estimates that hundreds, may even thousands, of men are enslaved on these boats—these fishing boats. And I'm particularly alarmed that the National Fisheries Association of Thailand, which works with the Thai Government on fishing-related issues, says it hasn't received reports of any such abuses in recent years.

Can you tell me what the State Department is doing to address this deeply concerning issue, and anything we can do to help you address this?

Ambassador CDEBACA. It is of great concern, Senator, and I appreciate you raising it. We've seen several studies in a row that indicate that right around 55 to 60 percent of the folks in the fishery are being held in conditions of compelled service, whether that's in the packing sheds or whether that's out on the boats. This is something that we've raised directly with the Royal Thai Government, not just with the Royal Thai Police and their countertrafficking infrastructure, expressing the frustration that we haven't seen arrests and prosecutions. In the couple of cases that have been done, frankly, the people have been let out and opened up another factory right across from where they had been convicted of enslaving other people. So, this is something that we're looking at.

We've seen, interestingly enough, probably more action, in recent years, from Malaysia on this. I think that it was in response to the report that the committee did. But, then also in response to the law

enforcement training that we, the U.N., and other countries were able to provide, in the wake of that Tier 3 designation, 2 years ago.

So, the Thai fishing captains that are getting arrested in that region these days are actually being arrested by Malaysian authorities.

Senator BOXER. Wow.

Ambassador CDEBACA. We want to make sure that the—that we work hand in glove with our Thai, Indonesian, Singaporean, Malaysian, Cambodian—all of our counterparts—not just one country doing the work, but all of the countries in the region—to try to protect this, especially because one of the biggest markets for that seafood is here.

Senator BOXER. Well, what a good point. And, if I could just say, in closing, to you, again, thank you. This is such an important area. And, you know, again, I hope to work with the chairman and all of you, because I think—if we have these compacts and if people just say they're incentivized to work with us, but we hold their feet to the fire on this, it could make a difference, because right now, it appears to me, what a lot of this is, if we're fortunate enough to catch a news expose, or you're fortunate enough to hear about something—but, there doesn't—to me, I think we can do more to make this more of a very serious program.

And I want to thank you for your leadership. And I hope we work together on this.

Senator WEBB. Well, thank you very much, Senator Boxer. And also, this is a good chance for me to express my appreciation to you for all the years that you have put into this subcommittee and this full committee, and for having been so gracious as to allow me to chair this subcommittee over the past couple of years.

Senator BOXER. I think I made a good decision. I know your particular passion in this area of the world.

Senator WEBB. Thank you very much.

Senator BOXER [continuing]. Thank you. Thank you, both ways.

Senator WEBB. Thank you, Senator Boxer.

Ambassador, I'm going to ask you a series of questions. Some of these are technical, but I think they're important, as we approach the legislation that is being implemented by your office, in ways that perhaps might actually improve our goals, and particularly as they relate to this part of the world.

We all agree on the goals. I think that our credibility as a nation can be impacted if we are doing this in a way that does not show visible and measurable standards, or if governments in this part of the world believe that we are not doing this with a sense of fairness to efforts that they've been making and the standards that exist in their own governmental systems.

And we also face the reality—and I've heard a lot of it since I've taken the chair of this subcommittee—that, whether it's intended or not in this legislation, nations believe that they are—or, governments believe that they are being compared with each other, based on these numbers, even though the numbers are devised to be comparisons solely of progress within this one governmental system.

So, let me just start by pointing out that the State Department produces a variety of reports that assess a country's progress on a particular issue of concern, including the "Human Rights Report,"

“International Religious Freedom Report,” “Country Reports on Terrorism,” “International Narcotics Control, Money Laundering Strategy Report,” “Arms Control Compliance Report.” Like the TIP Report, each of these reports are required by statute, to provide a country narrative, and many carry sanctions as a penalty for non-compliance with legislative standards. Where the TIP Report is unique, as you know, is in its attempt to rank individual countries on a scaled tier list.

Could you describe for us the process for determining the final rank in the TIP Report? What is the process for resolving disagreements between embassies and the TIP office when a report ranking is being put together?

Ambassador CDEBACA. Certainly, Senator. One of the things that we see throughout this time of year—in fact, this is the time of year when we’re getting our information in from the embassies, supplementing it with the information from the international organizations, the NGOs, survivors, academic studies, et cetera—and that information from the embassies, by the way, is often, but not limited to, information given to us by the host government. So, we’re taking the information that the government gives us about how many cases they’re doing, what’s happening to the victims, what kind of money is being spent on victim care. What alternatives to deportation are there? Are people being detained, or are they being given access to rehabilitative services? All of those types of things are given from the host governments to our reporting officers at post.

Now, optimally, those are relationships that are working throughout the year. What we’ve seen is that, when we have an embassy that is doing a lot of engagement throughout the year, with that government, on this issue, that we have fewer crossed wires when we start to write the report and as we’re going back and forth with our colleagues at post.

But, what we see, then, is: taking the information, standardizing it, making sure that we’re looking at the same parameters, applying the same minimum standards set forth by Congress. And, in recent years, I’ve made sure that those minimum standards are in the report, released to the world so that everyone can see exactly what it is that they’re being judged on.

I brought a copy of the first report, and this was the report—I think this one’s from 2001. And basically, it had a paragraph per country—I think there were only about 60 countries—a paragraph that simply issued a verdict. Now the narratives that go with the report actually track each of the congressionally mandated minimum standards so that we can go through them, first internally—the back and forth of the flow with our colleagues at post and others within the Department—as we decide whether or not those particular—as you said earlier, the minimum standards and the 11 different factors that go into it. Have those been satisfied? Whether progress is being made. If there is progress being made, is it promises of progress or is it actual results? Again, we’re looking for results-oriented data.

At that point, then, our analysts will recommend a ranking based on the application of the facts and the law, together. I look at those—we look at those with our folks from the office of the legal

advisor to make sure that it's squared away, as far as the legal analysis concerned, and then we release those to our colleagues out in the regional bureaus. The vast majority of the cases, at that point, are resolved immediately, because there is no dispute between us and our friends at post. In those numbers—and I think that sometimes it can be around 30 percent that the folks at the regional bureaus and post decide that they would like to disagree on—we end up doing a series of what we call—historically have called “dispute resolution meetings.”

I'm told that, in the early days of the office, there weren't dispute resolution meetings, there was meeting in a conference room and yelling at each other. Now, what we try to do is actually have something that's a little bit more formal, chaired, the analysts and their counterparts presenting the cases, presenting how these things are actually applying the facts and the law.

And most of the countries, at that point, we can resolve at the Assistant Secretary level, between me and my counterparts out in the regional bureaus. There's a few countries, for whatever reason, that then may need to go up to the Under Secretary or to the Deputy or even the Secretary to be finally resolved. And that's something that we want to make sure that does not become the norm, so we try to resolve things at the Assistant Secretary level.

Once that happens, the process—and this is—you know, I came from a courtroom background. The adversarial process is not something to be feared. It actually—the truth tends to come out. There's been times when—many times over the last 2 years—when our colleagues at post or the regional bureaus come in with facts that we didn't know at the time, and perhaps the government hadn't told it to them. Perhaps they then had an incentive to go out and find those facts and, in doing that, have convinced me that the ranking that we initially had proposed was not necessarily the ranking that should go out at the end of the process. And so, we end up having those conversations.

What comes out at the end of the process is a unified U.S. Government ranking that reflects what the State Department has decided about that particular country in that particular year.

I apologize for the length of that description.

Senator WEBB. Well, I appreciate the detail that you put into it. Actually, I was thinking when you were talking, that we used to sit in rooms yelling at each other, but in the electronic age, we just send angry e-mails to each other. [Laughter.]

But, I'm curious; I was in Thailand in the end of May last year, and there was a very strong request from the Embassy there that their rating not be downgraded, given the incredible turmoil that Thailand had been through. I passed that on when I returned as an observation. I'm not, obviously, inside your process, but I'm curious as to the methodology that was applied in that situation.

Ambassador CDEBACA. Well, I can't really get into individual internal deliberations, whether last year or otherwise. But, what I will point out is that we do have a process for looking at countries that are in the midst of turmoil. Each year—and this last year, it's—two countries were in what we call the “special case category”—Haiti and Somalia—because they didn't have functioning governments. That's how, under the TVPA, legally, we can look at

whether or not the situation on the ground, whether it's civil unrest or what have you, may have put a government in a situation where they couldn't adequately—

Senator WEBB. OK. Well, let me ask you this way, because maybe it's a clearer way for you to answer. We've seen a lot of initiatives over the past couple of years, including from the State Department, stressing the importance of establishing baselines, metrics for monitoring the effectiveness of our efforts—baselines, the things that can make decisions more understandable. What are the baselines in these TIP Reports for determining the country's level of progress? What are the metrics used to evaluate the effectiveness of programs?

Ambassador CDEBACA. Well, we look, of course, to the minimum standards and the factors that go into them to determine that. We don't want to get into a situation where a country who prosecuted six people last year prosecutes four people this year, and so, therefore, we do a downgrade. We don't want it to be that capricious. Because, we recognize that, in the law enforcement world, you prosecute the people who are in front of you.

So, what we're looking at, in many ways, is the number of victims identified; the number of victims assisted; if there's a big gap between the number of victims identified and the number of investigations that result; and then, if there's a big gap between the number of investigations and the number of prosecutions. And we see major falloffs in many of the countries in the region, where you'll have thousands of victims identified, dozens of cases investigated, and two or three traffickers brought to justice. And so, that's one of the main metrics that we're looking at when we're applying the minimum standards that have to do whether the prosecution arm of this three-P paradigm—prevention, protection, and prosecution—is being met.

Senator WEBB. But, if you're doing that—if you're doing this in countries that have evolving judicial processes, sort of like the learning curve, the growth from year to year can be greater even though the stability in the country itself may not be as great. And yet, we are giving numbers that different systems are looked at from the outside as having been assigned to them. How do you resolve that, in terms of our foreign policy?

Ambassador CDEBACA. Well, one of the things that we do is, we're looking—we've started, over the last 2 years—I can't speak for the Bush administration—but, in this administration, what we've been doing is, for the first time, we started looking at some of the other indices, whether it's the Freedom House Index or the Corruption Index, and have realized that the tier rankings are, in many ways, tracking some of those concepts. What we want to do is, we want to figure out what rule of law looks like in that country. What's the capacity of the police?

There is a difference in what a country like Laos, where the judges may not have gone to law school and the police officers don't even have a way, other than walking, to get to a crime scene. There's a difference between that and a highly trained, highly organized police force in some of the other countries in the region.

What we look to, in many ways, is, if a country is investigating and prosecuting murder cases, if a country is investigating and

prosecuting organized crime cases, if a country has shown a—shown themselves to be a partner at the higher levels of law enforcement, then we’re going to judge them according to that, where their neighbor, perhaps, might not have a functioning court system. And we’re going to give that type of a country a bit more of the benefit of the doubt.

Senator WEBB. Seems to me that the implicit assumption in this legislation, at least the way we’re measuring output, is that human trafficking is best addressed by country-based programs. But, the very nature of human trafficking, particularly in a place like Asia, is global. It’s like other transboundary problems, like riparian water rights, which we’ve been talking about in this region, with respect to the Mekong. I’ve long been an advocate of a multilateral approach, in terms of resolving these sorts of issues. How does the TIP Report acknowledge trafficking as a global problem? And how can our efforts be more targeted to address this at a regional level?

Ambassador CDEBACA. You know, one of the things that we’ve seen, and that we certainly give credit to countries in the protection section of each—of the narratives in each of the reports, is, we look to see what they’re cooperation with neighboring countries and with regional counterparts actually are.

But, we don’t stop there. In South Asia and Southeast Asia, we have—especially in Southeast Asia, with ASEAN—we’re beginning to move forward on doing countertrafficking work with ASEAN as ASEAN, not just with its own countries. We’re funding, through the United Nations, those who are the Secretariat for what’s called the “commit process,” which is an antitrafficking network in the Mekong subregion that has been able to assist with investigations. We’re going to be building up our linkages to a very innovative Australian project, which was actually able to tap a lot of United States expertise, that is going in and training prosecutors in the region.

So, we want to make sure that we, at the one hand—just like we do with the OAS in Latin American, where we were able to work with them to get a regional action plan—that we can work with ASEAN so that—not just a regional action plan, but then, commitments from countries as to how they’re going to increase their law enforcement.

In the best of all possible worlds, in the king-for-the-day scenario, what we do is, we take the strong law enforcement players, vibrantly looking at trafficking, get them to the point where they were experts, take our—just like we do with organized crime and money laundering—take our friends from Singapore, Hong Kong, Thailand, et cetera, the folks that—some of the best detectives in the world—have them with us when we’re out there in the countries like Cambodia, et cetera, who need that kind of help.

Senator WEBB. You mentioned Singapore. As you know, last year Singapore was downgraded to the Tier 2 Watch List. In 2006, it was ranked Tier 1 and dropped to Tier 2 after that. I would have to say, I had a number of friends—including a good friend who lives in Singapore—that were sort of amazed at this categorization, when you look at the quality of the government and the order in the society. One of them actually made a comment to me, saying that if you compare the stability in Singapore to the United States,

with its estimated 20 million illegals, many of whom came here through human trafficking, “What’s going on?” What is your thought about what’s happened to the ratings in Singapore?

Ambassador CDEBACA. I think that one of the things may actually be reflected by your friend’s confusion with the situation and the ranking, in that Singapore, like several other of the former commonwealth countries, has been—rather than updating its antitrafficking laws under the standards of the United Nations protocol from 2000—what we call the “Palermo Protocol,” which focuses upon the exploitation and slavery that the person suffers—Singapore has been only slow to awaken to the legal structures of today, as opposed to the transportation-based theory of trafficking, as reflected in the 1880 British White Slave Trafficking Act, which was about the notion of people being moved from country to country. We’ve seen this in several other small countries in the region, that the focus tends to be on that old conception of trafficking, as opposed to the slavery.

So, what we’ve seen—and I’ve had, also, friends from Singapore who’ve, knowing what I do for a living, said, “Well, wait a second, if I took my maid’s passport so that she couldn’t run away, that wouldn’t be trafficking, though.” Well, that is trafficking. And I’ve actually put people in jail for that here in the United States.

So, I think that there’s a little bit of cultural work that we need to be doing. We’re talking to the Singaporeans. I’ve been there. I’ve met with Ambassador Chan, I think, four times over the last few months. And we’re very happy that, next week, a delegation from Singapore will be coming—probably not meeting with my staff, depending on what happens, but I’m going to be in at work, nonetheless. So, I’ll be meeting with them.

And we’re starting to have that conversation in a new way with Singapore over the last year. And we know that you’ve been involved with that. We appreciate that. We appreciate the new openness that we’ve seen from the Government of Singapore in the last 3 or 4 months, to look at forced labor, to look at sex trafficking there in Singapore.

Senator WEBB. Well, I thank you for that answer, but I also would make the observation, when you mention my friend’s confusion, I think that’s a general confusion, because in the way that this rating system is designed—where you’re looking at the progress inside a country, year by year, evaluating a country against itself, as opposed to having this be a comment about the quality of that governmental system compared to other countries in the world. That is one of my main concerns with the system that we now have in place.

Ambassador CDEBACA. I think that one of—it’s—in the criminal law, we tend to call it an objective/subjective test, where you’re looking not only at the individual and whether they were acting reasonably for their ownself, but also if they would be acting reasonably as a person in that situation—a hypothetical reasonable person. In some ways, this is the trafficking world’s objective/subjective test.

I think that one of the things that we’ve seen with Singapore is, even on just objective outside measures, there are causes for concern. And we’ve been able to have good dialogue with them, over

the last few months, about these. For instance, the notion of arresting and deporting over 7,000 women and not screening them to see whether or not they were enslaved—women in prostitution, we know that that’s one of the places where this happens—and yet, no real ways to screen those people.

But, the Singaporeans, as you know, are——

Senator WEBB. By the way, this whole hearing shouldn’t be about Singapore.

Ambassador CDEBACA. Of course. Of course.

Senator WEBB. Let me ask you one final question about Singapore since we’ve been on it. And then, I have some other questions I want to move on to. What were they doing right in 2006 that they got a Tier 1?

Ambassador CDEBACA. I can’t speak to that. I was prosecuting cases here in the United States. I wasn’t involved in the internal decisionmaking, as far as that ranking.

Senator WEBB. But, wouldn’t that raise your eyebrows a little bit? I can’t imagine that the governmental system in Singapore has degenerated, in the last 5 years, from a Tier 1. This is the confusion on the ratings system, when people look at it.

Last year, Kiribati was included in the report for the first time, and it was ranked on a Tier 2 Watch List. I’ve actually been to Kiribati. It’s in the middle of nowhere. There’s no embassy in Kiribati. The American Embassy is in Fiji, 1,000 miles away. How did Kiribati come to be included in the report? And how was this information compiled?

Ambassador CDEBACA. Well, as you said, we don’t have an embassy in Kiribati. We have embassies and folks that cover Kiribati. And we’ve been looking a lot more at the small oceanic states. Over the last year, I’ve had folks out in the region, and we’ve had people visiting. We’ve seen some countries where there’s major improvement, Fiji being one of them.

One of the things that we’re seeing in a lot of those small islands, though, is a combination of foreign guest workers being enslaved for forced labor, and Chinese or other Asian mainland women showing up in the bars and brothels. This is of great concern.

But, we’re not just dealing with it by looking at the rankings. We’ve also—just in recent weeks, we were able to fund training in Guam, where we brought in people from the region. I’m looking at moving programming money into the region so that we can get more and more—you don’t really do law enforcement on an island-by-island basis in the Pacific; you use such things as SPICIN or some of the other kind of cross-Pacific coordinating bodies. And we’re looking to work with them so that we can increase the capacity.

Just in the last few weeks, we’ve seen cases in FSM, in Palau, et cetera. And we see this as a growing concern. And I wish I could say whether it’s growing or whether it’s simply being noticed more.

Senator WEBB. In your testimony, you note that South Korea has never prosecuted a citizen for child sex tourism, and that Japan’s last prosecution was in 2005. You state that Korea has a known presence of sex trafficking, and the TIP Report states the same for Japan. However, apparently, South Korea is ranked on Tier 1 in

the 2010 report, and Japan is ranked on Tier 2. How do we come to these conclusions?

Ambassador CDEBACA. Well, first of all, I think Japan and South Korea are both on Tier 1, if I recall right. I can't always keep all 194 countries squared away, Senator, but—excuse me—you're correct.

I think that what we see, as far as the sex tourism is concerned, is that many of the Tier 1 countries around the world are demand-drivers for sex tourism. Whether it's—the stereotype is often of a German or an American in Cambodia, for instance. And yet, when we've seen prevalent studies done in Cambodia or Laos or Vietnam, the Japanese and the Korean tourists, often on 3- or 4-day golf outings, are the ones that are seen as driving the market for children in those brothels.

One of the things that we've seen, though, is that those rankings are not necessarily driven by child sex tourism. The way that Congress mandated us to address whether or not there was a child sex tourism problem, and whether or not a country was doing anything to address it, is not even one of the minimum standards that goes into the rankings. And what we've seen, however, is, in both countries, a domestic sex industry that has a lot of people who are in compelled service.

In Korea, there are more structures to address that. In Japan, we don't see the number of prosecutions. We don't see the modern law. We don't see that type of a response. We've been working with the Japanese. We'll continue to work with the Japanese. But, we've seen that, whether it's in the artistes type of visas, where they're bringing up entertainers from the Philippines, or whether it's even in caregivers from the mainland that are being brought over. So, there's a big situation in Japan. We'd like to see more prosecutions, and we'd like to see more investigations.

Senator WEBB. At this point, I would like to emphasize that this line of questioning is really designed to try to examine your methodology rather than being a comment on my view of the quality of the governmental systems in most of these places that I'm mentioning. Through this we begin to understand how confused people can be when they look at these rating systems and then look at the quality of a lot of these governmental systems.

My staff went through the TIP Reports, and one of the things that was pointed out was that Nigeria is the only sub-Saharan African country ranked on Tier 1. And the question is, again, What has Nigeria done to obtain a ranking that Japan, Hong Kong, Singapore, and some of these other countries, have not?

Ambassador CDEBACA. Well, again—and perhaps this will—being able to compare the two would help with your overarching question, Senator, about methodology—as I said earlier, we look at the metrics that we're looking at: protection of victims, prosecution of offenders, investigations versus prosecutions versus convictions. In Japan, you've got a country, the last year of prosecuting, convicted five people. You've got a situation where most of the sentences, if they are received at all, are suspended. You don't have victims being identified, in a country where the NGOs and even the Japanese Government acknowledges that there's a major trafficking problem.

In Nigeria, what you've got is a country that was slated for Tier 3, headed that way, then looked at the other countries of the world, started to see, "Well, what's going on out there? What can we start bringing in?" And what the Nigerians did with the formation of something called NAPTIP—the National Association for Trafficking—I don't remember the exact acronym—is that they did something very innovative. They brought in police, prosecutors, and social workers into a colocated unit. So, those folks work together, now, with each other. You don't have the situation where—for instance, that you do in Japan—where the police go and do their work, decide whether or not this is a victim who they think should be rescued, never talk to the social workers, never gets to the prosecutor, because the prosecutor's not involved with those decisions.

In Nigeria, what they decided to do for trafficking is to put all of those folks into the same unit. So now, several years on, not only do we see dozens and dozens of prosecutions in Nigeria—it's probably the one place in Nigeria that we can say law enforcement response is actually working—but, what we've seen now is that the police have the interviewing skills of a social worker. The prosecutors have the knowledge about investigations that the police officers would have. The police officers know what they need to do to go into court. So, by working in an interagency type of manner in Nigeria, we've been able to see results.

Now, I've been going around Africa, certainly, and telling this story, wanting to—you know, getting people in and out of Nigeria so they can see the model.

Senator WEBB. But, at the same time, I wouldn't think you're in any way suggesting that the quality of the legal system and societal stability in Nigeria is superior to that of Japan.

Ambassador CDEBACA. Not whatsoever, which actually makes—

Senator WEBB. OK. Well, that goes to the difficulty that we have when we're looking at the way that these numbers come out. Different governmental systems have different ways of dealing with problems. And when you're measuring the progress of a country against itself, but the numbers come out there, so all these other countries see them. This is the impression that is out there.

For instance, I'm very proud that I was the first American journalist ever allowed inside the Japanese criminal system in 1983. I spent a month going through the Japanese criminal justice system and their prisons. And if you go to prison for 2 years in Japan, you have really done something wrong. The way that they resolve a lot of these issues—it may not be the way that we do, but it's very effective in terms of fairness and stability in their society.

And so, again, the point I'm trying to make here is I think we all share the same objective in terms of being able to properly address issues of human trafficking. But, I think we need to work—maybe we can have some meetings in the near future, to see if we can't have some improvements on this legislation. I don't know what that would be. I'm really interested in sitting down and hearing further thoughts from your office on this so that we can make sure that people understand that the numbers on here aren't judgments on their societal systems, particularly the ones who are more

advanced, in terms of legal systems and those sorts of things. Would you agree that there is a way to perhaps address them?

Ambassador CDEBACA. We'd very much look forward to that, Senator. I think that one of the things that we have to deal with as we look at the differences between capacity of governments—what the specific legal systems are—you know, what works in a common law country is not something that we should be saying is the solution for a civil law country, for instance. And not only do we know that, we want to work with you and others to try to sharpen that so that we are looking at that country across the board, but then also specific to its own circumstance.

One of the things that we are always concerned about is, countries that do a good job on other complex criminal issues need to be doing the same level of work in human trafficking as they would be on organized crime, kidnapping, murder, rape, et cetera. This is a core human rights crime. And so, it needs to be dealt with at the same level of those other serious offenses.

So, we'd look to the other countries that are leaders in policing, in law enforcement, that have courts that work. And we think that we need to then have that conversation, as far as, How is it that trafficking victims either aren't having access to court or those who hold someone as a slave aren't being punished the same way that if they were holding them for ransom or something like that?

So, those are discussion that not only do we need to have with those countries, I think those are profitable discussions for us to have with you and your staff and other interested folks up here, so that we can sharpen and improve this process.

Senator WEBB. OK, thank you.

Thank you very much for your testimony today. I think it's been really valuable. I look forward to working on this so that we can meet the goals of the legislation, and perhaps make some adjustments that can improve the visibility and fairness and maintain the credibility that we have, in this particular part of the world as someone who is there to increase the stability and be partners with our country.

Thank you very much for coming to this hearing.

There have been other Senators who have requested to submit questions for the record.

They will have 24 hours, and Ambassador, we will be sending those over to you.

And, now the hearing is closed.

[Whereupon, at 3:21 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

RESPONSES OF AMBASSADOR LUIS CDEBACA TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

Question. How well equipped is the Department to respond to urgent, unexpected trafficking in persons situations? What tools should Congress consider providing to augment current efforts?

Answer. The Department's ability to respond to urgent, unexpected TIP situations is frankly uneven. In the last year, by repositioning resources and reprogramming funding, we have been able to respond quickly to crises or opportunities such as the Haitian earthquake and the Tunisian Jasmine Revolution. Beyond crises, however, the Department receives frequent requests for assistance in drafting antitrafficking

legislation, training law enforcement, and establishing shelters—often from countries that want to respond to the concerns identified in the annual TIP Report, but lack expertise or resources to do so. We frequently find ourselves hard-pressed to respond because of a lack of financial or human resources, or because the current funding structures are weighted heavily to multiyear projects selected through a multistage peer review process. Once projects are funded, they must be monitored and evaluated to ensure that the recipient effectively provides the training or victim care outlined in their initial proposal. We would welcome the opportunity to consult with your staff about strengthening the USG's ability to respond quickly with core expertise to urgent, unexpected trafficking in persons situations.

Question. What is the State Department's position with respect to the Child Protection Compact Act? Are there specific provisions that it would like to see augmented, modified, or stricken?

Answer. Secretary Clinton has identified trafficking in persons as a key strategic priority of the Department of State, and the Department would welcome expanding the resources available for combating this heinous crime. The Department looks forward to working with Congress in crafting a bill that advances our strategic interests on the ground, while preserving the Secretary of State's authority and discretion.

Question. What mechanisms are in place to ensure coordination with other U.S. Government agencies, such as the U.S. Agency for International Development and the Department of Labor, that also have international programs to prevent and respond to trafficking in persons?

Answer. In addition to directing the State Department's Office to Monitor and Combat Trafficking Persons, I chair the Senior Policy Operating Group (SPOG) on Trafficking in Persons, which meets quarterly to ensure that USG policies and programs to prevent trafficking, protect victims, and prosecute traffickers are well coordinated and effective. The SPOG coordinates grantmaking decisions among SPOG programming agencies (including State, USAID, and the Department of Labor, as well as the Departments of Justice, Health and Human Services, and Homeland Security). Prior to obligating funds, these agencies share information on solicitations and proposed grants and contracts. When an agency wishes to award a grant or contract, enter a cooperative agreement, or issue a letter of contribution containing a significant antitrafficking component, it sends a brief summary of the proposal and the amount to be awarded to G/TIP. G/TIP then distributes the information electronically to the designated persons at each SPOG agency and State Department office. There follows a 7-business-day comment period for responses, during which time other agencies may provide feedback regarding potential duplication of existing or planned efforts, and/or suggest opportunities for partnership and collaboration with their agency's programs. In addition, the SPOG has established a Grantmaking Subcommittee to bring together TIP programming agencies to share program information and address key program areas for collaboration.

G/TIP employs a multistep process for incorporating input from other agencies in its own grantmaking progress. G/TIP's International Programs section issues one solicitation for grant applications each year and conducts a multistage review. Bilateral proposals are sent to U.S. embassies for review and ranking by the TIP country team. Following post's rankings, G/TIP convenes regional Interagency Review Panels, including representatives from the regional bureaus and other elements of the Department, and DOL, among others (subject to availability of staff). This year, representatives from DOI's Office of Insular Affairs will be invited to participate in proposal review for Oceania, in recognition of its particular expertise and leadership in the Pacific. The G/TIP Ambassador at Large reviews panel results, and his recommendations are forwarded to the Director of Foreign Assistance for final approval. We look forward to continued cooperation with our partners at USAID in their programming as well.

At the end of every fiscal year, G/TIP also gathers information from the Federal Agencies and Departments that fund antitrafficking activities and organizes the data on U.S. Government funds obligated in that fiscal year. This information is posted on G/TIP's Web site and published in the Attorney General's annual report on trafficking in persons.

Question. Last year, the TIP Report's ranking for Thailand garnered some attention. In recent meetings with committee and staff members, Thai officials have cited the previous steps they have taken on these important concerns. How have Thai and U.S. authorities been working together since Thailand's designation last year to achieve progress on trafficking issues?

Answer. The United States and Thailand have a productive ongoing dialogue on human trafficking issues. The USG has a longstanding antitrafficking dialogue with the Royal Thai Government (RTG), illustrated by regular exchanges in Bangkok and Washington, involving several agencies from both governments and conducted in an atmosphere of mutual respect. Drawing on U.S. experience in addressing forced labor, child sexual exploitation, and sex trafficking, officials of the U.S. Departments of Justice, Homeland Security, and Labor regularly consult and exchange technical skills with RTG counterparts, including antitrafficking courses offered at the International Law Enforcement Academy in Bangkok.

In recognition of the magnitude of the trafficking problem and important partnerships with the RTG on so many issues, I have traveled to Thailand more than any other country during my tenure as Ambassador at Large. I will continue to stress that structures and partnerships with the United States and other countries are only valuable if they lead to victim protection and traffickers being brought to justice.

Question. Uzbekistan has spent the last 3 years on the Tier 2 Watch List of the Trafficking in Persons Report of the Department of State. Recognizing that the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 created conditions for mandatory downgrade in tier rankings for countries that have been on the Tier 2 Watch List for 2 years, what specific steps would the Government of Uzbekistan need to take to avoid placement in the Report's Tier 3 category?

Answer. To avoid a statutorily mandated downgrade to Tier 3 in the 2011 TIP Report, the Government of Uzbekistan must either make sufficient increased efforts to eliminate human trafficking—per the statutory Minimum Standards—to move up to Tier 2, or meet the legal requirements for a waiver. A waiver may be granted if there is evidence that the country: (a) has a written plan that, if implemented, would constitute making significant efforts to come into compliance with the minimum standards for the elimination of trafficking, and (b) dedicates sufficient resources to implement the plan.

RESPONSES OF AMBASSADOR LUIS CDEBACA TO QUESTIONS
SUBMITTED BY SENATOR BENJAMIN L. CARDIN

Question. In February 2010, the Organization for Security and Cooperation in Europe (OSCE) convened an expert workshop in Mongolia on combating modern slavery among its Asian Partners for Cooperation (Afghanistan, Australia, Japan, Republic of Korea, Mongolia, and Thailand). This event recognized the Asian Partner States as inseparable from countries of the OSCE region in the cycle of victim origin, transit, and destination. Specifically, this event synthesized OSCE expertise in victim protection and offender prosecution with East Asian efforts to combat human trafficking. As exemplified by this event, what other opportunities do you see for multilateral cooperation to address human trafficking in East Asia? Which multilateral institutions should be prioritized in fostering greater progress, especially among the numerous Tier 2 Watch List countries in the region?

Answer. We see great potential for multilateral progress in Asia, as the countries of the region identify common problems and challenges to address Trafficking in Persons (TIP). Currently, the United Nations Inter-Agency Project on Human Trafficking (UNIAP) serves as the Secretariat to the Coordinated Mekong Ministerial Against Trafficking (COMMIT) Process, which has supported the six Mekong region governments (Thailand, Cambodia, Laos, Burma, Vietnam, China) in the institutionalization of effective multisectoral approaches to combat trafficking since 2003. The COMMIT Process is perhaps the most successful multilateral initiative we've seen worldwide in bringing about greater communication and cooperation between governments—both formally through memoranda of understanding and agreements, and informally through regular cross-border meetings—on trafficking prosecutions and the protection and repatriation of trafficking victims. This is due in large part to the role that the United Nations has played in organizing and evaluating Member States' actions and progress using international antitrafficking standards.

The Association of South East Asian Nations (ASEAN) recently has shown itself to be the best placed multilateral organization to address human trafficking in East Asia. Over the last year, ASEAN has demonstrated a greater commitment to fighting human trafficking on a regional level. In 2010, ASEAN established a permanent Trafficking in Persons Working Group, which has announced a plan to develop a convention on human trafficking. The State Department is encouraged by the prospect of an ASEAN TIP convention, and we hope to work to encourage the organization to look to such regional models as the OAS regional action plan and the Council

of Europe Convention. In the last year, we have been exploring opportunities to expand our cooperation with ASEAN, both through the Jakarta Secretariat and with various ASEAN members, in order to advance common understanding of the human trafficking challenge in Southeast Asia and best practices to address it. This effort is paying off—conference organizers recently contacted G/TIP to invite me to join Secretary General Pitsuwan in July to launch an ASEAN seminar on specialized antitrafficking prosecutorial units; that the conference will be hosted by the Singaporeans is a testament to the improved relations with ASEAN Member States in the wake of the 2010 Trafficking in Persons Report, which firmly, but accurately assessed the strengths and weaknesses of Southeast Asian governments' efforts against human trafficking.

Question. The United States has taken a leading role in combating global human trafficking. This year was the first time that the United States was required to report on itself in the TIP report. Has the inclusion of a report on the U.S. facilitated progress with our diplomatic efforts in combating human trafficking in the Asian region?

Answer. While the TVPA does not mandate the inclusion of the United States in the TIP Report, it was important to Secretary Clinton that the United States be ranked in the report, both to hold ourselves to the same standards to which we hold other countries and to reap the benefits of the statutory minimum standards analysis, which have proven an effective diagnostic of governments' efforts to combat human trafficking. The U.S. narrative is balanced and self-critical, and includes more recommendations for improvement than any other country narrative. The U.S. record on combating human trafficking is consistent with that of other countries ranked as Tier 1, and upon evaluation of that record against the statutory minimum standards, the ranking was clear. The impact of the U.S. ranking in the TIP Report in Asia has been largely positive: in my travels throughout the region, many government and civil society interlocutors have praised the ranking as demonstrating transparency and a willingness to holding ourselves to the same standards; some have criticized a Tier 1 ranking, but in so doing have revealed gaps in their understanding of the definition of trafficking, for instance by criticizing the United States for the problem of illegal migration. In all cases, however, the Department and Embassy personnel alike have used the inclusion of the United States in the report as an opportunity to speak more openly about the challenges our country faces in combating human trafficking, and to cast the report and our anti-TIP diplomacy as part of a shared burden to end a common scourge through development of partnerships and best practices. We believe this spirit of openness has had a positive impact on our diplomatic engagement, both in Asia and globally.

Question. TVPA will expire this year. With each reauthorization, we have attempted to give our Government agencies more tools to assist in the fight to combat human trafficking. Under the current budget constraints, how can this legislation be improved and what additional tools are necessary to further our fight against global human trafficking?

Answer. The TVPA has changed the world in profound ways. As a career ambassador recently told a gathering of reporting officers from posts across an entire region, perhaps no U.S. foreign policy effort in the last decade has had such a rapid transformative effect, with over 140 new laws and global acceptance of the 3P paradigm (of prevention, protection, and prosecution) that was conceived in America in the late 1990s. Each year, the statutorily mandated TIP Report has had a tremendous impact in raising global awareness of TIP, as well as in spurring governments to acknowledge and act against modern slavery.

Our commitment to combating this modern form of slavery often means telling friends truths that they may not want to hear, which can occasionally create tensions in bilateral diplomatic relations. But as Secretary Clinton has said: "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—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.'"

As with all efforts to monitor and evaluate, we seek constant and appreciable progress from governments in their efforts to combat trafficking while avoiding the addition of new unrealistic standards for a government to meet or, conversely, lowering the bar for a government's progress. In terms of possible changes to the law, the State Department expects to work with our interagency partners on the reau-

thorization of the Trafficking Victims Protection Act through the Senior Policy Operating Group's legislative subcommittee and in conjunction with the OMB process. We would welcome the opportunity to consult with your staff in the coming months.

Question. In your written testimony, you mention that as long as governments are moved to address the problem—Malaysia and Indonesia have moved up from Tier 3. But then you have countries like Burma and North Korea, both of which have been chronically listed as Tier 3. What discussions have taken place with these governments about improvements? What is your sense from these Governments? In cases of persistent presence as a Tier 3 Country, are the sanctions enough? Is there another way to compel Governments to pursue combating trafficking because it is in their self interest?

Answer. Burma and North Korea are among the world's worst human rights violators—regimes that are directly involved in subjecting their citizens to forced labor in prison camps. In both countries, the prospects for serious reforms in addressing human rights are dim, absent radical political change. While the USG has some limited engagement with both governments, we do not have structured human rights or human trafficking dialogues with either. We recognize that, while in many cases the prospect of a lower tier ranking is sufficient to spur government action, a government that is hostile to basic human rights might not be compelled to act even through the threat of additional sanctions. In the case of North Korea, we continue to make clear that addressing human rights issues will have a significant impact on the prospect for closer U.S.–DPRK ties. But there are always means of engagement, especially when encouraging a country to rise to internationally accepted law enforcement techniques and standards in investigation and victim protection. In the case of Burma, we continue to engage, whether through our diplomats in Rangoon or through regional efforts such as the COMMIT process, the United Nations regional offices in Bangkok, and partners such as the AusAID-funded ARTIP project. However, the TIP Report's assessment of such regimes plays a large role in exposing their hostility to addressing this human rights abuse and government complicity in human trafficking.

Question. The United States offers grants and assistance in combating human trafficking. What tools have been more effective in the fight against trafficking—foreign aid and assistance or sanctions? And what types of foreign aid or assistance (i.e., trainings, government grants to NGO or government agencies, etc.) have been the most effective in combating trafficking?

Answer. The threat of assistance restrictions and the availability of foreign assistance are both important tools in the fight against trafficking and should be maintained. The availability of both of these tools factor significantly into bilateral diplomatic engagement with foreign governments. We have observed that countries facing a Tier 3 ranking are particularly concerned about potential U.S. voting restrictions in the international financial institutions; others are concerned about the prospect of losing U.S. military assistance or economic aid. Countries receiving assistance from the U.S. Government Millennium Challenge Corporation (MCC) worry about the impact a lower tier ranking will have on continued funding by the MCC, and many countries simply want to avoid the harm a lower tier ranking could do to their reputation.

USG antitrafficking foreign assistance priorities are guided by the tier rankings, evidence of political will to improve the response to human trafficking, national economic resources, and the possibility of successful interventions. While funds obligated by the Office to Monitor and Combat TIP are used exclusively to combat trafficking in persons, there are other offices within the Department of State, USAID, and the Department of Labor that provide foreign assistance in this area. Taken together, this assistance supports a range of countertrafficking aid in the areas of prevention, protection, and prosecution. Since 2009, new structures and the addition of several program officers in the Office to Monitor and Combat TIP have allowed us to shorten the time between diagnosis and project establishment. We have found that the ability to quickly provide assistance—whether victim services, law enforcement training, or technical assistance in legal drafting or formation of interagency structures—allows us to take advantage of the willingness of a government to do what is necessary to avoid a low ranking in future reports.

To date, the USG has identified a number of “promising practices” that appear to be effective in combating trafficking. Promising practices are those interventions that have demonstrated efficacy in case studies, but have not yet been subjected to a rigorous evaluation.

With respect to prevention, the USG has supported many awareness programs that have achieved a broad reach and have mobilized communities against traf-

ficking. Working with a NGO in India, a G/TIP program has demonstrated the effectiveness of radio drama in promoting knowledge and community advocacy among individuals vulnerable to bonded labor in two Indian states. The radio program has significantly increased the ability of individuals in the target states to access existing government programs. The data show that awareness of bonded labor increased from 14 percent at baseline to 69 percent at endline among highly exposed listeners (who had listened to five or more episodes of the radio programs). Significantly more respondents with high exposure at endline reported being aware of the government compensation for freed bonded laborers compared with those respondents at baseline. This is a model for state governments to consider. Going forward, we hope to transition from generalized awareness campaigns to efforts that include a call to action that leads to quantifiable results in victims assisted and prosecutions.

In terms of victim protection, USG funding has supported a variety of comprehensive services and followup case management for victims of trafficking, aided governments in developing victim-centered action plans and legislation, and facilitated the implementation of mechanisms to protect and support victims during their participation in investigations and trials.

In Guatemala, for example, G/TIP funds a local NGO to build support systems that prevent re-trafficking through the long-term rehabilitation, education, and counseling of victims. Children that enter the program receive followup support until they complete their education, regardless of how long that takes. This long-term commitment is a unique and essential asset of the program.

In Serbia, a USG-funded program worked with the court to permit the recorded testimony of two foreign trafficking victims, allowing them to return home before the trial took place, as was their wish. The physical absence of the victims did not impede effective prosecution, and the perpetrators were convicted.

With respect to prosecution, the USG has supported a significant amount of targeted capacity-building for foreign governments, law enforcement entities, non-governmental organizations and civil society organizations. Funds are used to address the pressing need for training and technical assistance to improve the systemic response in protecting victims and prosecuting traffickers.

In Ghana, for example, G/TIP provided funds for a U.S. TIP expert and a victim/witness coordinator to train law enforcement, prosecutors, and the staff of social welfare agencies. This helped pave the way for Ghana's successful prosecution, conviction, and sentencing of numerous sex traffickers, most notably in a pathbreaking forced child labor case in the Lake Volta region.

USG assistance has also resulted in the increased institutionalization of government antitrafficking efforts. In Indonesia, G/TIP funded an integrated training program for law enforcement officials, labor inspectors, and prosecutors on identifying forced labor. This training program opened communication between these three groups and led to the development of a coordinated, interagency response to human trafficking. In addition, a USG-funded project in Nigeria increased the investigative capacities of its law enforcement agencies and the judiciary and supported enhanced victim rehabilitation services.

USG agencies also fund projects to provide the most efficient ways to inform governments and NGOs of effective strategies for combating TIP. For example, USG funding is supporting the development and expansion of a global trafficking-in-persons database. It will be the largest global database with primary data on victims of trafficking, containing data on nearly 16,000 registered cases of victims of trafficking from 85 source and 100 destination countries over a 10-year period. While it does not yield a representative sample of trafficking victims worldwide, it provides useful quantitative and qualitative data about trafficking victims and trends. Through in-depth analyses of case information contained within the database, IOM has produced numerous reports that have informed the field about specific forms of trafficking and types of victims, including male and re-trafficking victims.

Question. The TIP report gives the United States a unique position, in that we can study our own human trafficking efforts as well as the efforts of countries a crossed the globe. This is part of the value of the TIP report. You have highlighted many efforts that are working well in the fight against modern slavery. The United States has recently begun refocusing on labor trafficking within our own borders. Are there any best practices being done in this region that could be helpful to us?

Answer. The United States has demonstrated several successful practices to share with our partners around the world. Key among them is the collaborative task force structure of the Worker Exploitation Task Force formed in 1998 between the U.S. Departments of Labor and Justice to address forced labor. This was a precursor to

the interagency task force to monitor and combat trafficking in persons mandated by the TVPA.

The Worker Exploitation Task Force, and later the regional DOJ human trafficking task forces, showcase the effectiveness of these multidisciplinary groups that bring together federal, state, and local law enforcement officials with NGOs. We hope to work with Asian counterparts as they set up multidisciplinary teams of government officials in order to identify best practices from the region that can assist U.S. law enforcement as well. One promising approach seems to be the Government of the Philippines' efforts to protect workers overseas and to prosecute labor brokers for fraud and abuse; as our Fraud in Foreign Labor Recruiting statute is relatively untested, the experiences of our Filipino partners will be valuable in formulating our response to this aspect of human trafficking.

Question. In recent years the United States has seen several cases of workers from Asia being recruited under fraudulent circumstances and forced into bonded labor on American soil. In 2008, 300 migrant workers recruited in India were held in debt bondage labor on Texas and Mississippi shipyards. Similarly, in September 2010 the California-based Global Horizons was indicted for recruiting 400 Thai workers under promises of good wages and living conditions, only to hold them in slave-like conditions on farms in Hawaii and Washington State. In the context of the United States being a destination country, what initiatives have the U.S. consular offices in Asian countries undertaken to inform potential trafficking victims of their rights when coming to work in America? What other efforts can be initiated to help stop the trafficking of foreign victims into the United States?

Answer. Recently concluded prosecutions, such as the *U.S. v. Global Horizons* case, are an example of the significant number of Asian workers recruited for work in the United States through the legal guestworker program who are subjected to conditions of forced labor after arrival in our country. In addition, highly vulnerable are female Asian workers who migrate to the United States for work as domestic servants, sometimes employed by foreign diplomats.

Recognizing this vulnerability, the Department has taken a number of steps to prevent labor trafficking of foreign migrants. Starting in early 2010, U.S. consulates began distributing a pamphlet to applicants for H2A/2B (guestworker), J1 (work exchange programs, such as summer work-travel) and A3/G5 (domestic workers of diplomats or international organization officials) visas. The Department developed this pamphlet in coordination with NGOs. It informs prospective migrants of their rights under U.S. law and protections should they face abuse, including emergency contact information where they can obtain help in the event of such abuse. According to the operators of the National Human Trafficking Resource Center—a national, toll-free hotline funded by the Department of Health and Human Services—hundreds of calls have come in as a result of the pamphlets and consular interviews. While we cannot comment on ongoing cases, a number of trafficking investigations have resulted from those calls.

Additionally, a pilot program is underway in six countries from which a significant number of J1 visas originate to address concerns about that temporary employment program. The pilot project will ensure that participants hold verified employment prior to arrival, prohibit the use of third party staffing agencies, and include increased oversight by the Department.

The Department has also increased its training of Foreign Service officers—particularly consular officers who might come into contact with vulnerable migrant workers—and has started an ongoing dialogue with U.S.-based NGOs that assist foreign workers who are subjected to exploitation, with the goal of developing more effective strategies to preventing human trafficking.