

**THE NEXT TEN YEARS IN THE FIGHT AGAINST
HUMAN TRAFFICKING: ATTACKING THE PROBLEM
WITH THE RIGHT TOOLS**

HEARING

BEFORE THE

**COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE**

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

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**THE NEXT TEN YEARS IN THE FIGHT
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THE PROBLEM WITH THE RIGHT TOOLS**

TUESDAY, JULY 17, 2012

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 9:35 a.m., in room SD-419, Dirksen Senate Office Building, Hon. John F. Kerry (chairman of the committee) presiding.

Present: Senators Kerry, Boxer, Cardin, Webb, Durbin, and Rubio.

**OPENING STATEMENT OF HON. JOHN F. KERRY,
U.S. SENATOR FROM MASSACHUSETTS**

The CHAIRMAN. The hearing will come to order.

Thank you all very much for being here with us this morning.

We meet this morning to discuss one of the great moral challenges of our time, the fight against human trafficking. Really, that is almost a light word for what it is. It is really slavery, modern-day slavery.

We have barely broken the seal on the 21st century, but already it has been marked by an all too familiar nightmare: the enslavement of men, women, and children for the purposes of forced labor, sexual exploitation, and other egregious violations of human rights. Trafficking in persons is really a blight on world communities. It can be found on Thai fishing boats where Cambodian men are lured under false pretenses and subjected to forced labor at sea. It ensnares young Nepalese women who are coerced into a sex industry that ships them off to destinations in the Persian Gulf, and it steals away the lives of Haitian children who are taken from their families, deprived of education, and forced to labor in a home that is not their own.

It is remarkable that there are an estimated 27 million people enslaved in the world today and up to 800,000 people trafficked across international borders each year. With annual profits as high as \$32 billion, this criminal enterprise—and that is what it is, a criminal enterprise—has inhumanely commercialized large swaths of humanity where everything, even the lives of young boys and girls, are up for sale.

This is not a new issue and it is not one that Americans come to without bearing our share of responsibility. According to the 2012 Trafficking in Persons Report, “the United States is a source,

transit, and destination country for men, women, and children, both U.S. citizens and foreign nationals, subjected to forced labor, debt bondage, involuntary servitude and sex trafficking.” That is an amazing statement and I hope it would inspire outrage in everybody.

Edmund Burke once said that all that is necessary for the triumph of evil is for good men to do nothing. Well, we cannot stand by and do nothing as housekeepers brought to the United States found themselves imprisoned in their homes. We cannot stand by as migrant agricultural laborers are enslaved by their American employers and subjected to unfair wages and labor practices while they toil to pay off large recruiting debts. Slavery, whether in the United States or abroad, must be recognized, rejected, and eliminated. We must identify the problem in all its forms, confront the challenges that undermine our best efforts and pinpoint the tools that are most effective at overcoming them. And that is what we are here to discuss today.

The fight against trafficking in persons has always inspired strong bipartisan support in Congress. In 2000, Congress passed, and President Clinton signed, the historic Trafficking Victims Protection Act which established a coordinated U.S. Government framework based on the so-called three P’s: prevention, protection, and prosecution. To these three P’s, Secretary of State Hillary Clinton has added a crucial fourth, partnerships with local governments and organizations.

A comprehensive U.S. response to the global scourge of human trafficking is long overdue and we know that much work remains to be done. We can start by focusing our development efforts on the underlying causes of human trafficking, including the economic factors that render men, women, and children vulnerable to exploitation. We must also engage in a multifaceted approach and work in coordination with law enforcement agencies, victim services, and community organizations. We must focus on prevention strategies that target transparency and business supply chains, eliminating the market for slave-made goods, and of course, we must assist other governments in their efforts to build sustainable public justice systems so perpetrators of human trafficking are held accountable.

It is a pleasure to be here today. There are a number of colleagues who will join us. Senators Boxer and Cardin have been very involved in this issue and have shown leadership on it along the way, and last year, along with Senator Leahy and others, we introduced the Trafficking Victims Protection Reauthorization Act. I intend to continue to work closely with my colleagues to ensure that we put together a strong and effective antitrafficking program that can tackle this obviously horrific and unfortunately widespread challenge.

In the end, none of us can escape our moral obligation to be a leader in the fight against this modern-day slavery. History teaches us that we are safest and stronger when the world hears from America and when America takes the lead and we share the destiny of all people on this planet. That has always inspired people and it always will. But the triumph of injustice is manmade and

so too can injustice be undone at the hands of good men and women who take action.

To help us do that today, we are fortunate to have three people who understand their obligation.

Jada Pinkett Smith is a passionate and articulate advocate for combating human slavery. Inspired by her daughter, Willow, who is here with us today, she conceived the campaign “Don’t Sell Bodies,” and today she is applying her talents to raise awareness of this issue around the world.

David Abramowitz is vice president for Policy and Government Relations at Humanity United, and previously David served as chief counsel of the House Foreign Affairs Committee where he helped author the Trafficking Victims Protection Act of 2000 and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

And finally, we have Holly Burkhalter, vice president for Government Relations at the International Justice Mission. Holly is one of our leading advocates against human slavery, and together with her colleagues at IJM, she has pioneered innovative partnerships with local law enforcement agencies and worked tirelessly to promote sustainable public justice systems across the globe.

So we welcome all of you and look forward to hearing your insights about how we can take on this complex and pressing challenge.

Senator Lugar, I think, is tied up at the Agriculture Committee, so we will proceed directly to your testimonies. Jada, if you would lead off, and then Mr. Abramowitz and Ms. Burkhalter. And thank you again very much for being here with us. Your full testimonies will be placed in the record as if read in full. If you want to summarize, it is up to you, but we appreciate your time. Thank you.

**STATEMENT OF JADA PINKETT SMITH, ACTRESS AND
ADVOCATE, DON’T SELL BODIES, LOS ANGELES, CA**

Ms. PINKETT SMITH. Thank you, Mr. Chairman, Ranking Member Lugar, and the distinguished members of the committee and staff. It is an honor to be here with you all today to discuss the important issue of human trafficking.

In 1865, just 3 months after Congress approved the 13th amendment abolishing slavery, Frederick Douglass addressed the American Anti-Slavery Society, urging the society not to disband. “They would not call it slavery, but some other name,” he said. “Slavery has been fruitful in giving itself names and you and I and all of us had better wait and see in what new skin this old snake will come forth.”

So as we all know, Douglass was right. This old monster is still with us. Today there are an estimated 27 million slaves worldwide, more than at any point in history. We call these men and women and children the victims of human trafficking. They represent every nationality, ethnicity, age group, and they can be found everywhere, including here in the United States. Here, almost 150 years after the abolition of slavery in the United States, conservative estimates suggest that 40,000 people are enslaved on our soil at any moment.

Now, this is an ugly and too often invisible problem. Until recently, I like many people was unaware of its prevalence and magnitude. It took my 11-year-old daughter, Willow, who is here with us today, to bring it to my attention. After watching the Kony 2012 video and learning that children in Africa were being stolen from their families, forced into sexual slavery or used as child soldiers, she started doing some research. She discovered that this was not only happening to children in Africa or far-off places, but that children in every country, including our own, are being forced into slavery. Now, this spurred me into action. I began to educate myself on this issue as well—reading, traveling, meeting survivors and service providers, law enforcement, public officials, and everyday citizens fighting against slavery.

Now, here with us today I decided to bring three survivor soldiers that I would like to recognize. We have Minh; we have Monica; and we have Jamm.

Now, Minh was sexually abused by her father beginning at the age of 3. At age 11, her father began selling her to other men. At 14, Minh's mother felt she was not receiving her fair share of the money that Minh was generating, so she began selling her herself. All of this torture and abuse was taking place while Minh attended public school, received straight A's, and played competitive soccer. It happened right underneath everyone's noses.

Now, here we have Monica who ran away from an abusive home and was on the streets at the age of 15 where she was kidnapped by seven men. They all beat her, raped her, and eventually turned her over to another man who forced her to sell her body for his financial gain. Monica was constantly in and out of the juvenile justice system 16 times between the ages of 15 and 17.

Jamm was an HIV-negative child born to parents diagnosed with AIDS who died by the time she was 10. Jamm was forced to live with her mother's sister, a woman who is a unified district school teacher in Los Angeles Public School System. And there she experienced further sexual abuse from her aunt, her aunt's husband, and her cousins. For 4 years, her aunt sold her to over 100 pedophiles and child rapists. Trying to escape, Jamm stole her aunt's cell phone to try and call for help. Her aunt called the police to report the phone stolen and at age 15, Jamm was arrested.

Now, today through hard work, perseverance, and support of social programs, Minh is a graduate student at UC-Berkeley getting her MSW and Ph.D. in social welfare. The recipient of a prestigious fellowship, Minh is studying the long-term impact of child abuse, trauma recovery, and studying the health and well-being of survivors of human trafficking.

Monica was introduced to a wonderful program that serves commercially sexually exploited children called MISSSEY. She progressed on to become a part-time MISSSEY staff member and began working part-time for Youth Radio. During her time at Youth Radio, Monica was one of two key reporters that produced "Trafficked" which was later awarded the Peabody Award, Gracie Award, and the Edward R. Murrow Award. Currently Monica is a full-time staff member at MISSSEY and a part-time student.

And finally, we have Jamm, and she was finally recognized as a victim and offered the specialized help that victims of human traf-

ficking need. She is enrolled at West LA College for the fall term. She is working hard so that she can transfer to USC in the fall of 2013.

These women are just three of the faces of human trafficking, but they remind us of why we are here today. The United States has been a leader in the fight against human trafficking for more than a decade, and Congress has been at the forefront of those efforts. In 2000, again in 2003, 2005, and 2008, members of both parties came together to pass the Trafficking Victims Protection Act containing provisions to combat domestic and international trafficking and to assist victims of trafficking. The law also authorized millions of dollars in expenditures across a range of Government agencies to support these efforts. Now, I have met beneficiaries of those expenditures in the United States and abroad, and I have seen firsthand the transformative effects of those programs, women, girls, men, boys whose lives were stolen and restored.

Now, despite these great efforts, the problem of human trafficking is growing here in the United States and abroad. Meanwhile, the TVPA expired last year. While some TVPA programs have received appropriations for fiscal year 2012, future funding is not guaranteed. Now, as a result, Government agencies and their implementing partners are constrained in their ability to develop and implement long-term interventions.

As we look forward to the next decade, we must renew our commitment to ending the scourge of slavery. This means reauthorizing the TVPA, ensuring that antitrafficking programs receive adequate funding. Fighting slavery does not cost a lot of money. The costs of allowing it to exist in our Nation and abroad are much higher. It robs us of the thing we value the most, our freedom. And we know what that freedom is worth. We have paid a high price to defend it here and abroad.

For those of us joined in this effort now, let our legacy be to deliver on the promise of the Emancipation Proclamation, making freedom a reality for all who have been victimized, like the women who are here with us today, and for our future generations.

Thank you.

[The prepared statement of Ms. Pinkett Smith follows:]

PREPARED STATEMENT OF JADA PINKETT SMITH

Thank you, Mr. Chairman, Ranking Member Lugar, and distinguished members of the committee and staff. It is an honor to be here with you all today to discuss the important issue of human trafficking.

In 1865, just 3 months after Congress approved the 13th amendment abolishing slavery, Frederick Douglass addressed the American Anti-Slavery Society, urging the Society not to disband. "They would not call it slavery, but some other name," he said. "Slavery has been fruitful in giving itself names . . . and you and I and all of us had better wait and see . . . in what new skin this old snake will come forth."

Douglass was right, this old monster is still with us. Today there are an estimated 27 million slaves worldwide—more than at any point in history. We call these men, women, and children the victims of human trafficking. They represent every nationality, ethnicity, and age group, and they can be found everywhere, including here in the United States. Here, almost 150 years after the abolition of slavery in the United States, conservative estimates suggest that 40,000 people are enslaved on our own soil at any moment.

This is an ugly, and too often invisible, problem. Until recently, I—like many people—was unaware of its prevalence and magnitude. It took my 11-year-old daughter, Willow, who is here with us today, to bring it to my attention. After watching the

Kony 2012 video and learning that children in Africa were being stolen from their families, forced into sexual slavery or used as child soldiers, she started doing some research. She discovered that this wasn't only happening to children in Africa or far off places, but that children in every country—including our own—are being forced into slavery. Spurred into action, I began to educate myself on this issue as well—reading, traveling, meeting survivors and service providers, law enforcement and public officials, and everyday citizens fighting against slavery.

Here with us today we have three incredible survivors that I would to recognize: Minh, Monica, and Jamm.

Minh was sexually abused by her father beginning at the age of 3. At age 11, her father began selling her to other men. At 14, Minh's mother felt she wasn't receiving her fair share of the money Minh was generating so began selling Minh herself. All of this torture and abuse was taking place while Minh attended public school, received straight A's and played competitive soccer. It happened right under everyone's noses.

Running away from an abusive home, Monica, on the streets at the age of 15, was kidnapped by seven men. They all beat and raped her and eventually turned her over to another man, who would force her to sell her body for his financial gain. Monica was recidivated in and out of the juvenile justice system 16 times between the ages of 15 and 17.

Jamm was an HIV negative child born to parents diagnosed with AIDS who died by the time Jamm was 10. Jamm was forced to live with her mother's sister, a woman who is a unified district schoolteacher in the Los Angeles Public School System. There, she experienced further sexual abuse from her aunt, her aunt's husband, and her cousins. For 4 years, her aunt sold her to over a hundred pedophiles and child rapists. Trying to escape, Jamm stole her aunt's cell phone to try and call for help. Her aunt called the police to report the phone stolen and at age 15, Jamm was arrested and treated like a criminal.

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Despite these great efforts, the problem of human trafficking is growing, here in the United States and abroad. Meanwhile, the TVPA expired last year. While some TVPA programs have received appropriations for fiscal year 2012, future funding is not guaranteed. As a result, government agencies and their implementing partners are constrained in their ability to develop and implement long-term interventions.

As we look forward to the next decade, we must renew our commitment to ending the scourge of slavery. This means reauthorizing the TVPA and ensuring that antitrafficking programs receive adequate funding. Fighting slavery doesn't cost a lot of money. The costs of allowing it to exist in our Nation and abroad are much higher. It robs us of the thing we value most—our freedom.

We know what that freedom is worth. We have paid a high price to defend it here and abroad. For those of us joined in this effort now, let our legacy be to deliver on Emancipation's promise, making freedom a reality for all who have been victimized—like the women here with us today—and for future generations.

The CHAIRMAN. Thank you very much, Jada. I appreciate it.
Mr. Abramowitz.

STATEMENT OF DAVID ABRAMOWITZ, VICE PRESIDENT, POLICY AND GOVERNMENT RELATIONS, HUMANITY UNITED, WASHINGTON, DC

Mr. ABRAMOWITZ. Mr. Chairman, Senator Rubio, Senator Durbin, thank you for holding this very important hearing and thanks for giving me the opportunity to testify today.

I work for Humanity United, which is a philanthropic organization based in San Francisco that works on building peace and advancing human freedom, including through the fight to combat modern-day slavery.

Mr. Chairman, as you know and as you stated in your fine opening statement, human trafficking remains a huge problem around the globe. Just last month, the International Labor Organization issued a new global estimate that used a definition very similar to the one in U.S. law that you have worked so hard on that estimated that any given moment, there are 21 million people in forced labor in modern-day slavery.

But these are not just numbers. I just want to compliment Ms. Pinkett Smith for raising out three specific examples of survivor voices, which has always been an important element of the trafficking movement, to elevate survivor voices, to demonstrate that this is an abuse that can be overcome and people can move on with their lives. So I just want to thank you for doing that and I want to thank the courage of those who are willing to stand forward and have their stories, which are very difficult stories, be told.

As we continue to combat this challenge, Mr. Chairman, I want to highlight several lessons of the past decade that I think we have learned.

First, we have learned that traffickers most often use coercion and fear not chains to enslave victims. But that is often not well understood by the U.S. public who more focus on the inability to leave as opposed to these subtle forms of coercion.

Second, we have learned that sex and labor trafficking frequently go hand in hand. When I was in Nepal in 2010, I was shocked to hear from service providers that such dual exploitation is as high as 90 percent of those who have left their villages seeking better opportunities.

Third, we have learned how widespread trafficking is and that in any given week, each of us may well have eaten, driven, dressed, or texted with some product that involves in part modern-day slavery.

Fourth, and in that connection, we have learned that we need an all-of-the-above approach embracing many disciplines and engaging many actors. And perhaps we can talk about that in the dialogue to come.

Mr. Chairman, let me sketch out some of the solutions to these problems which are described in detail in my written statement.

First, developing coalitions and partnerships can maximize impact. At Humanity United, we support the Alliance to End Slavery and Trafficking, which is a group of 12 U.S. human rights organizations that work on slavery both here and in the United States,

and we are also trying to foster collaboration between civil society at the State and local level around the United States with law enforcement. We have to build these types of local partnerships not only in the United States, but also globally.

Second, as you indicated, Mr. Chairman, we need to address supply chains but also foreign labor recruiters. Some companies are signing up to a zero tolerance policy in their supply chains, and in 2010, a number agreed to more detailed implementation guidelines that could make a real difference in fighting modern-day slavery.

Additionally, the new California Transparency in Supply Chains Act now requires transparency on what companies are doing to eliminate modern-day slavery from their supply chains. This will allow us to learn from the leaders in this field but also urge the laggards to do more.

Civil society and the private sector are also developing new standards to reduce exploitation by foreign labor recruiters, many of whom you suggested are creating some of the terrible exploitation that we have seen in the fishing industry in Thailand. These sometimes unscrupulous actors not only lure girls to the brothels of Phnom Penh but have also put legal H-2B workers in forced labor in the U.S. shrimping industry on the gulf coast. The new standards to address this issue include greater transparency on terms of employment and the complete prohibition of fees, and all businesses that use foreign labor recruiters should demand that these standards be met.

We also have to develop smarter interventions in vulnerable communities, expand our assistance to survivors, and increase prosecution of perpetrators. And I think we can discuss some of these later in the hearing.

But, Mr. Chairman, I have to say that as much as we have learned over the last 10 to 12 years, we must be honest that we still need to invest more in learning. We need to hone in on the interventions that really work and while we know something, some important elements, we need to learn more.

Mr. Chairman, as my colleagues will say and as Ms. Pinkett Smith has said, much of what has happened in the last 10 years is based on strong U.S. leadership which has to continue.

First, we need to strengthen U.S. diplomacy, as discussed in my written statement.

Second, the United States can do more on supply chains. The Department of Agriculture recently put out voluntary guidelines on trying to keep slavery out of food supply chains, and they have just put out at the end of last month a \$5 million RFA, request for proposals and agreements, to try to see how we can pilot those new guidelines. I think it is very exciting and something we should be looking at carefully.

Senator Rubio is going to be holding a briefing on supply chains on this Thursday afternoon, and hopefully that can lead to Federal legislation mirroring the California Transparency Act.

And I would also like to see the Department of Labor issue long-delayed supply chain guidelines as mandated by current law.

Third, the United States can reinforce standards on foreign recruiters as laid out in my statement. I note that recent Department of Labor rules for H-2B workers actually put in some key

protections, not enough in our view, but certainly very important steps forward. But those rules are now under attack in the U.S. courts and they are subjects to an appropriation rider that I hope the Senate reconsiders during the legislative process.

Fourth, the United States can pass the TVPRA, S. 1301, which you have had such a huge role in authoring, Mr. Chairman, as well as Senator Rubio with the cosponsorship of both Senator Durbin and Senator Cardin. And I do not think I could speak any more eloquently about the importance of that legislation than Ms. Pinkett Smith did. But there are also some other legislation regarding Government contracting and strengthening child welfare protections that I think deserve a review.

Finally, this committee can help increase the priority trafficking is given by ensuring that assistant secretarial and ambassadorial nominees are routinely asked questions about trafficking and you bring this issue up when you travel abroad. This is a low or no-cost intervention that can yield tremendous benefits over the long term as countries and officials see this as a continuing important element of U.S. foreign policy.

Mr. Chairman, we obviously still have a distance to travel in our efforts to end this scourge. As we approach the 150th anniversary of the Emancipation Proclamation this September, we must be humbled that slavery is still present in the United States and even prevalent around the world. We in civil society stand ready to partner with you and together to try to take more steps on the path toward eradicating this modern-day slavery and advancing the cause of human freedom.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Abramowitz follows:]

PREPARED STATEMENT OF DAVID S. ABRAMOWITZ

Mr. Chairman, Senator Lugar, and other distinguished members of the committee, thank you for holding this hearing on one of the most terrible human rights abuses of our times—the widespread occurrence of modern-day slavery and human trafficking, and thank you for giving me the opportunity to testify today.

Mr. Chairman, I am the Vice President of Policy and Government Relations at Humanity United. Humanity United is a philanthropic organization based in San Francisco, CA, that works to build peace and advance human freedom by combating human trafficking and ending modern-day slavery and also works to build peace here in the United States and around the globe. As I will discuss below in more detail, our work targets several key tipping points toward advancing human freedom, from funding people who directly combat human trafficking in their communities to engaging multinational corporations, who have the ability to eliminate forced labor in their products and services.

SCOPE AND NATURE OF TRAFFICKING IN PERSONS AND MODERN DAY SLAVERY

Mr. Chairman, human trafficking continues to inflict suffering on tens of millions of people around the globe. It is one of the most pressing human rights challenges of our time, yet also crosses over into such diverse areas as transnational crime, international humanitarian law, domestic and international labor frameworks, and migration, among others.

Just last month, the International Labor Organization (ILO) issued a new report on the prevalence of forced labor, using a definition that substantially overlaps with most forms of human trafficking and modern-day slavery. ILO estimates that at any given moment, 20.9 million suffer from these abuses,¹ with private estimates ranging as high as 27 million. The U.N. Office of Drugs and Crimes has cited estimates that human trafficking in all its forms yields \$32 billion in profits every year.² And despite this committee's good work and international efforts by a wide array of countries, some believe that the worldwide economic downturn has led to

a surge in human trafficking as those desperate for some way to sustain themselves become more vulnerable to the predators who perpetuate modern-day slavery.³

Mr. Chairman, this is not a matter of numbers: each individual story of tremendous suffering and exploitation is a human rights tragedy that violates our values and beliefs. As you know, this is also not a far away problem that affects distant lands. It remains a shock to most Americans but thousands of adults are trafficked into forced or exploitative labor right here in the United States, and some experts estimate that 200,000 to 300,000 U.S. children and youth are at risk of being trafficked into commercial sex.⁴ Moreover, the number of calls to the National Human Trafficking Resource Center hotline has grown by 338 percent from 2008 to 2011, from 5,748 to 19,427.⁵

Each victim of trafficking and modern-day slavery deserves to become a survivor. They deserve the assurance their own lives will be protected, their perpetrators will be convicted, and the trafficking of others will be prevented. And we need to help raise their voices.

LOOKING FORWARD: FOUR LESSONS FROM THE LAST 10 YEARS

As we look forward, Mr. Chairman, we should also think about the lessons we have learned over the last 10 years, a few of which I will highlight here.

First, Mr. Chairman, we have learned so much about the many forms and pernicious nature of this abuse, which is less visible and harder to identify than in previous centuries. Instead of shackles and chains, traffickers use debt, coercion, fear, and intimidation. Actions of modern-day slavers include seizing travel documents, creating hidden fees that become impossible debts to pay off, and threatening police retribution or violence against family members at home if the victim tries to leave.

Yet the public remains confused about these techniques. Humanity United recently commissioned research on U.S. commodities and their relationship with slave labor. Preliminary findings suggest that the average citizen focuses on the physical inability to leave, rather than these more subtle forms of coercion. This antiquated public perception is something that we need to change if we expect the broader public to become fully engaged on the full spectrum of issues that are of concern.

Second, we have learned that the sometimes-divisive dichotomy between sex and labor trafficking is an unhelpful lens for examining this phenomenon, as sexual abuse is a driver of vulnerability and those exploited for labor also find themselves sexually exploited as well. When I was in Nepal in 2010, service providers suggested that the figure for such dual exploitation is as high as 90 percent of those who have migrated, a figure I found shocking.

Third, given our understanding that in any given week each of us may well have eaten, driven, dressed or texted with some product that is made, at least in part, with forced labor or slavery, we must look to a wider range of actors to really impact this problem.

Fourth, and in that connection, the multidimensional challenges of this issue requires us to collectively address this abuse from all its different perspectives. Whether one views trafficking and slavery through a prism of human rights, transnational crime, labor violations, humanitarian law, migration, sexual violence, child welfare or other varied frameworks, we must all come together and find new ways to collaborate with each other in order to create a comprehensive approach to this issue. Let me give one example of how this comprehensive approach is evolving: Even though domestic service in homes has often been excluded from traditional "work" and therefore has remained unregulated, last year a new convention negotiated under the auspices of the ILO was developed that will help prevent abuses by creating a new framework to protect those who are all too often exploited out of sight of everyone but the abuser.⁶ We are not there yet but we are getting there.

DEVELOPING APPROACHES TO COMBATING TRAFFICKING IN PERSONS AND MODERN-DAY SLAVERY

Mr. Chairman, at Humanity United we believe there are achievable solutions to this heinous abuse. As I have just suggested ending trafficking and slavery requires a unity of effort between civil society, the private sector, and governments around the world. Nongovernmental organizations and law enforcement can reach out to communities to educate at the local level, help free victims, and provide essential services to survivors, as well as advocate for improved policies and practices. The private sector can help ensure that its supply chains are free of slavery and labor exploitation, down to the raw material level, and that their employees do not personally reap the benefits of trafficking. Philanthropic institutions can fund and produce new learning from path-breaking initiatives. And governments can ensure that they are not inadvertently involved in modern-day slavery and can also insti-

tute policies and fund programs that can reduce and eventually eliminate widespread use of these human rights crimes in individual countries.

Developing Coalitions

At Humanity United, we lead and support a coalition of 12 U.S.-based human rights organizations working to end modern-day slavery and human trafficking in the United States and around the world. The Alliance to End Slavery and Trafficking, or ATEST, advocates for lasting solutions to prevent labor and sex trafficking, hold perpetrators accountable, ensure justice for victims and empower survivors with tools for recovery. ATEST has been working on the implementation of the groundbreaking Trafficking Victims Protection Act of 2000⁷ (TVPA) and its progeny as well as making proposals for the reauthorization of the TVPA that has been under consideration during this Congress and related legislation. ATEST also seeks to further elevate the voices of survivors, help advance the broader U.S. movement, and enhance its engagement with the business community. (Humanity United is also looking to engage the business community and other stakeholders directly to try to eliminate forced labor, trafficking, and modern-day slavery around the world, as I will refer to later in my testimony.)

Humanity United is also working with State and local law enforcement officials and civil society organizations in California, Texas, Illinois, and New York to further the establishment of intelligence-driven and evidence-based investigations and related collaboration to assist in better understanding and responding to human trafficking and modern-day slavery in the United States. Our efforts began in California and have achieved significant gains through the committed leadership and partnership of California Attorney General Kamala Harris, with the collaboration of the California Police Chiefs Association, the California State Sheriffs Association, and the Fusion Center established after the terrorist attacks of September 11, which was created to share information on combating terrorism threats. By utilizing counterterrorism methodologies, increasing education, and creating and widening networks, early findings suggest that more intensive collaboration can allow law enforcement and civil society to:

- Better understand the scope and diversity of the human trafficking problem;
- Increase recognition of the indicators of human trafficking, and better understand the profiles of human trafficking victims and perpetrators; and
- Increase individual and community capacity and resources to investigate and respond to identified and suspected human trafficking incidents.

Coalitions and partnerships, including south-south partnerships, are also starting to occur in other countries, and can similarly be effective in dealing with national and regional issues.

Addressing Supply Chains

Humanity United is currently leading research and initiatives to better understand forced labor, trafficking, and modern-day slavery in global supply chains. At Humanity United, we believe business and markets can be influential partners and instruments in building peace and advancing human freedom. Corporations, with their worldwide reach and deep engagement with labor—either directly or through their contractors and subcontractors—have the opportunity to ensure that severe exploitation is eliminated in all their operations from the assembly of their products to the sourcing of raw materials. Increasingly, members of the business community are recognizing that they have not only the opportunity but also the responsibility to stop trafficking and modern-day slavery, and consumers are increasingly expecting them to exercise that responsibility. So do we.

We also need to recognize, however, that this work is not easy. Much of the most severe exploitation occurs at the very bottom of the supply chain. Whether it is the charcoal mined with slave labor that is used to make the pig iron to build the automobiles we drive or the shrimp on our tables that are peeled in sheds by unpaid Burmese refugees in Thailand, global corporations will need to go deep into their supply chains to ensure the products we all use are untainted by modern-day slave labor. Humanity United is conducting research and engaging in initial programming on shrimp, palm oil, and gold, as well as other commodities, and hope to engage with companies in the near future on ways they can ensure they are not using forced labor or other forms of modern-day slavery.

Over the last 10 years, companies have begun to demonstrate an interest in doing more themselves. In 2006, the Athens Ethical Principles were agreed to by hundreds of partners, which include zero tolerance for trafficking, promoting awareness, encouraging adoption of the principles by the suppliers and their subcontractors, and reporting and sharing information on best practices.⁸ In 2010, a number of leading companies agreed to the Luxor Implementation Guidelines to the Athens Ethical

Principles, which described 68 different standards, 31 mandatory and 37 recommended, that put real flesh on the bones of these very general principles.⁹ These 68 standards are serious benchmarks, which, if implemented widely, would make a real difference in reducing and eventually eliminating trafficking and modern-day slavery.

Mr. Chairman, despite those companies who are beginning to implement these guidelines, others are further behind, particularly on implementing the more detailed guidelines. This lack of consistency needs to be addressed. We were encouraged when Gov. Arnold Schwarzenegger signed into law S.B. 657, the California Transparency in Supply Chains Act of 2010. Beginning this year, S.B. 657 requires every company that does \$100,000,000 of business in that State to disclose what efforts—if any—they have in place to eliminate slavery and trafficking from their supply chains. This will allow all of us to assess the companies reached by that law, and whether business leaders are doing what they should and to identify the stragglers that need to be worked with and urged to do more. ATEST is in the process of reviewing the disclosures that have been made in order to help determine the effectiveness of this legislation and ways to move forward given these new disclosures.

Foreign Labor Brokers

In addition, Mr. Chairman, the governments and the business community need to address the issue of foreign labor recruiters and brokers—one of the leading drivers of the phenomenon of slavery and trafficking today. Using clever lures and subtle forms of coercion, unregulated and unscrupulous labor brokers can induce people to cross borders thinking that they are going for legal work, only to trap them into modern-day slavery. Last year the Helsinki Commission received detailed testimony on these practices, and I have attached a statement from that briefing by Ms. Neha Misra of the Solidarity Center on May 23, 2011, to my testimony.

In this regard, Mr. Chairman, let me make a few brief points. Mr. Chairman, it has become clear that exploitation is not only occurring in the brothels of Pnomh Penh or in the rice mills of southern India. It is happening as labor recruiters and brokers supply workers to the palm oil plantations of Malaysia and construction projects in the Gulf countries. It is happening as recruiters deceive young girls with promises of legitimate work only to bind them into sexual exploitation.

The continuing difficulty of working on these issues, whether within a framework combined with sustainable development and multistakeholder initiatives or on their own, is demonstrated both in Ben Skinner's recent reporting on modern-day slavery in the fishing industry,¹⁰ or the story told by the Department of State's 2012 TIP Hero, Vannak Anan Prum, who was trafficked into that industry and then, upon escape, sold into slavery at a palm plantation in Malaysia.

Finally we must recognize that action is needed at home, as this exploitation is happening in our fields, in our factories, and on our maritime areas. You may well have recent news reports that legal foreign guest workers brought here under the H-2B program became victims of forced labor while working in the shrimp industry on the Gulf Coast.¹¹

As you may also know, in 2010 the Justice Department handed out indictments related to a case of 400 Thai workers who were lured to the United States with the promise of good work at fair pay in U.S. agriculture, and even obtained a visa under the H-2A program. Instead they were forced to take on crushing debt, their passports were confiscated, and they were told that if they complained, they would be deported.¹²

Mr. Chairman, it has been good to see the private sector and civil society also collaborating to develop reforms in this area. Earlier this year, Manpower Group, a private foreign labor recruiting firm, and Verité, a U.S. nongovernmental organization, unveiled "An Ethical Framework for Cross-Border Labor Recruitment."¹³ Similarly, after extensive consultations with a wide range of stakeholders, the Institute of Human Rights and Business, located in London, issued the Dhaka Principles for migration with dignity.¹⁴ Both the Dhaka Principles and the Manpower/Verité Framework includes an emphasis on compliance with legal structures, including immigration; transparency on terms of employment; and the complete prohibition of fees related to recruitment and training. These are critical benchmarks that should be adopted by all foreign labor brokers, and all businesses relying on foreign labor should demand their use. I will say more about U.S. efforts on this score in a moment.

Developing Smart Interventions in Vulnerable Communities

Mr. Chairman, beyond these structural reforms, we also need to continue to develop smart interventions at the local level to prevent trafficking and reduce vulner-

ability. USAID's new Counter Trafficking in Persons Policy released earlier this year is an example of how programs on education, microcredit, and other locally based development tools can be targeted toward vulnerable communities in ways that can help reduce the prevalence of modern-day slavery.

In my view, this integrated approach is critical. In the late 1990s and in the years after the TVPA of 2000 was adopted, antitrafficking prevention efforts tended to focus solely on improving awareness, with an emphasis on the dangers of trafficking and the need to remain in local communities. Yet these efforts were unable to overcome the "push factors" of social discrimination, gender-based violence, and the dearth of economic opportunities. Nor was it able to always compete with the "pull factor" reflected by stories of individuals who had successfully left their communities for a better life. And it did not impact the local communities around the world who were suffering under debt bondage in their own villages, bonded into generational work at rice mills or brick kilns. At the same time, traditional community development projects to improve health, education, and economic opportunities were frequently not specifically targeted to communities who are vulnerable to trafficking.

Increasingly, we have seen the development of programs that integrate traditional development and tailored antitrafficking approaches—increasing access to education as a way to pull children out of domestic servitude; awareness raising to help communities understand both the right to, and the risks of migration; promotion of workplace rights; microcredit to create new opportunities, and agricultural assistance to allow for at least successful subsistence or more. For example, World Vision is conducting a program in the Philippines funded by the International Labor Affairs Bureau (ILAB) at the Department of Labor (DOL) that combines radio and television awareness raising with policy advocacy, improved education, raising livestock and microcredit to help prevent the use of children in domestic work, mining, and the sex trade. I understand that this program has been estimated to reach 31,000 children and their families.

Of course, not all donors, including private donors, have the resources to always program such integrated approaches, and there remains value in looking at individual interventions to see if they can make a difference. However, that should be the direction that we all aim toward as we try to work at the various aspects of the challenges in vulnerable communities.

Still, Mr. Chairman, we have to recognize that the "push" and "pull" factors I described above are ever-present in vulnerable communities. As long as social discrimination exists and women do not have equal access to economic opportunities, or work such as domestic labor is not recognized and protected, disadvantaged communities will seek work in locations or industries that make them vulnerable to exploitation. Therefore, we also need to equip vulnerable populations with tools to ensure they are not exploited, as well as put in place some of the protections I have described above. Otherwise we are like the king who commanded the tide to stop coming in.

Finally, Mr. Chairman, despite some of the learning I have described above, we must be honest that we do not yet know all that we need to understand in order to create the sustainable interventions that address the many factors that allow this scourge to persist. A high investment must be made in learning what works, including by expending resources on both long-term and short-term studies. In the few instances this has been done, we have come to better understand what works. Of course we must simultaneously recognize that phenomena is highly localized, and that traffickers frequently change their approaches, and we must not overgeneralize. Yet, with the multidimensional aspects of these phenomena, and the profound impact we can have on people's livelihoods, we must do more to learn what works.

Helping Survivors and Prosecuting Perpetrators

In addition to many of the prevention mechanisms I have just described, we of course need to continue to address protection and prosecution, the other two pillars of the so-called three P's. Clearly we will not be able to eradicate every form of slavery in the near term, so we must increase our ability to care for the victims and be relentless in pursuing the perpetrators.

The road from victim to survivor is a long one. First, they remain at risk if they are left in a vulnerable situation or are treated as criminals themselves, perpetrating the fear of law enforcement instilled by so many of their traffickers. Law enforcement and other first responders, sometimes those who are inspectors or immigration officials, must be trained to identify trafficking victims so they can either be brought out of their situation or, if found, are not treated like a criminal, as are many women who are forced into commercial sex.

Second, once they are freed, they must be provided with critical services. Not all countries can provide all services, but security in a supportive environment is one

service that should have priority. Recognizing this, the U.S. Government has pressed other countries to provide shelters for trafficking victims. However, in a number of cases, detention facilities have been simply renamed shelters, and those countries have claimed credit for compliance. This is simply not an acceptable approach, and shelters must be combined where possible with psychosocial services to allow victims to overcome the trauma of being under the control of others. In countries with more resources, having case managers who can identify particular needs and find available resources for victims can be critical. Legal assistance for the victim can also be critical, as victims may have access to civil or administrative remedies to help them start a new life, but no understanding of how to access them.

Third, as they move to becoming survivors, victims need help reintegrating into society. This may mean overcoming stigma faced back in their local communities, or assistance in finding new ways of supporting themselves economically and socially in the communities where they have been freed.

Nor should we ignore prosecution of perpetrators. Despite all the dimensions of the issue, at the end of the day, trafficking is a crime, as recognized by the Palermo Anti-Trafficking Protocol to the Convention Against Transnational Organized Crime. While there may be at times alternative approaches in particular cases, prosecution is a key tool to creating deterrence and achieving justice. Labor frameworks and cooperation with business have their place, but the worst perpetrators, including the pimps who enslave children and the unscrupulous who seek to increase profit by exploiting workers must be under threat of prosecution from national authorities. One area that needs to continue to be addressed is prosecution of corrupt government officials who create a safe space for trafficking to take place. I draw your attention to the 2011 UNODC report, which provides important data on the nature of this corruption.¹⁵

MAINTAINING THE LEADERSHIP ROLE OF THE UNITED STATES

Mr. Chairman, much of what we have learned and much of the positive developments we have seen would not have been possible without U.S. leadership. I want to commend this committee for the work it has done in helping to sustain this leadership, including the work it has done this Congress on S. 1301, the Trafficking Victims Protection Reauthorization Act of 2011.

Maintaining Diplomacy. In particular, the Department of State's Trafficking in Persons report mandated by the Trafficking Victims Protection Act of 2000, has been a real catalyst for change, and given civil society around the world an opening to reduce many of these terrible practices. Whether inducing cooperation between the United States and Cambodia on combating sex trafficking, increasing the urgency of stopping exploitation of foreign labor among the Gulf Cooperation Countries or increasing the efforts of Nigeria to impede trafficking of women to Italy, the political impact of the report and its tier system is well recognized, even by its original skeptics.¹⁶ We should be taking steps to strengthen the Office to Monitor and Combat Trafficking, ensure that it continues to be a center of excellence and drafter of the report, and the report itself remain a catalyst for change. In that context I am concerned by some of the recommendations in the Report of the Office of the Inspector General, including some implicit criticism of the TVPA itself, and the idea of ending the physical publication of the report. While I am still studying this just-issued report, I do note that it also raises fair concerns regarding the lack of cohesion within the Department and the effect of the so-called "automatic downgrade" provision that may be skewing assessments under the tier system.

In addition, in many ways, the U.S. Government is making progress in many of the topics that I have discussed above:

Engaging Civil Society. Since the beginning, the TIP office has engaged with civil society to determine how to most effectively combat human trafficking. And in the last 5 years, other Departments, including the Department of Justice and the Department of Homeland Security, have been engaged in an increasingly interactive dialogue with civil society, for which both the Bush and Obama administrations should be commended. We are currently engaged in an active conversation with the administration regarding how best to improve assistance to survivors in the United States and to prevent U.S. Government contracts from intersecting with trafficking, areas the Senate more generally should be looking at more concretely.

Supply Chains. With respect to supply chains, the United States is doing more to help identify solutions. The voluntary guidelines issued by the Consultative Group created by the Department of Agriculture point to key principles for this work, and I want to commend the Department of Agriculture for dedicating \$5 million to support project(s) to pilot test specific elements of the guidelines. In addition, we also hope that the standards being reviewed by the Department of Labor as

mandated by the Trafficking Victims Protection Reauthorization Act of 2005, which have been delayed by some time, will also make a contribution in this area. We hope Congress can push the Department of Labor to issue those guidelines soon. We also understand that other agencies are developing learning in this area and we look forward to their conclusions as well.

Finally, we believe that the policies behind the California transparency law I described earlier could be strengthened by requiring similar provisions in Federal law covering the broadest possible range of companies throughout the United States. H.R. 2759, the Business Transparency on Trafficking and Slavery Act, has been introduced in the House to implement this very recommendation, and I want to commend Senator Rubio, a member of this committee, for offering to hold a briefing later this week to educate Members of this body on this important reform more generally. And later today, ATEST will host a live Webcast that will consist of a panel of experts on supply-chain issues that will be very illuminating.

Foreign Labor Brokers. The United States is also looking at the issue of foreign labor recruiters. If the United States adopts a framework for ensuring that these types of abuses does not occur here, and applies it to both foreign recruiters and recruiters based in the United States, we can make a huge impact—both to prevent abuses within our borders and to promote the elimination of abuses around the world.

This House has already adopted such an approach once. In the House-passed version of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007, the House adopted such a structure by a near unanimous vote. Unfortunately, that did not become part of the final legislation.¹⁷

ATEST has reviewed this House-passed provision and made suggestions to improve this foresighted measure. ATEST's proposal, which has been provided to the committee, provides for a number of different protections, many of which mirror the recommendations of the Ethical Framework and the Dhaka Principles: elimination of fees, transparency and disclosure of contract terms, and a registration and enforcement system that penalizes recruiters and complicit employers who do not follow the requirements of the system.

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

A provision that reflected many of ATEST's recommendations was included in the introduced version of the Smith-Berman version of the Trafficking Victims Protection Reauthorization Act of 2011,¹⁸ but this version of the legislation does not appear to be moving through the legislative process at this time. The Senate version of the legislation, S. 1301, addresses this issue by requiring a GAO study of these issues. This is certainly an important step, but many think we know enough about these phenomena and we should be moving on to reform now.

Indeed, the DOL recently promulgated regulations for one visa category, the H-2B nonagricultural workers that took some important steps toward limiting abuses by foreign labor recruiters as one part of a much-larger rule. Unfortunately, these regulations are being challenged in court, arguing that DOL does not have the authority to issue such regulations. Moreover, the FY 2013 Labor-HHS Appropriations bill includes a rider that would prohibit funds for the implementation of these new regulations. Mr. Chairman, given the abuse of these programs, demonstrated by such cases as the Thai workers, Indian welders, and the recent Gulf shrimp case, I hope that you and other Members of the Senate will seek to eliminate provision as the bill moves through the legislative process. I have attached to my testimony a letter from the ATEST relating to this provision.

Reauthorizing the TVPA and other legislation. Another key element of U.S. leadership is ensuring continuing reauthorization of the TVPA. I want to commend you, Mr. Chairman, for your leadership with S. 1301, and also the other 46 Senators who are supporting this legislation. We would urge the Senate to move on this legislation as soon as possible. I and other civil society organizations are eager to work with you and the other leaders of this legislation to address any unresolved issues and bring this bill the floor.

Mr. Chairman, there are other individual pieces of legislation that are moving through Congress that I note that S. 2234, the End Trafficking in Government Contracting Act of 2012, introduced by Senator Blumenthal, Senator Portman, and nine other Senators, looks to end trafficking and related conduct by entities that receive Federal grants or contractors. At the same time, House is reviewing H.R. 2730, the

Strengthening the Child Welfare Response to Human Trafficking Act of 2011, a bill that would make combating trafficking a higher priority in state child welfare systems. A briefing is being held on this legislation tomorrow on the House side. I have already referred to H.R. 2759, the Business Transparency on Trafficking and Slavery Act.

Helping to Make Combating Trafficking a Priority for U.S. Diplomats and foreign governments. Finally, Mr. Chairman, there is a way this committee can make a singular contribution to combating trafficking. As you know, Mr. Chairman, there is always a debate as to whether it is better to create a special office, or ensure that all Ambassadors and Regional Assistant Secretaries and other senior State and USAID officials see this as their responsibility. You can make both a reality by ensuring that these officials get asked questions about this issue, making them understand that they will be held accountable for their actions in this area. Senator Rubio asked such questions at the confirmation hearing for Deputy Secretary Bill Burns to great effect, and I believe that similar questioning can go a long way to creating a more cohesive approach by the State Department in response to this critical issue. Similarly, when you travel internationally, asking questions at embassies and of foreign governments can demonstrate that this is a congressional as well as executive branch priority. This is a low or no cost intervention that could yield tremendous benefits over the long term.

CONCLUSION

Mr. Chairman, Senator Lugar, we have obviously learned much about efforts to end human trafficking and modern day slavery, but we still have a distance to travel. As we approach the 150th anniversary of the signing of the Emancipation Proclamation this September, we must be humbled that slavery is remains present around the United States and even prevalent elsewhere. If this committee continues to act in a bipartisan manner, you can ensure an even greater impact, save ever more victims, and help the exploited in their journey to move beyond their terrible experience and become survivors. We in civil society stand ready to deepen the conversation and work with you to ensure that we are working together as partners on the path toward eradicating human trafficking and modern-day slavery and advancing the cause of human freedom.

Thank you, Mr. Chairman, and Senator Lugar for all the work you have done on this and so many other issues.

End Notes

- ¹ ILO Global Estimate of Forced Labour, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---
- ² <http://www.unodc.org/unodc/en/frontpage/abolishing-slavery-eradicating-human-trafficking.html>.
- ³ David Arkless, Manpower, Inc., Speech at Carnegie Council, February 18, 2010, reprinted at <http://www.carnegiecouncil.org/resources/transcripts/0260.html>.
- ⁴ <http://ecpatusa.org/2011/10/ecpat-usa-turns-20/>.
- ⁵ This number reflects both crisis calls by victims but also tips and other communications. <http://www.polarisproject.org/resources/hotline-statistics>.
- ⁶ International Labour Organization, Convention Concerning Decent Work for Domestic Workers (No. 189), 2011, available at <http://www.ilo.org/dyn/normlex/en/f?p=1000:12000:0::NO::>.
- ⁷ Pub. L. 106-386, Div. A, Oct. 28, 2000, 114 Stat. 1466, codified at title 22 USC 7101-7102.
- ⁸ Athens Ethical principles, www.ungift.org/docs/ungift/pdf/Athens_principles.pdf.
- ⁹ Luxor Implementation Guidelines to the Athens Ethical Principles: Comprehensive Compliance Programme for Businesses, available at <http://www.unglobalcompact.org/news/92-12-12-2010>.
- ¹⁰ The Fishing Industry's Cruellest Catch, <http://www.businessweek.com/articles/2012-02-23/the-fishing-industrys-cruellest-catch>.
- ¹¹ Foreign Labor on American Shores, http://www.nytimes.com/2012/07/09/opinion/forced-labor-on-american-shores.html?_r=3&smid=fb-share.
- ¹² "Six People Charged in Human Trafficking Conspiracy for Exploiting 400 Thai Farm Workers," Press Release, U.S. Department of Justice (Sept. 2, 2010), found at <http://www.justice.gov/opa/pr/2010/September/10-crt-999.html>.
- ¹³ See <http://www.verite.org/ethical-framework-for-intl-recruitment>.
- ¹⁴ http://www.ihrb.org/about/programmes/dhaka_principles_for_migration_with_dignity.html.
- ¹⁵ UNODC, "The Role of Corruption in Trafficking in Persons," www.unodc.org/documents/human-trafficking/2011/Issue_Paper_-_The_Role_of_Corruption_in_Trafficking_in_Persons.pdf.
- ¹⁶ See, e.g., Anne T. Gallagher, "Improving the Effectiveness of the International Law of Human Trafficking: A Vision for the Future of the U.S. Trafficking in Persons Reports" Human Rights Review 12.1 (2010).

¹⁷Sec. 202(g), William Wilberforce Trafficking Victims Protection Act of 2007, 110th Cong., 1st Sess. (passed by the House on December 4, 2007).

¹⁸See section 234, Trafficking Victims Reauthorization Act of 2011, H.R. 2830, 112th Congress, 1st Sess. (as introduced).

[EDITOR'S NOTE.—The two articles submitted with Mr Abramowitz's prepared statement can be found at the end of this hearing in the "Additional Material Submitted for the Record" section.]

The CHAIRMAN. Thank you, Mr. Abramowitz. Thank you very much.

Ms. Burkhalter.

STATEMENT OF HOLLY BURKHALTER, VICE PRESIDENT, GOVERNMENT RELATIONS, INTERNATIONAL JUSTICE MISSION, WASHINGTON, DC

Ms. BURKHALTER. Thank you, Chairman Kerry. I have two things to thank you for before beginning my testimony. One is for the great honor of appearing before four of the U.S. Senate's great antitrafficking heroes, Mr. Rubio, yourself, Mr. Cardin, and Mr. Durbin. It is really a treat for me.

The other thing I just have to say is that for this 58-year-old mom, you have made me awesome to my teen daughters and modern and cool. It is not every day one gets to testify with David Abramowitz.

[Laughter.]

The CHAIRMAN. We get it.

Ms. BURKHALTER. I was just waiting, just giving you a little moment to appreciate it.

The CHAIRMAN. No. You gave us plenty of time. Thank you.

Ms. BURKHALTER. Thank you for having us.

My name is Holly Burkhalter. I am vice president for Government Relations at International Justice Mission. We have 15 and soon to be 16 overseas offices. We are a human rights service provider. Six of those offices work with local police to help actually rescue trafficking victims from both labor exploitation and sexual exploitation, and the rest of the offices work on sexual assault and other violent crimes against the poor and vulnerable.

Much of what I have to say today is taken from our field work in Cambodia and the Philippines and India.

You do not need me to tell you that this is a sad story; we hear about it every single day at IJM. When we pray for our clients and for the victims and for the investigators who are going into the field and looking for victims of slavery and working with authorities to bring them out. We do not always succeed and it breaks our hearts.

But at the risk of minimizing their suffering and pain, which I do not mean to do, rather to honor it, I would also say that in the year 2012, the story of confronting modern-day slavery is actually a good news story. And I will tell you why I think that is the case.

First of all, it is quite clear to me that trafficking and slavery can be stopped. Having been in the human rights field for 30 years-plus, something of a child worker myself back in the late 1970s, I have never seen other violent, massive, pervasive crimes respond so quickly to pressure from both diplomacy and from local law enforcement. We do not see this on rape. We do not see it on genocide. We do not see it on child sexual assault. We do not see it on

property grabbing from widows. But uniquely, because trafficking and slavery is a crime motivated by greed and motivated by the desire to make vast amounts of money off another's body, it is actually quite responsive when the law is enforced. There are all kinds of other things that are needed, and I do not need to minimize them. Education and development and poverty reduction. But it is first and foremost a crime of violence and abuse that must be treated as a crime as you said in your opening statement, sir, and I could not agree more.

Let me give you a picture of what it looks like when a country that had a real problem with child sexual exploitation did something about it and what the numbers can show us, I think, by way of encouragement and highlighting something that could be and should be replicated.

IJM was given several years ago a grant from the Gates Foundation, quite unique for the foundation, to work on improving our antitrafficking and rescue model and our perpetrator apprehension. Both those things are integral to IJM's work in the field: Victim rescue and perpetrator apprehension and accountability. And they helped us do a baseline prevalence study in the place we selected to do this work which was Cebu in the Philippines, the second-largest city in the country which has a significant child sexual exploitation problem, sex tourism, a large red light district, lots of children in the trade.

We had an independent criminal research association conduct the survey. We taught them how to go looking for minors in the sex industry posing as potential customers, and then we got a baseline. They found several hundred children. And then we went to work with our Philippine Government partners to do everything we could to help develop a justice system that was predictably and professionally responsive to the crime. We went under cover with them. We trained the police. They designated a special unit. There were a number of things that were integral to the success of the regional antitrafficking task force, which eventually rescued about 380 girls and apprehended about 90 perpetrators. We now have a number of those cases in the Philippine courts wending their way slowly. That is an area for needed improvement.

But the part of the story I want to leave with you is what we found after 3 years of work—and it really is the Philippine Government's success, not IJM's. When we did another baseline prevalence study, the investigators found that the availability of minor girls in the brothels and karaoke parlors and bars and sex entertainment venues in Cebu had been reduced by 79 percent. Now, it does not mean it is gone forever and it does not mean that the Philippines has a Good Housekeeping Seal of Approval, but it did show that a concentrated effort, an investment by an NGO, not by a government, but in this case by an NGO and a wonderful donor—the Gates Foundation—and a serious engagement and a long-term engagement with a government could make big improvements.

I will tell you that effective and unified U.S. diplomacy was a big part of what helped make that model work. When the Trafficking in Persons Office and the embassy and our regional bureaus all speak from the same song sheet and are amplifying the voices of reformers within the foreign government, then something can hap-

pen. We do not get that bang for the buck when our TIP Office is being undermined by our regional bureaus or by an embassy that has lots of other things that are on their minds, quite understandably. But if the trafficking issue is undermined, then we have the TIP Office out here on the fringe and that does not work so well. That will not give you the results that we saw in the Philippines.

The end of that piece of a good news story is that the Philippine Government has asked us to replicate the model in two other locations and we are doing so. We have gotten small grants from both the Trafficking in Persons Office and USAID to continue and amplify that work.

It is just a tiny sliver, a piece of good news, but one I think that shows that law enforcement and victim care and appropriate prosecution can start to dry up the trade quite disproportionately fast because once a number of people go to jail, the other people who are in this business look around and say, "hey, I do not want that to happen to me" and they get out of that business.

A second piece that I think is good news for us in July 2012 is that the American people from across the political spectrum not only support this issue and care about this issue but they are demanding that our Government do something about it. And I think it is reflected in the wide number of members and Senators from across the political spectrum who do care about this and are doing something about it. You know, you can see it in the original odd couple marriage of Chris Smith and Paul Wellstone back in 1999, and it has been that way ever since. And that is kind of unique in this town and in the international human rights field. It is a joy to work on the issue with our friends from across the political spectrum.

But it gives you not only the opportunity but the obligation to do something bigger. You have done many good things and it is not enough. And as the Nation that still leads the world, we have an American public that is animated both by our experience of freedom but also the American experience of slavery and that toxic piece of our historic DNA, that wants you to do something more and wants the President to do something more.

I think a great model for what can happen when the U.S. Congress and the American President work together on a big, big problem is PEPFAR where George W. Bush and a democratically controlled Senate and a Republican controlled House put together an enormous foreign aid package to break the back of the modern-day global AIDS pandemic. All of you were a part of that and continue to be a part of that, and it has changed the world. It has changed the world. We need a PEPFAR for slavery. We need Focus Countries like we had in the bill that Senator Boxer introduced several years ago, the Child Protection Compact Act. We need strategies and we need money and we need political pressure directed where the resources go so that they will be used well and we need data to monitor how well programs are working. It is not impossible. It is not like we do not know what could work. There are all kinds of things going on. There just is not enough of them. They need to be scaled because I can tell you slavery is at scale and the response to slavery has to be at scale as well.

Finally, I will echo my colleagues' support for the TVPRA. It just does not look good, when there are innovations in slavery and trafficking every day, that we cannot pass the innovations we need to keep our tools sharp to deal with it.

I would also highlight the End Slavery in Government Contracting bill that some of you have worked on. It is a wonderful piece of legislation moving through the Senate now. It was passed by the House. It is another bipartisan effort that we would love to see because it cleans up slavery in our own labor supply chain in our embassies abroad, and it is a must-do legislation this year. I am sure it can be done.

Finally, I think I would like to just say a word about the wonderful tools and institutions that we have to combat slavery. The genius of the 2000 act that put in place an office to do just this thing has borne enormous fruit over the years. We have an annual report. We have a grantmaking program. We have the best expertise in the world that works for the U.S. Government at the TIP Office. It should be a bureau because they deserve to be standing on equal footing. They negotiate in good faith—and everyone is in good faith, but they negotiate the trafficking issues with the regional bureaus, which have a much bigger portfolio. But Congress said we want one office to have one portfolio, the antitrafficking and antislavery portfolio. They have grown a lot thanks to you and your investment in the TIP Office, but diplomatically and politically in this town, they are standing about 6 feet lower than their interlocutors at the State Department, and it is well past time that they should be a bureau.

I would like to close belatedly by thanking you for your kind attention and by thanking my own staff, especially Melanie Beifuss and Annick Febrey, for helping prepare this testimony and keeping me sane year-round. I would also like to thank your staff. It is a delight to work with Emily Mendrala and Paul Foldi with Mr. Lugar's staff and, of course, our good friend, Ann Norris, and Ariana from Senator Boxer's staff. We love you and you have made us so welcome in your offices. It matters greatly; it gives us great encouragement. We even tell our field offices when friends in Congress care about what is going on with them, and it matters to them as well.

A special word of thanks to Mr. Lugar. I would have loved to tell him personally how much he has meant to both the human rights movement and every great cause, and I hope you will pass the word on to him. Thank you very much.

[The prepared statement of Mr. Burkhalter follows:]

PREPARED STATEMENT OF HOLLY J. BURKHALTER

Thank you, Chairman Kerry and Senator Lugar for inviting me to testify at this important hearing on modern day slavery and ways to confront and eradicate it. It is an honor. I also wish to express my thanks to you both for having made this issue a priority in the United States Senate. My name is Holly Burkhalter, and I am the Vice President for Government Relations for International Justice Mission (IJM.) IJM is a human rights organization with 15 overseas offices that works with local governments to rescue victims of sex trafficking and labor slavery and helps local police and prosecutors apprehend and prosecute perpetrators. Our antislavery

offices are in the Philippines, Cambodia, and India.¹ IJM's on-the-ground experience in combating trafficking will inform my recommendations today for a roadmap for the coming decade.²

Why does slavery persist today? Mr. Chairman, you have asked us to reflect on the major factors that facilitate the proliferation of trafficking and slavery around the world. Explanations abound for the modern prevalence of slavery, including poverty, women and girls' subordinate status, the caste system, lack of education, cultural traditions, migration, and so on. These and other factors are of course part of slavery's context, and investments in such things as poverty reduction and girls' education can and should be directed toward slavery-prone countries. But it is a mistake to imagine that the worst forms of trafficking cannot be eradicated until poverty has been abolished, or all children are educated, or international migration has been rationalized.

The most important feature of slavery is that it is a crime. There are victims, and there are perpetrators. Furthermore, it is a violent crime but it is also an economic crime that generates enormous wealth for perpetrators, be they traffickers, pimps, slaveowners, or complicit government officials. Unless and until local police, prosecutors, and judges join forces to deter the crime of slavery by providing a credible and predictable threat of imprisonment for those engaged in it, there are no natural limits to its spread.

If donor governments and international agencies were to expose and stigmatize governments that are complicit in or tolerant of slavery and provide extensive assistance to help deserving governments build robust public justice systems that locate and free slaves and apprehend perpetrators, this crime would diminish and eventually vanish.

What tools do we have to confront slavery? When Congress enacted the Trafficking Victims Protection Act in 2000 there weren't many models for study and replication. Today, thanks to the Office to Monitor and Combat Trafficking in Persons, USAID, nongovernmental organizations, and U.S. diplomats in Washington and around the world, we have a whole array of effective tools—diplomatic, financial, technical, and political—that can inform U.S. antitrafficking policy in the coming decade. I have seen some of the most promising in countries where IJM is working.

Diplomacy: As you know, the TVPA includes minimum standards by which to evaluate governments' response to trafficking and authorization of an annual antitrafficking report. Over the past 10 years, the TIP Office has fielded talented and hardworking researchers, analysts, and diplomats to gather information on the phenomenon of slavery around the world. Their excellence is apparent in the quality of the report. The creation of three "Tiers" (and eventually a fourth, the Tier 2 Watch List) to rank countries gives the report additional seriousness and weight. These tools have been so valuable to the cause of eradicating slavery that other human rights interest groups, such as international women's rights advocates, are requesting a "TIP Office" of their own.

Not surprisingly, there are sometimes tensions between the TIP Office, which has only one mandate—to confront slavery—and the State Department's regional bureaus and embassies, which have a host of issues and concerns to steward with foreign governments. This reality should not be a criticism of the TIP Office or a deterrent to TIP's monitoring, reporting, and diplomacy. Congress created the office with a specific antitrafficking mandate precisely because the traditional bureaucracy was not giving the issue the prominence it deserves. The TIP Office exists to do that. In my view, the TIP Office should not be encouraged to water down its mandate or conform to the broader mandate of the regional bureaus or the embassies. Rather, the regional bureaus and embassies should be instructed to step up their own messaging to amplify the TIP Office—and Congress'—concerns about modern day slavery.

This committee's legislative language in the Trafficking Victims Protection Reauthorization Act, S. 1301 would, if enacted, engage embassies and regional bureaus more directly in the fight against modern day slavery. The SFRC recommended that antitrafficking specialists be named at U.S. Embassies to help collect information and convey concerns on a regular basis. The provision also requires regional bureaus to be engaged in developing country antitrafficking strategies. While the TIP Office should retain leadership on U.S. antitrafficking policy and drafting authority for the TIP Report, your provision would enhance diplomacy, reporting, and

¹ IJM offices in Africa and Latin America investigate the crimes of sexual assault of children, property expropriation from widows and orphans, and police abuse of power.

² In this testimony I use the term "trafficking" in the way it is defined in the TVPA. As such, I view it having the same meaning as slavery. Accordingly, the words are used interchangeably in this document.

a unified U.S. voice on slavery. I hope and expect that the Senate will enact S. 1301 before adjournment this year and send it to the House for consideration so that these and other important provisions can take effect in 2013.

When the TIP Office and regional bureaus or embassies are out of sync, governments failing to meet minimum standards to eradicate trafficking get mixed messages. Invariably slavery eradication is the loser—and that means children, women, and men in slavery are the losers. Speaking in a strong and consistent voice about trafficking and slavery, with regional officials and embassy staff endorsing and amplifying the TIP office's concerns does not mean sacrificing other U.S. interests. Surely our diplomatic corps is capable of advancing an antislavery policy while simultaneously engaging effectively on economic, military, and geopolitical concerns.

I have seen how effective the U.S. Government can be when it does speak in one voice about trafficking. The Philippines is a country with a significant trafficking/slavery problem and its Government was not taking significant steps to address it. Accordingly, the State Department ranked Philippines on the Tier 2 Watch List. Pursuant to 2008 changes to TVPRA, countries could only stay on Tier 2 Watch for 2 years and then would be downgraded to Tier 3 if substantial improvements were not forthcoming. The U.S. Government used this political tool to encourage the Government of the Philippines to undertake serious measures to address both labor and sex trafficking. The U.S. Embassy, led by Ambassador Harry Thomas, Jr., engaged the Philippine authorities with the same strong message they were hearing from JTIP authorities. The Government of the Philippines took the matter very seriously. Among other measures, the authorities issued a judicial circular that placed antitrafficking cases on a fast track. While prosecutions are still slow, the circular has begun to make a difference.

The Philippine Government solicited IJM's help in scaling up investigations of child prostitution, rescue, and apprehension of suspected perpetrators. IJM's collaboration with local police and judicial authorities in Cebu under the auspices of a grant from the Gates Foundation had resulted in a 79-percent reduction in the availability of children for exploitation in Cebu's sex venues. The key to these important results was the police designating a specific antitrafficking unit which received training and worked closely with IJM investigators, lawyers, and social workers. The Government of the Philippines is now replicating that model with IJM in Manila and in Pampanga (Central Luzon).

Another innovation in Cebu that is now being replicated elsewhere in the Philippines is the creation of a separate, comfortable, victim-friendly office to receive trafficking victims where they can meet with social workers and provide their testimony to judicial personnel. Before the creation of this separate space, called "Her Space," by IJM in collaboration with the Philippines Department of Social Welfare and Development, victims were questioned in the presence of perpetrators.

In recognition of these and other efforts, the Philippines was removed from the Tier 2 Watch List last year and raised to Tier 2. The Government of the Philippines deserves full credit for the advancement. But the U.S. Government's effective and unified diplomacy played an important role, and reflects well on the Embassy, the Regional Bureau and the TIP Office.

Law Enforcement: I'd like to single out the importance of professional law enforcement as an area where donor governments and international development institutions can and should make strategic investments. Donors have, for good reason, been reluctant to invest in police forces. Ill-disciplined police in many, if not most, countries around the world actually prey upon the poor. As the expression goes, if you are a poor person who had a crime committed against you, you have a problem. If you go to the police, you have two problems. Nowhere is the problem of police abuse more apparent than in the abuse of women and men in the sex industry. Serious human rights organizations, have reported extensively on violence, illegal detention, theft, rape, and other abuses by law enforcement officials against those in prostitution. In many countries police themselves are complicit in trafficking or ignore it. It is understandable that donors are wary about strengthening an institution that is itself implicated in trafficking.

It is not acceptable for police to abuse, arrest, and extort money from women under the cover of ostensible "antitrafficking" sweeps. Roundups where dozens of women are swept into prisons, only to be released when their pimps pay off a bribe, have absolutely nothing in common with effective and professional policing. Donors and NGOs that work with local police can and should condemn such behavior, which hurts innocent women and sets back the antitrafficking cause. In IJM's experience,

mentoring and professionalizing police to rescue trafficking victims and apprehend perpetrators also improves their behavior with regard to adults in the sex industry.³

One important innovation that was immensely helpful in improving the capacity, competence, and will of local police to rescue trafficking victims and apprehend perpetrators is a specialized local force designated for this work. In Cebu, for example, IJM worked closely with a newly created Regional Anti-Trafficking Task Force (RATT Force) whose sole function is enforcement of local antitrafficking law. By keeping key police and officers within the force (as opposed to rotating them out), giving them specific duties, and providing through IJM extensive training and mentoring the Cebu RATT Force was the key to sharply reducing child victimization there.

IJM has had a similar experience in Cambodia, where the Anti-Trafficking and Juvenile Protection force, under the excellent leadership of Gen. Bith Kim Hong, has largely ended the exploitation of young children in the sex industry. Recently, the ATJPF led efforts to investigate and prosecute a corrupt major in the municipal division of the ATJPF who was receiving kick-backs from brothel owners for protecting them from police rescue operations. Major Rattana (who fled) was convicted in absentia. This is an exceedingly positive development for Cambodia that speaks well for the Cambodian Government, which, to our knowledge, has not previously tried and convicted a member of its own police officials for complicity in trafficking.

State Department Bureau: Given the importance of its work and the enormity of slavery around the world, the United States Government's antitrafficking capacity should be enhanced considerably. IJM strongly recommends that the State Department Office to Monitor and Combat Trafficking be upgraded to a State Department Bureau. There are several reasons for this recommendation. First, the U.S. Government should do everything in its power to recruit and retain the best of its personnel, including career Foreign Service officers, to the cause of combating slavery. Joining an office does not offer the same opportunities for advancement within the diplomatic service that joining an embassy or a bureau does and most likely discourages some excellent officers from joining it. Second, it is vitally important that the Office's Coordinator have the same status as his counterparts at other State Department Bureaus. There is a stature gap between an Office Director and an Assistant Secretary that does not serve the antislavery cause well.

Reporting and Monitoring: Honest and thorough reporting on trafficking issues and government's responses are the necessary backbone of effective diplomacy. Fortunately, the State Department TIP Office is home to our Nation's brain trust on modern day slavery—the highly expert men and women who research, monitor, and write the annual State Department Report on Trafficking in Persons. Many of those individuals have been in that role since the office was created. I would single out Mark Taylor, who leads the research and production of the report, as one of the world's greatest experts on modern day slavery in the world.

The TIP Report's usefulness as a diplomatic tool was enhanced 2 years ago when Secretary Clinton directed the TIP Office to include the United States in the report, along with 186 countries. In the past, the Justice Department has issued a separate report on the U.S. Government's response to trafficking. By including it in the actual volume that foreign leaders read, the U.S. has signaled its willingness to be judged by the same standard as the rest of the world—standards in the TVPA that are drawn directly from international law and universally applicable.

The quality of the report is very high, but I believe that political considerations occasionally erode the ranking system. We note this especially with respect to countries on the Tier 2 Watch list. A number of countries that did not actually meet Tier 2 standards were "promoted" to it from the Tier 2 Watch List at the end of the 2-year limit. There are a handful of countries on the Tier 2 Watch List for the second year right now, including China, Russia, and Uzbekistan that certainly do not meet the Tier 2 standard. But the State Department because of political considerations unrelated to trafficking may feel that they should be moved up to Tier 2.

Rewarding countries with an improved TIP tier that they do not deserve is not what Congress had in mind when it passed the TVPA in 2000. There is general agreement among policymakers who care about trafficking and NGO's that the Tier 2 Watch List is an appropriate category to maintain. The standards for each of the four tiers are well-known by policymakers at home and abroad, and are a realistic and appropriate ranking process. Unwittingly, the automatic up-or-down-grade is complicating the work of assessing a country's position on one of four tiers. Even though the "up or out" provision was extremely helpful in persuading the Govern-

³For more information on police and trafficking, see <http://www.antitraffickingreview.org/>, "Sex Trafficking, Law Enforcement and Perpetrator Accountability," by Holly Burkhalter, June 2012.

ment of the Philippines to address trafficking seriously, elsewhere the provision has been used to move undeserving countries up to Tier 2, rather than down to Tier 2 where they belong. This year the Congress should maintain the Tier 2 Watch List as a fourth tier but eliminate the 2-year time limit.

One final recommendation about the JTIP Report deserves mention. A recently released report by the State Department Office of the Inspector General recommends ending the publication of the report in book format and making it available exclusively online so as to accrue a small cost savings. I respectfully disagree with this recommendation and urge the committee to insist on annual publication. This report is a precious tool in the hands of people all over the world. Many do not have access to the Internet. It is important that it be physically present on the desk of every diplomat, judge, prosecutor, and police commander who serve in slavery-burdened countries. It is important that it be on each of your desks, and that it be handed to visiting officials. Please do not throw away a tool whose importance has been acknowledged by antislavery activists around the world, including our own.

Resources: We in the NGO community are grateful to the Congress for protecting antitrafficking funds from cuts and even increasing them modestly in the past several years. We do not take it for granted in the current difficult budget climate. Having said that, however, we know, and you know, that eradicating modern day slavery requires more resources than are available. The world needs to see effective models of slavery eradication that can be documented and replicated. Our dream is for the President and Congress to do for slavery what President George W. Bush and the 108th Congress did for global HIV/AIDS.

The State Department JTIP Office and USAID should each be resourced to engage the struggle effectively around the world. USAID's February 2012 Counter-Trafficking in Persons Policy is excellent and provides an outstanding framework for the Agency's contribution to slavery eradication which I commend to your attention. IJM appreciates USAID's commitment to data collection and impact assessment. The antislavery movement desperately needs information and data from various investments and innovations to rescue slaves, apprehend perpetrators, and deter the crime. USAID's expertise in community-based solutions (including development models for successful, community-supported civilian police forces) is highly valuable to the field.

I would also like to applaud USAID's Counter-Trafficking Code, which includes high standards for USAID employees that extends, importantly, to contractors, subcontractors and grantees. IJM has called for all U.S. agencies to adopt comparable standards.

Getting the United States House in Order: In closing, I wish to say a word about S. 1301, the TVPRA. As you know, the bill passed out of the Senate Judiciary last October and is still awaiting a vote by the full Senate. We're missing a critical opportunity to sharpen our tools to fight the crime of trafficking. The Senate bill includes a number of important innovations, including a provision to pursue slavery eradication in several "focus countries," enhanced protection for victims of trafficking in the U.S., and increased capacity for JTIP to respond to situations of emergency and disaster. Failure to reauthorize this landmark legislation for the first time in 12 years sends the wrong signal about U.S. leadership on this issue to the rest of the globe and sends us a step backward. We need to pass S. 1301 this year.

One other piece of significant legislation will be before the full Senate in the near future: the "End Slavery in Government Contracting" bill, sponsored by Senators Blumenthal, Rubio, and others. The legislation, if enacted, would require contractors of overseas labor for U.S. Embassies and bases to adhere to certain standards that would eliminate bonded labor slavery among third country nationals working in such countries as Iraq and Afghanistan. Current standards and practices by the Department Of Defense have not eliminated the problem of subcontractors pocketing taxpayer money and exploiting poor men and women who had been promised well-paying jobs. Both the House and Senate have held extensive hearings on this matter, and there has been considerable media exposure of the problem. S. 2234 offers a sensible roadmap to end exploitation, and in some cases out-right slavery, in overseas operations. When this measure comes up, most likely in the context of the national defense authorization, I urge all Senators to support it.

In conclusion, I would like to thank the Chairman for his attention to the issue of human trafficking over many years. I would also like to say a special word of thanks to Senator Lugar, who is one of the great foreign policy leaders of our day. It has been a great honor to appear before you, Senator Lugar. I would want this occasion to reflect how grateful I am to you for your commitment to the great foreign policy issues of our day, including trafficking, violence against women and girls, and genocide. I also wish to recognize and thank your superb staff, who have always

welcomed me and other NGO representatives. Their excellence reflects on you and on the Senate Foreign Relations Committee.

The CHAIRMAN. Well, we certainly will. Thank you very much, Ms. Burkhalter. I really appreciate all of your comments and particularly the expressions of thanks to the staff and others.

I want to thank all of you for the very important testimony that was presented here today. And I know my colleagues are going to want to dig in a little bit and we are going to want to explore this.

Let me begin, if I may, by—first of all, I want to thank Humanity United and the International Justice Mission for their long commitments on this and for all that you have accomplished. I remember back in the year 2000—1999 actually—Senator Frist and I began the effort to write the first AIDS bill which became PEPFAR ultimately, and I am proud of that and I am proud of what we did particularly getting the support of Senator Jesse Helms and ultimately passing it in a divided Congress, but we came together around that. And I think everybody can be proud of the story that followed from that, and it really is predicate for what could be done here and I want to explore that a little bit now if we can because I think we can build a critical mass to do more.

It is disturbing, obviously, that there are as many people, that it has probably grown, not diminished even though we have made progress in certain places. And so there has to be a much more concentrated global effort on this.

I particularly want to thank Minh and Monica and Jamm for coming here today. I think it is so important for people to be able to see real people that it has affected and whose lives were turned completely upside down but who have turned their lives back by yourselves, by your courage. It is really a remarkable thing and we are very, very grateful to you for coming here today and being willing to put yourselves out there as leaders now.

One of the things I want to ask—and first, just as a matter of information, with respect to both Minh and Monica, the crimes that you describe and the lives that they led, were those both in the United States also?

Ms. PINKETT SMITH. Yes.

The CHAIRMAN. So all three represent extraordinary—

Ms. PINKETT SMITH. What trafficking looks like in our country.

The CHAIRMAN. In our own country.

Ms. PINKETT SMITH. Absolutely.

The CHAIRMAN. Can you share with us perhaps a little bit more about at the end Ms. Burkhalter was saying do something more. And I wonder if each of you could sort of flesh that out a little bit now. What is the single most important thing that we can do. Give us an order of priorities, if you will, of what you think would have the most impact here. Needless to say, I think if there were a little more naming and shaming and public face to some of this, it would be particularly helpful, and I think we ought to work a way into this, into the prosecution and tracking of this in order to guarantee that happens more.

I used to be a prosecutor. I spent a number of years running one of the 10-largest county prosecution offices in this country. And frankly, until I came to the Senate and began to learn about this off of this committee, I had no idea that these kinds of things were

happening right here in our own country in such a broad criminal enterprise without the kind of focused attention of the Justice Department and others that I think we ought to have. And there is a huge question as to why.

So maybe you could share with us what that order of priority might be that we can step up our effort here within the Congress to focus on this. Anybody who wants to lead off.

And the other question I wanted to ask you, Jada, particularly is what have you learned in the course of Don't Sell Bodies and in your involvement with these survivors about how you make this transition from victim to survivor and whether there is, obviously, much more that we could be doing with respect to that for people.

Ms. PINKETT SMITH. Yes. I believe that we need more adequate funding for programs that can actually, first, protect young women and men who are victims of trafficking and then also the programs that help transition our young people from those traumas into being able to create and develop lives so that they are not only survivors, but they are thriving. These young ladies that are here with us today are young women who are not just surviving but they are thriving.

The CHAIRMAN. Did they each come through a program?

Ms. PINKETT SMITH. Monica has come through a fantastic program that I believe is based in Oakland called the MISSSEY program which happens to be a very, very strong program that I got introduced in going to the HEAT Watch conference in Oakland.

And Minh, no. But as I said before, Minh is at Berkeley. Minh is also very active with the Californians Against Slavery.

And we are going to work very hard in California to push the CASE Act that we have right now which will be the toughest antitrafficking law that we have in this country.

The CHAIRMAN. Mr. Abramowitz, Ms. Burkhalter, can you speak to the order of priority?

Mr. ABRAMOWITZ. Well, Mr. Chairman, you have really put forward a very difficult challenge because, as I think I laid out and as I laid out in my testimony, one of the major challenges with respect to this phenomenon is that it covers so many different areas. You have got labor. You have got crime. You have got human rights. You have got child welfare. So really to try to talk about things in isolation I think is somewhat of a mistake. We need to think about an overall, integrated approach.

For example, in the U.S. law enforcement context, I think I would just point to two things that we need to do. One is, I think that we need more training at the local level including our own Federal agencies but also the Wage and Hour Division for the Department of Labor and also State and local law enforcement. These are the people who first come in contact with these victims if they are involved in a situation where they are doing a law enforcement investigation, and I think some of the problems that we have heard about today go to the point where they do not identify these individuals as trafficking victims. They think that they are prostitutes or they are illegal aliens or whatever the situation is, and then it just goes into this very negative slope downward in terms of trying to not only help these individuals but also using them to craft the various crime organizations that are out there.

We need to be able to have them identified. Then we need to have a comprehensive service approach. I am somewhat familiar with the Oakland program. I have heard very, very good things about it.

And it is really this integrated approach to victim services. In particular, there are actually, under the TVPA and other things that Congress has done, a number of different programs that are available, but they are spread out among various different entities in the Federal Government and the State government. And one of the things that many service providers ask for is there needs to be additional money for some sort of case management system so that an individual—whereas one individual can say, OK, if you need that, let us go to HHS. Oh, you need that? The Office of Victims Crimes at the Department of Justice actually does very well on that one. Oh, let us go to the local law enforcement because California happens to have this great program. So you need someone who knows, who has expertise, and can really bring that together.

And then I would say just on the international front, Mr. Chairman, I think there is a similar sort of approach that needs to be done as well. We know about how to deal with survivors and how to prevent trafficking, but we have to create a similar integrated approach. You know, it used to be that awareness alone was the idea. Let us just create awareness and people will move. It is very unrealistic. Between the push factors of gender discrimination, social discrimination, and other reasons, there are ways that we need to overcome in a much broader fashion.

Thank you for the time, sir.

The CHAIRMAN. Thank you very much.

Can I ask the cameras to minimize the clicking, if possible? I know you have got to take some pictures, but you must have more than a million pictures of Will Smith in the last half hour.

[Laughter.]

Mr. ABRAMOWITZ. But we don't have enough pictures of Holly Burkhalter, Mr. Chairman.

[Laughter.]

The CHAIRMAN. Holly, did you want to answer that?

Ms. BURKHALTER. Just real quickly. I would just reiterate, first of all, you have some models, tools, diplomatic and foreign aid. And what we need is political support. You know, for example, governments really do care where they land on the four tiers that are in the law that you passed and that the TIP Office, in collaboration with the regional bureaus, assigns. Those that get downgraded may not like it very much, but they care a lot. We hear about it in the field because they come and say “what can we do to get off that bad tier?” I mean, that is exactly what happens. At IJM we are there to work with the governments and help bring them along and get them to rescue kids. We are not going to be involved in public naming and shaming. But others need to be. We are there to be technical assistants on rescue and perpetrator apprehension.

But if the tier-ranking process becomes politicized and becomes undermined and the report becomes weakened because of other considerations, then we have lost this marvelous tool that has, I think, made the United States response to trafficking and slavery since 2000 so strong.

And I will tell you—you know this—the executive branch cares about what you care about. If you have ambassadorial nominees up here and you ask them about trafficking and slavery in the country where they are going and when the administration does something bone-headed and gets a letter from Republican and Democratic Senators saying what is up, they care and they listen and it supports the movement inside the bureaucracy. Please do not neglect your own significance in terms of boosting strong diplomacy.

Second of all, I really do not think that we can expect to see trafficking confronted successfully around the world or at home without money, and I think the American people want the money spent for this. They want it spent successfully and in outcome-producing, carefully monitored interventions that are collaborative with governments that want to respond well. We need many, many more models like that. That is why I like the PEPFAR model of making long-term commitments. But you could add in a sort of MCC component where you have an agreement, you have a strategy that holds up and it is going to bear fruit, and the receiving government is accountable for measurable outcomes. I think the American people would love that.

And we could build the knowledge base on what worked. I mean, what can Brazil teach India? You know, what kind of interventions for survivors worked in Cambodia and should be looked at for Vietnam? I think we are just at the beginning of that conversation. It could be built but it is not going to be built without a large investment, and it is one I think we can afford even in these tough times.

The CHAIRMAN. I appreciate those answers. My time is up. I want to pass on and get everybody else involved here.

But here is what I am very clearly drawing from this, and I think I want to work with my colleagues here, each of whom have an interest in this predating this. The legislation we have now, I think, is frankly too tame and too limited compared to what this needs. And thinking back to the experience that I alluded to a moment ago about prosecuting, I started one of the first victim witness programs and several task forces, including rape counseling and other things, and it was not until we created the concentrated effort that the awareness grew and people began to do exactly what you have just said, to sort of teach people about it or talk about it and integrate it into what we were doing.

This needs to be more integrated. This needs to be clarified in a way that instructions are going out to assistant U.S. attorneys, that there is coordination with the district attorneys offices, that there is a national understanding about this, and that investigations are undertaken with the interconnectedness, the connecting of the dots sort of integrated into that. And I think we can do that. I think we have the ability to make that happen in a legislative effort. So I am going to try to work with my colleagues here to see if we cannot piece that together. It is not dissimilar to what we did in the context of AIDS, but it has a whole prosecutorial/law enforcement component to it as well as victim witness services and other kinds of things. So I think you have clearly put that on the table in a way that inspires me to at least say that I think we ought to try to piece that together, and we will do that.

Mr. ABRAMOWITZ. And, Mr. Chairman, just briefly. The National Association of Attorneys General for the 50 attorneys general around the States have a very strong interest in this matter, and I am certain that would be very interested to work with you on this.

The CHAIRMAN. Well, we work with them closely. We work with them anyway. But I promise you we will follow up with them and work with them very closely.

Senator Rubio.

Senator RUBIO. Thank you. Thank you, Mr. Chairman, for having this hearing. I think this is fantastic. I appreciate the time you have given it and all of you for being a part of the panel today.

I care a lot about the international component of this, but I think one of the things that gives us credibility to address it is the stuff we are doing here domestically at home. And let me just share with you my experience. And I think, Mr. Abramowitz, you started to touch upon this, and I want to dig deeper on it.

In our work on this, both in my time in the State legislature and here, one of the things I run into is this conflict. By the way, what I am about to say in no way should be taken as an assault on the intentions of the people that are involved in this. But some folks in law enforcement and interested parties who struggle with the notion that the young ladies and others who are being trafficked are actually victims as opposed to perpetrators—I struggled with trying to explain to people that, in fact, these folks are not willing participants in a criminal enterprise even if they are 21 or 19 or 20. In essence, it is hard to explain that to people because when you interact with a victim, they have been so emotionally battered and so psychologically battered that they may act like a willing participant but, in fact, they have been trapped by those circumstances. I am probably not explaining it right, but I think you get the gist of it. And it has been difficult to interact with some in law enforcement who want to have the ability to treat them as perpetrators, in essence, to put them on the stand, to force them to testify against the pimp or the trafficker, and more importantly, to be able to punish them. And it has gotten really difficult to overcome that with some groups.

I was hoping we can dig into that a little bit deeper today not just through your testimony here but when we leave here today because I think it is one of the things that is holding us back from making more progress.

There was a State legislative initiative this year in Florida that created a safe haven, basically a safe harbor for people who have been trafficked. And we ran into some resistance from law enforcement. That was ultimately overcome about not being able to put the victims in jail and treat them as willing participants. I think you get the gist of what I am getting at.

So you have probably encountered that as well, and I do not know what we can add to the debate about that today. I would love to hear your insight on that. And I hope we will concentrate more on that because it is really one of the things that is holding us back from getting even more people on board.

Mr. ABRAMOWITZ. Senator Rubio, I think this is an issue that really harkens back to the very beginning of the efforts to combat

human trafficking. You know, when I was on staff on the Foreign Affairs Committee and we had our first meeting with the Justice Department to try to discuss implementation, this issue immediately came up. These individuals are part of the conspiracy and we need to turn them against their traffickers so that we should withhold assistance, we should withhold various things until they are willing to testify.

And I think one of the pernicious aspects of that particular attitude is that it makes the victims more afraid of law enforcement. So the very thing that they are trying to accomplish, which is to try to bring the victims out and then perhaps, if they can, be as brave as some of the women behind me and come forward with their stories, then actually prosecute them, they are actually diminishing that.

Now, I will say that we have made strides in this area. I think that the whole notion of a victim-centered approach, which was sort of the buzzwords that were created in the Bush administration, which they have really been trying to implement, have made a difference. Yet, there is still a prosecutorial imperative to try to get the bad guys, and that creates an incentive to try to turn these often women but also men and boys to try to provide testimony when they are not ready for it.

And I guess I would say that the real challenge in this area—and I think you felt this when you were in Florida—is that even though at headquarters you do see evolving approaches on this score—and they really do believe this—when you get out in the field, I have talked in candor with DHS and they will say, “yes, we do have field agents who still just see these people as illegal prostitutes who need to be thrown out of the country right into the hands of their trafficker back in Mexico who will then be re-trafficked right back across the border.” So I think that is the real challenge. I always try to get State and local law enforcement and also in the field people understanding this. That requires training and I think with some of the work that we are trying to do to try to bring civil society in closer partnership with law enforcement so that they can try to really educate them as to the needs here.

Ms. PINKETT SMITH. To add to what you were just saying, which I feel very strongly about, I also think it could be helpful, too, to have support for survivor leadership that can help with that education. Many of us who speak about this issue—we have second-hand information or thirdhand information versus we have survivors that have firsthand information and we have a lot of survivors out here who are willing and very capable to lead us in these efforts as well. So I think that that could also be an aspect of our education and continue to learn what this is about and what it looks like.

Mr. ABRAMOWITZ. I totally agree with that.

Ms. BURKHALTER. If I could make a quick comment. We work internationally and domestic issues are not my expertise, but I have had the good fortune to talk with many of my fellow antitrafficking friends.

And one of the issues that troubles me greatly is the fact that something like 80 percent of the children who are picked up in prostitution on the streets come out of the foster care system. And

the foster care system can be literally a training ground for children to be pimped out. They are abused in foster care. They are on the street. They get picked up. They go to juvenile detention. They are abused in juvenile detention. When they get out, they have no place to go and they have no home, and they are back on the street again. There has got to be a stop to that immediately. If jail is the only safe place for a child who has had crimes committed against them, then something is very badly broken.

We are working in IJM, in collaboration with the Polaris Project, to try to get State laws passed that would require this safe haven approach that you referred to, Senator Rubio. New York has one. They are hard laws to pass because they cost money. But giving a child from the streets a safe place to live and caregivers who love them and trauma-focused care and getting them health care and mental health care and life skills and schooling—you do not get that in juvie. The only way to break that cycle is to start treating child victims as exactly what they are, and we are not doing it in the United States. And do please take a look at that foster care system. There is legislation out there and it deserves a look.

Senator RUBIO. Thank you. My time is up. My only comment—and you might be able to help me with this afterward—is it would be great—and maybe it exists—if there were a, for lack of a better term, speakers bureau of survivors available that we could use to interact with both folks who I think need to be convinced about the victimization aspects of this, but also for educating young people who might be susceptible. I do not know. Maybe that exists already if there is such a place, but I would love to know about it.

Thank you.

The CHAIRMAN. Thank you, Senator Rubio.

Senator Boxer.

Senator BOXER. Thank you so much, Mr. Chairman. Thank you all.

It is horrifying to think about what is going on sometimes right in our neighborhoods and certainly around the globe. To me, when we just look at the issue of children, the facts are that today right now 5.5 million children are somehow being forced into labor that they do not want to do that they should not be doing. The total number of people, 21 million people, right now as we sit here and 5.5 million of them kids. So we need to have a zero tolerance starting with the kids, just zero tolerance. And I want to talk a little bit about that and ask you some questions.

Ms. Pinkett Smith, I thank you so much. You know, in California, we see a lot of celebrities and many of them do wonderful things. You are one of those. I thank you so much. And I thank your whole family because we all know when one puts on the uniform of social justice, the whole family puts it on. And I am very, very grateful.

So in your testimony, you tell the stories of three brave young survivors who are here, and their stories are so important because they focus on America. And I know, because I have asked, that each of them experienced—Minh, Monica, and Jamm—this horror in California and the cities that were mentioned to me were Oakland and Los Angeles and San Jose. Is that correct?

Ms. PINKETT SMITH. Yes.

Senator BOXER. And I have a home in Oakland, and this is going on right in my neighborhood. There is no question about it.

And I know about HEAT Watch, which stands for Human Exploitation and Trafficking Watch, which you have been involved in, Ms. Smith.

And so instead of going into all that, I want to ask you about Prop. 35 because it is a chance—

Ms. PINKETT SMITH. Yes, it is.

Senator BOXER [continuing]. To get the word out.

Mr. Chairman and colleagues, our State has a measure on the ballot, Prop. 35, so that Californians can take a stand against human trafficking. And what it does is some of the things you were talking about. It would increase prison terms for human traffickers. It would require convicted sex traffickers to register as sex offenders. It would require all registered sex offenders to disclose their Internet accounts. It would require criminal fines from convicted human traffickers to pay for services to help victims so that we would have some resources to match what we are trying to do here with our resources being limited, unfortunately, and in my view wrongly, but that is another debate for another time.

So I want to ask you—I think both Mr. Abramowitz and Ms. Smith know about this proposition. Can you give us a little bit of discussion about how it is going and do you feel comfortable and confident? Do you have a lot of endorsements?

Ms. PINKETT SMITH. Oh, absolutely. I would say that we have gained a lot of support as far as the prop is concerned. We still have a ways to go as far as awareness and getting people to understand, once again, how important it is to have these laws in place because this is something that is actually occurring in our own country, and being that California—we have three of the major hotspots in regards to trafficking. But I would say that, yes, we are gaining a lot of support. I feel very confident.

Senator BOXER. Good.

Ms. PINKETT SMITH. I feel very confident. And we are going to go, starting in September, real hard campaigning for that prop.

Senator BOXER. Good. And before I ask Mr. Abramowitz, I would like to take a page out of what Senator Rubio said. I think for that proposition to gain credibility, hearing the stories of these young people would be very, very helpful to do that. Whatever I can do to help, whether we have a few fora around the State, whatever, let me know if I can be of help.

Ms. PINKETT SMITH. OK, thank you.

Mr. ABRAMOWITZ. Well, briefly, Senator Boxer, I just want to say that another factor here is Attorney General Kamala Harris and the work that she is doing. As you know, she is a huge leader in this issue, has been for years, and she is in the process of doing a statewide review of the activities of law enforcement, et cetera to try to determine what the next steps are. And I think that that report, which hopefully will be due well before the November elections, can really be a platform to really talk about how these issues are so important and create greater awareness about the proposition and also perhaps a platform to try to bring out some of these stories.

Senator BOXER. Well, we owe it to these three women who came forward to get that done.

Ms. Burkhalter, let me thank you for everything you do. You thanked us but you are the leader and we are just following because we know that you speak truth to us.

I want to ask you about a specific case because sometimes we get lost in the big numbers, the millions. I want to ask about one case. This is an international case that you were involved in at your organization. A Russian pedophile, Alexander—how do you pronounce it?

Ms. BURKHALTER. Trofimov.

Senator BOXER. Trofimov. He was arrested in Cambodia in 2007 for buying sex from 17 very young girls and originally sentenced to about 15 years in prison. But he was pardoned by the Cambodian Government in 2011 and released after serving a fraction of his sentence. And I joined a number of colleagues in expressing outrage, particularly since Cambodia has received significant anti-human trafficking assistance from our Nation.

Fortunately, the Cambodian Government ultimately relented, re-arresting Mr. Trofimov, and extraditing him to Russia. But this never should have happened. At the time of his rearrest, he was living with a 12-year-old girl. Those were the reports that we got.

Why do you think we saw the release of Mr. Trofimov by the Cambodian Government?

Ms. BURKHALTER. Thanks for bringing it up and thank you for helping us with it—as did Mr. Rubio and others—I am really grateful.

That case was our case. IJM investigated Alexander Trofimov. He did not pay young girls for sex. He abducted them and he did have at least 17 young victims that IJM discovered and, working with local police, got the girls to safety and into aftercare, and arrested Mr. Trofimov. We helped represent the girls at trial. We have a Cambodian lawyer that is a member of the bar, and he told me, Holly, when you were in that courtroom—and this is not a courtroom like this room. It is a small room and the windows are open and it is full of people and there are benches. And he said half the benches in the courtroom were filled with the victims, the little girls, who Trofimov had hideously, sadistically abused. He was quite a monster. And I am sorry to say that in public, but it is the truth.

It was interesting because at the time the Russian Government had warrants pending against Alexander Trofimov for raping girls as young as nine in Russia. But he went to Cambodia thinking that with his many millions, he could do what he wanted.

It was actually a great testimony to the Cambodian Government in spite of the millions of dollars that Alexander Trofimov had invested in the country in an entertainment center of some kind on Snake Island, that the judge, even though there was a lot of money flashing around, did the right thing. They sentenced Alexander Trofimov to 7 or 8 years.

And then he was pardoned and released. And I think that that is simply a story of a government that is in transition where there are tendencies to go both ways. There are modernizing and reforming tendencies. We are working with them and they are excellent.

The head of the antitrafficking force is superb. He has a very good group of people who are trying their hardest. And then you have other factors in that country and other members of law enforcement and other political actors who are not on the up and up. And I imagine that money had a big part to do with it.

The really great part about this story is there are Cambodians of good will to support. The United States Government, which started out with a rather modest response, was a little disappointing. I was wanting more of a shouting from the rooftop sort of response on this. But then, along came six good Senators who urged the administration to really speak out and demand that the Cambodians rearrest Trofimov and extradite him to Russia. It was in a way to try to support the people in Cambodia and the Cambodian Government that were asking for this. And that is exactly what happened. They changed their position from the December release until the rearrest which I believe happened just last month, and he will now be prosecuted in Russia for crimes against Russian kids.

I think this goes to show that in some, not all, countries, what the United States cares about becomes a matter of importance, and then that helps develop—not our standards but international standards and Cambodian law standards and help those who want to do the right thing. The United States is capable of doing so with the good, strong push from the U.S. Senate and the administration.

Thanks for asking.

The CHAIRMAN. Thank you, Senator Boxer.

Senator Cardin.

Senator CARDIN. Well, thank you, Mr. Chairman, for conducting this hearing, and let me thank our witnesses for their testimony.

I particularly want to thank Minh, Monica, and Jamm for being here. We hear about numbers and the statistics and they are shocking to us, and then we move on to the next subject. But when we see the individual that is affected by it, it does motivate us to action. So I just really want to underscore how important it is for victims to come forward and to tell their stories.

In my capacity on the Helsinki Commission, I have had a chance to visit the victims. I have been to rescue centers in Europe and talked one on one with victims of trafficking. And you hear their stories, which are in many cases kind of similar. Usually young women in a country where there is little opportunity read an advertisement about an opportunity in another country for legitimate employment, by the way, and a legitimate future. They basically have to mortgage themselves in order to get there. Once they get to the country, they are abused. They have no papers. And you have the complicity of the local law enforcement. So the person is trapped and many are unable to escape that.

So I really do applaud the efforts that you all are making. We have made progress. Make no mistake about it, but we have a lot further that we need to go to end this modern-day slavery.

Ms. Burkhalter, I just want you to know in naming and shaming, we are taking action in this Congress. The bipartisan Magnitsky bill has been approved by this committee, will be approved by the Senate Finance Committee later this week, which says to human rights violators that we are going to name you and shame you and

take action if the country in which you live fails to do that. We do not want you living with impunity when you have done these horrible things. So we are taking action.

I want to get to the point that you raised, though, about elevating the Trafficking in Person Bureau and how the TIP reports currently operate. First, I applaud Secretary Clinton for including the United States in the TIP reports. We now get a status as to progress within our own country because I think many of us thought America was immune from this form of modern-day slavery and that if it existed, maybe it was on the fringes of a few people coming in from other countries that were being abused. But as has been pointed out by the testimony today, it is a problem in our own country that needs to be addressed.

My question to you is, could you just talk a little bit more how you elevate the current capacity that we have within the State Department dealing with trafficking and particularly how—I would invite any one of you to respond to that—how do we use that type of information? And you are right. What tier you are on is important to a country, and when they come into our offices—and I would encourage Members to take up your recommendation as we meet with nominees for ambassadors or we meet with foreign dignitaries—to have that TIP report in our possession and to challenge the country that you are either going to represent the United States or they are represented in our office to take steps to improve their records. And we know exactly what they need to do. The TIP report is pretty specific as to why they are on a certain tier.

But how do we improve our capacity here, and how do we use that, our international interests that the United States has been a leader? In the OSCE, we have established high priorities. Countries are taking note of it. But how do we elevate that? And the comment you made that it is not on par with other commitments we have made in other bureaus in the State Department. Could you be more specific?

Ms. BURKHALTER. Well, I think it should be a bureau. I mean, it has been an office. It is a good office. It is an excellent office. But there are really important implications about it not being a bureau. For one thing, Foreign Service officers who want to move in their career and do well and thrive, when they come to an office, it does not have the prestige as going to a bureau. They are not on the same sort of promotion track. It is not to say that the office is not getting excellent staff, but it is not a place where Foreign Service officers would automatically want to go, “you know, like gee, it is a career builder to go work on these issues because it is an office.” No, people want to go to the bureaus. I am not a Foreign Service officer and I have never worked inside the executive branch, but this is my understanding.

Second of all, when you do not have someone on the level of an assistant secretary to go into a tough meeting where the issues are going to be on the table and you have got any number of proper, competing important U.S. concerns, and then you have another concern which is trafficking, those interlocutors are not playing on the same field because you have an assistant secretary versus a coordinator of an office. It would not matter to me. I think the coordinator is quite wonderful. But it matters a lot to people in the

Career Foreign Service. That is another problem, and it shows. It really tells.

So I think it should just be a bureau. We have many bureaus. The Secretary of State created several new bureaus unilaterally relating to conflict and reconstruction at the end of last year. I think that was great. I think she should have created the Trafficking in Persons Bureau or End Modern-Day Slavery. I think it would just be great.

Senator CARDIN. Mr. Abramowitz, I will let you respond, but if you could also tell us how you think we could better coordinate our focus internationally on rooting out trafficking but use that also to advance our actions here in America.

Mr. ABRAMOWITZ. Thank you, Senator Cardin. Just, yes, very briefly. I also think there is an issue of resources in the JTIP Office. There has been cuts in the amount of money that has been available to them to do their own programming. I think one of the things that has stood them well in their efforts is that when they say, look, country X has a challenge here, but we can do something about it, we have grant money that we can do to try to help them with the recommendations that you cited. And that has been a very powerful lever for them to work collaboratively at times both with the country, as in the Philippines case, but also with the regional bureaus to try to move these issues forward. So that is one point.

Second, I think that we have a very profound moment here on your second question, which is the USAID has just put out their countertrafficking in persons policy that is trying to look at how to mainstream this issue within their development work so that when they are looking at the awareness, education programs more generally, microcredit, agriculture, how it is that they can start looking at this in an integrated way. And I discussed that in my testimony in terms of some of the things we have learned.

I think one of the key issues here is that USAID, who has been working in this area for quite some time—this is not a new program for them, but they are really trying to put more emphasis on it—is to look at what we have learned elsewhere. For example, World Vision is implementing a program that the Department of Labor has funded, the International Labor Assistance Bureau, or ILAB, and they have come up with quite a bit of learning on how to do some of these integrated approaches. So one of the things we need to do is encourage our own agencies who are working on these issues to learn from each other so as they go forward, they use the best practices.

Thank you.

Senator CARDIN. I thank you all.

And Ms. Pinkett Smith already commented about the need for more resources, and that I think is across the board, not just in the TIP Bureau but also as it relates to victims so that they have confidence that they can come forward and know that they will have the support that they need.

Mr. Chairman, I thank you very much.

The CHAIRMAN. Thank you, Senator Cardin.

Senator Durbin.

Senator DURBIN. Thank you very much, Mr. Chairman, and thank you for this hearing.

It was a pleasure for me to bump into and meet Mr. Smith and his daughter, Willow, and his lovely wife this morning, and I am glad to be with you here. And I thank all of you for being part of this.

I am chairing the Senate Judiciary Subcommittee on the Constitution and Human Rights, and we have had two hearings on human trafficking. The more I get into this issue, the more I learn how many different facets there are of exploitation of women, children, even exploitation of men. It is happening not just around the world, but right here at home. There are aspects of it that are frightening. To think that there is a form of diplomatic slavery, which has been uncovered by the Washington Post, where servants are brought from foreign countries working here in this Capital City enslaved, literally enslaved right here within a stone's throw of the U.S. Capitol, that we are dealing with the reality of the fact that we carry around in our pockets these cell phones and many of them contain conflict minerals which are being mined in the Democratic Republic of Congo and other places by slave labor and we have passed legislation still waiting for the SEC to implement it to try to make corporations be more responsible and more accountable.

What we did in the committee as well is consider this whole aspect of accountability. The law was written so that if you did not commit the crime of trafficking in the United States, you could not be prosecuted in the United States. We became a safe haven. Well, that has changed. We passed a new law and it gives the authority to prosecutors in this country to hold human traffickers accountable even if their actions were overseas. We are not going to be a safe haven in this circumstance. And I am glad that that passed.

But there are a couple aspects of this that I still think need to be addressed. One of them is what I call legal slavery in foreign countries, child marriage, literally that a 12-year-old girl in Niger—I think we have a poster here that came recently from the Washington Post—a 12-year-old girl in Niger married off and practically died in child birth at age 14. Twice—Mr. Chairman, I thank you for this—we have passed in this committee resolutions in the previous Congress and this one condemning child marriage and this exploitation of children in other countries. And twice it has died in the U.S. House of Representatives. Want an assignment? Call them. Ask them why they will not take this up. It has passed on a bipartisan basis here. We need to make sure that it becomes kind of a standard principle of our Government that we are going to protect children and protect, in this case, young girls from this form of exploitation.

And the other aspect of it is—and I agree with Senator Rubio and Senator Kerry and others—let us look at ourselves too. Nicholas Kristof is a friend and inspiring writer for the New York Times and he has taken up this cause not just in foreign lands but here in the United States. He takes a look at the Web sites in America that are legally—right now legally—really leading to prostitution but also exploitation of children. He named one of them here, backpage.com—I hate to give any publicity but only in a negative sense I am giving that publicity—that is, in fact, financed by some of the major investment banks on Wall Street. And 19 of us

joined in a letter protesting their trafficking not just of prostitution but of children. And Kristof came up with chapter and verse.

My suggestion, as I step back and look at this, is thank you for drawing our attention to it, but you have given us a big assignment. Ms. Pinkett Smith, thank you for bringing in these brave, young women and tell their story. But we have a big assignment if the United States wants to establish a standard and live by it and then enforce it in our foreign policy around the world.

So I would like to just ask at this point the aspect of child marriage, the aspect of using the Internet for this exploitation. Ms. Pinkett Smith, do you have any thoughts on those two issues?

Ms. PINKETT SMITH. Well, my thoughts are, I am in complete agreement that I need to write a few letters myself in support of being against child marriage. And so now that I am thinking, I am like that is something that we probably need to figure out as a movement on dontsellbodies.org for our young people to get involved with that for sure. And I will look to my team to get more information on that definitely. But I am in complete support of that idea. Absolutely.

Senator DURBIN. Ms. Burkhalter, you have testified before our subcommittee. Thank you for doing that. And we have made progress. I think we have. We have a long, long way to go. And I would like to ask you, as you look at this on the child marriage aspect or on the use of the Internet even in the United States for these purposes, where you think we need to go.

Ms. BURKHALTER. Internet issues are definitely not my expertise, so I will not waste your time, though I do know that there is some very good work being done by the DNA Foundation and by the Center for Missing and Exploited Children. There was a recent meeting in California. A number of these groups got together. And I will work with your staff and get those names and some of that information about what they are doing to you after this hearing, sir.

I would love to see the child marriage bill pass. I had not realized it had not.

Senator DURBIN. Twice.

Ms. BURKHALTER. And I do think that giving governments and communities tools to help deal with this, you need both norm change and you also need alternatives for girls as well as law enforcement. It is not legal in almost all of the countries. And so sort of a combination of approaches are the way to go.

But just as female genital cutting used to be the norm, it is now changing. Child marriage can change too. I really am happy that people have made it an issue. I know there is a huge head of steam behind it in the NGO movement. But seeing it both as a law enforcement and a development and a cultural norm issue and finding ways to help vulnerable countries address it on all three fronts is the way to go.

Senator DURBIN. Thank you. I will just close by saying that this exploitation takes so many forms, the sexual bondage which we have heard of and is just ghastly, the debt bondage which is also a close parallel, the forced labor issue, and other aspects which were brought out in some of the Helsinki Commission reports, I

think really is a call to arms for all of us to live these standards in America and then promote them around the world.

Mr. ABRAMOWITZ. Senator Durbin, if I may just briefly. I would just call your attention to a new U.S. global strategy on children in adversity that the administration is working on. I do not know very much about this. I have not been tracking it, but some of our partners have. And it seems to try to put exploitation in the widest possible frame. So I think it would be useful to take a look at that as that comes out and see whether child marriage is something that is also a priority there.

Senator DURBIN. Thank you.

The CHAIRMAN. Thank you, Senator Durbin.

Senator Webb.

Senator WEBB. Thank you, Mr. Chairman, and thank you for holding this hearing and for all the witnesses. There are people who have been speaking to you today, as you know, who have worked in this area for a very long time.

I have been very concerned about an issue that I do not think has been discussed yet, and I would like to raise it. Ms. Pinkett Smith, your testimony today illuminates a big part of this, and that is the notion that we need to be maintaining the objectives and the standards of the existing legislation. But, at the same time, I think we need to work harder to eliminate some confusion and even resentment that exists in a number of the countries where these TIP reports have been creating some feelings that they have not been measured fairly.

The chairman mentioned in his opening remarks the four P's. And certainly when we talk about prevention and prosecution and then try to figure out how we can develop and maintain partnerships with some of these countries, I think we really need to work here in the Congress on having a clear, objective methodology that everyone can understand around the world.

Right now, the TIP reports that we are talking about—these annual rankings are actually rankings of countries against themselves year by year. For instance, we started hearing about this in East Asia where I have spent a lot of time. I am the chairman of that subcommittee on the East Asian and Pacific. We were hearing about this not only from the governments, but also from our embassies. These are people who are dedicated to solving these problems and these are not secondary issues over there.

For instance, in 2010, we saw that Nigeria was listed as a Tier 1 on the TIP report, Japan was a Tier 2, Singapore was a Tier 2 Watch List because they were being rated against themselves year by year rather than on some sort of an international standard. And first, I think we can all agree that different cultures around the world, different governmental systems have different approaches, in prevention versus prosecution for instance, that may not fit into the matrix that we have been using.

If you take the same year 2010, and look at Transparency International's Corruption Perception Index, we see that Singapore was tied for No. 1 as the least corrupt country in the world with Denmark and New Zealand in terms of perceptions. Japan, which was a Tier 2 Watch List, was given a 7.8, ranked 17. The United States was ranked 22nd.

We have been trying to encourage a formula where you could have countries ranked on an international scale rather than a year-by-year scale against themselves or perhaps maybe two scales to give these countries a way to deal with the ratings that the United States are giving them and to be able to explain them to their own people and internationally.

As this process was moving forward, the Ministry of Foreign Affairs in Singapore issued a statement, and this goes directly, Ms. Pinkett Smith, to your testimony here. They said “We note that the United States has again unabashedly awarded itself a Tier 1 ranking. Yet, the New York Times observed that teenage girls coerced into prostitution in the United States are treated not as trafficking victims but as miscreants who are arrested and prosecuted instead of protected. This is directly opposite to Singapore’s approach. The United States also suffers from serious problems with illegal immigrants, many of whom are trafficked by well-organized criminal gangs which seem to operate with impunity. On any objective criteria, the United States has a more serious trafficking-in-persons problem compared with Singapore.”

Now, I am not saying I agree with this 100 percent, but you can get an idea of the resentments that exist in cultures that are well developed and governments that are well run.

And so my question really is how do we reduce this resentment and still maintain the objectives and the standards of our legislation?

Ms. PINKETT SMITH. I personally think that we have to take trafficking as seriously on our own soil as we do in approaching other countries as far as how other countries are handling their trafficking matters. The chairman and I were talking about this a little earlier. Just as far as prosecution, we really have to hold accountable those people who are trafficking on our soil. We have to really hold up the standards of prosecuting those criminals. And so I think that would definitely make a big difference in how we are looked upon in that way.

Senator WEBB. Thank you.

Mr. Abramowitz, what would your thoughts be in terms of trying to create an international standard?

Mr. ABRAMOWITZ. Well, a couple of pieces. I think that as Ms. Burkhalter was discussing earlier, I think some confusion with respect to how countries respond to some of the rating is because of some lack of cohesion within the State Department as there is a discussion of what the exact standards mean, there is sometimes a different view in the field versus what is happening at headquarters. And I think one of the things that JTIP and the regional bureaus together have been addressing is trying to figure out how to create a more cohesive messaging approach.

So as you know, Senator—and I want to say that we really appreciate your strong interest in this issue and following up on these issues—there has been an effort to try to have conversations with regional officers in the field so that there can be greater alignment within the Department about how they talk about these issues and what is necessary.

I think that there is a challenge with respect to the system because there is some relativity based in the law. For example, on the

issue of resources, there is a question when the State Department is looking to evaluate where a country goes, they fairly, I believe, look at the resources that the country has to devote to the particular problem. So if a country does not have very many resources but is really doing quite a bit, that is, I think, seen as an important step by that country even though a country that has more and is in a better position to do some things apparently is doing less. So there is some of that kind of relative approaches that are built into the law in a way that is fair.

I would say that one point that I think is important to mention, as Senator Cardin was earlier, is that while there are some of these challenges, I think that countries know what they need to do in order to improve their standing. Every year, I think starting about 5 years ago, there were recommendations that were instilled in the report itself saying this is what a country has to do in order to perform better. And I think that even if there is some discontinuity and they point to different countries, it is fairly clear from the State Department as to what they need to actually—

Senator WEBB. I agree. Well, let me ask Ms. Burkhalter because I am over my clock here. But, would you not think there would be a good argument for, at a minimum, two different standards? Something like a Transparency International standard where a country like Singapore or Japan, which has organized governmental systems, can see where we are ranking them on a scale rather than simply against themselves?

Ms. BURKHALTER. Sir, I have had the pleasure of talking with your excellent staff, Marta and her colleagues, a number of times, and so I feel like I am pretty familiar with the issue. I have wrestled around with it for many months because of the genuine effort to make our antitrafficking policies the most successful, that animates the issue, is well worth our support and consideration. I think some of the issues you raised would take hours and a couple beers to really do justice to.

But I would say—

The CHAIRMAN. We are for that. We are adjourned.

[Laughter.]

Ms. BURKHALTER. I guess we are done.

Senator WEBB. It is all about the beer.

Ms. BURKHALTER. I think maybe just on behalf of my organization, which is a Christian human rights group, you may just strike that last sentence from the record.

But I would say, not meaning to be argumentative and appreciating where you are coming from, particularly when you refer to the Transparency International numerical system—I would say in defense of the current system, which I think is a good one, it is based on an international system. It is based on the Palermo Protocol and it is an international standard that governments are bound by.

Now, is each rendition and each tier ranking perfect? No, because we already know that there are political considerations that come in. I think it should be done as the clearest possible articulation of how a country is doing on its own trafficking problem. My problem with ranking countries vis-a-vis others is that it is no help to a trafficking victim in Singapore for its country to be ranked

ahead of the Congo. It is no help to a trafficking victim in Nigeria if their country gets on Tier 1 but neighboring—

Senator WEBB. Well, if I may, because I know the chairman wants to shut this down. I have actually held a hearing on this issue, and I am not trying to cut you off. I appreciate very much the work that all of you have done on this.

But you could make that same argument about ratings on media openness and these sorts of things. You could rate a country against itself a year ago and have one rating, but if you rated media openness among all countries, it would be something completely different.

I am committed to trying to make this policy work, at the same time to reduce the frictions that are causing it problems—particularly in these more advanced cultures like the Japanese and the Singaporean, and to a certain extent, Thailand.

I do not mean to cut you off. If you want to say something else, I am very—

Ms. BURKHALTER. Well, I have a meeting with Marta in a couple of days, so we will have time to talk about this.

Senator WEBB. All of you, thank you for your testimony today and for your work on this issue.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Webb. I know you are trying to find a way to deal with a problem, and I know there is some resistance to it.

Is it fair to say that the four-tier system is kind of only just now beginning to take hold and that people are beginning to understand the brand, so to speak? Is that part of the tension here or not, Ms. Burkhalter?

Ms. BURKHALTER. From our experience in the countries where we work—and we deal very closely with the governments. It is not the universe. We are doing antitrafficking work in four countries. They have a clear understanding of the tiers and they have a clear understanding particularly when the embassies are clear about it and are working with them on a regular basis. They know what they are supposed to do. Sometimes there are things that they need to do that they do not want to do and sometimes they want help with things they need to do. So if there is a lack of clarity, it is probably on the U.S. side and that we can fix. If there is a lack of clarity in the field, then having the U.S. Embassy team up with our TIP experts in making sure that everybody is clear about the things that will help a country really end its own trafficking problem, then that is the system we need.

The CHAIRMAN. I gather that the 17 countries got a failing report were Tier 3 and 42 were near the failing level. That is Tier 3 versus Tier 2 Watch List. Is the distinction clear between those, do you feel, sufficiently?

Ms. BURKHALTER. Yes, I think it is clear.

The CHAIRMAN. What makes it clear?

Ms. BURKHALTER. As David has testified, there is a broad range in the crime and there is a number of things that need to be done. And the things to solve slavery in our time cannot all be done overnight. It is very hard to point to one proven formula. There are things that clearly governments are responsible to do: protect vic-

tims, prevent the crime, deter the crime, put the bad guys in jail, et cetera. And to the best of their ability, our TIP officers and experts are trying to monitor that. They ask governments for data. Sometimes they get it; sometimes they do not. But those are good measurements of a government's political will to end this crime of modern-day slavery.

And I think three categories are not enough. "You are making it. You are doing well. You are not making it, but you are trying or you are flunking." I think Congress was smart to create a fourth tier, and frankly I think they ought to just keep the Tier 2 Watch between Tier 2 and Tier 3.

Am I answering your question? No. It seems not.

The CHAIRMAN. No. Well, you are. But what troubles me is that, for instance, the quote from the Government of Singapore. I mean, there is some legitimacy to the notion. You, yourselves here, have articulated it that a lot of departments look at some people who are brought in and they do not see a victim of a conspiracy or slavery or trafficking or whatever. They just see somebody who was on the street, throw them in the clinker, you know, do what they do, and then they are back in the hands of their pimp and they are back out on the street before long.

And so how we look at this attitudinally is pretty critical in terms of our own bona fides, which is why I commented earlier that I think we need to do a much better job of coordinating all law enforcement initiatives with respect to this and putting them into kind of a coordinated effort, if you will.

Mr. ABRAMOWITZ. Well, Senator Kerry, if I may make a couple of points. First of all, I think that it is also a question of the state that you are looking at. I understand the urge to have one objective standard. But if you look at some of our evaluations of India, for example, which the rating is always controversial because of the large number of debt bondage that is in India, you often hear from those who look at these issues say, well, you know, there is a Federal system there. Many of these responsibilities are with the individual smaller six state units. And some of them are doing well and some are not, but we should not just throw out the baby with the bath water. A similar issue exists here.

I think there is a clear line in terms of is the state really showing a commitment, taking affirmative steps that differentiates Tier 2 Watch List with Tier 3.

I think something that has come up in our conversations with Senator Webb's office is a couple of other elements, including the automatic downgrade provision that is going to force countries from Tier 2 Watch List down to Tier 3 starting really next year. And that is a provision that has done a lot of good, but it also may lead to very difficult conversations over the course of the coming year, and it is something I think we do need to take a look at.

The CHAIRMAN. Well, I think what we need to do is this. I think Senator Webb's reduction to effectively two tiers from the four that we have today—I am not in favor of moving in that direction. But I do think we can improve the metrics, if you will, by which we are making our own judgments so that people have confidence in it. Hopefully, you could deal with some of the diplomatic unrest that occurs as a result because people have a clarity as to how we are

approaching it. I think there may be some ways to improve on that. You might want to think about that as you meet with Senator Webb. You are shaking your head.

Ms. BURKHALTER. Only, sir, because I have just been in the human rights field so long and I have never once in my life experienced that a foreign government enjoys being criticized for their human rights record. They just do not.

The CHAIRMAN. They would enjoy it a lot more if they had confidence that the country criticizing them had done due diligence in its own efforts.

Ms. BURKHALTER. Well, I think we certainly can do due diligence here at home.

The CHAIRMAN. That is what I am talking about.

Ms. BURKHALTER. But I think what Mr. Webb is talking about is the—he is talking about changing the system by which we rank them, and I disagree with that.

The CHAIRMAN. And I am not and I just predicated my comments by saying I am not talking about doing that. But I am talking about establishing our own bona fides—

Ms. BURKHALTER. I agree with that.

The CHAIRMAN [continuing]. As much as we can, and I think that would help enormously to address some of Senator Webb's concerns.

Ms. BURKHALTER. Well, that I do not disagree with.

But I would say that both Singapore and Japan have a long way to go, and whether they are developed countries or not, they are not doing well on trafficking and slavery. And that is what they are being ranked on in the TIP report, and they are never going to be happy with us until they clean up their act.

The CHAIRMAN. Mr. Abramowitz, could you say a little more about the brokers and in what industries these brokers tend to operate—we find them and what are the key protections that are needed?

Mr. ABRAMOWITZ. Thank you, Mr. Chairman. This is a very important issue. I know Senator Rubio is very familiar with this issue as well.

I think that the problem here is that foreign labor brokers are working to supply labor to a huge number of industries. We have had the cases of the Indian welders in construction. That was a case that was in this country in the gulf coast. We have seen a number of recent articles come out in the fishing industry. I do not know if you have seen Ben Skinner's article that came out earlier this year about the New Zealand fishing industry and some of the terrible trafficking that has been going on there and the horrible abuses on these fishing boats that are sometimes at sea for long periods of time and the workers are forced to work 30 hours in a row and 40 hours in 2 days. It is really horrific.

And then you have got a number of other agricultural settings where this is occurring. For example, in palm oil, you see that there are plantations where there is a significant amount of labor that is provided that is needed and then the brokers are trying to deliver that supply to these plantations and it is a major problem.

In terms of protections, I think that the standards that we are looking at are, first of all, being very, very clear with the workers

on the transparency of what is actually going to happen, what they are going to do. One of the reasons the government contracting bill has come up is because there were these issues in Iraq where we had labor recruiters who were recruiting labor to do work inside Iraq and their countries actually prohibited them from going to Iraq. And so when they got visas and exit permits to leave, it was all about how they were going to the gulf to do construction projects in the gulf countries. Suddenly they were in Iraq and they were outside any protection because their home embassy did not have a particular mission there.

The CHAIRMAN. So where could the most effective work be done on this? In the source country or in the destination country?

Mr. ABRAMOWITZ. My personal view is you need to do both. There are these very interesting south-to-south partnerships that are developing that are so-called corridor type of programs where you have NGOs in the source country who are trying to educate, you know, talking about they should not be taking fees, which is the other big issue is that should not be having fees that will get them in debt and then require their family to pay these large fees off if they end up leaving their employment. But then you have also someone in the destination country that can follow up with them, ensure that they are getting the protections that they need. And it is working from both ends that is really going to be effective in this area.

The CHAIRMAN. No doubt we could do a lot in our diplomacy to advance that.

Mr. ABRAMOWITZ. Well, it is one of the reasons that a number of organizations have been pressing for increased protections here in the United States on foreign labor recruiters not because we have a huge wealth of terrible foreign labor recruiters—we do have our problems—but because we need to show leadership in this area. Just as you were indicating, how can we complain and say you need to have a very integrated foreign labor recruiter system if we do not have one ourselves? So it goes exactly to the issue that you were just building on a few minutes ago.

The CHAIRMAN. Senator Rubio.

Senator RUBIO. Thank you.

I just want to take the opportunity that we are having this hearing here today since one of the strategies we have discussed today is naming and shaming people or organizations that facilitate trafficking. And there is an issue I have been involved in along with 18 other colleagues of mine and others who I think have joined since then, and it regards Village Voice Media, and I wanted to take a moment to talk to you about that.

As you know, the classified Web site, backpage.com, is the leading U.S. Web site for prostitution advertising. It is estimated they make about \$24 million a year off of these ads. Some of those ads include a pimp who advertises services of a 14-year-old girl in Atlanta. He kept her in line by beatings, threatening her with a knife, and shocking her with a taser. Another of these advertisements was a Minnesota man who was charged later with eight counts of child prostitution for advertising two girls on backpage.com.

In fact, 51 attorneys general have asked Village Voice to take down adult services ads as a result of this. In fact, the National Association of Attorneys General found more than 50 instances of charges filed against people who trafficked or tried to traffic minors on backpage.com. And just 2 months ago, 19 colleagues on a bipartisan basis here in the U.S. Senate signed a letter asking them to close this down and a subsequent letter to other advertisers on Village Voice asking them to remove their advertisement because of their unwillingness to stop this kind of advertising.

I know many of you have been involved in this and other groups. Over 90,000 people—maybe it is now 100,000—have signed a petition asking them to stop these advertisements. The bottom line is that we know that on the leading advertiser in this country of adult services, children, 14 years of age and younger, 15-year-old girls, are being advertised and their services are being advertised.

And I wanted to utilize this forum here today to call attention to that. I know many in the audience are aware of it. It is grotesque. It is unacceptable. It is disgusting. There is no first amendment protection for child pornography and child trafficking and prostitution. And I hope they will reconsider the decisions they have made, and if they do not, I think all of us here today and those interested in this issue have a continuing obligation to shame them into doing the right thing.

So I want to thank you, Mr. Chairman, for the opportunity.

The CHAIRMAN. Well, thank you, Senator Rubio. I think everybody here would agree with you, and I thank you for taking that moment to make your statement.

Senator Cardin.

Senator CARDIN. Thank you, Mr. Chairman. I just want to follow up and concur with Ms. Burkhalter's comments in response to Senator Webb.

I can tell you my own experience in dealing with countries of Europe and Central Asia that is very clear. They understand why they are in a certain ranking on the tiers and they know what they need to do in order to improve. I do not think there is any misunderstanding.

But I think perhaps a point that we could reach an agreement with Senator Webb is that if you are a country that has the resources and you have mature democratic institutions, I think more is expected of you and that you should be leading. And I think the United States can do a lot more. So I do not take comfort that we can sit back and do nothing because we are the highest rating under the TIP report. To me, the resources America has, its leadership internationally on these issues indicate that we should be doing more. And perhaps we can figure out a way in which we can make that clearer so that we are not trying to say that we have done what needs to be done. We have a lot more that needs to be done. And I think that may be a point where we could agree with Senator Webb.

But I think, though, the TIP report is very valuable. It is not the only tool available and it should not be the only evaluations that are being made. We should be doing a lot more in that regard, but I would not want to see us let countries off the hook because of trying to politicize the way that these TIP ratings are made.

The second point I would make on law enforcement, if I might. Some of the areas that I think have been the most effective in dealing with trafficking is when you have law enforcement cooperation between the origin country and the receiving country and also transit countries, but the way. Let us not forget the transit countries. You cannot get from A to B without going through a lot of other countries. But when law enforcement works together and sets up a strategy, it has been much more effective in dealing with it because it is just not a problem of one country or another. It really is in multiple areas. And I think that is one area that we could perhaps improve is the cooperative relationships among the different countries in effective law enforcement in stopping these rings.

By the way, these trafficking centers are usually connected with organized crime and they are hugely motivated by greed and money, as has been pointed out. And without that type of commitment from more than just one country, it is very difficult to really root out these networks.

So, Mr. Chairman, I think this hearing has been extremely valuable. I think we should look at some of the suggestions that have been made, including elevating the presence within the State Department and expecting more from our own country as far as dealing with some of the root problems.

And once again, I particularly want to thank those who have experienced firsthand the savage of slavery for being here and thank our witnesses for their presentation.

The CHAIRMAN. Senator Cardin, thank you very much. Thanks also for your longtime leadership on this. I thank each of the Senators who are here. They have all had an interest in this for a period of time.

I do think your comments about the law enforcement effort really leap out at me. And I mentioned earlier there is no question there is a huge amount of space here for significant global law enforcement coordination on this and for some major sting operations, some major inside efforts. This can be significantly reduced. I mean, we are all still coping with gambling and prostitution and other issues in every county in America practically. But there is a difference between it absolutely ripping at the fabric of life itself in a country and in communities versus being a large nuisance and something that you kind of put up with and cope with on an ongoing basis. But it is not as damaging as this is. And I think we have a long way to go to get to that with respect to this issue.

So it needs focus and we are going to find a way to do that. Senator Cardin, I look forward to working with you and others in order to try to do that.

I just have one last question maybe each of you could answer, and that is sort of for the average person listening to this, for the general public, a lot of people know about this, but they feel pretty helpless. They say, well, what do I do about that. That is law enforcement or that is the State Department or whatever it is. Obviously, Willow felt differently and I congratulate you for that, Willow. Is she still hiding back there? OK. But I really tip my hat to her because she got her mom involved and she has made a difference. And I wonder if you each might just take a moment to

comment on how you think the average person could get more involved and make a difference. Let us perhaps end on that note.

Ms. Burkhalter.

Ms. BURKHALTER. I think they should send you 200,000 letters—you—from Massachusetts and urge you to do for slavery what you did on HIV/AIDS.

The CHAIRMAN. Well, I will save them the mailing and the writing. We are going to do that.

So what else do they do? What else can they do? I am in it.

Ms. BURKHALTER. I actually do think that citizens need to tell the people that represent them in Congress and their President, whoever that is in the next term, that this is something they care about, and the message can just be simple. You know, I live in Ames, IA, and I care about modern-day slavery and I want our country to lead and end it. And I actually think it is why we have gotten as far as we have because you gentlemen have enormous political space to operate in, and you have the support of the American public. And what we do at IJM is try to organize that support and tell you. We have lobby days. We have a million postcards and make a total nuisance of ourselves. But it is people in 50 States telling you please lead, please spend my money, please end slavery at home and abroad. That is what we are doing. We are leaving this hearing and going right back to what we do, tweet, blog, all those things I do not understand, but we are getting the word out and giving people things to do.

Ms. PINKETT SMITH. My daughter made a fantastic suggestion as far as engaging people to start movements even in your communities. I know that in Oakland and recognizing that there was a motel that was basically supporting child prostitution and neighbors watching young girls being brought in and out of hotel rooms and gathering together and eventually with HEAT Watch being able to have that motel shut down. So the more that we can educate ourselves and being able to recognize what this crime looks like, we can in our own communities keep our eyes open, be very vocal about what is happening, and do something about it.

Mr. ABRAMOWITZ. Just following up on a couple of points. I think being aware is a very important issue. The invisibility of this crime, as Ms. Pinkett Smith said, is so challenging, and if we are going to try to bring out victims, create synergies with law enforcement, try to build civil society, individual citizens have to help. They have to help identify. I think it is fantastic that the national hotline that Polaris Project runs has seen a massive increase in the number of both crisis calls from victims but also tips they have got. I think the figure has gone up something like 340 percent over the last 4 years. It is very impressive. It is something we really need to try to promote.

Second, of course, supporting resources. We are in a difficult budget environment, Mr. Chairman. I do not have to tell you that. You know much more about that than I do. And I think while maybe 200,000 letters from Massachusetts is not necessary, I think thousands of people acting in these areas and pressing this across the wide political spectrum is very important, and we are trying to build that.

And third, I think there is something about demanding more from companies. This is a very difficult area. Humanity United is actually doing some research on public attitudes regarding how they view these issues, as I alluded to earlier. But individuals need to try to demand more from their companies, whether it is the code of conduct that hotels are signing up to that ACPAC USA has been promoting for people to say, is your hotel signing up to this code of conduct to make sure there is no trafficking here because if it is not, then I am not staying there. Or even asking about it and showing that there is a demand or taking the slavery footprint program that will tell you how much you are really involved in slavery and then trying to talk about that more.

I went to Whole Foods the other day and said do you know where your shrimp comes from, and do you know that that is a problem? And they said, yes, we know that is a problem. We are really thinking about what we do. So I think generating that kind of energy with the private sector and making people understand they care is another aspect of these issues that we need to follow up on.

The CHAIRMAN. Well, that is the purpose of this hearing and of other hearings. And I really appreciate everybody's contribution to that effort.

I do think when you think about the fact that the three survivors who are here today, Minh, Monica, and Jamm, each come out of Los Angeles, Oakland, and I think it was San Jose—I mean, think about that, folks. A lot of people in local communities need to start opening their eyes and asking questions and figuring out what they can do with their local police departments, with their city councils, their mayors, their State representative, the legislature, and other people. There has got to be an increased awareness about this and we have to think hard about the ways in which we, obviously, can try to increase that.

I want to thank all of you. I want to thank spouses and families. I know David Abramowitz's wife is here and children also, and we are grateful to you for coming and being part of this. And Mr. Smith did come to Washington today. We thank you for that.

[Laughter.]

And we are grateful to everybody for helping to shed light on this.

Transparency, sunlight go a long way toward holding people accountable. That is the purpose of the TIP program, and we are going to be very focused on this and I promise you, Ms. Burkhalter, work with us. We want to try to put together this comprehensive piece that we could introduce and hopefully get bipartisan—I am confident we will get bipartisan support for it.

So with that, we thank you for coming and we stand adjourned. Thank you.

[Whereupon, at 11:35 a.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

TWO ARTICLES SUBMITTED BY DAVID ABRAMOWITZ WITH HIS PREPARED STATEMENT

TESTIMONY OF NEHA MISRA, SENIOR SPECIALIST, MIGRATION AND HUMAN TRAFFICKING, SOLIDARITY CENTER BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE (U.S. HELSINKI COMMISSION)—“SLAVERY WITHOUT SHACKLES”: LABOR EXPLOITATION AND THE TRAFFICKING OF VULNERABLE WORKERS AROUND THE WORLD

Thank you to the U.S. Helsinki Commission for the opportunity to present the Solidarity Center’s view about “labor trafficking in troubled economic times,” and especially to highlight the vulnerability of immigrant workers¹ to trafficking and forced labor within legal structures in the U.S. and around the world.

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

TRAFFICKING FOR LABOR EXPLOITATION IN TODAY’S GLOBAL ECONOMY

The Solidarity Center especially appreciates the Helsinki Commission’s focus in this hearing on trafficking for labor exploitation and the focus on “abusive, unethical, and illegal business practices that . . . contribute to human trafficking and forced labor.” As a worker rights organization, the Solidarity Center has seen firsthand how violations of worker rights and the lack of labor standards and protections for workers increase their vulnerability to human trafficking.

Too often the media and the public see human trafficking only as a crime of organized syndicates, of criminal gangs, or underground criminals who exploit undocumented immigrant workers. While this is of course true in some contexts, we are increasingly seeing trafficking for labor exploitation happening in the context of legal structures of employment and business—with traffickers who are employers and labor recruiters, not gang members.

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

- When immigrant workers are forced to pay high fees, often at exorbitant interest rates, to labor recruiters to work in another country, they are vulnerable to debt bondage—one of the most pervasive forms of modern day slavery. This is the case for 400 Thai workers who, according to a U.S. Department of Justice indictment, were allegedly trafficked to the United States by Global Horizons Manpower under the H–2A visa program through false promises of decent work. The Thai workers “took on crushing debt to pay exorbitant recruiting fees, about \$9,500–\$21,000. After they arrived in America, according to the indictment, their passports were taken and they were set up in shoddy housing and told that if they complained or fled they would be fired, arrested, or deported.”² Millions of other workers—including for example, Moldovan migrant agriculture workers in Italy and Vietnamese workers toiling in factories in Malaysia—can tell a similar story.
- When buyers pressure suppliers all along supply chains to achieve cutthroat prices for their products, workers are the ones that bear the burden as labor costs are often the first ones to be cut, increasing workers vulnerability to severe forms of labor exploitation, including human trafficking. This is the case for thousands of Burmese migrant workers who have been subject to forced labor and physical, emotional, and sexual intimidation in seafood-processing factories in Thailand, which export to the United States. The factories rely on trafficked workers to stay within the cost structure.

- When labor laws and regulations are not implemented, monitored, or enforced—when labor inspection is weak or nonexistent—workers are vulnerable to trafficking for forced labor and other forms of severe labor exploitation. When workers face retaliation for trying to exercise their rights or when workers lack access to avenues to address abuse, workers are vulnerable to human trafficking. This is the case for millions of domestic workers,³ agricultural workers, and immigrant workers in the United States and around the world who face extreme conditions of exploitation, including physical and sexual violence, confiscation of passports, illegal confinement, dangerous working conditions, and nonpayment of wages. These workers are often explicitly excluded from the protection of labor laws, even when they are citizens or nationals of a country, and their work is often relegated to the informal economy where there is little labor inspection.

In 2011, a slave may not be in chains or shackles, but they are no freer. Slavery is not simply ownership of one person over another. Modern day slavery is much more subtle. Trafficking victims toil in factories that produce products that are exported to the United States, Europe, and other destinations. Trafficking victims harvest vegetables and process food that ends up on our dining room tables. They pick crops or mine minerals that are raw materials in the products we buy. They make the clothes and shoes we wear. They clean people's homes and take care of the young, elderly, and sick. They are enslaved not only through physical restraint, but also through coercion, fear, and intimidation. In today's global economy, workers can be enslaved by threats of deportation, lack of viable alternatives, and especially debt.

While trafficking for labor exploitation has many facets, several major trends in our globalized world endanger workers, particularly those most at risk and most in need of protection. In developed economies like in the United States and Europe, we are seeing an increase in cases of trafficked immigrant teachers, nurses, construction, and service sector workers—all in these destination countries with valid visas, shining a light on the structural failures within our economic and employment systems that increase immigrant workers' vulnerability to severe forms of labor exploitation. Multinational corporations, employers, businesses, labor recruiters and others exploit these failures.

TRAFFICKING AS AN INHERENT VULNERABILITY IN TEMPORARY LABOR MIGRATION SCHEMES

Of particular concern are temporary labor migration schemes—sometimes referred to as guestworker, sponsorship or circular migration programs—that are increasingly being promoted by governments around the world to fill demand for cheap labor. In practice, these schemes create a legalized system and structure for employers to exploit workers, and increase workers' vulnerability to human trafficking and other forms of severe labor exploitation. Such programs have been plagued by a long history of abuses ranging from labor violations to visa fraud, debt bondage, involuntary servitude and trafficking for labor exploitation. This includes, among many others, the U.S. H-2 visa guestworker program, seasonal agricultural programs in Canada and Europe, and the "kafala" or sponsorship system in the Gulf Cooperation Council (GCC) countries.

The Alliance to End Slavery and Trafficking or ATEST, of which the Solidarity Center is a member, recently described the problem in a submission to the U.S. Department of Labor as follows⁴:

It is by now beyond dispute that temporary "guestworker" programs have long worked to the detriment both of the U.S. workers who are bypassed in favor of foreign workers, and for the foreign workers who fall prey to unscrupulous employers and their labor contractors.⁵ Of particular concern to our members, key aspects of the program lead to human rights violations such as debt peonage (or debt bondage), trafficking for labor exploitation and involuntary servitude, all forms of modern-day slavery. Guestworkers' vulnerability is greatly increased by the use of labor recruiters or foreign labor contractors who lure impoverished and desperate foreign workers to jobs within the United States described as plentiful and lucrative. The opportunity to work in the U.S. comes with an intolerably high price tag that includes inflated transportation, visa, border crossing and other costs, and "recruitment fees." Often, workers literally mortgage family properties or take out loans from loan sharks at exorbitant rates in order to meet these obligations. Companies within the United States claim no knowledge of their recruiters' actions and escape legal liability on these grounds. The recruiters themselves often remain beyond the reach of the U.S. legal system.

Once guestworkers arrive in the United States, the well-paid jobs that have been offered [often] do not materialize. Workers are left without work at all, or without work for the length of time promised them. Favorable terms and conditions of work offered in the home country are replaced by harsh conditions. Job contractors transfer workers, for a price, to other contractors. Workers who are dissatisfied with the jobs face overwhelming subtle and not-so-subtle pressures to acquiesce. Passports and other immigration and identity documents are confiscated [by employers] to ensure that workers do not run away. Families back home are threatened [by recruiters] with physical violence, as well as family bankruptcy due to loss of their investment in the worker. Workers who dare speak up for their rights face job loss, followed by deportation to their home countries and blacklisting. These factors lead workers to fall into myriad situations that rise to the level of a severe form of human trafficking, most notably coercion through abuse or threatened abuse of the law or legal process.

As noted in a recent ILO report, these conditions create a program that is ripe for human rights violations. Human trafficking abuses involving H-2B visas have been documented with frequency in recent media.

While the description above refers to the U.S. temporary guestworker program, the same scenario repeats itself around the world—for example, in Canada, Europe, the GCC, and around Asia. The common element is that these workers are trafficked within legal visa systems, fully documented, and that structural flaws within these programs allow workers to be trafficked.

Two other major common themes emerge:

1. The role of foreign labor recruiters in taking advantage of the lack of labor rights and inherent structural failures in these programs to exploit immigrant workers; and,
2. The need to provide greater protections to workers and opportunities for them to report abuses and advocate for their own rights.

THE ROLE OF LABOR RECRUITERS IN PROMOTING HUMAN TRAFFICKING

Foreign labor contractors or recruiters are increasingly relied upon by employers, businesses, and multinational corporations to facilitate the movement of labor from one country to another. While many labor recruiters behave ethically and are engaged in lawful conduct, other recruiters are often complicit with or directly involved in trafficking of workers. Recruiters often charge exorbitant fees for their services, forcing workers into debt bondage, falsifying documents, and deceiving workers about their terms and conditions of work increasing vulnerability to human trafficking.

The incidence of known human trafficking cases involving foreign labor recruiters is increasing dramatically in the United States. The aforementioned Global Horizons case and the Signal workers case are just two recent examples. Many U.S.-based service providers state that regulating labor recruiters is one of the most important initiatives needed to combat human trafficking in the United States—both labor recruiters based in the U.S. and abroad. Employers rely on labor recruiters who have operations both in the U.S. and in foreign countries—as they use a system of subcontracting to find workers. The operations of such recruiters need to be regulated on both ends of the spectrum.

Stricter regulation of labor recruiters is needed to protect workers entering the United States from human trafficking and other abuses such as wage theft. Stronger legal frameworks will help to prevent unregulated actors from conspiring to fraudulently deceive workers about the terms and conditions of work.

To that end, ATEST has made a series of recommendations to include regulation of labor recruiters/foreign labor contractors in the 2011 Reauthorization of the Trafficking Victim Protection Act (TVPA 2011). Similar provisions were passed in the 2008 House of Representatives version of the TVPA. We have learned even more since 2008 about the need for greater regulation of foreign labor recruiters. As such, ATEST recommends, with the support of a number of worker and immigrant rights groups in the United States, the following for inclusion in the 2011 TVPA:

1. *Elimination of Fees:* No foreign labor contractor, or agent or employee of a foreign labor contractor, should be allowed to assess any fee (including visa fees, processing fees, transportation fees, legal expenses, placement fees, and other costs) to a worker for any foreign labor contracting activity. Such costs or fees may be borne by the employer, but these fees cannot be passed along to the worker. This is one of the most crucial elements to eliminate debt bondage for immigrant workers.

2. *Disclosure:* Foreign labor contractors and employers must be required to fully disclose to the worker in writing in English and in the language of the worker being recruited, all of the terms and conditions of their work. This includes:

- The identity of the employer and the identity of the person conducting the recruiting on behalf of the employer, including any subcontractor or agent involved in such recruiting.
- A signed copy of the work contract, including all assurances and terms and conditions of employment, from the prospective employer for whom the worker is being recruited, including the level of compensation to be paid, the place and period of employment, a description of the type and nature of employment activities, any withholdings or deductions from compensation and any penalties for terminating employment.
- The type of visa under which the foreign worker is to be employed, the length of time the visa is valid and the terms and conditions under which this visa will be renewed with a clear statement of whether the employer will secure renewal of this visa or if renewal must be obtained by the worker and any expenses associated with securing or renewing the visa.
- An itemized list of any costs or expenses to be charged to the worker. Including but not limited to: the costs of housing or accommodation, transportation to and from the worksite, meals, medical examinations, health care or safety equipment costs, and any other costs, expenses or deductions to be charged the worker.
- A statement describing the protections afforded the worker by U.S laws and regulations, including protections in the Trafficking Victims Protection Act of 2000 (Division A of the Public Law 106486), as well as relevant information about the procedure for filing a complaint and the telephone numbers for the Department of Labor hotline and the National Human Trafficking Resource Center hotline number.

3. *Registration:* A Department of Labor administered process for foreign labor contractors to obtain a certificate of registration. Employers must be required to use only foreign labor contractors who are properly registered under this system.

4. *Enforcement:* A Department of Labor established administrative process for receiving, investigating, and adjudicating complaints against the compliance of either employers or foreign labor contractors. Criminal and civil rights of action for workers themselves are also key to preventing trafficking.

5. *Accountability:* Workers must be protected from retaliation and employers must be held accountable for the actions of foreign labor contractors that they hire.

WORKER RIGHTS AS A MEANS TO PREVENT TRAFFICKING FOR LABOR EXPLOITATION

As described earlier, immigrant workers must be included fully in the protection of labor laws and have access to mechanisms to exercise their rights and report abuses to reduce their vulnerability to trafficking. Threats of retaliation, deportation, and visas being tied to a particular employer all increase the incidence of trafficking for labor exploitation. For this reason, ATEST also recommends a provision for the 2011 TVPRA that provide temporary immigration relief to workers who are whistleblowers of severe labor exploitation. There have been a number of human trafficking cases recently in the United States where workers who raised the alarm about severe abuse by employers have initially been threatened with deportation as a way to keep them quiet. These workers have had to remain in the United States in an undocumented status in order to stay in the country to pursue their cases against the abusive employers. After many years, these same workers have been certified as trafficking victims and receive “T” visas, but had to struggle for many years without status. Examples of this include the Global Horizons case and a group of Indian workers known in the media as the Signal Workers. ATEST recommends that a provision be included in the TVPRA 2011 to give trafficked workers like these access to temporary immigration relief in the United States while they pursue claims here, even if they are not initially identified as trafficking victims.

TRAFFICKING IN SUPPLY CHAINS

Another major trend in the global economy is the use of trafficking, forced labor, and slavery victims all along supply chains. It is difficult to quantify the exact number of trafficking victims who work in global supply chains but, as those supply chains reach down to smaller and smaller suppliers, the chances increase that the labor force includes trafficked people.

- When employers (buyers and multinational corporations (MNCs)) demand cheap or unrealistic pricing structures, they should not be surprised to find severe labor abuses, including slavery, in their supply chains.
- Similarly, when employers contract out or hire unregulated subcontracted suppliers, they should not be surprised to find that they have trafficking victims in their production lines
- When employers refuse to enforce or claim that it is too difficult to monitor adherence to core labor standards in their supply chains, they will find forced labor, debt bondage, and other severe forms of labor exploitation there.

The Solidarity Center believes that the most effective way to eliminate forced labor, debt bondage, and other forms of slavery in supply chains is by empowering workers to have a voice in their workplace, and supporting their right to organize and join unions. We believe that governments, MNCs, employers, labor recruiters and others must adhere to core labor standards and respect workers' human and labor rights in order to affect change in practices all along supply chains.

The existence of MNC codes of conduct have failed to curtail trafficking practices in any number of sectors including garment/textile, agriculture, and seafood processing. There is no easy solution to this problem, but we know that a key deterrent is the ability of unions and labor rights organizations to shine a light on these practices through on-the-ground investigations. We believe it is important that the Congress and administration support such monitoring efforts, and the efforts of workers to monitor their own workplaces. Ultimately, workers and trade unions must be empowered to monitor supply chains because history shows that abuses in the workplace only end when workers have the power to ensure that their rights in both International Labor Organization (ILO) conventions and national laws are respected.

Governments must also play a major role in eliminating slavery in supply chains. Examples abound of governments around the world reluctance to hold employers accountable for trafficking in their workplaces. Even when trafficking for labor exploitation is addressed, the labor recruiter is blamed and not the employer who perpetrates the exploitation.

This lack of political will translates into ridiculously few cases of human trafficking for forced labor or other forms of severe labor exploitation from being prosecuted around the world. When cases are prosecuted, they often result in small fines and no jail time for the perpetrators—barely a deterrent for exploitative employers. The U.S. Department of Justice is playing an important leadership role globally, by prosecuting high-profile cases, such as the Global Horizons case, that may educate other governments of trafficking of temporary workers and within supply chains. The Office to Monitor and Combat Trafficking in Persons (G/TIP) at the State Department also plays an important role through its annual Trafficking in Persons Report in highlighting the lack of (but need for) prosecutions for forced labor and other forms of trafficking for labor exploitation in countries around the world.

The U.S. Government, however, must do more to ensure that U.S. corporations are held accountable for their practices abroad. We must increase government scrutiny of imports and exports to ensure goods made by slave labor are not allowed in the U.S. marketplace. To this end, the State Department needs to put more emphasis on site visits overseas to suspect industries. To do this, it must expand the number of labor officers and attaches in the field, something that the Congress has called for generally but which the Department has yet to act upon in any meaningful way.

In addition, the Department of Homeland Security must review and rework the role of Immigration and Customs Enforcement (ICE) in overseas inspections. Currently, ICE must notify foreign governments of their intent to inspect workplaces that export products to the United States. Such notification results in the “cleansing” of these workplaces to remove any signs of trafficking or forced labor. U.S. law does not allow evidence collected by unions or nongovernmental sources to be the basis for restricting the importation of products made by slave labor. This must be reformed.

CONCLUSION

Secretary of State Hillary Clinton said, in the opening of the 2010 TIP Report, “Ending this global scourge is an important policy priority for the United States . . . and no one should claim immunity from its reach or from the responsibility to confront it.”

We agree. It is not an oversimplification to say that if we end worker exploitation, we can end human trafficking. As the International Labor Organization (ILO) has noted, “Where labor standards are rigorously adhered to, workers are well unionized

and labor laws are monitored and enforced—for all workers, indigenous or migrant—the demand for trafficked people and services is likely to be low.”

Thank you, again, for the opportunity to testify and for your help in combating global trafficking and supporting the rights of workers everywhere. I welcome your questions.

End Notes

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

²Editorial, “Forced Labor,” September 7, 2010, http://www.nytimes.com/2010/09/08/opinion/08wed2.html?_r=2.

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

⁴ATEST Comments on RIN 1205–AB58, Temporary Non-Agricultural Employment of H–2B Aliens in the United States (Employment and Training Administration, 20 CFR Part 655 and Wage and Hour Division, 29 CFR Part 503), May 17, 2011.

⁵Southern Poverty Law Center, 2007. “Close to Slavery: Guestworker Programs in the United States,” <http://www.splcenter.org/pdf/static/SPLCguestworker.pdf>; Closed and Criminal Cases Illustrate Instances of H–2B Workers Being Targets of Fraud and Abuse, GAO 10–1053; testimony submitted by members of the Guestworker Alliance for Dignity to the House Committee on Oversight and Governmental Reform Domestic Policy Subcommittee, “The H–2B Program and Improving the Department of Labor’s Enforcement of the Rights of Guestworkers,” April 9, 2009; The Costs of Coercion: Global Report under the Follow Up to the ILO Declaration of the Fundamental Principles and Rights at Work, International Labor Organization, International Labor Conference, 98th Sess. 2009 Report I(B), http://www.ilo.org/wcmsp5/groups/public/_ed_norm/_relconf/documents/meetingdocument/wcms_106230.pdf.

ALLIANCE TO END SLAVERY AND TRAFFICKING,
Washington, DC, June 13, 2012.

Hon. DANIEL K. INOUE,
Chairman, U.S. Senate Committee on Appropriations.

Hon. THAD COCHRAN,
Vice Chairman, U.S. Senate Committee on Appropriations.

DEAR CHAIRMAN INOUE AND VICE CHAIRMAN COCHRAN: On behalf of the Alliance to End Slavery and Trafficking (ATEST), a national advocacy coalition of anti-human trafficking groups, we write to urge you to vote NO on any amendments that will deny funding or delay the enforcement of the U.S. Department of Labor’s (DOL) H–2B prevailing wage and comprehensive rules. We understand that such an amendment will be offered during the Labor/HHS markup this week, and we urge you to vote NO.

DOL’s H–2B prevailing wage and comprehensive rules are critical measures necessary to prevent human trafficking in the United States. The DOL rules will make important progress towards eliminating the history of criminal abuses that continue to plague this program. These violations range from labor violations to visa fraud, debt bondage to involuntary servitude, and discrimination to trafficking for labor exploitation.

The DOL rules are a crucial piece of the United States fight against human trafficking. Specifically, the DOL rules impose common sense recruitment requirements so that companies first look to U.S. workers to fill seasonal jobs, including those they have recently laid off; they outlaw the exorbitant “recruitment fees” that have led to human trafficking and debt bondage for many foreign guestworkers; they require employers to disclose the names of their recruiters and to prohibit them from charging fees—a major step in preventing human trafficking; and they beef up DOL oversight of employers who use the program in order to ensure compliance with the rules.

From December 2007 through March 2011, the National Human Trafficking Resource Center (NHTRC) received 459 calls referencing the H–2A or H–2B programs. The majority of calls referenced situations of labor exploitation of immigrant workers, including wage and hour concerns, unsafe or hazardous working conditions, potential discrimination, and forced labor.

Of particular concern to ATEST members, key aspects of the H–2B program lead to human rights violations such as debt bondage and trafficking for labor exploi-

tation and involuntary servitude, all forms of modern-day slavery. Relying on unscrupulous labor recruiters and foreign labor contractors greatly increases guestworkers' vulnerability. Labor recruiters and contractors, who operate in a climate of impunity, lure impoverished and desperate foreign workers to jobs within the United States described as plentiful and lucrative. They rely on coercive tactics, charging guestworkers exorbitant illegal fees that often force workers to stay in abusive or exploitative working conditions under debt bondage.

Once guestworkers arrive in the United States, the well paid jobs that recruiters and labor contractors offered do not materialize. Workers are left without work at all, or without work for the length of time promised them. Harsh conditions replace the favorable terms and conditions of work offered in the home country. Workers who are dissatisfied with the jobs face overwhelming pressures to acquiesce:

- Job contractors transfer workers, for a price, to other contractors.
- Employers confiscate passports and other immigration and identity documents are confiscated to ensure that workers do not run away from exploitative conditions.
- Families back home face threats of physical violence, as well as family bankruptcy due to loss of their investment in the worker.
- Abuses from the H-2B program further stem from the fact that guestworker visas are tied to a specific employer and thus they may not change jobs even when abused. Workers who dare speak up for their rights face job loss, followed by deportation to their home countries and blacklisting. This fear of deportation or retaliation increases their vulnerability to a whole host of workplace abuses including underpayment of wages, lack of overtime pay, discrimination, document confiscation, restriction of movement, verbal abuse, threats, blacklisting, and unsafe work conditions.

These exploitative conditions trap workers in myriad situations that rise to the level of a severe form of human trafficking, as defined by federal law, most notably coercion through abuse or threatened abuse of the law or legal process.

In addition to protecting workers from abuse, these new rules can promote change around the world. If the United States is to continue as a leader in the fight to end human trafficking and modern-day slavery, we need to start with our own government policies. This is why we urge your support for the DOL rules, and ask you to vote NO on any amendments to deny funding or delay enforcement of the H-2B prevailing wage and comprehensive rules.

Thank you for your time and consideration. Please contact Cory Smith, ATEST Senior Policy Advisor at csmithhu@gmail.com if you have any questions or need additional information.

Sincerely,

Coalition to Abolish Slavery and Trafficking (CAST); Coalition of Immokalee Workers (CIW); ECPAT-USA; Free the Slaves; International Justice Mission; Not For Sale; Safe Horizon; Solidarity Center; Verité; Vital Voices Global Partnership.

