

**MODERN DAY SLAVERY: SPOTLIGHT ON
THE 2006 “TRAFFICKING IN PERSONS REPORT,”
FORCED LABOR, AND SEX TRAFFICKING
AT THE WORLD CUP**

BRIEFING AND HEARING
BEFORE THE
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN
RIGHTS AND INTERNATIONAL OPERATIONS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED NINTH CONGRESS

SECOND SESSION

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**MODERN DAY SLAVERY: SPOTLIGHT ON THE
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THE WORLD CUP**

WEDNESDAY, JUNE 14, 2006

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL OPERATIONS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 11:05 a.m. in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (Chairman of the Subcommittee) presiding.

Mr. SMITH. Good morning, everyone. Today's proceeding will begin as a briefing and will proceed to an actual hearing. This is due to our protocol that dictates that when we have a representative from the United Nations, it be technically called a briefing. We have done this in the past; it has worked extremely well.

And I do want to thank Ambassador Ormond for being here, and the United Nations for playing this constructive role, as they are doing so well, on the issue of human trafficking.

The Subcommittee will hear expert testimony today concerning the scourge of human trafficking—modern-day slavery. As I know many people know by now, the United States Government estimates that between 600,000 to 800,000 women, children, and men are brought and sold across international borders each year and exploited through forced labor or commercial sex exploitation. Potentially millions more are trafficked internally within the borders of countries.

Eighty percent of the victims are women and girls. An estimated 14,500 to 17,500 foreign citizens are trafficked into the United States each and every year. And now we know that many American girls and young women—many of whom start out as run-aways—are bought, sold, abused, and raped throughout the United States.

To combat the exploitation of American girls, the Trafficking Victims Protection Act of 2005 not only requires the Attorney General to conduct prevalent studies of sex trafficking and unlawful commercial sex acts in the U.S., but the new law requires both the Secretary of Health and Human Services and the Attorney General to prepare reports on best practices to reduce demand. For the first time the new law also authorizes \$20 million for HHS (Health and Human Services) grants programs for U.S. victims, \$10 million for

long-term residential treatment facilities, and provides \$50 million for a new grants program for state and local law enforcement.

In the past we have focused primarily on international trafficking. Since the enactment of this law, we are realizing we have our own internal trafficking problem that must be ended.

Today's hearing will focus on the findings of the State Department's sixth annual *Trafficking in Persons Report*, with a focus on progress made and on the significant challenges ahead.

The Committee is indeed privileged to have, as our special guest, Julia Ormond in her capacity as the UN Goodwill Ambassador for the Abolition of Slavery and Human Trafficking. Ms. Ormond has travelled to Ghana, India, Cambodia and Thailand to raise awareness about the horrors of human trafficking.

Ms. Ormond has been a leader on a number of humanitarian issues, including AIDS and refugee issues. She is the founding Chair of FilmAid International, and is well known for her film roles in numerous movies, including *Legends of the Fall*, *Sabrina*, *First Knight*, which is my favorite, *Barber of Siberia*, *Iron-Jawed Angels*, and many, many others.

Ms. Ormond is also the Executive Producer of a 1996 Emmy Award-winning documentary called *A Calling of the Ghosts*, a story about two women in Bosnia caught in war, where rape was as much an everyday weapon as bullets and bombs. We are extremely honored and privileged to have her here with us today.

This is also the second of a two-part series of hearings on sex trafficking in connection with the World Cup Soccer Championship.

Ladies and gentlemen of the Committee, the traffickers who use and abuse human beings as commodities to be bought and sold must be tracked down, their nefarious operations crushed, and the individuals who commit these heinous crimes sent to jail for a long, long time.

All profits derived from selling women and children into slavery must be seized and put to good use, like providing some semblance of restitution to the victims, or for the construction of shelters.

The TIP Report itself, as most of us know by now, is mandated by the Trafficking Victims Protection Act of 2000, which was signed in October 2000. In 2003 we sponsored the expansion of that act, and as I indicated earlier, on January 10, President Bush signed into law still another bill that expands significantly the Trafficking Victims Protection Act of 2000.

These pieces of legislation have created a comprehensive framework for combatting trafficking in persons abroad, the trafficking of foreign nationals in the United States, and the domestic trafficking of our own citizens. As a result, the U.S. has become a leader in addressing this human rights violation, while simultaneously encouraging other governments to do the same.

Since taking office, the Bush Administration has devoted more than \$40 million to combat trafficking in more than 149 countries. The new law authorizes an additional \$361 million over 2 years to expand those efforts. Across the globe, governments are taking action to prevent trafficking, to prosecute the exploiters, and to give hope and restoration to those victimized by trafficking. With 4,700 convictions worldwide this year alone, the heinous crime of traf-

ficking is, at long last, being punished, but still more needs to be done. In the last 2 years alone, convictions have topped 7,700.

Because a significant portion of U.S. foreign assistance is now contingent on whether a nation is making basic minimum standards specifically described by the three TPVAs to prevent trafficking, protect victims, and prosecute traffickers, 41 countries in the last year alone have passed tough new laws to end this modern-day slavery. Shelters have been set up for victims, NGOs and faith communities have reached out to help heal survivors of trafficking.

I want to applaud Ambassador John Miller for keeping trafficking in the forefront of our human rights agenda, and for the progress that we are making. I also welcome the emphasis on forced labor in this year's report. Forced labor in which people are enslaved and exploited for purposes of labor, often within their own countries, is infrequently mentioned, but affects anywhere from 4–27 million people worldwide.

In places such as Saudi Arabia, Syria, Brazil, Jordan, Kuwait, and Taiwan, all ranked as either Tier 3 or on the Tier 2 Watch List in this year's report, foreign migrant workers or these countries' own citizens are trapped and held in slave-like working conditions.

Not only must the victims be freed and properly compensated, their employers must be held responsible, and forced labor punished for the heinous crime that it is.

While the TIP Report is good—the best yet, I would submit—I am nevertheless disappointed that the State Department has failed to place India on Tier 3 with other governments which are not making significant anti-trafficking efforts. Millions of men, women, and children, predominantly from India's Dalit caste, are in debt bondage and face involuntary servitude in brick kilns, rice mills, and zari embroidery factories. India's placement on Tier 2 Watch List for the third consecutive year, despite its failure to create a national law enforcement response to the crime of trafficking, and its blatant unwillingness to address the massive problems of bonded labor and trafficking-related corruption, reeks of political considerations within the Department of State, overriding the facts about human trafficking.

The Watch List was created by my legislation to send a clear warning and enable egregious offenders to make specific reforms. It is not a place to hide our friends who fail to make real improvements.

It is also deeply troubling that some countries not only turn a blind eye to trafficking, but actually embrace inhumane policies that facilitate or encourage the very crime they profess to abhor.

Athletes and fans are gathering in Germany for one of the premier worldwide sporting events of our day, the 2006 FIFA World Cup, which opened last Friday—and many of us have already watched a number of those games on ESPN over the weekend. Over the course of 1 month, national soccer teams will be competing. And as we know, it is a scatter-sited competition spread over 12 venues throughout Germany.

Millions of fans will join in the festivities. For most soccer fans like myself, this quadrennial event is a showcase of world-class athleticism and teamwork. But looming in its shadow is the very

real threat that the World Cup matches have become a catalyst and a magnet for sex trafficking into Germany. Those who work with victims report that trafficking for the so-called “sex industry” often heightens during major sports events. In Germany, the problem is exacerbated by the legalization of prostitution.

Archbishop Agostino Marchetto, Secretary of the Vatican’s Pontifical Council for Migrants and Travellers, in a June 8 interview, observed that in Germany, many women are forced into prostitution. “This is a fundamental human rights violation,” he said. “Women have become market commodities, which can be bought. And they cost less than a ticket for a football match.”

For the last year, the German Government has prepared for the World Cup, coordinating security efforts with all neighboring countries, and attending to a myriad of details associated with such international events. Traffickers have also worked overtime to exploit this opportunity to improve their illicit revenues through the expected rise in demand in the so-called sex industry.

Sadly, this is not idle speculation. AFP reported over the weekend that police in Latvia arrested a man suspected of selling at least six women to German brothels. Latvian and German police collaborated in a month-long investigation in which a suspect allegedly paid his friends 100 euros for each woman found. He, in turn, was paid 400 euros per woman by the German brothel.

We will hear testimony today from two women who have travelled from Russia to tell us about their horrific experiences being trafficked in Germany. Ms. Masha Gnezdilova and Ms. Irina Veselykh were deceived by offers of non-existent jobs in Germany, had their passports seized, were raped, and forced to work as prostitutes controlled by the Russian mafia.

I would just point out, parenthetically, that during the February meeting of the OSCE Parliamentary Assembly—and I serve as head of delegation—I raised this issue with our German counterparts, and raised it in the plenary session, and was met with an enormous amount of derision by some of the members of Parliament who thought that we should not be raising these kinds of issues.

I would point out that of the approximately 400,000 prostitutes in Germany, it is estimated that 75 percent of those who are abused in these houses of prostitution are foreigners, and many of those same women are raped and cruelly mistreated. And if they could, they would leave. Add to that the approximately 40,000—that is one estimate—who are expected to have been brought in by force, fraud, or coercion—trafficked to be part of the houses of prostitution’s offerings.

The State Department gave Germany a Tier 1 rating again this year, and frankly, I think they missed the mark. I have raised that with Ambassador Miller on a number of occasions, and maybe he will speak to that during his testimony.

One other area that this Committee and I, personally, have spent a lot of time on is UN peacekeepers’ complicity in trafficking and the abuse of young girls, especially in the Democratic Republic of the Congo.

We heard from Jayhall Lute, who came down from the United Nations, and we know that others within the UN system are trying

extremely hard to excise this blight. She said that the blue helmets have become black and blue, and she is determined to rid all forms of trafficking and exploitation from the United Nations, as are many others within the UN system. And whether it be military deployments under the NATO, U.S., or any other banner, trafficking in that context needs to be stopped.

In conclusion, I want to applaud President Bush. In 2002 he issued an Executive Order that calls for zero tolerance within the United States military with regards to trafficking. And the Uniform Court of Military Justice recently has been reformed to include prostitution as an actionable offense, and hopefully that will lead to fewer women being mistreated by U.S. servicemen, or by any other nation, because we do need to lead by example.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

Good morning. The Subcommittee will today hear expert testimony concerning the scourge of human trafficking—modern day slavery.

The U.S. Government estimates that 600,000 to 800,000 women, children and men are bought and sold across international borders each year and exploited through forced labor or commercial sex exploitation, and potentially millions more are trafficked internally within the borders of countries. Eighty percent of the victims are women and girls. An estimated 14,500 to 17,500 foreign citizens are trafficked into the United States each year.

And now we know well that many American girls and young women—many of whom start out as “runaways”—are bought, sold, abused, and raped throughout the United States.

(To combat the exploitation of Americans, the Trafficking Victims Protection Act of 2005 not only requires the Attorney General to conduct prevalence studies of sex trafficking and unlawful commercial sex acts in the U.S. but the new law requires both the Secretary of Health and Human Services and the Attorney General to prepare reports on best practices to reduce demand. For the first time, the new law also authorizes \$20 million for a Health and Human Services grants program for U.S. victims, \$10 million for long-term residential treatment facilities and provides \$50 million for a new grants program for state and local law enforcement.)

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This is also the second of a two-part series of hearings on sex trafficking in connection with the World Cup soccer championship. (http://www.house.gov/international_relations/afhear.htm)

The traffickers who use and abuse human beings as commodities to be bought and sold must be tracked down, their nefarious operations crushed and the individuals who commit these heinous crimes sent to jail for a long, long time. All profits derived from selling women and children into slavery must be seized and put to good use like providing some semblance of restitution to the victims or for the construction of shelters.

The TIP report itself is mandated by the Trafficking Victims Protection Act of 2000 (TVPA), which I sponsored and which was signed into law in October 2000.

In 2003, I sponsored a reauthorization and expansion of that Act which also became law, and, on January 10, 2006, President Bush signed into law my third anti-trafficking bill—the Trafficking Victims Protection Reauthorization Act of 2005.

These pieces of legislation have created a comprehensive framework for combating trafficking in persons abroad, the trafficking of foreign nationals into the United States, and the domestic trafficking of our own citizens. As a result, the United States has become a leader in addressing this human rights violation and encouraging other governments to do the same.

Since taking office, the Bush Administration has devoted more than \$400 million to combat trafficking in more than 149 countries. The new law authorizes an additional \$361 over two years to expand these efforts. Across the globe, governments are taking action to prevent trafficking, to prosecute the exploiters, and to give hope and restoration to those victimized by trafficking. With 4,700 convictions worldwide this year alone, the heinous crime of trafficking is at long last being punished. In the last two years alone, convictions have topped 7,700. Because a significant portion of U.S. foreign assistance is now contingent on whether a nation is meeting basic minimum standards specifically prescribed in the three TPVAs to prevent trafficking, protect victims and prosecute traffickers, 41 countries in the last year alone have passed tough new laws to end this modern day slavery. Shelters have been set up for victims. NGOs and faith communities have reached out to help heal survivors of trafficking.

I applaud Ambassador John Miller for keeping trafficking in the forefront of our human rights agenda and for the progress we are making. I also welcome the emphasis on forced labor in this year's report. Forced labor, in which people are enslaved and exploited for purposes of labor often within their own countries, is infrequently mentioned but affects anywhere from 4 to 27 million people worldwide. In places such as Saudi Arabia, Syria, Brazil, Jordan, Kuwait, and Taiwan—all ranked as Tier 3 or on the Tier 2 Watch List in this year's Report—foreign migrant workers or these countries' own citizens are trapped and held in slave-like working conditions. Not only must the victims be freed and properly compensated; their employers must be held responsible and forced labor punished as the heinous crime it is.

While the TIP report is good—the best yet I would submit—I am nevertheless disappointed that the State Department has again failed to place India on Tier 3 with other government who are not making significant anti-trafficking efforts. Millions of men, women, and children, predominantly from India's Dalit caste, are in debt bondage and face involuntary servitude in brick kilns, rice mills, and zari embroidery factories. India's placement on the Tier 2 Watch List for the third consecutive year, despite its failure to create a national law enforcement response to the crime of trafficking, and its blatant unwillingness to address the massive problems of bonded labor and trafficking-related corruption, reeks of political considerations within the State Department overriding the facts about human trafficking. The Watch List was created by my legislation to send a clear warning and enable egregious offenders to make specific reforms. It's not a place to hide our friends who fail to make real improvements.

It is also deeply troubling that while some countries not only turn a blind eye to trafficking others embrace inhumane policies that actually facilitate or encourage the very crime they profess to abhor.

Athletes and fans are gathering in Germany for one of the premiere, world-wide sporting events of our day, the 2006 FIFA World Cup, which opened last Friday. Over the course of one month at 12 venues throughout Germany, national soccer teams will be competing. Millions of fans will join in the festivities. For most soccer fans like myself, this quadrennial event is the showcase of world class athleticism and teamwork. But, looming in its shadow is the very real threat that the World Cup matches have become a catalyst and magnet for sex trafficking into Germany. Those that work with victims report that trafficking for the so-called sex industry often heightens during major sports events. In Germany, the problem is exacerbated by the legalization of prostitution.

Archbishop Agostino Marchetto, secretary of the Vatican's Pontifical Council for Migrants and Travelers, in a June 8th interview, observed that in Germany, many women are forced into prostitution. "This is a fundamental human rights violation," he said. "Women have become market commodities, which can be bought. And they cost less than a ticket for a football match."

For the last year, the German Government has prepared for the World Cup, coordinating security efforts with all neighboring countries, and attending to the myriad of details associated with such major international events. Traffickers have also worked overtime to exploit this opportunity to improve their illicit revenues through the expected rise in demand in the so-called "sex industry."

Sadly, this is not idle speculation. AFP reported over the weekend that police in Latvia arrested a man suspected of selling at least six women to German brothels. Latvian and German police collaborated in a month-long investigation in which the suspect allegedly paid his friends 100 euros for each woman found. He, in turn, was paid 400 euros per woman by the German brothel.

We will hear testimony today from two women who have traveled from Russia to tell us about their horrific experiences being trafficked to Germany. Ms. Masha Gnezdilova and Ms. Irina Veselykh were deceived by offers of non-existent jobs in Germany, their passports seized, beaten, raped, and forced to work as prostitutes, controlled by the Russian mafia.

During the February meeting in Vienna, as Head of the U.S. Delegation and as Special Representative on Human Trafficking for the OSCE Parliamentary Assembly, I vigorously raised concerns about the trafficking prevention efforts for the World Cup. I was joined by other European parliamentarians who were sobered by the expectation that, especially since the matches are being held in Germany which legalized pimping and prostitution in 2001, the World Cup fans would be legally free to rape women in brothels or even in mobile units designed specifically for this form of exploitation. Of the approximately 400,000 prostitutes in Germany, it is estimated that 75 percent of those who are abused in these houses of prostitution are foreigners, many from Central and Eastern Europe.

The Trafficking Victims Protection Act requires the State Department to analyze and report annually on the efforts of governments to combat trafficking in persons around the world. Germany received a Tier 1 rating again this year—meaning that the Government is meeting minimum standards to combat trafficking. Frankly, the German Government has done some good work to identify and protect victims of trafficking and to prosecute their exploiters. And yet, these efforts are at odds with its laws on legalized prostitution, and in some cases the facilitation of prostitution by local governments, which provides direct and indirect sanction for sex trafficking.

Legalized prostitution is not a policy that the German Government has to embrace. I am aware that the German Government is supporting public awareness efforts regarding trafficking for forced prostitution in the context of the World Cup. This is a somewhat absurd effort given that the legalized prostitution infrastructure is gearing up to expand its capacity during the World Cup and there is every reason to believe that the “new recruits” will be trafficked women and girls. I see this as flagrant state complicity in promoting sex trafficking. I believe Germany can do much more to prevent the sexual exploitation of women and children by attacking the demand that fuels this problem.

It is time for Chancellor Merkel to take a stand and speak out against the exploitation of women and children in the name of sport. I would encourage her government to turn the tables—beginning now with the World Cup—by committing to reverse Germany’s laws on prostitution.

In this regard, on June 9th I introduced House Resolution 860, calling on the Government of Germany to take immediate action to combat sex trafficking in connection with the 2006 FIFA World Cup. I ask that my Colleagues expeditiously support and move this bill forward to the House floor. As the world’s attention is turned to soccer, those committed to ending the tragedy of trafficking of women and girls for sexual exploitation will be watching how Germany protects the most vulnerable.

Finally, let me say a few words about the prevention of trafficking by armed forces. In response to evils such as the sexual exploitation of young women and girls by UN peacekeepers in the Congo—some as young as 11 or 12, and in exchange for a banana or a dollar—the Trafficking Victims Protection Reauthorization Act of 2005 includes provisions requiring the US government to press international organizations to do more in this area. Section 104(e)(1) requires the annual trafficking report to include information on measures taken by the UN, NATO, OSCE, and other similar bodies to prevent trafficking, and I am pleased to see the inclusion of such information in this year’s report. Section 104(e)(2) requires a report by the Secretary of State at least 15 days prior to voting for a new or reauthorized peacekeeping mission which describes measures taken by the international organization to prevent trafficking and analyzes their effectiveness. I have not seen any such reports by the Department to date, and would ask for a clarification of where we are on this.

In conclusion, I look forward to hearing the testimony of all of our distinguished witnesses who have a vast amount of experience with these and other international trafficking issues.

Mr. SMITH. I would like to now turn to my friend and colleague, Tom Tancredo, for any opening comments he might have.

Mr. TANCREDO. I have no opening statement.

Mr. SMITH. Thank you. Again, I have already briefly introduced Ambassador Julia Ormond, but just let me say how delighted this Committee is to have her as our witness today to provide insights from her trips, and tell us about the work the United Nations, and she personally, are doing on behalf of the victims of human trafficking.

Ambassador Ormond, the floor is yours.

STATEMENT OF MS. JULIA ORMOND, GOODWILL AMBASSADOR FOR THE ABOLITION OF SLAVERY AND HUMAN TRAFFICKING, UN OFFICE ON DRUGS AND CRIME

Ambassador ORMOND. Mr. Chairman, distinguished Members of the Committee and staff, good morning.

On behalf of the United Nations Office of Drugs and Crime and its Executive Director, Antonia Maria Costa, who unfortunately could not join me here today, I thank you very warmly for convening this hearing.

As the UN's Goodwill Ambassador to combat human trafficking and slavery, I recently, as you said, had the opportunity to visit Ghana, India, Cambodia, and Thailand. I am deeply grateful to all parties for the opportunity to testify this morning about my insights and observations during those travels.

I am going to give an abbreviated version of the written testimony, I just wanted to say that.

Honorable Members of Congress, we applaud your outstanding efforts to combat modern-day slavery, your passage of the landmark Victims of Trafficking and Violence Protection Law, and subsequent legislation, and are grateful to the United States Government for providing, in 2005 alone, over \$25 million in voluntary contributions for UNODC's work, of which over \$2 million were allocated for our anti-human trafficking efforts.

I have learned that in the realm of trafficking, the solutions lie in finding culturally appropriate answers that reflect not only a country's present circumstance, but specifically embrace that culture's history, and often our intertwined histories.

On my recent trip to India, I learned about the different range of debt bondage and how it keys into trafficking and modern-day slavery. That bondage in India exists in different levels, and, as opposed to debt, it is illegal. Culturally, however, even in its severest form, the practice often is not regarded as slavery.

Thankfully, India is now enjoying enormous economic expansion, overcoming the aftermath, for instance, of British Colonial policy, which has hugely contributed to India's current challenges and relationship to trafficking and modern-day slavery.

The 2000 UN Convention Against Transnational Organized Crime contains the anti-trafficking protocol which lays out a holistic strategy referred to as the three Ps: Prevention, protection, and prosecution. And to this list, I would like to add my own fourth P, prioritization.

Of course, I am on a learning curve as the UNODC Goodwill Ambassador. However, in a short amount of time, one crucial reality has become clear to me: Governments, and only governments, are uniquely situated to reverse the course of trafficking.

Thousands of extraordinary NGOs (nongovernmental organizations), are providing incredibly effective rehabilitation for the victims. And while they can be supportive, they cannot attack the problems at source in the same way the governments can, especially the United States.

We know that trafficking involves millions of people and produces billions of dollars, rivaling the drug trade. We also know that criminals are shifting from the trafficking of weapons and drugs into the trafficking of people, especially children, because it is easy to get away with. And unless we prioritize, the traffickers will profit.

While we commit to the eradication of global poverty, the lack of economic opportunity and lack of free education worldwide remain key contributory factors. For example, in recent years Thailand has made great strides to offer and sustain girls' education, which greatly has reduced the number of Thai girls falling victim to trafficking. However, the hill tribes in Thailand remain especially vulnerable due to an inability to speak Thai, which hugely impacts the educational options.

Today we shall hear testimony from Marsha and Irina, two Russian women, who themselves were victims of trafficking. I commend them for their courage, and I thank them for being here today. They stand with many women globally who believe that they are departing for better opportunities and promises of decent salaries as household help, waitresses, or teachers, and instead they end up forced into prostitution.

Part of my role is to talk to these victims, when they are willing, about their experiences. In Cambodia and Thailand, I spoke with many such women, children, and men—the vast majority of whom had specifically been trafficked into forced prostitution.

The conversations are always painful, and I am still learning. I believe, though, that it is important to appreciate the level of abuse that virtually always goes hand-in-hand with being trafficked.

The reality is that not everyone survives this ordeal. These people are often functionally invisible. They lack either birth records through lack of birth registration, or citizenship, or they lack legal status in a country. Not surprisingly, invisible people are incredibly disposable. Victims and survivors and NGOs ask that I carry their message to others that may be in a position to effect change.

I have met with many girls and women from many shelters, some girls so young it was just hard to comprehend their fate. Girls as young as 5, 7, and 12 who had been victims of rape, then sold into prostitution.

There is a specific phenomena in this era of the HIV/AIDS pandemic. Clients seeking HIV-negative assurances will pay large sums to buy very young girls, who are promised to be virginal. Over the period of the week, these girls are raped repeatedly by their client. The girls then are returned to the brothel, only to be taken to clinics where they are sewn up and sold again. This cycle can be repeated as many as eight or nine times before the girl enters a life of forced prostitution.

Other girls talked of being chained by their relatives in order to force them to enter marriage or prostitution. Some NGOs in one Asian country reported that it is common for girls to be electro-

cuted, drugged, beaten with or without instruments. One girl lost a finger for supposedly not satisfying a client.

It is common to be stripped naked and caged with snakes and insects, such as scorpions and millipedes, placed not just in the cage with them, but into their mouths and private parts as punishment. These girls often die from the stings and bites.

I believe it is worth reminding ourselves that this is what is termed as force and coercion in the protocol against trafficking in persons. And it is worth our absorbing that reality for the individuals concerned.

Sexual abuse is often present in many different types of trafficking. One of the last girls I met with in India had been trafficked into domestic service. She is 12. She is the victim of rape by five different men. She is 7 months pregnant.

Trafficking is not just women and girls, there are many male victims, too. In Thailand, I spoke with a boy who had been trafficked into the fishing industry. He escaped by spending 2 days floating at sea on a barrel before luckily being rescued.

In India, I met with boys who were trafficked into the carpet loom industry, one particular boy who had been enslaved for 10 years, since he was 5 years old. He showed me scars from beatings with implements from when he had tried to escape. He told of having a cut finger placed in boiling water in place of proper medical treatment.

In Ghana, I recently visited Yeji and worked with the local non-governmental organization called APPLE, which investigates the child slavery around Lake Volta and the fishing villages. Children, some as young as 4 years old, are made to dive in dangerous and extremely cold water to untangle nets. They are beaten with oars when they surface for breath, and then they are forced to dive again. One recalled intense memories of his nose bleeding because he was forced to dive deeper and deeper. Another described how he would calm the fish by placing his fingers in their eye sockets and pressing, and how you had to avoid getting your fingers trapped in the gills of the fish, or the fish could overpower you and may drown you. When I asked him how big the fish were, his arms spread wide. I think we need to imagine that life.

Someone said to me that if people aren't finding evidence of trafficking, then they are not looking. It is everywhere, and it affects us all. But this is not yet another global problem that cannot be solved. I don't want anyone to leave believing that there are no solutions. There are fantastic models out there, and they are working. Business communities and NGOs are stepping up to take responsibility.

The Cocoa Protocol, put together by Free the Slaves, demonstrates the cocoa industry's commitment to bringing slave-free labor practices to the Ivory Coast and Ghana. Microsoft's initiative of worldwide training for police on computer-facilitated crimes against children is another excellent initiative.

Close to 1,000 children have been released from Lake Volta. In Cambodia, an NGO called Hagar provides such a fabulously comprehensive approach—showing that rehabilitated victims can take on skills training and work in profitable businesses, from design to catering to soy product manufacturing—to such a successful degree

that they now sell some of their products in Niemann Marcus. Hagar also helped an 11-year-old girl stand before a judge and send her trafficker to prison for 17 years.

Nothing is more moving to me than the resilience and spiritual strength shown by victims. Those girls who suffered mercilessly have been helped to re-find their voices and joyfully sing about walking into the light. The terrifyingly young girls whose virginity was repeatedly stripped from them have found the dignity and grace to sing of the flowering that is our passage to womanhood.

We, as men and women, must do everything in our power to support the shelters' work, and make it the safety net for victims, not rely on the victims to deliver the solution of piece-meal prosecution.

The media has played a phenomenal role in bringing this issue to the public's attention. So often issues don't get traction because politicians feel that the public hasn't shown that it cares enough. But the media has ensured that the public knows about this issue, and the public definitely cares.

We must appreciate that while modern-day slavery and trafficking is a global issue, it is also in our back yard. We must make trafficking a priority, we must focus on solutions, and we must allocate the resources needed to achieve the vision allowed by the anti-trafficking protocol. Together we can all achieve these goals, strategically and financially. And to that end I look forward to working with you all.

Thank you, and I would be glad to answer any questions.

[The prepared statement of Ms. Ormond follows:]

PREPARED STATEMENT OF MS. JULIA ORMOND, GOODWILL AMBASSADOR FOR THE ABOLITION OF SLAVERY AND HUMAN TRAFFICKING, UN OFFICE ON DRUGS AND CRIME

Mr. Chairman, distinguished members of the Committee and staff—good morning. On behalf of the United Nations Office on Drugs and Crime (“UNODC”) and its Executive Director, Antonio Maria Costa, who unfortunately could not join me here today, I thank you warmly for convening this hearing.

As the UN's Goodwill Ambassador to combat human trafficking and slavery, I recently had the opportunity to visit Ghana, India, Cambodia and Thailand. I am deeply grateful to all parties for the opportunity to testify this morning about my insights and observations during those travels.

Honorable members of Congress, we applaud your outstanding efforts to combat modern day slavery, your passage of the landmark Victims of Trafficking and Violence Protection Law, and subsequent legislation, and are grateful to the United States government for providing in 2005 alone over \$25 million in voluntary contributions for UNODC's work, of which over \$2 million were allocated for our anti-human trafficking efforts.

In the words of Hermann Melville: “We cannot live for ourselves alone. Our lives are connected by a thousand invisible threads and along these sympathetic fibers our actions run as causes and return to us as results.”

So I have learnt that in the realm of trafficking,¹ the solutions lie in finding culturally appropriate answers that reflect not only a country's present circumstance but specifically embrace that culture's history. And often, our intertwined histories.

¹“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; Article 3, paragraph (a) of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons*, especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime.

On my recent trip to India, I learned about the different range of debt bondage and how it keys into trafficking and modern-day slavery.

Debt bondage in India exists in different levels, and as opposed to debt, it is illegal. Culturally, however, even in its severest form, the practice often is not regarded as slavery.

But within this broken system, momentum is building to regard debt bondage for its true nature—as slavery—in an effort to liberate those slaves. I visited quarries where entire villages had been enslaved for generations. Under a brutal heat, men and women clothed in beautiful saris bust up rock to make sand. I spoke with a wizened and elderly man who remembered his grandfather being enslaved. They never knew they were slaves though, until educated by a local non-governmental organization called Sankal, which helped liberate one villager, who in turn worked to liberate the next, who together worked to liberate another.

Once reaching a certain tipping point, the entire village was prepared to walk out, despite threats of violence, the burning of their village and the loss of a village girl. They now quarry their own land and have influenced many others in debt bondage. Their liberation continues; I met with villagers who were either thinking of or who had successfully run for local election, and who have participated in a movement that has now freed more than 10,000 slaves. To witness their backbreaking work, to hear their stories, it is difficult to comprehend their being unaware of their own plight.

I had flown to New Delhi from a conference in Bangkok, but as a British citizen, my journey to India really had began much earlier. On 2nd February 1835 Lord Macaulay addressed the British Parliament:

I have traveled across the great length and breadth of India and I have not seen one person who is a beggar, who is a thief. Such wealth I have seen in this country, such high moral values, people of such caliber, that I do not think we would ever conquer this country, unless we break the very backbone of this nation, which is her spiritual and cultural heritage, and Therefore, I propose that we replace her old & ancient education system, her culture, for if the Indians think that all that is foreign and English is good and greater than their own, they will lose their self esteem, their native self culture and they will become what we want them, a truly dominated nation.

This was the genesis of British policy that has hugely contributed to India's current challenges and relationship to modern-day slavery. Thankfully, India now enjoys enormous expansion, and even those liberated only recently from slavery have developed an unbroken self-esteem.

I know how lucky I am to have been born into a different generation. To have been born when and where I was—in a country where no one is shooting at me, I face no unnecessary risk of dying of HIV/AIDS, nor do I lack access to clean water. But merely through a twist do I hear about—rather than experience—the horrors of trafficking and slavery, because I know in my heart that “there but for the grace of God go I.” I know that the victims are victims of circumstance. All of us must change that circumstance, and change it we can.

The path has been created with the 2000 UN Convention against Transnational Organized Crime, which contains the Anti-Trafficking Protocol. Otherwise known as the Palermo Protocol, this document lays out a holistic strategy, referred to as the “Three Ps”: Prevention, Protection and Prosecution. By implementing this approach, we can change the circumstance.

To tackle prevention, among other areas, we must educate through skills training for adults, so that they are not vulnerable to being trafficked, trafficking their own children, or becoming traffickers themselves.

In prosecution, Governments must deal seriously with corruption. They must understand that the international community condemns corruption, which deters investment in their country, thus providing a breeding ground to trafficking and slavery. The rule of law is meaningless without enforcement. And enforcement is meaningless without a strong and just judicial system.

Trafficking is one of the most fantastically difficult problems that we face today. But traffickers cannot create demand; were there no demand whatsoever, criminals would be unlikely to generate it, because criminal businesses tend to be opportunistic and not developmental. The Anti-Trafficking Protocol presents our opportunity to unite internationally against this criminal element, which threatens our global security. It provides a consensus definition of trafficking that becomes the springboard to change.

As the UNODC Goodwill Ambassador, I face a steep learning curve. However, in a short amount of time I have been horrified by the extent of the problem—the searing depth of pain experienced by the victims, and the extraordinary level of profit

to the traffickers. And so I have been given permission to add my own “P” to the “Three Ps” of prevention, protection and prosecution: Prioritize. [Prioritization?]

If we are to reverse course on the rise of trafficking, one crucial reality has become clear to me—governments, and only governments, are uniquely situated to implement the systemic changes necessary.

Thousands of extraordinary NGOs and CSOs are providing incredibly effective rehabilitation for the victims. Yet while they can be supportive, they cannot attack the root problems in the same way as Governments. Governments and member states need to rise to the challenge of making this issue a priority and work together—without shaming and blaming—to create a structure recognizing the extremity of this issue.

Your presence here today reflects not only the highly commendable lead assumed by the United States. It is, I trust, a reflection of this country’s commitment and stamina moving forward. Despite the difficulties even in defining the nature of trafficking, the U.S. government already has shown particular tenacity. Moreover, your bipartisan collaboration has yielded exemplary results. It is an honor to speak before you, and I urge the Congress to continue to recognize and embrace this Nation’s global influence on other member states, not least of all by its own internal example.

It is clear that before prevention, protection, prosecution and prioritization can be effective, we must form a clear picture of the nature of this beast. And as we gathered further research, this grim picture becomes more clear.

Despite the excellent work demonstrated in the recent U.N. Global Report on Trafficking in persons and the (second?) recently released TIP report, we all know that we don’t yet have accurate statistics on trafficking and slavery because of its inherently covert nature.

We do know, however, that it’s millions of people and it’s billions of dollars and that it is rivaling the drug trade. We do know that criminals are in fact shifting from the trafficking of weapons and drugs into the trafficking of people—especially children—because until we prioritize, the traffickers will profit.

Tass, the Russian News service, reported in 2002 that increasingly organized crime is moving away from guns, drugs and tobacco to children, especially pornography. This is due to its very low cost, ease to produce, and huge consumer demand. It is extremely profitable with very low risk.

One of the things that research reveals is why people are vulnerable to being trafficked in the first place. Lack of economic opportunity and lack of free education worldwide are key contributory factors.

In recent years, Thailand has made great strides to offer and sustain girls’ education. This effort greatly has reduced the numbers of Thai girls falling victim to trafficking. However, the hill tribes in Thailand remain especially vulnerable. Due to an inability to speak Thai, educational options are limited, creating a strong drop-out rate and vulnerability to being trafficked. Combined with the immense cultural pressure for young girls to support their families, these hill tribe girls have become more and more present in the shelters.

The vast majority of trafficked victims are those seeking to better their lives, or the lives of their parents and children. Many families are duped into believing that their children are being taken to receive an education. By definition, all trafficked victims then are coerced, forced, or in more brutal circumstances, kidnapped and transported into slavery where they are horrifically exploited, or possibly killed.

For many years, they can be trapped in these circumstances. Commonly, they are convinced that if they try to escape, local police will punish them, deport them, throw them into jail or worse.

Frequently, traffickers convince victims that they are working to pay off debts accrued by their transportation, room, and board. In reality, however, this is an illegal debt that they can never pay off because, if they are lucky, they are provided only a meager subsistence.

Trafficked victims of all types often are held by psychological threats to their families or to themselves and are subjected to all manner of abuses. I heard the firsthand story of a domestic help who was physically, emotionally, spiritually, and sexually abused on a daily basis. After one particularly brutal beating, she was given a spade and told to dig her own grave. When she said that the police would find her body, her captor told her that he would use a special liquid to dissolve her bones so that no one could tell she’d existed. It’s not what you expect when you dream of coming to California.

Another woman in America told me of how her captor gave her no food, so she had to try to grow food surreptitiously in order to survive. For years her subsistence consisted of one pot noodle each day. She slept on the cement floor of her captor’s garage, unable to reach out to anyone due to a lack of community support and her

inability to speak English. Repeatedly, her trafficker threatened to kill her and her family back home, should she try to escape or turn her in.

The vast majority of victims take time—often months—to open up. This makes identification more difficult, but not impossible. One Romanian victim I heard took three months to open up having been arrested in Italy working the streets, a euphemism that when she first heard it she thought meant she was going to be a street cleaner. Her first so-called client was a police officer. Often she would service police officers; she knew because they expected it for free, flashing their badge instead of payment.

We can better support victims by educating police on how to identify trafficking victims, by being knowledgeable about victims' rights, by engaging the support and resources of NGOs working on the issue, and by briefing law enforcement officials on how to deal with rape victims. It is especially important that officials recognize battered wives syndrome and Stockholm Syndrome, since victims often are in these states when and if they are discovered.

It is not acceptable that law enforcement in any country is understaffed, under-equipped and under-funded to fight trafficking. However, we need the education of all participants in the chain—whether an impoverished fisherman in Ghana, who is as much at risk of becoming a trafficker as a local child is of being trafficked. It's educating government, judicial systems, local police, border control, and Goodwill Ambassadors.

A large part of current spending goes to protection, which currently is provided by the excellent rehabilitative care of NGOs and some CSOs.

Today we shall hear the testimony of Marsha Gnezdilova and Irina Veselykh, two Russian women, who themselves were victims of trafficking. I commend them for their courage and thank them for being here today. They stand with many women globally who believe that they are departing for better opportunities and promises of decent salaries as household help, waitresses, or teachers. Instead, they end up forced into prostitution.

Part of my role is to talk to victims, when they are willing, about their experiences. In Cambodia and Thailand, I spoke with many such women, children and men—the vast majority of whom had specifically been trafficked into forced prostitution. The conversations always are painful, and I am still learning. I believe though, that it's important to appreciate the level of abuse that virtually always goes hand-in-hand with being trafficked.

I have experienced the moving testimony of brave victims transcending their trauma in the hope of assisting others. I also have heard from ashamed and repentant traffickers, who openly acknowledge their wrong-doing, and parents who have either fallen foul of false promise or have faced the horrific moral dilemma of knowingly selling one child into a life of servitude in order to save other children.

Victims and survivors and NGOs ask that I carry their message to others that may be in a position to effect change. For me, this first-hand testimony has become a primal motivating factor.

Ironically one of the issues the UNODC itself has discovered is that they need to give specific training to female police officers who struggle to comprehend that it is possible to force someone to prostitute themselves. Some have a hard time relating to this, believing that they sooner would kill themselves. Not only the female police struggle with this misconception. In some instances, a disregard for prostitutes and their well-being reportedly has impaired political resolve.

Of course, the reality is that not everyone survives this ordeal. These people often are functionally invisible—they lack either birth records or citizenship, or they lack legal status in a country. Not surprisingly, invisible people are incredibly disposable. I have heard reports of women jumping from windows to end their plight. I have heard reports of women either shot or beaten to death for trying to escape. Often, this occurs in front of others, in order to secure their obedience.

I met with many girls and women from many shelters. Some girls so young it was hard to comprehend their fate. Girls as young as 5, 7 and 12 who had been victims of rape then sold into prostitution.

There is a specific phenomenon in this era of the HIV/AIDS pandemic. Clients seeking HIV-negative assurances will pay large sums to buy very young girls, who are promised to be virginal. Over the period of a week, these girls are raped repeatedly by their client, who are satisfied only by seeing blood. The girls then are returned to the brothel, only to be taken to clinics where they are sewn up and sold again, as many as eight or nine more times before entering a life of forced prostitution.

Other girls talked of being chained by their relatives in order to force them to enter marriage or prostitution. At an NGO called Hagar, one particular victim, whom I shall call Bopha, told me that at eleven years old, she was beaten so badly

that she now struggles with a colostomy bag. Her potential to have her own children viciously beaten from her, traffickers forced sand down her throat in an effort to strangle her, and then they left her to bleed to death.

Some NGOs in one Asian country reported that it's common for girls to be electrocuted, drugged, beaten with or without instruments; one girl lost a finger for supposedly not satisfying a client. It's common to be stripped naked and caged with snakes and insects such as scorpions and millipedes—placed not just in the cage with them but into their mouths and private parts as punishment. These girls often die from the stings and bites.

I believe it is worth reminding ourselves that this is what is termed as “force and coercion” in the Protocol Against Trafficking in Persons, and why victims often find it difficult to return home. I believe it is worth our absorbing that reality for the individuals concerned.

Trafficking is a form of modern-day slavery and has many faces, but follows very strong patterns with almost identical outcomes. This is the face of forced prostitution in today's world but in fact forced prostitution accounts for less than half of all trafficking worldwide.

Sexual abuse is often present in many different types of trafficking. One of the last girls I met with in India had been trafficked into domestic service. She is twelve. She is the victim of rape by five different men. She is seven months pregnant.

Trafficking is not just women and girls, there are many male victims too.

Imagine being three years old and being taken from your family in Pakistan and trafficked to the Middle East to be used in the elitist sport of camel racing as a jockey. Imagine being starved to keep your weight down, brutalized so you will work for nothing, and sexually abused by your captors. Imagine knowing that as you grow older and bigger, you increasingly become disposable. Imagine that life.

In Thailand, I spoke with a boy who had been trafficked into the fishing industry. He escaped by spending two days floating at sea on a barrel before luckily being rescued. In India, I met with boys who were trafficked into the carpet loom industry. One particular boy had been enslaved for ten years, since he was five years old. He showed me scars from beatings with implements from when he had tried to escape. He told of having a cut finger placed in boiling water in place of proper medical treatment.

Someone said to me that if people aren't finding evidence of trafficking, then they're not looking. It is everywhere, and it affects us all.

In Ghana they were not particularly looking for trafficking but found it when a number of bodies washed up on the shores of Lake Volta.

I recently traveled to Yeji, Ghana and worked with a local NGO called Apple, which investigates the child slavery around Lake Volta and the fishing villages. Children; some as young as four years old are made to dive in dangerous and extremely cold water to untangle nets. They are beaten with oars when they surface for breath, and then they are forced to dive again. One recalled intense memories of his nose bleeding because he was forced to dive deeper and deeper. Another described how he would calm the fish by placing his fingers in their eye sockets and press, and how to avoid getting your fingers trapped in the gills or the fish could overpower you and may drown you. When I asked him how big the fish were, his arms spread wide.

These children are not allowed to go to school, to hospital if ill or to return to their families. Some are forced to dive at night, and many of the children drown. I was told that in years past, live but sick children would be thrown into the water with weights attached to their bodies—treated as bait. Imagine that life.

Imagine checking into the Ramada Inn in Florida, only to discover that right next door is a slave camp for male agricultural workers, held by armed guards.

In the developed world, we are simply better placed to be able to make the eradication of trafficking and modern-day slavery a priority. With the UN protocols in place on anti-trafficking, that chiefly means making it a financial priority.

While every government confronts the reality of limited resources, I think it is worth remembering that the billions of dollars that traffickers make on their victims are billions of dollars that should be going into the world's economy to make countries thrive rather than into the traffickers' pockets. These victims are a silenced work-force who, given the right amount of care and rehabilitation to set themselves on the path to sustained freedom, become productive members of society, taxpaying members of society at that.

We have a responsibility not out economic sense or out of noble obligation, but because the West has either contributed in a present cultural dynamic or is currently creating demand. We are very much part of the problem.

We need to acknowledge the effects of trade agreements on the developing world that broadens the divide between rich developed countries and the developing poor. We need to think about free people every time we think of free trade. We need to support the MDGs with a greater percentage of our GDP and seriously commit to the eradication of poverty.

Clearly we are vulnerable to this dark side of globalization and its impact on transatlantic crime. Today more than ever we need a unified coordinated global response that asks governments to work together and make this a priority. Traffickers show a total disregard for human life, and that makes us all vulnerable to the assistance and information that can be given by traffickers to terrorists.

Traffickers cannot create demand, and criminal businesses tend to be opportunistic rather than developmental. Poverty and corruption frequently go hand in hand; trafficking and modern-day slavery thrive in corrupt environments. Trafficking cannot exist without a degree of participation from the government, the police, and the judicial system. This is the ugly face, the dark side of globalization.

It takes a tenacity and readiness to embrace and support governments around the world that demonstrate a determination to eradicate corruption and achieve transparency that perhaps could be buoyed up by an appreciation of our shared histories. And while the onus is on us to be supportive as they struggle to reach a higher goal, so we have to hold ourselves to the highest possible standards. The UN has struggled with its own issues with peacekeeping troops who have gotten involved in trafficking. I commend the zero tolerance policy advocated by the UN. But, while the problem has been recognized and a strong strategy has been developed to combat it, we have to be more vigorous in implementation and heed Prince Zeid Al-Hussein's recent report showing that this policy is not yet effective enough.

The UN like most member states is working to achieve its mandate.

I believe one of the finest documents in existence is the UN declaration on human rights and modern day slavery is one of the most egregious violations of that document; that we all agree on. Trafficking is a form of modern-day slavery; a violation that globalization has ripped open and flung to every corner of our planet. This is not a new phenomenon—it is the surviving and thriving mutation of one of the oldest issues in the world, one we have never conquered; but humanity has now surely reached the point where we are far better placed to do so.

It has been a momentous step forward to see the UNODC and global community classify trafficking as a crime, however, it is important to remember that trafficking means the abuse over and over and over again of its victims. It means that a multitude of crimes are committed to reach the end result.

Such offenses include but are not limited to trafficking in human beings; forgery; involuntary servitude; forced or compulsory labor; debt bondage; forced marriage; forced abortion; forced pregnancy; torture, cruel, inhuman or degrading treatment; rape; sexual assault; bodily injury; murder; kidnapping; unlawful confinement; labor exploitation; withholding of identity papers; and corruption. Yet the resources committed to resolve trafficking and prosecute the criminals are nowhere near those devoted to homicide. We have to make this a priority.

But this is not yet another global problem that cannot be solved. I don't want anyone to leave believing that there are no solutions. There are fantastic models out there, and they are working.

We should all come together and devote all of our energies, values and opinions to finding concrete ways to fight this. Trafficking is a human rights issue, from child soldiers asked to fight, kill and die for someone else's cause, to camel jockeys strapped to camels in blistering desert heat, to young fishermen boys forced to dive in the dark and drown, to the crushed domestic worker, to the child raped and filmed to be abused again and again and again in internet porn.

Business communities are stepping up to take responsibility. The Cocoa Protocol put together by Free the Slaves demonstrates the cocoa industry's commitment to bringing slave-free labor practices to the Ivory Coast and Ghana. Microsoft's initiative of worldwide training for police on computer facilitated crimes against children is another excellent initiative. They deserve our thanks, our respect and our attention.

I would like to take this opportunity to thank and commend all of the NGOs and shelters that have helped me and whose work is an example to us all of how it should be.

The International Organization for Migration, in collaboration with Apple and other local NGOs have implemented programs that are now close to releasing 1,000 of those trafficked children around Lake Volta, bringing alternative sustainable freedom to them and their families.

In Cambodia, the NGO called Hagar provides such a fabulously comprehensive approach showing that rehabilitated victims can take on skills training and work

in profitable businesses, from design to catering to soy product manufacturing, to such a successful degree that they now sell some of their products in Neiman Marcus.

They helped now eleven-year old and barren Bopha stand before a judge, and with a hoarse but clear voice, she spoke out to send her trafficker to prison for seventeen years.

Girls at another shelter reminded me of the words of Pablo Neruda: “You can cut all the flowers but you cannot keep spring from coming.”

Nothing is more moving to me than the resilience and spiritual strength shown by victims. Those girls who suffered mercilessly who have been helped to re-find their voices and joyfully sing about walking into the light. The terrifyingly young girls whose virginity was repeatedly stripped from them have found the dignity and grace to sing of the flowering that is our passage to womanhood.

We as men and women must do everything in our power to support the shelters work and make it the safety-net for victims not rely on the victims to deliver the solution of piece-meal prosecution.

The media has played a phenomenal role in bringing this issue to the public’s attention. So often issues don’t get traction because politicians feel that the public hasn’t shown that it cares enough. But the media has ensured that the public knows about this issue, and the public definitely cares.

We must appreciate that while modern-day slavery and trafficking is a global issue, it is also in our backyard.

We must make trafficking a priority.

We must focus on solutions.

We must allocate the resources needed to achieve the vision allowed by the anti-trafficking protocol.

Together, we can achieve these goals—strategically and financially. To that end, I look forward to working with you all.

Thank you, and I would be glad to answer any questions.

Mr. SMITH. Thank you very much, Ambassador, for that very eloquent statement and for the written submission which, without objection, will be made a part of the record, which went into even more detail. And I frankly wish you had taken the time to do it all, because it is filled with riveting cases, individual examples, some of which you began to cite orally. So thank you so much for your leadership.

I do have a couple of questions. I know that you visited Cambodia. Cambodia is one of those countries that the *Trafficking in Persons Report* has moved off the Tier 3 egregious violator list, to Tier 2 Watch List. And the point is made in the report that during the last year, the Cambodian Government stepped up efforts to arrest, prosecute, and convict traffickers; that the Cambodian Government made clear progress in its anti-trafficking law enforcement efforts. However, it provided only limited assistance to victims, and they made modest efforts to promote awareness on the prevention side.

I was wondering if you might share some additional insights that you had with regards to Cambodia. It would appear, after being tone deaf in previous years, the Cambodian authorities are finally getting it. And I think your visit probably helped spur them along.

Ambassador ORMOND. Thank you. I would definitely say that the sense from Cambodia was that they had definitely made progress. There was movement. But from the NGOs, the feeling was that it really needed to step up, that it needed to continue on that path.

My own experience with Cambodia was, I think, a reflection of 40 years of civil war, and a particularly violent form of trafficking. Our particular focus was asked from the NGOs for the children, and to specifically do something about the children and the rape incidences that I talked about.

So yes, they have moved forward, but they need to do a great deal more.

Mr. SMITH. Okay. Let me just raise another country that has a serious problem as a source country, and that is Russia. We have with us today Dr. Juliette Engel, who is the founder of MiraMed and has done an enormous amount of work in rescuing young girls in Russia, and has helped us with our witnesses today. She, herself, testified at our hearing just a few months ago.

One of the things that your Goodwill Ambassador position can do is help wake up member states of the United Nations that they have a problem. Our Embassies are trying to do it, and every time we meet with other parliamentarians, we raise the issue.

I will never forget in 1999, I was at a parliamentary assembly of the Organization for Security and Cooperation in Europe, and I offered a resolution on human trafficking, and was met with such utter disbelief by the Russian delegation, the Ukrainians and others. One year later at a parliamentary assembly, a similar venue in terms of debate on issues, they joined in and were on board, having accepted the problem in the short time of a year.

One of the things that Dr. Engel has done so well is to bring witnesses forward, not only to help them obviously get their lives back together and to rescue them, but also to help us really know the human face of a trafficked woman.

I remember in 1999 my wife, Marie, members of our staff and I met for about 3 hours with women who had been trafficked. As they told their stories, there wasn't a dry eye among any of us. And that became the mobilizing, it became a priority, your other P, for me and for others as we met with those trafficked women.

And I am wondering how you might be able to bring that message to the diplomats in New York. They deal with a lot of issues. Iran is on the docket, there are so many issues. But this issue is tearing the heart out of women, especially women, each and every day—creating new victims every day. As we all know, after the sale of drugs, trafficking in women is either second or third in terms of money maker for organized crime.

Maybe you might want to speak to that, whether or not, at the UN itself, you are able to reach out to diplomats. And secondly, if you do make a trip to Russia, I would hope you would visit MiraMed and see the good work of the Angel Coalition in Moscow and throughout Russia.

Ambassador ORMOND. I would be happy to explore anything with the UN in terms of approaching diplomats. We actually did start with a trip to Russia prior to the ceremony that made me the Goodwill Ambassador.

I believe that in my experience, every member state has its own level of denial or understanding of how their own specific culture makes certain people vulnerable to trafficking.

I have a particular soft spot for Russia because I have worked there many times. And I feel a great deal can be done in terms of public service announcements and educating people.

But I know that one of the times that I worked there, a survey was being done in the 1990s that asked Russian children what they wanted to be when they grew up. And 60 percent of 14-year-old boys said they wanted to be hard-currency taxi drivers, and 60 per-

cent of 14-year-old girls said that they wanted to become high-currency prostitutes. And they think that it is a real reflection of the economic instability that Russia faced, in terms of how people were desperate for an out.

But I think what has happened is that has changed over time to people wanting valid work, and being duped into being trafficked.

Mr. SMITH. Okay. I would hope, and you probably are already doing this, that you and your office will avail themselves of the good reporting that is done by the U.S. missions abroad. Because part of the data collection that goes into the TIP Report, all of which obviously does not end up on the pages of the report itself, might be very useful, and that kind of collaboration could expand. Because I know that you put out your own report just a few months ago, which I think was a very, very good effort, as well.

You made the point that functionally invisible people are disposable. Boy, that is a very powerful phrase. You also point out that the lack of language skills often prevents victims from escaping their abuse. Would you spend a moment or 2 speaking about the educational issues, since we know that microcredit lending is helpful as they are a little older, but it would seem to me that the earlier we start with education, the better.

Ambassador ORMOND. In particular with the hill tribes, one of the things that I encountered was that there are some 30 different languages within the hill tribes. So you need more than 30 teachers to go to the hill tribes and teach.

And for the Thai Government, they have a huge drop-out rate. When they take somebody from the hill tribes and they educate them in Thai, that person has incredible pressure on them to then drop out of teaching and go and take other work, say, in Bangkok.

But what I also did discover is that within the shelters, the young girls who have gone through the experience of being rescued and being rehabilitated are very keen to become advocates, and to go on to take on the role, relate very much to the women who are working in the centers. And I believe it would be possible for education to take the girls who were the victims of trafficking, educate them in Thai, and have them become teachers and advocates who have a much greater sense of their need to be that, who could teach the hill tribes, for instance, Thai.

What I find from the trips is that if you can look at it from a culturally appropriate perspective, maybe you can help them not dishonor their culture, but maintain their culture, but still find a solution.

If I may, in India, one of the things that keys into India's problems is the dowry system, and mothers or fathers who fall into debt because they have to produce a dowry for their daughters. And I think rather than trying to change that cultural system, it is for us to find a way to provide a different loan system.

Mr. SMITH. You mentioned in your testimony that many victims suffer from the battered wife syndrome. Could you elaborate on that a bit? And if you also could share stories about your trip to Ghana with the Subcommittee.

Ambassador ORMOND. Absolutely. Battered wife syndrome and the Stockholm syndrome, these are syndromes where somebody

who had been a victim, who has been traumatized, are so traumatized that they don't easily acknowledge, or sometimes don't recognize, the level of trauma that they have been under. They have a different relationship to abuse. They don't always behave in a way that we might expect a victim to behave.

I think we can maybe all relate to it in terms of the playground bully. You may have had the experience where you fulfill the playground bully's desires, rather than constantly fight them.

I think women who have been put in these situations, they sometimes take months to actually acknowledge, either to the police or to shelters, that they have even been a trafficking victim, because it disables their ability to recognize it.

I have also talked to victims in California who, for instance, have gone to testify, but haven't spoken out in defense of their case, because they are not ready yet as a victim.

So what the NGOs are dealing with is allowing people to have a safe space within the shelter to get over those things emotionally. For a lot of the children, the first step that they take is to just learn how to play again. And what is regarded as a first sign that somebody is recovering is for them to smile.

Mr. SMITH. Let me just conclude before yielding to my colleague, Tom Tancredo. The \$2 million that you did mention, what kind of programs does your organization actually engage in, besides the good work that you do?

Ambassador ORMOND. They are involved in shelters. There are different offices of the UN that cover trafficking. The United Nations Office of Drugs and Crime is the custodian of the protocol, but it intersects with many different offices with refugees, with UNICEF, to name but a couple.

They are also working on education. There was one particular program that I was very enthusiastic about that I discovered in Asia, which is somebody who is working on computer-based training, developing a program that could be extremely effective in teaching not just police, but border patrol, banks, all sorts of different people, from Customs to all these other people who intersect, potentially, with traffickers, and who could intervene. And that is something that the UNODC is very keen on in terms of the educational aspects.

The UNODC also focuses on public service announcements and doing public radio service announcements to educate people on trafficking, educate the public and take a preventative step. Those are just a couple of examples.

Mr. SMITH. I do have one additional question. Is there more, especially given your leadership on FilmAid, that you believe Hollywood might be able to bring to this issue? I mean, Lifetime, for example, did an excellent miniseries a few months back, that they have run several times since, that really nailed it when it came to what actually happens during the trafficking of women. It was very well done. And I am wondering if there are some suggestions you might have.

It seems to me that public service announcements and using that medium is a way, whether through radio or television, to get the message out, as well as through print ads. But is there some recommendations you might have?

Ambassador ORMOND. Definitely. There is a certain clout that I think people in Hollywood have in terms of getting media attention and getting public attention.

But I also think that Hollywood can take a role, in terms of if we can rally people to speak to people's own culture. For instance, in India, I would love to try and have people in Hollywood approach Baliwood and say, "Can we work together with you to do something similar, with Baliwood?" Or find the culturally appropriate people who can encourage something internal.

I think that helps take the sting out of it being a message coming in from the outside. And I think that is very important in terms of the solution to having a future and being sustainable.

Mr. SMITH. Thank you. Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman. Almost as an aside, I was just thinking as the Chairman was talking about the various trips he has taken, and the one on which I was able to accompany him. We were in Russia, and I remember an incredibly stirring discussion about the degree to which local orphanages were being used by the traffickers, and by the people who ran the orphanages. I mean, they were simply like marketplaces, and a bus would pull up, and a number of children would be sold and taken on the bus and taken away.

I wonder, again almost as an aside, just to the question that the Chairman was asking about Russia in particular, has that particular aspect of this phenomena ebbed, or is it still a major problem?

Ambassador ORMOND. It was something that did come up in my trip to Russia, but I think it was more from the perspective of they were struggling how to regulate adoption from outside, and deal with trafficking, which I think keyed into keeping children in orphanages.

It is not something that I know a great deal about, but I would be really happy to go back to the UNODC and follow up with a better response.

Mr. TANCREDO. It is particularly diabolical. The situation was so horrible. I mean, these people were—it was a marketplace, that is all I can say. You know, the people who ran the orphanages were selling their charges, selling these children. And literally buses would pull up, children would be put on the buses and taken away, never to be seen again. It was just incredible.

I really only have one question about your testimony. In terms of the NGOs that you mentioned and the success stories that we were certainly happy to hear about, I wondered if you could tell us, is there a template that you see there? Is there an NGO, or are there NGOs using a particular process to deal with this issue that we should highlight? Should there be, in this report for instance, a listing of the most successful processes, the most successful interventions, and the NGOs that are responsible for them? So that perhaps we could emulate them, and/or at least highlight them.

Ambassador ORMOND. Definitely. Hagar is one, or a particular NGO that I mentioned that I think has a fantastic program. There are many other NGOs, in particular in Thailand and in Cambodia, that I visited, that are doing fantastic work.

I am pulling everything together. People who are taking a holistic approach, I think, are having the most impact on providing sustainability for either victims or their families, or even in Ghana, the NGO that I worked with was doing fabulous work with traffickers.

I think there are cases that I have seen, especially in areas of extreme poverty, where a certain amount of empathy that is afforded the traffickers, and giving them an out, giving the traffickers themselves skills training, so that they have an alternative, as well.

I encountered families who, frankly, the moral dilemma they face is kind of a Sophie's choice. They have four children. One way out for them is either to traffic one of their children, to sell one of their children, or to traffic a child into their family to work for them. They are the kind of moral dilemmas that I guess we don't necessarily face ourselves here.

But having an enormous amount of patience in terms of dealing with the situation, revisiting villages again and again and again, seems to me something that makes it more sustainable.

Absolutely, in any report we need to acknowledge the solutions that are working. I think that is crucial in terms of them expanding, expanding those solutions and finding out, what is the solution, what does it distill down to? What does it come down to in terms of the key contributory factors that make it sustainable?

Mr. TANCREDO. Yes. I think that would be a really important thing for us to think about, Mr. Chairman, in terms of encouragement.

It is not to suggest that there are not a lot of people in the NGO business who are not—I mean, they are certainly doing it for the right reason, I don't doubt that. But I think it has just been my experience also working with some, that they are floundering themselves, looking for ways to deal with it.

And perhaps something that we could compile would give them that ability. And it would also give people who want to contribute some sort of, you know, a list, if you will, of the ones that do a better job, and I think should be rewarded by it.

Ambassador ORMOND. Absolutely. The NGOs that I have met with are crying out for more direct communication with government in particular. And whether that be their own government or governments in other countries.

I think globalization is clearly one of the, this is the dark side of globalization. And I think we have to look at it in terms of everybody working together, different governments working with NGOs in different countries, and working together to maybe bring pressure on their own local government, national government.

Mr. TANCREDO. And just as a very last point, as we talk about the movement of children, especially orphans, we have to remember, even in our own history, there were times when things happened for reasons of economics and a variety of other things, that perhaps make us more sensitive to this whole thing.

But there was such a thing in the late 1800s as an orphan train that used to go across the United States. It used to start out in New York and move across the West. My wife's grandmother was a person on an orphan train that left New York and was actually

eventually picked off the train by a farmer in Montana. People would line up, you know. They would stop at various places, kids would get off. Farmers would come up and say, "That one, and that one, and that one," take them away, and off the train would go. My wife's grandmother ended up in Montana in that process. I mean, it is kind of just an interesting historical background, I guess, for us to think about.

Ambassador ORMOND. I do think that there was a phenomena that I encountered particularly in Cambodia. And this is anecdotal, it is not something that I have any concrete evidence of. But there is a belief that there is a certain amount of adoption of HIV/AIDS orphans going on, and then that child is brought up in the belief that it is a sibling or part of the family. And then, at a certain point when they are sold, they realize that maybe they weren't. And the NGOs are sort of discovering well, maybe that wasn't that person's child at all, or they go back and talk to the families and find that it was maybe a different circumstance.

Mr. TANCREDO. Well, anyway, thank you very much for your work, Ms. Ormond.

Ambassador ORMOND. Thank you.

Mr. SMITH. Ambassador Watson. No, okay.

A final question. In 1984, I travelled with Jim Grant, the great leader of UNICEF, who is probably the father of the child survival revolution to El Salvador, and saw firsthand how important it was that faith-based organizations—in this case it was the Catholic Church—how important they were in making it possible to get the immunizations, and to just disseminate the message very quickly, and to get the immunization out to upwards of 200,000 kids. It was incredible.

Eleanor Nagy, some other members of our staff, my wife, and I were recently in Uganda, and saw the great work that churches were doing on the AIDS issue. Everywhere I and many of my colleagues go, I try to meet with religiously-based organizations.

And I have been amazed at the network that exists out there that can be utilized to get a prevention message out from the pulpit, or from the mosque, or from the synagogue. And also to provide shelters.

Eleanor and I were recently in Peru and saw these young Peruvian girls in Lima who were learning computer skills, sewing skills, a vast array of skills under the auspices of nuns who were running that shelter. And we have asked the TIP office to provide some funding for it, and I hope they will.

So I was just wondering, as Ambassador for Trafficking, if you look to meet with religious leaders when you do travel, so as to bring them further into the prioritization. I am going to start using four Ps now, for we don't make it a priority.

Ambassador ORMOND. For myself, yes, I would be happy to meet with anybody in society. And absolutely, religious leaders. In terms of dealing with this issue, I think they can have a great deal of influence. Yes.

Mr. SMITH. It has been my experience that they have compassion and they have concern for the vulnerable and the weakest. But they also have an infrastructure that is second to none. And they always have an audience virtually every week, regardless of the de-

nomination. So it seems to me that that is one way of reaching massive amounts of people.

I think they need to be made aware that they have a role to play. So I just respectfully submit that this is something that all of us should be doing more of.

Ambassador ORMOND. Yes. I mean, I think not only in terms of the infrastructure in terms of shelters, but also their outreach to the business community, and to civil society could be used well.

Mr. SMITH. Sure. Anything else you would like to add?

Ambassador ORMOND. I would only add that it would be great if we could work with the United States Government, if the UN could work with the United States Government to put pressure on other countries to sign and ratify the Trafficking Protocol, which is the first step to their finding and working on internal legislation.

Mr. SMITH. Excellent point. Thank you, Ambassador Ormond, for your testimony and your leadership; for bringing a message that is so often overlooked and neglected—especially by governments. You are doing an enormous, an extraordinary job. And I know that all of us on both sides of the aisle deeply appreciate your leadership, and look forward to working with you going forward.

Ambassador ORMOND. Thank you.

Mr. SMITH. Thank you so much. This now moves from being a briefing to a hearing.

[Whereupon, the briefing was adjourned and the Subcommittee proceeded to other business.]

Mr. SMITH. The hearing will come to order. And I would like to invite to the witness table Ambassador John Miller, who is Director of the State Department's Office to Monitor and Combat Trafficking in Persons, and Senior Advisor to Secretary of State Condoleezza Rice on Human Trafficking.

From 1985 to 1993, Ambassador Miller served in the United States House of Representatives from the State of Washington. Prior to this, he was active in the State and municipal governments, serving as Assistant Attorney General for the State of Washington.

It is a privilege to have you back, Mr. Ambassador. The floor is yours.

**STATEMENT OF THE HONORABLE JOHN MILLER, DIRECTOR,
OFFICE TO COMBAT TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF STATE**

Ambassador MILLER. Well, Mr. Chairman, it is good to be here with you, Congressman Tancredo, and Congresswoman Watson, who we have been at many meetings together.

Mr. Chairman, you asked me to come testify about this report. Of course, this report is here because years ago, when people were only dimly aware of the scourge of modern-day slavery, you took the lead in sponsoring the Anti-Trafficking Victim Protections legislation. And you have continued to lead the way. And we thank you for that.

I have a copy of my written statement for the record, and if there is no objection—and I will try to talk a little more informally.

This is the sixth annual report. It recognizes that the challenge of modern-day slavery exists in every country of the world, includ-

ing the United States of America. We all have what we call a human trafficking problem.

The goal of the report, I think this was the goal that you and Congress intended, the goal is to spotlight modern-day slavery. The work that is being done, the tricks of the slave masters, and to encourage action to throw the traffickers in jail and help the victims.

Now, there are many ways this can be done, and it is not just from evaluating countries. As you know, in our report we have victims' stories. And this report is dedicated—her picture is on the next-to-last page—to a woman from Indonesia, Nour Miyati.

Nour Miyati, of course, represents millions who have been held in slavery. She came from Indonesia seeking a better life in the Near East, to work as a domestic, to send money back to her family. I met her at a cafe in Riyadh. She had fallen prey to owners who not only worked her 15–18 hours a day and gave her no pay and no time off, but abused her, beat her. But she was a valuable “commodity.” And so when they saw she was sick, they took her to the hospital for “repairs.” And at that time it was discovered she had gangrene. In this picture you can see several of her toes and fingers have been amputated.

The case came to light because of that hospital visit. And through a lawyer supplied by the Indonesian Embassy, she has been fighting that case. An initial court case sentenced her, not the perpetrator, sentenced her to 79 lashes. That, I am pleased to report after a visit to Saudi Arabia, that has been reversed. But Nour Miyati stands for so many other victims in this world.

In addition in this report, as you will see on page 34, we highlight best practices of countries, because we are trying to give positive examples. We give examples from Senegal to Iraq to Romania. And I think, Congressman Tancredo, you hit on this when you said NGOs need to know what is working.

This is an initial effort to highlight some efforts. We are going to try to do more on our Web site, which NGOs around the world look at, to say, “Here, this is working here, this is working there.”

And then we have a Trafficking in Persons Hero section. Last year—Ambassador Ormond has just mentioned Hagar in Cambodia—last year one of our heroes was the head of Hagar. We have eight or nine heroes this year. Of course, there are thousands of heroes, but we mention a few.

Now, getting on to the evaluations of countries. We do rank 149 countries that have on the order of 100 victims or more. There are a few countries that still aren't in here. Generally that is because we couldn't get enough information. I believe there is a trafficking problem in every country in the world, but there are still a few countries of which we haven't gotten enough information. And there are some countries where there was not an effective government to be rated.

The sources we use are Embassies, NGOs, daring activists, foreign governments, our own visits, the news media. The standards we apply are the standards that you all have set out in the law. Sometimes we are criticized by foreign governments, sometimes we are even criticized by those that look at the report, the standards get criticized. Well, maybe they are too subjective or whatever.

I think they are pretty good standards that you have laid out. And we try to apply those standards. And they are pretty darn detailed.

As I said, the goal is not to punish; it is to bring about action. This year we placed a new emphasis—or more emphasis, I should say—on forced labor, along with sex trafficking.

You will see sections on bonded labor. I was personally out in India meeting with victims of bonded labor just a couple of months ago. It is a widespread practice in certain parts of the world, where generations are held at the same rice mill and brick kiln, as you mentioned.

We do have more emphasis on this. Some countries' governments got lower ratings this year because of inattention to forced labor.

One thing I would like to highlight, there is a misconception in parts of the world on the issue of commercial sex, not just under our law, but under the UN protocol. Any child under the age of 18 that is being used for a commercial sex act is considered a victim of trafficking. And this is something we really have to keep in mind.

Now, if you compare this year's report and last year's, you mentioned, Mr. Chairman, in your introductory remarks, looking around the world that there has been the start of progress. Almost a 50 percent increase in convictions of traffickers worldwide, up to 4,700. Many more shelters for victims set up. As you said, 41 countries passing anti-trafficking in persons laws. And not surprisingly, reflecting that, there has been a slight increase overall in the ratings.

And you will see that a significant number of the countries that were on Tier 3 last year moved up to Tier 2 Watch List, and a significant number that were on Tier 2 Watch List moved up to Tier 2.

However, there were also numbers of countries moving down, from Tier 2 to Tier 2 Watch List, and Tier 2 to Tier 3. I think this Congress very wisely in the revision, I believe it was in 2003, said, in effect, we don't want the status quo here; we want to see appreciable progress, increasing efforts. And that is what we have asked for countries.

There are some examples of individual countries doing well. I mean, Ecuador, that was Tier 3, a First Lady jumped into this effort, and suddenly there is more investigations underway and a new law. United Arab Emirates, that got a lot of criticism last year, and deservedly so, but since being put in Tier 3 have freed almost 7,000 child camel jockeys, and, working with UNICEF, have sheltered them and helped get them back to their original countries. That doesn't mean the problem is solved, but it does mean there has been some progress.

Jamaica, Greece, some other examples of countries that have moved up.

However—there is always a however, right—you still find questions about the efforts of many major countries. We still have our friend and ally, Saudi Arabia, on Tier 3. And if you look at Tier 2 Watch List—which could be interpreted as a watch list, a warning list, a worry list—there are several countries that you mentioned that have been there before, are still there. Mexico, Russia,

India, China. And some new countries on that list, Tier 2 Watch List, such as Malaysia and Brazil. So that shows the challenge that we face.

Nonetheless, in part because of the news media around the world that has increased its coverage, in part because of the attention that the Congress of the United States and our President, whenever he speaks, gives to this issue, I think we are seeing a growing momentum. I think we see more and more people becoming part of a 21st century abolitionist movement.

I have made enough general comments. Why don't I yield to your specific questions?

[The prepared statement of Ambassador Miller follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN MILLER, DIRECTOR, OFFICE TO
COMBAT TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF STATE

Thank you Mr. Chairman, Last week, we released the State Department's *2006 Trafficking in Persons Report*. As mandated by Congress, this, the sixth annual such compendium, recognizes trafficking in persons for what it is, modern-day slavery. The *Report* also demonstrates that every country in the world, including the United States of America, has a human trafficking problem.

Trafficking in persons relies on coercion and exploitation. It thrives on converting hope to fear. It is maintained through violence. And it is highly profitable.

The State Department and our embassies' goal is to spotlight the scourge of human trafficking and work with governments to jail traffickers, protect victims and ultimately eliminate this problem. These efforts aim also to expose the tricks of the slave masters, which are the same as they were back in the 19th century, namely, deception, fraud, kidnapping, and control through confinement, beating, rape, and, in some cases, murder.

This year's *Report* ranks 149 countries found to be a source, destination, or transit country for on the order of 100 victims, the threshold for inclusion in the report. Nine additional nations are listed as special cases. Generally, countries not listed in the *Report* are either those about which we have insufficient knowledge of human trafficking—oftentimes countries where there are fewer than 100 documented trafficking cases—or those where there has not been an effective government to rank during the reporting period.

Woven throughout the introduction of this year's *Report* are the stories of victims of trafficking. In fact, this year's edition is dedicated to one such victim, Nour Miyati, a young Indonesian woman who went to the Near East as a domestic servant hoping to find money for her family.

I met with Nour Miyati in Riyadh. Nour Miyati, as you will see from the picture in the back of the Report, has missing fingers, missing toes; a victim of abuse, servitude, and torture. She is a reminder that although the *Report* describes governments and categories, it is in the end about individual human beings who have suffered the terrible indignities of this evil trade.

Our sources are diverse: law enforcement, U.S. Embassies, NGOs worldwide, daring activists, foreign governments, and our own visits. Everything enters the mix. Extensive analysis and review goes into the assessment of each country and its assignment into Tier 1, 2, 2 Watch List, or 3.

Country ratings are based strictly on governments' actions to combat trafficking in persons, as defined by U.S. law. The standards are set forth in the *Trafficking Victim's Protection Act*, as amended, and are applied equally to every country. We examine each country individually.

The goal of this report is not to punish, but to stimulate government action to end modern-day slavery.

This year, we decided to place special emphasis on trafficking for labor exploitation, particularly involuntary servitude of foreign laborers. Forced labor may involve foreign workers who end up in conditions of involuntary servitude, or domestic servants, or victims trafficked within their own country.

Sex trafficking is still the largest category of transnational slavery, we believe. It is intrinsically linked to prostitution and U.S. policy states that prostitution contributes to the phenomenon of trafficking in persons. That is why, to combat sex slavery, we are urging a greater focus on demand-educating and dissuading the so-called "customers."

I want to highlight that under U.S. federal law and international law, if a child is under the age of 18 and is being used for a commercial sex act, the child is considered a victim of trafficking; and a crime victim, regardless of the child's consent, and an individual who exploits a prostituted child should be punished. Anyone who facilitates that act of exploitation is a trafficker. Yet many countries around the world simply do very little about children who are victims of trafficking.

Comparing this year's report with that of last year, we have hard evidence that Tier 2 Watch list and Tier 3 are effective designations. Thanks to intensified engagement by the Department of State and increased political commitment from the governments themselves, anti-slavery efforts improved in many countries.

Of the 14 countries placed on Tier 3 this time last year, eight have moved up: five moved up within three months (when the President made a final determination of ranking last September) and another three, Cambodia, Ecuador, and Kuwait, moved up on this year's report.

The Tier 2 Watch list countries showed similar improvement: of the 27 countries placed on Tier 2W in 2005, 16 moved up to Tier 2 while three fell to Tier 3 (Belize, Uzbekistan, and Zimbabwe).

Ecuador is a good example. This past year, its government enacted new measures to identify trafficking situations, arrest and prosecute traffickers, assist victims, and raise public awareness. Ecuador has jumped from Tier 3 to Tier 2 in the 2006 *TIP Report*.

United Arab Emirates and Jamaica, with very different slave problems, both took exemplary action to move off Tier 3.

In the United Arab Emirates, hundreds of camel jockey boys—former slaves—have been repatriated, returned to their home countries (especially to Bangladesh and Pakistan). UAE opened a shelter devoted to rescued victims of human trafficking and robots are riding camels instead of children.

Jamaica increased efforts to investigate trafficking crimes, undertook raids and arrests, and temporarily suspended work permits for foreign "exotic dancers," some of whom were victims of human trafficking.

Greece is an excellent example of improvement over time. In 2003: Tier 3 and in 2005: Tier Two. Greece moved up to Tier 2 by demonstrating significant dedication to protecting victims in cooperation with NGOs. Greece improved cooperation with domestic NGOs with the completion of a Memorandum of Cooperation allowing Greek authorities to work more directly with NGOs, and after several years of negotiation, Greece signed an agreement with Albania for the repatriation of Albanian victims. So often, greater effort is a low cost or no cost initiative. And the good news is positive, increased efforts on the part of many countries.

The bad news is lack of effort by some of the world's largest countries. On every continent, countries are failing to live up to their obligation to protect the weak, and bring criminals to justice.

In every case, as for all Tier 3 and Tier 2 Watch list countries, the U.S. will outline a mini-action plan through which to spur commitment, together, on behalf of modern-day slaves.

Notice that several Tier 2 Watch list designees are there largely as a result of labor trafficking, including Brazil, Israel, the Gulf States, Taiwan, and India.

Shining through this global tragedy are rays of hope. In addition to the tremendous efforts of heroic individuals and private organizations, governments around the globe are awakening to the issue and taking action to end this form of modern-day slavery.

Worldwide, the number of trafficking-related convictions has increased to more than 4,750 in 2005—a 63 percent increase in just two years.

An additional 41 countries passed anti-trafficking legislation last year—strengthening the world's legal tools with which to hold traffickers accountable.

The movement to end modern slavery, therefore, continues to gain momentum, thanks to the President's leadership and Congress's commitment. This hearing and the work of this panel represent vital components of the 21st century abolitionist movement and the effort to protect the hundreds of thousands of silent victims of the international crime of modern-day slavery.

Thank you.

Mr. SMITH. Thank you very much, Ambassador Miller. Let me begin. Immediately, the day before Chancellor Merkel visited the White House and President Bush, I convened a hearing that focused on the issue of trafficking in Germany as it relates especially to the World Cup, which was then several weeks away.

At the time we had asked the State Department to provide a witness or two, and regrettably, they chose not to. But I think at least the message was heard at Foggy Bottom that there is a great deal of concern on Capitol Hill about, and I know you share it—you raised it when the TIP Report was released, and I certainly applaud you for that—the specter of women from Slavic countries and from Russia being trafficked into Germany for prostitution purposes—forced prostitution.

Our hearing and all that preceded it was an appeal to the German Government, to realize that when you turn women into commodities by legalizing prostitution, women get hurt. They are exploited.

The studies clearly indicate, as you know, Mr. Ambassador, that women who are in prostitution by huge numbers want to get out but feel there is no way out. Seventy-five percent and more would like to leave. Upwards of 80 percent-plus are raped. And many of the women who end up in prostitution have some dysfunction along their life line that led to their finding themselves in that terrible situation, whether it be an incest or a rape earlier in their lives, often as a young girl. So there is an acting out that is extremely unhealthy, that then is exploited.

So those who sing the praises of the Happy Hooker, I think, have not looked into the misery of women who find themselves in prostitution. And the line of demarcation, I would respectfully submit, between prostitution that seemingly is voluntary, and those who are the result of force, fraud, and coercion—trafficking—is often very thin and almost obscure in many cases. And you might want to speak to that.

My question is, knowing that all of this is about to happen, and I know the German Government took some remedial efforts to try to prevent it, has the United States beefed up our efforts to chronicle and report on what is happening during the World Cup? Are there any U.S. assets deployed, FBI or any others in this regard, knowing that this huge influx is likely to be occurring as we speak?

Ambassador MILLER. Well, our office has had extensive communication with our Embassy in Bahn on this issue. We are asking for information, we expect to be getting information.

I have personally met with the German Ambassador here on this issue, to express the concern. And in a way, we were seconding a concern that had already been raised throughout Europe.

As you know, Mr. Chairman, there was a meeting of the European Parliament in which delegates from 15 or 20 countries raised the concern that, with the World Cup and with the expectation that thousands of women might be coming for commercial sex, there would be many trafficking victims.

And so I think the German Government has not only heard from us, they have heard from the Government of Sweden, they have heard from many other governments on this issue.

They have stated, the Government of Germany has stated, that they have added additional hotlines. They have increased police training, they have increased the number of police. They have stepped up information activities, et cetera.

But what will happen at this point, I don't know.

Mr. SMITH. Let me ask you, Mr. Ambassador, I noticed in the TIP Report a positive movement. There were 28 countries that moved in the right direction, and 23 countries that moved in the negative direction.

Do you know what accounts for that? Are there specific countries that you might want to speak to, for instance, the Czech Republic? We also know that there is a problem associated with the North Koreans.

So could you perhaps elaborate on what you think is happening here?

I also want to commend you for having initiated coverage on some new countries, some eight countries that heretofore had not been covered by the TIP Report. And three of them have found their way on the Watch List, so certainly it is necessary that they be covered by this report.

Ambassador MILLER. First of all, I want to associate myself with the remarks you made as a prelude to your previous question, on the link between prostitution and sex trafficking. I do think the evidence is overwhelming.

Now, on your last question, I think this 28 countries up, 23 countries down, overall, is probably, as near as we can tell, an accurate reflection of the progress in the world. There is movement in the right direction because of the indicators you and I discussed.

But as I said, the law says make appreciable progress, increasing efforts. And for example, you mentioned the Czech Republic. The Czech Republic has done some good things. They have done some good things to combat sex trafficking, they have done some good things on victim protection and prosecution.

They dipped from Tier 1 to Tier 2 for a couple of reasons. First of all, the sentences that they were giving to traffickers, the majority of the sentences were suspended or probationary sentences. And as you know in your law, you asked for punishment that deters.

The second reason, and maybe even more important, we did give more attention to forced labor in this report. This followed on the provision that you and your colleagues put in the last reauthorization.

In the Czech Republic, while we found numerous prosecutions for sex trafficking, we did not find that for labor trafficking. And not only our information, but international organization reporting, showed increased labor trafficking.

In addition, there were several factories in the Czech Republic operating with North Korean labor. And while the Czech Republic did investigate, there were no interviews, private interviews, that we could tell, with the workers. It appeared that the money went to an agency of the North Korean Government. It appeared that the workers did not have freedom. And while I don't doubt that their conditions are better than in North Korea, in our minds there was a great concern that this was still slavery.

So for those reasons, despite many good things the Czech Republic did, they dipped from 1 to 2. But we are working with the Czech Republic. We expect the Czech Republic to move in some of these areas, and we hope they will be back in Tier 1 next year.

Mr. SMITH. Mr. Ambassador, one of the things we did in the 2003 act, was to put an emphasis on not only convictions, but jail sen-

tences. Because the belief was that countries could create a ruse of prosecutorial activity, when really nothing was happening, other than some indictments.

And I am wondering if you have seen in the reporting that more traffickers are actually going to prison, and going to prison with sentences that are commensurate with the crime.

When we originally did the 2000 act, as you know so well, we put up to life imprisonment for this grave act of trafficking, because we believe this is the equivalent of rape, and therefore should be treated as such. And the fact of the matter is that prosecutors, U.S. Attorneys, including my own in New Jersey, Christopher Christi, has been able to secure a number of significant convictions and long prison sentences as a direct result of that. He has made it a priority, again using that fourth P. Hopefully other U.S. Attorneys have done so, as well.

But in other countries, are you finding that people are doing real time?

Ambassador MILLER. I think, speaking broadly, sentences are getting tougher. More people are going to jail. Okay, we have seen that in the United States the last 4 or 5 years. The Coretto brothers up in New York just went to jail for 50 years apiece.

And I think that is true in the world. I would say sentences around the world, it is a generalization, are lighter than here. There are certainly many countries, even in the so-called developed areas—referring to Europe—where the sentences, as I mentioned, too many of the sentences are probationary or conditional.

So I think we have to keep pushing on this. People have to realize that what we are talking here, this word “trafficking,” it is almost antiseptic. It is a euphemism. I mean, it stands not only for modern-day slavery; it stands for a combination of kidnapping, it often stands for a combination of kidnapping, beatings, imprisonment, and often rape.

Well, all of those crimes individually, in a lot of countries, would bring really tough sentences. So we have an education task ahead of us.

Mr. SMITH. Mr. Ambassador, one of the issues we have pressed for years is that internal trafficking and trafficking across national borders is really a distinction without a difference. And it reminds me of the difference between an IDP (internally displaced person) and a refugee. If they are sitting in a camp, if they are displaced, going across a state line doesn’t matter much to their plight.

I note that this year’s report does include some extensive coverage and reporting on internal trafficking. And I am wondering what role that played in the assignment of the tier rankings, and whether or not India might rise to a Tier 3 country because of their internal trafficking for both sex practices and exploitation, as well as labor.

Ambassador MILLER. No question that internal trafficking is a major factor in India, and has to be considered as you read our narrative on India, where there is a lot of emphasis on that.

India has done some positive things in the sex trafficking area. They weren’t very good about supplying information about arrests and convictions this year, but anecdotally we know there is some evidence there. And they are considering changes in their law that

are positive. Of course, they have a tremendously vibrant NGO community.

But when you talk about internal trafficking, and you talked about bonded labor, it is almost all internal. I visited with the bonded laborers in South India that had survived and been freed, people that had been working several generations to pay off a debt that Grandfather incurred maybe 50 years ago.

And I would have to say that while India has a good law on the subject—they even provide compensation for survivors—it is very hard, I could not find any evidence of a trafficker or so-called owner being punished for holding victims in these conditions in India. And I would say, to put it charitably, there is a divided view in India on this issue.

I found NGOs, even some state governments, the National Human Rights Commission, the ILO, all of these groups are saying this is a huge problem; it could affect 10–40 million people. It is largely tied to the caste system. The Federal Government feels it is a very small problem, at least the officials in the Ministry of Labor.

We are hoping, working with the Government of India, that we will get more attention and more focus on this area during the coming year.

Mr. SMITH. Just a couple of final questions, then I have about a dozen I would like to submit for the record and ask you to respond.

Charles Kernaghan, in his testimony—and I would just note that the last time that we had him as a witness was when he brought forth some very powerful testimony on what was happening in Central America in the Kathy Lee Gifford situation, and that is the first time I had met him, so we are glad to have him back. But he makes the point that upwards of 10,000 foreign laborers have been trafficked to garment factories in Jordan's free-trade zone. And I am wondering, since Jordan is a Tier 2 country, shouldn't that have at least triggered them to becoming a Tier 3, or at least a Watch List country?

Ambassador MILLER. Well, this report that Mr. Kernaghan and the National Labor Council did was a stunning report. When it arrived in our office, I called him. We had a meeting. It arrived after all the ratings had been gone through this whole process. We held up the printing to include a reference to this report.

So I cannot say Jordan's rating is affected by the report. However, the Jordanian Government should be well aware of the impact the report has had.

I have personally talked with the DCM of the Jordanian Embassy. I have personally e-mailed our Ambassador in Jordan on this. My office is trying to set up a meeting with Jordan's Ambassador here. We take this very seriously, very seriously. Because the report, the reason it was so interesting to me, this report does not just allege poor working conditions—that can be a concern, obviously, to all—but our office is concerned about slavery. That is the mandate you gave us.

And the report, in its charges about removal of passports, confinement of workers, keeping them from leaving facilities, beatings, et cetera, illegal recruitment fees, these are all indicators not just of poor working conditions, which they undoubtedly are; these are

indicators that add up to meeting the trafficking in persons definition in our law.

So we will be pursuing this issue with the Government of Jordan. And I have to say the initial response from the Government of Jordan has been an open and positive one. But we will see. There are some specific cases we are pursuing, and maybe Mr. Kernaghan will get into those cases in his testimony.

Mr. SMITH. Thank you. Let me just ask on military deployments finally. As you know, the United Nations has, under Prince Zayed, come up with a very good list of actionable items that they hopefully will implement. NATO has done likewise. The United States Government is doing the same with our armed forces.

How would you rate those efforts? I would just note parenthetically that when we were doing the Trafficking Victims Protection Act of 2005, we wanted to create a special office within the Department of Defense, with the rank of an assistant secretary, to work on this issue, and got an enormous amount of push-back, so much so that it is not in the bill, as anyone who would read it, would know.

We have gotten a commitment that combatant commanders will have somebody on their staff that deals with the trafficking issue, and we are waiting hopefully that that will materialize.

But what has been your office's, what would be your sense as to how well they are cooperating on the trafficking issue, and obviously on the prostitution issue? And also, the 2005 act tasked USAID and the DoD to create an action plan for vulnerable populations so that when a tsunami hits, or a conflict of a stricken area, there will be a protocol as to how we should act, aid workers should act, so that trafficking and the exploitation of vulnerable people, sex trade, or labor is mitigated.

Is that part of the law being implemented? Are they working with you on that?

Ambassador MILLER. Okay. Let me answer in reverse order and start with the question I cannot answer. Always good to admit you can't answer a question. I will get back to you on your last question on the status of that plan.

But your other questions I do want to answer. I think you even started out on the international organizations. Because in this law, in the law you just passed, not only was it asked for additional emphasis on forced labor, you asked us for the first time to evaluate international organizations, which we did. It is in the back of the report, I forget the page.

And so there is an evaluation of the UN peacekeepers, OSCE, and NATO. NATO and the OSCE I will skip over, because I think they are doing reasonably well.

The UN peacekeepers is another situation. I think you are all familiar that over the past year, there has been what is called by some, "a sex for food scandal." Numerous allegations of trafficking and child rape by UN peacekeepers. And the UN, to its credit, sent an investigator out, Prince Zayed of Jordan. And of course, he came back with a report, I think a very fair, well done report.

The punchline was, and I am paraphrasing here, Mr. Secretary-General, the United Nations commendably has a zero tolerance on

trafficking policy. Unfortunately, there is zero compliance with zero tolerance.

Now, since then the wheels are spinning there. Ambassador Bolton has attempted to highlight the issue. He held a hearing on this at the Security Council.

I would have to say that while there has been increased attention and an increased number of speeches, I don't know that on the ground the discipline and training is yet taking place. The United Nations is dealing with 103 troop-contributing countries, and the United Nations has a bureaucracy that, as far as I can tell, makes our bureaucracy look streamlined, which I never thought I would say that as a Member of Congress. And so hopefully there will be some progress. We have got to keep pushing, we really have to keep pushing.

Now, on to the Department of Defense. I think the Department of Defense—of course, we can all go into the past. We can all say, "Oh, this wasn't done years ago or months ago, or the military, of all countries in the world, including the United States, has been related to trafficking, and may still be related to trafficking and sexual exploitation."

However, from my perspective as Ambassador-at-Large on Slavery and chairing a senior policy operating group, I think the U.S. Department of Defense has taken some very significant actions. And I would say that they are probably the leading military in the world. Maybe Sweden is up there with them. But they are, if not the leading, one of the leading militaries in the world when it comes to combatting trafficking.

You mentioned the change in the military code of justice. First they had a zero tolerance on trafficking policy, then they changed. Because we talked with them, we said, "How can the soldier tell whether, at a commercial sexual establishment, the person is a victim or not?" So then they changed that. You cannot patronize.

Then they instituted training for all troops. This training has gone into effect for most of the troops, as far as we can tell. Obviously, we want to see that every one of America's military gets training in that.

Then, beyond that, there was a serious story in the *Chicago Tribune*, as you are familiar with, last fall, or maybe it was last December, I can't remember, talking about trafficking from Nepal into Iraq. The story was about Nepalese who were deceived in Nepal, thought they were going to get jobs in five-star hotels in Jordan, got sent off to Jordan, then were sent into Iraq. They were killed in Iraq on the way to what was supposed to be their job.

Well, the Defense Department did a thorough investigation. And to their credit, in April the Commandant General Casey put out a memorandum that sets out some very good guidelines for contractors, starting with that they must see that the workers have control of their own passports. And holding the American contractors responsible, even though there are subcontractors down the line. In addition, they have a regulation in the works that is very technical, but I understand will enable them to really hold contractors more responsible.

So I would say they are taking steps in the right direction. Everybody—my office, Defense, every government in the world—can take more steps.

Mr. SMITH. Before I get to Mr. Tancredo, your office and Ambassador Ormond's, do you work together? Is there a collaboration? And I think her statement that "fundamentally invisible people are disposable people" is a phrase we all need to repeat over and over again. If they are out of sight, they could be exploited in a heinous way.

But do you work with her office?

Ambassador MILLER. We have. In fact, I don't know if she is still here—there you are—in her first weeks in office, she was kind enough to come down and pay me a visit. And we discussed the issue, and we look forward to cooperating with her and her efforts.

We want to cooperate with everybody. And I am just delighted that the Ambassador is taking the lead for UNODC on this.

Mr. SMITH. Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman. In the report under India, I notice that there is nothing mentioned about the Dalits and the effect of that particular phenomena inside India on the caste system—or at least if it is in there, I just missed it—and how that affects especially the trafficking in internal laborers.

Is it something that you think needs to be highlighted? And I mean, I certainly do. Do you think it is something that we can have any effect on, I suppose? There has been an awful lot done lately, an awful lot said about the Dalits and their plight being brought to the attention of the world. I just had hoped that perhaps it would have found a place in here. And again, I just read it quickly and perhaps missed it.

Ambassador MILLER. Yes. Well, if it is not mentioned, and I can't remember—and it is a long report, so you may be right. But if it is not mentioned, it certainly should be.

I think if you talk with Indian observers, Indian NGOs, you will consistently be told that yes, a majority of the bonded labor victims, the overwhelming majority are of the lowest castes, including Dalits. They are certainly not of the upper castes. So there is obviously some link there.

I am not enough of an expert on the caste system in India to comment in more detail. But when you have slavery, attitudes are involved. It may be attitudes relating to caste or social standing. It may be attitudes toward foreigners. That is in a lot of countries involved. It may be attitudes toward gender. That is involved in a lot of countries. I mean, there are so many of these factors that come into play.

So we will look more at that issue in the coming year, Congressman, that you have raised.

Mr. TANCREDO. I would appreciate it. I know that there are laws that have been passed by the Indian Government to try to address it, but like many laws of this nature, they are not enforced. And that is why if we talk about it in the report, it may bring pressure on them to do exactly that. That is why I bring it up.

Ambassador MILLER. I think if you all get a chance to visit India to raise this issue, I think the Indian Government—we get a variety of reactions from governments around the world to our report;

some are positive, some are mildly negative, some express disappointment. I think it is fair to say the Indian Government did not receive this report with glee. And I think we want to be constructive, we want to engage. India is our friend. They are an ally, they are a large democracy, they have a rising middle class, rising technology, great NGO community, all these things. And we really do want to work with them on the modern-day slavery issue.

Mr. TANCREDO. Well, the complexity of the situation is enormous. We had, at my request and because the Chairman was gracious enough to acquiesce, we had a hearing not too long ago on this specific subject, on the Dalits and their plight.

And you just can't believe, you just can't imagine how difficult it is to try to address it, because there is such a combination of factors, not just cultural, but of course religious, historical, economic. And you feel oftentimes quite impotent to try and address any one of those, let alone all the rest of them, to try to make it.

But in a report of this nature, it does seem to me that some mention of that situation is necessary.

And the last question I have of you, and it is probably one we should address to the next panel, too, but I do not know if I will be able to be here for that. When you talked about the efforts in Germany of which you were aware to try and deal with what they knew was going to be a sort of an onslaught of sex trafficking as a result of the World Cup, and the things that you mentioned focused entirely on what I would say is the supply side of the equation, but nothing on the demand side of the equation.

And this is, of course, a problem over and over again, is that we have a tendency to, for a variety of reasons, it may be easier to actually identify the prostitute, the trafficker and that. But if we go after, if some governments will go after the demand side, do something about the people who are purchasing the services in some way.

And in our last hearing we talked about this, too. And I asked the NGOs if they had any plans, if they were going to go on the streets, for instance. If they were going to take pictures of the guys who were coming in to purchase the services, and publish them. Something like that, do something to try and reduce the demand side.

Ambassador MILLER. Well, I absolutely agree with you. The President's Task Force on Trafficking, chaired by the Secretary of State, has made demand a top issue. It is not just a supply issue, it is a demand issue.

There is a market out there that is driving this. And it is important to keep that in mind. Your recent legislation attempted to address this in the United States by giving the Attorney General authority to give grants to encourage prosecutions on the demand side, education on the demand side.

You take a country like Germany. Germany has—and this has been the basis of their ratings in the report—Germany has programs on prosecution protection victims dealing with trafficking victims once they are found, or whatever, that meet, to a large extent, the minimum standards.

The issue in a country like Germany is yes, but if you are furthering a sex trade that serves as a magnet for trafficking victims

from around the world, you run the risk of being in the position of reducing trafficking on the one hand, and raising trafficking on the other.

I think the Congress, in your recent legislation, you attempted to take note of this. You added a criteria for our report, Congressman, that specifically mentions demand. However, as our State Department's Law Department noted, that provision does not go into effect until 2008. It was not in effect in this report.

Mr. TANCREDO. Thank you very much, Mr. Ambassador. Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Tancredo. Ambassador Miller, again, we will give you a number of questions, for the sake of time, on specific countries.

Ambassador MILLER. Sure.

Mr. SMITH. If you can get back to us as soon as possible, that would be great.

Ambassador MILLER. Absolutely. And I owe you an answer on one question that I couldn't answer.

And thank you again for taking the time to hold this hearing. You have some outstanding witnesses coming up from Russia, from all over. And so I look forward to listening to them.

Mr. SMITH. Mr. Ambassador thank you so much. We now will turn to our next panel. And we will provide, for the record, more extensive resumes. But in the interest of time, I will introduce our witnesses very briefly.

We will first begin with Ms. Sharon Cohn, who serves as Vice President of Interventions for the International Justice Mission. Until October 2001, Ms. Cohn was an associate with Arnold and Porter in Washington, DC. Previously Ms. Cohn served as a judicial clerk for the Honorable Richard Williams, Eastern District of Virginia.

We will then hear from Ms. Masha Gnezdilova, who was born into an upper-class Russian household, studied law, and worked as an attorney and special inspector for 5 years.

Ms. Gnezdilova was the victim of a trafficking in early 1997, when she was coerced into entering Germany with false promises of legitimate employment. There she was met by pimps and other traffickers who forced her into prostitution. She escaped back to Russia 2 months later, and has since been working with the Angel Coalition.

We will then hear from Ms. Irina Veselykh, who was educated as a construction engineer and worked as a supervising financial manager charged with final approval of large construction budgets. She later worked as a senior accountant at a hospital.

She was victimized by traffickers when she searched for legitimate work abroad. She was met in Germany by pimps and others who attempted to force her into prostitution, and was later brought to the Netherlands. She spent time in Dutch prisons for failing to pay a fine relating to using a fake passport forced upon her by her traffickers, and eventually escaped back to Russia with the help of the Angel Coalition.

And finally, we will hear from Mr. Charles Kernaghan, who has served since 1990 as Director of the National Labor Committee. Under Mr. Kernaghan's leadership, the National Labor Committee

has played a legal role in bringing the issue of sweatshop abuses and child labor before the American people and placing it on the national agenda.

Additionally, under Mr. Kernaghan, the National Labor Committee has held public campaigns on trafficking in persons and other human rights issues. And it is nice to have him back. He last testified on child labor several years ago before our Committee.

If you all could come to the witness table. And Ms. Cohn, if you could begin.

**STATEMENT OF MS. SHARON COHN, VICE PRESIDENT OF
INTERVENTIONS, INTERNATIONAL JUSTICE MISSION**

Ms. COHN. Good afternoon, Mr. Chairman. Good afternoon, Mr. Tancredo, Members of the Committee. My name is Sharon Cohn, and I serve as the Vice President for Interventions for International Justice Mission (IJM).

IJM is an international human rights agency that mobilizes legal professionals to do work with local governments, to conduct investigations, and to intervene on behalf of victims of abuse. Specifically, IJM has offices in Latin America, Asia, and Africa that work with local authorities to rescue victims and bring perpetrators to justice in cases of rape, trafficking, force labor slavery, illegal detention, torture, police violence, and other cases of abuse.

I would like to confine my remarks today to this issue of forced labor. But before I do so, I would like to take a moment to thank this Committee for calling this hearing on trafficking. I know that there are many other things that compete for this time, but in calling this hearing you do honor to the victims of trafficking. And in addition, I think you improve the circumstances and environment whereby less women and children and men will be victimized.

This hearing also helps to ensure the ever-increasing excellence of the *Trafficking in Persons Report*. It just is true, and it is my experience that there are little girls and women all over the world whose rescue from serial rape we owe in large part to the excellence of the *Trafficking in Persons Report* and to the vigilance of this Committee, in particular, Mr. Chairman, to your great work on this issue.

Therefore, as I note with great appreciation this year's increased emphasis on the issue of forced labor slavery, I have equal confidence that the TIP Report will serve as a catalyst for the release of forced labor slaves and justice for their perpetrators.

There should be no question as to the prevalence of modern-day forced labor slavery. I think this has been addressed well. Estimates of forced labor slaves range from 4 million to 27 million, some estimates are even higher. In any event, the U.S. State Department's country reports, itself, note that over 100 countries have reports of forced labor or compulsory labor.

Given its prevalence, there is this temptation, however, to minimize the harshness of its reality. There is a temptation to assert that slaves are forced to work only because they owe some money to their slave masters. I would just like to take a minute to address that.

First, there are virtually no contracts in the world that can require specific performance. It is illegal to require someone to perform in order to pay a debt.

Second, the loan itself is almost always a ruse. It is a sham. It is a simple device, like the debt that is incurred by trafficking victims into sexual slavery, and it is done just to lure the potential victims into the trap of forced labor.

The victims are charged interest at extremely high, usurious rates, and are forced to buy their necessities from their master at inflated prices, which ensure that they can never repay the loan. We have been with slaves as they are being rescued, and when they said, "We owe a debt to our masters," have asked them, "Have you ever met anybody ever, any of you, that has ever been able to repay the debt that they owe?" And they look around to each other, and talk among their friends, and no one has ever met anyone who has repaid these debts. The debts are simply a sham used to confine the slaves to their place.

Third, and most importantly, however, the whole system of forced labor requires force and intimidation to bind the slaves to their master. Without this, the slave market simply can't coexist side by side with a global free market. It requires force and intimidation. And we see this in virtually every case we have worked on.

IJM staff members have met thousands of slaves face to face. But what the slaves all have in common is abuse or threats of abuse, and a desperate desire to be free.

I have interviewed female slaves who have described the gruesome ritualistic rape that they have suffered at the hands of the thugs of the master. And I have seen government authorities rescue men who have been severely beaten and held hostage, simply because the master was so outraged that other slaves had managed to escape.

IJM staff members have assisted in the rescue of a man who has been held a slave from 1947 to 1998 without having received a single penny for his labor. And I have heard first-hand a former slave recount how he ran away from his master's facility after his wife committed suicide because of the horrible conditions under which they toiled.

The runaway slave was recaptured by his master 2 years later, taken back to the facility, and beaten ruthlessly. And when he begged for mercy saying he would find a way to repay the money that he owed, the owner suggested that in fact the repayment of the debt was not what he was interested in, but what he was interested in was the manpower.

Our own staff members have been attacked by mobs of hundreds of people organized by local slave owners as we assisted the police in providing slaves with the option of leaving their place of confinement to freedom. These stories are not unique. They typify the everyday experiences of millions of individuals around the world, and the everyday experience of people today in slavery.

Slavery today does bear many similarities to slavery in America's past. For example, now, as then, individuals are essentially required to work for little or no money, and are not free to leave. The one significant difference is that slavery today is illegal. Whereas abolition movements in the past needed to abolish laws that sup-

ported, for example, the African slave trade or Apartheid, today slavery is simply illegal. Countries around the world have enacted laws that clearly identify forced labor slavery as a crime.

Countries have also entered into bilateral agreements and ratified international protocols prohibiting slave labor. Therefore, a massive overhaul of legislation as an expression of the public will is not needed. The public has already expressed itself in the form of laws.

What is needed instead is for us to simply recognize that millions of slaves exist, to identify the slaves, and to hold governments accountable to release them, and to prosecute the perpetrators.

Today's abolition movement cannot be accused of misguided cultural imperialism. Governments have the laws that provide them with the authority to abolish slavery.

Increased attention on slavery will have a grassroots effect. When slave sectors in local market economies are identified and called to account, local free market businesses will also join the call for local government enforcement of the law, because a free market economy and a slave market economy cannot forever coexist side by side, sharing the same market.

Cynics will tell you that we cannot end slavery, that it is simply inevitable. And pessimists will read the TIP Report and be overwhelmed by the amount of injustice in the world.

Of this, however, I am confident. Neither the cynics nor the pessimists will have the last word. Slavery will end, trafficking will end, child prostitution will end. We are just beginning the modern-day abolition effort.

One final note I would make. The TIP Report actually accurately describes, in our view, many problems throughout the world, but it also rightly highlights some successes. We would like to note just one as illustrative of what can be done. On December 26, 2004, a massive tsunami wiped out the southern and eastern coastline of Sri Lanka. Tens of thousands of people were killed. Additionally, tens of thousands of people were displaced, including orphaned children.

Despite the massive devastation to Sri Lanka, the TIP Report states:

“Officials remained vigilant toward the potential of increased child trafficking in the wake of the December 2004 tsunami, and there was no significant increase in reports of trafficking following the tsunami.”

This was our experience in Sri Lanka, as well. IJM spent weeks in Sri Lanka in early 2005 examining government and community post-tsunami emergency child protection efforts. In the face of the devastation experienced by the people of Sri Lanka, we found that the government's child protection response was both credible and effective.

And if a country in the midst of perhaps its worst natural disaster in modern history can take effective action to prevent trafficking, what could be achieved if we treat trafficking in persons, including forced labor, as the global manmade disaster that it is?

Thank you, Mr. Chairman.

[The prepared statement of Ms. Cohn follows:]

PREPARED STATEMENT OF MS. SHARON COHN, VICE PRESIDENT OF INTERVENTIONS,
INTERNATIONAL JUSTICE MISSION

Mr. Chairman and Members of the Committee: My name is Sharon Cohn, and I serve as Vice President of Interventions for International Justice Mission (IJM). IJM is an international human rights agency that mobilizes legal professionals to work with local governments to conduct investigations and to mobilize interventions on behalf of victims of abuse. IJM has offices in Africa, Latin America and Asia and through these offices has pursued justice for victims and accountability for perpetrators of rape, trafficking, illegal land seizures, illegal detention, forced-labor slavery, torture, child sexual exploitation, and police violence.

On behalf of IJM, I would like to express my thanks to you, other Committee members and your staff for making possible this important hearing on the annual "Trafficking in Persons (TIP) Report."

In light of the TIP Report's highlighting of forced-labor slavery this year, I would like to address issues of forced labor in my testimony. IJM staff members have testified previously before the House of Representatives on other issues of trafficking, such as commercial sexual exploitation.

Many people believe that forced-labor slavery has been banished from modern society or exists only as a relic and only in the most isolated corners of the world. Such belief is mistaken. Free the Slaves has stated that there are 27 million slaves in the world. The United States Department of State TIP Report states that:

[a] wide range of estimates exists on the scope, and magnitude of modern-day slavery, both internal and transnational. The International Labor Organization (ILO)—the United Nations (UN) agency charged with addressing labor standards, employment, and social protection issues—estimates there are 12.3 million people in forced labor, bonded labor, forced child labor, and sexual servitude at any given time; other estimates range from 4 million to 27 million.

The United States Department of State considers this issue to be so important that every year it examines forced and compulsory labor practices in countries throughout the world in its Country Reports on Human Rights Practices; in the 2005 report, released on March 8, 2006, the United States Department of State suggested that there were reports of forced or compulsory labor in more than 100 countries.

Even when some people reluctantly admit that forced-labor slavery in fact exists, they try to minimize the harshness of its reality, asserting that slaves are forced to work only because they owe money to their masters. May I respond? First, requiring specific performance for the repayment of a loan is usually illegal. But second, the loan itself is almost always a sham, a simple device to lure potential victims into the trap of forced labor, keeping the victims there by charging them extremely high, usurious rates and forcing them to buy necessities from their master at inflated prices, thereby ensuring that the loan can never be repaid. Third, and most importantly, the whole system of forced labor can only coexist side-by-side with the global free market economy when intimidation or force is used to bind the slaves to their master.

IJM staff members have met thousands of slaves, face to face. What all these slaves have in common is abuse or threats of abuse and a desperate desire to be free. Their stories are shocking.

I have debriefed female slaves who described gruesome ritualistic rape by their master's thugs.

I have witnessed government authorities rescue men who had been severely beaten and held hostage (locked in a shed) by their relatives' master because their relatives had escaped from the master's facility.

IJM staff members assisted in the rescue of a man who had been held as a slave from 1947 to 1998 without having been paid a single penny for his work.

I have heard, first-hand, a former slave recount how he ran away from his master's facility after his wife committed suicide because of the horrible conditions under which they toiled. The runaway slave was recaptured by his master two years later, taken back to the facility and beaten ruthlessly. When he begged for mercy, saying he would repay any debts owed, the owner suggested that he was not interested in repayment of the debt but simply in "the manpower."

Our own staff members have been attacked by a mob of hundreds of people organized by local slave-owners as we assisted the police in providing slaves with the option of leaving the place of their confinement for freedom.

These stories are not unique. They typify the everyday experiences of millions of individuals around the world.

What are we to do about slavery? Slavery in the past, in the United States and the rest of the world, shares many common characteristics with slavery in the world today. For example, now as then, individuals are essentially required to work for little or nothing and are not free to leave. However, there is one significant difference, a difference that should inspire us all. In past abolition movements, great social upheaval was necessary in order to abolish laws that supported, for example, the African slave trade and apartheid. Slavery as practiced in the United States and elsewhere in the past was legal. This means that, for example, African slaves brought to our shores had no recourse, and there were few legal tools to bring to bear against American slave owners.

In contrast, slavery today is illegal. Countries around the world have enacted laws clearly identifying forced-labor slavery as a crime. Countries have also entered bilateral agreements prohibiting slave labor. Furthermore, the Slavery Convention, which entered into force in 1927, binds the nations of the world to preventing and bringing about the abolition of slavery in all its forms. Subsequent conventions—including the Protection of Wages Convention and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery—have developed and refined international law even further. The fact that the Supplementary Convention has been ratified by 106 states, including the United States, illustrates the international consensus in support of the prohibition.

A massive overhaul of legislation as an expression of public will is not needed. The public has already expressed itself in the form of laws. What is needed is for us all to simply recognize that millions of slaves exist, to identify the slaves and to hold governments accountable to release them and to prosecute the perpetrators. Today's abolition movement cannot be accused of misguided cultural imperialism. What is simply being asked is for governments to enforce their own laws and bilateral agreements. International and national awareness and action will have a grassroots effect. When slave sectors in local market economies are identified and called to account, local free-market businesses will also join the call for local government enforcement of the law, because a free-market economy and a slave-market economy cannot forever exist side-by-side, sharing the same market.

Bringing to light the facts of the daily lives of forced-labor slaves can help generate the same national and international consensus that stigmatized and undermined apartheid. America's history of more than 200 years of slavery and the exploitation of millions of Africans should inform our government's and citizens' passion for the issue and generate a desire to partner with other nations to eliminate this global scourge. Already, many powerful people in other countries have named modern-day slavery for what it is. For example, one former South Asian Supreme Court justice describes the life of forced-labor-slaves as follows: "Bonded labourers are non-beings, exiles of civilization, living a life worse than that of animals, for the animals are at least free to roam about as they like... This system... is totally incompatible with the new egalitarian socioeconomic order which we have promised to build..." It is time for us, the citizens of the United States, to recognize that modern-day slavery is real and that we have a responsibility as members of a global market and community to help end it. We at IJM are encouraged by the statement in the TIP Report that "[o]ver the next year, the Department of State, as directed by Congress, intends to continue focusing more attention on forced-labor and bonded labor, while maintaining our campaign against sex trafficking." We look forward to seeing progress made.

Do not be discouraged. Cynics will tell you that we cannot end slavery, that it is as ancient as the stars and that it will end only at the very end of time. Pessimists will read the TIP Report and be overwhelmed by the amount of injustice in the world. Neither the cynics nor the pessimists will have the last word. Slavery will end. Child prostitution will end. Trafficking in persons will end. We are just beginning the modern-day abolition effort. Countries, including our own, have only recognized trafficking as a major problem in the past two decades. The TIP Report itself has only been published in recent years. And yet there is already so much for which we can be thankful.

Notably, while the TIP Report seems in our opinion to accurately describe many problems throughout the world, it also accurately highlights some successes. I would like to end with one such example. On December 26, 2004, a massive tsunami wiped out the southern and eastern coastline of Sri Lanka. Tens of thousands of people were killed. Additionally, tens of thousands were displaced; many of the displaced are orphaned children. Despite massive devastation to Sri Lanka, the TIP Report states that "[o]fficials remained vigilant toward the potential of increased child trafficking in the wake of the December 2004 tsunami, and there was no significant increase in reports of trafficking following the tsunami." IJM heartily agrees. IJM spent weeks in Sri Lanka in early 2005 examining government and community post-

tsunami emergency child protection efforts. In the face of the devastation experienced by the people of Sri Lanka, we found that the government's child protection response was both credible and effective. We congratulate the government of Sri Lanka on its vigilance and the TIP Report for accurately describing such vigilance. If a country in the midst of perhaps its worst natural disaster in modern history can take effective action to prevent trafficking, what could we all achieve if we treated trafficking in persons as the global man-made disaster that it is.

Mr. SMITH. Ms. Cohn, thank you very, very much for your testimony.

Ms. Gnezdilova.

**STATEMENT OF MS. MASHA GNEZDILOVA, RUSSIAN
TRAFFICKING VICTIM**

Ms. GNEZDILOVA. First of all, I would like to thank Congressman Christopher Smith personally, and the House International Relations Committee, for inviting me at this important event and an opportunity to tell the world the truth about the real situation in Germany with trafficking.

My name is Masha, and I am 33 years old. So by education I am a lawyer in the sphere of social services. I worked as an inspector in the social protection department, and also as an inspector, HR inspector, in a medical college.

In 1996 I visited my relatives in St. Petersburg. On the way back, standing in line to get my tickets back, I met a middle-aged woman who seemed very nice. So in our conversation, she mentioned between the lines that she had friends in Germany who were looking for a young Russian woman who can help them around the house. She also mentioned that it will be a good opportunity for me to see the country and learn the language.

So by that time, I had never been overseas, and this offer looked for me very interesting. So the lady took my documents and said that it would be really easy to arrange everything. And at the beginning of 1997, I left for Germany by bus.

In Hamburg I was met by a young Russian woman, and her name was Janna. This woman helped me at the railway station, took me home, and took my passport with an excuse that she has to show that to the people where I am supposed to work.

The next day she met another three young Russian ladies, whom she took home as well, and took their passports as well. The next day she informed me that the job that I looked for is not there, but she promised that I can stay, and then she can help me to find another job.

Janna took us to a club under the name "Six-Forty," where prostitutes worked. She told us that we shouldn't resist, and that we have to work as prostitutes. And actually there is not any sense to resist or complain, because it will be even worse for us, or even be very dangerous.

She threatened us that there is no need, as well, to run away. Because she explained that she had good people, there were people in the police that will immediately return runaways, and then they will be severely beaten up.

I decided in this situation that it will be dangerous actually to resist, and I pretended that I agree with that, and even simulated complete compliance, and pretended frustration when I was not

chosen by clients. Janna believed me, and started to look for an appropriate bar for me. Thus, I worked in several German bars.

One day, together with another three girls, I was taken by Janna to a bar under the name "Savoy," which was on the highway between Hamburg and Hanover. I didn't remember the name of this city, but it was close to Bielefeld, and the bar's name was Savoy. By that time the bar was closed, and in 2 days we found out that it was closed because previously, several Russian girls had been killed there.

So then the bar was opened, and we started to work there as hostesses and prostitutes. We were not allowed to go out, because we didn't have any documents. Fortunately, soon the police came to the bar with a raid and they took us to a police station next to Bielefeld. We were questioned by a Russian lawyer, who sympathized with us, and we were released the next day.

So we didn't know where to go, because we didn't know the language, and we didn't know about any progress, about any organizations that could help us. And plus we didn't have any money. So we returned to the bar to take our things or try to find some help. But by the time we were there, Janna was informed, and she showed up there.

The same night she returned to the bar to take me to another place and sell me to another pimp for \$1,000. I was forced to work as a prostitute at another German bar, and in a week there was another police raid and I was arrested again. So when I was released, I didn't know where to go. And some people, other people helped me to do that, because I didn't know where to go.

So when I went to the police station to get my papers, by the time I reached this police station, they didn't have my documents, and there was no translator to explain the situation. So usually in this situation, when women have no passport and the situation is not clear with them, they are resold again.

So most clubs that deal with trafficking in women and exploit women in prostitution illegally, the same people deal with drugs, as well. So most of them also deal with fake documents. And as I know, some of the girls that were with me in this situation, they were this way, then trafficked to Netherlands with fake documents.

So I couldn't stand this situation any more, and this condition any more. And I stopped eating and threatened my so-called owner that I would actually jump out of the fourth floor. He believed me, and probably sympathized with me, and soon he bought a ticket for me for airplane.

This way I returned home. But 2 years passed, but I was still in depression, and I didn't know how to live further. By chance I found in the newspaper an article about assistance in St. Petersburg that provided assistance for women like me. I called them, and then they invited me to their place. So this way I met Angel Coalition and its members.

I received from them psychological, moral, and financial assistance. I went back to my town and set up my own independent NGO. So it seems like we, Russian women, are placed in an impossible economic condition, and are not needed by our own country. In other countries we are just spit on as prostitutes, when we are really victims.

I see that 10 years passed what happened to me, but the situation is still the same. Is the German Government really not aware of what is happening in their country? It looks like everybody knows everything, and everybody feels okay with what is going on. We think that the government profited from our suffering, exploiting us in prostitution.

That is all.

[The prepared statement of Ms. Gnezdilova follows:]

PREPARED STATEMENT OF MS. MASHA GNEZDILOVA, RUSSIAN TRAFFICKING VICTIM

My name is Masha. I am 33 years old. By education I'm a lawyer in the field of social services. I previously worked as an inspector in the social security services department and as a human resource manager in a medical college.

In 1996, I visited my relatives in St. Petersburg. While standing in a line at the railway station to buy a ticket home, I met a middle-age woman who seemed very nice. During our conversation she mentioned that she has good friends in Germany who are looking for a young Russian girl to assist them with housekeeping. She offered me a chance to go to Germany to see the country and learn the language as well as to earn some money. At the time, I had not been to a foreign country and was unemployed. The opportunity seemed interesting and I agreed. This woman helped me fill out the necessary paper work and in the beginning of 1997 I left for Germany on a bus.

In Hamburg, I was met by a young Russian woman named Janna. She brought me to her home and immediately took my passport away, acting as though she wanted to show it to the people I was supposed to work for. The next day, she met three more Russian girls at the bus station and brought them to her home as well. Their passports were also taken away. Later that day, Janna informed me that the job I had been promised did not exist. However, she said that there was no need for me to go home as she would provide me with another job. Janna took all of us by car to a bar called "Sixty Four" where prostitutes worked. Janna told us that we would work as prostitutes and that there was no sense in resisting or complaining—in fact, it would be dangerous to do so. She threatened that if anyone tried to escape to the police she would be severely beaten since they have their own people in the police and runaways would be returned regardless and punished.

I decided not to behave aggressively and pretended to be completely compliant; I even tried to demonstrate frustration when clients did not select me. Janna believed my act and began looking for an appropriate bar for me. This is how I came to work in several German bars.

One day, Janna brought me and three other girls to a bar in a small city on the highway Hamburg-Hanover. I don't remember the name of the city, but it was close to Bielefeld. The bar's name was "Savoy" and it was closed. Two days later, we found out that the reason the bar was closed was that several Russian girls had recently been murdered there. Now that the situation with the police had been cleared up and the club re-opened, we were brought in to replace the murdered girls. There we found the clothes, underwear and purses of the murdered girls.

At the bar's grand opening, we worked as hostesses and prostitutes. We were not allowed to leave this place and had no documents. Fortunately, approximately a week later the bar was raided and we were taken to the police department in Bielefeld. At the police department, a Russian female lawyer questioned us. She pitied us and we were released into the streets. We did not have anywhere to go. No one told us about any shelters or services. We were lost and afraid in a strange country. We didn't know the language and had no money, so we went back to the bar.

We had hoped that we could get our things, call for help and arrange our escape but there was someone at the bar waiting for us who called Janna. That evening, Janna came to take me back to Hamburg. There she sold me to another pimp for \$1000 and again I was put to work in one of the German bars as a prostitute. In a week this bar was also raided by the police and I was again detained at the police department. Later, I was released and was supposed to pick up my documents at another place. I did not know German or the city but kind local people helped me get there. When I finally got there, they did not have a translator but my documents were ready for my deportation from Germany. I wanted to explain what had happened and that I shouldn't be deported, but nobody wanted to listen or talk to me and I ran away.

Usually when a girl's visa expires or when she is detained by the police, the traffickers provide her with a false passport (at that time for me it was a Polish one)

and they immediately traffic her to the Netherlands. Most of the criminal groups have clubs in both Germany and the Netherlands, where they also sell drugs.

The other girls from the German night club were given false passports and trafficked to Holland, but I could not tolerate it anymore. I stopped eating and told my pimp that I would jump from the fourth floor. He believed me and was afraid that I would draw more attention from the police; I don't know exactly why, but this man helped me buy a ticket home and come back to Russia.

Thus, in two months I was back home. But even two years later, I was depressed and had many troubles. Then I found an ad in a newspaper for the St. Petersburg Crisis Center for Women, which provides psychological assistance to the victims of human trafficking. I contacted them and they invited me to come in. This is how I came across the Angel Coalition. From them, I received psychological, moral and material assistance. I went back to my town and started an NGO which is a member of the Angel Coalition.

It seems like we Russian women are placed in impossible economic conditions and are not needed by our own country. In other countries, we are spit on as prostitutes when we are really victims. Ten years have passed since I was trafficked, but the situation has still not changed.

Is the German government really not aware of what is happening in their country? Or are they happy to profit from our suffering?

Mr. SMITH. Ms. Gnezdilova, thank you very much for your testimony. And I truly believe, and I hope it is conveyed back to Germany, that your testimony is not just a challenge and it is not just an appeal; it is really an indictment of the policy of the German Government.

And the fact that all of this happened when perhaps the police were actually raiding brothels, since it has been legalized just a couple of years ago in Germany, I am sure those numbers have diminished rather significantly.

So thank you. And when you mentioned that you replaced murdered girls, that must have been harrowing in itself, wondering what your fate might be, as well, as a replacement for those murdered girls. So thank you for your bravery, and for forming your own NGO, and for enlightening us and helping us better understand the tragedy of human trafficking.

I would like to now ask Ms. Veselykh if you would provide your testimony.

STATEMENT OF MS. IRINA VESELYKH, RUSSIAN TRAFFICKING VICTIM

Ms. VESELYKH. Good afternoon, ladies and gentlemen. I want to also say that I would like to thank Congressman Christopher Smith personally, and the House International Relations Committee, for inviting me to this important event, and give an opportunity to tell the truth about the situation with trafficking in Germany.

My name is Irina Veselykh, and in 1983 I graduated from construction college, and then, since 1984 until 1991, I worked as an engineer at the local construction company.

In 1986 I got married, and I have two daughters from this marriage. At Perestroika time, I decided to get another education, and this education was in bookkeeping, because by that time this profession was in demand. And with this profession I worked as a bookkeeper in a clinic.

So it happened that my husband became an alcoholic, and he got many debts. And of course, most of the debts were the debts of our whole family. So I had to change my profession again. I had 1-year

course in massage and cosmetology, and then I moved to Volgodonsk.

So it was hard with my specialty and my salary of \$100 to raise my children, and my husband didn't help me with all those debts. Once in a newspaper by chance I found an ad about employment overseas.

So this appeared very promising, and I thought that if I work for 6 months or a year, it will be enough to earn enough money to cover the debts that my family had. Plus, they said that they would give me advance of 500 euros, and they said that they would arrange everything with visa. They promised that my work would be as a waiter, and my final salary will be 800 or 900 euros.

So this company had an office in Volgodonsk and Volgograd. And they said that they will arrange for me a contract, and arrange all the appropriate documents for me.

I went to Germany by bus via Poland. And finally I arrived at Bremen, where I was met by a Russian capo, who immediately told me, in the rough form, that I shouldn't expect any work as a waitress, and I will work as a prostitute. And they explained that there is no sense to resist or to complain again. And plus that when I tried to resist or contradict, they said that I have 1,000 euros debt on me.

I refused to work, and then they severely beat me up. So when I tried to say that I would go to police or threatened them that I would go to police, they said that it won't help, because the police is bought, and most pimps work under the cover of police officers. And plus, I didn't have any documents. And they said if you don't have documents, they will arrest you and put you in jail. Plus they showed me the pictures of murdered girls who tried to approach police.

So I had to succumb. And then this married capo pointed for me in work as a prostitute, and I immediately left for Canary Islands. Then later they resold me to another pimp under the name "Viktor" who worked in Bremen. So Viktor had a business in Bremen that sold girls to different European countries, including Belgium and Netherlands. So they sold Russian girls for 15,000 euros each. Plus they hold a network of brothels around Germany, and I was sent to one of those brothels.

So the brothel that I got to was owned by Toni, a woman Toni. So Toni's brothel was run illegally, so they had illegal status, though the women who worked in this brothel had fake documents on them, as their real documents were taken away by pimps.

Viktor and his wife were from Lithuania. So they need for me Lithuanian fake passport. That actually increased the sum of my debt to 2,000 euros. I didn't get this passport into my hands, because they keep it so I couldn't run away.

So the pimps in this brothel threaten us that we shouldn't try even to run away, and they kept our documents. Plus they said that they know our family members, and if we try something they can easily find them, and then it will be dangerous for our family members. So plus that we had big debts, and we couldn't cover that.

By the time they realized that, they decided to resell us. So that is how we ended up in another club under the name "Diplomat" that was next to Holland, on the border with Germany.

So there in that club, we had to serve so many clients. Besides me there were another three Russian ladies who actually worked there as well, with fake passports, and were forced to serve many clients.

At that time I took a decision to run away. And with an assistance from another Russian young woman under the name Tatiana who helped me to get my fake documents back, I run away. And I said that soon I will help her, as well, because she refused to run away with me, being so threatened.

So with the help of Tatiana, who actually stole these fake documents from the owners, I could run away. She said that she cannot run away with me because she had a son back in Russia, and she was afraid that something would happen to her son, because the pimp had threatened her.

So then later I found out from one of the Russian clients that this young girl was murdered because of helping me with my documents.

So in that runaway, I was helped by other girls from the club as well, who helped me to call a taxi and arrange with a man under the name Ben from Dutch city, Van Shoten, who was an owner of a club, "Antenna," and was well known for helping women like me in these situations.

So in Antenna Club, I didn't work as a prostitute, and I found in a way a shelter there. But Russian mafia found me there, and then informed me that they would kill me next day. At that night, again with the help of Ben who, together with his friends, took me in a car to a different place, I could escape and run away from death again.

So Ben's friend's place, I live at the garage. And they fed me there, and also provide me some money. Later I run away to another club, and they suggested if I want, I can earn some money if I work as a waitress serving beverages.

Many Dutch people were very kind to me, but Russian mafia was after me. And the only good decision in this situation was for me to go to police. But it was dangerous because, again, mafia was after me. So I applied to police, Dutch police, and they helped my 21-year-old daughter, who knew English, to come to Netherlands to help me with my case.

As my daughter arrived, we immediately went to an appropriate police office. But as we reached this office and explained what happened to me, they immediately arrested me with a charge for the fake documents, for 5 days.

Since that time the long process of investigation and interrogation started, with misunderstanding on the side of Dutch police and authorities. So they called me guilty for using a fake passport, crossing the borders. And that actually was produced not by me, but by perpetrators. I provided all information I knew about the traffickers with the hope that it would help. But instead of that, I became a perpetrator, and was arrested and put into jail.

So they didn't provide me with any attorney or advocate to help me in this situation that could help me to explain what happened.

And they didn't even inform me that I was charged for using a fake passport, but indeed that actually, in reality, I didn't use.

So nobody listened to me. And with all the information I provided them with the hope for justice, it happened just the opposite; that instead of getting good assistance with expectation that these perpetrators will be punished, different happened. So I was completely unprotected and treated badly.

As the crime happened in Germany, they had to contact and pass the case to the German police. And it took more time, because then I was sent to another place and they interrogated me again, and started to collect all the data I had again. Everything I told was confirmed, and in 2 weeks I could meet my daughter.

With the help from my daughter and some group Dutch people, I could obtain a special benefit, social benefit from the local government, that could hardly let me cope with payments for my lodgings. And I didn't have enough money to buy even food.

After that my daughter left for Russia, but I stayed there to participate in the further investigations, where I was supposed to give further testimony. Waiting for continuation of proceedings of this investigation lasted for 2 years. For that period I didn't hear any developments or any news on this investigation from the local authorities.

I couldn't stand it any more, and I again applied to the local authorities with a request to return me back to Russia, because I couldn't stand it any more. And I also explained that if they need further testimony, I can return and give this testimony. I was not in a good health by that time, and my children lived in Russia. And in this situation, I even tried to commit suicide.

Instead of sending me back to Russia, the Dutch police recalled that previous case with fake documents, and charged me with this again. And I spent another 3 months in a jail for an old crime, so-called crime, that I didn't commit. So the actions on the behalf of national and migration police contradict each other.

Within the months that I spent in jail, I didn't have any advocate or an interpreter. For me there were no opportunities to contact my relatives and my children. I tried not to eat. I tried to protest that, trying to find some justice. But instead of that, I was placed to another cell in a very, very bad condition, with the only mattress on the floor.

Later, with the help from another young lady from Russia who was in the same jail, I could manage to get an advocate who for the first time let me contact my relatives back in Russia.

The only help at that time that I could get, it was from the Councillor in Netherlands, who gave me a help line of the Angel Coalition, and help me to contact the police officers in Dutch Embassy in Moscow and Russian Councillor in Hague.

Police officer contacted the police in Netherlands, while the Angel Coalition members tried to be in constant contact with my relatives, constantly updating them about the situation with me.

So after 3 months of imprisonment with 30 euros in my pocket, I was just thrown out on the street. Police had to take me to the consulate, but they preferred to just leave me on the street. Only the local people, the Dutch people, helped me to reach this Embassy.

From the consulate I was placed for a short period of time in a shelter while the local authorities tried to solve the situation with my documents. Back to Russia, in the airport, I was met by the members of the Angel Coalition who helped me to buy a ticket back home, paid for my hotel for 1 night, and provided me with medication. That was the only human treatment that I got after all these months of suffering.

Angel Coalition is still helping me. I didn't commit any crime in any of those countries where I have been. Why was I placed into jail? People that tortured me still are free, and they continue to exploit other young women under the cover of their local police. And with their policy of legalized prostitution, my rights were violated. Who will be responsible for that?

In this country, the rights of immigrants are constantly violated, those ones who got in a difficult situation. But their government, as it looks to me, don't even try to deal with that or be responsible for that, because it looks like they are quite satisfied with what is happening in their country.

[The prepared statement of Ms. Veselykh follows:]

PREPARED STATEMENT OF MS. IRINA VESELYKH, RUSSIAN TRAFFICKING VICTIM

My name is Irina Veselykh. In 1983, I graduated from the construction college in Amur and from 1984 until 1991 I worked as an engineer in the department of production at a construction company. I was married in 1996 and I have two daughters. During perestroika (1992–1997), I re-qualified to be an accountant and later worked as a senior accountant at a hospital.

Afterwards, I divorced my alcoholic husband, took a one-year course in massage and cosmetology, and moved to Volgodonsk where I worked in a clinic as a physiotherapist. I was only making \$100/month and supporting two children on my own.

Because I needed more income and was in debt, I began looking for advertisements for short-term work abroad. I had hoped to work for a maximum of six months to one year and send the money home to my children.

I came across an advertisement offering work abroad in the newspaper "Chance." The company that I turned to for help finding work appeared to be entirely legitimate and I didn't feel any apprehension. The Agency for Employment Abroad offered me work as a waitress. I was given 500 £ for a visa, tickets, and travel with the understanding that I would return 1000 £ when I was working. I was to earn 800–900 £ a month. Everything was arranged from the company's offices in Volgograd and Moscow. I was told that I would have a six month contract once I arrived in Germany. I signed their contract since everything seemed trustworthy and they assured me that the work in Germany was legal.

I traveled by bus through Poland without any money for food. When I arrived in Germany in the city of Bremen, I was met by two extremely rude young Russians named Evgeny and Tatiana. They took my passport and informed me that there was no waitress job and that I was expected to work as a prostitute. When I objected, they told me that if I wanted to go home I had to pay back the 1000 £. I tried to refuse and they beat me. When I threatened to go to the police, I was warned that the police had been bought off and that without my documents I would be considered the criminal. They said that all the pimps are working under the protection of the police. They control girls with the help of the police. They showed me photographs of dead girls who had tried to go to the police.

I was terribly shocked and afraid. I decided that the only way to survive was to cooperate. Almost immediately, Tatiana and Evgeny left for a vacation in the Canary Islands and I was sold to another man, Viktor, who was running a business in Bremen selling young Russian girls to Belgian pimps for \$15,000 a piece. I started working in a brothel managed by a German woman named Tony. This was a kind of point of dispensation—some women were sold to Belgium, some to the Netherlands and other places. I was popular with German and Dutch men so they kept me there. The majority of men were Germans.

Tony's place was a legal brothel but she knew that most of the women there were illegal and had no documents because all of their documents had been taken by the

pimps. Viktor and a Lithuanian woman named Monika gave me a fake Lithuanian passport. All the new Russian girls who came were forced to buy the fake Lithuanian passports for 2000 £. However, Viktor kept the actual passports and the false ones. In addition, Viktor and the other pimps reminded all of us constantly that they knew where our families were and they would kill our children if we tried to escape.

I complained that I could not pay my debts, so they sent me to a different club where I could service more clients and pay lower rent. I was then taken to a club called "Diplomat," which is in the Netherlands on the border with Germany. But I saw right away that no matter how many men there were, I could never repay the debts. I immediately made the decision to run away. There were three other women, also terrified, who had already been living there for a few months (also on false documents). A beautiful Russian girl by the name of Tatiana helped me try to run away by stealing my fake passport and all of my real documents from the pimps. She said she could not go with me because the pimps had threatened to kill her two year old son back in Russia. She wanted me to get away and get help for her and her family. But I later learned from Russian men who were trying to help me that she was killed for helping me.

Other girls in the club helped me escape and I took a taxi to the town of Van Shoten, looking for a man named Ben who owned a nightclub called "Antenna" and was known to help girls escape from trafficking and the Russian mafia. He helped hide me but the Russian mafia found me working as a hostess and told me that I was going to be killed. That night Ben took me by car to his Dutch friends, who hid me for two weeks in their garage and brought me food while I was being hunted. I was moved from one place to another, working in nightclubs as a waitress but not as a prostitute.

Many good Dutch people tried to help me, but I was always followed by the Russian gangsters. I needed to get to the police but it was dangerous. The Dutch people I was staying with brought my 21 year old daughter to Netherlands to help me. With my daughter, who speaks English, I went directly to the police. But at the police station, I was immediately separated from my daughter and detained for five days by the Dutch National Police. So began a long, terrible process of multiple questionings and misunderstandings by the authorities.

The authorities wanted to charge me for using the false passport that I was provided by the criminals. I gave the Dutch police all of the information about what had happened including information about the traffickers, the Russian mafia. I told them everything I knew and I thought they would help me. I was not provided with a lawyer and I was suddenly told that I had to work out the fine levied by the judicial system of Netherlands for the use of a false passport. I hadn't even used that passport and did not agree with the decision of the court. But who listened to me? After all the assistance that I provided the investigators, I was placed in humiliating conditions and remained in serious danger without protection from the Russian gangsters.

After determining that the crime had taken place in Germany, the Dutch National Police turned me over to the Migration Police and they placed me in a shelter. I provided the authorities with all of the information again while the police investigated and verified every part of my story. After two weeks, I was released from the shelter and I returned to my daughter.

But eventually, my daughter had to go home to work. I stayed in the Netherlands for two years living only on the small benefits I received with the help of kind Dutch people. Finally, I grew tired of this situation. I could not wait any longer for my appointment in court living in such circumstances. I told the Dutch authorities that I wanted to go home. I said that I would return if they needed me to testify, but I was very, very tired. My health was poor. I missed my daughters. I was constantly depressed and often thinking about suicide.

But instead of helping me go home, the Dutch government decided I had not suffered enough and placed me in prison for three months because I didn't pay the fine for using a false passport—a fine that I didn't know about. There was a contradiction between the Dutch National Police who wanted the fine paid and the Immigration Police who acknowledged that I was a victim of trafficking.

For one month, I was not allowed to get in contact with lawyers or with my relatives. I started a hunger strike to defend my innocence, but as a result I was put into solitary confinement with only a mattress on the floor.

I was only able to get help when my daughter contacted the Russian consul in the Netherlands with the help of the Angel Coalition in Moscow. My daughter had called the Angel Coalition Trafficking Victim Assistance Center on their toll-free helpline and the Angel Coalition contacted the Dutch law enforcement liaison officer at the Dutch Embassy in Moscow. He began investigating with the Dutch police

while the Angel Coalition worked with my family. I was released on the street with 30 €. The police were supposed to take me to the consulate but they gave me no help. Local people helped me get to the consulate. From there I was sent for a short time to a shelter and then returned home to Russia. The Angel Coalition met me at the airport, gave me a ticket home, and provided me with medicine. This is the only human assistance that I received during the entire time that I was in this terrible situation. The Angel Coalition is still helping me cope with all the terrible things I went through in Germany and the Netherlands.

I did not commit any crime in those countries and I was put in prison for absolutely nothing. The people who involved me in that situation are still free and continue to traffic women under government cover. My rights were violated—who will pay me back for all of my suffering? In those countries, the rights of immigrants in difficult situation are violated and their governments do not want to take responsibility for what is happening on their territory.

Mr. SMITH. Ms. Veselykh, thank you so very much for your testimony, and again for making the long trip to be here. It does, again, help this Committee, and helps the Congress by extension, and the Executive Branch, with Ambassador Miller here, and Ambassador Ormond who has remained as well, to hear again, and to get motivated to combat this outrage that you have suffered. So thank you so much.

We will have to take a very brief break. There are seven votes on the Floor. They are 2-minute votes, so they are very quick, and then I will come back and reconvene the hearing. And then we will hear from Mr. Kernaghan and proceed with any questions.

And I thank you in advance for your patience, and I apologize for it.

[Recess.]

Mr. SMITH. Sitting in again, I want to apologize to our witnesses for that lengthy delay. There were eight votes, I think it was eight, on the Floor, and it took longer than they were advertised. So I do apologize for that.

Mr. Kernaghan, you were next. Please proceed.

**STATEMENT OF MR. CHARLES KERNAGHAN, DIRECTOR,
NATIONAL LABOR COMMITTEE**

Mr. KERNAGHAN. I wish everyone in the United States could have heard their stories this morning. It was incredibly powerful. And I think the American people are quite decent and would be sickened by what they heard.

I want to discuss human trafficking and involuntary servitude under the U.S.-Jordan Free Trade Agreement. Today there is an estimated 300,000 foreign guest workers employed in Jordan as domestic help in agriculture, construction, and also in Jordan's garment factories, which export \$1.2 billion a year of apparel, duty free, to the United States. Many of these guest workers are victims of human trafficking, and are being held today under conditions of involuntary servitude.

Our research focuses on the conditions faced by the guest workers in Jordan's factories, their garment factories. There are 36,500 foreign guest workers in Jordan's garment factories from Bangladesh, China, Sri Lanka, and India. They are employed in 114 export factories, more than 90 percent of which are foreign-owned. And how the system operates, in Bangladesh, for example, the Bangladesh guest workers, the prospective workers, will see ads in the newspapers in Bangladesh advertising terrific jobs in Jordan.

If you go to Jordan you are going to make \$134 a month as a base wage. You are going to get \$250 a month with overtime. They tell you you are going to have Fridays off, the Muslim holiday; you are going to have all national holidays off in Jordan. They tell you that you are going to have free healthcare, you are going to have free food, free housing. And they tell you these services are very good. They say, "You are going to live like they do in the West."

And so the workers in Bangladesh, where the wages are about 21 cents an hour in the garment industry, they think to themselves, we are going to make a killing in Jordan, we are going to help our families.

But the catch is you have to pay for these contracts. To get a 3-year contract to work in Jordan, you have to pay about 180,000 Taka, which is \$2,657. Well, that is an enormous amount of money in Bangladesh, and these are poor workers. So they go out into the informal market and they borrow that money at exorbitant interest rates, at least 5 percent to 10 percent a month, meaning that loan more than doubles every single year.

They take these loans, and they head to Jordan. But there is another catch in the contract: You can only work for one factory. You can't leave that factory and work anyplace else, you are tied to that one factory.

So the workers get on a plane, like 100 Bangladesh workers did to go to the Al Shahaed factory in Yobid, which is a large city in Jordan. They went to the Al Shahaed factory. When they arrive at the airport, their passports are immediately confiscated by management.

Management wouldn't give them their residency permits, which are necessary documents. You can't go out onto the street without your residency permits. If the police stop you, you will be detained and deported. So these workers were virtually held as prisoners inside this factory, unable to leave.

They found themselves working 15 hours a day, 30 hours a day, 48 hours a day, 72 hours straight. They would go 2 and 3 days in a row without sleep. They worked 7 days a week. Instead of getting the \$250 they were promised, they got 2 cents an hour. They got \$2.31 for a 98-hour work week.

When workers asked for their wages, they were imprisoned. Workers would spend 3 days in prison without food for asking for their wages. If workers complained about food in the factory, food that was supplied by the company, the workers were beaten with sticks, beaten with belts.

Twenty-eight workers shared each tiny room, 12 foot by 12 foot. They had access to water just once every 3 days. And in desperation, when the workers finally asked to be paid at least part of their wages, they were forcibly deported back to Bangladesh. Many of those workers today are back in Bangladesh hiding in Dhaka City, driving bicycle rickshaws, because they can't return home to their villages because they can't pay up their loans. And there is no way they will ever be able to pay up those loans now that they are back in Bangladesh.

They were trafficked out of Bangladesh. They were sent to Jordan under false pretenses. They were abused and exploited, and

now they are back in Bangladesh, and they and their families are going to sink deeper and deeper into misery.

The same thing happened with workers who responded to an ad in Bangladesh to go to work in the Western Factory, also in Al Shahaed. Both these factories make clothing for Wal-Mart. The minute they arrived in Jordan, their passports were also confiscated by management. They didn't receive their residency permits, either; they were virtual prisoners.

They had to work 16 to 20 hours a day, 7 days a week. They worked 109 hours a week, and yet routinely they were not paid for months on end.

So for example, in the beginning of 2006, for the first 4 months of 2006, the Western workers did not receive 1 cent in wages, despite working 109 hours a week, making clothing for export to the United States, which enters the United States duty free.

When these workers asked for their wages, they were beaten and threatened with forcible deportation.

We went on a delegation with the steelworkers to Jordan in mid-May. And we were given numerous guarantees by the Government of Jordan that there would be no retaliation against any workers who met with our delegation.

Well, sad to say that two workers from a factory called Saidan that met with our delegation, they were beaten and forcibly deported at gunpoint, and sent back to Bangladesh without their back wages, and without even their meager belongings, for the simple crime of meeting with the United States delegation.

Right now in the Saidan factory, which is making clothing for L.L. Bean, the workers are working 56 hours a week of overtime with not 1 cent of overtime pay. The owner has recently told the workers that if they complaint about their wages, they, too, will be sent back to Bangladesh with nothing, just as the two workers were who had met with our delegation.

Just last Sunday, in a factory called Al Nahat, 25 workers had the courage to try to do the right thing. They went to the local labor court to try to get help, that they would receive some of their back wages.

When the owner of the factory found out that the workers had gone to the labor court, he brought them together, he took out a pistol, and he held it to the heads of many of the workers. And he told them if you dare go back to the labor court to complain about your wages, we will shoot you, or you will be forcibly deported.

In Al Nahat they are working right now from 7:30 in the morning until 11 o'clock at night, minimum 15½-hour shifts, 7 days a week. They get no days off whatsoever. They are being cheated of more than 60 percent of the wages that are legally owed them. They are in a situation of great desperation, both in the Saidan factory and in Al Nahat. The workers are fearing for their lives. The situation is rapidly deteriorating.

I could go on with many of these horror stories about these guest factory workers in Jordan who are being trafficked, and who are being held under conditions of involuntary servitude, who are being exploited, who are being abused.

In the Western factory there was very credible evidence that several of the young women from Bangladesh were sexually assaulted;

one 16-year-old girl was raped. There is credible evidence about a young girl hanging herself in a bathroom in the Al Shahaed factory after she was raped by management. I think the clear picture of what has happened in those factories is only beginning to emerge now.

But I also want to say there is some good news. The Government of Jordan has responded seriously and quickly. If the Government of Jordan fulfills what it says it intends to do, then Jordan will be on the road to ending human trafficking and ending involuntary servitude, and restoring the rule of law in its factories.

Along with this, United Steelworkers has asked Jordan to demand that the factories immediately return the workers' passports. We also are asking the Government of Jordan to give the workers the right of portability. To be tied to one single factory is a form of modern slavery. The Supreme Court in Israel just announced that with their own guest worker program. They also return the passports, but they are also ending tying workers to specific factories or job locations. Workers have to have the freedom to move from factory to factory, or job site to job site. That is the only way to punish bad factories and reward good factories.

The workers in Jordan also need help, especially in the subcontract factories. There are 55 subcontract factories in Jordan which are operating below the radar screen. They are not being monitored by the mate United States companies. Most of the violations taking place in those smaller subcontract factories are the most egregious violations.

We are asking the Government of Jordan to give special attention to these 55 subcontract factories, and to put permanent monitors in those factories to secure the workers, the safety of the workers. And in those factories where they have the worst violations, they need to shut those factories down. They need to prosecute those factory owners, and they need to safely relocate those workers into better factories so they don't suffer any further.

In Jordan, the guest workers have no right to organize, which is a violation of the labor practices. So we have asked the Government of Jordan to amend the bylaws of the local unions so that the local unions can accept as members these guest workers. These guest workers must have freedom of association, the right to organize, and the right to bargain collectively.

So having said that, I really feel that the Jordanian Government is taking this seriously. We know right now on the ground in Jordan—we are monitoring it every day—we know that factories are shutting down earlier now. Most factories are closing down at about 9:00, after a 13½-hour shift, but that is much better than working until 11 or 12 or 1 o'clock in the morning, or much later.

Most factories are coming into compliance with the minimum wage law of 64.5 cents an hour. Not every one, but most factories are moving in that direction.

Workers are now getting 1 day off a week, most factories, on Friday, the Muslim holiday.

However, overtime pay all across Jordan is being violated, even in the big factories producing under direct contract for United States companies. There are still serious problems in Jordan. In

only two or three factories, that we know of, have the workers actually received their passports back.

So despite the good intentions, workers still have not received their passports back. Overtime wages are violated in the majority of factories across Jordan. There are workers in these 55 subcontract factories which are living under an atmosphere of terror, fear, threats of beatings, shootings, and being forcibly deported.

So I think it is very important that we keep pressure on the Jordanian Government to act on its good intentions. And again, if they do so, Jordan will then become a model of fair labor standards and respect for human, women's, and workers' rights across the Middle East and beyond.

Jordan is really at a crossroads, and they could come out as a model, or if these intentions are not implemented, Jordan will be a sweatshop with some of the worst conditions we have ever seen. They rival China, actually. It is completely out of control. And we are now very hopeful that the Jordanian Government will implement concrete steps to bring these factories into line with Jordanian law, and with United States commitments on the U.S.-Jordan Free Trade Agreement.

So thank you very much.

[The prepared statement of Mr. Kernaghan follows:]

PREPARED STATEMENT OF MR. CHARLES KERNAGHAN, DIRECTOR, NATIONAL LABOR COMMITTEE

HUMAN TRAFFICKING & INVOLUNTARY SERVITUDE UNDER THE U.S.-JORDAN FREE TRADE AGREEMENT

There are an estimated 300,000 foreign guest workers employed in Jordan as domestics, in construction and agriculture, and in factories producing goods for duty-free export to the United States. Many of these guest workers are victims of human trafficking and are being held under conditions of involuntary servitude. Our research focuses on the 36,149 foreign guest workers, mostly from Bangladesh, China, Sri Lanka and India, who work in Jordan's 114 export factories, over 90 percent of which are foreign-owned.

The system operates like this. In Bangladesh, workers respond to local newspaper ads offering good jobs in Jordan, promising to pay \$134.28 a month for regular hours and up to \$250 a month with overtime. Workers will have Fridays and national holidays off, they are told. Medical care, food and housing will be entirely free. The workers are told they will live well, "like they do in the West." The only catch is that the prospective guest workers will have to pay the Bangladeshi recruitment agency typically 180,000 Taka, or \$2,657, to purchase a three-year contract to work in Jordan. As poor workers, they have no choice but to borrow the money on the informal market, at exorbitant interest rates of five to ten percent a month. Some families sell land or cattle to send a daughter or son to Jordan. The contract also ties the guest worker to just one factory, prohibiting them from working anywhere else.

Over 100 Bangladeshi workers responded to an ad to work at the *Al Shahaed* garment factory in Irbid. Upon their arrival at the airport, management immediately confiscated their passports. Nor were the workers provided with residency permits, without which they could not go out on the street without fear of being detained by the police for lack of the proper papers.

Once in the *Al Shahaed* factory, the workers found themselves forced to work shifts of 15, 38, 48 and even 72 hours straight, often going two or three days without sleep. They worked seven days a week. Workers who fell asleep at their sewing machines would be slapped and punched. Instead of being paid the \$250 a month that the ad promised, the workers earned two cents an hour, or \$2.31 for a 98-hour workweek. Workers who asked for their legal wages could be imprisoned up to three days without food. Workers who criticized the food the company provided were beaten with sticks and belts. Twenty-eight workers had to share one small 12-by-12-foot dorm room, which had access to running water only every third day. These workers sewed clothing for Wal-Mart.

When, in desperation, the workers demanded their legal wages, they were forcibly deported and returned to Bangladesh without their back wages. Many of these workers are now hiding in Dhaka City and peddling bicycle rickshaws to survive. They cannot return to their home villages because they have no possible way to pay off the mounting debt they incurred to go to Jordan in the first place.

At the *Western* factory, also in Irbid and producing clothing for Wal-Mart, Bangladeshi guest workers who were trafficked to Jordan faced much the same fate. They too were stripped of their passports and forced to work 16 to 20 hours a day, seven days a week. Despite working 109 hours a week, the workers routinely went for months without being paid. In the first four months of 2006, the Western workers were not paid a single cent in wages. There are also credible reports of sexual abuse, including the rape of a sixteen year-old girl. Workers who asked for their wages would be beaten and threatened with forcible deportation.

For the "crime" of meeting with a visiting U.S. delegation in May 2006, two workers from the *Saidan* factory in Sahab were beaten, forcibly deported at gunpoint and returned to Bangladesh without their back wages or even their meager belongings. Now they and their families are sinking into greater misery and debt. Despite being forced to work 56 overtime hours a week, the workers at the the *Saidan* are paid no overtime. Workers who dare complain are told that they too will be deported, just like the two others. The workers say the atmosphere in the factory is extremely tense, and they are afraid they will be attacked and beaten.

Just this last Sunday, June 11, twenty-five workers from the *Al Nahat* garment factory in Sahab went to the local labor court to ask for help in winning the back wages they are owed. Forced to work 15½ hours a day, from 7:30 a.m. to 11:00 p.m., seven days a week, the workers are routinely cheated of over 60 percent of the wages legal due them. *Al Nahat's* owner responded by holding a pistol to many of the workers' heads, telling them that if they return to the labor court, they will be shot or forcibly deported with nothing. Here too, the workers are afraid that violence could break out at any moment.

The images described, of workers from Bangladesh being trafficked to Jordan where they are held under conditions of indentured servitude, exploited and abused, are of course bad news.

The good news is that the Government of Jordan has responded quickly and seriously, and if their stated intentions turn into reality, they will be on the road to ending human trafficking and restoring the rule of law in Jordan's export factories.

The National Labor Committee and the United Steelworkers Union have asked the Government of Jordan to demand that all factory owners immediately return the workers' passports. The practice of tying guest workers to a single factory is also a form of modern-day slavery which must end. Workers need the right of portability, so they are free to leave abusive plants to work in Jordan's better factories. Special attention must be paid to the 55 subcontract plants in Jordan, which largely operate beneath the radar screen and where the worst abuses occur. In the worst cases, these factories should be closed, the owners prosecuted and the workers safely relocated to better factories. A message must be sent loud and clear—that in Jordan, human trafficking will never again be tolerated. Guest workers must also be guaranteed the rights to freedom of association, to organize unions and to bargain collectively, which are among the International Labor Organization's core worker rights standards.

The positive steps that the Jordanian Government is about to implement should go beyond the factory workers and also include the foreign guest workers employed, and often abused, working as domestics, in construction and in agriculture.

Jordan is now at a crossroads, and hopefully will emerge as a model of fair labor standards, the rule of law and respect for human, women's and workers' rights. Under the U.S.-Jordan Free Trade Agreement, we must demand nothing less.

Mr. Chairman, thank you for inviting me to testify at this important hearing on human trafficking.

Mr. SMITH. Thank you very much for your testimony, and for your work all these years on behalf of workers' rights.

Let me just ask you, apart from being designated Tier 3, and I would note for the record that the TIP office at any time can designate any country any level—1, 2, Watch List, or Tier 3. It is not subjected to just the annual review. Ambassador Miller and his shop were so convinced by the data and persuaded others within the State Department, Jordan could be designated Tier 3, and

could be done so tomorrow, based on evidence that is presented to him.

The idea behind that flexibility is so that we don't get at least the appearance of cooperation with the U.S. Government and with NGOs on trafficking as the review period comes to an end, only to revert and fall back to bad habits.

Let me just ask you, apart from Tier 3, does the United States have any mechanisms under United States law, especially the Free Trade Agreement, that could be triggered by this exploitation of laborers in Jordan?

Mr. KERNAGHAN. Under the U.S.-Jordan Free Trade Agreement—which was considered a model at the time because it does actually include worker right provisions, worker rights language at the core of the agreement, not in a sidebar, much stronger than the North American Free Trade Agreement (NAFTA)—the problem was there was a loophole put in the Free Trade Agreement that allowed Jordan to use its resources in any way they thought reasonable. So if the Minister of Labor said it didn't have the resources to implement Jordanian law, they didn't have to.

And what happened is, and I think they pretty much acknowledged this, the Minister of Labor in Jordan actually turned into an agency which handed out work permits to foreign workers. There were no inspections of these factories that were very credible. Jordan only has 88 labor inspectors for 95,000 workplaces. Many of these inspectors are untrained and underpaid.

So there was good language in the agreement, but the loophole, you could drive a Mack truck through it. And so essentially they didn't do anything wrong, they just didn't put the resources or the time into enforcing these standards. Which is one of the reasons why it got completely out of control.

Mr. SMITH. You know, earlier Ms. Cohn mentioned that slavery is illegal, and I would just say, so is torture. And in both cases in the Peoples Republic of China, both are widespread and pervasive.

What is your view, and Ms. Cohn, what is your view, as to whether or not China ought to be on Tier 3? It does have a sex trafficking problem, but it has an enormous labor trafficking problem. There is no collective bargaining. They have arrearage of payments that are not made to their own workers. Ten to twenty million child laborers, according to best estimates, six million, approximately, people are being exploited in the Laogai system.

And as I said as we were coming in the door, back in the early 1990s, Congressman Frank Wolf and I visited one of those Laogai, Beijing Prison Number One, and saw Tienenman Square activists doing slave labor. For what? Their crime was asking for freedom and democracy in the PRC.

There are no OSHA regulations, and upwards of 126,000 occupational deaths occur in China every year. If ever there was a case to be made on labor—and I would submit also on sex trafficking, but certainly on labor—China ought to be a Tier 3 country. What is your sense on that?

And just let me finally say, and I will include in the record at least a summary of it, on June 8, Congressman Ben Carney and I joined with the AFL-CIO in officially petitioning the U.S. Trade Representative to impose WTO sanctions on China for its violations

of their freely-entered-into obligations with regards to laborers. So what is your thought?

Mr. KERNAGHAN. I will just speak to the labor section quickly. We had workers in a factory called Four Way in China smuggle out their time cards, which showed them working from 7:31 in the morning until 4:30 the following morning. They were working 134 hours a week; they were getting 16½ cents an hour. China's labor law says 40 hours a week, and no more than 6 hours of overtime, 9 hours of overtime a week.

The labor laws in China are being completely violated. The workers have no freedom of association. In fact, it has been so stamped out that if you ask many Chinese workers what a union is, and we have asked them this, they think it is a breakfast meeting. They have no idea.

So there are tens of millions of mostly young women from rural areas in these factories with no rights whatsoever. And of course, you know, the number of goods that are coming to the United States are just unbelievable. Jordan sends us, I believe, 1.2 billion pairs of shoes a year, as an example. I mean, this is like a couple of shoes for every single man, woman, and child in the United States. I mean, it is really revving up to overwhelm the world with these exports, made by workers whose rights are denied. They are not part of the 10 percent growth in China that the economy is growing; they are being left behind. And the living conditions are also barbaric.

Ms. COHN. Just to add to that. We are often asked if we do work in China, and could we do work in China. We don't currently do work in China, and thus can't comment directly as to the situation there based on our own investigative findings.

However, I would say that the reason we have not worked in China to date is primarily not for lack of case referrals asking us to do so, but because we, in our assessment, don't believe we could secure the sufficient government cooperation or leverage in order to get rescues for victims and prosecutions for perpetrators.

And I think some of the reports you are referring to, and we would add to it just the North Korea-China connection with regard to sex slavery, as well. So I can't comment as to the tier ranking, but to say it is a source of great concern for us, as well.

Mr. SMITH. Thank you. Ms. Gnezdilova, if you could tell us, are you aware of any action that was taken by the German Government to prosecute the owners of the clubs where you were forced to engage in prostitution?

And if you could, describe exactly what the Angel Coalition did for you, I guess before you set up your own NGO, which I assume is a part of it.

Ms. GNEZDILOVA. I don't know about any cases to press against the traffickers in Germany. Besides helping me to set up my NGO, the Angel Coalition personally helped me to feel again as a human being, free and open, and ready to fight for my own human rights.

Mr. SMITH. Could I ask you, in your work as an NGO, have you met any women who were trafficked to Germany since prostitution has been legalized?

Ms. GNEZDILOVA. In Belgrade, where I live, there are a lot of ads in newspaper. And I am sure there are a lot of cases, because I

heard from my friends. But usually in those cases, women do not tell about that.

So in our city I can say that there are several employment agencies, and most of them, they provide employment, so-called employment, in Germany. Those agencies that invite girls for work to Germany.

Mr. SMITH. Let me ask you, Ms. Veselykh, when you worked in Toni's brothel in Germany, which you described in your statement as a legal brothel, did you ever see the police or any government inspector in the brothel for the purpose of enforcing any of the so-called regulations? And did they make any effort to discern whether or not the women were there legally, on their own volition, or whether or not they were involuntarily?

Ms. VESELYKH. When I was there I can tell you that I didn't see any inspection on the behalf of police. Actually, Toni, the owner, from her words, was afraid of such inspection. But also from her words, what I have heard, she said that she paid some amount of money to police, so they basically turn their blind eye to what is happening there, because they knew that there were a lot of women who worked there illegally without any documents.

Mr. SMITH. When were you there? And let me ask you in addition to that, did any Dutch authorities prosecute brothel owners when you were in the Netherlands?

Ms. VESELYKH. When I was there, it was August 2003. And to my knowledge, I don't remember or know any cases when these people were prosecuted, brothel owners. I was promised that they will be penalized, and that there will be a trial, but nothing happened.

Mr. SMITH. So you were there after the legalization of prostitution, obviously.

Let me ask you, in Germany, can you give us any sense as to how many of the women were there under force and duress, as opposed to those who might be there voluntarily, in the brothels you were in?

Ms. VESELYKH. In one of the clubs, and if I am not mistaken the name of that "Poofah," so I saw at least five Russian women who were forced. So at least three of them I know perfectly, because they were 30 years, those, and I saw that they were completely threatened.

I was a witness of selling another Russian young lady—if I am not mistaken her name was Marina—to Belgian for 15,000 euros. So when I say that she was sold, it means that there was a fake marriage, but without, of course, her agreement on that. So there was an agreement between the owner of the club with Russian mafia with a Belgian party. So that there is a fake marriage. And then when the lady goes to Belgium, she has to work for her so-called husband.

In the Diplomat Club, I know when I was there, they planned right after me to deliver another three or four Russian young ladies. And as I heard from the other women there, so that there is the same situation with the rest of these clubs in Netherlands.

As I heard, the owner of Diplomat made some agreement with Russian mafia group, so they could provide these young ladies on a regular basis.

Mr. SMITH. Let me ask you, you said in your testimony that pimps threatened to hurt your family if you tried to escape. Are you aware of any families that were hurt? Or did the threat do its dirty work, and people, women, not seek to escape?

Ms. VESELYKH. As example, I can tell you, and you heard that already in my statement, that the young woman who helped me to get these fake documents in order to cross the borders, she was killed. That is already good example.

So then I was also severely beaten up. That is already examples of that, of those threats, that they are real.

And I think that the mother of that young woman who was killed still doesn't know what happened to her daughter, and probably is looking for her right now. I know where her mother lives, but also at the same time I cannot inform her, because the only thing I know about this young woman, that her name was Marina.

Mr. SMITH. Ms. Gnezdilova, you said that several Russian girls had been recently murdered in the Savoy. To both of you—and Ms. Cohn, you might want to speak to this—how widespread is the murdering of women who have been trafficked?

Ms. GNEZDILOVA. As for that situation with Savoy collapse, when we arrived there, they didn't let us in. And they explained that they had temporary problems with police. As we later found out, several Russian girls were killed there. But then later, as they say, they open it again, because they cleared the situation with the police.

Ms. VESELYKH. For my experience, I can tell you that a murder happens really often in the situation of trafficking, at least in that case with me. And I can tell you the following, usually these people who I faced while I was in Germany, I can tell you that the traffickers always have the same men from Russia who are there on an illegal basis, basically, without documents, who do so-called like dark, or let us say dirty job.

So their task to take those girls who resist to continue to work, take them to special apartments that they usually have, where they beat them up, so where they break their hands, so where they kill them. And personally I saw the pictures of those ladies mutilated, with faces mutilated. And as those young men who did that job being basically torturers for higher owners or management, they, with a joke, said we just usually put them in concrete and throw it away.

Usually how it happens, so they can kill a resisting young lady even in a car, or take her to a woods and just throw or bury her there, and nobody will find out.

Mr. SMITH. Is there any way that the German police are tipped off that this has happened, and do they do anything?

Ms. VESELYKH. I don't know about the cases of prosecution on behalf of the police. But what I can tell you is that the same Russian gangsters who operated that, they mentioned not once that there is no sense even to apply to police, because basically we have our people in police, and we will be actually against you.

Mr. SMITH. Well, there is a lot of room for us to follow up on that. So I do thank you so much.

Let me ask one final question of Ms. Cohn, and that is, what has been the typical sentence for a labor trafficker?

Ms. COHN. The typical sentence we have seen in labor for slavery has been 1 day.

Mr. SMITH. 1 day?

Ms. COHN. 1 day, and a moderate-to-mild fine. And we have only had a few of those. But that has been the sentence.

Mr. SMITH. Okay. Let me yield to Maureen Walsh, our General Counsel for the Commission on Security Cooperation in Europe.

Ms. WALSH. Thank you, Mr. Chairman. Actually, just maybe two questions for Mr. Kernaghan if I could.

Your report mentions that at the time you were interviewing workers from one particular factory, a monitoring team from a U.S. company was at the same time inspecting the factory. You uncovered terrible abuses; the monitoring team apparently thought everything was fine, and signed off on the factory continuing its operations.

Could you maybe make some suggestions about what we could do to maybe make the monitoring by U.S. companies more effective?

Mr. KERNAGHAN. Well, what we want to do—and we have actually discussed this with the companies and had some favorable response—is to set up a workers' hotline where they receive a card from us which states Jordan's labor laws on one side, and the other side says that there are people willing to help them. That they should receive their passports back. That they can't be, you know, beaten and denied their wages, what the minimum wage is, and whatnot, with a toll-free number where they could call back to their home countries, to women's groups and human rights groups and labor rights groups, to ask for help. And they can report these violations confidentially.

We did this as an experiment on our trip to Jordan in May. We handed out these fliers. We are now getting calls from all across Jordan. It works. The workers are anxious to speak, desperate to speak, but they are terrified. And the factories, because the monitors parachute in, even if they are well-meaning people, and many of them are, many of them are really, truly dedicated to human rights, but the workers have to say to them, "We only worked 8 hours a day."

In a factory we went into in Jordan on this trip in May with the United States delegation, we went to a factory that was mostly Chinese women workers. And we walked over to a woman with our translator and we asked the young woman inside the factory how many hours a day do you work. And the woman started to actually physically shake. She was very young, and she blurted out, "I work 8 hours a day, 5 days a week." And then she started to shake, and then she started crying. And we obviously left her, not to terrorize her. The owner of the factory was at the same time telling me, "We work 12 hours a day, 6 days a week." So the workers are so terrified that there is no way they could tell the truth inside the factories.

So we need to have a system where the workers can feel confident of who they are talking to. And what we are finding out with the few fliers we handed out in Bangladesh, we handed out 50 fliers with this information on it: Call Bangladesh, call the Bangladesh Center for Worker Solidarity, call the National Garment

Workers Federation; here is their number; if you have complaints, call them, we will try to help you. The calls are flooding in from all across Jordan.

So it will work if workers are given access to actually speak in confidence to people they trust. And you know, you can't fly a corporate monitor into the country to parachute into the factory for 2 or 3 days, if even that. Workers under those conditions cannot tell the truth, because they are told, "If we find out that you criticized the factory, you will never work here again."

So it is a situation which needs something independent

Ms. WALSH. And in your report you actually name, by name, a number of U.S. companies which are having their goods produced in these factories. What has the response been from those companies since your report was issued?

Mr. KERNAGHAN. I would say surprisingly good. And I was caught off guard, actually, but I will tell you the response on the part of many of the companies. Companies you would expect, clearly. Levi Strauss, very strong. Van Heusen, very strong, super-strong. GAP, Sears, very strong.

I think the U.S. companies can play a very positive role. I received a letter from J.C. Penney's vice president. I actually think the United States companies want to get it right in Jordan. They are committed to Jordan. We don't want them to pull out of the country. Those workers need the jobs. We just want them to guarantee that the workers' rights will be respected according to Jordanian law and international standards.

So I know today the companies are actually meeting with the Jordanian Minister for Industry and Trade. So there is a large meeting today in Washington. So I think the response on the part of many of the companies has been very good.

I mentioned the L.L. Bean label, which is a very well-known company in the United States, being produced in a factory called Saidan, where these workers were beaten up and deported at gunpoint for meeting with us. L.L. Bean wrote back to us and said, "We have no connection to that factory whatsoever." And I figured we should, you know, I told them we would do further research and we will get back to them. And I was ready to pull that stuff. And then the workers faxed us the L.L. Bean label. So it actually proves that there is this subcontracting going on that the companies don't even know about. So L.L. Bean checked, and they could not track any productions to that factory. But sure enough, the workers are making L.L. Bean. So they have to do more.

But this time around, I would say the response on the part of the U.S. companies has been surprisingly good. And they have actually given us some inside information on why the workers never get paid their real wages because they set the production goal so high that it is impossible to reach. So you have to keep working for free, 5 or 6 hours a night, to reach the production goal, which itself is ridiculously impossible to reach. So they are working 5 to 6 hours a day without wages. And the companies want to try to crack down on that.

So I would say it has been very good

Ms. WALSH. Okay. Just one final question. You also mention in your report the programs where USAID has been training man-

agers at these factories, and you talk about training on accounting or just basic management principles, but not getting into issues of workers' rights or trafficking.

Have you had any conversations or interaction with USAID since your report came out? Is that type of training still ongoing? And is there a place there where we can talk to USAID and get them to insert some of these other human rights issues into their training?

Mr. KERNAGHAN. Well, it is a very important question, I think. And we did meet with United States Embassy officials when we were in Jordan. We did not meet with USAID. We haven't received any phone calls from them. But the role that they could play could be huge.

So for example, the Jordanian Government has said they will allow the local unions to accept these guest workers as members, which would be some protection for the guest workers, obviously. The problem is that the union is not allowed to enter the factories. They told us when they were in Jordan that they are prohibited from entering the factories. And also they have no resources.

So if they don't have trained staff who can speak Bengali and speak Mandarin and speak to the Sri Lankan workers, the fact that the guest workers can join the union is meaningless, because if there are no resources there, the union won't be able to even speak with the workers, let alone help them or accompany them.

So I think there is a huge role here, where resources would need to be put into the local union there so that it could actually be in contact with the workers, and could accompany them and support them

Ms. WALSH. Thanks very much. Thanks, Mr. Chairman.

Mr. SMITH. Thank you very much. One final question, if I could. What is the free labor movement like in India? And can it be used to improve the plight of the Dalits in bonded labor?

Mr. KERNAGHAN. I am not qualified to answer

Mr. SMITH. Ms. Cohn?

Ms. COHN. I am not qualified to answer.

Mr. SMITH. Okay, thank you. Thank you for your candor.

I want to thank our very distinguished witnesses for your testimony today, which will be used as we go forward on these issues. It gives us incredibly valuable insights to get the real feeling on the ground as to what is happening. And your recommendations will be very carefully weighed, and I can assure you will find their way into policy as we go forward.

I also want to thank, on our staff, Maureen Walsh, who you just heard from; Eleanor Nagy, who is our Chief of Programs Policy for the Subcommittee; Lindsey Plumley; Jonathan Bruno, who is actually our intern and doing a fine job; Dorothy Taft, the Deputy Chief of Staff for the Helsinki Commission; and Mary Noonan, who is my personal Chief of Staff, for all the work that they did in bringing this hearing together, and all the work you do on this important human rights issue.

And thank you, the witnesses, for your leadership.

The hearing is adjourned.

[Whereupon, at 3:26 p.m., the Subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

RESPONSES FROM THE HONORABLE JOHN MILLER, DIRECTOR, OFFICE TO COMBAT TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF STATE, TO QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

Question:

Section 105(b) of the TVPRA of 2005 tasks the Department of Labor to carry out additional activities to monitor the use of forced labor and child labor in violation of international standards, to provide information regarding trafficking in persons for the purpose of forced labor to your office for inclusion in the annual Report, to develop and publish a list of goods produced by forced labor, and to work to prevent the importation of such goods into the U.S. Please describe for the Subcommittee your discussions with the Department of Labor regarding these requirements and your understanding of the status of their implementation.

Response:

I informed the Department of Labor, along with other affected agencies, of their expanded responsibilities at the February 16, 2006, meeting of the Senior Policy Operating Group on trafficking in persons (SPOG). Prior to that meeting, I had a phone conversation with representatives from Labor regarding the new legislative requirements. On May 17, 2006, I met with the new Deputy Undersecretary of Labor for International Labor Affairs, Jim Carter. We used this opportunity to again discuss the new mandates under the TVPRA 2005. At the May 17th meeting, Carter noted that a plan to meet the new mandates was being reviewed by the DOL policy planning board. At the May 18th SPOG meeting, DOL noted that it is struggling to fulfill the mandates with its current staff. Again, DOL emphasized that it has a proposal on how to address these mandates under review by its policy planning board that would substantively address the new TVPRA mandates. The Department of Labor recently convened a task force within DOL to better coordinate its various anti-trafficking efforts. While funding was authorized in the 2005 law, there has been no corresponding appropriations legislation. Agencies are willing to tackle these issues, but these are difficult to fulfill the without additional funding.

Question:

In response to evils such as the sexual exploitation of young women and girls by UN peacekeepers in the Congo—some as young as 11 or 12, and in exchange for a banana or a dollar—the Trafficking Victims Protection Reauthorization Act of 2005 includes provisions requiring the US government to press international organizations to do more in this area. Section 104(e)(1) requires the annual trafficking report to include information on measures taken by the UN, NATO, OSCE and other similar bodies to prevent trafficking, and I am pleased to see the inclusion of such information in this year's report. Section 104(e)(2) requires a report by the Secretary of State at least 15 days prior to voting for a new or reauthorized peacekeeping mission which describes measures taken by the international organization to prevent trafficking and analyzes their effectiveness. I have not seen any such reports by the Department to date, and would ask for a clarification of where we are on this.

Response:

As discussed with your office, the Department of State plans to submit a report twice a year providing details on steps that the UN is taking to prevent trafficking, and assessing the efficacy of those steps, on anticipated new or renewed peacekeeping missions over the coming six months. We expect to submit the first such

report on or about August 1. Individual reports may be submitted from time to time to cover multiple renewals of the same mission within a six-month period or unanticipated new missions that arise within a six-month period.

The Department is aware of section 104(e) of the 2005 TVPRA, and fully intends to comply with its reporting requirements when a peacekeeping mission under the auspices of NATO or the OSCE is authorized or reauthorized, as envisioned by the statute.

Question:

The TVPRA of 2005 tasked USAID, State and DOD with doing more to incorporate anti-trafficking and protection measures for vulnerable populations, particularly women and children, into post-conflict and humanitarian emergency assistance program activities. The law requires a study of best practices and a report including proposed recommendations due six months after the passage of the Act, which is in July 2006. Please update the Subcommittee on the Administration's implementation of these requirements.

Response:

USAID funded a study on trafficking in post conflict and humanitarian emergencies as required by the 2005 TVPRA. The study is complete and the report will be transmitted to Congress by July 7, 2006.

The protection of vulnerable populations, especially women and children, in conflict and humanitarian crises continues to be of paramount concern for the Administration. The Department of State continues to engage the UN in aggressively implementing necessary reforms to prevent further trafficking, sexual exploitation and abuse by UN staff and peacekeeping personnel stationed in post-conflict and humanitarian emergency locations. We are pleased to see that the UN Department of Peacekeeping Operations, in response to allegations of sexual exploitation and abuse by UN staff and peacekeepers in various peacekeeping missions around the world in recent years has instituted a package of disciplinary and preventive measures in Liberia and other peacekeeping missions. UN peacekeepers who have committed offenses are sent home, with recommendations to the sending governments for disciplinary action. International staff are fired. We are also closely monitoring the implementation of NATO and OSCE zero-tolerance policies.

In April 2006, an interim Federal Acquisition Rule (FAR) was issued pursuant to a TVPRA requirement that all federal contracts include a provision authorizing the relevant U.S. Government agency to terminate a contract if the contractor or subcontractor engages in severe forms of trafficking, purchase of a commercial sex act or use of forced labor. Additionally, contractors are required to establish policies and procedures to hold their personnel accountable.

The State Department's Bureau for Population, Refugees, and Migration and the U.S. Agency for International Development (USAID) require their overseas implementing partners involved in assistance in humanitarian crises to certify they have adopted a code of conduct that is consistent with the six core principles of the UN's Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises. Additionally, the U.S. Government's implementing partners have set up additional mechanisms dealing with this issue, including the regular training of all staff, conducting seminars on recognizing and reporting cases, and establishing legal aide clinics and other avenues for assisting victims in these cases.

The Department of State continues to ensure that U.S. civilian police deployed to overseas peacekeeping missions understand trafficking and the U.S. government's zero-tolerance on this issue through comprehensive pre-deployment training administered by the Office to Monitor and Combat Trafficking in Persons.

The U.S. Department of Defense (DOD) has also taken seriously efforts to prevent trafficking where DOD personnel and contractors are deployed. As DOD officials stated at the June 21st before your Subcommittee, the Department has a zero-tolerance policy on human trafficking. Human trafficking awareness training is mandatory for all U.S. military and civilian personnel deployed overseas. Also, confidential hotlines have been established for DOD personnel, and the Defense Federal Acquisition Regulation human trafficking rule is being amended to supplement the Federal Acquisition Regulation rule for types of contracts susceptible to labor trafficking overseas. Additionally, the DOD Inspector General will issue a report on its findings on the implementation of DOD's zero-tolerance policy. DOD took swift action recently to address instances of mistreatment of foreign workers by U.S. contractors in Iraq and will continue to ensure contractors are abiding by US anti-trafficking policy and law.

While the three agencies have undertaken several measures to protect vulnerable populations and prevent trafficking, there is more that we can do. We have begun to engage key troop contributing countries in bilateral meetings to acknowledge their shared responsibility in preventing trafficking, sexual exploitation and abuse, and holding accountable their personnel. In light of the recent report “From Camp to Community: Liberia Study on Exploitation of Children” by Save the Children/UK, the Department of State and USAID established an informal working group to assess current protection measures and to identify areas for improvement.

Question:

What criteria were used to determine the countries that would be placed in the “Special Cases” category, why were some countries that have suspected problems with trafficking, such as Fiji, left off the special case list?

Response:

The “Special Case” designation—an unranked category of countries in The Trafficking in Persons Report—is applied to countries in two different types of situations: (a) Countries without functioning national governments that can be held accountable for combating human trafficking; (b) Countries where the existence of a significant trafficking problem is suspected, but not confirmed by sufficient concrete evidence. Fiji was not listed in the 2006 Trafficking in Persons Report as a “Special Case” because information available did not indicate that Fiji has a significant trafficking problem. Over the reporting period for the 2007 Report, G/TIP and Embassy Suva will gather further information on the trafficking situation in Fiji in an effort to assess the magnitude of the problem.

Question:

Can you provide a break-down of total U.S. domestic and foreign spending to combat trafficking in persons? Given the scale of the human trafficking problem, are the resources provided adequate?

Response:

In FY 2005, the U.S. Government obligated approximately \$95 million to 266 international anti-trafficking in persons (TIP) projects in 101 countries, up from approximately \$82 million in FY2004. These projects are working to ensure human trafficking is prevented, the survivors are protected, and the traffickers are put in jail. They are sponsored through the coordinated efforts of the Departments of State, Justice, Labor, Health and Human Services, and USAID.

While funding was authorized in the 2005 TVPRA, there has been no corresponding appropriations legislation. Agencies are willing to tackle these issues, but have noted that it will be difficult to fulfill the mandates without additional funding. Appropriated funds consistent with levels proposed in the reauthorization are needed to fully meet Congressional mandates. In FY 2007, the Department of State requested approximately \$26.54 million in anti-trafficking program funds; increased funding could lead to the rescue of more victims, the passage of more international laws, an increase in public awareness as well as other efforts to eliminate human trafficking.

Question:

According to the current Trafficking in Persons Report, Sudan has done nothing to address the longstanding concern about Sudanese who have been kidnapped into slavery as part of the long civil war in the country. What has the Khartoum government said in your conversations with them about slavery in Sudan? Have they acknowledged that it even happened? What are they prepared to do to help find and recover those abducted into slavery?

Response:

According to the Committee for the Eradication of Abduction of Women and Children’s (CEAWC), approximately 694 victims of abduction and slavery were collected from the northern states of South Darfur and South Kordofan and returned to the Bahr el Ghazal region of Southern Sudan during the 2005 reporting period. These retrieval and transport missions took place in June 2005 and January/February 2006; between June and January, the Government of National Unity (GNU) did not provide CEAWC with the necessary funding for the transport and reunification of previously identified abductees with their families. In the latest round of repatriations, in January and February 2006, there were noticeable improvements in CEAWC’s methods of returning abductees, including no known cases of forced returns and improved provisions and condition of the convoys.

The GNU readily acknowledges that abductions of Southern Sudanese citizens occurred during the decades of the North-South civil conflict. To date, however, high ranking government officials have not publicly recognized a linkage between such abductions and the resulting enslavement of some of the abductees.

As a result of a downgrade from Tier 2 Watch List to Tier 3 in the 2006 *Trafficking in Persons Report*, the GNU has opted to discontinue bilateral engagement with the USG on the subject of trafficking in persons. As a result, it is unknown what the GNU intends to do in the near-term to address the situation of those abducted into slavery. The Department of State and the US Embassy in Khartoum will continue to monitor all known types of human trafficking occurring on the ground and the government's efforts to combat them. We will also persist in fostering meaningful dialogue on this subject in every manner possible.

Question:

There are numerous estimates of how many Sudanese have been abducted into slavery over the past two decades. What numbers does your agency accept as most reliable for the number of Sudanese in slavery today? On what evidence are you basing your estimate of the number of Sudanese held in slavery at this time?

Response:

During the decades of civil war, thousands of women and children from various tribes located in Southern Sudan were abducted and subsequently enslaved in Northern Sudan by members of Baggara tribes. Some of those who were abducted and enslaved remain with their abductors in South Darfur and West Kordofan; others were sold or given to third parties, including in other regions of the country; others were "redeemed" through the assistance of middlemen; several hundred were freed through the work of the Dinka Chief's Committee and/or CEAWC; and some ultimately escaped from or were released by their captors. Therefore, slavery in Kordofan and Darfur over the last 24 years can best be described as fluid. Because of this transitory nature, as well as difficulty accessing affected regions and overall dearth of professional quality statistical research on this subject, precise estimates of those abducted or held in slavery were impossible to obtain during the north-south civil war. Such efforts to quantify this phenomenon have been further complicated by the emergence of civil conflict in the Darfur region, where many of those still remaining in slavery are thought to be currently located.

Available estimates of abducted Dinka—to date there have been no known attempts to document the number of Nuba similarly abducted and enslaved—vary greatly, ranging from several thousand to two hundred thousand [Note: Some of these estimates also include men and boys that were abducted for use in conflict by armed groups.]. The methodologies utilized to establish these figures vary dramatically in rigor and comprehensiveness, with all, save one, constructed without the use of a systematically-based sampling process or sound quantitative underpinnings. To date, the Department has been unable to sufficiently verify the accuracy of existing estimates or independently establish a reliable estimate of the number of persons initially abducted and enslaved or that remain in such conditions at present time. As such, we decline to promote any specific organization's approximation as "most reliable" until such time as a more thorough investigation can be conducted.

Question:

The TVPRA of 2005 in section 104(c) recommended further research on the interrelationship between trafficking in persons and terrorism, including the use of profits from trafficking in persons to finance terrorism, and tasked the Human Smuggling and Trafficking Center with carrying out this research initiative. Please update the Subcommittee on the progress of this initiative.

Response:

As you know, the Human Trafficking and Smuggling Center (HSTC) is an inter-agency initiative composed of several agencies, including Justice, State, and Homeland Security

HSTC informed us that it has assigned analysts, is levying intelligence requirements, and is conducting research related to interrelationship between trafficking in persons and terrorism. I refer you to the HSTC for more detailed information as to these activities.

Question:

The TIP Report notes that the estimates of people in forced labor, bonded labor, forced child labor, and sexual servitude range from 4-27 million people. Last year the ILO estimated that 12.3 million people were held in one of these conditions of

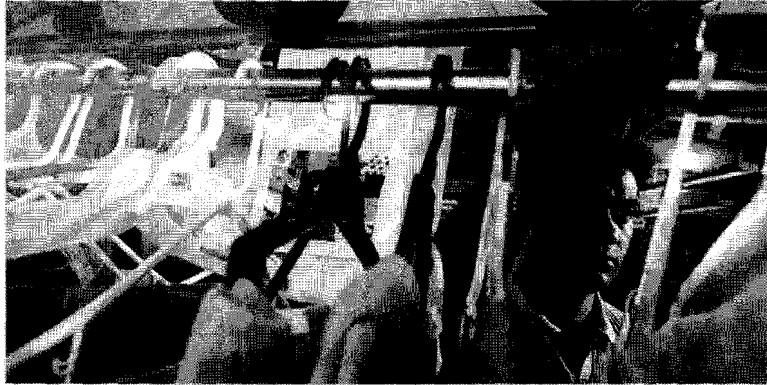
servitude at any given time—and more than 2 million were victims of trafficking? Can you explain the distinction? Of the other estimates ranging from 4–27 million in a slavery-like condition, how many are victims of trafficking?

Response:

There are no accurate estimates of the exact number of trafficking victims within the definition under the TVPA related to trafficking for labor purposes. The numbers vary widely depending on the organization that produced the number and they may differ because each organization may account for trafficking for labor in a different manner. For instance, children in commercial sexual exploitation are in a “worst form of child labor” but are also victims of a “severe form of trafficking”—these numbers are not always counted the same; many of the labor estimates are accounted for separately: domestic servitude, bonded labor, and/or forced child labor, which may lead to large discrepancies. The TVPA accounts for all forms of this type of labor whereas ILO accounts for them differently as defined by the international instruments under which it operates under. For example, a large portion of the 10.3 million victims of forced labor in the ILO report who are not also counted as trafficking victims in that report are victims of bonded labor in South Asia—persons who would be considered victims of a “severe form of trafficking” under the TVPA.

New York Times
May 3, 2006

An Ugly Side of Free Trade: Sweatshops in Jordan



Jennifer S. Altman for The New York Times
 Mohammed Saiful Islam, a manager in Jordan, in New York Monday.

By STEVEN GREENHOUSE and MICHAEL BARBARO
 Published: May 3, 2006

Propelled by a free trade agreement with the United States, apparel manufacturing is booming in Jordan, its exports to America soaring twentyfold in the last five years.

But some foreign workers in Jordanian factories that produce garments for Target, Wal-Mart and other American retailers are complaining of dismal conditions — of 20-hour days, of not being paid for months and of being hit by supervisors and jailed when they complain.

An advocacy group for workers contends that some apparel makers in Jordan, and some contractors that supply foreign workers to them, have engaged in human trafficking. Workers from Bangladesh said they paid \$1,000 to \$3,000 to work in Jordan, but when they arrived, their passports were confiscated, restricting their ability to leave and tying them to jobs that often pay far less than promised and far less than the country's minimum wage.

"We used to start at 8 in the morning, and we'd work until midnight, 1 or 2 a.m., seven days a week," said Nargis Akhter, a 25-year-old Bangladeshi who, in a phone interview from Bangladesh, said she worked last year for the Paramount Garment factory outside Amman. "When we were in Bangladesh they promised us we would receive \$120 a month, but in the five months I was there I only got one month's salary — and that was just \$50."

The advocacy group, the National Labor Committee, which is based in New York, found substandard conditions in more than 25 of Jordan's roughly 100 garment factories and is set to release a report on its findings today. Its findings were supported in interviews with current and former workers.

Such complaints have dogged the global apparel industry for years, even as it has adopted measures intended to improve working conditions in factories that produce clothing for American and European consumers. But the abusive conditions that the guest workers described show how hard it is to control sweatshops as factories spring up in new places, often without effective monitoring in place.

In recent years, Jordan has become a magnet for apparel manufacturers, helped by the privileged trade position that the United States has given it, first because of its 1994 peace accord with Israel and then because of a free trade agreement signed with Washington in 2001.

Jordan's apparel industry, which exported \$1.2 billion to the United States last year, employs tens of thousands of guest workers, mainly from Bangladesh and China.

In interviews this week, five Bangladeshis who used to work in Jordanian apparel factories and four who still do had similar tales of paying more than \$1,000 to work in Jordan, of working 90 to 120 hours a week, of not being paid the overtime guaranteed by Jordanian law, of sleeping 10 or 20 to a small dorm room. The National Labor Committee helped arrange interviews with the Bangladeshi workers, who spoke through interpreters.

The largest retailer in the United States, Wal-Mart, and one of the largest clothing makers, Jones Apparel, confirmed yesterday that they had discovered serious problems with the conditions at several major Jordanian factories.

In addition, a factory monitor for a major American company confirmed that Jordanian factories routinely confiscated their guest workers' passports, doctored wage and hour records and coached employees to lie to government and company inspectors about working conditions. The monitor asked not to be identified because the company had not given authorization to speak publicly.

Beth Keck, a spokeswoman for Wal-Mart, said the company did not own or manage factories, but tried to improve working conditions in Jordan and elsewhere. "It is a continuous challenge, not just for Wal-Mart but for any company," she said, noting that the most commonly observed problems included failure to pay proper wages, "egregious hours," and "use of false or insufficient books or documentation."

Charles Kernaghan, executive director of the National Labor Committee, which has exposed mistreatment in factories in Central America and China, said he was shocked by what he discovered in Jordan.

"These are the worst conditions I've ever seen," he said. "You have people working 48 hours straight. You have workers who were stripped of their passports, who don't have ID cards that allow them to go out on the street. If they're stopped, they can be imprisoned or deported, so they're trapped, often held under conditions of involuntary servitude."

Mr. Kernaghan said Bangladeshi workers had contacted his organization to complain about working conditions in Jordan. He then traveled to Jordan and met quietly with dozens of workers. He said American companies, despite their monitoring efforts, were often slow to uncover workplace abuses because workers were coached to lie to them or were scared to speak out. Moreover, factories often send work out to substandard subcontractors without notifying American retailers.

Several factory owners in Jordan insisted that they treated their workers properly.

"Some people are always making allegations," said Karim Saifi, the owner of United Garment Manufacturing, a factory near Amman that workers criticized for long hours and wage violations. "As far as we know, we follow all the labor laws here. If we were not abiding by all of the local Jordan laws, we would not be able to operate."

Several foreign apparel workers said that while their factories required them to stay until midnight, the Jordanian workers were usually allowed to leave at 4 p.m.

Two large industrial zones outside Amman are thriving, having geared themselves to the American apparel market. They have attracted dozens of garment manufacturers, some with 200 workers, some with 2,000, that say they produce clothes for J. C. Penney, Sears, Wal-Mart, Gap and Target.

"It would be wrong to think that problems at a few places are representative of the 102 apparel factories in my country," said Yanal Beasha, Jordan's trade representative in Washington.

Jordan's ambassador to the United States, Karim Kawar, said "If there are any violations of our labor laws, we certainly take it seriously."

Mr. Beasha said Jordanian government inspectors monitor the working conditions in factories. But several guest workers said factory managers hid abuses by coaching workers to lie. Mr. Beasha said the Jordanian government cared about the welfare of foreign guest workers, noting that it enforced overtime laws and recently increased the minimum wage for citizens and guest workers.

But Mohammed Z., who has worked for more than a year at the Paramount Garment Factory, said that even though he worked more than 100 hours a week — normally from 7 to midnight seven days a week — the company refused to pay him overtime when he did not meet production targets. He asked that his last name be withheld for fear of retribution.

Having paid \$2,000 to work in Jordan, he said, in an interview from Amman, "I'm not earning enough to repay my loan or to support my wife and son."

Unhappy that his passport has been confiscated, he said: "My identity has been taken by the company. I have no freedom because I have no freedom to move to other places."

Mohammed Saiful Islam, 30, a Bangladeshi who was production manager at Western Garment, said that several times the workers had to work until 4 a.m., then sleep on the factory's floor for a few hours, before resuming work at 8 a.m.

"The workers got so exhausted they became sick," he said. "They could hardly stay awake at their machines."

Mr. Saiful, who is in the United States to highlight poor working conditions in Jordan, pointed to a yellow and black fleece sweatshirt that he said his factory made. It had an Athletic Works label made for Wal-Mart, selling for \$9.48.

"Sometimes when companies sent in monitors, the workers were instructed what to say," Mr. Saiful said.

Mohamed Irfan, who in a telephone interview from Jordan said he was Western's owner, said, "The workers get the minimum wage, and all times, there is no problem in our factory."

Mohamed Kasim, Paramount's owner, said his factory also paid its workers properly. Mr. Kasim and other factory managers said workers received free room and board and sometimes medical care.

But several workers said that when they were sick they did not receive medical care, but were instead punished and had their pay docked.

Several Bangladeshis said there were terrible conditions at factories that made clothes for Wal-Mart and Jones Apparel, which owns brands like Gloria Vanderbilt and Jones New York.

Ms. Keck, the Wal-Mart spokeswoman, said company inspectors recently identified "serious violations" of its labor rules at three Jordanian factories. At Honorway Apparel Jordan, for example, which manufactures sleepwear for Wal-Mart, inspectors found employees working off the clock, managers who refused to pay overtime and wages that "could not be verified," Ms. Keck said. At the Ivory Garment Factory, which Wal-Mart ceased working with two years ago, inspectors found "egregious working hours."

Joele Frank, a spokeswoman for Jones Apparel, said the company had also found "serious problems" at the Ivory Garment Factory, which produces Gloria Vanderbilt clothing, and said it would "monitor the situation closely." A spokesman for Sears Holding, said the company was investigating potential problems at Honorway, which produces clothes for Kmart, a division of Sears Holding.

A Kohl's spokeswoman denied workers' accusations that clothing sold by the company was made at several Jordanian factories with poor conditions. Target said it worked with only one factory that has come under criticism — Al Safa Garments, which Wal-Mart recently cited for labor violations.

Many retailers said their policy was, after discovering violations, to work with a factory to improve conditions, rather than automatically withdraw their business. Wal-Mart says it gives factories a year to fix serious problems, reinspecting them every 120 days.

"Our business with the factory is the only leverage we have to push for improvement," Ms. Keck said.

After The New York Times asked about the accusations on Monday, Wal-Mart dispatched two inspectors to Jordan.

Hazrat Ali, 25, who worked from September 2004 to March 2005 at the Al Shahaed factory, said he sometimes worked 48 hours in a row and received no pay for the six months.

"If we asked for money, they hit us," he said.

Nasima Akhter, 30, said that the Western factory gave its workers a half-glass of tea for breakfast and often rice and some rotten chicken for lunch.

"In the four months I was in Jordan, they didn't pay us a single penny," she said. "When we asked management for our money and for better food, they were very angry at us. We were put in some sort of jail for four days without anything to eat. And then they forced us to go back to Bangladesh."

The Good, the Bad and the Ugly
An Update:
Human Trafficking, Involuntary Servitude
and Worker Rights Conditions
Under the U.S.-Jordan Free Trade Agreement



June 13, 2006

United Steelworkers
Five Gateway Center
Pittsburgh, PA 15222
Tel: 412-562-2300

National Labor Committee
540 W. 48th Street, 3rd Fl.
New York, NY 10036
Tel: 212-242-3002

June 13, 2006

The Good, the Bad and the Ugly

An Update:

Human Trafficking, Involuntary Servitude and Worker Rights Conditions under the U.S.-Jordan Free Trade Agreement

I. Introduction

Undeniably, there have been recent, concrete improvements at many factories in Jordan, and the Ministry of Labor is set to unveil a complete make-over regarding how human rights standards will be promoted, monitored and enforced going into the future. There are many good stories here, which we will relate.

However, the situation still appears dire at many of the 55 smaller subcontract factories (which make up 48 percent of the total), which are operating under the radar screen and apparently remain out of control. There are continuing horror stories in these factories, which we will also relate.

Based on the findings of our delegation's visit to Jordan, May 16 through 20, we will make a limited number of important recommendations to the Government of Jordan which, if enacted, will go a long way to bringing worker rights conditions in Jordan in line with Jordanian law, international standards and commitments under the U.S.-Jordan FTA.

The U.S. delegation to Jordan was made up of Charles Kernaghan, Director, National Labor Committee; Tim Waters, Director of Rapid Response, United Steelworkers of America; Holly Hart, Assistant Legislative Director, United Steelworkers of America; Christine Clarke, China Program Coordinator, National Labor Committee, and Anuradha Hashemi, National Labor Committee intern, English-Bengali translator and a student at Mount Holyoke College.

The delegation was provided unprecedented access to nine industrial estates, where we were free to visit any factories we chose and to speak with any workers we wished. We also had the opportunity to visit workers' dormitories, all of which were over-crowded, and some of which were newly painted.

Several major impressions emerged from these visits. First, it was immediately clear that inside the factories the workers were too frightened to speak with us. At one plant, Taiyar in the Al Tajamouat Industrial City, when Christine Clarke tried to speak with a young woman worker from China, the girl froze and blurted out that they worked eight hours a day, five days a week. She then started to visibly shake and was on the point of crying. Meanwhile, literally ten steps away, the plant's production

manager was telling the members of the delegation that they worked 12 hours a day, six days a week. During every factory visit, management trailed our every step. If our delegation split up, so did the management staff. It was very intimidating to the workers. At the Needle Craft factory in the Ad Dulay Industrial Estate, when Anuradha Hashemi approached one of the Bangladeshi workers, she was too frightened to speak. At that point, the supervisor started yelling loudly at the worker that she should answer the questions.

Also, despite numerous assurances from Jordanian Government officials and local private-sector leaders that there would be no reprisals against the workers who met with us, there were. Two workers from the Saidan factory, where clothing is being sewn for L.L. Bean, were beaten and forcibly deported at gunpoint, sent back to Bangladesh without their back wages.

Our delegation also had very frank and productive meetings with the Minister of Labor; the Minister of Industry and Trade; representatives of the Jordanian Garments, Accessories and Textile Exporters' Association (JGATE); plant managers from 15 different factories; the owners of two of Jordan's major industrial parks; the vice-president of the General Trade Union of Workers in Textile, Garment and Clothing Industry, and with U.S. Embassy officials.

Our overall impression is that the Jordanian Government is very serious about ending human trafficking and involuntary servitude, and restoring the rule of law in Jordan's export factories. In our last meeting with the Minister of Industry and Trade, Mr. Sharif All' Zu' Bi, he told us that if it came to that, he was prepared to close down half of Jordan's export factories rather than allow the violations and abuse to continue.

Also, with unprecedented frankness, Labor Minister Basseon Salem criticized his own Ministry for focusing too much on issuing foreign guest work permits and too little on enforcing wage and hour laws, imposing sanctions or bringing criminal charges against continuing violators. The Ministry has only 88 labor inspectors, many of whom are inadequately trained and under-paid, to oversee 95,000 operating businesses. The Minister acknowledged what few others have had the honesty to, that in their investigation following the release of the National Labor Committee report, they could not trust the information gained from their worker interviews, since the factory workers were clearly too intimidated to speak the truth. (*"Representatives of the Embassies were asked to choose workers at random from factories for face-to-face interviews outside the workplace. Ministry of Labor officials, with translation from Embassy staff, interviewed the workers. It was felt however that workers did not divulge much information as the atmosphere must have been intimidating."* (Ministry of Labor Report on the Status of Migrant Workers in the Qualified Industrial Zones, May 2006, Amman, page 11)

It is our feeling that the positive dialogue with the Jordanian Government and other stakeholders should go forward, especially given the considerable opposition they will likely encounter from many factories used to operating with complete impunity. Ending the violation of foreign guest workers' rights in Jordan will not be a walk in the park.

More Positive News: Late yesterday afternoon, June 12, a very positive discussion took place by phone with a government representative in Jordan who is now actively considering closing down some of the most abusive and violent subcontract factories, and with an important agreement that their workers would be relocated to one of Jordan's very best factories.

The next two sections of this report are based on our observations during our trip to Jordan and on statements from workers in Jordan and Bangladesh which were received by the National Labor Committee following our return. We strongly recommend that the government follow up by investigating all of them.

II. The Good

1.) United Garments Manufacturing, Al Tajamouat Industrial City

Recent Positive improvements at United Garments:

- **Passports have been returned to workers, who now also have their important residency permits**, allowing them to walk freely outside the factory without fear of being stopped or detained.
- **Working hours** have been reduced, with the factory regularly shutting down at 8:30 or 9:00 p.m.
- The monthly wage was raised from 86 Jordanian Dinar (\$121.55) to the **legal minimum of 95 JD (\$134.28)**. (Yet, this still appears to be based on an illegal "regular" workweek of 60 hours.)
- Relatively speaking, the workers report that their treatment is better now than in the past, and not as abusive.

Continuing Violations at United Garmen:

- **Paid below the legal minimum wage, since regular working hours defined as 60 hours per week, rather than the legal 48 hours.**
- Scarcity of running water remains a serious problem at the worker dorms.
- Factory bathrooms remain filthy and company food lacks taste.
- Routinely forced to work a 13 ½ hour shift from 7:30 a.m. to 9:00 p.m. with just one or two Fridays off a month, without overtime pay.
- Workers forced to sign fake wage and hour sheets stating that they work eight regular hours and two overtime hours a day and receive 95 JD (\$134.28) a month for the regular 48 hours and 120 to 150 JD (\$196.61 - \$212.00) including overtime. Workers who refuse to sign the fake wage and hour records will have their wages cut and are threatened with forcible deportation.
- Workers shortchanged of up to half the wages legally owed them, earning just \$28.05 for a 78-hour workweek, when they should have earned at least \$55.18.
- In advance of the arrival of the U.S. delegation, the United Garments workers were instructed to lie regarding actual working conditions or face deportation.

2.) Pacific Garments Factory, Al Tajamouat Industrial City

On May 24, after a three-day work action/slow down, the workers at Pacific Garments won:

1. **Payment of the legal minimum wage of 95 JD (\$134.28) a month, and 64 ½ cents an hour.**

2. *A regular workday of eight hours and a 48-hour workweek;*
3. An overtime premium of 0.5 JD (or 72 cents) an hour for regular overtime and 0.65 JD (92 cents) an hour for weekend overtime—which still would appear to be a little below the legal overtime premiums of 81 to 97 cents an hour, and;
4. **A back-wage settlement of 30 JD (\$42.40).** (The workers' demands were very modest given that on the minimum wage alone, not counting unpaid overtime, they were owed at least \$113 for the eight-month period Pacific violated the legal minimum wage.)
5. **The Pacific factory now shuts down at 8:30 each night,** after a 12 ½ hour shift, rather than at 10:30 or 11:30 p.m. as it routinely did in the past.
6. Workers report that in comparison to the past, *their treatment is relatively better now.* However, there is still too much shouting and pressure to reach excessive production goals.
7. Workers have been promised that they will soon have continual access to running water at their dorm.

However, more progress needs to be made. *Pacific workers still have not received their passports or their residency permits.* The workers appear to be receiving just two days off a month, and factory bathrooms remain dirty. The workers continue to complain of tasteless and poorly prepared food.

3.) At the **Al Kawkab** factory in Al Tajamouat Industrial City, *workers passports have been returned and all outstanding residency permits have been supplied.* Workers feel empowered to speak out about their legal rights, though some fear still persists.

4.) **Hi-Tech** factory workers in the Ad Dulayl Industrial Park have been told that *all workers will receive their residency permits* and that *they will now be paid the legal minimum wage of 95 JD (\$134.28) a month. Hi-Tech workers have also been promised payment of back wages due them.* These remain just promises, but many workers feel that the Ministry of Labor is acting much more seriously in pressuring the factories to adhere to Jordan's labor laws.

5.) **Ivory, Paramount and Prestige**, all factories in Al Tajamouat all appear to be closing earlier now, at 8:30 or 9:00 p.m. In the **Atlanta** factory, some shifts are just eight hours a day and the workers have been told that next month they will receive the legal minimum monthly wage of 95 JD (\$134.28).

6.) Workers at the **Southern** factory in the Al Tajamouat Industrial City have been told that *they will receive a wage increase to 110 JD (\$155.48) a month, which would raise their hourly wage to 75 cents.* (If carried out, this would bring their wage in line with the national minimum, which was raised to 110 JD a month in May 2006. However, the export garment industry was exempted from this new minimum wage.)

The workers have also been told that the factory will be closed every Friday and that the new daily shift will be 11 hours, from 8:00 a.m. to 7:00 p.m. rather than 10:00 or 11:00 p.m. (In preparation for the U.S. delegation's arrival, Southern workers were prepared on what to say should they be questioned. We were to be told that they work a regular eight-hour shift and earn a total of 120 JD (\$169.62) a month including overtime, they never worked past 7:00 p.m., and received every Friday off. –We hope this does become the reality.)

7.) When the U.S. delegation visited the **Al-Hassan Industrial Estate** in Irbid on Friday, May 19, *every factory was closed for the weekly holiday.* In a chance encounter with a group of foreign guest workers who said they worked at the **United** factory, we were told that *there had been a major turnaround in their factory within the last week or ten days.* Prior to this, the factory continually violated their contract. They even went on strike in an attempt to win the legal minimum wage, but to no avail. *Now, they told us, things are improving and their contract is being honored.*

8.) By late May, workers reported that the *vast majority of factories in the Al-Hassan Industrial Estate were now shutting down no later than 9:00 p.m.* They also report that worker treatment in the plants, though far from perfect, is relatively better than in the past. Conditions in the Irbid area appear to be improving as factory managers are much more concerned with compliance issues.

9.) The **Central Clothing Company** in Al Tajamouat Industrial City is also moving in the right direction, though there are several serious issues that still need to be addressed. The daily shift at the Central Clothing Company is now 13 hours a day, from 7:30 a.m. to 8:30 p.m., with all Friday's off. The workers describe their wages as better than average, since they can earn 120 JD, or \$169.61, a month including overtime. But even this wage falls more than 20 percent short of what the workers are legally owed. For the 75-hour workweek, they should be earning \$52.76 rather than the \$39.14 they are currently being paid. Still, in comparison to other factories, their wages are, as they say, better than average. Nor do the workers view their hours as excessive. The foreign guest workers came to Jordan to earn money, and as long as the overtime is voluntary, paid correctly and they receive at least one day a week off, they are ready and willing to work hard.

On the down-side, workers have not yet had their passports returned, and many workers still lack their necessary residency permits. Their production goals are set excessively high, according to the workers, which leads to *de facto* pay cuts, for failing to reach the goal, and to threats of deportation. The workers dorm often lacks running water, and everyone complains that the company food is terrible.

The Central Clothing Company is moving in the right direction, but much still needs to be done before the factory is in full compliance with Jordanian law.

These are, of course, just preliminary findings, and we intend to continue gathering information documenting further factory improvements. In this investigation, we are open to and welcome input from all sources with evidence of improving conditions. However, even at this early stage, it is clear that at least some of Jordan's guest workers are experiencing improving working conditions and respect for their legal rights. A good beginning. But, as we will see in the next section, there is still a long way to go.

300,000 Guest Workers in Jordan

There are nine industrial parks, in free trade zones, in Jordan, housing 114 factories which in 2003 produced \$1.2 billion in duty-free goods for export to the U.S. Fifty-five of these factories have official export licenses and direct contract relationships with U.S. companies. The remaining 55 plants, or 48 percent of the total, are subcontract factories, which often operate below the radar and are responsible for the worst worker rights violations. Of the total factory workforce of 54,077, 67 percent (36,149) are foreign guest workers. There are 13,267 guest workers from Bangladesh, 9,872 from China, 9,071 from Sri Lanka and 3,527 from India. There are 17,928 workers from Jordan.

Over all, the government estimates that there are 300,000 foreign guest workers in Jordan. Besides the factory workers, there are an estimated 60,000 foreign domestic workers in Jordanian homes—who are mostly young women from the Philippines, Sri Lanka and Indonesia. Many of these women also report extreme violations, including seven-day workweeks, beatings and sexual harassment. The remaining foreign guest workers are employed in construction and agriculture and are mainly from Egypt.

III. The Bad and the Ugly

1.) Al Nahat: A Disaster Ready to Explode!

Al Nahat Apparels, Ltd.
Al Tajamouat Industrial City

Urgent – The Ministry of Labor should immediately post a full-time inspector at the Al Nahat factory and dorms until management’s continuing threats of violence, further beatings and forcible deportations cease. The Minister of Labor may also want to ask for police intervention.

Continuing extreme violations at Al Nahat / No improvements (Update June 11)

- *Continued human trafficking and involuntary servitude—passports still have not been returned to the workers, nor have the workers received their necessary residency permits.*
- *Today, Sunday June 11, two workers were threatened with a pistol and beaten by the factory owner.*
- *Paid below the legal minimum wage and cheated of over 60 percent of the overtime pay due them.*
- Al Nahat workers continue to earn just 80 JD (\$113.03) a month for a “regular” workweek of 60 hours, which amounts to just \$26.09 a week and 43 cents an hour. This is 33 percent below the legal minimum wage of 64 ½ cents an hour, \$30.99 for the regular 48-hour workweek and \$134.28 a month. Workers are paid at most 35 cents an hour for overtime work, when the legal overtime rate should be 81 cents an hour for regular overtime hours and 97 cents an hour for work on Fridays and national holidays.
- Workers are routinely forced to work 14 ½ or more hours a day, from 7:30 a.m. to 10:00 or 11:00 p.m. or 1:00 a.m., seven days a week. On Friday, June 9, the Al Nahat factory was again working. At most workers receive just one day off a month.
- Today, Sunday, June 11, 25 Al Nahat workers filed a complaint with the local Labor Court seeking payment of their legal minimum and overtime wage. *In retaliation—in addition to beating two workers—the owner has stopped providing food and has cut off water to the workers’ dorm.* The workers are now being threatened with forcible deportation if they dare return to the Labor Court for justice. The owner went berserk, shouting at the workers that he will never pay the benefits described in the few flyers the U.S. delegation was able to distribute. (The flyer listed Jordanian labor laws and informed the workers that it was illegal for management to confiscate their passports.) The owner warned the workers that he will run his factory “just as he pleases,” and that he is “not obligated to respect any Jordanian laws.”
- *The atmosphere is extremely tense, and violence could break out at any moment. The Al Nahat workers are deeply afraid. The owner has threatened that if any worker seeks outside help again, they will be in “serious trouble.”*

Al Nahat is currently sewing garments under subcontract from the Hi-Tech factory in the Ad Dulayl Industrial Park.

Continuing violations at the Al Nahat factory as of May 18:

- Forced to work routine 14 ½ to 15 ½ hour shifts, from 7:30 a.m. to 10:00 or 11:00 p.m., seven days a week, with at least one shift each week stretching 17 ½ hours, from 7:30 a.m. to 1:00 a.m. In April there was no day off.
- Workers are at the factory 107 ½ hours a week, while routinely working 100 hours. By law, the workers should be earning at least \$75.35 for the hundred hours of work, but instead are paid just \$30.99 at most. Each week the Al Nahat workers are being cheated of 60 percent of the wages due them, or \$44.36.
- In April, 10 workers had a gun held to their heads after asking for the legal wages due them. Some workers were also beaten. All of the workers were threatened with deportation.
- Workers have to sign fake wage and hour records.
- Workers had to report to Ministry of Labor investigators that they were paid the correct legal minimum wage and that they had voluntarily surrendered their passports to management. Any worker refusing to lie could be beaten and deported. The workers are frequently threatened at gunpoint.
- Any worker taking a sick day will be docked two days' wages.
- Some Al Nahat workers have not been paid for the last three months.

2. Saidan Factory: Human Trafficking and Involuntary Servitude Continue

**Saidan Garments Limited
Al Tajamouat Industrial City**

We are requesting that the Jordanian Ministry of Labor put the Saidan factory under high alert, with a full-time Ministry inspector present until the rule of law can be re-established at the plant and the safety of the workers guaranteed.

Two Saidan Workers Beaten and Forcibly Deported at Gunpoint on May 20 in Retaliation for Meeting with a Visiting U.S. Delegation

* **Mr. Abdul Kader** (entered Jordan, November 11, 2005)

* **Mr. Badal** (entered Jordan, October 29, 2005)

Both are sewing machine operators, who each paid 140,000 taka (\$2,059 U.S.) to a recruitment agency in Bangladesh to purchase their three-year contracts to work at the Saidan factory. They had to borrow this money in the informal market at exorbitant interest rates of five to ten percent per month.

On the night of Thursday, May 18, 2006, Mr. Abdul Kader and Mr. Badal attended a meeting in Sahab with a U.S. delegation from the National Labor Committee and the United Steelworkers Union. The U.S. delegation had received numerous assurances both from Jordanian Government officials and private sector leaders that no worker would suffer any retaliation, and certainly would not be forcibly deported.

However, following our meeting, Mr. Saidan showed up at the workers' dormitory on Saturday night, May 20, and confronted Mr. Kader and Mr. Badal, shouting and yelling at them for attending the meeting with the U.S. delegation, and threatening that he would not keep them and that they would soon be sent back to Bangladesh. Then, at 3:00 p.m. on May 23, under the pretext that the workers were to be

paid back wages owed them, Mr. Kader and Mr. Badal were asked to step outside the factory. Two drivers and a relative of the factory's general manager were waiting for them with a van. The workers were beaten, and with a pistol held to Mr. Kader's stomach, they were forced into the van. The workers were driven directly to the airport and forcibly deported. They were not permitted to stop at their dormitory to pick up their belongings. They were returned to Bangladesh without two months' back wages owed them, in addition to the Social Security deductions taken from their wages each month, which are legally to be returned when a foreign guest worker leaves the country.

Mr. Kader and Mr. Badal are now back in Bangladesh, penniless, with no money to feed their families, and facing a growing debt incurred to purchase their work contract in Jordan, which is increasing at 10 percent a month.

Both Mr. Kader and Mr. Badal are anxious to return to Jordan, since this is their only hope of paying off their loans.

Saidan owner accuses deported workers of "rioting" and "beating a supervisor"

On June 10, we were able to speak by phone with the two forcibly deported workers, Mr. Kader and Mr. Badal, who were returned to Bangladesh. We have also been in direct contact with workers still at the Saidan factory. According to every worker we spoke with, no such incident ever occurred. There was no "rioting" and no fight took place with any supervisor. The allegations of violence were fabricated by Saidan's manager in an attempt to justify the illegal deportations and human trafficking of foreign guest workers.

Serious violations continue:

- Workers' passports continue to be confiscated and withheld;
- Two months' wages, for April and May, have yet to be paid. When workers ask for their back wages, Mr. Saidan responds telling them to "Go to the Labor Court and they will pay your salary." And in the next breath he threatens the workers that anyone even approaching the Labor Court "will be immediately deported, just like Kader and Badal were."
- ***The situation at the Saidan factory remains tense and threatening. The workers believe that Mr. Saidan cannot be trusted. An atmosphere of fear prevails and the workers are asking for immediate help.***
- Forced to work 16 to 17 ½ hours a day, from 7:30 a.m. to 11:30 p.m. or to 1:00 a.m., seven days a week;
- On average, workers receive one Friday off every other month;
- Workers dragged from their dorms and beaten for refusing to work on the May Day national holiday;
- Routinely at the factory 118 hours a week;
- Paid below the legal minimum wage and—despite being forced to work at least 56 hours of overtime each week—receive no overtime pay;
- Workers are cheated of 60 percent of the wages legally due them;
- Paid just two cents or less for every L.L. Bean t-shirt they sew;
- Housed in primitive dorms, which often lack access to running water four days a week;
- Workers report that the food provided by the factory often makes them sick; and,
- Workers are routinely threatened with beatings and forcible deportation for questioning the long hours and lack of pay, or even for commenting on the food. Workers have also been deported for being sick and for asking that the excessive production goals be lowered.

As of June 11, three positive steps have been taken at the Saidan Factory:

- Workers received a rare weekly day off. On Friday, June 9, the Saidan factory was closed and the workers enjoyed a rare weekly holiday.
- Working hours reduced. In just the past few days, the Saidan factory has been shutting down at 8:00 p.m., which is notable given that up to that point, the standard shift has been 16 to 17 ½ hours a day, from 7:30 a.m. to 11:30 p.m. or 1:00 a.m. seven days a week. Now it appears that the daily shift is being lowered to 12 ½ hours, from 7:30 a.m. to 8:00 p.m. (*Good news short-lived: On Monday, June 11, Saidan was back to working until 11:30 p.m.*)
- Workers receive identification cards. Saidan workers are now receiving their residency permits (*akamas*), which allow them to leave their factory without fear of being detained by the police for lack of required papers.

The workers say that nothing else has changed.

(The full report on the Saidan factory and a transcript of an interview with the forcibly deported workers follows at the end of this report.)

3.) Golden Finger Factory: Some Improvements, though Serious Violations Continue

Golden Finger Al Tajamouat Industrial City

Up to a few days ago, the routine shift at the Golden Finger factory in Al Tajamouat had always been 16 ½ hours a day, from 7:30 a.m. to 12:00 midnight, seven days a week. Except for an hour off for lunch, the workers received no breaks, and were only able to take their supper when they returned home at 12:30 a.m. or later. Under this schedule, the workers were at the factory 115 ½ hours a week, while actually working 108 ½ hours. They never earned more than 90 JD (\$127.21) a month, which amounts to \$29.36 a week and just 27 cents an hour, for the 108 ½ hour workweek. Illegally, the workers are not only paid below the minimum wage, but also receive no overtime pay despite being routinely forced to work 60 ½ hours of overtime each week. Under Jordanian law, these workers should have earned \$81.94 a week—\$30.99 for the regular 48 hours of work, \$36.28 for the 45 hours of normal overtime and \$15.00 for the 15 ½ hours of overtime on Friday, the weekly holiday, at a 50 percent premium. Golden Finger workers are being cheated of \$52.58—64 percent of the wages legally due them each week. Also, two months' wages are always withheld by management. When the workers ask for their proper wages, they are threatened with deportation.

Nor do the workers receive national statutory holidays. Golden Finger's owner tells the workers that he "goes by his own laws, not Jordan's laws," and "if they don't like it, he can send them back to Bangladesh."

In anticipation of the U.S. delegation's visit to the Al Tajamouat Industrial City on Thursday, May 18, the Golden Finger factory was shut down. However, the day before, the workers were kept for a 21-hour shift from 7:30 a.m. on Wednesday morning straight through to 4:30 a.m. the following day. Just in case the workers were questioned by the U.S. delegation, they were instructed to lie, saying that they worked eight hours a day, earned the legal 95 JD monthly wage and had free medical care.

Factory bathrooms remain filthy and lack toilet paper and soap. The workers still face a scarcity of water at their dorm, where there is only irregular access to running water.

Some recent improvements at the Golden Finger factory:

- For the last few days, the Golden Finger factory has been shutting down at 9:00 or 9:30 p.m., meaning that the routine 16 ½ hour shift has been reduced to 13 ½ to 14 hours a day.
- The monthly wage has been raised to 95 JD (\$134.28) which would be the legal minimum wage for the regular 48-hour workweek. However, the Golden Finger workers still receive no overtime pay.
- This last Friday, June 9, was a day off, and it appears the workers will now receive two Fridays off a month, though the legal norm requires at least one day off each week. Still, this is better than having no day off at all.
- Most workers have now received their important residency permits, but the workers' passports still have not been returned.

4.) Smart Needle Factory

The Smart Needle Factory is another small subcontract plant located in the Al-Tajamouat Industrial City, where the foreign guest workers are forced to work extraordinarily long hours. The routine shift is from 7:30 a.m. to 12:00 midnight or even 3:00 a.m., 16 ½ to 19 ½ hours a day, seven days a week. At the very low range, the Smart Needle workers are at the factory 115 ½ hours a week, while working 108 ½ hours. There are also some 48-hour shifts, when rush orders must be completed. When they work all night, the manager places curtains over the factory windows so no one can see in.

Many workers report being sick and disoriented from the exhausting hours, lack of sleep and the poor living and working conditions. The workers' dorm is filthy. Grown men have been reduced to crying.

For all the hours worked, the workers are never paid more than 85 JD a month, or \$120.14, and 25 ½ cents an hour, for 108 ½ hours of work. The Smart Needle workers are earning less than the legal minimum wage and are not receiving even one cent in overtime pay despite being routinely required to work over 60 overtime hours each week. These workers should be earning at least \$82.28 a week. They are being cheated of \$55, or 67 percent of the wages legally due them each week.

The Smart Needle workers who met with us said they were taking a huge risk and if management found out, they would be beaten and forcibly deported. Workers have been beaten and recently two workers were imprisoned for asking for their wages. Two workers were also forcibly deported before the arrival of our delegation.

5.) Silver Plant Apparel

Silver Plant Apparel is another small subcontract plant located in the Al Tajamouat Industrial City. Here the standard shift is 15 ½ hours a day, from 8:00 a.m. to 11:30 p.m., seven days a week. There are no Fridays off and the workers are at the factory 108 ½ hours a week. At most, they are paid 110 JD a month, or \$155.48, and \$35.88 a week, for the 98 hours of work. This is just about half of what they are legally owed. They should be earning at least \$73.60 a week, including the 50 hours of mandatory overtime.

Workers who are sick are dragged from their beds and brought to the factory.

Here too, the workers were very frightened that if they owner found out they had met with us, they would immediately be forcibly deported back to Bangladesh.

6.) Fashion Craft

Fashion Craft is a small Indian-owned subcontract plant in the Al Tajamout Industrial City that produces the "No Boundaries" label for Wal-Mart. Here the "regular" workday is 10 hours and 60 hours a week, not the legal eight hours and 48 hours as required by law. Paid below the legal minimum wage, Fashion Craft workers earn just 85 JD a month, \$120.14, and \$27.72 a week, which comes to just 46 cents an hour, for the 60 hours of "regular" time, well below the legal minimum wage of 64 ½ cents an hour. Also the workers are paid for just one hour of overtime each day, despite regularly working 14 hours a day including five to six hours of overtime.

The workers report constant pressure and lots of screaming to reach excessively high production goals. Workers are forced to sign fake wage and hour sheets, saying they work just eight hours a day. Here too, workers raising questions regarding their hours and wages are routinely threatened with deportation.

There is one possible improvement at Fashion Craft. Following the U.S. delegation's visit, the owner informed the workers that they will be receiving an increase in their salaries to 95 JD, \$134.28, a month, which would be the legal minimum wage for 48 hours of work, though not 60 hours common at Fashion Craft.

7.) Panorama Quality Ace Garments: Workers trafficked to Jordan, exploited and abandoned

The workers came to Jordan through the Meridian Manpower recruitment agency in Bangladesh, which also has an office in or near the Ad Dulayl Industrial Park. The workers were assigned to the Panorama Quality Ace Garments factory in the Ad Dulayl park where they were stripped of their passports and denied their critical residency permits.

They were forced to work 16 ½ and 17 ½ hours a day, from 7:30 a.m. to 12:00 midnight or 1:00 a.m., seven days a week. They had no Fridays off. They were routinely at the factory 119 hours a week while working 112 hours. Typically they were paid just 80 JD a month, or \$113.07, which was below the legal minimum wage, and they received no overtime pay, despite being forced to work 64 hours of overtime a week. The workers were being paid just 23 cents an hour, and \$26.09 a week. Legally, they should have been earning \$85.09 a week, meaning that the workers were receiving less than a third of the wages legally due them.

It got even worse since the Panorama workers often went for months without being paid. In a nine-month period, one worker was paid just three months' wages.

Then in December 2005 or January 2006, the Panorama factory temporarily closed. For two months there was no work, no pay, and often no food. Two hundred people were fired for asking for their wages.

Panorama then reopened under a different name, this time called **Gonesh**, still in the Ad Dulayl area. One hundred of the fired workers were taken back, but 100 workers are still out in the street, desperate, with no money and no residency permits, which might allow them to find other work. The Gonesh workers still toil from 7:30 a.m. until 10:00 p.m. or 12:00 midnight, 14 ½ to 16 ½ hours a day, seven days a week. The workers have not been paid for the last three months. No one has their necessary residency permits and their passports remain confiscated and in the hands of management.

Workers report still being beaten and threatened with deportation if they insist on being paid.

There have been no improvements in the factory and the workers are begging for help.

8.) Factory closures leave more than 1,000 foreign guest workers, and perhaps many times more than that, out on the street, owed back wages, deeply in debt, without residency permits and therefore with no hope of employment, and nowhere to turn for help. These guest workers have been abandoned, becoming people without a country.

Only recently have we begun receiving a stream of appeals from desperate foreign guest workers across Jordan who have lost their jobs due to factory closings. We have already seen that 100 workers lost their jobs at the **Panorama** factory after asking for their wages. When the Topaz factory in Irbid closed in April 2006, approximately 600 workers lost their jobs. Many of these workers are still owed at least four months' back wages. They also report that several young women at the Topaz factory suffered sexual harassment and some were raped. Like other Bangladeshi guest workers, many Topaz workers had to pay 180,000 taka (\$2,647), —which they had to borrow at exorbitant interest rates—to purchase their three-year contract to work in Jordan. Now it is impossible for them to return to Bangladesh until they can pay off these debts.

We are hearing reports that as many as 20 garment factories in Jordan may have closed over the last few years, leaving thousands of workers stranded.

One worker who lost his job wrote us:

When we came here we had to pay 180,000 taka (\$2,647) and now we are in trouble. We can't walk outside in the street because we don't have any legal papers with us. When we ask a company to give us our papers [residency permit without which you cannot work], they say we have to pay 1,000 JD (\$1,413), but where will we get that money? We don't have any work now; we are helpless and homeless. What should we do now?

If you can't help us, then there will be no choice but to die.

A serious investigation into these very disturbing allegations must be launched. These guest workers came to Jordan in good faith, paying—what is for them—a large sum of money to purchase their work contracts. They were willing to work 12 or more hours a day, six and seven days a week. They should not be abandoned and a way must be found to make them whole again.

IV. Recommendations to the Government of Jordan—based on findings of the recent U.S. delegation’s trip

1.) Return of Passports: We want to strongly commend the Government of Jordan for its decision to begin returning passports to the estimated 300,000 foreign guest workers in Jordan. We had the opportunity to discuss this with many guest factory workers, who told us that in most cases, there was already sufficient security available in their dorms for the workers to safely keep their passports. In dorms where this is not the case, installing secure lockers would be a quick and easy solution. We were also cautioned regarding workers who supposedly “want to” voluntarily surrender their passports, that this may be a remnant of past coercion and fear. Indeed, we did not meet a single worker who did not want his or her passport returned.

2.) Portability: Here too, we want to acknowledge that the Jordanian Government is taking some positive steps in this direction. *Along with return of passports, the right to portability, that is the freedom of workers to move to better factories, is the surest way to end abusive factory conditions.* Workers would have the right to vote with their feet, isolating abusive factories, while rewarding the good factories that do respect Jordanian law.

The crucial role of portability in ending abuse has been recognized by other countries that use foreign guest workers, including Israel. On March 30, 2006, Israeli Supreme Court Judge M. Cheshin issued the following decision (Case No. 4542/02):

Indeed, one must conclude—painfully and shamefully—that the migrant worker became the employer’s serf; ... that binding workers to employers created a form of modern slavery. In this binding arrangement the state ... shackled the workers’ hands and feet to the employer who “imported” them—nothing less. The migrant worker turned from a subject of law—a person who has rights and obligations under the law—into an object of law, as if he were a piece of property. This arrangement infringed on the autonomy of workers, and practically denied them their liberty. According to the binding arrangement the workers became machines...slaves of olden days, like the people who built the pyramids or rowed Roman ships into war.

3.) Payment of Back Wages: For the guest workers, the most serious and immediate issue is the payment and recovery of the back wages legally due them. These guest workers came to Jordan in good faith, and have worked very hard and long hours, only to be routinely shortchanged of one third and over half of the wages legally owed them. These workers need to be made whole again.

This is especially true of the workers in the smaller subcontract factories, which routinely pay below the legal minimum wage while demanding long overtime hours without pay. However, many—if not the majority—of larger direct contract plants are also guilty of wage violations, though most not as extreme as the subcontract plants.

At the initiative of the Jordanian Government, a special fund should be created containing a sufficient pool of money to reimburse guest workers for all back wages owed them in accordance with Jordanian law, and in cases of extraordinary abuses—such as sexual assault, beatings or being forced to work months without wages—for hardship. We are prepared to consult with you concerning ways of arriving at an appropriate level of funding. The fund should be directed and administered by a distinguished and independent third party who has credibility with the global

labor and human rights community. The fund should be sufficient to cover administrative fees without detracting from the back wages and hardship owed the guest worker victims. It would be up to the Jordanian Government to decide who else should contribute to the fund, including local factory owners and U.S. retailers and manufacturers sourcing production in Jordan.

4.) The Right to Freedom of Association: The Jordanian Government has also acted wisely and quickly in urging the General Trade Union of Workers in Textile, Garment and Clothing Industries to amend their by-laws so that foreign guest workers can now become members of the union. The rights of guest workers to freely associate, to organize a union and bargain collectively are guaranteed by core International Labor Organization standards.

However, we must caution that—even if membership is open to the guest workers—the union will not be able to help these workers without sufficient resources. As it is, union leaders told us that they are prohibited from entering the factories. Without adequately paid staff who possess the language skills to reach the predominantly Bangladeshi, Chinese, Sri Lankan and Indian guest factory workers, there is no way the union will even be able to speak with the workers, let alone represent them. Increased resources and training must be provided the General Trade Union of Workers in Textile, Garment and Clothing Industries.

4.) Contracts and Pay Stubs: There is a certain confusion regarding guest worker contracts that may have been signed in Bangladesh, China, Sri Lanka, India and elsewhere. Yet once the guest workers enter the sovereign territory of Jordan, Jordanian law takes precedence. Not only should the contract the worker signs be translated into the native language of the worker and a signed copy remain with the worker—the guest workers should also receive pay stubs which clearly state the number of regular hours worked along with the number of overtime hours and what minimum wage and overtime premiums were paid. The workers will then clearly know if their hours are being under-reported.

5.) Special attention must be paid to subcontract plants, and prosecutions initiated against the worst offenders: As has already been mentioned, many of the 55 smaller subcontract plants in Jordan still appear to be operating under the radar, and are out of control. At some subcontract factories—such as Al Nahat and Saidan—the violations are so extreme and violent that these factories should be closed down and their owners prosecuted for human trafficking and holding guest workers under conditions of involuntary servitude. Of course, the workers at the Al Nahat and Saidan factories should not have to endure further suffering. They should be given the option of immediately relocating to one of Jordan's better factories. Immediately, we urge the Ministry of Labor to post full-time inspectors at the Al Nahat and Saidan factories and dorms to prevent further abuse, threats, beatings and forcible deportations.

Prosecutions of the worst offenders are critical if the message is to be sent out widely and clearly across Jordan that the gross violation of Jordanian law and extreme human and worker rights abuses will never again be tolerated.

We also urge the U.S. companies to do more to crack down on the widespread practice of illegal subcontracting. It should not be such a mystery. These subcontract factories have proliferated as satellite plants to service the larger direct-contract plants, providing them with a source of disposable, temporary labor, where illegal conditions also act to hold down costs.

6.) Independent Workers' Hotline: The National Labor Committee (NLC) and the United Steelworkers Union (USW) are ready to set up an independent workers hotline, where guest

workers in Jordan can call a toll-free number to speak with human, women's, worker rights and union organizations in their native countries to report serious violations. It has long been our experience in many countries across the world that factory workers often cannot risk speaking openly with corporate auditors or government inspectors. This concern is, of course, even more acute in the case of Jordan, where the majority of factory employees are foreign guest workers who cannot speak Arabic. However, these workers will always speak openly and truthfully to human rights, women's rights and labor rights organizations they know and trust from their home countries, especially since their conversations will remain strictly confidential.

We have already had some preliminary discussions regarding this approach with several U.S. companies that source production to Jordan, and the response has been positive.

A truly independent workers' hotline would actually help the U.S. companies and the Ministry of Labor in Jordan, as they would be receiving very accurate information regarding violations in specific factories. Such reliable information may even help factory owners who may be unaware of the abusive practices of certain supervisors.

The details of such an independent workers' hotline would have to be worked out jointly with all the stakeholders involved, including the workers, U.S. companies, Jordan's Ministry of Labor and the factories.

Once the hotline is set up, no further cases of alleged violations will be made public. The Ministry of Labor and the companies would have a sufficient period to investigate and correct any abuses. It is only in the case that no sufficient actions are taken that those cases would be made public.

We are anxious to discuss setting up an independent workers' hotline as soon as possible with the Ministry of Labor and the U.S. companies. Of course, this hotline will not replace, but rather, augment, ongoing monitoring efforts of the Ministry of Labor and the companies.

7) An Emergency – People without a country: The fact that upwards of 1,000 foreign guest workers, and potentially many times that number, are stranded in Jordan due to factory closures, lacking residency permits, still owed back wages, and unable to return home due to their unpaid debts, is a serious crisis that must be immediately investigated and humanely dealt with.



Pittsburgh, PA 15222
Phone: 412-562-2400
Fax: 412-562-2266

National Labor Committee

Education Fund in Support of
Worker and Human Rights
540 West 48th Street, 3rd Floor
New York, NY 10036
Ph: 212-242-3002
Fax: 212-242-3821

June 12, 2008

United States Senate
Washington, D.C. 20515

U.S. House of Representatives
Washington, D.C. 20510

Dear Senator/Representative:

We write to seek your help regarding the working conditions of guest workers in Jordan and in particular the human trafficking of foreign guest workers who are being held under conditions of involuntary servitude at the Saidan garment factory there.

Last month with the cooperation of the Jordanian government, a delegation from NLC and the United Steelworkers visited several free trade zones in Jordan to investigate complaints and view working conditions of foreign workers in Jordan. That trip validated the complaints we had been receiving.

Moreover, despite numerous assurances from Jordanian Government officials and local private sector leaders that no worker who met with our delegation would suffer any kind of retaliation, two workers from the Saidan company were beaten and forcibly deported at gunpoint following meeting with us on May 18. The workers were returned to Bangladesh without their belongings or back wages. Penniless, they cannot support their families or pay off the large debts they incurred to purchase their three year contracts to work in Jordan. The workers desperately want to return to Jordan as it is their only hope of ever being able to pay off their loans.

Driven by earlier NLC reports, the concern among brand name retailers about adverse publicity and the pressure of Jordanian officials, there has been some very recent, preliminary improvement in working conditions in the free trade zones in Jordan. Several large factories are apparently in the process of returning worker passports and promising compliance with legal provisions regarding wage rates, overtime and holidays. For now, factories are closing at 8:00 p.m. and 9:00 p.m. instead of 10:00 p.m. and 11:00 p.m. and later. A soon to be announced Ministry of Labor in-depth project, if fully implemented, will add further impetus to force much needed improvement.

But it must be stressed that there is far more promise than actual results at this time and that the abominable conditions at the numerous smaller factories such as Saidan are essentially

unchanged.

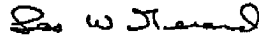
Even if it were an isolated case, what happens at the Saidan factory is critical in that it will send a message to all 300,000 foreign guest workers in Jordan, especially to the 36,500 guest workers employed in factories exporting goods duty-free to the U.S. If the forcible deportations and violations at the Saidan factory are allowed to stand, then the message will be that guest workers still have no rights and no voice. On the other hand, if the two workers are returned to Jordan and the Saidan factory is brought into compliance with Jordanian law and international labor rights standards, then the message will be one of hope, empowerment and respect for human rights.

We ask that you appeal to the Jordanian authorities asking them to intervene immediately with Saidan management to return these two workers to their former positions, with back wages and guarantees of no further reprisals as the Saidan factory is brought into compliance with Jordanian law.

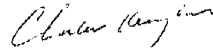
Attached are a transcript of a videotaped interview with the two workers deported from Saidan and a background report on the factory. Later this week we will be issuing a report on the findings of our delegation's trip to Jordan along with several recommendations to help end human trafficking and secure respect for worker rights. We will keep you posted.

Thank you for all your help.

Sincerely,



Leo W. Gerard
International President
United Steelworkers



Charles Kernaghan
Director
National Labor Committee

- C: Senate Finance Committee
- Senate Foreign Relations Committee
- House Ways and Means
- House International Affairs Committee
- Congressional Human Rights Caucus
- Congressional Helsinki Commission

A Case of Human Trafficking and Involuntary Servitude

Mr. Abdul Kader and Mr. Badal were beaten and forcibly deported at gunpoint from the Saidan factory in Jordan, in retaliation for meeting with a visiting U.S. delegation. The workers were returned to Bangladesh without their belongings or back wages.

This is the transcript of a videotaped interview with Abdul Kader and Badal conducted in Dhaka on June 1, 2006.

Abdul Kader (AK): My name is Abdul Kader. I went to Jordan for work, but the owner of the factory has forcibly returned me home. They beat us and sent us back to Bangladesh from Jordan.

Badal (B): My name is Badal. I also went to Jordan to work for Saidan factory. I came back home on Wednesday, May 24. They tortured us and sent us back to Bangladesh. We are roaming the streets and are facing much trouble.

AK: The owner forced us to enter into the airport and went away. We did not have a chance to speak to anybody.

Through my friends I got to know that the **Mahbub Travel** agency was recruiting some workers to work in the garment factories in Jordan. Then I went to Mahbub Travels office and talked to one officer named Jamal. Jamal encouraged me to go to Jordan, as workers are benefited working in Jordan. I asked Mahbub "What are the benefits?" He responded as follows: "Workers would get Tk. 12,000 [*\$146.47*] as regular salary and with overtime one would make Tk. 15,000 [*\$220.59*]. The doctor for medical treatment and medicine is free. The accommodation and food is entirely free of charge."

Then I submitted my passport. I boarded the plane on October 19, 2005 and arrived Jordan on October 20.

The owner came to the airport to receive us. When we got out of the airport, then the owner confiscated our passports. We were altogether 36 workers. Among us there was one woman worker.

I had to buy the contract at the cost of Tk. 140,000 [*\$2,039*]. As I was a garment worker in Bangladesh I did not have my own money to purchase the contract. I took a loan from my relatives and borrowed money on credit from the bank. Thus I went to Jordan, but we were forced to leave Jordan.

The owner informed us we had to work from 7:30 a.m. in the morning. We used to get up 6:30 a.m. and got prepared to go to the factory. We walked to the factory and it took 30 minutes to get to the factory. We started working at 7:30 a.m. After working one hour we were provided breakfast in the factory at 8:30 a.m. There was a 15-minute break for the breakfast. Again we started working at 8:45 a.m. until 12:30 p.m. There was a lunch break for half an hour.

After the lunch we worked from 1:00 p.m. to 4:00 p.m. There was again a break for 15 minutes from 4:00 p.m. to 4:15 p.m. but they did not provide us any refreshment or tea. We sat in the factory since we did not have the luxury of buying tea outside of the factory. A few workers would go outside for tea or oake. The owner did not give us any refreshment.

For breakfast we were given a piece of bread and lentil. At lunch at 12:30 p.m. they gave rice and one egg for four days, mutton for two days and chicken for one day in a week.

The company did not provide us refreshment at 4:00 p.m. We told the management that many factories provide tea and biscuit to the workers and we asked why we were not provided the refreshment. They responded, "The company would never give any refreshment," and threatened us deportation if we continued to ask for refreshment. "The factory will run the way we want. You have come here at the cost of a handsome amount of money. If you are sent back, you will face much hardship. If you speak about this we will send you back home." The owner, Ryad and production manager, Sauad, told us this.

We worked again from 4:15 until 8:30 p.m. The company supplied supper at 8:30 p.m. in the factory. There was a canteen in the factory, but it was used as a storeroom. We had to sit outside of the factory in an open field for lunch and supper. It was windy and dust appears on the plate. Some workers sat under the water tank. During the luncheon time it was very sunny, and when it rained we got soaked. We wanted to take lunch and supper in the factory. They said, "No. You must take food outside." We were obliged to sit under the water tank. The quality of the food was bad. We would often vomit, as we were eating eggs in hot weather. Even then, it was obligatory to take eggs four times a week although we disliked it. We explained to them we did not feel good about this food. They responded, "If you had not like it, go back to Bangladesh," and asked us, "Did you take much better food in Bangladesh?" I took also bad quality food in Bangladesh.

We did not protest this, as we knew we were indebted to relatives to come here. And if we went back, how would we pay back the loan? If we were sent back we would be in trouble.

After a 30-minute supper break we again started working at 9:00 p.m. It was fixed that we had to work until 11:30 p.m. If we could not meet the target, we had to work additionally until 12:00 midnight, 1:00 a.m., 3:00 a.m. to reach the production goal. We asked, "Why should we work such long hours without overtime?" They responded, "Since you could not meet the target, you had to make it with extra hours."

The target was so ambitious that it was impossible to meet. For example, we had to make 7,000 pieces in 12 hours. Even working 16-17 hours we were unable to reach the target. The management's order was that nobody could leave the factory with the goal unmet. We asked a day off on Fridays, but they told us, "You are here to work. Friday will be treated as a normal working day. You should not think anything else." On Fridays we worked until 11:30 p.m. We told them, "We need some relaxation." They responded, "You have come here to make money. Push it as far as you can."

We argued that they did not pay us correctly, but they said, "You want to be a leader. You speak too much. If you take the lead you will be sent back to Bangladesh."

We have asked for Akama [*residency permits*] for moving around and to be able to go outside. They told us, "You will not be given the Akama because you would run away if you get the Akama. Then who would be responsible? You have to work without Akama"

Workers got sick from such long working hours and wept over this misfortune. If someone said, "I am sick how can go to the factory?" they responded, "You will have to attend the factory by any means. There was no excuse. Sick workers must attend the factory and are ordered to work." They told us, "You are pretending to be sick." even though workers were really sick. They said, "Would you like to go back

to Bangladesh? If you can do work, why do you pretend?"

They said, "If you talk too much, we will force you to clean the toilets." They compelled many workers to clean the toilets. Usually the toilets were very dirty in the factory, the smell spread across the floor out of the filthy toilets. They do not clean the toilets. When we asked them to clean the toilets, they responded, "You do it."

When we finished work, at night we walked back to the house. It was very cold while we were there. There was no regular flow of water in the house. Twelve workers shared one room. There was nothing in the room except one bed, a pillow and a light blanket. It was very cold inside the room. The bathroom in the house was also unclean. There was no door on the bathroom. A bad smell comes out the bathroom. In spite of our request, they did not pay heed to it. They said it would be taken into consideration later, but nothing ever happened.

In a week, we hardly had access to water for 1-2 days. We faced lack of water. The rest of the time, we could not wash our faces. When we got back home at night, in most cases we did not have access to water. Sometimes we used to go to a colleague's house to drink water. We faced scarcity of drinking water.

B: We got sub-contract work from a nearby factory called Atateks. We made T-shirts and Polo shirts. We had a production goal of making 7,000 to 8,000 each line. It was impossible to meet the target, and we had to work to 12:00 midnight-1.00 a.m. We were not allowed to leave the factory unless we met the target. After working such long hours, the company did not pay us overtime. Regular salary was not paid on a fixed date or time. They kept two months'-one and half month's salary at hand. They beat us when we asked for our salary.

In the first month we were paid 79 JD. Before they sent back we were given 94 JD. They did not pay us the last two months' salary. They forced us to get into a van to go to the airport. Now we are in Bangladesh. We face even more severe economic hardship.
[79 Jordanian Dinar = \$111.50 U.S.; 94 JD = \$132.68]

AK: In our factory there were total 97 workers; among them 4 were Indian. There were nine Bangladeshi worker-leaders. Four of them had already been deported earlier. Five ran away. Three of them were caught. They experienced tough jail life in Jordan. They were in jail for one month, and finally the company brought them back to the factory from the jail. Now the company teaches other workers this example. They instruct the workers to work silently, not to speak to each other.

B: The company did not pay us for April and May. We all went to management to ask for our unpaid salary, as our family members were facing problems in Bangladesh. After this the company targeted four or five of our colleagues and took us in the office and beat us and we had to apologize. The management told us that we would be paid after two days. They purposely delayed it for one more day and another.

In the meantime one of our friends informed me about Mr. Charlie's arrival in Sahab. We felt encouraged to tell our problems to him. He carefully listened to our problems and asked to go back to the house with a hope that the problems would be solved.

Then two supervisors, Ms. Khairun and Mr. Kuddus, knew through other workers that we had met with Charlie. The supervisors informed the owner of the factory about our meeting with Charlie.

The owner bought our tickets and forcibly put us in van and showed us arms to go to the airport.

We were told that we would be paid. They called two workers first and paid their salaries. Then Kader was called and asked to bring a change for a one JD coin into different denominations from a shop outside of the factory. There was a van, a driver, and two Jordanians ready outside of the factory. They asked Kader to come close to them. Then they forced him to get into the van, beat him and showed him the pistol.

Similarly I was told that I would be paid. They told me to make change for a one JD coin into different denominations from outside the factory. They added that our wage had been increased to 95 JD, overtime rate rightly calculated, and all the problems had been solved. I was pleased to hear of these.

When I was out to change the coin I was caught by them. They put the pistol in my waist and forced me to get into the van. They violently beat both Kader and me in the van. They drove us to the airport at the van's maximum speed. There were two Jordanians and one driver at that time.

Before arriving at the airport, the police checked the van and asked them where do you take these two guys? They responded, these two workers will be deported. The Police wanted to know the reason for deportation. In response they told the police that the two workers spoke against our government and our King Abdullah. These workers said Abdullah is not a good man. But we did not say that. They told lies to the police. The Police hinted that since the workers were making derogatory remarks about Jordan and its King to send them back. We failed to make the police understand that we did not speak against Jordan.

We did not know that we had to leave. They did not give us a chance to take our luggage, clothing and other belongings. We wanted to visit our house, but they did not allow us to do it and they did not even allow us to talk to others. They brought our passports with them and gave them back to us at the airport. They confirmed that our passports have been sealed for immigration. It was May 23 at 4:30 p.m. we left Jordan. We arrived at the Dhaka airport on May 24 8:00 in the morning.

The company did not pay us the last two months' salary and overtime. Every month they kept 5 JD for Social Security with the commitment that we would get it back when we left the factory. They did not pay us the social security money. We purchased the contract at the cost of 140,000 Taka. The company only paid us five months. The last two months they did not pay us. We don't have any money. We cannot repay the loan that we took for going to Jordan.

Now, we would like to go back to Jordan to work. We want to repay our loans.

The food that was given to us was low quality food and it had no taste. We got sick from the food. There was no doctor, no medicine in the factory. When someone felt sick we had to consult with the doctor in the hospital and buy medicine with our own money.

There was a signboard in front of the factory. When labor inspectors or buyers would come to the factory, they put the signboard aside and hid it in some other place. We went to Jordan with a great hope but we are now facing hardship. The company did not provide us with an identity card. As a result we could not move around outside. We were there like being in jail. The Bangladeshi Embassy, the Jordan police did not help us even though we made complaints to them. Two times we complained to them but received no response.

Where should we go, if no one helps us solve our problems?

The End.



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Saidan Factory
Human Trafficking and Involuntary Servitude Continue

percent a month.

Both Mr. Kader and Mr. Badal are anxious to return to Jordan, since this is their only hope of paying off their loans.

When Saidan management learned of the U.S. delegation's visit to the Al Tajamout Industrial City, they removed the factory signboard so that the Saidan factory could not be identified. Still, in case we might somehow stumble upon the factory by chance, the workers were forced to clean the toilets and were threatened to lie about factory conditions should the Americans show up. If they told the truth, they would be deported.

UPDATE -- JUNE 12: Saidan owner accuses deported workers of "rioting" and "beating a supervisor"

We were able to speak by phone with the two forcibly deported workers, Mr. Kader and Mr. Badal, who were returned to Bangladesh. We have also been in direct contact with workers still at the Saidan factory. According to every worker we spoke with, no such incident ever occurred. There was no "rioting" and no fight took place with any supervisor. The allegations of violence were fabricated by Saidan's manager in an attempt to justify the illegal deportations and human trafficking of foreign guest workers.

Sewing Clothing for L.L. Bean—serious violations continue:

- Workers' passports continue to be confiscated and withheld;
- Two months' wages, for April and May, have yet to be paid. When workers ask for their back wages, Mr. Saidan responds telling them to "Go to the Labor Court and they will pay your salary." And in the next breath he threatens the workers that anyone even approaching the Labor Court "will be immediately deported, just like Kader and Badal were."
- *The situation at the Saidan factory remains tense and threatening. The workers believe that Mr. Saidan cannot be trusted. An atmosphere of fear prevails and the workers are asking for immediate help.*
- Forced to work 16 to 17 ½ hours a day, from 7:30 a.m. to 11:30 p.m. or to 1:00 a.m., seven days a week;
- On average, workers receive one Friday off every other month;
- Workers dragged from their dorms and beaten for refusing to work on the May Day national holiday;
- Routinely at the factory 118 hours a week;
- Paid below the legal minimum wage and—despite being forced to work at least 56 hours of overtime each week—receive no overtime pay;
- Workers are cheated of 60 percent of the wages legally due them;
- Paid just two cents or less for every L.L. Bean t-shirt they sew;
- Housed in primitive dorms, which often lack access to running water four a week;
- Workers report that the food provided by the factory often makes them sick; and,
- Workers are routinely threatened with beatings and forcible deportation for questioning the long hours and lack of pay, or even for commenting on the food. Workers have also been deported for being sick and for asking that the excessive production goals be lowered.

Some Positive Steps at the Saidan Factory:

- **Workers received a rare weekly day off.** On Friday, June 9, the Saidan factory was closed and the workers enjoyed a rare weekly holiday.
- **Working hours reduced.** In just the last few days, the Saidan factory has been shutting down at 8:00 p.m., which is notable given that up to that point, the standard shift has been 16 to 17 ½ hours a day, from 7:30 a.m. to 11:30 p.m. or 1:00 a.m. seven days a week. Now the daily shift has been lowered to 12 ½ hours, from 7:30 a.m. to 8:00 p.m.
- **Workers receive identification cards.** Saidan workers are now receiving their residency permits (*akamas*), which allow them to leave their factory without fear of being detained by the police for lack of required papers.

Hours

- **At the factory 118 hours a week;**
- **Forced to work 16 ½ to 19 ½ hours a day—from 7:30 a.m. to 11:30 p.m., 12:00 midnight, 1:00 or 3:00 a.m.;**
- **Working seven days a week, with no government holidays allowed.**

In the last seven months, the Saidan workers had just three or four Fridays off, meaning they are averaging just one day off every other month. National holidays are not respected. For example, the foreign guest workers were beaten and dragged from their dormitories, punched and shoved for refusing to work on May 1, which is an official holiday in Jordan. The only holidays the workers were allowed were two days off for each of the religious Eid festivals.

The typical shift is from 7:30 a.m. to 11:30 p.m.—16 hours a day. However it is also common to be forced to work 16 ½ to 19 ½ hour shifts, to midnight or 1:00 a.m. at least three days each week, and an 19 ½ hour shift, to 3:00 a.m., one night. This means the workers are routinely at the factory 118 hours a week, while working 107 ½ hours.

During the 16 to 19 ½ hour daily shifts, the workers receive two 15-minute breaks, one for breakfast and an afternoon tea break—but without tea—and two half-hour breaks for lunch and supper. As the factory canteen is used for storage space, the workers complain that they must take their lunch and supper sitting outside in the dirt, and it is common for sand to get into their food.

Routine Shift at Saidan

- | | |
|--------------------------|----------------------------------|
| ▪ 7:30 a.m. – 8:30 a.m. | (Work, 1 hour) |
| ▪ 8:30 a.m. – 8:45 a.m. | (Breakfast, 15 minutes) |
| ▪ 8:45 a.m. – 12:30 p.m. | (Work 3 ¾ hours) |
| ▪ 12:30 p.m. – 1:00 p.m. | (Lunch, ½ hour) |
| ▪ 1:00 p.m. – 4:00 p.m. | (Work, 3 hours) |
| ▪ 4:00 p.m. – 4:15 p.m. | (Tea-less tea break, 15 minutes) |
| ▪ 4:15 p.m. – 8:30 p.m. | (Work, 4 ½ hours) |

Illegal and Abusive Conditions at the Saidan Factory

- **Upon their arrival at the airport in Jordan, management confiscates the guest workers' passports.** Workers who have been at the factory more than seven months still do not have the required residency permit, or identity card, which would allow them to walk outside the factory and dorm area without fear of being stopped by the police and detained for lack of proper papers. Workers who ask for their *Akama* ID cards are threatened with beatings. Stripped of their passports and legal residency permits, the Saidan workers are being held under conditions of involuntary servitude.
- **Workers are not allowed sick days, and will be dragged from their beds and taken to the factory.** Workers too ill to keep up with the pace of production will be forcibly deported, as happened in January 2006, when two workers were returned to Bangladesh. Nor do the workers receive health care, as was promised in Bangladesh when they paid for and signed a work contract to come to Jordan.
- **Workers are routinely threatened with beatings and deportation for daring to question wages, hours or factory conditions.** Workers who approach management to ask for their wages, for Friday off, or better food will be attacked and beaten. On April 13, 2006, a supervisor named Mr. Hafizur was forcibly deported from the Saidan factory after urging management to reduce the excessive overtime hours, which were exhausting the workers and hurting the quality of the production, and to pay for overtime work. Mr. Hafizur, who is back in Bangladesh, is also willing to publicly testify to the extreme abuses at the Saidan factory.

Conditions were so bad at the Saidan factory that in early 2006, five workers tried to run away, leaving their passports behind, fleeing on foot, hiding by day and running at night in an attempt to cross the border of Jordan. Three of the fleeing workers were caught by the police and spent one month in jail. Saidan management then took the imprisoned workers back to the factory as an example to the other workers that it is best to do your work and to remain silent.

- **Crowded dorms often lacking water; sickening food.** The workers are housed outside the industrial park in a dorm which is about a half hour's walk from the factory. Twelve workers must share each small room. The worst part is that their house often lacks access to running water for four or five days each week. The workers cannot bathe and must go to a neighboring house to use the bathroom. The bathrooms in the dorm and factory are always filthy.

The workers also report that they often fall sick from the company food, especially during the hot summer months, when the workers feel the food is spoiled.

No One Helped Them

No one has ever explained to the Saidan workers their legal rights under Jordan's labor law, and as a result they remain ignorant of the legal 48-hour workweek in Jordan and the 64 ½ cent-an-hour minimum wage. They have never heard of the U.S.-Jordan Free Trade Agreement. During their stay in Jordan, no one has ever helped them. They report having nowhere to turn.

For breakfast we were given a piece of bread and lentil. At lunch at 12:30 p.m. they gave rice and one egg for four days, mutton for two days and chicken for one day in a week.

The company did not provide us refreshment at 4:00 p.m. We told the management that many factories provide tea and biscuit to the workers and we asked why we were not provided the refreshment. They responded, "The company would never give any refreshment," and threatened us deportation if we continued to ask for refreshment. "The factory will run the way we want. You have come here at the cost of a handsome amount of money. If you are sent back, you will face much hardship. If you speak about this we will send you back home." The owner, Ryad and production manager, Saoud, told us this.

We worked again from 4:15 until 8:30 p.m. The company supplied supper at 8:30 p.m. in the factory. There was a canteen in the factory, but it was used as a storeroom. We had to sit outside of the factory in an open field for lunch and supper. It was windy and dust appears on the plate. Some workers sat under the water tank. During the lunchtime it was very sunny, and when it rained we got soaked. We wanted to take lunch and supper in the factory. They said, "No. You must take food outside." We were obliged to sit under the water tank. The quality of the food was bad. We would often vomit, as we were eating eggs in hot weather. Even then, it was obligatory to take eggs four times a week although we disliked it. We explained to them we did not feel good about this food. They responded, "If you had not like it, go back to Bangladesh," and asked us, "Did you take much better food in Bangladesh?" I took also bad quality food in Bangladesh.

We did not protest this, as we knew we were indebted to relatives to come here. And if we went back, how would we pay back the loan? If we were sent back we would be in trouble.

After a 30-minute supper break we again started working at 9:00 p.m. It was fixed that we had to work until 11:30 p.m. If we could not meet the target, we had to work additionally until 12:00 midnight, 1:00 a.m., 3:00 a.m. to reach the production goal. We asked, "Why should we work such long hours without overtime?" They responded, "Since you could not meet the target, you had to make it with extra hours."

The target was so ambitious that it was impossible to meet. For example, we had to make 7,000 pieces in 12 hours. Even working 16-17 hours we were unable to reach the target. The management's order was that nobody could leave the factory with the goal unmet. We asked a day off on Fridays, but they told us, "You are here to work. Friday will be treated as a normal working day. You should not think anything else." On Fridays we worked until 11:30 p.m. We told them, "We need some relaxation." They responded, "You have come here to make money. Push it as far as you can."

We argued that they did not pay us correctly, but they said, "You want to be a leader. You speak too much. If you take the lead you will be sent back to Bangladesh."

We have asked for Akama [residency permits] for moving around and to be able to go outside. They told us, "You will not be given the Akama because you would run away if you get the Akama. Then who would be responsible? You have to work without Akama"

Workers got sick from such long working hours and wept over this misfortune. If someone said, "I am sick how can go to the factory?" they responded, "You will have to attend the factory by any means. There was no excuse. Sick workers must attend the factory and are ordered to work." They told us, "You are pretending to be sick," even though workers were really sick. They said, "Would you like to go back to Bangladesh? If you can do work, why do you pretend?"

