

Testimony by David S. Abramowitz
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Subcommittee on Africa, Global Health, and Human Rights
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Best Practices and Next Steps:
A New Decade in the Fight Against Human Trafficking

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

Mr. Chairman, I am testifying as the Director of Policy and Government Relations at Humanity United. Humanity United is a foundation based in Redwood City, California that works to advance human freedom by combating human trafficking and ending modern-day slavery. As I will discuss below, our work encompasses a range of activities, including funding organizations that act to end human trafficking domestically and abroad, supporting meaningful engagement of multinational corporations, and engaging directly in South Asia.

Mr. Chairman, human trafficking continues to inflict suffering on tens of millions of people around the globe. Estimates of those who are in various forms of human bondage range from 12 to 27 million people. President Khoo of Interpol has estimated that human trafficking in all its forms yields \$32 billion dollars in profits every year.¹ David Arkless of Manpower, Inc. reported last year that despite this Committee's good work and international efforts by a wide array of countries, the worldwide economic downturn has led to a surge in human trafficking as those desperate for some way to sustain themselves become more vulnerable to the predators who perpetuate modern-day slavery.²

Mr. Chairman, as you well know, this is not a matter of numbers; each individual story of tremendous suffering and exploitation is a human rights tragedy that violates our values and beliefs. Regrettably, this is not a far away problem that affects distant lands. It remains a shock to most Americans but thousands of adults are trafficked into forced or exploitative labor here in the United States, and estimates of U.S. youth trafficked into commercial sex has been estimated to be as high as 100,000.

Each of these victims, Mr. Chairman, deserves the freedom to become a survivor. They deserve the assurance that the trafficking of others will be prevented, that their own lives will be protected, and that their perpetrators will be convicted. And we need to help raise their voices.³

¹ President Rhoo, Interpol, Speech at Interpol Conference on Human Trafficking, June 7, 2010, <http://www.thenational.ae/apps/pbcs.dll/article?AID=/20100608/FOREIGN/706079866/1002/RSS>

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

³ The Committee has helped lift these voices up for years. Virtually every panel that this committee has heard from has included the voice of victims. In 2007, for example, the Committee heard testimony from Zipora Mazengo, who came to the United States seeking a better life as a domestic worker to a Tanzanian diplomat here in Washington, DC, only to have her passport seized, to be forced to work up to 16 hours a day without pay just a few miles from this very building, and to be

Mr. Chairman, at Humanity United we believe there are solutions to this heinous abuse, but ending trafficking and slavery requires a unity of effort between civil society, the private sector, and governments around the world. Non-governmental organizations can reach out to communities to educate at the local level, help free victims, and provide essential services to survivors. The private sector can help ensure that its supply chains are free of slavery and labor exploitation, down to the raw material level, and that their employees do not avail themselves of trafficked women. And governments can institute policies and fund programs that can reduce and eventually eliminate widespread use of these human rights crimes. I was pleased Mr. Chairman to see the other members of this panel, including the distinguished leaders of business who are making such an important effort to eliminate slavery.

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

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

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

subject to serious physical abuse and denial of medical care. Ms. Mazengo, whose abuser left the country without ever providing compensation or paying for his crime, still seeks redress to this day.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Finally, efforts to combat trafficking in persons must be part of the response to natural disasters or man-made emergencies, as was demonstrated most tellingly last year after the Haiti earthquake. A large number of children became homeless and those taken in prior to the earthquake under the “restevék” system were even more at risk. The State Department was able to scrape together some funding, sent an officer down to Haiti, and was instrumental in saving countless children, in part by focusing effort and by working with local partners. Rather than robbing Peter to pay Paul, an emergency fund should be established to allow this to be done on a more regular basis. A good first step has been taken with the direction in the Senate Appropriations Committee report on the FY2011 State, Foreign Operations Appropriations Act, included at the request of Senator Kerry, Chair of the Senate Foreign Relations Committee. Institutionalizing such a fund in the TVPA could be an important contribution to saving lives.

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

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

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

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

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

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

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

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

Finally, Mr. Chairman, I have some additional suggestions regarding how U.S. law could be improved to make U.S. anti-trafficking policies even more effective in the international area. ATEST has made a wide-ranging proposal that covers both international and domestic efforts, and I ask unanimous consent that a summary of those recommendations be placed in the record. In addition to the ideas described above, there are a number of other recommendations in the international area that should be considered:

- Increasing State Department's response in the Field. The State Department has made a significant difference by distributing pamphlets that you helped create in the Wilberforce TVPRA of 2008, which have educated thousands of workers and has significantly increased the number of calls to the National Hotline. But more could be done. The Department of State can help enhance education of persons migrating to the United States, obtain evidence from survivors of crimes in the United States, and direct survivors to assistance in their own countries. Such efforts could help obtain more convictions and further deter trafficking.
- Enhancing the Report by Highlighting Successes. The *Trafficking in Persons* report is focused primarily on the country rating systems, although it has listed heroes and best practices. However, a more formal way of recognizing successes by individual countries could create a positive incentive for countries to do better, as they could be singled out for their efforts and decrease the patina of criticism the report is often subject to.
- Authorize programs for threshold countries and for efforts to overcome specific problems. A number of countries that may be willing to do more on trafficking sometimes are not able to devote resources to key reforms. Emphasizing the need to help such countries, as well as developing programs to eliminate trafficking from a certain sector, could significantly increase U.S. diplomatic leverage in making an impact on slavery and trafficking.
- Authorizing compacts with certain countries. Similarly, where the United States is able to identify countries that have governments that are committed to fighting trafficking, the United States should enter into arrangements or compacts with such governments to further their efforts, including providing strategic funding for such countries. Language has been developed for this proposal, and has been introduced in the Senate by Senators Boxer and Burr in the form of S. 185.
- Provide the G/TIP office with special research funding. This will enable the office to investigate certain areas, gather baseline information and study the impact of the programs it funds, as well as other impactful research.
- Reauthorizing the Department of Labor's Report on slave-made goods. As I noted previously, pursuant to the TVPRA of 2005 and 2008, the Department of Labor has issued a report on goods made with forced labor. This report has been enormously important as a way of gathering basic but critical information, which otherwise would not be available, and of raising awareness among the business community. While DOL is assembling additional research to do a follow up report, there is no statutory requirement for such a report. I would urge the Committee to consider requiring this report on a biannual basis to provide further updates on this issue, and, although not an ATEST should proposal, should consider setting a

time frame for the transmission of the best practices that the Department of Labor currently has under consideration. Congress should also look at restrictions related to the importation of slave made goods to see if further tightening of those provisions is possible.

- Sharpening U.S. policy based on the experience of other countries. Our continued success getting countries to adopt new policies on human trafficking provides an enormous opportunity for the United States to see what policies work, what obstacles there are to implementation, and how the minimum standards in the TVPA can be approved. In Nepal, for example, recently enacted laws that both outlaw human trafficking and regulate the export of foreign labor draw wide praise and contain important innovations, such as prosecution of those who use trafficked women and protection for the survivors through substituting written statements for oral testimony. Yet implementation has been hampered by the political stalemate, corruption, and lack of capacity. What are best practices and how do we solve this capacity conundrum? Should implementation of existing frameworks be a greater focus of the minimum standards in the TVPA? I was very encouraged that G/TIP held a meeting on best country practices last year and that work continues. The outcome of this convening should be obtained and reviewed by the Committee as you work up towards the reauthorization of the TVPA next year.
- Ensuring further research on trafficking. The trafficking field is still young, and we remain unclear about which interventions have the greatest impact. Additional research needs to be done both here and abroad. I recommend that the Committee become familiar with the research that the United Nations has performed through the UN Inter-Agency Project in Southeast Asia, often referred to as UNIAP. Their data driven approach helps target programming to specific vulnerable populations. Future major trafficking programs, such as the one being implemented in Nepal, need to have a research element that will assist in identifying the best possible interventions and will evaluate results. Looking at the domestic side, although it is not within the jurisdiction of the Committee, I note that there are a number of elements of the TVPRA of 2008 in which implementation has lagged. Research looking at trafficking into sexual exploitation in the United States, as well as the creation of a new model law to combat trafficking and sexual exploitation, has not been completed. Congress should consider ways to make sure these requirements are carried out. In addition, there may be some new ways to think about prevalence research in the United States. As the U.S. assessment provides, for example, federal and state collection of information needs to be more uniform. In addition, a number of surveys done by a variety of federal agencies or other entities, such as surveys on agricultural workers and at risk youth, could be modified to add some questions that would provide additional information on the scale of trafficking in the United States.

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

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

Thank you, Mr. Chairman.