

# INTERNATIONAL HUMAN TRAFFICKING AND FORCED LABOR

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## HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

HOUSE OF REPRESENTATIVES

ONE HUNDRED AND TWELTH CONGRESS

SECOND SESSION

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**C O N T E N T S**

WITNESSES

Ambassador Luis CdeBaca, Ambassador-at-Large, Office to Monitor and Combat Human Trafficking in Persons..... 6  
Siddharth Kara, Author and Fellow, Carr Center Program on Human Trafficking and Modern Slavery at Harvard University..... 16  
Mohamed Mattar, Executive Director, The Protection Project..... 23  
Neha Misra, Senior Specialist on Migration and Human Trafficking, Solidarity Center..... 29  
Mary C. Ellison, Director of Policy, Polaris Project..... 46

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Prepared Statement of Siddharth Kara..... 19  
Prepared Statement of Mohamed Mattar ..... 25  
Prepared Statement of Neha Misra .....34  
Prepared Statement of Mary C. Ellison..... 49  
Polaris Project’s National Human Trafficking Resource Center’s 2011 Annual Report.....71

APPENDIX

Hearing Notice ..... 104

## INTERNATIONAL HUMAN TRAFFICKING AND FORCED LABOR

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WEDNESDAY, NOVEMBER 28, 2012

HOUSE OF REPRESENTATIVES,

TOM LANTOS HUMAN RIGHTS COMMISSION,

*Washington, D.C.*

The commission met, pursuant to call, at 2:06 p.m., in Room 2237 Rayburn House Office Building, Hon. James P. McGovern [co-chairman of the commission] presiding.

Mr. MCGOVERN: Good afternoon, everyone. I apologize for being late. We had a bill on the floor to name a new Federal building after Tip O'Neill, the former Speaker of the House, and since I am from Massachusetts, you know, and I think Tip O'Neill was one of the greatest Speakers that ever served, I felt I had to go over and say a few words.

But I want to thank everyone for being here today and for this important hearing on international human trafficking and forced labor. In particular, I want to thank Shannon Gough and the staff of the Tom Lantos Human Rights Commission for coordinating this hearing. I want to thank our witnesses for their leadership in combatting modern day slavery.

Human trafficking and forced labor are egregious human rights violations that undermine the basic dignity of human beings and involve economic exploitation of the most vulnerable people, who are simply seeking a better life. Whether it is involuntary domestic servitude, begging, debt bondage, forced marriage or prostitution, the exploitation of human beings occurs in every country in the world. As such, it is a global problem that demands global solutions.

In the past year, the International Labour Organization reported that around 21 million people were victims of forced labor. Of those 21 million, 68 percent were victims of forced labor exploitation; 22 percent of forced sexual exploitation; and 10 percent of state-sponsored forced labor.

Additionally, in its annual "Trafficking in Persons Report," the U.S. Department of State reported that there are 27 million victims of trafficking. Today there are more individuals enslaved than at any other time in modern history.

Although the number of victims of trafficking and forced labor are staggering, many organizations and individuals are working tirelessly to eliminate these abhorrent practices. In fact, over the past several years, we have seen increasing interest in the

serious human rights challenge. For example, recognizing that trafficking is a market-driven industry, advocates have been pressuring businesses to clean up their supply chains and are pushing for stricter regulations for labor recruiters and employment agencies in order to prevent trafficking before it begins. With the introduction of the Trafficking Victim Protection Act in 2000 and the establishment of the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons, the United States has significantly raised the profile of this issue globally and provided substantial targeted foreign assistance.

Every year the "Trafficking in Persons Report" divides countries into different tiers based on their willingness to address human trafficking and the effectiveness of their efforts, with Tier 3 signifying the worst violators. This tier system has had a valuable impact in many countries where governments have worked harder to combat trafficking in order to avoid being classified as Tier 3.

I want to express my appreciation to Secretary of State Hillary Clinton and Ambassador Luis CdeBaca and the staff of his office for their passion and commitment to address these human rights violations and provide help and support to the victims, but I am sure that he would be the first to say that there is still so much more that needs to be done. The U.S. Government must focus heavily on implementing existing policies, such as President Obama's recent Executive Order strengthening protections against trafficking in persons in Federal contracts to ensure that they are effective. The U.S. Government should also play a significant role in supporting global initiatives to address trafficking, such as the ILO Convention on Decent Work for Domestic Workers.

In addition, Congress must come together to pass the Trafficking Victims Protection Reauthorization Act. This bill, which reauthorizes the cornerstone of U.S. policy on trafficking, is essential if the U.S. is to remain a leader in the movement against modern day slavery.

Today's hearing will examine trends in human trafficking and forced labor across the globe, with particular focus on countries where the problem is most acute. I hope this hearing will also help identify some of the positive developments in this field, as well as highlight key initiatives that are having a positive impact on the ground. Above all, because trafficking is a problem with global scope, the international community must remain vigilant in its efforts to develop and implement effective policies to combat the practice and protect its victims.

It is now time to hear from our witnesses, and I would like to submit into the record any oral testimony along with written testimony provided by the witnesses today.

I would also like to submit Polaris Project's National Human Trafficking Resource Center's 2011 annual report for the record.

And the first witness I would like to welcome is Ambassador Luis CdeBaca of the U.S. State Department's Office to Monitor and Combat Trafficking in Persons. I appreciate again your leadership, and it is wonderful to see you again, and if you will please begin, we are eager to hear from you.

**STATEMENT OF AMBASSADOR LUIS CDEBACA,  
AMBASSADOR-AT-LARGE, OFFICE TO MONITOR AND COMBAT  
TRAFFICKING IN PERSONS**

Ambassador CDEBACA: Thank you, Mr. Chairman, good afternoon, and we very much appreciate the invitation to testify today. I want to make sure that this is on.

Sorry about that. Again, thank you for the invitation to come and testify today. I think it is an important thing that the Commission does in its oversight role, not just on this issue but on so many other human rights problems that face our country and the world, and I think that as President Obama has recently made very clear, we in the Obama administration consider this to be one of the core human rights violations that we must confront, and we don't use that term lightly. We don't bandy it about willy-nilly. We think that this is a crime, it is a development issue, and at the end of the day, it is a human rights crime.

The man whose life and work inspired this Commission, Congressman Lantos, embodied the American spirit in fighting against modern slavery as himself a victim and a survivor of forced labor factory work at the hands of the Nazis, but also the work that he did then to understand and confront this crime around the world, and it is in that spirit, especially that it is an honor to work with the Commission, to carry out Tom Lantos' work of advancing human rights and the cause of free and fair labor.

Let me say more generally what a pleasure it has been over the last 4 years advancing our work on human trafficking issues with colleagues across government, whether they are counterparts of partner agencies or supporters of our efforts on Capitol Hill. And since the start of the modern anti- trafficking movement more than a decade ago, we have seen consistent bipartisan support. I am happy to say that we have built on that tradition in recent years.

This issue continues to garner focus from the highest levels of government. Just as President Clinton made his mark by signing the Trafficking Victims Protection Act in 2000, as President Bush carried that momentum forward, President Obama has made that fight against human trafficking a priority for his White House. As we heard in his speech at the Clinton Global Initiative meeting in September, he is committed to end the fight against modern slavery, whether trafficking for commercial sex, exploitation or, as we are discussing today, forced labor.

Commitment, however, is not enough. It takes action. It takes results. And so what are we doing in the Obama administration? We are pressing ahead with practices that have shown the best results, ramping up victim identification efforts, seeing the prosecution of more traffickers here at home and around the world. We are providing services to survivors and working to train law enforcement and justice officials around the world. We are keeping track of this problem and how well the governments are fighting it through the annual "Trafficking in Persons Report," and we appreciate your kind words, but also the challenge to continue to improve and engage through the report.

The State Department works with our partner agencies across the USG to make sure that people who travel to this country on nonimmigrant visas are aware of their rights. We have made our reporting standards sharper and more specific, we have enhanced protections for immigrant victims who are resettled in their home countries.

Our partner agencies have established programs for unaccompanied alien children, implemented new family unification measures, and are incorporating trafficking offenses in the unified crime reporting statistics, all of which were tasked for us during the last authorization in 2008. And we certainly share your concern that Congress to date has not been able to reauthorize that legislation.

Regardless of whether we have authorizing legislation or not, though, we will continue this work, and we will continue to implement this law, as it has been passed on the bipartisan level four times in the last 12 years.

When we look at the scale of the problem, and it ranges from that ILO estimate of 21 million people to the higher ends, 27, maybe even 28, depending on some of the different researchers out there, we realize that the future of the struggle depends on new innovations and fresh approaches. So we are also focused on developing those new ideas for dealing with this crime, addressing a culture that addresses modern slavery as just somebody else's problem or a mentality that boys will be boys or that the low cost of a product comes somehow at no cost to the worker. Those are all cultural assumptions as much as they are governing and political assumptions, and we have to confront that at the same time as we confront what government can and must do.

When it comes to forced labor, we are not just looking at governments. We are looking at the supply chains and labor sources behind the products that we use every day, and what we have found, whether it is through our work with the business coalitions, working with the workers rights groups, the research done by slaveryfootprint.org and others, should make us all think about the way that this crime affects our lives because it is likely that many of the products that we use and rely on every day, from our coffee this morning to our cotton sheets and shirts to the Smartphone in our pocket to the car we drove to work, we are somehow touched by forced labor along the line.

We need to keep prosecuting traffickers and protecting their victims. But if that is all we do, it means we are just cleaning up the mess after the abuse and exploitation has occurred. And so stopping this problem in the supply chain will require greater awareness by consumers and new partnerships with the private sector, corporate leaders who are committed to making sure that their goods and services are free from exploitation.

We are making the case that fighting slavery is good business, just as Harvard Business School showed that American consumers are willing to pay a price premium if they know that what they are buying hasn't been tainted by modern slavery, and we are helping develop code of conduct, monitoring standards, et cetera, that will allow

businesses to make the fight against slavery part of their corporate policies.

Being a lawyer, I certainly have a soft spot for the centrality of lawyers in most processes, and by working with the American Bar Association, not just the Criminal Law Section of the American Bar Association, but the Business Law Section of the American Bar Association, we are harnessing the power of attorneys across the government to be able to -- across the government and across the business community, so they can advise their clients. It is not just the prosecutors that need to learn how to deal with human trafficking; it is corporate counsel as well.

Having described this out in the private sector, it is important, then, to turn back inwards. We believe that we need to lead by example. The U.S. Government is one of the largest purchasers in the world, and if we are going to tell companies and consumers that they need to care about modern slavery, we are going to have to hold ourselves to the same standard. That is why the President signed the Executive Order that you mentioned that provides more extensive prohibitions and protections for U.S. Government purchases to make sure that our tax dollars, your tax dollars, are not being used to support human trafficking. In effect, it tells companies if you want to do business with us, modern slavery is a problem that you need to confront as well.

These are important steps, but they are only a start, and if we continue to support this effort with the resources, with the support it needs, we will be able to enlist more partners in the struggle, develop new tools for fighting the crime, and move closer to the world that we want to live in, a world free from slavery.

Thank you, again, Chairman, for your invitation to testify today, for your support throughout the years, and for the work that you and others on the Lantos Commission are doing as our partners in this most American fight, the fight for freedom.

Mr. MCGOVERN: Thank you very much, Mr. Ambassador, and again I appreciate your incredible work and the work of your office on these issues, and it is important that we do these hearings on a regular basis because, you know, with all that is going on in the world, it is easy to get distracted, and yet this is one of the most horrible kind of human rights violations that continues to exist.

I have just got a few questions here, and they are not ranked in any particular order of importance, but just kind of what comes to my mind first. You know, I have done a lot of work in human rights work in Colombia, and this is kind of what prompted this question here. If you could describe for me how the United States helps countries confronting increased human trafficking, especially in areas of forced labor and sex trafficking where local police are problematic and judicial and other systems are weak, especially in the more rural areas. One example of a country that I think is trying to do the right thing but also faces huge challenges is Colombia.

The newspaper El Tiempo, which is Colombia's major newspaper, reported earlier this month that its new hotline has received 8,000 reports about human trafficking this



year so far through September. That is already equal to last year's total reports, and last year, only 21 cases came before judges, and this year only 31. Of 371 investigations opened over the past several years, only 53 went to trial and received sentences.

Stigma aside, there is great distrust and often fear of the police and prosecutors on the part of victims because so many work hand in hand with criminal networks, and there are very few programs for victims. So Colombia readily admits that human trafficking is on the rise inside its territory and is struggling to respond more effectively. So what kind of advice and assistance are we providing to Colombia and similar countries struggling to aid victims of trafficking and to bring those responsible for these heinous crimes to justice?

Ambassador CDEBACA: Well, Colombia is something that we have spent a good bit of time on this last year. For the first time, the issue of human trafficking was part of the high level strategic dialogue that we held with our Colombian counterparts. To date, security issues have typically been along the lines of narcotics or the civil war, and frankly, human rights issues have often been -- whether on the labor side with the unionists and some of the problems that my counterparts in Department of Labor have dealt with so much over the years, but also the notion of the extrajudicial killings and other things in the course of dealing with the FARC. This was the first time that human trafficking was incorporated into the strategic dialogue, and I think that that speaks well to the willingness of the Colombians to start to confront this.

I think that what is happening is that there is a growing recognition in Colombia that it is not just the women that are leaving and going overseas and being abused, which is where so much of their focus had been, and we are seeing that, I think, with these increased numbers of the hotline calls, local people in Colombia. That is where your labor trafficking ends up happening. It is not necessarily Colombians in other countries the way that you see Colombian women in Japan, Colombian women in Spain in the sex industry. It is folks on a flower farm in Colombia. It is the little maids working in the capital city. I think there is a cultural shift that is having to take place, and we have seen that with our counterparts from the Ministry of Justice and Ministry of Interior, but I think it is going to be a little while coming because their focus has been to date so much outward, and that makes sense. That was how people thought of trafficking for a long time, but now I think that with the ILO reports, with all these other things, countries around the world are starting to recognize that trafficking is not just something that happens to your people when they are in another country. Trafficking is happening at home.

We want to share our ways of investigating those cases, whether it is through police exchanges, training and technical assistance, et cetera, with the Colombians because they are a partner for us in so many other law enforcement areas in the northern part of Latin America, and we want them to be able to be a model for other countries.

Mr. MCGOVERN: And programs to help guide the victims, too, I think is important in a place like Colombia where, again, there is this great distrust that still exists

with the security forces, so I would -- but I thank you. I am glad that you are focused on the situation going on in that country.

You mentioned, you know, that trafficking is not just a problem halfway around the globe, that sometimes it is halfway down the block, and the last time you were here, we talked about some of the trafficking challenges here in the United States, and the "Trafficking in Persons Report" began including the U.S. in its rankings back in 2010, and to me that is very important because I think it is important for us to send a signal to the rest of the world that, you know, we are holding ourselves to a high standard here, that this is not just about you, it is about us, too. This is a global problem, and we are part of the globe, and so we have some things to do in our own country, and so I am particularly glad that the U.S. is in the rankings.

Can you -- has the U.S. been able to serve as a model for other governments who might be trying to improve their record on trafficking, forced labor, and just maybe you can kind of give us a quick summary of kind of where the biggest challenges still remain here in the United States where we need to focus more attention.

Ambassador CDEBACA: Well, I will start with the example for other countries, and then segue into the latter. You know, it struck me last year when I was in Malaysia in the Ministry of Interior offices, and we walked in, and I had been there about a year before and had had some frank conversations with our Malaysian counterparts, good prosecutors who wanted to do the right thing, a system that wasn't necessarily set up to allow them to do that, and we walked into the conference room, and they and one of the nongovernmental organization representatives were sitting there together. We were pleasantly surprised that somebody from the NGO was actually in the police office, and we asked them, you know, what is it that you are hoping to accomplish? They said, you know, we want to set up a Houston-style task force. So this is in Kuala Lumpur, and they wanted to set up a task force like what we have seen with the U.S., NGOs, government working together from the beginning of the case. That is very cutting edge, and that is not the norm in many countries. One of the reasons why I think it struck me so much in Malaysia is that like many parts of the commonwealth, they still have the Official Secrets Act and people get arrested without habeas corpus in the early stages of a case. That is not necessarily where you would expect to see a human rights advocate and a police officer working together.

I think that that is just one example. The Houston task force is, I think, certainly a model not just in the United States now but around the world. We are seeing that happening around the globe as we bring people here, as we put technical assistance out in the field.

As far as here in the United States, I think specific to labor trafficking, there is two things that come to mind. First of all, a study that came out earlier today, and we will try to get that up to you quickly, from the Department of Justice, National Institutes of Justice, it is just a couple of hours old, and I haven't seen anything other than the executive summary, but it is specific to San Diego County, California, and they found

that more than 30 percent of the migrant workers that they talked to, of the undocumented aliens they had talked to, had a passport taken away to keep them from running, had been beaten or threatened by their employers to keep them from leaving, more than 30 percent, basically victims of human trafficking, and I think that that is something that people were shocked to find that it wasn't just in agriculture, it wasn't the stereotype of the migrant workers in the fields.

It was construction workers, janitorial services, et cetera, and if that is just one snapshot of one county in the United States, I think it will be interesting to see how this gets replicated, and kudos to the Department of Justice for funding this study. We are hoping that even in an era of budget shortages and fiscal austerity, that the research side of what we are trying to do will be able to continue because this study I think is going to be a game changer as to how people see human trafficking in the United States.

Mr. MCGOVERN: Which brings me to my next question. I mean, while prosecutions for sex trafficking have been more common in the United States over the years, you know, studies indicate that forced labor is more prevalent than sex trafficking, yet forced labor cases haven't received a lot of attention, as much attention as the sex trafficking cases in the United States. I am not trying to say one is worse than the other. I am just pointing out that this issue of forced labor is an issue here in the United States, and there is the recent judgment in the United States, and if I mispronounce this, versus *Botsvynyuk*, which handed down the longest sentence ever imposed in a forced labor case, does that indicate a growing trend in recognition and prosecution of forced labor cases in the United States? And is our Justice Department kind of working hand in hand with you guys to crack down on this because it is such a big and it is a growing problem here in the United States?

Ambassador CDEBACA: You know, I can't tell you the exact percentage, but I do know that, at least in the Western Hemisphere over the last few years, it appears that the United States makes up somewhere between a quarter and a third of all of the labor trafficking prosecutions in the hemisphere. It is not because we have more labor trafficking problem here than any of the other countries in the hemisphere. It is the Civil Rights Division at the Justice Department has a long track record in investigating what we now call labor trafficking cases. You will recall that this term didn't really come in until the first 6 or 8 months of the Bush administration. It was the Involuntary Servitude and Slavery Program in the Civil Rights Division that a long-standing part of their criminal responsibility to enforce the 13th Amendment, and many of the cases that were worked in the 1970s, 1980s, 1990s were labor cases. The sex cases tended to be done without looking to see whether the women were being enslaved. They were done by vice cops at the local level. Pimps were being arrested, but not for abusing the women, just for being pimps. And so I think that what we have seen is a bit of a correction with the Trafficking Victims Protection Act raising the protection for women who are enslaved in prostitution to be able to actually recognize what happens to them as being a violation of the 13th Amendment, whereas the labor trafficking cases were always clearly understood that way.

As that pendulum was swinging, and because I think it provides itself to the media, it provides itself to people's passions to some degree, sex trafficking got a lot of attention, but at the same time, the folks over at ICE, the folks over at the FBI and at the Civil Rights Division have continued to investigate and prosecute these labor trafficking cases, and I think that the United States' example on that has been noticed. Countries that never had done a labor trafficking case, countries that are known for their sex trafficking problem, like Cambodia, suddenly are prosecuting people for enslaving their maids. You are seeing just as cutting edge of tools being used in Belgium and Italy and Germany against the labor trafficking boss as against the pimp. So I think that there is starting to be a bit of an equalization there.

One last thing, there was a study by Northeastern University recently that indicated that whether a task force in the United States did labor trafficking cases or sex trafficking cases was largely dependent on who was it that applied for the Federal task force money. If it was a vice squad from a local police office, then almost exclusively they worked sex trafficking cases, and that makes sense because the vice squad's job is to go out and patrol prostitution. If it was a rural county, it was more likely to have farm workers, it was more likely to have labor trafficking cases.

So I think that armed with that, we can now go back to whether it is the task force structures or otherwise, and start encouraging say, for instance, the Los Angeles police or the Oakland police, not to just have this in their vice unit. They just have it in the vice unit, they are only going to find sex trafficking cases. They won't be finding labor trafficking cases, even in the related sex industry, because we know that there is labor trafficking cases in strip clubs. We know there is labor trafficking cases where women who are enslaved in a nonsexual workplace end up being raped and sexually abused by their bosses. We want to make sure that we are finding the whole victim rather than necessarily saying sex trafficking goes here; labor trafficking goes there.

I think that this ability of countries now to address both sex and labor trafficking equally is coming up with new ways to address both better.

Mr. MCGOVERN: Just a couple more questions. You know, obviously, one of the things we are interested in is figuring out concretely what should we be doing. We talked about, you know, the need to pass the Trafficking Victims Protection Reauthorization Act, which, to me, I think we should do, but, you know, as you know, some of the issues that have been raised around it are -- but in terms of kind of concrete things that we should be doing that we are not doing right now, whether it is with regard to the United States specifically or internationally, I mean, how do we help you? You know, obviously, we don't want to eliminate your budget in sequestration, so that is a given, but beyond that, assume we move beyond all those issues, what should we be doing here? I mean, how can we be more helpful to you and to your efforts?

Ambassador CDEBACA: You know, Congressman, I think that -- well, first of all, we know that up is the new -- or that flat is the new up in appropriations language.

Mr. MCGOVERN: I miss Tip O'Neill.

Ambassador CDEBACA: I think we like up as the new up if we had our druthers, but we are going to make every dollar that we get go a long way, and I think that one of the ways that we do that is through bringing in partners to be able to leverage the money we have. We have got only about \$20 million worth of foreign assistance funding for the trafficking office, which is less than we will spend in a weekend to set up a refugee camp in a war zone.

Mr. MCGOVERN: Given the enormity of the problem, it really is quite minuscule, I mean, you know.

Ambassador CDEBACA: I am saying that –

Mr. MCGOVERN: I am saying that; you don't have to say it.

Ambassador CDEBACA: No, I say that guardedly because, you know, the work that we do in the State Department, whether it is with internally displaced persons or refugees or others, is important work, but I think that we do have to recognize that we are going to stretch every dollar that you give us, whether it is \$20 million or whether it was a different figure, and what we have done I think as a result is that we have been able to get a lot of efficiencies from those, whether it is through cost shares, bringing in companies that want to participate, bringing in the tech world to try to figure out what the tech solutions are on some of these things, you know, breaking the backs of the labor recruiters who right now have a monopoly on information. Before people even get on the airplane to go to the Gulf from Indonesia or the Philippines or where have you, they are already in debt bondage because they have had to take out loans for 10 years worth of salary. Perversely, the threat that holds them in service is the threat to fire them because then the worker would not be able to earn the money to repay the debt, and so breaking the cycle of debt bondage by coming up with solutions, working with companies like Manpower, working with the Business Coalition Against Trafficking, and in our Executive Order, which says no recruiting fees if you are going to be on a government contract. My understanding of the legislation that is moving through the NDAA process is going to be a little bit less than that. I think it might be saying no exorbitant recruiting fees. The President was comfortable with saying no recruiting fees at all because I think that that really does take away the debt bondage.

Mr. MCGOVERN: Right.

Ambassador CDEBACA: And equalize that relationship, and I think that it is thinking about some of those things. As far as the rest of the to-do list, I think that some of it is simply making it so that this is as important of work for the body as so many other things are.

Last night at the State Department, we hosted a screening of a movie that the Underground Railroad Museum did that looks at antebellum slavery and modern slavery

together, the parallels, what we can learn from the fight before. And Susan Molinari from Google hosted it, and Ms. Molinari said, you know, my former colleagues need to see this movie. So, of course –

Mr. MCGOVERN: Maybe we should show it up here.

Ambassador CDEBACA: I think that that is something that –

Mr. MCGOVERN: That may be something that the Commission can host, so we should talk about that.

Ambassador CDEBACA: We should definitely talk because I think that it very much brings forward what people know across the country right now as they see this movie about Lincoln, which is the 13th Amendment has meaning. It is not just something that happened 150 years ago. This is something that protects people today.

Mr. MCGOVERN: We will follow up with your staff and see how we can arrange that up here. Maybe if we can get you back up here to try to introduce the film it would be helpful.

This is my final question. And, you know, last week, I read about the tragic fire that took place in a Bangladeshi garment factory, and I am going to ask Mr. Kara about this later, but I just want to get your opinion on this: 112 people lost their lives in most part because the building they were in lacked emergency exits, and people were trapped. Clothes bearing Wal-Mart's brand, Faded Glory, among other Western brands, were made in this factory, and I am not sure whether or not it has been determined whether these people are victims of forced labor, but this type of tragedy raises questions about trafficking and exploitive labor practices and human rights abuses. And it also raises questions about, you know, what -- and again, I am not here to beat up on Wal-Mart because, I mean, Wal-Mart, that is not the point of this, but the question is companies like Wal-Mart, it would seem to me that they need to figure out ways to improve, you know, their supply chain monitoring to ensure that they are not affiliated with human rights abuses like this. And I will talk to the next panel about this as well. I read about this. It was just awful. I just wanted to give you a chance to comment on what your thoughts are.

Ambassador CDEBACA: I think that this fire, much like the recent fire in Pakistan and the recent fire in Russia, unfortunately shows that the self-monitoring and the kind of industry-led work on supply chain issues around conditions doesn't necessarily always catch the abuse and prevent the abuse. And I think that the one concern that I have, as I look back over the last 15 years, there was a very organized voluble and passionate anti-sweatshop movement in the late 1990's that didn't really talk an awful lot with Mr. Smith, with Paul Wellstone, with Sam Gejdenson, with Sam Brownback, the sponsors of the Trafficking Victims Protection Act. You had the guys that were trying to deal with slavery on the one hand, and then you had the sweatshop, the anti-sweatshop activists, and they went in two different directions.

I think that what we are seeing now is that there is a need to look at these through the same lens. That notion of self-monitoring, that notion of having supply chain tracing, that notion of consumer activism is all important, but at the same time, too, somebody needs to go to jail when a crime has been committed.

Mr. MCGOVERN: Absolutely.

Ambassador CDEBACA: Victims need to be helped. Those aren't witnesses to a fire who need to be deported back to their home countries; those are victims who need to be cared for. I think it is bringing the ethos of those two different, I would say same, efforts, but for whatever reason, they became different efforts. And I think that we have an opportunity now, we owe it to the people who died in Bangladesh, but even more so the people who we weren't talking about 2 months ago from Pakistan to ones from Vietnam who went to Russia thinking they were going to get a better life and ended up dying in a fire. We owe to it all of these workers, who we will never hear about, to actually address this and once and for all bring these two policy and political movements together so that we can actually make a dent in it.

Mr. MCGOVERN: Well, I am not going to press you for this here today, but if you can think of some concrete things we can do to make that happen, you know, I would be very interested in hearing from you on that.

Ambassador CDEBACA: Well, we are certainly trying to pull together the various parts of the State Department. This is something that folks that do the economic work have some of those contacts. The democracy rights and labor have some of those contacts. We have some of those contacts. But Secretary Clinton said to me on Monday, you know, we have got to stop we are just responding to this. We have to do something for real.

Mr. MCGOVERN: To prevent it.

Ambassador CDEBACA: I think her commitment to this is the department's commitment to this and certainly mine. We need to get to the bottom of this.

Mr. MCGOVERN: I thank Secretary Clinton and I thank you for your service. I appreciate you being here today.

Ambassador CDEBACA: Thank you, Mr. Chairman.

Mr. MCGOVERN: Thank you.

**STATEMENTS OF SIDDHARTH KARA, AUTHOR AND FELLOW, CARR  
CENTER PROGRAM ON HUMAN TRAFFICKING AND MODERN SLAVERY  
AT HARVARD UNIVERSITY; MOHAMED MATTAR, EXECUTIVE  
DIRECTOR, THE PROTECTION PROJECT; NEHA MISRA, SENIOR**

**SPECIALIST ON MIGRATION AND HUMAN TRAFFICKING, SOLIDARITY CENTER; AND MARY C. ELLISON, JD, DIRECTOR OF POLICY, POLARIS PROJECT.**

Mr. MCGOVERN: We now welcome our second panel, Mr. Siddharth Kara, author and fellow, Carr Center Program on Human Trafficking and Modern Slavery at Harvard University; Dr. Mohamed Mattar, executive director of the Protection Project; Ms. Neha Misra, the senior specialist on migration and human trafficking at the Solidarity Center; and Ms. Mary C. Ellison, director of policy at the Polaris Project.

I thank you all for being here and welcome your testimony. Your prepared remarks in their entirety will be put in the record.

If you want to summarize, feel free to do whatever you want. We will begin with Mr. Kara. Welcome.

**STATEMENT OF SIDDHARTH KARA**

Mr. KARA: Thank you. Good afternoon. I would like to thank you –

Mr. MCGOVERN: Make sure your microphone is on.

Mr. KARA: I would like to thank you, Chairman McGovern and all the other members of the Tom Lantos Human Rights Commission for inviting me down from Harvard to testify today.

Let me begin with the words of a debt bondage slave named Guarav, whom I documented not long ago at a brick kiln in India. This is what he said to me: When I was 18 my father died and his debt was passed to me. No matter how hard I work, I am always in debt. I have taken so many loans through the years for my father's funeral, for food and water and cooking oil. When I was younger there was a time when I was so desperate to be free of these debts, I took my family from here and went back to my home, but the landowner's men came to my village and forced us to return. They tied me to that tree over there and beat me. They electrocuted me and did not let me eat. I was still there, still tied to that tree, when they sold one of my daughters to a dalal, a trafficker. They said, this is payment for the work you have not done since the day you tried to cheat us. I could not believe God had done this. You cannot imagine how much pain I felt. I never saw my daughter again.

I have been researching human trafficking and forced labor in close to 30 countries around the world for the last 12 years. Guarav's is one of many stories I have documented. My comments today are going to focus on some of the findings of my recently released second book, which focuses on the largely underexposed issue of bonded labor in South Asia.

The first thing I would like everyone to understand today is that bonded labor is



by far the most extensive form of slavery in the world today. By that, I mean that roughly half of all the victims of forced labor and modern day slavery around the world are bonded laborers in South Asia. Many of these individuals are children as young as 8 and 9 years of age. Even though bonded labor or debt bondage was once prevalent around the world and remains prevalent in many parts of the world, the phenomenon is concentrated in South Asia where roughly 85 percent of, by my count, the 18 to 22 million debt bondage slaves can be found.

However, even though the phenomenon is concentrated in South Asia, the products that are produced by these individuals are exported around the world. Some of the products made by bonded laborers and forced child laborers whose supply chains I have traced to retail sale in the United States include handwoven carpets, frozen shrimp, apparel, such as in Bangladesh, rice, tea, granite, spices, cubic zirconia, and many more.

For those of you who may not be familiar with bonded labor, Guarav's words describe it well. It is a feudal mode of servile labor exploitation that involves the exploitive exchange of credit for labor. One individual who is invariably impoverished and outcast must borrow money or secure tenancy for basic survival from another party who exploits the debtor's poverty, isolation, and lack of rights to coerce him and often his family into working off a meager loan for years or a lifetime. The conditions in which these individuals are exploited can be as coercive and dehumanizing as the worst forms of Old World chattel slavery.

Let me explain more about this issue by way of four very brief case studies. The first involves the shrimp industry of Bangladesh, and we can talk about apparel during Q and A if you like. In southwestern Bangladesh, I documented debt bondage in very harsh forms of child labor in the shrimp farming industry. Destitute and very sickly children waded into parasite-infested rivers to catch baby shrimp, which were then sold to agricultural farmers who were caught in endless cycles of debt bondage to harvest the shrimp, which were then exported abroad. Shrimp is, of course, the largest seafood commodity in the world, and the United States is the largest importer of frozen shrimp.

After about a month of extensive data gathering across the entire supply chain, I determined that roughly one out of 57 of all shrimp consumed in the world are tainted by bonded labor or child labor in Bangladesh alone, which is a relatively small exporter. This means that the average American unwittingly consumes one to three tainted shrimp each year just from Bangladesh.

The second case study involves the hand-knotted carpet sector. Throughout northern India and Nepal I have extensively documented hundreds of cases of deeply exploited bonded labor and child labor in the weaving of carpets exported abroad. The U.S. is the largest importer of handwoven carpets from India to the tune of \$300 million last year. I can say with confidence that at least one-third of carpets imported into the United States from India and Nepal are tainted by forced labor, child labor or bonded labor.

Let me read to you the words of a young boy named Arjun, who was forced to

work up to 18 hours a day in very harsh conditions to weave carpets that I documented were exported to the U.S. He said, We were locked inside the shack where many boys were making carpets. Most days, we were given only one break for eating and one break for toilet. If we tried to sleep, they would beat us. Sometimes they gave us pills so we could work all night, and on he went.

The third case study involves a little known phenomenon of debt-bondage-based internal trafficking for outright domestic slavery in Nepal called the Kamaliri system. In brief, outcast Tharu girls are sold off to traffickers around the age of 8, 9 or 10 and given tenancy and food as credit in exchange for up to 10 years of domestic servitude. Because they are outcast and impoverished, they are often severely exploited.

Here is how a young girl named Nirmala described her ordeal to me: I was 10 years old when I first went to work as Kamaliri. There were five people in the home, and I did all the work 7 days a week. Sometimes the wife would beat me; the husband in the home would rape me. I slept on a mat on the floor. I only ate leftover food. I was in that home for 2 years without pay.

The final case study I would like to share involves the Hari agricultural bonded laborers of the Sindh province of Pakistan. I am short on time, so let me just say that these individuals described to me being traded like livestock between owners, having children sold to traffickers to discharge debts, and being locked in private prisons and tortured for displeasing their owners. Suffice it to say, the persistence of this kind of dehumanizing exploitation of impoverished minority groups must be eliminated.

There is much that can and must be done to tackle the system of bonded labor that remains deeply entrenched in certain pockets of South Asia. The following seven recommendations to the U.S. Congress would be a good start. First, appropriate funds for more research into the nature of bonded labor in general across the South Asian region; allocate funds for more research into reliable supply chain tracing of key products exported from South Asia to the U.S. that might be tainted, such as those that I described; engage in top level diplomatic efforts with counterparts in South Asian countries to address the core deficiencies in the regional response to bonded labor and provide support to address them; engage with industry in the U.S. to elevate standards for supply chain monitoring and cleansing; include supply chain research, monitoring, cleansing, and strict corporate liability for tainted supply chains in the TVPA reauthorization; allocate funds to expand vital prevention initiatives, such as micro credit, vocational training, disaster relief and rural education, especially for women and girls; and finally, I make an offer and welcome anyone to come with me to South Asia and see firsthand exactly what this issue looks like. I hope some of this information has been helpful, and I thank you again for the invitation to be here today.

[The statement of Mr. Kara follows:]

## Tom Lantos Human Rights Commission

### Testimony

**Siddharth Kara**  
**Harvard Kennedy School of Government**  
**Harvard School of Public Health**  
**November 28, 2012**

Herewith, the words of a debt bondage slave named Gaurav whom I documented not long ago at a brick kiln in India:

*When I was eighteen, my father died and his debt was passed to me. No matter how hard I work, I am always in debt. I have taken so many loans through the years. Each season, I must take an advance to travel here from Bihar and live in this area with my family. I took a loan for my father's funeral. I take loans for food and water and cooking oil. When I was younger, there was a time when I was so desperate to be free from these debts. I took my family from here and went back to my home, but the landowner's men came to my village and forced us to return. They tied me to that tree there and beat me. They electrocuted me and did not let me eat. I was still tied to that tree when they sold one of my daughters to a dalal (trafficker). They said, "This is payment for the work you have not done since the day you tried to cheat us." I could not believe God had done this. I wanted to take my life. You cannot imagine how much pain I felt. I never saw my daughter again.*

Good afternoon.

I would like to thank Congressmen McGovern and Wolf and all members of the Tom Lantos Human Rights Commission for inviting me to testify today.

I have been researching human trafficking and forced labor in close to thirty countries around the world for the last twelve years. During that time, I have comprehensively documented the cases of more than 1,300 victims of various forms of slave-like labor exploitation, from sex trafficking to bonded labor to forced child labor.

My first book, *Sex Trafficking: Inside the Business of Modern Slavery* (Columbia University Press, 2009) provided the first comprehensive overview of the global sex trafficking industry. My second book, *Bonded Labor: Tackling the System of Slavery in South Asia* (Columbia University Press, 2012) was released one month ago, and it provides the first comprehensive overview of the phenomenon of bonded labor in South Asia. My comments today will focus on some of the findings of this second book.

The first thing I would like the Commission members to know is that bonded labor is by far the most extensive form of slavery in the world today. By that I mean that roughly half of all victims of forced labor and modern-day slavery are bonded laborers in South Asia. Many of these individuals are children as young as eight and nine years of age.

Even though bonded labor or debt bondage was once prevalent around the world, today the phenomenon is concentrated in South Asia, where roughly 84% to 88% of the world's 18 to 22.5 million debt bondage slaves can be found. This concentration in South Asia is primarily a result of numerous forces, including immense poverty, caste-based disenfranchisement and exploitation, corruption, social apathy, anemic enforcement of labor laws, and a general acceptance that it is reasonable for a certain sector of South

Asian society to be caught in extreme labor exploitation because often times the immediate alternative of utter starvation could be worse.

However, even though the phenomenon is concentrated in South Asia, the products that are produced by these bonded laborers are exported around the world. Some of the products produced by bonded laborers whose supply chains I have traced to retail sale in the United States include hand-woven carpets, frozen shrimp, apparel, rice, tea, granite, spices, cubic zirconia, and more.

For those of you who may not be familiar with bonded labor, Guarav's words describe it well. Bonded labor is a Feudal mode of servile labor exploitation that involves the exploitative exchange of credit for labor. The exploited party is usually a poor, outcaste individual who lacks income, economic opportunity, and access to formal credit markets and must borrow money or secure tenancy from a contractor, producer, or local landowner and pledges to repay the debt through labor. The creditor has far more power, resources, and rights than the debtor, and he can use this power to coerce the debtor into working off a meager loan for years, or a lifetime. Loans vary significantly in size depending on the industry and the status of the borrower, but in general the loans tend to be in the \$50 to \$400 range, often growing from there no matter how hard the debtor works due to exorbitant interest rates (up to 20% per month), heavy deductions from wages for food and shelter, and numerous other tactics that are used to perpetuate the debt far beyond the reasonable period of repayment.

The conditions in which these individuals are exploited can be as coercive and dehumanizing as the worst manifestations of Old World chattel slavery. Wives and especially children are often conscripted into working off these debts so that a single loan can land an entire family in years of slave-like exploitation. Debtors and their family members can be bartered and sold between lenders like livestock.

One of the most recent trends is the use of debt bondage agreements involving substantial advances of up to \$5,000 to arrange for papers and travel for the debtor to a developed country with the promise of an opportunity to work in construction or domestic work. I have documented this phenomenon in numerous countries around the world, and the bonded laborer is very often worked to the bone for months or years with little to no pay, under the pretence of repayment of the debt. At some point in time, these individuals are often discarded by their "employers" and left to fend for themselves, which often results in deportation back to their home country by local immigration authorities, with little to no income to show for their efforts.

Despite this and other examples, bonded labor remains centralized in South Asia and has a very particular manifestation and history. Let me explain more about bonded labor in South Asia by way of four brief case studies.

The first case study involves the shrimp industry of Bangladesh. In southwestern Bangladesh, I documented debt bondage and very harsh forms of child labor in the shrimp farming industry. It is worth noting that this nascent industry has been largely driven by climate change, which is a topic for another hearing. Destitute and sickly children wade into parasite-infested waters to catch baby shrimp, which are then sold to shrimp farmers who are often caught in endless cycles of bonded labor as they grow the shrimp and harvest them to be processed and sold for export.

Shrimp is the largest seafood commodity in the world, and the United States is the largest importer of frozen shrimp. After a month of careful data gathering across the entire shrimp supply chain in Bangladesh, I determined that roughly 1 out of 57 of all shrimp consumed in the world are tainted by bonded labor or child labor in Bangladesh, which is a relatively small exporter compared to countries like China, Thailand, and Vietnam.

This means that the average American unwittingly consumes 1 to 3 tainted shrimp from Bangladesh alone.

The second case study involves the hand-knotted carpet sector. Throughout Northern India and Nepal, I have extensively documented hundreds of cases of deeply exploitative bonded labor and child labor in the weaving of carpets exported abroad. The US is the largest importer of hand-woven carpets from India to the tune of \$302 million in 2011. Having spent years documenting this industry, I can say with confidence that at least one-third of carpets imported into the U.S. from India and Nepal are tainted by forced labor, child labor, or bonded labor. The following is an excerpt from chapter six of my book, *Bonded Labor* of how a young boy named Arjun described his ordeal:

*Some time ago, this man named Ali who was known to my father came to my village and said he could take me for work in the carpet factory. Ali*

*promised my father Rs. 1,000 (\$22) if I go with him and a wage of Rs. 50 (\$1.11) per day working in the factory. He said the factory was only twenty kilometers away and my father could visit any time. I was afraid to leave home, but Ali said I could see my family whenever I want. We were very poor and hungry, so eventually I went with Ali. He took me and three other boys from my village in a car. He brought us to this shack where there were many boys making carpets. It was very dark and had a very bad smell. Ali locked us inside and beat us with a wooden cane. He said we would be taught how to do the carpets and we must do this work every day. He said our parents had abandoned us and we can never go home. He told us that there were wild dogs in the forest outside, so if we try to run we will be eaten. I was so frightened. One other boy from my village named Kamal did not stop crying for many days. Ali and one other man beat him very badly and dragged him from the shack.*

*Arjun stopped speaking at this point. He tightened his face and his eyes moistened. We brought Arjun a Limca soda and I showed him photos of some of the places I had visited to get his mind off his ordeal. Arjun remained very uncomfortable, so he went to his room to rest, and I continued with other interviews. That evening, Arjun returned and asked if he could finish telling me about his time in the carpet shack. This is some of what he said:*

*I did not like being in that place. It was very difficult. Most days we were only given one break for eating and one break for toilet. If we tried to sleep, they would beat us. Sometimes they gave us pills so we can work all night. I felt so tired I cut myself by accident. If the blood from my fingers came on the carpet, they would take green chili and rub it on my wound for punishment. I do not know how long I was in that place, but God blessed me one day when the people from this shelter rescued me.*

The third case study involves a little known phenomenon of debt bondage-based internal trafficking for outright domestic slavery in Nepal, called the *Kamaliri* system. In brief, outcast Tharu girls are sold off to traffickers around the age of eight or nine and given tenancy and food in an upper-caste home as credit in exchange for up to ten years of domestic servitude. Because they are outcaste and deeply impoverished, they are often severely exploited. The following is an excerpt from chapter two of my book, *Bonded Labor* of how a young girl named Nirmala described his ordeal:

*I am from a village in Banke District. I was ten years old when I first went for work as kamaliri. It was a Chhetri home in Kathmandu. There were five people in the home, and I did all the work—cooking, cleaning, washing clothes, washing dishes. I woke each morning at 5 a.m. and went*

*to sleep at 10 p.m. I slept on the floor in the drawing room. I did this work seven days a week. Sometimes the wife would beat me. The husband in the home would rape me. I did not want to be in that home. I was so tired. I was supposed to go home during Maghi, but they did not let me go. After two years, they sent me to another home in Kathmandu. I was in this home for two years. They did not beat me, but I was working all the time. Finally, I was in a third home for three years. I had to do everything. They had two daughters, and I had to take them to school each morning. I wished I could go to school like them. In this home they would beat me very badly. Sometimes they would not let me eat. Eventually, Friends of Needy Children rescued me.*

It is worth noting that upper-caste *Kamaliri* owners in Nepal justify the system by maintaining that the alternative for these Tharu girls would be worse, usually being trafficked for sexual exploitation in Nepal or India.

The final case study I would like to share involves the *Hari* bonded laborers in the Sindh Province of Pakistan. This is a centuries-old form of agricultural bonded labor of poor, outcaste peasants held in bondage by landowning *Zamindars*. These individuals described being traded like livestock between owners, being separated from family members, having children sold to traffickers to discharge debts, and being locked in private prisons and tortured for displeasing their owners. Suffice it to say, the persistence of this kind of dehumanizing exploitation of minority groups must be eradicated.

There is much that can and must be done to tackle the system of bonded labor that remains deeply entrenched in certain pockets of South Asia. In particular, the fact that the supply chains of products exported to the West can be tainted by this unacceptable mode of servitude must be further researched, documented, and ultimately cleansed.

There are many steps the U.S. Congress can take to advance more effective efforts to tackle bonded labor. The following seven recommendations would be a good start:

1. Allocate funds for more research into the nature of bonded labor in South Asia
2. Allocate funds for more research into reliable supply chain tracing of key products exported from South Asia to the U.S. that might be tainted
3. Engage in top-level diplomatic efforts with counterparts in South Asian countries to address the core deficiencies in the regional response to bonded labor and provide support to address them
4. Engage with industry in the U.S. to elevate standards for supply chain monitoring and cleansing
5. Include supply chain research, monitoring, cleansing, and strict corporate liability for tainted supply chains in the Trafficking Victims Protection Act Reauthorization
6. Allocate funds to expand vital prevention initiatives, such as micro-credit, vocational training, disaster relief, and rural education initiatives, especially for women and girls
7. Join me on a trip to South Asia to see what bonded labor really looks like

I hope some of this information has been helpful for the Commission. I thank you again for the invitation to testify today, and I welcome your questions.

Mr. MCGOVERN: Thank you very much for your testimony, and I appreciate it very much.

Let's now hear from Dr. Mattar. Thank you for being here.

## **STATEMENT OF MOHAMED MATTAR**

Mr. MATTAR: Thank you, Mr. Chairman, for allowing me the honor of testifying before you today on behalf of the Protection Project at the Johns Hopkins University School of Advanced International Studies on the status of human trafficking in the Arab region.

And I am really proud of the work of the Protection Project for the last 13 years or so on combating human trafficking in different Arab countries. Human trafficking takes many forms in the Arab world, including begging, domestic service, forced labor, temporary marriage, child marriage, sale of children for the purpose of adoption, prostitution, the recruitment into armed forces, like in Syria, Sudan, and South Sudan, and trafficking of organs.

Unlike the U.S., one can observe that while there are cases of sex trafficking in the Arab world, most cases of trafficking are labor trafficking, and the most common form of labor trafficking in the Arab world is domestic service. I can say statistically 80/20 percent. We are talking about almost 80 percent of the cases are labor trafficking cases; 20 percent of the cases are sex trafficking cases.

I am encouraged by the efforts that have been taken so far to combat the problem of human trafficking in the Arab world since the passage of the United Nations Protocol on Trafficking of 2000. All Arab countries, except Yemen and Comoros, are parties to the protocol.

But despite the many steps forward, the challenges remain great, especially as the result of conflicts, including the war in Iraq, the fighting in Syria, and regional instability following the Arab Spring in Egypt, Tunisia, Libya, Bahrain, and Yemen. I believe that this instability created what I call a forced migration movement that is giving rise to more cases of human trafficking in the region.

Consequently, the path is difficult, but I am proposing today before you 10 recommendations that I believe will contribute to existing mechanisms that have already been created to ensure their effective implementation.

First, expand the role of civil society. And I define civil society to include five elements, academic institutions, corporations, the private sector, the media, religious institutions, and NGOs as well, that must function properly and freely without restrictions or limitations. Unfortunately, this is not the case in many Arab countries. NGOs do not have the freedom to function properly and freely.

The second is to utilize the good principles of Islam, Judaism, and Christianity. I am a big believer in the role of religion, especially in this part of the world, and especially now with the Islamist movement in almost every Arab country. Fatwas, legal opinions issued by Muslim scholars, should be encouraged to influence behavior and emphasize the role of religion in condemning human exploitation.

Perhaps Muslim scholars can highlight how Islam protects women's rights and should make it clear that child marriage poses a threat to the health and education of our girls. We are getting mixed signals from many of these Arab countries on the position of Islamic law on early marriage and child marriage.

Third, we have to move beyond specific anti-trafficking legislation to trafficking-related laws, including laws on child protection, violence against women, access to justice, access to information, and labor laws that do not discriminate against foreign labor and provide protection for domestic workers.

Mr. MATTAR: Unfortunately, in almost every Arab country, labor law does not apply to domestic workers. They are left with no protection whatsoever. As I always argue, only when human rights are fully protected will human trafficking be successfully confronted and eliminated.

Fourth, fill the gaps in the domestic legislative framework. What we witnessed the last 12 years or so since the passage of the Trafficking Victims Protection Act was a legislative movement. Now we have 13 Arab countries that have specific laws on combating human trafficking. Iraq had the most recent one.

We should provide technical assistance to Tunisia, Yemen, Sudan, Palestine, Morocco, Libya, and Kuwait, who are currently drafting anti-trafficking legislation. And I believe that the U.S. plays a significant role in providing technical assistance to parliamentarians all over the world. We have almost now 136, 137 laws, thanks to the work of the U.S.

Fifth, let's ratify the International Labor Convention Number 189 on decent work for domestic workers. Mr. Chairman, you mentioned that, and I really support what you just said. This is really important, especially in the part of the world where domestic work is the dominant form of labor trafficking. Uruguay and the Philippines have ratified 189. Now it became international law. We should urge countries to ratify it.

But that is not enough. We should also urge Arab countries to ratify ILO 181 on the liability of private employment agencies, including recruitment agencies. You mentioned corporate liability. Corporate criminal liability has to be emphasized along the lines of corporate social responsibility. We should emphasize both corporate criminal liability as well as corporate social responsibility.

Six, let's cooperate with the League of Arab States. I know that the work of the U.S. is always with individual countries. What I am proposing here is to work with the institution of the League of Arab States. Especially that the League of Arab States just adopted an Arab strategy to combat human trafficking, a model law on combating human trafficking, and established a specific unit that will receive reports from Arab countries on the status of human trafficking. Now we are going to have the American report, the U.N. report, and we are going to have an Arab report. Now I think is the time to work closely with the Arab League to enhance these enforcement mechanisms.



Seven, let's implement the Arab Charter on Human Rights. Eleven Arab countries have already ratified the Arab Charter on Human Rights. Articles 9 and 10 prohibit human trafficking. We should, in accordance with article 43 of the Arab charter, interpret the charter in accordance with international law, especially the U.N. protocol on human trafficking.

Eight, let's work with human rights institutions to maintain combating human trafficking as a priority. Ambassador Luis CdeBaca mentioned that it is a priority for the Obama administration. We want to make sure that, although there is unrest in the Arab world, we are still maintaining combating human trafficking as a priority in any human rights agenda in all of these countries.

I am encouraged by the newly adopted Egyptian constitution. I know there is a lot being said about the Egyptian constitution, but I like article 71, my favorite article, because 71 prohibits human trafficking for the first time in the history of constitutionalism. In Egypt we are going to have a constitutional mandate making human trafficking a crime in accordance with the constitution.

Nine, let's enhance the capacity of domestic anti-trafficking units. As you know, few prosecutions, unlike here in the United States, have been reported. Our prosecutors in the Department of Justice in the United States can serve as a valuable asset in providing technical support and training prosecutors, judges, and law enforcement officials.

Finally, let's educate law enforcement on the rights of victims of trafficking to ensure that they are not penalized for unlawful acts committed as a result of being trafficked. Unfortunately, in many of the Arab countries what happens is that they arrest a victim of trafficking, they do not recognize the person as a victim of trafficking, and they put the person behind bars. This must change.

Let me conclude by saying that the United States, through the TIP Office and through the mechanisms embodied in the TIP report, has been instrumental in engaging the Arab governments in their efforts to combat human trafficking. This U.S. constructive engagement policy must continue, especially in light of the recent political developments in the region.

Thank you, Mr. Chairman.

Mr. MCGOVERN: Thank you very much.

[The statement of Mr. Mattar follows:]

International Human Trafficking and Forced Labor  
Tom Lantos Human Rights Commission (TLHRC) Hearing  
Wednesday, November 28, 2012

Testimony by Dr. Mohamed Mattar  
Executive Director  
The Protection Project  
The Johns Hopkins University

Distinguished members of the Commission, thank you for allowing me the honor of testifying before you today on behalf of The Protection Project at The Johns Hopkins University School of Advanced International Studies on the status of human trafficking in the Arab Region.

I am proud of the work of The Protection Project in combating human trafficking in different Arab countries, training prosecutors and judges in Saudi Arabia on the rights of victims of trafficking, implementing the national action plan to combat human trafficking in Egypt, educating religious leaders in Lebanon on human trafficking as a form of exploitation, establishing law clinics in law schools in Qatar, Oman, and Kuwait to draft laws on the rights of domestic workers, working with civil society in Jordan to adopt model laws on the establishment and operation of NGOs and cooperating with academic institutions in Iraq on the rights of the vulnerable people including victims of human trafficking.

Human trafficking, or trafficking in persons, takes many forms in the Arab World, including slavery, begging, domestic servitude, forced labor, temporary marriage, child marriage, sale of children for the purpose of adoption, prostitution, recruitment into armed forces, and trafficking of organs. In Egypt, an estimated two hundred thousand to one million street children are recruited into forced begging. Foreign laborers represent 66.9 percent of the total labor force in Gulf Countries and they may be subject to exploitation. In Kuwait, Bahrain, Qatar, and the United Arab Emirates, foreign workers constitute over 75 percent of the labor force. Their inability to attain access to justice or seek adequate restitution is an egregious flaw within the *kafala* or “sponsorship system,” and one which is inconsistent with international human rights standards. Domestic workers represent 5.6% of total employment in the Arab region. In Lebanon, there are currently 1.2 million foreign workers, mostly from Southeast Asia. Of those, 400,000 are employed as domestic workers who are typically not covered by existing labor laws, making them vulnerable to abuse and forced labor. The often indistinct identification of trafficking as smuggling further compounds the challenge in both correct identification of the issue and in utilizing an appropriate legal and social response.

I am encouraged by the many steps that have been taken to combat the problem since the passage of the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children of 2000. The Qatar Foundation to Combat Human Trafficking is implementing a three-year Arab Initiative to enhance the capacity of Arab parliamentarians, law enforcement officials and members of civil society to combat human trafficking. The Human Rights Commission in Saudi Arabia is chairing a unit to raise awareness about human trafficking in accordance with the principles of Islam and international legal standards. The National Coordinating Committee to Prevent and Combat Human Trafficking in Egypt is implementing a comprehensive action plan that focuses on the rights of the victims of trafficking.

Many Arab States are creating specific human trafficking units within their national police or organizing human rights commissions that tackle human trafficking through a multi-faceted approach. In the United Arab Emirates, the government’s inter-ministerial National Committee to Combat Human Trafficking trains judges, law enforcement officials, and staff of the government’s social services agency on human trafficking issues.

In Saudi Arabia, the Ministry of Labour has established an Expatriate Workers’ Welfare Department, a decision by the Council of Ministers to restructure the relationship between workers and employers by prohibiting sequestration of a worker’s passport and removing the term “sponsor” from the Residence Regulation. In addition to the Human Rights Commission, the National Anti- Corruption Commission was established to combat crimes of corruption, including crimes committed by public officials and involving trafficking in persons.

Despite the many steps forward, the challenges remain great as the result of conflicts which aggravate political instability and perpetuate infrastructure that is conducive to human trafficking. The War in Iraq, the conflict in Syria and regional instability following the Arab Spring in Egypt, Tunisia, Libya, Syria, and Yemen have exacerbated human rights challenges as both a result of the conflict itself and lapses in existing domestic legal frameworks.

Of the large numbers of Iraqi refugees, women in particular may be forced into prostitution by their families through so-called temporary marriages. Family members have coerced girls and women into prostitution to escape desperate economic circumstances, to pay debts, or to resolve disputes between families. Traffickers are increasingly targeting the Iraqi refugee population, with some Iraqi women and girls exploited by their families.

Increased instability and a void of effective control in Syria deepen Iraqi women's and girls' vulnerability to trafficking. As the conflict in Syria continues, I am concerned by increasing reports of Syrian children being used as child soldiers and the growing exploitation of children in organized street begging rings. I am also concerned that with the political unrest in Egypt, less attention will be devoted to the problem of human trafficking. This is particularly relevant in the Sinai. Since the revolution, police have largely been unable to control the Sinai, leaving refugees and migrants vulnerable to exploitation and trafficking by Bedouin gangs. The new Egyptian government must understand that an uncontrolled Sinai undermines Egyptian stability, is at odds with international legal obligations, and violates protected international human rights.

Existing domestic frameworks exhibit many gaps in adequately preventing trafficking, protecting victims, and prosecuting offenders. Many Arab governments have not developed a systematic approach to identifying victims or those who may be vulnerable, including those arrested for prostitution or foreign workers. Victims who are arrested for prostitution are not often recognized as victims of trafficking. In some Arab states, foreign trafficking victims are not offered legal alternatives to removal to countries in which they face hardship or retribution nor are victims actively encouraged to assist law enforcement in investigations against traffickers.

Improved data collection by the government agencies or nongovernmental organizations within Arab states can significantly improve the response to violations of human trafficking in the region. At present, few countries provide accurate data on migrants flows, most available data is outdated, and cases of human trafficking and smuggling are resoundingly conflated, delivering misleading representations of each issue in the country.

Consequently, the path is difficult.

I am proposing ten recommendations that I believe will contribute to the existing mechanisms that have already been created to ensure their effective implementation and to mobilize the various stakeholders who are engaged in combating human trafficking in the region.

First, expand the role of civil society in combating human trafficking in the Arab region, including academic institutions, corporations, media, nongovernmental organizations, and religious institutions, which must function freely and properly without restrictions or limitations. Following the approval of a new constitution in 2011, Morocco's legal environment enables civil society organizations and provides no outright restrictions on operations, while still maintaining the religious integrity of the State. However, NGOs in other parts of the Arab world may be restricted in obtaining a license to engage in advocacy for human rights including the rights of victims of trafficking. They may also be subject to termination without any judicial oversight. Many NGOs operating in the Arab world are not allowed to receive foreign funding, which further restricts their capability to carry out any programs or initiatives to enhance human rights in the region. Using the Moroccan model, we should encourage Arab states to recognize the potential for partnerships with civil society and the necessity of a supportive domestic framework that will allow them to flourish.

Second, utilize the good principles of Islam, Judaism and Christianity that play an important role in the lives of all Arabs. Islamic scholarly opinions, or *Fatwas*, have been issued on topics related to trafficking and forced labor, and have had important implications for cultural attitude and social response. In a *Fatwa* issued on September 3, 2001, by the Saudi Arabian Grand Mufti regarding the Abuse of Foreign Labor by Saudi employers: it was stated that, "Blackmailing and threatening [foreign] laborers with deportation if they refuse the employers' terms, which breach the contract, is not allowed." In a *Fatwa* issued by Sheik

Youssef el Qaradawi, in March 2008 on the sponsorship rule: “The [s]ponsorship system nowadays produced visas market[s], leaving tens [sic] of workers living in subhuman conditions, as a large number of labourers are accommodated in small areas. It is really a shame and also it is against the Islamic principles which call for respecting human rights.” Most recently, in a *Fatwa* issued on July 5, 2011, by Abdul Nasser Abu Basal, President of the World Islamic Sciences and Education University: “When trafficking occurs in an organized manner and on a large scale, the punishment should be the same as the punishment for highway robbery.” Similar *Fatwas* should be encouraged to influence human behavior and emphasize the call of religion to condemn human exploitation.

Third, move beyond specific anti-trafficking legislation to trafficking-related laws including child protection laws, laws on violence against women, laws that enhance access to justice, laws that guarantee access to information, and labor laws that do not discriminate against foreign labor and provide protection to all forms of labor, including domestic work. As I always argue, only when human rights are enhanced and fully guaranteed for the people of the Middle East will human trafficking be successfully confronted and eliminated.

Fourth, fill the gaps in the domestic legislative framework. Currently, the following Arab states have human trafficking legislation: Syria, United Arab Emirates, Algeria, Bahrain, Djibouti, Egypt, Jordan, Mauritania, Oman, Saudi Arabia, Qatar, Iraq, and Lebanon. We should provide technical assistance to Tunisia, Yemen, Sudan, Palestine, Morocco, Libya and Kuwait, who are currently drafting anti-trafficking legislation. States should also consider enhancing the penalty in cases of aggravated circumstances, such as when the perpetrator of the crime is taking advantage of a vulnerable victim who has no alternative but to submit to exploitation.

Fifth, ratify International Labour Convention No. 189 on Decent Work for Domestic Workers, which has entered into force after Uruguay and the Philippines deposited the two needed instruments for ratification. We should also advise Arab states to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. In addition, we should urge countries that still did not ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights to ratify these international conventions.

Sixth, cooperate with the League of Arab States, which provides the collective platform of human rights for all Arab states. Recently, the Arab League adopted the Strategy to Combat Human Trafficking, a model law on combating human trafficking, and established a specific unit that will receive reports from the Arab countries on the status of human trafficking. We should work with the Arab League to enhance these enforcement mechanisms.

Seventh, implement the Arab Charter on Human Rights.

a) Article 9 of the Arab Charter states:

No one shall be subjected to medical or scientific experimentation or to the use of his organs without his free consent and full awareness of the consequences and provided that ethical, humanitarian and professional rules are followed and medical procedures are observed to ensure his personal safety pursuant to the relevant domestic laws in force in each state party. Trafficking in human organs is prohibited in all circumstances.

b) Article 10 of the Arab Charter states:

All forms of slavery and trafficking in human beings are prohibited and are punishable by law. No one shall be held in slavery and servitude under any circumstances.

Forced labor, trafficking in human beings for the purpose of prostitution or sexual exploitation, the exploitation of the prostitution of others or any other form of exploitation or the exploitation of children in armed conflict are prohibited.

- c) These articles must be read in accordance with Article 43 of the Arab Charter, which provides that:

Nothing in this Charter may be construed or interpreted as impairing the rights and freedoms protected by the domestic laws of the States parties or those set forth in the international and regional human rights instruments which the States parties have adopted or ratified, including the rights of women, the rights of the child and the rights of persons belonging to minorities.

Consequently, Articles 9 and 10 of the Arab Charter should be interpreted in accordance with the United Nations Protocol on Trafficking.

Eighth, work with human rights institutions to maintain combating human trafficking as a priority. We should be providing the necessary training to the Saudi Arabian Human Rights Commission, the Qatar National Human Rights Commission, and similar human rights organizations in the various Arab states. This is imperative in light of the recent developments in the region that may otherwise challenge government resources. I am encouraged by the new draft of the Egyptian Constitution. In Article 71, human trafficking is explicitly prohibited, especially forced labor and sexual exploitation. We should encourage other Arab countries that are in the process of drafting a new constitution to incorporate anti-trafficking provisions in new legislative frameworks.

Ninth, enhance the capacity of anti-trafficking units that have been established by the government to combat human trafficking. These units must receive training especially on investigating and prosecuting cases of human trafficking. This training should include judges, police, lawyers, and law enforcement officials. It is noted that few prosecutions have been reported. Our prosecutors in the United States can serve as a valuable asset in providing technical support for such training in the Arab region.

And finally, educate law enforcement and service providers on the rights of victims to ensure that they are not penalized for unlawful acts committed as a direct result of being trafficked. Victims' rights can be protected further by increasing efforts to consistently and correctly identify victims of trafficking. The ultimate goal of any strategy to combat human trafficking is to protect our victims and to ensure that they are receiving the proper assistance and care. Only when we rescue victims of human trafficking and provide them with full and adequate protection, can we make the claim that we are succeeding in combating human trafficking.

The United States, through the Office to Monitor and Combat Trafficking in Persons, and through the mechanisms embodied in the Trafficking in Persons Report, has been instrumental in engaging the Arab governments in their efforts to combat human trafficking. This US engagement should continue, especially in light of the recent political developments in the region.

Mr. MCGOVERN: And now we will hear from Ms. Misra.  
Welcome.

## **STATEMENT OF NEHA MISRA**

Ms. MISRA: Thank you, Mr. Chairman. And thank you for the opportunity for the Solidarity Center to present its perspective about human trafficking around the world.

I also just wanted to say a special thank you to the staff of the Tom Lantos Human Rights Commission. They have been very helpful in this whole process. So thank you to them.

The Solidarity Center is an international labor rights NGO that promotes and protects worker rights globally. And we conduct programs to combat trafficking both in

countries of origin and destination for trafficked workers. Our anti-trafficking programs span the globe. And while each country we work in has its own set of unique circumstances and problems, we have found a few common themes.

Human trafficking for labor exploitation and forced labor has, at its core, violations of worker rights and lack of labor standards and protections for workers. Whether it is low-wage workers in sectors such as domestic work or construction, migrant workers toiling on palm oil plantations, or other marginalized workers such as poor women or child laborers, human trafficking is a worker rights issue because it is linked to various forms of labor exploitation, and it is one of the worst forms of worker abuse.

And yet trafficking for labor exploitation often goes undetected and gets much less attention. Immigration officials may categorize immigrant workers who are trafficked as undocumented workers and deport them. Police and labor inspectors may view involuntary servitude or debt bondage in sectors such as agriculture, construction, manual labor, and manufacturing as mere worker rights abuses and, therefore, do little to remedy these abuses. As we noted earlier, the State Department's Trafficking in Persons Office in its annual report always talks about the fact that prosecutions for forced labor are far fewer than those for trafficking for sexual exploitation, and even those are low.

And, you know, I was saying to your staff earlier that I like the fact that I am going last because I always like to be able to comment on some of the things that I disagree about, what other people have said, but, actually, I have agreed with almost everything that everyone has said ahead of me.

We have all pointed out that forced labor is actually a bigger problem than sexual exploitation around the world, and yet we are still seeing responses to it that are not going to the underlying causes of these labor abuses. And a lot of times when I give these presentations, I say things that aren't always popular, and I am about to say a few of those now. But I really believe that if we want to end modern-day slavery, we want to end trafficking, we have to deal with the worker rights abuses that are the underlying causes of trafficking.

Three points I want to make during my time.

One, we have to look at the particular vulnerability of migrant or immigrant workers to human trafficking. We have talked about, you know, undocumented workers and understanding that workers who are smuggled or who are in a country without status of course are vulnerable to human trafficking. But we also have to look at the systems and processes that we are creating that are making migrant workers vulnerable to trafficking around the world.

One of the big things that plays a role in that are nonimmigrant visa programs around the world. Whether we call it the kafala system in the Gulf Cooperation Council countries in the Middle East or even here in the United States, our nonimmigrant visa

programs, whether it is the H-1, the H-2 programs, all these programs are creating structural problems that make it easy to exploit migrant or immigrant workers.

Common themes among these temporary migration programs are that usually workers are tied to a particular employer. If you tie a worker's visa to an employer, when they are being abused, they cannot leave.

Another common theme in these temporary migration programs is the use of labor recruiters, and Ambassador CdeBaca talked about that earlier, but it can't be overemphasized. Labor recruiters are playing a huge role in the trafficking of workers around the world, including into the United States. I am not sure how this happened, but it has now become accepted that the definition of "work" has changed. If you want to work for somebody, you now have to pay for the privilege of working. It is my understanding that "work" is really defined as "I work; you pay me." That has changed now, and yet it is being accepted that it is okay to have to pay hundreds to thousands -- I mean, we know cases of workers coming to the United States paying \$20,000 to get a job. Again, I work; you are supposed to pay me.

These recruitment fees are resulting in debt bondage. And a number of the anti-human-trafficking organizations that we work with in the U.S. and abroad say that debt bondage is one of the largest problems that they are seeing in terms of human trafficking in the United States. We really need to do something about regulating foreign labor recruiters, including the elimination of fees.

Ambassador CdeBaca mentioned the Executive order that President Obama signed in September. It made a huge leap forward in preventing trafficking by prohibiting all fees. We are very concerned that the bill that Senator Blumenthal put forward to end slavery in contracting allows up to 1 month of worker salary as fees. We think that that is a little bit of a step backwards. The rest of the law is wonderful and puts forth some really good criminal provisions, but anything that puts into legislation allowing fees is a big problem in terms of human trafficking.

The second thing I wanted to talk about was supply chains, and you asked about this earlier in terms of the Bangladesh fire. The Solidarity Center has an office in Dhaka, Bangladesh, and has been dealing with this unfortunate crisis since it happened.

But in terms of human trafficking, when we think about supply chains, you know, the same things that we were talking about in the 1990s are coming up again: codes of conduct, third-party independent monitoring. The Solidarity Center and many immigrant and worker rights groups around the world have shown that that does not work. Codes of conduct are not enforceable; they are rarely monitored. It is not an effective way to make sure that there is not slavery in a supply chain.

The same thing with third-party monitoring or independent auditing that goes on. The fire in Pakistan is a perfect example. A month before the fire, the factory was certified as safe, and yet 120 workers were killed in this factory.

The Solidarity Center believes that the most effective way to eliminate forced labor, debt bondage, and other forms of slavery in supply chains is by empowering workers to have a voice in their workplace and supporting their right to organize and join unions.

Again, I said earlier that I was going to say some things that were unpopular. That is one of them. When I talk about human trafficking and then I talk about the right to organize, people often say to me that they don't see the connection. But really if you want to make sure that there is not slavery in a supply chain, you have to make sure that the workers have representation, agency, and a voice in their own supply chain to be able to monitor it. And that is a huge thing.

The other unpopular thing that I say is that corporations need to be held accountable for mapping their supply chain. I have heard over and over again by companies how hard it is to map their supply chain. We are a small NGO. We did a report in 2007 called "The True Cost of Shrimp" about the shrimp industry in Thailand and Bangladesh. And through our partners, who are even smaller NGOs and unions in Thailand, we were able to track the supply chain for shrimp from the bottom of the supply chain in Thailand all the way to retailers in the United States. If we can do it as a small NGO, if our partners can do it, corporations can do it, and they should be forced to.

The other thing is that pricing structures -- when employers and buyers demand cheap or unrealistic pricing structures, they shouldn't be surprised that they are going to find labor abuses, including slavery, in their supply chains. And so we need to look at the price pressures that are being put along supply chains.

Similarly, when employers contract out or hire unregulated subcontractor suppliers, they should not be surprised to find that they have human trafficking in their supply chain.

Another issue in terms of supply chain monitoring is that the Department of Homeland Security is charged with making sure that products made with forced or child labor are not imported to the United States. One of the problems with that is that when DHS does an investigation overseas about whether a product is made with forced labor or trafficked labor, they have to notify a government that they are coming. And then, of course, we all know what happens when you notify somebody that you are about to do an investigation: Supply chains are cleaned.

One of the recommendations that we have is that I should be able to use evidence by local NGOs, unions, other counterparts who have firsthand knowledge of this to be able to show that products are coming into the U.S. made with forced labor.

The other recommendations that we have are to ensure that workers are covered by labor laws. Professor Mattar mentioned this for domestic workers. What we see for all sorts of workers, especially workers in an informal economy or migrant workers, they



are often not covered by labor law protections, and this makes it very easy to exploit them.

Another thing that we see is that labor inspectors need to be used more to combat trafficking. When people think about combating trafficking, they often think of customs and border officials. But we really need to ensure that labor inspectors play a greater role.

As an example, Qatar is going to be hosting the World Cup in 2022. The private sector in Qatar is made up of -- more than 90 percent of the private sector is made up of migrant workers. They expect to have at least a million more migrant workers come into the country to help build all the stadiums and infrastructure that is going to need to go along with the World Cup. With all these migrant workers coming in, Qatar has something around 40 labor inspectors. You are going to have over 2 million migrant workers in a country and only 40 labor inspectors. It is going to make it very, very easy to exploit people.

The last thing that I will just end with is that I think the U.S. Government has a great role to play in helping countries around the world to negotiate stronger positions and more protections for their migrant workers.

As an example, I worked for 5 years in our office in Indonesia, where millions of migrant workers migrate each year. The Indonesian Government negotiates bilateral agreements with countries such as Malaysia. These bilateral agreements, though, are often very weak. They actually have said in them that you can take a worker's passport. They have said that domestic workers do not have to have a day off. Because Indonesia is competing with other low-wage or developing countries for their workers to be able to go abroad, they are not very likely to push for strong protections.

And so one of the things that we recommend is that the U.S. Government should provide support to countries of origin, especially developing countries, to negotiate multilateral agreements with more powerful destination countries to level the playing field for migrant workers. If they can do it as a cluster, if Bangladesh, Indonesia, and Nepal can negotiate together, it is more like that they would have strong protection for their workers.

You said it earlier, Mr. Chairman, that we really do need to pass the Trafficking Victims Protection Reauthorization Act as soon as possible. Thank you so much.

Mr. MCGOVERN: Thank you very much for your testimony.

[The statement of Ms. Misra follows:]



**Testimony of**

**Neha Misra**

**Senior Specialist, Migration and Human Trafficking  
Solidarity Center, AFL-CIO**

**Before the Tom Lantos Human Rights Commission  
U.S. House of Representatives**

**Wednesday, November 28, 2012  
2:00 PM– 4:00 PM  
Rayburn 2237 HOB**

***International Human Trafficking and Forced Labor***

Thank you to the Tom Lantos Human Rights Commission for the opportunity to present the Solidarity Center's perspective and approach to combating international human trafficking and forced labor. We appreciate the Commission's interest in the issue, and particularly its emphasis on trafficking for the purposes of labor exploitation.

My name is Neha Misra. I am the Senior Specialist for Migration and Human Trafficking at the Solidarity Center. We are an international non-governmental organization (NGO) that promotes and protects worker rights globally, working in over 60 countries through 24 field offices. The Solidarity Center is an allied organization of the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), and a member of the Alliance to End Slavery and Trafficking (ATEST). Building upon more than 20 years of experience in the areas of child labor, migrant worker exploitation, and supply chain accountability, the Solidarity Center raises awareness about the prevalence and underlying causes of trafficking for labor exploitation, and implements programs with a variety of partners from a myriad of sectors to combat the problem. These programs include initiatives that address each of the four "Ps" that have become part of the anti-trafficking paradigm: prevention, protection of victims, prosecution (or as we prefer to describe it, "rule of law"), and partnerships. The Solidarity Center has the unique ability to work across borders, in both countries of origin and destination for trafficked workers. We have implemented anti-human trafficking programs in countries such as Thailand, Indonesia, Nepal, India, Sri Lanka, Pakistan, Malaysia, Hong Kong, the Philippines, Bahrain, Qatar, Kuwait, Kenya, Moldova, and the Dominican Republic.

Our anti-trafficking programs have spanned the globe, and while each country we work in has its own set of unique circumstances and problems, we have found a few common themes. Human trafficking for labor exploitation and forced labor has at its core violations of worker rights and lack of labor standards and protections for workers. Whether its low-wage workers in sectors such as domestic work or construction; migrant workers<sup>1</sup> toiling on palm oil plantations; or other marginalized workers such as poor women or child laborers; human trafficking is a worker rights issue because it is linked to various forms of labor exploitation, and it is one of the worst forms of worker abuse.

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<sup>1</sup> The term "migrant worker" is the internationally accepted term for a person who migrates for employment, whether temporary, seasonal, or permanent. In the United States, in every day language, "migrant worker" may refer to a seasonal or temporary worker, and "immigrant worker" refers to someone who migrates for work on a more permanent basis, or who has residency rights. I will use both terms in my testimony interchangeably to refer to all workers who migrate for work, regardless of their status or length of stay in the destination country.

We have come a long way since the passage of the Trafficking Victims Protection Act (TVPA) in 2000. Our collective understanding in the United States (U.S.) and globally about what encompasses human trafficking has expanded greatly. We are increasingly seeing initiatives that address the whole spectrum of human trafficking - from forms of sexual exploitation, to involuntary servitude, debt bondage, bonded labor, and forced labor. This is important as it presents a more complete picture of modern slavery. At the same time, however, we continue to see the conflation of human trafficking with commercial sexual exploitation, resulting in more attention and resources going to the problem of sex trafficking over labor. There is increasing evidence, however, that the majority of trafficking victims are in forced labor or other forms of severe labor exploitation. The International Labor Organization (ILO) in 2012 came out with a new global estimate of forced labor. It raised the number from 12 million in the 2005 estimate to almost 21 million today. This new estimate takes into account all forms of human trafficking – including sex and labor – and has been acknowledged by experts as being much more accurate. The new estimate provides additional evidence of a fact that the Solidarity Center has promoted for more than a decade – trafficking for labor exploitation is more prevalent around the world, than sex trafficking.

And yet, trafficking for labor exploitation often goes undetected and gets much less attention. Immigration officials may categorize immigrant workers who are trafficked as undocumented workers and deport them. Police and labor inspectors may view involuntary servitude or debt bondage in sectors such as agriculture, construction, manual labor and manufacturing as mere worker rights abuses, therefore doing little to remedy these abuses. And as the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons (J/TIP) has noted year after year in its annual *Trafficking in Persons Report*, prosecutions for forced labor are far fewer than those for trafficking for sexual exploitation (and even those are low).

The Solidarity Center has said this many times before but it bears repeating. In 2012, a slave may not be in chains or shackles, but they are no freer. Slavery is not simply ownership of one person over another. Modern day slavery is much more subtle. Trafficking victims toil in factories that produce products that are exported to the United States, Europe, and other destinations. Trafficking victims harvest vegetables and process food that ends up on our dining room tables. They pick crops or mine minerals that are raw materials in the products we buy. They make the clothes and shoes we wear. They clean people's homes and take care of the young, elderly and sick. They are enslaved not only through physical restraint, but also through coercion, fear, and intimidation. In today's global economy, workers can be enslaved by threats of deportation, lack of viable alternatives, and especially debt.

Human trafficking thrives in the context of worker exploitation:

- When immigrant workers are forced to pay high fees, often at exorbitant interest rates, to labor recruiters to work in another country, they are vulnerable to debt bondage – one of the most pervasive forms of modern slavery. This is the case for millions of South Asian migrant workers who travel to countries in the Gulf such as Qatar, the United Arab Emirates, and Kuwait to work in construction, domestic work and other parts of the service sector. These workers are often deceived about wages and working conditions, through false contracts and broken promises. They pay hundreds or thousands of dollars to labor recruiters for these jobs, taking out loans at exorbitant interest rates, only to find that the jobs were not as promised. Many get paid much less than promised, not enough to pay back the loan; get paid late, compounding the interest they must pay; or do not get paid at all, resulting in forced labor. These migrant workers are tied to a particular employer through the kafala or sponsorship system, and cannot leave their abusive employers. Millions of other workers – including for example, Moldovan migrant agriculture workers in Spain, Vietnamese workers toiling in factories in Taiwan, and H-2B visa workers in the U.S. – can tell a similar story.
- When buyers pressure suppliers all along supply chains to achieve cutthroat prices for their products, workers are the ones that bear the burden as labor costs are often the first ones to be cut, increasing workers vulnerability to severe forms of labor exploitation, including human trafficking. This is the case for thousands of Burmese migrant workers who have been subject to forced labor and physical, emotional, and sexual intimidation in seafood-processing factories in Thailand, which export to the United States. The factories rely on trafficked workers to stay within the cost structure set by buyers who are often major retailers in the U.S. and Europe.

- When labor laws and regulations are not implemented, monitored, or enforced — when labor inspection is weak or nonexistent — workers are vulnerable to trafficking for forced labor and other forms of severe labor exploitation. When workers face retaliation for trying to exercise their rights or when workers lack access to avenues to address abuse, workers are vulnerable to human trafficking. This is the case for millions of domestic workers,<sup>2</sup> agricultural workers, and immigrant workers in the United States and around the world who face extreme conditions of exploitation, including physical and sexual violence, confiscation of passports, illegal confinement, dangerous working conditions, and non-payment of wages. These workers are often explicitly excluded from the protection of labor laws, even when they are citizens or nationals of a country, and their work is often relegated to the informal economy where there is little labor inspection.

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

Images in the media, and still in the public consciousness, of traffickers are of organized criminal syndicates, criminal gangs, or underground criminals who exploit undocumented workers. Today, however, traffickers can also be licensed labor recruiters, employers, or even government officials. We see trafficking for labor exploitation happening in the context of legal structures of employment and business, and through regular, documented visa programs. If we want to end trafficking, forced labor and other forms of modern slavery, we must address these broader underlying root causes, including failures to protect workers and enforce labor standards.

### **The Particular Vulnerability of Immigrant Workers to Human Trafficking**

Immigrant or migrant workers are particularly vulnerable to human trafficking. In our publication *Justice for All: A Guide to Worker Rights in the Global Economy*, the Solidarity Center explains this phenomenon:

Migration and human trafficking . . . are often distinguished from one another by the notion that migration is characterized by choice and trafficking by coercion, deception, or force. However, in today's global economy migration and trafficking exist along a continuum. Women, men, and children may start out migrating for the promise of well paid jobs and end up being coerced to work under exploitative conditions such as those commonly found in garment industry sweatshops, agriculture, domestic work, or sex work. Given the large numbers of workers who migrate for work globally, the particular vulnerability of migrant workers to trafficking is significant.<sup>3</sup>

Unsafe migration processes and the lack of labor and other legal protections for migrant workers make them an easy target for traffickers in the form of unscrupulous labor recruiters and employers. Migrant workers are often explicitly excluded from the protection of labor and other laws — either because of their immigration status or because of the sector they work in (such as domestic work). Traffickers take advantage of this exclusion — and of the failure to enforce and monitor laws when they do exist — increasing the vulnerability of migrant workers to human trafficking.

This is the case for Haitian migrant workers in the Dominican Republic (D.R.). First, poverty and a lack of jobs in Haiti, and then the devastating earthquake, forced Haitian workers to migrate to the Dominican Republic to provide basic needs for themselves and their families. Like many destination country

<sup>2</sup> The term “domestic worker” refers to a person who provides services - such as childcare, cooking, and cleaning - to or within a household.

<sup>3</sup> [http://www.solidaritycenter.org/files/pubs\\_jfa2009.pdf](http://www.solidaritycenter.org/files/pubs_jfa2009.pdf)

governments, the government of the D.R. fails to provide safe migration processes or systems for these vulnerable migrant workers. From corrupt government officials along the border, to unscrupulous recruiters and employers who act with impunity, Haitian migrant workers often find themselves in conditions of involuntary servitude, debt bondage, and forced labor in sectors such as sugar, construction and domestic work. The Solidarity Center's field office in the D.R. has received reports from workers of police picking up workers on pay day and dropping them at the border so that employers do not have to pay them the wages that they are due, making the police complicit in the forced labor of these migrant workers. Haitian migrant workers often report harassment and forced bribes by D.R. police.

In addition, Haitians born in the D.R. are deprived of status, and thus remain vulnerable to exploitation. For example, Domingo Concepcion is 22-year old undocumented Dominican. He is the son of two Haitian parents, and has been seeking his legalization for two years in the Province of Monte Plata, where he resides. Mr. Concepcion recently came to the Solidarity Center office in Santo Domingo seeking legal assistance after being fired without being paid his salary due. "I worked on a farm and had to do all of the farm work. In this kind of job you have to sleep there and it's a double labor in order to get your food. I would have to pay for what I ate at the end of the month and would be left with nothing. When someone wants to quit or as in my case, is fired, they don't want to pay you". When Mr. Concepcion approached the Ministry of Labor for help, he was basically told that since he did not have any papers, he should just take whatever he could get. While the Solidarity Center and a Dominican union, CNUS, were able to assist Mr. Concepcion through the mediation of lawyers, his case is a common one for workers without legal status, making them vulnerable to labor exploitation often rising to the level of human trafficking.

Immigrant Haitian workers who toil along the supply chain for products that are exported from the D.R. to the U.S. are also vulnerable to human trafficking. A few months ago, the Solidarity Center received information from a Dominican Haitian union member in Barahona regarding trafficking and forced labor at a nearby sugar refinery. The witness gave detailed testimony of refinery supervisors making trips to Haiti to buy labor from middlemen at 1,600 pesos a head (about U.S.\$40). The laborers are taken for the harvest season. They are housed under armed guard and taken into town occasionally to shop. Other than that they are not permitted to leave. The Solidarity Center reported the case to the Special Dominican Unit on Trafficking under U.S. Immigration and Customs Enforcement (ICE) leadership in Santo Domingo. A Verité report funded by the U.S. Dept. of Labor, entitled *Research on Indicators of Forced Labor in the Dominican Republic Sugar Sector*, provided further evidence of forced labor in the sugar industry: "Research detected evidence of the presence of the following indicators of lack of consent: physical confinement in the work location, psychological compulsion (i.e. an order to work with a credible threat of penalty for non-compliance), induced indebtedness, deception or false promises about terms of work, withholding and non-payment of wages, and retention of identity documents." The investigators also found physical violence, loss of employment, exclusion from future employment and deprivation of food and shelter to be credible threats endured by migrant sugar workers and the descendants of migrants.

These examples from the D.R. highlight what is common for migrant workers around the world, including in the U.S. The lack of status, labor protections, or basic rule of law protections by the government that allows employers to exploit migrant workers. Again, these abuse often rise to the level of human trafficking.

### **Trafficking as an Inherent Vulnerability in Temporary Labor Migration Schemes**

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

The Alliance to End Slavery and Trafficking or ATEST, of which the Solidarity Center is a member, described the problem in 2011 in a submission to the U.S. Department of Labor as follows<sup>4</sup>:

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

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

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

While the description above refers to the U.S. temporary guestworker program, the same scenario repeats itself around the world – for example, in Canada, Europe, the GCC, and around Asia (Malaysia, Singapore, Taiwan, Japan, etc.). In many countries in the GCC for example, migrant workers make up the majority of the private sector workforce. Yet, almost all of these workers are denied any sort of residency status, and

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

<sup>5</sup> Southern Poverty Law Center, 2007. “Close to Slavery: Guestworker Programs in the United States,” <http://www.splcenter.org/pdf/static/SPLCguestworker.pdf>; Closed and Criminal Cases Illustrate Instances of H-2B Workers Being Targets of Fraud and Abuse, GAO 10-1053; testimony submitted by members of the Guestworker Alliance for Dignity to the House Committee on Oversight and Governmental Reform Domestic Policy Subcommittee, “The H-2B Program and Improving the Department of Labor’s Enforcement of the Rights of Guestworkers,” April 9, 2009; The Costs of Coercion: Global Report under the Follow Up to the ILO Declaration of the Fundamental Principles and Rights at Work, International Labor Organization, International Labor Conference, 98<sup>th</sup> Sess. 2009 Report I(B), [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_106230.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_106230.pdf).

live and work in Kuwait, Qatar, and the U.A.E. for example on temporary visas. The J/TIP annual report consistently highlights cases of trafficking of these migrant workers in the GCC, and yet the majority of these trafficked workers are fully documented and possess valid visas, use licensed recruiters and work for valid employers.

The common element in all of these temporary guestworker programs around the world is that these workers are trafficked within legal visa systems, fully documented, and that structural flaws within these programs allow workers to be trafficked.

Two other major common themes emerge:

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

### **The Role of Labor Recruiters in Promoting Human Trafficking**

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

The incidence of known human trafficking cases involving foreign labor recruiters is growing dramatically in the United States and around the world. Many U.S.-based service providers state that regulating labor recruiters is one of the most important initiatives needed to combat human trafficking – both labor recruiters based in the U.S. and abroad. Employers rely on labor recruiters who have operations both in the U.S. and in foreign countries – as they use a system of subcontracting to find workers. The operations of such recruiters need to be regulated on both ends of the spectrum.

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

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

1. **Elimination of Fees:** No foreign labor contractor, or agent or employee of a foreign labor contractor, should be allowed to assess any fee (including visa fees, processing fees, transportation fees, legal expenses, placement fees, and other costs) to a worker for any foreign labor contracting activity. Such costs or fees may be borne by the employer, but these fees cannot be passed along to the worker. This is one of the most crucial elements to eliminate debt bondage for immigrant workers.
2. **Disclosure:** Foreign labor contractors and employers must be required to fully disclose to the worker in writing in English and in the language of the worker being recruited, all of the terms and conditions of their work. This includes:

- The identity of the employer and the identity of the person conducting the recruiting on behalf of the employer, including any subcontractor or agent involved in such recruiting.
  - A signed copy of the work contract, including all assurances and terms and conditions of employment, from the prospective employer for whom the worker is being recruited, including the level of compensation to be paid, the place and period of employment, a description of the type and nature of employment activities, any withholdings or deductions from compensation and any penalties for terminating employment.
  - The type of visa under which the foreign worker is to be employed, the length of time the visa is valid and the terms and conditions under which this visa will be renewed with a clear statement of whether the employer will secure renewal of this visa or if renewal must be obtained by the worker and any expenses associated with securing or renewing the visa.
  - An itemized list of any costs or expenses to be charged to the worker. Including but not limited to: the costs of housing or accommodation, transportation to and from the worksite, meals, medical examinations, healthcare or safety equipment costs, and any other costs, expenses or deductions to be charged the worker.
  - A statement describing the protections afforded the worker by U.S laws and regulations, including protections in the Trafficking Victims Protection Act of 2000 (Division A of the Public Law 106486), as well as relevant information about the procedure for filing a complaint and the telephone numbers for the Department of Labor hotline and the National Human Trafficking Resource Center hotline number.
3. **Registration:** A Department of Labor administered process for foreign labor contractors to obtain a certificate of registration. Employers must be required to use only foreign labor contractors who are properly registered under this system.
  4. **Enforcement:** A Department of Labor established administrative process for receiving, investigating, and adjudicating complaints against the compliance of either employers or foreign labor contractors. Criminal and civil rights of action for workers themselves are also key to preventing trafficking.
  5. **Accountability:** Workers must be protected from retaliation and employers must be held accountable for the actions of foreign labor contractors that they hire.

The reauthorization of the TVPRA is currently stalled in both Houses of Congress. For the first time since its original passage, the TVPRA is being held up for partisan reasons. Moreover, while the House version of the TVPRA in 2011, originally included the above mentioned provisions to regulate labor recruiters, it was stripped in Committee. And while the Senate version of the TVPRA calls for an important U.S. Government Accountability Office (GAO) study on the role of labor recruiters in promoting trafficking of migrant workers, it does not include the other important measures described above.

ATEST, the Solidarity Center, and other immigrant and worker rights groups also support the passage of a stand alone bill on the regulation of foreign labor recruiters. By passing such a bill, the U.S. can promote much needed change around the world. If the U.S. is to continue as a leader in the fight to end human trafficking, we need to start with our own government policies.

ATEST and the Solidarity Center commend the U.S. Dept. of Labor for issuing new rules to regulate labor recruiters in the H-2B visa program. While implementation of these rules is being held up in the appropriations process, and in litigation, the rules are a step in the right direction in preventing the trafficking of migrant workers through nonimmigrant visa programs.

The imposition of recruitment fees on workers is explicitly prohibited by international law (including ILO Convention 181) and the laws of many countries around the world; and yet, recruiter and employers continue to impose such fees with impunity. In September of this year, President Obama also took an



important step to combat the abuses committed by recruiters and subcontractors by signing the Executive Order (EO) 13627 entitled *Strengthening Protections Against Trafficking in Persons in Federal Contracts*. The EO “expressly prohibits federal contractors, subcontractors, and their employees from engaging in certain trafficking-related practices..., including charging employees recruitment fees.”<sup>6</sup> This is an important acknowledgment of the role of debt bondage in enslaving workers around the world.

The Solidarity Center also commends Senators Blumenthal and Portman for the introduction of the *Ending Trafficking in Government Contracting Act*. This bill is important and goes further than the EO in many key ways. It however also has one major flaw. While the bill prohibits contractors from “charging recruited employees exorbitant placement fees,” it still allows for these fees.<sup>7</sup> The Solidarity Center has seen in its work in the places such as Indonesia, Nepal, Guatemala and Kenya that charging any fees to workers makes them vulnerable to human trafficking. We urge Congress to strictly prohibit fees in the final bill.

While much of the above discussed the role of foreign labor recruiters in the U.S., the exact same scenario plays out in origin and destination countries for migrant workers around the world. Indonesia is a perfect example. Millions of Indonesian workers migrate internally and abroad to countries such as Malaysia, Singapore and the GCC countries. Labor recruiters play a major role in facilitating this migration. As Dewi Hariyanti, a 20 year old Indonesian migrant domestic worker to Singapore described to Human Rights Watch, labor recruiters are complicit in debt bondage:

I paid 500,000 rupiah [(approximately U.S.\$52)] and then they sent me to the shelter [agency]. The [agent] told me it would be a seven-month deduction, but when I arrived, I found out it was ten months. So I had no other choice but to carry on. If we return [to Indonesia early] we have to pay ten months salary. The agent in Malang told me this. If we didn't pay, they would abuse us and send us to Batam [an area notorious for sex trafficking]. A lot of friends [other domestic workers] who are unsuccessful with their employers, they go to Batam and face abuse from the agent. Some girls got hit, they could not go out.

As my colleague Jamie Davis further describes in the Solidarity Center publication *When They Were Sold*:

[F]or nearly all Indonesians who migrate for work, the costs associated with migration represent a significant investment and economic risk. Many will be put under intense pressure to make enough money to pay back debts that accumulate during the migration process and, perhaps, debts that existed before they left home to work.

Most families do not have the economic means to pay up front for all of the costs associated with migration. At some point, the worker is likely to enter into a debt in which it is understood that future earnings will be deducted to pay back the “loan”. Throughout the migration process the pressure to make money from the upcoming work will intensify as costs multiply. For some, extension of “credit” will begin immediately as they cannot pay the recruiter or broker in the village for costs associated with the first stages of migration. For others, the debt to middlemen involved in the migration process may begin once arriving in a place of transit or upon arriving at the place of work. The families of these workers may have sold or pawned a cow, a rice field, or what little gold they have to immediately pay the village broker for initial costs upon recruitment. Some may pay up front by taking out a loan from a village moneylender at exorbitant interest rates, risking their homes or rice fields used as collateral. Even others may actually receive a cash advance from the village broker in addition to the credit to cover initial migration costs. By the time the migrant reaches the destination of work, whether this is in another part of Indonesia or abroad, she/he will likely understand that all or part of the

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<sup>6</sup> <http://www.whitehouse.gov/the-press-office/2012/09/25/fact-sheet-executive-order-strengthening-protections-against-trafficking>

<sup>7</sup> <http://thomas.loc.gov/cgi-bin/query/z?c112:S.2234>:

earnings made in the first several months of work will be used to pay these middlemen. It is well-documented that many of the charges and fees passed on to workers by middlemen (such as brokers, labor export agencies and foreign placement agencies) are inflated and illegal.

Nonetheless, the worker and family must wait until these debts are paid off before they can see any income – some of which may be desperately needed to pay back debts to lenders in the village.<sup>8</sup>

While there is a clear connection between temporary immigration programs, foreign labor recruiters, and the trafficking of immigrant workers, it is difficult in the U.S. and abroad to get lawmakers to take action through legislation to regulate the recruiters, eliminate the fees that result in debt bondage, and reform the temporary immigration programs that create the vulnerability. Lawmakers in the U.S. and abroad continue to link regulation of recruiters only with comprehensive immigration reform, and as such, little has been accomplished to protect vulnerable workers from this underlying cause of human trafficking. To overcome this, we urge the Congress to enact standalone legislation to regulate labor recruiters, or include the important provisions in the TVPRA.

### **Worker Rights as a Means to Prevent Trafficking for Labor Exploitation**

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

### **Trafficking in Supply Chains**

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

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

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<sup>8</sup> [http://www.solidaritycenter.org/files/when\\_they\\_were\\_sold\\_chapter4.pdf](http://www.solidaritycenter.org/files/when_they_were_sold_chapter4.pdf), page 319.

The pricing structure as a cause of human trafficking cannot be overemphasized, as this is an underlying factor that employers, business, corporations and consumers can all address. My Solidarity Center colleague John Hosinski describes this phenomenon in our publication *The True Cost of Shrimp*:

As a commodity, the price of shrimp fluctuates according to supply and demand, and price pressure is significant all along the supply chain. Retailers, sensitive to the risk involved with importing fresh food, press import companies for faster distribution, acceptable quality, and the lowest prices. Importers, aware that market fluctuations can affect prices, leverage their bulk purchasing power to demand speedy delivery from producers. Trapped between producers and importers are labor-intensive shrimp factories. Often, the factories' response to price pressure is to squeeze wages, neglect workplace health and safety regulations, and cut other corners that leave shrimp workers bearing the social cost of affordable shrimp.<sup>9</sup>

While our report was published in 2007, media and NGO reports continue about forced labor, debt bondage and other forms of modern slavery in the Thai shrimp industry. And yet, Thai shrimp continues to be found in major U.S. retail markets.

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

The existence of MNC codes of conduct have failed to curtail trafficking practices in any number of sectors including garment/textile, electronics, agriculture, and seafood processing. Third party or "independent" auditing on its own has also been shown to be a failure.<sup>10</sup> There is no easy solution to this problem, but we know that a key deterrent is the ability of unions and labor rights organizations to shine a light on these practices through on-the-ground investigations. We believe it is important that the Congress and Administration support such monitoring efforts, and the efforts of workers to monitor their own workplaces. Ultimately, workers and trade unions must be empowered to monitor supply chains because history shows that abuses in the workplace only end when workers have the power to ensure that their rights in both ILO conventions and national laws are respected.

There have been some promising examples of worker agency and representation as a successful model of supply chain monitoring. The Firestone Agricultural Workers Union of Liberia (FAWUL) and the Coalition of Immokalee Workers (CIW) in the U.S. are just two of these. FAWUL workers went on strike to demand a real democratic union in their workplace – one of the largest rubber plantations in the world. And through collective bargaining, FAWUL is now making great strides in eliminating forced and child labor at the plantation. After years of struggle and a major campaign targeting retail buyers of tomatoes, CIW now has an enforceable code that is monitored through among other tools, a worker grievance mechanism, helping to end slavery in the tomato industry in Florida.

And yet, unenforceable company codes of conduct and social auditing firms continue to be the solution pushed by multinational corporations and governments. While it may not be popular to talk about freedom of association as a way to end trafficking in supply chains, it is one of the only solutions that may work.

Governments must also play a major role in eliminating slavery in supply chains. Examples abound of governments around the world reluctance to hold employers accountable for trafficking in their workplaces.

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<sup>9</sup> [http://www.solidaritycenter.org/files/pubs\\_True\\_Cost\\_of\\_Shrimp.pdf](http://www.solidaritycenter.org/files/pubs_True_Cost_of_Shrimp.pdf), page 11.

<sup>10</sup> See for example, "Inspectors Certified Pakistani Factory as Safe Before Disaster," <http://www.nytimes.com/2012/09/20/world/asia/pakistan-factory-passed-inspection-before-fire.html?pagewanted=all&r=0>; See also, "Foxconn said to use forced student labor to make iPhones," <http://www.nytimes.com/2012/09/11/technology/foxconn-said-to-use-forced-student-labor-to-make-iphones.html?pagewanted=all>

Even when trafficking for labor exploitation is addressed, the labor recruiter is blamed and not the employer who perpetrates the exploitation. This lack of political will translates into ridiculously few cases of human trafficking for forced labor or other forms of severe labor exploitation from being prosecuted around the world. When cases are prosecuted, they often result in small fines and no jail time for the perpetrators — barely a deterrent for exploitative employers.

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

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

### **The Role of Organized Labor in Combating Trafficking**

Organized labor has a long history of fighting on a global scale a range of worker rights abuses, including forced labor, debt bondage, and involuntary servitude, which are the end result of trafficking in persons. As trafficking for labor exploitation is clearly a worker rights issue, trade unions and labor support organizations have an important role to play in combating it. To that end, the Solidarity Center conducts programs around the world with such partner organizations to find practical, sustainable solutions. Examples of our work include:

- In Indonesia, we trained government labor inspectors on the danger signs of human trafficking for labor exploitation, and focused on the importance of inspecting and monitoring migrant worker holding centers.
- In Kenya, we built the capacity of the Kenyan Union of Domestic, Hotel, Educational Institution, Hospital and Allied Workers (KUDHEIHA) in the high- tourist coastal areas to train their members in the tourist sector to recognize trafficking for sexual exploitation in their hotels, and establish a referral network to rescue victims.
- In Indonesia, Hong Kong, Kenya, and the Dominican Republic, the Solidarity Center is helping to empower domestic workers to fight for their rights and reduce their vulnerability to forced labor and human trafficking. This includes organizing domestic workers and advocacy to include them within domestic labor laws. The Solidarity Center also worked with domestic worker partners around the world to negotiate and pass the new ILO Convention on Decent Work for Domestic Workers (Convention 189). Convention 189 is seen as a prevention tool against the trafficking of domestic workers.
- In the Dominican Republic, the Solidarity Center built the capacity of a Dominican construction sector union to overcome xenophobia and racism in the sector by organizing and fighting for the rights of Haitian immigrant construction workers.
- In Moldova, the Solidarity Center is working with a global union federation in the agriculture sector to provide legal aid and other support to vulnerable Moldovan migrant workers who travel to Spain, Italy and other parts of Western Europe to work on local farms. These migrant workers are vulnerable to debt bondage, involuntary servitude, and forced labor.

- Our Asia and Middle East offices are working together on a cross regional program – bringing together activists in countries of origin and countries of destination to ensure that migrant workers are educated regarding their rights, the prevention of trafficking, and by providing them with protection services such as legal aid.

### **Recommendations for Initiatives to Combat Trafficking for Labor Exploitation and Forced Labor**

As the International Labor Organization (ILO) has noted, “Where labor standards are rigorously adhered to, workers are well unionized and labor laws are monitored and enforced – for all workers, indigenous or migrant – the demand for trafficked people and services is likely to be low.” The Solidarity Center could not agree more.

Key initiatives to combat trafficking for labor exploitation therefore include:

1. Many stakeholders in the anti-human trafficking field refer to the four Ps: prevention, protection of victims, prosecution of traffickers, and partnership as a key framework to combat the problem. The Solidarity Center believes that the third “P”, “prosecution” should actually be broadened to an “R” – the “Rule of Law.” An approach to trafficking that encompasses the rule of law broadens the scope of efforts.

Rule of law creates an enabling environment that allows for initiatives that include preventive measures that may address the underlying causes of forced labor. These initiatives may include:

- a. Reforming labor and other laws to include and protect immigrant and domestic workers. All workers – whether national or foreign, documented or undocumented – must have equal protection under the law, and receive full protection of the laws. In addition, governments and employers must recognize and enforce all ILO core labor standards, including the freedom of association and right to organize.
  - b. As domestic workers are particularly vulnerable to human trafficking, the U.S. government must continue to support, and advocate to other governments to support and ratify, ILO Convention 189 on Decent Work for Domestic Workers.
  - c. Equal attention must be paid not only to passing better laws, but also implementing, monitoring, and enforcing those laws. To that end, governments must enhance the role of labor inspectors. Labor inspectors must be engaged in and be an integral part of law enforcement initiatives to combat human trafficking. In particular, labor inspectors must be given special training to recognize the signs of human trafficking in a workplace. Governments must also ensure that there are sufficient numbers of labor inspectors.
  - d. Providing compensation to victims, including payment of withheld or back wages.
  - e. Penalizing abusive workplaces. Strengthening enforcement and penalties against employers who are found to have trafficked workers or to companies who have bought products made by slave labor. Employers must be held accountable for the abuses of their subcontractors, including labor recruiters, and for abuses in their supply chains.
2. Emphasis must be placed on safer migration processes for workers. This includes pre- and post-departure training for workers on their rights in the countries of destination. Governments have a crucial role to play in educating workers about their rights. Enforcement of labor standards depends on workers being able to report violations; they therefore have to be able to recognize violations. In addition, immigration policies should emphasize ways to make workers safer during the migration process, and reflect economic reality.
  3. Increasing scrutiny of imports and exports to ensure goods made by trafficked or forced labor are not allowed in the marketplace. This includes reviewing and re-working the role of ICE in overseas

inspections. Currently, ICE must notify governments of their intent to inspect workplaces that export products to the U.S. – such notification results in the “cleansing” of these workplaces to remove any signs of trafficking or forced labor.

U.S. law does not allow evidence collected by unions or non-governmental sources to be the basis for restricting the importation of products made by trafficked or slave labor. This must be reformed.

4. Increasing pressure on companies to map their supply chains and make such information public. Companies argue that it is too difficult or expensive to completely map their supply chains. If NGOs can do it though, companies can too. There needs to be a change in business practices.
5. Promoting the freedom of association and right to organize, worker agency and worker representation, over codes of conduct and third party monitoring, as an effective way to monitor supply chains for trafficking and forced labor.
6. Strict regulation of labor recruiters and employment agencies. Specifically, the elimination of recruitment fees to workers, shifting costs back to the employer. Workers should not be required to pay any fees associated with recruitment, the migration process, or placement PERIOD. Employers must be held liable for the abuses of labor recruiters that they hire. In addition, workers must have a way to ensure that a recruiter is legitimate and licensed. Congress should include foreign labor recruiter regulation provisions in the TVPRA or pass a standalone bill.
7. Extending meaningful whistleblower protections to trafficked workers, which allow workers and their representatives to sue to enforce all state and federal labor and employment laws as well as the conditions in workers’ contracts without having to face deportation or removal. Ensure confidentiality so that victims can access public services as mandated by the TVPA without fear that their traffickers or another entity may find out and seek retribution. Other governments must also consider whistleblower protections for trafficked workers, and companies should ensure that there are such protections in company policy all along the supply chain, and advocate to governments for such protections for workers.
8. Increasing pressure and monitoring on nations to include trafficking for labor exploitation into anti-trafficking laws and regulations, and increasing prosecutions of labor traffickers, including employers, as perpetrators of human trafficking
9. The U.S. government should provide support to countries of origin, especially developing countries, to negotiate multilateral agreements with more powerful destination countries to level the playing field for migrant workers. Because of unequal bargaining power, and the desire of developing origin countries for remittances and employment abroad for their citizens, bilateral agreements are often weak, and provide few worker rights protections. Multilateral agreements may provide more avenues for labor standards.
10. Pass the TVPRA now!

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

Mr. MCGOVERN: And last, but certainly not least, Mr. Mary Ellison, the director of policy at the Polaris Project.

## **STATEMENT OF MARY C. ELLISON**

Ms. ELLISON: Mr. Co-Chair McGovern and to the staff of the Tom Lantos

Human Rights Commission, thank you for holding this hearing on one of the most pressing human rights issues of our time: human trafficking and modern-day slavery. Thank you for the opportunity to testify today about its impact in the United States.

I am the director of policy for Polaris Project, a nonprofit organization founded in 2002 and guided by a singular vision: a world without slavery. We advocate for stronger Federal and State laws; operate the National Human Trafficking Resource Center hotline, or NHTRC; conduct trainings; and provide vital services to our clients.

International human trafficking and forced labor affect every country in the world, and the United States is no exception. The International Labor Organization estimates that there are 20.9 million victims of forced labor at any given time.

We also know that trafficking victims are rarely identified. According to the 2012 U.S. Trafficking in Persons report, only 41,210 victims were identified in 2011 around the world, or less than 1 percent of that 20.9 million. The NHTRC has identified more than 3,000 cases referencing foreign nationals in the United States from scores of countries, as well as potential trafficking cases in over 97 countries around the world.

In 2011, 48 percent of our cases involved some form of labor exploitation or labor trafficking, and 52 percent involved sex trafficking. The five most common types of labor trafficking were domestic work, restaurant and food services, small business, agriculture, and construction.

Polaris Project and our partner organizations here in the U.S. and around the world have been able to identify and assist trafficking victims because the U.S. has created a framework to prevent human trafficking, protect trafficking victims, and prosecute human traffickers. It is called the Trafficking Victims Protection Act, or TVPA.

The TVPA is the premier Federal law, but it is more than a year overdue for reauthorization. In the more than 10 years since the passage of the TVPA, we have made great strides, but we still have miles to go to prevent the exploitation and enslavement of vulnerable populations.

We are particularly concerned about those who often fall prey to traffickers and labor recruiters abusing the H-1B, H-2A, H-2B, A-3, G-5, K-1, D-1, and H-3 visa programs. We have identified more than 1,400 cases of labor exploitation or trafficking in agriculture, factories, construction, carnivals, embassies, and international organizations through these visa programs. I will make recommendations to address these abuses at the end of my testimony.

In addition to doing a better job to prevent human trafficking and modern-day slavery, more can still be done to ensure that we better respond to those whose exploitation and enslavement we did not prevent. Today at Polaris Project we are serving 73 trafficking survivors, 60 of whom are foreign nationals.

One of them is Jennifer, a 30-year-old Guatemalan woman who came to the United States 5 years ago. She began working as a waitress at a restaurant where the owner and staff seemed welcoming. She hoped to be able to provide for her two children and ailing mother. Because Jennifer had nowhere to live, the owner allowed her to sleep in a room at the back of the restaurant. Within 2 months, however, the owner had fired the cook and other waitress. Jennifer was coerced into working 14 hours every day for 8 to 9 months until one day the police conducted an undercover operation.

Whether or not a situation like this will end in freedom and dignity for trafficking survivors depends on many factors. First, we must identify the 99 percent of trafficking victims who remain invisible and isolated. We have begun to do this through successful models like the NHTRC and the State Department's "Know Your Rights" pamphlet.

Second, we need to provide safe and secure housing for survivors. This past year, we conducted a survey and found only 678 beds exclusively designated for human trafficking survivors here in the United States.

Third, foreign national trafficking victims need access to benefits and services. We could improve the time frame for granting continued presence, CP, and ensure greater access to the T visa, given that only 557 victims were granted this visa in fiscal year 2011 despite an annual cap of 5,000.

Again, I will make further recommendations at the end of my testimony, but first let me tell you how Jennifer's story ends, or shall I say begins. Her case illustrates what happens when the system responds effectively.

The police officer who conducted the raid recognized the human trafficking indicators and referred her to a local shelter that contacted Polaris Project for emergency services. Jennifer was fed and housed in our transitional housing program. She participated in courses to learn English and computer skills and also received proper medical attention. She was granted continued presence, which allowed her to find a stable job. She has since found her own housing and supports her mother and children in her home country. With the help of a pro bono attorney secured by Polaris Project, Jennifer's T visa application was submitted, and she now awaits her decision.

Mr. Co-Chair, thank you for holding this hearing at a time when our struggle to prevent and respond to human trafficking and modern-day slavery could not be more critical. We are celebrating the 150th anniversary of the Emancipation Proclamation. As Ambassador CdeBaca frequently notes, we must still fulfill the promise of that proclamation and of the 13th Amendment.

In concluding, we urge you to take the following steps, and there are seven: reauthorize the TVPA and increase appropriations; conduct a comprehensive review of the visa programs discussed; address the lack of housing for trafficking victims; encourage agencies to revise regulations related to continued presence and T visas; protect the rights of domestic workers; prevent child and forced labor in imported products; and, finally, pass additional legislation to address the role of labor recruiters,



corporate supply chains, and government procurement.

We are eager to work with you to make these improvements to our law because they stand as a model for the rest of the world and, most importantly, because these laws create the road back to freedom and dignity for survivors of human trafficking and modern-day slavery.

Thank you.

Mr. MCGOVERN: Well, thank you.

[The statement of Ms. Ellison follows:]

**TESTIMONY OF MARY C. ELLISON, J.D.**

**DIRECTOR OF POLICY, POLARIS PROJECT**

**Before the Tom Lantos Human Rights Commission**

**International Human Trafficking and Forced Labor**

**Wednesday, November 28, 2012**

Mr. Co-Chairmen McGovern and Wolf, and other distinguished members of the Commission, thank you for holding this hearing on one of the most pressing human rights issues of our time – human trafficking and modern-day slavery, and thank you for the opportunity to testify today.

I am the Director of Policy for Polaris Project, a non-profit organization named after the North Star that guided slaves towards freedom along the Underground Railroad. Since our founding in 2002, Polaris Project has been guided by a singular vision: a world without slavery. Today, Polaris Project is changing how communities fight all forms of human trafficking. Founded with the belief that everyday people can come together to do extraordinary things, Polaris Project is building a nationwide network to combat trafficking and serves the full range of its victims: foreign nationals and U.S. citizens, men and women, children and adults. Our expert knowledge of trafficking networks around the world is sought by top law enforcement officers, elected officials, business leaders, and service providers. By successfully pushing for stronger federal and state laws, operating the National Human Trafficking Resource Center hotline (NHTRC), conducting trainings, and providing vital services to our clients, Polaris Project is creating long-term solutions that will eradicate modern-day slavery.

Every day, my compassionate colleagues at Polaris Project and our partner organizations comfort trafficked persons whose lives, minds, hearts, and bodies were torn open by traffickers eager to profit from their exploitation. I have had the honor and privilege of meeting many of these courageous survivors who have come to us from across the globe, having been trafficked by strangers, spouses and loved ones, employers, labor recruiters, and others. . Despite the scars left by traffickers, we see the resilience of the human spirit in these amazing survivors. We have witnessed survivors graduate from English as a Second Language courses, find jobs, move into and make their own homes, get married, have children, and achieve what we all want and need—dignity, freedom, and independence.

We are here today to discuss international trafficking and forced labor. Human trafficking and modern-day slavery is a grave human rights violation and heinous crime prohibited by international, national, state, and local laws. It still persists because of the high profit and low risk nature of this illicit multi-billion dollar business of trafficking in human beings. As in all businesses, we see the forces of supply and demand at work. Here, the supply of vulnerable individuals looking for a livelihood, the ever insatiable demands of consumers in our global economy, the complicity of governments and corporations, and the unscrupulous conduct of illegitimate labor recruiters play a catalytic role. International conflicts, underdevelopment and poverty, humanitarian emergencies, natural disasters, and other crises also create fertile ground for human traffickers and all those who benefit financially from it.

### **Momentum is Building to Address Human Trafficking and Modern-Day Slavery**

The will to address human trafficking and modern-day slavery is increasing each day. Federal legislation to address human trafficking in government contracting, business supply chains, and in the role of foreign labor recruiters has received support from many members of Congress. On September 25, President Obama announced several initiatives to address human trafficking and modern-day slavery. The Departments of Homeland Security and Transportation launched a new training program for transportation employees in October, the Department of Labor published the List of Goods Produced by Child Labor or Forced Labor in September, the State Department released the 2012 Annual Trafficking in Persons Report in June, and the U.S. Agency for International Development launched its Counter Trafficking in Persons (CTIP) policy earlier this year.

### **Despite Laws and Momentum to End Human Trafficking, Modern-Day Slavery Persists**

International human trafficking and forced labor affect every country in the world, and the United States is no exception. We are a leading destination country for the trafficking of foreign nationals in addition to having internal trafficking within our country. Earlier this year, the International Labor Organization (ILO) released its second global estimate of forced labor finding that 20.9 million are victims at any time meaning that three out of every 1,000 persons worldwide are in forced labor at any given point in time with women and girls representing 55% and men and boys 45%.<sup>11</sup> The ILO stated that the “estimate capture[d] the full realm of human trafficking for labour and sexual exploitation or what some call modern-day slavery.”<sup>12</sup>

Despite these staggering estimates of victimization, exploitation, and enslavement, we know that human trafficking evades discovery and that trafficking victims are rarely identified or helped. In fact, only 41,210 trafficking victims were identified around the globe in 2011, only a fraction (less than 1%) of the 20.9 million victims in the world at any time, according to the 2012 U.S. Trafficking in Persons Report (TIP Report).<sup>13</sup>

International trafficking and forced labor directly impacts the U.S. In the U.S., the National Human Trafficking Resource Center hotline (NHTRC), operated by Polaris Project, has received more than 60,000 calls and identified more than 7,000 potential human trafficking victims.<sup>14</sup> Of that total, the NHTRC identified 3,098 cases referencing foreign national victims in the U.S. from scores of countries, including the top ten countries of Mexico, China, the Philippines, Russia, Vietnam, South Korea, India, Thailand, Guatemala, and El Salvador (in that order). The NHTRC has also fielded 469 reports of potential trafficking cases around the world in over 97 countries including the top ten countries of Mexico, Canada, the Philippines, the United Kingdom, the United Arab Emirates, Russia, Thailand, Colombia, China, and

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<sup>11</sup> ILO Global Estimate of Forced Labour (2012), [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182004.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf), p. 13.

<sup>12</sup> Id.

<sup>13</sup> U.S. Trafficking in Persons Report (2012), <http://www.state.gov/documents/organization/192587.pdf>, p. 44.

<sup>14</sup> <http://www.polarisproject.org/resources/hotline-statistics>

Malaysia (in that order). Foreign national victims most frequently requested comprehensive services including transitional and long-term housing (65%), legal services (41%), and emergency shelter (22%). We must do all we can to respond to these needs and I will make recommendations to this effect later in my testimony.

In 2011 alone, the NHTRC identified 2,945 trafficking victims. Of those 2,945 victims, 1,461 were sex trafficking victims, 497 were labor trafficking victims, 58 were both sex and labor trafficking, and 149 were not specified.<sup>15</sup> Additionally, we received 848 calls from victims of labor exploitation, which are not captured in the 2,945 figure.<sup>16</sup> Taken together, we have concluded that 48% of our cases involve some form of labor exploitation or trafficking and 52% involve sex trafficking.<sup>17</sup> The five most common types of labor trafficking were domestic work, restaurant/food services, small business, agriculture, and construction.<sup>18</sup> We must do more to prevent labor trafficking in these arenas in addition to effectively responding when such cases are identified. Additional information about calls to the NHTRC is available in the 2011 NHTRC Annual Report, which is attached to this testimony.<sup>19</sup>

### **Preventing Human Trafficking and Modern-Day Slavery**

In the more than ten years since the passage of the TVPA, we have improved our response to human trafficking, but we still have miles to go to prevent the exploitation and enslavement of vulnerable populations who often fall prey to traffickers and labor recruiters. The National Human Trafficking Resource Center hotline (NHTRC) has received calls highlighting the abuses in the H-1B, H-2A, H-2B, A-3, G-5, J-1, H-3, K-1, and D-1 visa programs.

#### *Evidence of Exploitation and Enslavement in U.S. Visa Programs*

The NHTRC has identified 535 H2-A cases of labor exploitation or trafficking, including 14 labor trafficking cases that occurred in an agricultural setting, and one labor trafficking case in a factory setting involving Mexican and other Latin American nationals.<sup>20</sup> The remaining 520 cases involved labor exploitation ranging from wage and hour violations to more severe exploitation.<sup>21</sup> The NHTRC has identified 855 H-2B cases of labor exploitation or trafficking including 38 labor trafficking cases in an agricultural, construction, carnival, small business, or factory settings involving Mexican, Filipino, and other Latin American nationals. The remaining 817 cases involved labor exploitation ranging from wage and hour violations to more severe exploitation.<sup>22</sup>

Polaris Project has provided comprehensive services to a number of foreign national victims in the U.S. on H-1B visas whose traffickers used the visas to lure their victims into forced labor. Take the case of Alvin, who dreamed of coming to the United States to teach Science. He taught in the Philippines for 12 years. A friend told him about a recruiter in the Philippines who could help them apply for an H-1B visa to teach in the United States; however they would need to pay \$15,000 USD for the application process. Alvin knew that it was a lot of money up front, but was told he could earn triple that within a year. He was so excited to follow his dream while being able to provide for his family, including his mother, wife and three young children. Alvin sold his property and took out a loan to pay for the application process. He was eventually granted the H-1B visa to teach in a middle school in Pennsylvania.

When Alvin arrived in Philadelphia, he was told to get on a bus to Washington, D.C. as the position in Pennsylvania was no longer available. Confused and scared, Alvin made his way to D.C. When he arrived here, the recruiter brought him to a small, unfurnished apartment with 14 other teachers. He told them the

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<sup>15</sup> [https://na4.salesforce.com/sfc/p/300000006E4S11Sv6mFa.D\\_CBI0UueofejFjNL0=](https://na4.salesforce.com/sfc/p/300000006E4S11Sv6mFa.D_CBI0UueofejFjNL0=)

<sup>16</sup> Id.

<sup>17</sup> Id.

<sup>18</sup> Id.

<sup>19</sup> Id.

<sup>20</sup> Id.

<sup>21</sup> Id.

<sup>22</sup> Id.

schools no longer needed them and they would instead be working in day jobs when the recruiter needed them. Alvin immediately worried about the significant loans he had taken out and wondered how he would be able to support his family. He tried approaching the recruiter to ask for assistance finding a different full-time job or to help him get home to the Philippines. The recruiter told him he would not help and showed him his gun. He told Alvin that if he ever asked for assistance again or talked to law enforcement officials, he would go back to the Philippines and kill Alvin's son.

Alvin lost all hope at that point. He knew he would not be able to earn enough money with occasional day jobs to pay back his debt and support his family, but believed he had no other choice after the recruiter threatened his family. After five months, one of the other teachers in the apartment ran away and was introduced to Polaris Project staff through a community member. Alvin secretly stayed in touch with the teacher, who then helped him to leave as well. Alvin has now been working with Polaris Project's Client Services Department for more than a year. He is working in a retail store and preparing his T-visa application with the help of a pro bono attorney. While he has not yet achieved his dream of teaching in the United States, he is hopeful that he will receive his T-visa and be able to apply for teaching jobs in the area.

The NHTRC has also received more than 150 calls from A-3 and G-5 visa holders working for diplomats and employees of international organizations as domestic servants who were experiencing human trafficking or other types of exploitation. For example, Rubina was recruited from her home in Southeast Asia as a domestic servant for a Middle Eastern family in Qatar. After working for them for several years, suffering threats and physical abuse, the family brought her with them to the United States, saying she was a family member and withholding all her documents after passing through U.S. Customs. Working long hours for a fragment of what she was owed, Rubina was not allowed to leave or talk to her family on the phone.

A concerned neighbor called the NHTRC hotline and Polaris Project call specialists provided detailed information to federal and local law enforcement about Rubina's situation. Polaris Project was able to coordinate with federal law enforcement and provide immediate on-scene services to Rubina when she was extradited from her trafficking situation. Rubina hopes to return and be reunited with her family in her home country once she has finished assisting federal prosecutors with the case. The NHTRC has received hundreds of calls from J-1 visa holders on the work and travel program who were experiencing human trafficking or other types of exploitation at summer camps, amusement parks, and other seasonal businesses. A particularly troubling case was that of a warehouse operator and a temporary staffing agency, subcontractors for the Hershey Company. The J-1 sponsor, the Council for Educational Travel, USA, brought foreign students to the U.S. for summer jobs working long hours under harsh conditions and earned approximately \$1/hour.<sup>23</sup> The Department of Labor awarded back-wages to the workers and the subcontractors were fined for health and safety violations.<sup>24</sup>

#### *Recommendations to Prevent Human Trafficking and Modern-Day Slavery*

Given this evidence of exploitation and enslavement, the U.S. government must take further action to prevent human trafficking and modern-day slavery. We recommend the following actions:

First, the Departments of Homeland Security and Labor should conduct a comprehensive review of the H-1B, H-2A, H-2B, A-3, G-5, J-1, H-3, K-1, and D-1 visa categories with input from service providers working directly with trafficking victims to ensure that these visas are as "trafficking proof" as they can be. These departments should also review programs designed to facilitate the employment of foreign nationals, legal permanent residents, and U.S. citizens in domestic and agricultural work and to make recommendations to ensure these workers understand their rights and the risks of human trafficking and exploitation in the particular employment sector they are entering.

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<sup>23</sup> [http://www.nytimes.com/2012/02/02/us/company-firm-banned-in-effort-to-protect-foreign-students.html?\\_r=1&hpw](http://www.nytimes.com/2012/02/02/us/company-firm-banned-in-effort-to-protect-foreign-students.html?_r=1&hpw)

<sup>24</sup> Id.

Second, the U.S. government should take steps to prevent human trafficking among domestic workers by promoting the ratification and implementation of the International Labour Organization Convention on Domestic Workers (2011). This convention is aimed at improving the working conditions of tens of millions of domestic workers around the globe and would aid in the prevention of human trafficking of such workers. We should also encourage states to pass legislation in line with California Domestic Worker Bill of Rights that ensure that domestic workers are entitled to basic labor protections including overtime pay, meal and rest breaks, and adequate sleeping conditions for live-in workers.<sup>25</sup>

Third, the U.S. Congress should support legislation that ensures oversight and accountability of foreign labor recruiters. Such legislation would aid in the prevention of human trafficking through the elimination of all recruitment fees and information to workers to make them less vulnerable to exploitation and abuse. This could be accomplished either in the TVPA reauthorization or as stand-alone legislation.

Fourth, the U.S. government should ensure the effective implementation of the President's recent Executive Order on government procurement. The order outlines prohibitions on trafficking-related activities that will apply to all federal contractors and subcontractors, requires compliance measures for large overseas contracts and subcontracts, and provides federal agencies with additional tools to foster compliance.

Fifth, Congress should prevent trafficking by encouraging greater corporate transparency by supporting the reintroduction and passage of the "Business Transparency on Trafficking and Slavery Act" (formerly H.R. 2759 in the 112th Congress). This bipartisan bill would require very large businesses to disclose what steps, if any, they are taking to eliminate these human rights abuses within their supply chains, labor recruitment practices, and use of goods and services.

Sixth, the U.S. government should continue its efforts to ensure that imported agricultural products do not involve child or forced labor. To model best behavior, the U.S. should commit to joining the Fair Food Initiative in its procurement of certain agricultural products here in the U.S.

Finally, we should all continue to support projects like Slavery Footprint, Free2Work and Made in a Free World. These tools help to provide consumers with information on human trafficking, forced labor and other forms of modern slavery so that they can make educated purchasing decisions.

### **Responding to and Protecting Survivors of Human Trafficking and Modern-Day Slavery**

Today at Polaris Project, we are serving 73 survivors of human trafficking and modern-day slavery, 60 of whom are foreign nationals. Some of these clients have received a form of temporary immigration relief called "Continued Presence," others have received T-Visas or U-Visas, many have been certified by the Department of Health and Human Services which grants adult foreign victims of human trafficking access to federal benefits and services to the same extent as refugees. While I would like to say that we have been able to walk with every survivor we meet until they find freedom, dignity, and independence; this would not be true. We have experienced the grief of a survivor's death, and the deportation and dashed hopes of many more. Clearly, more can still be done to ensure that we better respond to those whose exploitation and enslavement we did not prevent. We don't lack the knowledge, only the resolve and the resources to address them.

#### *Evidence that More Can Still Be Done to Respond to and Protect Survivors*

I would like to share the story of one foreign national survivor of labor trafficking to illustrate these points. Jennifer, a 30-year old Guatemalan woman, came to the U.S. five years ago with the dream of providing her two children with a good education and her ailing mother with proper medical attention. She wanted to find a job working in a restaurant or as a housekeeper in order to be able to send money to her family back home. She learned about a job working as a waitress at a restaurant in Virginia. Jennifer explained that at

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<sup>25</sup> <http://www.domesticworkers.org/ca-bill-of-rights>

first the restaurant owner and staff were welcoming. Because Jennifer had nowhere to live, the restaurant owner allowed her to sleep in a room at the back of the restaurant in exchange for a very low wage.

However, things quickly changed. Within two months the owner fired the cook and the other waitress. Jennifer was coerced into working 14 hours shifts every day, preparing the food, cleaning the restaurant and serving patrons. Jennifer felt she had no other choice because she did not have a support network to turn to and was not able to communicate well in English. She was in this situation for 8-9 months until one day during an undercover police operation at the restaurant she was able to ask for help from the police officers. Jennifer explained her situation to the police officer including the constant verbal and psychological abuse by the restaurant owner.

Whether or not a situation like this one will end in freedom and dignity for a foreign national labor trafficking survivor depends on many factors: a national hotline and referral mechanism for identifying victims and cases, law enforcement trained to identify and respond appropriately to human trafficking, emergency and long-term supportive services, the availability of immigration relief, the ability to find and secure gainful employment and education, and so much more. Before I tell you how Jennifer's story ends, let me describe how we might prevent trafficking and highlight the challenges we face when assisting foreign national trafficking victims.

#### *Additional Recommendations to Better Respond to Human Trafficking and Modern-Day Slavery*

Mr. Co-Chairmen, the challenges we face in working with foreign national victims of labor trafficking and forced labor include identification of trafficking victims, and protection of these victims once identified through the provision of housing, and access to benefits and comprehensive services, including legal services. What follows are our recommendations for how the U.S. government may better help to address these challenges in partnership with us.

First, we must identify the 99% of trafficking victims who remain invisible and isolated. As noted earlier, only 41,210 trafficking victims were identified around the globe in 2011, only a fraction (less than 1%) of the 20.9 million victims in the world at any time. We have begun to do more to identify trafficking victims in the U.S. and around the world through successful models like the State Department's "Know Your Rights" pamphlet, which educates employment-based visa holders about the risks of human trafficking and about resources available to assist them. Since this brochure was published, the National Human Trafficking Resource Center has received more than 3,000 calls attributable to it being distributed to visa holders entering the United States. The Departments of State, Justice, Homeland Security, and Health and Human Services should convene a working group to discuss the expansion of the preventative concept behind the highly successful "Know Your Rights" brochure with other vulnerable populations such as migrant and domestic workers who do not enjoy broad legal protections.

We must also do more to ensure that we increase the percentage of victims identified by training government officials working in all sectors. We must identify victims and direct them to service providers rather than arrest, charge, prosecute or deport them because of criminal or administrative violations incident to their trafficking situations. To date, DHS is the only federal law enforcement agency that has developed and instituted agency-wide training for agents most likely to encounter human trafficking. Before the close of 2013, the Administration should ensure that the Departments of Justice, Labor, State, and the Equal Employment Opportunity Commission develop and roll out agency-wide trainings. Similarly, Health and Human Services (HHS) should also ensure that any social services staff likely to encounter victims or survivors of trafficking, are trained regarding prevention, identification and appropriate response.

Second, we must provide safety in the form of secure housing for survivors like Jennifer. We must provide emergency, transitional, and long-term housing so that survivors are safe and not vulnerable and exposed to traffickers. Between January and June 2012, Polaris Project conducted a survey of anti-trafficking organizations providing shelter services with the goal of estimating the total number of shelter beds available to human trafficking survivors in the United States. 678 beds are specifically and exclusively designated for human trafficking survivors, and they would remain empty if not used by this population.

525 (approximately 77%) of these beds are restricted to sex trafficking survivors, leaving only 153 beds available to labor trafficking survivors (measured against a minimum of 497 labor trafficking victims identified by the NHTRC in 2011 alone).<sup>26</sup> Housing stabilizes trafficking survivors and creates a sense of safety that allows them to begin to rebuild their lives. We clearly need more housing for trafficking survivors particularly for labor trafficking survivors like Jennifer.

Third, foreign national trafficking victims need means of survival. In the immediate days, weeks, and months after being trafficked, survivors need access to benefits and services which are directly linked to certification as a trafficking victim by the Department of Health and Human Services, Office of Refugee Resettlement (ORR). ORR certifies foreign national victims and provides letters of eligibility to foreign national minors (under 18) so that they are eligible for federal and State benefits and services to the same extent as refugees.

As one of two government agencies responsible for trafficking victim services, the Department of Health and Human Services should develop a comprehensive department-wide strategy on combatting human trafficking, and ensure that victim service strategies provide specific and dedicated funds for programs that meet the unique needs of trafficked persons, regardless of age or nationality. HHS and DOJ should ensure the seamless delivery of services whether a victim is first provided with benefits and services through HHS or DOJ and vice versa.

Finally, foreign national survivors need assistance in the form legal services, including for immigration issues related to their trafficking situations. Thanks to the TVPA, several types of immigration relief are available to trafficking victims including temporary immigration relief or “Continued Presence,” and long-term immigration relief in the form of T-Visas, U-Visas, and in some cases VAWA and asylum, all of which provide a sense of stability for survivors.

#### *Temporary Immigration Relief*

Continued Presence (CP) is a one-year form of immigration relief that federal law enforcement officials request on behalf of a victim of a severe form of trafficking who is also a potential witness. To qualify, the individual need not cooperate with law enforcement. Continued Presence allows the victim to remain in the United States during the course of an investigation or prosecution as well as obtain an Employment Authorization Document (EAD).<sup>27</sup> Despite this low bar, we are aware of a number of labor trafficking cases where the survivor clearly meets the definition of a victim of the severe form of trafficking, is a potential witness, and has cooperated with law enforcement even though not required that have not been granted CP.

All law enforcement officials must be trained and properly instructed on the standards for CP. In fact, in August 2010 and January 2012, the Alliance to End Slavery and Trafficking (ATEST), of which Polaris Project is a member, requested that DHS do more to ensure the use of CP in appropriate cases. ATEST was and remains concerned that there is not sufficient information and guidance available to the public or law enforcement on CP causing the number of instances of when continued presence is granted to decline. The Department of Homeland Security has provided a public pamphlet on the topic and an internal protocol for law enforcement agencies; however, we are not confident this is sufficient and would welcome the opportunity to provide feedback on the law enforcement protocol.

In addition, the Department of Homeland Security should review and revise its policies and procedures to ensure that continued presence is granted in a timely manner and in line with its original purpose as an investigative tool. We recommend that CP be granted within one month of application. We also recommend considering expanding the group of actors who are authorized to request CP pursuant to 22 USC § 7105(c)(3)(A)(i). U.S. Department of Labor personnel and local law enforcement are two additional

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<sup>26</sup> <http://www.polarisproject.org/resources/tools-for-service-providers-and-law-enforcement/shelter-bed-report>

<sup>27</sup> <http://www.acf.hhs.gov/programs/orr/resource/fact-sheet-certification-for-adult-victims-of-trafficking>

groups that could benefit from being able to directly request CP given their frequent interaction with victims of labor exploitation or trafficking.

### *Long-Term Immigration Relief*

Long-term immigration relief and the possibility of permanent residency through the T-visa is also a critical way to establish stability for trafficking victims. The Trafficking Victims Protection Act (TVPA) recognizes that returning victims to their country of origin is often not in their best interest, and that victims need the opportunity to rebuild their lives without fear of deportation, which is often threatened by traffickers. The TVPA created the T-visa, a nonimmigrant status that allows a foreign victim of human trafficking to remain in the United States for up to four years. The law also allows certain members of a T-visa holder's family to apply for derivative T-visa status. A trafficking victim may be eligible for a T-visa if he/she: (1) Is or was a victim of trafficking, as defined by law; (2) Is in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or at a port of entry due to trafficking; (3) Complies with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking (or is are under the age of 18, or unable to cooperate due to physical or psychological trauma); (4) Demonstrates that he/she would suffer extreme hardship involving unusual and severe harm if removed from the United States; and (5) Is admissible to the United States or obtains a waiver of admissibility.<sup>28</sup>

Despite the availability of the T-Visa at a cap of 5,000 per year, in fiscal year 2011, only 557 victims were granted this visa.<sup>29</sup> To ensure that the maximum number of foreign national trafficking victims have access to this form of immigration relief and protection, the Department of Homeland Security should review and revise regulations, policies and procedures to ensure that human trafficking victims who have reported their exploitation and enslavement are presumed to have cooperated with law enforcement for the purposes of qualifying for a T Visa pursuant to 8 USC § 1101.

### **Summary and Conclusion**

Let me tell you how Jennifer's story ends or shall I say begins because her case illustrates when the system responds successfully – when an individual is provided with safe housing, a means of survival, and stability through immigration relief; but even more importantly her case illustrates how freedom and dignity begin.

The police officer who encountered Jennifer recognized the human trafficking indicators and referred her to a local shelter that contacted Polaris Project for emergency services. With the help of Polaris Project, Jennifer was able to secure shelter and food through our transitional housing program. Having safe housing greatly helped her be able to focus on her other needs and goals. During this time she participated in our job and computer skills training program, was able to receive proper medical attention as well as mental health counseling. Jennifer was also granted Continued Presence which allowed her to find a stable job as a cook.

Polaris Project staff also referred her to an intensive English language skills program; as a result, she can now understand and read English well enough to communicate her needs and to advocate for herself. Since then she has secured her own housing and has been living independently while supporting her mother and children in her home country. Furthermore, with a renewed sense of self-confidence she has actively participated in the investigation against her former employer who was just prosecuted this past year on charges of human smuggling and trafficking. Jennifer has found her voice and is also now advocating on behalf of others who have gone through similar situations. With the help of a pro bono attorney secured by

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<sup>28</sup><http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=02ed3e4d77d73210VgnVCM100000082ca60aRCRD&vgnnextchannel=02ed3e4d77d73210VgnVCM100000082ca60aRCRD>

<sup>29</sup> U.S. Trafficking in Persons Report (2012), <http://www.state.gov/documents/organization/192598.pdf>, p. 362.



Polaris Project Jennifer's T-visa application was submitted in August 2012 and she is now awaiting her decision.

Mr. Co-Chairmen, thank you for holding this hearing at a time when our struggle to prevent and respond to human trafficking and modern-day slavery could not be more critical. We are fast approaching the 150th anniversary of the issuance of the Emancipation Proclamation. As Ambassador-at-Large for Trafficking in Persons Louis CdeBaca frequently notes, we must still fulfill the promise of that proclamation and of the 13th Amendment to our Constitution to create a world without slavery. Yet, as we sit here today, the premier piece of U.S. federal legislation to address the issue here at home and around the world – the Trafficking Victims Protection Act (TVPA) – is more than a year overdue for reauthorization.

Polaris Project and our partner organizations here in the U.S. and around the world have been able to identify, assist, and walk alongside courageous survivors like Jennifer because the U.S. has created a framework to combat human trafficking that seeks to protect trafficking victims, prevent human trafficking and prosecute human traffickers at home and around the world, albeit imperfect and in need of improvements to address the role of labor recruiters, corporate and government supply chains, and more. We are eager to work with you to make these improvements to our trafficking in persons laws because they stand as a model for the rest of the world and most importantly, because these laws create the road back to freedom and dignity for survivors of human trafficking and modern-day slavery.

Thank you.

Mr. MCGOVERN: And I want to begin by, first of all, thanking all of you who are on this panel, not just for your testimony but for your many years of work in this field. And a lot of your research and a lot of your recommendations over the years have been taken, obviously, very seriously because I think that is why we are moving slowly but surely forward in trying to deal with some of these terrible issues that we are talking about here today.

You have given lots of recommendations. Some of them are easier said than done. You know, I would say to Ms. Misra that, you know, nothing you said was unpopular to me, but I know it might be unpopular to some other members of this commission.

But, you know, even when it comes to, like, organizing unions, you know, it is tough to organize a union in the United States. So, you know, I think we can all kind of understand the value of organizing and workers having a greater say in the workforce, but in some countries obviously it is extremely difficult. It is hard here; I mean, it is even more difficult in other countries.

I have a few questions, and I am going to be going all around the place, so just bear with me. Just to kind of follow up on my last question to Ambassador CdeBaca, this is probably for Mr. Kara and Ms. Misra, if you care to comment on this.

I go back to this tragic fire in Bangladesh, 112 people killed. Clothes bearing Walmart's brand Faded Glory and other Western brands were being made in that factory. And we are talking a lot about, you know, supply chain monitoring. You know, again, in this case it is hard for me to believe that if there was supply chain monitoring, that somebody -- you know, I mean, I don't even think you have to be an expert on OSHA or on, you know, worker safety issues. Just kind of a cursory run through this factory would

see that this was not a fit place for these people to work; it was dangerous.

So, you know, we are supposed to have supply chain monitoring going on. You both commented on some of the challenges with that, but I would like to kind of talk a little bit more about that, if you don't mind. I mean, how do we strengthen that?

And also dealing with the political realities that we have to deal with in this Congress, where, you know, additional regulations on corporations is not always very, very popular. Again, I want to give Walmart an opportunity to be a leader. You know, I want to be able to say nice things about companies and corporations.

But this case -- and, you know, you mentioned a whole bunch of other cases -- but reading about this case, it just seems tragic and unnecessary. And it bothers me greatly that, you know, U.S. corporations are selling products that were made there. And so I think any comments you have would be appreciated.

Mr. Kara, do you want to begin?

Mr. KARA: Well, let me first say and acknowledge that it is very important that this bothers you greatly. And I think the more people who learn about these types of things, they, too, will be bothered greatly. So the question is, well, what do we do?

I have been to a lot of these textile factories in Dhaka and other parts of South Asia. When I did the shrimp work, I also did the tea supply chain of South Asia and went into some of these textile factories as well. And I can tell you, when I walked out, I said, These places are disasters waiting to happen. Stray electrical wires, intense heat, limited ventilation, doors locked, women doing the work while cradling a baby in one arm, who are breathing in all this terrible air and particulate matter. It was only a matter of time, and it remains a matter of time.

I think, to be honest, there are probably two ways that one can go about this, because there are challenging realities in that part of the world and other parts of the world where we source labor because it is economically beneficial to do so. We can take a top-down approach, pass laws and say, "Companies need to do this and do that, and you figure it out," which I think will, at this stage, probably be challenging and minimally effective.

What I think is a more effective approach is to actually get researchers, academic researchers, working with NGOs, to reliably document and quantify the extent to which these supply chains of these and that products are tainted vis-à-vis sale in the U.S. So I can tell you that 1 out of 57 shrimp in the world are tainted from Bangladesh. And we need to be able to say so many carpets, so many shirts at Walmart, Gap, et cetera. We have done the work, we have done the random sampling, it is tainted. Now, you are bothered by that, consumers are bothered by that, and the pressure mounts that industry and government has to do something.

And I think if we have that groundswell from the bottom up of consumer outcry, we may then have more leverage to get more effective policies done, more resources allocated, and tackling the really challenging side of this, which is the little last quadrant over there on the far side of the world where the work is being done, making sure we monitor that. And it is a challenge for companies, many companies, they are right. But if it comes from the consumer, I think we have a better chance of succeeding.

Mr. MCGOVERN: Mr. Mattar?

Mr. MATTAR: I want to support what was just said by making two important references to the Trafficking Victims Protection Reauthorization Act.

The first is in 2000 the TVPA was amended to apply to extraterritorial cases. So regardless where the act of trafficking is being committed, we are going to hold the corporation liable anywhere. And this happened in 2000 because of the Nepal accident in Iraq. So I believe this is really important, to come and say our laws, the Trafficking Victims Protection Act, shall apply outside the United States regardless of where our U.S. corporation is outsourcing or conducting business.

The second, which you just mentioned, in 2008 the Trafficking Victims Protection Act was amended to focus on the consumer. Partnerships must be established to make sure that an American consumer is not buying goods that are being manufactured through child labor or forced labor.

I think these are two very good provisions, and I think it is good for us to think about how can we effectively and adequately implement both of them.

Mr. MCGOVERN: Thank you. Ms. Misra?

Ms. MISRA: Thank you, Chairman McGovern. I, too, share Mr. Kara's appreciation for you for just asking that question. I think that people wouldn't necessarily have seen the connection that you are seeing about a fire and occupational safety and health issues being tied potentially to forced labor and other issues.

A couple of things. I agree with you, absolutely, that it is very difficult to form a union not just in the United States but in many places around the world.

Mr. MCGOVERN: It doesn't mean we shouldn't try.

Ms. MISRA: Exactly. And I agree, and I keep that recommendation there. But there are steps in between that I just wanted to point out.

And so I share, I think, Mr. Kara's recommendation about having NGOs and researchers monitor supply chains, and making that information public is very important. But they have to do that in a way that makes sure there is worker agency. So if there is not a union in their workplace, workers are still the voice and need to be represented and have agency and ownership of being able to monitor that supply chain. So any NGOs or

researchers who are doing this work need to make sure that there is that connection.

And there are some examples. The Worker Rights Consortium in the U.S. does a very good job of that. The Coalition of Immokalee Workers in Florida also is a very good example of using codes of conduct and public pressure but also using worker agency and voice as a way to monitor a supply chain. So, pointing that out.

You know, the Solidarity Center in Bangladesh has been trying to do fire and occupational safety and health training in factories all around the country and has received funding from the U.S. Government to do some of that but has received a lot of pushback by the employers and the government itself. And I think that is one of the issues that we also need to look at, is making sure that there is an enabling environment for some of these things to happen.

You mentioned Walmart, and since you mentioned it, I am allowed to mention it.

Mr. MCGOVERN: Absolutely, Ms. Misra.

Ms. MISRA: But, you know, Walmart is one of the world's largest employers. If they change, it changes the whole game. You know, we always say that. If you can get Walmart to change, you are going to change the industry in lots of ways.

Mr. MCGOVERN: And I am going to sound very naive here, but, you know, what I would like to think would happen, if I am a U.S. company that, you know, makes zillions of dollars and I am going to contract out with people in, whether it is Bangladesh, I don't care where it is, and being a good corporate global citizen, if I send somebody out to that location and see that it is a firetrap, or I have the hint that there may be forced labor going on, or I see some of the things that Mr. Kara pointed out where, you know, a mother is holding a baby in an environment that isn't safe, I would like to think that part of the response would be, you know, to say, We are not going to do business with you unless you kind of, you know, clean this place up a little bit. And maybe, you know, if we want to do business, we will help you do that, because we earn lots of money and you are going make us lots of money, so let us see whether we can improve the quality of the workplace here.

I mean, to me, there just seems to be, you know -- there is an obligation beyond, you know, what Congress stipulates or what Congress requires. To me, that is just what we should come to expect. And, again, it is not something that is a huge price tag that is going to put anybody out of business or make it not economically viable to have shirts made out of this place or whatever. It just seems to me that we ought to be expecting that of a corporation. I mean, you want to be a good corporate citizen, you know, and you are exploiting cheap labor -- that is why you are going to some of these places -- you know, you ought to make sure that the workplace is safe. You ought to make sure that there isn't this stuff going on.

And, again, in this case here, it just seemed to me that even somebody who is not

trained, as you are, to look at these things would walk away saying, Boy, there are lots of problems here; we ought to look into this.

So, anyway, I interrupted you. But this is just kind of -- when I read about this, that was, you know -- I don't think anybody intentionally wants bad things to happen. It is just that if you are going to do business, you ought to have an obligation to the people that are making the product that you are selling.

Ms. MISRA: I kind of wish you were the chairman of Walmart, also.

Mr. MCGOVERN: Yeah.

Ms. MISRA: So you say that, and it seems like common sense, but unfortunately -- I am trying to be nice -- so, unfortunately, that is not the case.

I mean, another example, let's talk about Apple in China and Foxconn. I mean, there was all this publicity last year about forced labor, forced overtime, et cetera, in the iPad, and then just last month we heard more reports of forced student labor being used to make the new iPad mini or whatever it is called. I mean, there was all this publicity, Apple had to respond, the FLA got involved. You would think that this attention would have made changes, and yet just last month we heard of more cases of forced labor going on in China and Foxconn. And so, unfortunately, that doesn't seem to be enough.

I think one of the frustrations that we continue to have is that people continue to promote codes of conduct as the solution. And it is not the solution because they are not enforceable mechanisms. We need to figure out ways to find enforceable mechanisms.

Another thing that I would just point out, and I said this earlier, is the role of ICE. And we have a very good law on the books that says products made with forced labor and child labor cannot come into the United States, and yet it is enforced very little because it is very hard right now for ICE to prove that case. And we need to figure out ways, whether it is through regulation or other ways, for ICE to be able to do that a little bit more easily. Because I think once these companies start not being allowed to bring these products into the United States, that will make a big difference.

Mr. MCGOVERN: Thank you. I don't know whether, Ms. Ellison, do you have anything to add to any of this?

Ms. ELLISON: I would just really say that it is interesting how much some of the themes that have been raised by my colleagues that are occurring in other countries really are some of the same things that we are seeing in the United States. It may not be to the same, you know, staggering extent in all places, but some of the same things really do exist. And so I think looking at it internationally and globally is really the right way to go.

Mr. MCGOVERN: Well, let me just ask you, since you have your microphone on

here. I mean, U.S. corporations, you know, are in many ways involved, whether unwittingly or not, in facilitating the practice of forced labor and trafficking. But these companies are often not held accountable for monitoring their supply chains in foreign countries to ensure that they are free of these abusive practices.

I am just trying to figure out, what ways can the U.S. Government increase legal accountability of these companies, and how can these companies improve their own practices to avoid being implicated in these human rights abuses?

Ms. ELLISON: Right. Well, I do think that -- thank you for that question -- I do think that we have some good models to look at.

As many of you probably know, the California Supply Chain Transparency Act has been in place now, and that has been beginning to take hold. There are basically lawyers that are now beginning to help companies in the United States that are doing business both here and elsewhere to look at their supply chains and to become more accountable.

We do have legislation pending here in Congress that is sponsored by Congresswoman Maloney, the Supply Chain Transparency Act, H.R. 2759, that is pending now. And that is something that I think would even extend what California has done and make it a Federal law that would apply to all companies and I think go a long way to have companies know that they should be accountable.

Mr. MCGOVERN: I want to ask a bunch of questions here to each of you individually. And it is going to sound like I am kind of just shooting things at you, but we have to be out of here by 4:00, so I want to make sure that I get some of these questions in, if that is okay with you.

And, by the way, let me say before I begin, you know, if you have specific suggestions, you know, of things that we can do legislatively or things that we can do in terms of, you know, pressuring our government or other governments -- you know, maybe Mr. Kara's suggestion is actually not a bad one, that in the short term, because it could take a while to get them to stop, you may want to take a Congressman or two out to some of these places where these abuses are occurring, especially if, in fact, U.S. corporations are buying things from there. You know, that may be one way to kind of put a little pressure on to kind of clean things up. So, you know, we ought to think about that, as well.

But, you know, when you leave here, I hope that the collaboration with this commission doesn't end there. There are a lot of us who want to be helpful here and always are trying to figure out ways that we could kind of advance the cause.

But, Mr. Kara, let me ask you a question here. Domestic legislation, such as the Bonded Labour System (Abolition) Act of 1992 and the Pakistani penal code, have proven ineffective in curtailing the bonded labor system in Pakistan, which systematically enslaves primarily poor Hindus, Christians, and other religious minorities in rural Sindh and Punjab. Moreover, local government officials and law enforcement have been uncooperative in ending the practice and securing the release of bonded laborers.

So, given the entrenchment of the system in rural Pakistan, what specific legal reforms should the Pakistani Government undertake at the national and provincial levels to restrain the practice? And what role can and should the United States play in such a reform effort?

Mr. KARA: Well, you didn't give me an easy one.

The situation in Pakistan is deeply troubling. There are factors there that are similar to India, Nepal, Bangladesh from a debt bondage standpoint. Pakistan does have a bonded labor abolition law, 1992, modeled after India's 1976 act. In fact, Nepal also has a law they passed in 2000. And Bangladesh still does not have a law that even recognizes bonded labor.

You are absolutely right, it is fundamentally minority -- in Pakistan, minority Hindus and Christians who are on the wrong end of these debt bondage agreements, and have historically been so, and are the ones who I described earlier as describing themselves as being traded like livestock, tortured in prisons, and caught in relentless cycles of bonded labor.

So what do we do? There is a law, yet the situation persists.

I think there has to be some very strong, high-level diplomatic outreach to Pakistan from a human rights standpoint, coupled with economic aid that puts some levers here, that economic aid has to become contingent on -- future economic aid -- on elevating some of these human rights violations. And bonded labor, in particular, exploitation of Hindus and Christians in Sindh province and Punjab province, has to be at the top of the list. I think the treatment of women has to be also near the top of the list when we are talking about Pakistan.

There is endemic corruption and apathy in these deep rural areas. Upper-caste groups control the politics, control law enforcement, control the judiciary, and so there is very little recourse for the people who are exploited. So we have to go in and make sure these people have a voice. If that means one or two Congressmen or their staffers coming out with someone like me and seeing bonded labor and then speaking about it, that is giving them a voice and that applies pressure.

I think providing tactical as well as technical assistance to Pakistan of how do you identify bonded laborers, how do you prosecute these cases -- you do have a law -- and how do you re-empower these people so that the cycle of exploitation is broken. And that is re-empowerment element stands true of all forms of human trafficking, all forms of child labor, all forms of exploitation. That is the missing element from the standpoint of the global response to this issue.

Many more specific ideas I could share with you or your staffers afterwards vis-à-vis this issue.

Mr. MCGOVERN: I would appreciate that.

Mr. KARA: One quick thing I wanted to add to the corporate issue and the supply chains. We have to make the reality such that a company like Apple has to spend as much time defending against claims vis-à-vis labor exploitation as they do defend their patents against Samsung. I mean, right now that balance is just not there. So they have to be spending as much time on labor issues as they are on their patents.

And, finally, it is not sufficient to just make sure the supply chain is clean, but if our companies are going to benefit from the labor environments on the far side of the world, whose low wages are often driven by poverty and a lack of alternative, I think we have an obligation -- and I would like to see this in the reauthorization or in a future law -- for those countries to also invest in those communities, to provide education and clothing and medical care for children, for women, so that slowly but surely we are no longer sourcing labor around the world in environments of poverty, but there is a community that can benefit and also enjoy the fruits of the global economy as much as we do as consumers here in the West.

Mr. MCGOVERN: Thank you very much. Dr. Mattar, let me ask you a question. Trafficking in persons appears to be a significant problem in all the Gulf monarchy states, as you mentioned. In the State Department 2012 Trafficking in Persons report, none of the six states in the Gulf Cooperation Council are ranked above Tier 2. Two of these countries, Kuwait and Saudi Arabia, are in Tier 3, which is the worst level.

What is the United States doing to assist and encourage improved performance on the part Gulf states to improve trafficking in persons? And why do you think the Gulf states has such poor records in combating trafficking in persons?

Mr. MATTAR: This is really an excellent question. And if you take a look at the TIP report and ask the question, how are we doing in the Gulf states and in the Arab world in general, you may conclude that we are doing very poorly. When I say "we," I mean the Arab governments.

None of the Arab states are listed in Tier 1. Never happened, except twice: Morocco one time was on Tier 1, and United Arab Emirates was on Tier 1 in one of these years. But if you take a look at the 12-year record of the TIP report, none of the Arab countries are on Tier 1. This is really something that we are studying.

Also, in this last report, only six countries are on Tier 2. Why do you have seven countries on Tier 2 watch list and seven other countries on Tier 3? It means that if you add 7 and 7, almost 14 countries are either on Tier 2 watch list or on Tier 3. So the question is, why?

In this part of the world, many of these countries rely on foreign labor, and they do not provide the same protections, labor protections, to a foreign laborer as they



provide to their nationals. So this is number one. This has to change. This policy of discrimination against foreign labor must go away.

Second, if you take a look at the legislative movement in these countries, especially in the Gulf states, there are laws. And I mentioned that we have 13 of them until now. These are all new. They are starting to implement these laws. Some of them I believe are good laws.

I remember article 26 of the Egyptian law on human trafficking providing for the establishment of a state fund. So we are trying here to compensate victims and help victims. But where is the state fund? When was it created? Is it functioning? That is the question.

I remember article 9 of the Syrian law. It provides for the liability of the customer. And I really support going after demand and after the customer. But the question, are we prosecuting any customers when they are involved in sex trafficking? I did not see any cases that involved prosecution of demand. In fact, if you take a look at prosecutions in this part of the world, there are just very few of them. Aside from perhaps Egypt, Jordan, United Arab Emirates, hardly any other Arab country prosecutes cases of human trafficking.

Also, our approach to victims. In many Arab countries, we still treat the trafficked person as a criminal. So we arrest a victim of trafficking, we apprehend her, and we put her behind bars instead of identifying her as a victim and a victim that is entitled to basic human rights. Again, this culture has to change.

So there is no really easy answer to how can we change the record. What is the U.S. doing? I think the U.S. is doing a good job. I asked a question several times. If you take a look at the legislative movement and if you take a look at the institutional changes in some of these countries and ask the question, why is this happening, I can make a statement now that this is happening because of the U.S. policy. I think the U.S. policy is working. I think the TIP report is working. Some of these countries are moving slowly from Tier 2 watch list to Tier 2. Some of these countries are also moving from Tier 3 to Tier 2 watch list.

Let's continue the U.S. constructive engagement policy, and hopefully things will change.

Mr. MCGOVERN: Thank you.

Ms. Misra, during President Obama's recent trip to Burma, he signed an agreement with the President of Burma to implement the International Labor Organization plan to eliminate forced labor. How might the re-emergence of armed conflict in parts of Burma, particularly in the Kachin and Rakhine states, affect forced labor trends in Southeast Asia? And what can the U.S. do to help implement this plan? And how should the United States and other groups, such as the Association of Southeast

Asian Nations, address the issue?

Ms. MISRA: Thank you, Mr. Chairman. I am actually not our expert on Burma, so I am going to answer your question but I would like, if we could, off line please –

Mr. MCGOVERN: Sure.

Ms. MISRA: -- bring in our people who are experts. And, actually, our regional program director for Asia is on his way on a plane right now to Burma, and so I know he would have better answers to your question.

A couple things on that. One, when Burma started opening up after the opportunities that have arisen, we heard that the ILO was giving Burma 3 years to address their forced labor problem, and we were a little taken aback by that. You know, forced labor is a huge problem, but it is, in some ways, easily identified. And 3 years, to us, seemed like way too long to give them an opportunity to address the issue.

Also, on the role of ASEAN, as I mentioned, I worked in our office in Indonesia for many years, and, unfortunately, ASEAN hasn't been as much of a leading voice as we would like to see on issues of human rights in general but human trafficking and forced labor in particular. They didn't push very hard on Burma on their forced labor issues or the issues that we were seeing on exploitation of Burmese migrant workers, for example, in Thailand. And so, while the role of ASEAN is really important, I think that as much as the U.S. can do to push them to move a little bit faster and further on those issues would be very important.

I mean, again, the issue of armed conflict is very troubling. And I think I am going to leave that to –

Mr. MCGOVERN: I look forward to getting the report when he gets back.

Ms. MISRA: Can I just address one thing before we move on?

Mr. MCGOVERN: Sure, yes, absolutely.

Ms. MISRA: Mary mentioned the California supply chain act that went into law on January 1st. And Mary's organization and mine are both part of a coalition called the Alliance to End Slavery and Trafficking, or ATEST. It is a coalition of 12 anti-trafficking organizations. And we have been engaging on a project to look at how companies have been responding to that law, and they all have up until this month to comply with it. And, basically, all they have to do is make publicly aware what they are doing to combat forced labor, right? And we were hoping that we could find a couple model companies that then we would use –

Mr. MCGOVERN: Right.

Ms. MISRA: -- to engage with others. We have not found a single one. And the response to the law has been dismal. The things that people are putting on their Web sites to say they have complied with it, what they are doing to eliminate forced labor, has been very weak and extremely disappointing.

And so I just wanted to point that out, because while it is an important first step, I think -- and we are engaging with the attorney general's office in California to try to push them to push companies to respond better to it, but it has been very worrying.

I also just wanted to mention, Mr. Kara mentioned companies investing in communities. When they do that, at the same time I hope that we could push them to pay a living wage. One of my frustrations is that you will see companies go in and do corporate social responsibility where they build a school or a hospital while, at the same time, they are not paying overtime or a minimum wage to their workers. If you actually pay workers a living wage, that would go a long way, I think, in eliminating poverty too.

And then just the last two points. I am sorry.

On Pakistan and bonded labor, we have an office, also, in Pakistan, and our person there says that he has a game-changer on the issue of bonded labor. And we haven't figured out how to do it yet, so I want to present it.

One of the things that we have seen, another colleague of ours from ATEST said that, in Afghanistan, if you want to build the World Bank or the U.S. Government is building some sort of building, it is really impossible to build it with bricks that aren't made with bonded labor. The same is true in many parts of Pakistan, India. And so one of the game-changers that our person in Pakistan says is we need to figure out a way that the U.S. Government, the World Bank, and others are sourcing to build some sort of infrastructure project -- we have to figure out a way to be able to build that without bonded labor. And if they find a way to do that, that will be huge.

And then just on the GCC countries, one of the things that we see -- we also have an office in Doha, Qatar, and one of the things that we see that they do a lot is they blame the origin countries for the problems. They say the debt bondage happens in Indonesia, the debt bondage happens in Nepal. But the power really is with the Qatari Government, with the Kuwaiti Government, the UAE. If they told these origin countries that you had to be better about debt bondage labor recruiter issues, they would do it, because they want to send their workers to the GCC. And they are not doing that right now. And so the thing that I was saying earlier about multilateral agreements and pushing that, I think that would be very important.

And then just the last word on this and I will stop is that the World Cup, as I said, presented an opportunity, but we are seeing that really the leverage points in the GCC are all about reputation, that these governments really want to be seen as international destinations, tourist destinations, et cetera. And by naming and shaming, changes are being made in those countries. And that should continue.

Thank you.

Mr. MCGOVERN: No, no, I appreciate that, and I am going to ask Ms. Ellison a question that I will ask all of you to respond to it because we are running out of time here, unfortunately, because this has been a really excellent panel.

Before I ask the question, let me just kind of reiterate what I said before. I think we are interested in finding ways, you know, to advance the cause here, and there are some things that are doable quickly, and there are some things that are going to take some time. I just want to make sure at the very minimum we are doing the doable and finding ways to kind of elevate this issue, so there may be, you know, there may be -- and we are doing a hearing today, but I mean, there are opportunities for briefings. There are opportunities again for us to, you know, pressure our government and other governments, you know, as causes, as issues may arise; I hope that you will call the staff, you will call me, you will engage in this because, I mean, this is a huge problem, and again, you know how it works here because you all are familiar with the way Washington is, you know. People just get obsessed with a thousand different things every day, and as a result, a lot of times really important issues fall through the cracks, and I have listened to the -- which brings me to my final question, listening to the ambassador speak and listening to all the incredible work he and his staff are doing with very little resources, you know, leveraging of a relatively small amount to do an awful lot, which I wish I could wave a wand and expand his budget. I can't do that, unfortunately. We will try, but can't guarantee that, which brings me back to these things that we talked about before.

I mean, you know, how do you, you know, whether it is bringing Members of Congress to places where labor is being exploited, you know, and demanding that U.S. companies adhere to a better code, which I think is a reasonable ask. I will tell you for myself as a consumer, I like to buy things from people who treat other people well. You know, I will pay a little bit more for a product if I know it is, you know -- I mean, I always buy fair trade coffee because I have seen places where workers on coffee plantations in Latin America have been exploited. You know, those are things that are important to me as a consumer. So I don't think it is necessarily a burden on business to do the right thing. In fact, I think it makes it more likely that people want to support that business.

So this is kind of an obligatory question because we are where we are, but the Trafficking Victim Protection Act has expired since the first time since its passage in 2000. If the bill is not reauthorized, there is a risk of substantial loss of funding next year, and I guess I want to start with you, Ms. Ellison, and go down, you know, what are the potential consequences of not reauthorizing this bill, I mean, not only in terms of funding but what it says to the world in terms of our commitment on this issue?

Ms. ELLISON: You couldn't have said it better yourself, that this is a message that we send to the entire world that human trafficking and modern day slavery is a significant problem. It is a human rights violation. It is a heinous crime, and that we

must continue to address it. And the best way that we found to address it around the world is through the Trafficking Victims Protection Act. It sets up the entire framework for addressing it here in the United States and around the world. If we don't reauthorize it, it would be like allowing the 13th Amendment to lapse. It is that serious. It is our modern day implementation of the 13th Amendment, and so it is extremely serious.

On a practical level, it means that authorizations and funding, you know, are in jeopardy, and we need to use those funds to operate things like the national hotline to provide victim services for victims here in the United States, to fund the great work of the State Department in all countries around the world, to continue to publish the TIP report, which obviously raises the bar for all the countries around the world to know that they are being held to account. So it would be devastating to not reauthorize this law.

Mr. MCGOVERN Thank you. Ms. Misra.

Ms. MISRA: I would just agree with Mary and the statement you made, Mr. Chairman; it was extremely disappointing to us that since 2000, the TVPRA has been reauthorized on a bipartisan basis, and it is just this year that it has been caught up in some partisan issues and did not get reauthorized in time.

I think for the Solidarity Center's work, one of the things we do in working with government and civil society overseas is use the U.S. as a model as much as we can, and when we are pushing for laws and implementation in other countries and we don't have that here, that is really doing a huge disservice.

Just the last thing I would say is, in the TVPRA, it has come in and out. There have been provisions that attest and Solidarity Center have been advocating for on regulating foreign labor recruiters. Ten years ago, you never would have had that. We have come a long way in understanding how regulating foreign labor recruiters is just really important, but unfortunately, sometimes I think people see it just as an immigration issue and not as a trafficking issue. And it really, really is, so I would just want to add a little something to your question and say, if the TVPRA, when hopefully the TVPRA is reauthorized, I hope that the foreign labor recruiter provisions will be reconsidered because I think it is one of the major issues we need to deal with in preventing human trafficking.

Mr. MCGOVERN: Well, if it comes to the Rules Committee, I am on the Rules Committee, hopefully we will have an opportunity to offer amendments if it comes that way. Dr. Mattar.

Mr. MATTAR: I would say definitely we need the new reauthorization, but not only for purposes of funding. To me, the Trafficking Victims Protection Act serves as a good model of how can we have the work to prevent human trafficking and keep working on this law to provide more protections and to expand what we consider as human trafficking.

This law was adopted back in October 28, 2000, and reauthorized three times, 2003, 2005, 2008, and every time we reauthorized the act, we provided a model to do work on how can you strengthen protections given to victims of trafficking. When we first started, we did not allow victims of trafficking to file a civil action asking for compensation. This changed in 2003, and then, in 2005, we told the world now we have new minimum standards to eliminate human trafficking, and we are going to add other standards, like child sex tourism, for example. It was not a part of the original act. This is how I look at the reauthorization. I look at it not as a way of continuing funding, and we have to fund these efforts to prevent human trafficking, but to serve as a model on how can we expand liability and how can we strengthen protections that are given to victims of trafficking.

Mr. MCGOVERN: Mr. Kara.

Mr. KARA: Very briefly. If we fail to reauthorize the TVPA, we are sending the message that the U.S. and the world is open for business for human traffickers, plain and simple. I have spoken to traffickers, and they have told me with some pride, and people who exploit forced labor, we have more will and dedication than our opponents do. I mean, this is how they see it. And failure to reauthorize proves them right. They will wait us out and have more will and dedication than we do.

Number three, failure will result in some number of people who wouldn't have been trafficked and exploited being trafficked and exploited, and finally, when it is finally reauthorized at some future point in time, hopefully sooner rather than later, we will then be spending years playing catch up for the time we lost.

Mr. MCGOVERN: Well, let me thank all of you. This has been a fascinating panel. I really appreciate the information you provided us, and you have given us a lot to think about, and again I will reiterate my offer, which is if you have ideas of things that we can do, please let us know, and we look forward to working with you, and again thank you for all of your work in this field. Appreciate it. Thank you.

[Whereupon, at 4:02 p.m., the Commission was adjourned.]

# INCREASING AWARENESS AND ENGAGEMENT:

STRENGTHENING THE NATIONAL RESPONSE TO  
HUMAN TRAFFICKING IN THE U.S.

## ANNUAL REPORT - 2011

AN ANALYSIS OF CALL DATA FROM THE  
NATIONAL HUMAN TRAFFICKING HOTLINE

NATIONAL HUMAN TRAFFICKING RESOURCE CENTER  
(NHTRC)

**1-888-373-7888**

## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b> .....	ii
<b>INTRODUCTION</b> .....	1
Data Parameters & Data Sets .....	1
Summary of 2011 Data.....	2
Types of Calls Received by the NHTRC.....	3
<b>CALLER TRENDS</b> .....	4
Productive Callers .....	4
Caller Spotlight - Callers Identifying as Victims of Human Trafficking .....	5
Caller Spotlight - Truckers .....	7
Caller Spotlight - Service Providers in Related Fields .....	9
Caller Spotlight - Non-Traditional Reporters .....	10
Caller Spotlight - Community Members.....	12
Summary of Key Findings and Recommendations .....	14
<b>STATE ENGAGEMENT</b> .....	15
Outreach & Awareness Campaigns.....	15
Response Protocols.....	16
NHTRC Response Protocols - 2011 Highlights .....	18
Summary of Key Findings and Recommendations .....	19
<b>CRISIS &amp; REFERRAL NEEDS</b> .....	20
Primary Crisis Needs .....	20
Spotlight - Emergency Shelter.....	21
Direct Services Referrals .....	22
Summary of Key Findings and Recommendations .....	24
<b>HUMAN TRAFFICKING DATA</b> .....	25
Case References Potential Human Trafficking.....	25
Type of Trafficking .....	25
<b>CONCLUDING SUMMARY</b> .....	28



## EXECUTIVE SUMMARY

In 2011, Polaris Project's Call Specialists with the National Human Trafficking Resource Center (NHTRC) hotline answered 19,427 calls and connected 2,945 potential victims of human trafficking to services and support. Call volume increased by 64% in 2011 when compared to the previous year, largely reflecting increased awareness of human trafficking and increased promotion of the NHTRC hotline number. This 2011 Annual Report analyzes these calls and provides valuable insight into ways to better connect human trafficking survivors to the services they need, to improve access to information about human trafficking, and to build a more effective local and national response for those in need of assistance. In particular, the lessons learned from the data indicate that greater engagement and awareness of human trafficking with targeted groups can help overcome obstacles in fighting human trafficking throughout the United States and can lead to more trafficking victims being identified and served.

In 2011, more than 10,000 people called the hotline spanning every state and the District of Columbia to request emergency assistance, report a tip about a potential human trafficking situation, find services for human trafficking survivors, request training or general information, and more. Certain caller types more commonly reported tips that included significant details about potential victims, traffickers, locations, and other information that could help victims leave their trafficking situation and/or help law enforcement open an investigation against the trafficker. These "productive callers" include self-identifying human trafficking victims, community members, service providers in related fields, and friends or family of victims.

Victims of human trafficking have limited access to help and often do not self-identify, especially when they have been isolated from friends and family for long periods of time. Feelings of shame and fear of reporting to law enforcement may also add to a reluctance to seek help. Nonetheless, the number of calls to the hotline from self-identifying victims increased nearly 61% in 2011 over 2010. This is a very encouraging sign that the hotline number is reaching survivors and that survivors are calling at higher rates.

Human trafficking victims most often learned about the NHTRC hotline number through referrals. It is thus important to develop campaigns and trainings that target individuals who are likely to come into contact with victims, including service providers in related fields, educators, hotel staff, and even truckers and taxi drivers. The most effective awareness efforts are those that target a particular caller population, emphasize that human trafficking is a local issue, and provide concrete action steps such as contacting the NHTRC. Good examples of this type of outreach include the work of Truckers Against Trafficking (TAT) or the U.S. Department of State's "Know Your Rights" pamphlet.

As state governments and agencies engage with the NHTRC, support trainings on human trafficking, and raise awareness of the issue and the NHTRC hotline, there is a corresponding increase in credible reports about human trafficking in those states and increased avenues for victims to access services. California, Texas, Florida, and New York had the highest number of reports regarding potential human trafficking cases, and all four states have moderate-to-high levels of state engagement. For example, Texas has a law that requires posting the hotline number in targeted locations, and California's Attorney General (AG) has publicly promoted the hotline in her state.

However, it is not enough to simply increase calls about human trafficking situations. States and communities must also design local processes to help victims access services and to respond to tips and emergency situations. Law enforcement, service providers, and government agencies can work with the NHTRC to help build and improve these protocols in their area. As a result, when calls come into the NHTRC hotline, Call Specialists can respond quickly and appropriately in close partnership with local actors with specialized knowledge of their local area. By serving as a central hub and clearinghouse for the country, the NHTRC offers critical support as communities focus on improving their local response. In 2011, the NHTRC worked successfully with government agencies, service providers, and task forces to build local

capacity across the country, including particular successes in Vermont, Oregon, Central Pennsylvania, Arkansas, Northern Virginia, and Riverside County in California.

There are still significant gaps that must be addressed to meet the needs of human trafficking victims who are trying to escape their situations and rebuild their lives. During and immediately after a crisis when there is a threat of immediate harm to the victim, the most common identified need was shelter or a place to stay. These needs can be challenging to meet, especially for adult male trafficking victims. Locating transportation assistance is similarly challenging in crisis cases, as there are virtually no dedicated resources to help pay for transportation.

Despite these gaps in services, there has been significant progress in identifying and supporting victims of human trafficking in the United States. Each year since the NHTRC began taking calls in December 2007, the hotline has received more calls, connected more victims to services, reported more cases to law enforcement, and received more calls from victims calling on their own behalf. Government agencies, law enforcement, service providers, and community groups can continue this progress. Key priorities include increasing awareness of human trafficking with targeted populations, promoting the hotline number, increasing services for human trafficking survivors, and developing effective local responses to cases of human trafficking. The NHTRC looks forward to collaborating with a diverse group of local stakeholders on a national scale to achieve these next steps and ultimately work together towards the collective goal of building an effective anti-human trafficking network in every town, city, and community across the United States.

## INTRODUCTION

Since December 7<sup>th</sup> 2007, Polaris Project has operated the National Human Trafficking Resource Center (NHTRC) hotline to improve the systemic response to identify, protect, and serve victims of human trafficking in the United States and U.S. territories. The 24-hour national hotline provides free and confidential access to crisis assistance, tip reporting, social service referrals, technical assistance, general information materials, community outreach and engagement, and other critical support by trained human trafficking advocates in more than 170 languages.

The NHTRC records and manages data from every call made to the NHTRC hotline using an online case management system through Salesforce.com. We collect more than 100 unique variables that track details related to the call, caller, type of case, type of human trafficking reported, victim demographics, referrals to social service providers, reports to law enforcement, case outcomes, and more. This dataset contains valuable clues and insight into the profiles of victims, support structures, traffickers and human trafficking networks, as well as the current capacity of service providers, law enforcement, government agencies, and anti-trafficking advocates to respond to human trafficking cases and support survivors. This report presents our analysis, significant findings, and subsequent recommendations based on the data collected during NHTRC hotline calls and related follow-up activities throughout 2011.

Our 2011 data show that the U.S. has made significant progress in identifying and supporting survivors of human trafficking. However, the data also provide valuable insight into strategies that can help us overcome the remaining obstacles and meet the needs of the anti-trafficking field and the individuals we seek to serve. With this data, the NHTRC hopes to help the field engineer a stronger, more coordinated national response that keeps pace with the constantly evolving and increasingly sophisticated tactics used by traffickers to exploit victims and evade authorities.

Two key interconnected themes have emerged from our analysis: Access and Engagement. Both are vital to effective local and national anti-trafficking strategies. When social service agencies, law enforcement and community members can easily and securely access support, referrals, information and tools, entire communities become engaged in local efforts to support survivors and fight human trafficking. Human trafficking victims can more easily find the services they need as communities develop new programs and promote sources of assistance for survivors. Engaged community members raise awareness, report potential human trafficking tips and reach out to potential victims through their professional, social, community, and/or faith-based networks. Engaging law enforcement and service providers leads to strong and trusted partnerships that result in a more coordinated and effective response to victims in need of assistance. This multi-pronged approach helps to ensure that survivors' rights are protected and that they are engaged as key stakeholders in local and national anti-trafficking strategies.

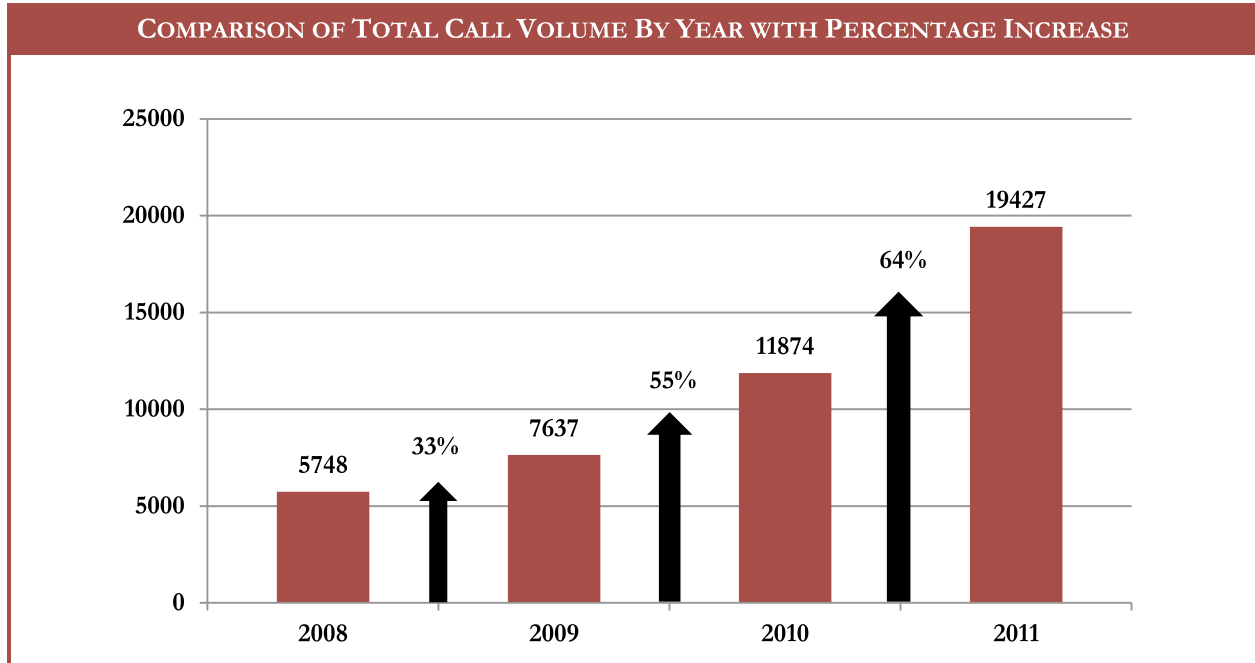
### **DATA PARAMETERS & DATA SETS**

The following report covers hotline data from January 1<sup>st</sup>, 2011 through December 31<sup>st</sup>, 2011, the fourth full year of Polaris Project's operation of the NHTRC. A case refers to a specific report or request that originated as a call to the NHTRC hotline. Each case may have multiple hotline calls and/or multiple callers associated with it.

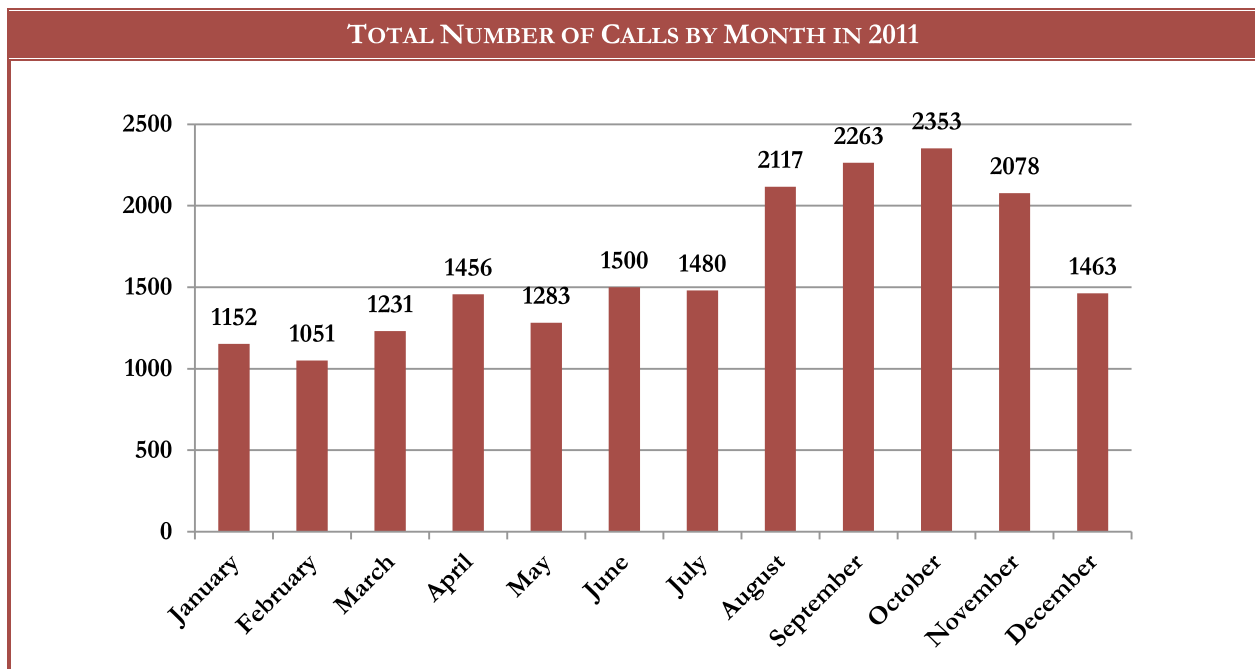
The data displayed in this report were generated based on limited criteria from calls received by the NHTRC hotline and thus reflect the country's current level of understanding of human trafficking and awareness of the NHTRC hotline. This is not a comprehensive report on the scale or scope of human trafficking within the U.S. and is not intended to be a statement of fact. As additional information about specific cases comes to light and/or changes are made to the legal landscape of the anti-trafficking field, these statistics may be subject to change. All percentages are approximate values, rounded to the nearest tenth, and are based on cases where the data was specified by the caller.

Note: Polaris Project does not investigate tips or other information received by the NHTRC and cannot verify the accuracy of any information received. For the purposes of simplicity and consistency, we refer to the potential victims referenced through our hotline as "victims" and alleged traffickers as "traffickers," unless otherwise specified. The data in this report is displayed in aggregate and does not include any identifying information. Hotline vignettes are representative of the types of calls received by the NHTRC. Names, locations, and other identifying information have been changed and/or omitted to preserve the confidentiality of the individuals we serve. This report and all of its contents are intended for informational purposes only.

SUMMARY OF 2011 DATA	
Total <u>Calls</u> Received	19,427 calls
Average <u>Calls</u> per Day	53.22 calls
Average Duration of <u>Substantive Calls</u>	7 Minutes



\* Polaris Project began operation of the NHTRC on December 7<sup>th</sup>, 2007. The NHTRC received 237 calls from 12/7/07 to 12/31/07. 2007 data is not included in the above chart.



## **TYPES OF CALLS RECEIVED BY THE NHTRC**

The NHTRC utilizes seven distinct categories to describe a caller's reason for contacting the NHTRC and track substantive calls received through the hotline. Substantive calls exclude hang ups, wrong numbers, missed calls, and calls where the caller hangs up or is disconnected before the purpose of the call can be determined.

**Crisis Calls:** This category includes calls received from victims of human trafficking in need of immediate assistance or from an individual calling on behalf of a victim in need of immediate assistance or emergency services. The NHTRC has developed extensive crisis protocols and local emergency referral and reporting networks to ensure that NHTRC staff are able to provide an immediate and tailored response to crisis calls.

**Tips:** This category includes calls received from individuals who wish to report tips related to human trafficking victims, suspicious behaviors, and/or locations where human trafficking is suspected to occur. Potential human trafficking tips received by the NHTRC are reviewed by hotline supervisors and regional specialists before being passed on to the appropriate local, state, or federal investigative and/or social service agency equipped to investigate and/or respond to the needs of victims. Not all tips are reported to law enforcement, and any reports made respect callers' preferences regarding confidentiality. Reporting decisions are based on a variety of factors, including the callers' needs and wishes, and the needs and wishes of victims.

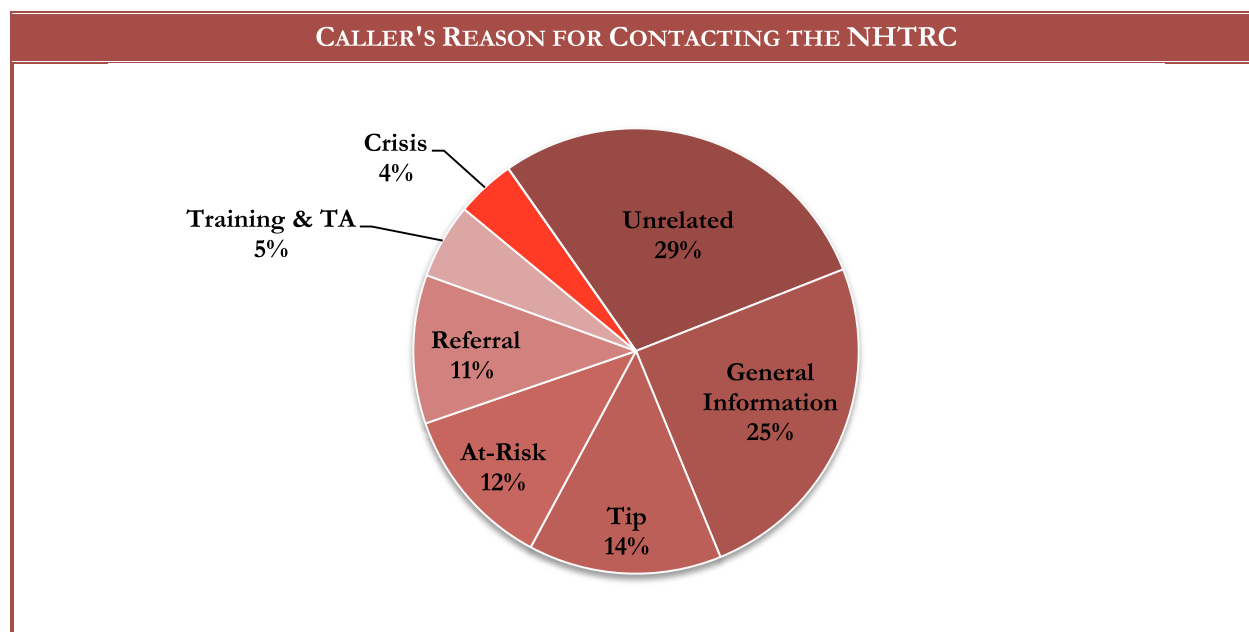
**Training & Technical Assistance (T&TA):** T&TA requests include but are not limited to: specialized information; programmatic and project support; phone consultations; materials reviews; and trainings and presentations.

**Direct Services Referral Requests:** This call category includes requests for direct service referrals for survivors of human trafficking. Referrals may include contact information for service providers, law enforcement, coalitions and other collaborative efforts, and other relevant agencies or field practitioners. The most commonly requested referrals are for case management services, shelter services, legal services, mental health or medical services.

**General Information Requests:** This category includes calls requesting general information on the issue of human trafficking, such as legal definitions, scope, statistics, trends, and prevalence.

**At-Risk:** This category refers to calls referencing related forms of abuse and exploitation that may put individuals or specific populations at risk for human trafficking, such as labor exploitation, domestic violence, sexual assault, child abuse, and runaway/homeless youth.

**Unrelated:** This call category refers to calls that are outside the scope of NHTRC services. NHTRC Call Specialists refer callers to other national hotlines, service providers, or coalitions that are best equipped to fulfill their request.



\* This chart is based on the percentage of substantive hotline calls.

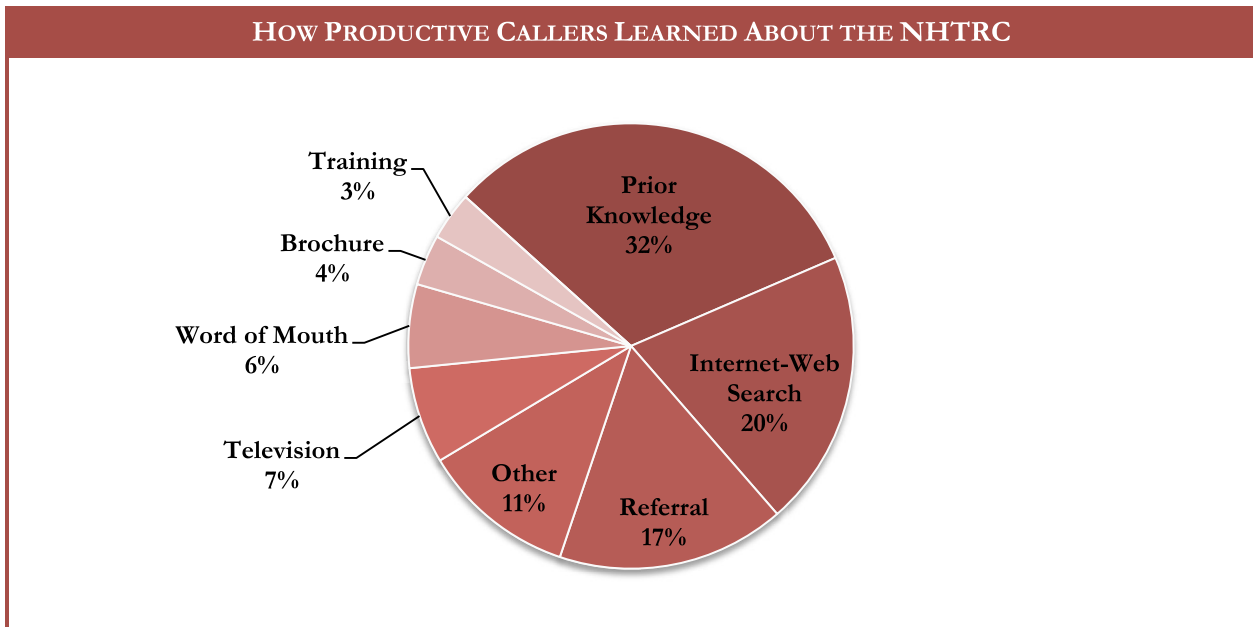
## CALLER TRENDS

### PRODUCTIVE CALLERS

From among the 19,427 calls received in 2011, NHTRC hotline staff spoke with more than **10,000** unique callers, including service providers, law enforcement, victims, friends and family, community members, educators, students, medical professionals, and more than 20 other caller types. Females called in **63%** of our calls, males in **36%**, gender was unknown in **2%**, and transgender callers made up less than **1%**. For each caller, the NHTRC tracks his/her reason for calling the hotline, call frequency, and how the caller learned about the hotline - all of which can then be used to uncover valuable trends.

According to the 2011 data, certain caller types called more frequently to report situations with high levels of human trafficking red flags and indicators. These callers were able to provide significant details about victims, traffickers, locations, and other identifying information and thus their calls were more likely to lead to law enforcement opening an investigation and/or survivors accessing shelter, case management, legal, and other critical services through our local service provider partners. We refer to these callers as “productive callers.” In 2011, productive callers referenced **848** unique cases of potential human trafficking.

TOP PRODUCTIVE CALLER TYPES BY TYPE OF HUMAN TRAFFICKING	
SEX TRAFFICKING	LABOR TRAFFICKING
Victim of Human Trafficking	Victim of Human Trafficking
Community Member	NGO – Other/Not Specified
Family Member of Victim	Community Member
NGO – Other/Not Specified	Friend of Potential Victim
NGO – Anti-Trafficking	Legal Professional
Friend of Victim	NGO – Anti-Trafficking

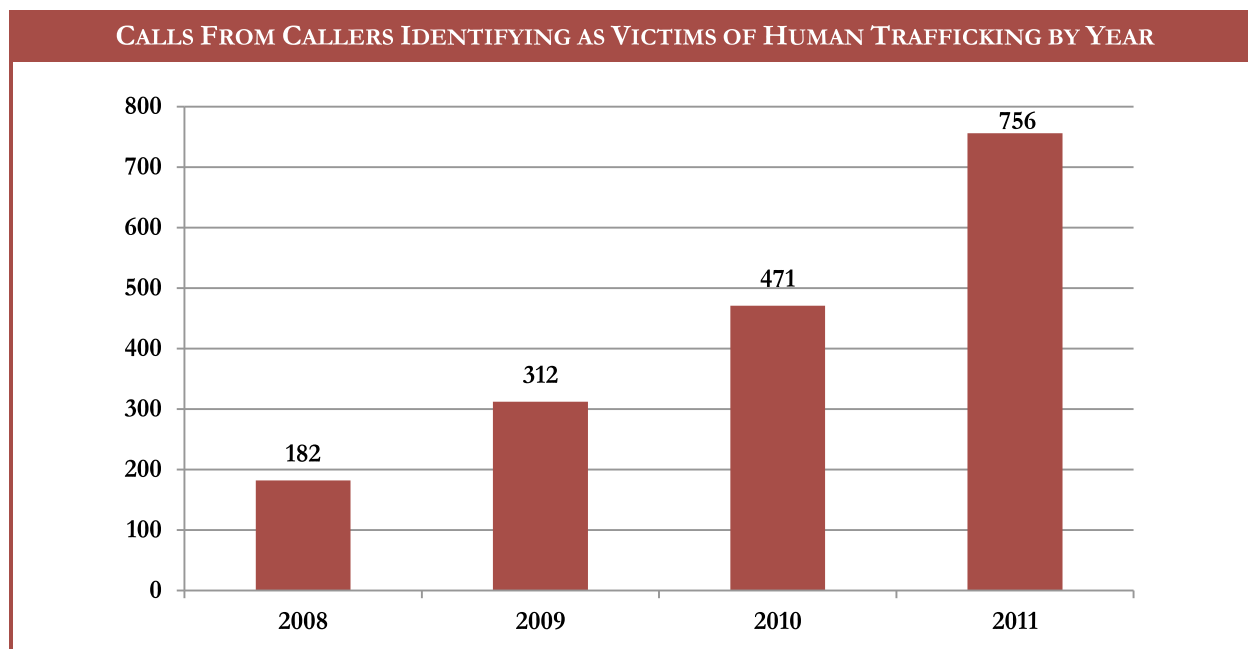


\* This chart is based on the 543 unique cases of potential human trafficking with high levels of indicators that were reported to the NHTRC where information about how productive callers learned of the NHTRC is known.



## **CALLER SPOTLIGHT – CALLERS IDENTIFYING AS VICTIMS OF HUMAN TRAFFICKING**

The NHTRC received **756** calls from callers identifying as victims of human trafficking in 2011, corresponding to **336** unique cases of potential trafficking. The number of calls from this population has increased by nearly **61%** (as a percentage of the calls where caller type is known) between 2010 and 2011.



A longstanding challenge for the anti-trafficking field has been low levels of victim identification and difficulty connecting victims and at-risk individuals with the available local services. Due to the covert nature of the crime, victim isolation, feelings of shame, fear of reporting to law enforcement, and other diverse barriers to identification, victims have limited access to help and do not frequently self-identify. Thus, this increase in hotline calls from victims is encouraging as well as revealing in terms of accessing, serving, and empowering this population. We have a great deal still to learn about how victims hear about the NHTRC and what leads them to make the first call, which will have a significant impact on designing more effective methods of victim outreach in order to close the gap between available services and the people who need them.

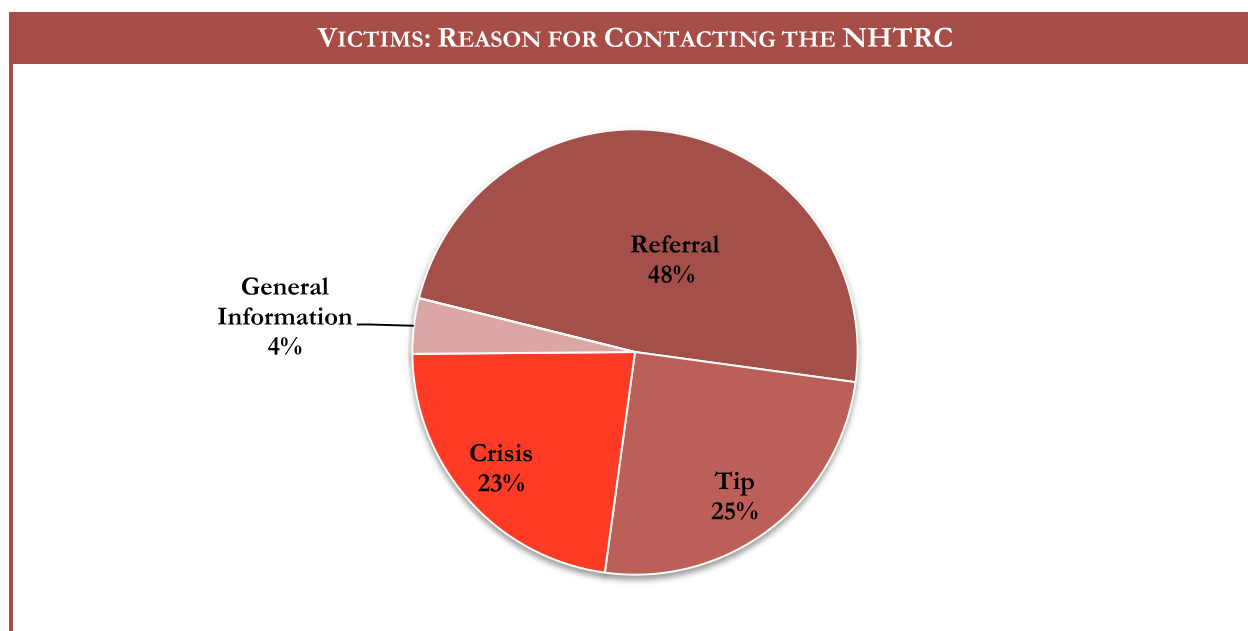
Based on 2011 NHTRC hotline calls from callers identifying as victims of human trafficking, we see that this population hears about the hotline from diverse sources, but direct referrals from friends, family, social services providers, community members, and past NHTRC callers, account for approximately one third of the sources. These findings suggest that victims are more likely to reach out for help through the hotline when our number has been provided to them directly, often by someone with whom they have a relationship and have established some level of trust, and accompanied by explicit messaging regarding how the hotline can help.

HOW VICTIMS LEARNED ABOUT THE NHTRC	# OF CASES	% OF CASES
Referral	76	33.93%
Dept. Of State “Know Your Rights” Pamphlet	32	14.29%
Word of Mouth	31	13.84%
Internet-Web Search	30	13.39%
Television	18	8.04%
Prior Knowledge	10	4.46%
Other	27	12.06%
<b>Grand Total</b>	<b>224*</b>	<b>100.00%</b>

\* This chart is based on the 224 unique cases of potential human trafficking with high levels of indicators that were reported to the NHTRC where information about how victims learned of the NHTRC is known.

Since 2009, the Department of State has published a pamphlet called “Know Your Rights” which is disseminated to all holders of specific work visas entering the U.S. in their native languages. The pamphlet provides information on the rights of temporary visa holders and includes the NHTRC hotline number and other resources should an individual need to reach out for help. This pamphlet ranked as the second most common method of learning about the hotline among *all* callers and second for callers identifying as victims of trafficking.

Most frequently, victims reached out to the hotline to request assistance in accessing services such as counseling, shelter, case management, transportation, and legal assistance. Victims also called to report their traffickers and to seek assistance for other victims. In addition, 23% of calls from victims were considered “crisis situations,” where victims needed immediate assistance to escape their trafficker. Clearly, the hotline is best able to increase victims’ access to justice and services, when the victims themselves call to request help.



\* This chart is based on the 336 unique cases of potential human trafficking corresponding to calls from victims.

#### HOTLINE VIGNETTE: VICTIMS OF HUMAN TRAFFICKING

A woman in Cameroon contacted the NHTRC about Shandi, a close friend who had moved to the U.S. several years earlier to pursue work as a housekeeper and nanny. The friend was concerned that Shandi was a victim of domestic servitude, but had very little information about her situation. The NHTRC Call Specialist encouraged her to give the hotline number to Shandi so she could call.

A week later, Shandi contacted the hotline and explained that she worked for a woman from 5am-9pm six days a week, providing childcare for her five children, performing all of the household chores, and occasionally assisting with the woman’s at-home cosmetic sales business. The woman confiscated Shandi’s passport and threatened to call the police because Shandi was undocumented. Shandi told the NHTRC Call Specialist that she wanted to leave the situation and report the woman to law enforcement.

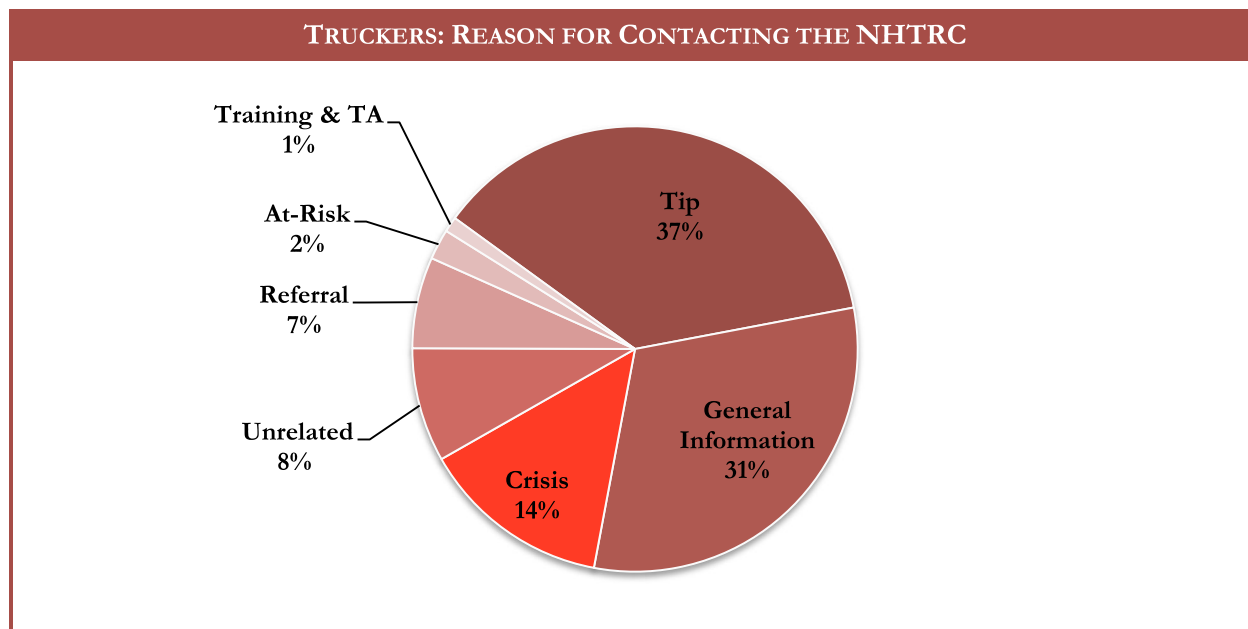
With Shandi’s permission, the NHTRC reported the situation to specialized agents within a local human trafficking task force. Agents made plans to extract Shandi the following Saturday afternoon, when her employers would be home to care for the children. The agents helped Shandi safely leave the house and brought her to a local domestic violence shelter where she received the care she needed to begin to make a life of her own. The agents also helped Shandi receive Continued Presence so she could stay and work in the U.S. while a criminal and later civil case were pursued against her traffickers.



## **CALLER SPOTLIGHT - TRUCKERS**

Truckers are uniquely positioned to recognize human trafficking victims and report human trafficking tips, particularly involving minors engaging in commercial sex. Truckers have regular access to commercially-operated truck stops as well as state-operated rest areas and welcome centers, locations that are often remote and isolated from local communities, with minimal security, and ideal locations for traffickers to exploit their victims. Truckers and other travelers may also make up the demand for commercial sex at these locations and thus frequently have direct contact with victims and/or observe the trafficking in real time. Truckers are more likely to contact the hotline *while* the trafficking situation is still occurring and the victim is still within sight, thus increasing the likelihood that law enforcement can intervene and help the victim leave his/her situation.

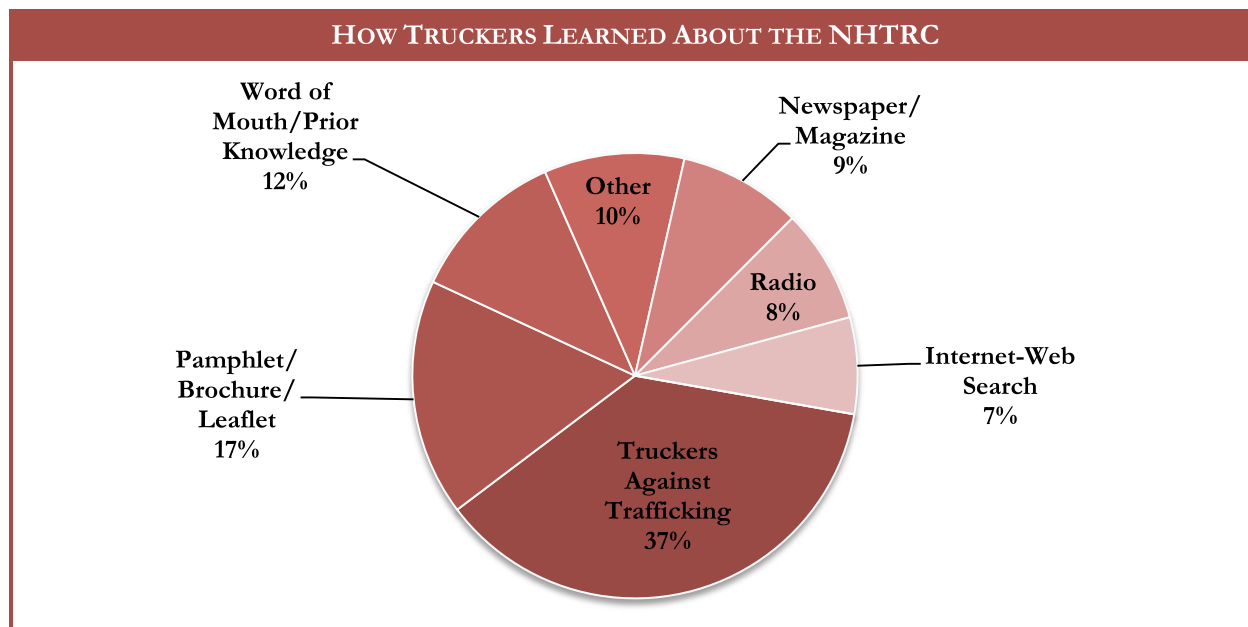
In 2011, the NHTRC received **185** hotline calls from callers identifying as truckers. Truckers called to report tips on **37%** of their calls and to request crisis assistance for a victim of trafficking on **14%** of their calls, as compared with **14%** and **4%** respectively among all callers.



Truckers are one of the main sources of information for the hotline about situations of sex trafficking involving minors. Of the total calls from truckers, **52%** included reports about potential cases of human trafficking and **70%** of these calls referenced minors. The overwhelming majority of trucker reports referenced one particular form of sex trafficking - pimp-controlled prostitution. Pimp-controlled sex trafficking typically involves traffickers or “pimps” who compel women and/or children into commercial sex. The victims are often U.S. citizens from diverse backgrounds. For additional information regarding sex trafficking at truck stops, read our “Sex Trafficking at Truck Stops” training document [here](#).

TRUCKERS: TYPE OF TRAFFICKING REPORTED	# OF CASES	% OF CASES
<b>SEX TRAFFICKING</b>	<b>62</b>	<b>98.41%</b>
Pimp-Controlled Prostitution	57	85.48%
Sex Trafficking – Other	3	4.76%
Asian Massage Parlor	1	1.59%
Stripping/Exotic Dancing	1	1.59%
<b>LABOR TRAFFICKING</b>	<b>1</b>	<b>1.59%</b>
Sales Crew	1	1.59%
<b>Grand Total</b>	<b>63</b>	<b>100.00%</b>

In addition to regularly coming into contact with victims, what makes truckers one of the most productive caller groups is their reach. Truckers are very well-connected to each other through a close-knit network that spans the entire country and shares information and resources. One group in particular, [Truckers Against Trafficking \(TAT\)](#) has mobilized a nationwide awareness and educational campaign targeted specifically at truckers and members of the travel plaza industry, including large-scale dissemination of informational materials with the NHTRC hotline number. **37%** of truckers who called the NHTRC learned of the hotline through activities related to the TAT campaign. Radio was also a significant source of information about human trafficking and the NHTRC hotline number for truckers, with **8%** of truckers referencing radio during a hotline call, compared with less than **1%** across all callers.



\* This chart is based on the 116 unique cases where how truckers learned of the NHTRC is known.

#### HOTLINE VIGNETTE: CALL FROM A TRUCKER

While stopping to sleep for the night at a truck stop near an interstate, a trucker saw a young girl and boy approaching several of the trucks in the lot. The girl appeared to be younger than 16 years old and the young boy was around 13 years old. At first the trucker thought that the children were waiting for a parent and did not think twice. The trucker became concerned when the children approached him and offered the caller sexual services. The trucker refused and asked the children if they needed help.

The children were initially hesitant but eventually the young boy replied that if they did not make their quota they would be hurt by a man named Mike. The girl motioned behind her and the trucker observed a middle-aged man between 30-35 years old standing on the corner of the truck lot watching the trucker. Afraid that they would be in trouble for speaking with the trucker, the children immediately scrambled out of the trucker's vehicle and made their way back to the man who was watching them. The trucker observed the children go inside the convenience store of the truck stop with the older man.

Aware of the NHTRC hotline through the Trucker's Against Trafficking campaign, the trucker contacted the NHTRC immediately to report the situation. Recognizing the trafficking indicators and the presence of minors, the NHTRC helped the caller contact local emergency dispatch, and assisted the caller in advocating for an immediate response to the situation.

The trucker called the NHTRC back to report that the police had come to the truck stop and apprehended the man who they later found had existing warrants in his name. The police located the children and were able to determine that they were runaways from a nearby state. The NHTRC connected the responding officer with a human trafficking task force, which was able to connect the young children with services and assist local law enforcement with the case.

### **CALLER SPOTLIGHT - SERVICE PROVIDERS IN RELATED FIELDS**

Service providers in related fields typically encounter human trafficking victims from among the populations they are already serving, such as a sexual assault provider working with a woman who has been assaulted by her pimp or a runaway/homeless youth agency assisting young adults after being abandoned and left homeless by a traveling sales crew. These callers have frequently initiated cases related to all forms of human trafficking.

Service providers have frequently described observing various red flags for human trafficking in the course of their work for many years, but have said that they did not know the name of the crime or how to access specialized services for this population. This suggests that additional awareness efforts and training for these actors in related service fields is vital for victim identification and appropriate service provision. In 2011, the NHTRC received **580** calls from service providers in related fields.

#### **TOP 5 FIELDS CALLING ABOUT SEX TRAFFICKING**

Domestic Violence/Sexual Assault

Runaway & Homeless Youth (RHY)

General Social Services

Child Abuse/Child Welfare

Homelessness

#### **TOP 5 FIELDS CALLING ABOUT LABOR TRAFFICKING**

Domestic Violence/Sexual Assault

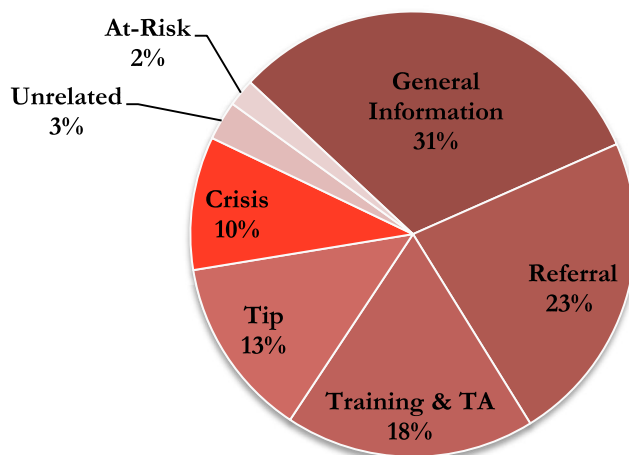
Immigration/Refugee Services

Runaway & Homeless Youth (RHY)

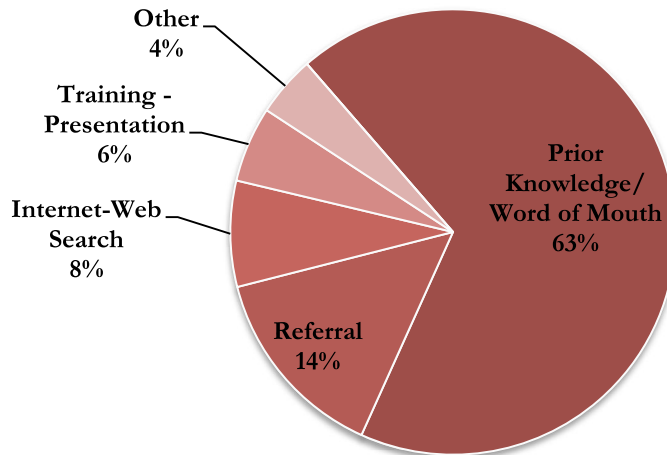
General Social Services

Homelessness

#### **SERVICE PROVIDERS IN RELATED FIELDS: REASON FOR CONTACTING THE NHTRC**



## HOW SERVICE PROVIDERS IN RELATED FIELDS LEARNED ABOUT THE NHTRC



\* This chart is based on the 91 unique cases regarding human trafficking where how service providers in related fields learned of the NHTRC is known.

### HOTLINE VIGNETTE: CALLS FROM RELATED FIELDS

A counselor at a youth shelter contacted the NHTRC hotline after doing an intake assessment with a 15-year-old boy, Prashant. After hearing Prashant's story, the caller suspected he might be a victim of human trafficking.

Prashant reluctantly explained to the counselor that he was brought into the U.S. several months ago and now works at a small restaurant. He said that eight other boys also cook and sell food at the restaurant, starting at 3:00am every day. The boys are not paid for their work because their families owe smuggling debts of nearly \$20,000. Prashant had tried to ask some regular customers for help, but was not able to communicate well in English and was under constant surveillance by the owners of the restaurant.

Hours before arriving at the shelter, Prashant cut off the tip of his finger while working. He was dropped off at the emergency room, where hospital staff realized that he was an unaccompanied foreign minor and contacted Child Protective Services (CPS). CPS ultimately placed Prashant in protective custody and in a shelter facility.

The NHTRC helped the counselor connect with a legal advocate with expertise in assisting unaccompanied foreign national minor victims of human trafficking, who helped Prashant access additional support services and counseling, and who helped with reporting to a human trafficking task force.

### CALLER SPOTLIGHT - NON-TRADITIONAL REPORTERS

The strongest hotline cases are often those where the caller has had direct contact with a victim, trafficker, or trafficking location. Victims do not frequently self-identify, which makes well-trained service providers, victim advocates, and other professionals essential to picking up on the red flags and indicators that may otherwise go unnoticed. These groups are also key to preventing all forms of human trafficking and helping victims receive assistance.

The following are caller types who, in the context of their professional, community, or faith-based work, are highly likely to encounter human trafficking victims.

#### NON-TRADITIONAL REPORTERS TARGETED FOR AWARENESS AND TRAINING

Code Compliance Officers	Labor Rights Organizations
Educators/School-Based Professionals	Medical Professionals
ESL/ESOL Teachers	Neighborhood Associations
Faith-Based Organizations	Restaurant Associations
Hotel/Motel Staff	Taxi Drivers

When individuals from these populations are aware of and trained on human trafficking and how to respond, they are important sources of support for victims. They can also provide strong tips of potential human trafficking cases that can more easily be acted upon by law enforcement. For example, the hotline has identified taxi drivers and educational professionals as sources of highly valuable information on trafficking trends and potential human trafficking cases.

Many trafficking networks utilize taxi services as a regular means of transporting victims to and from locations where sex or labor trafficking may be occurring. Taxi drivers can serve as crucial reporters because they often have an exact description and location of a victim. They also often have access to victims during brief periods when they are traveling alone and in a position to safely receive information about support services and places to reach out for help.

#### HOTLINE VIGNETTE: CALL FROM A TAXI DRIVER

A taxi driver received concerning information from a woman he drove the airport one evening. While in the cab, the woman mentioned that she was just visiting the area and normally worked as a dancer at various clubs in her hometown. She told the taxi driver that she had been surprised to see how many extremely young females were dancing at the clubs in the area.

When the taxi driver asked for more details, the woman explained that at one club she had visited while in town, she had seen girls who appeared no more than 15 years old with male managers monitoring them while they were dancing. The woman had also heard rumors that some of the dancers engage in commercial sex with customers, but she did not have any direct knowledge of the situation and did not know if these young girls were involved.

Though the taxi driver suggested that she report the situation, the woman indicated that she did not want to do so as she was leaving town and did not want to become more involved. The taxi driver looked on the internet and found the number for the NHTRC hotline, and he called to explain the situation. The NHTRC reported the information to a local human trafficking task force for investigation.

Educators are also in a unique position to identify foreign national and U.S. citizen youth in diverse situations of both sex and labor trafficking. It is not uncommon for youth to continue attending school while they are still in a human trafficking situation, and the school setting can provide an opportunity to interact with a victim without a controller present. Educators are trained to look out for potentially dangerous behaviors, changes in behavior and emotional state, and signs of abuse and neglect, all of which are likely to be present in victims of human trafficking.

In addition to intervention, educators are well-positioned to engage in direct prevention work with their students. Schools and extra-curricular and recreational venues frequented by young people may be targeted by controllers who wish to recruit for both sex and labor trafficking, and it is important that students learn the signs and risk factors and how to reach out for help. For additional information and tools for educational professionals, read our “Educators and Human Trafficking” training document [here](#).

### HOTLINE VIGNETTE - EDUCATIONAL PROFESSIONALS

When she was a young girl, Melissa's parents arranged for her to move from her home in Central America to the U.S. with an aunt who promised that she would get an education and have a better life. Once in the U.S., Melissa learned that she was expected to care for the family's three young children and to do all the housework. Though she was allowed to go to school, she had to get up at 4:00 AM each morning to complete her chores before school, and she had to return home to begin working immediately after school. The family was also verbally and emotionally abusive and Melissa lacked proper nutrition and medical care.

Melissa, now 18 years old and in her last year of high school, was consistently exhausted and had a hard time staying awake at school. Melissa's schoolwork suffered and one of her teacher's became concerned that she might be the victim of abuse in the home. The teacher was referred to the NHTRC hotline by the school counselor and she called to find out if Melissa might be a victim of human trafficking. The NHTRC Call Specialist reviewed red flags and trafficking indicators with the teacher and discussed strategies for conducting a trafficking assessment.

When first approached by the teacher, Melissa denied any abuse, but after several meetings, she opened up about her situation. The teacher provided the number for the NHTRC and over several weeks, Melissa called the NHTRC multiple times to work on a plan to safely leave her situation. The NHTRC coordinated with a local service provider to meet Melissa at a safe place. Months later, the NHTRC learned that Melissa found stable housing, is continuing to work with the service provider, and is doing well in school.

### CALLER SPOTLIGHT - COMMUNITY MEMBERS

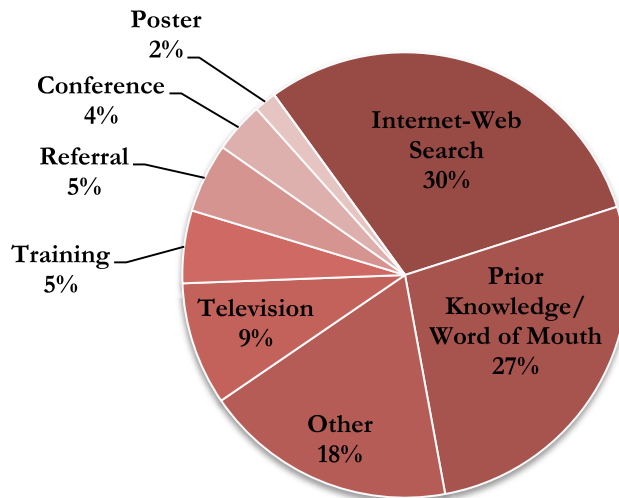
Community members reported **703** cases of potential human trafficking in 2011, **128** of which had high levels of trafficking indicators and **575** with moderate levels of indicators.

General community awareness and training efforts help increase victim identification and assistance. These callers encountered victims and situations of human trafficking in a variety of unique ways including: victims reaching out to callers for assistance; victims approaching callers to solicit commercial sex (e.g. at truck stops, massage parlors, street-based prostitution, online ads or chat rooms) or providing labor or services (e.g. traveling sales crews, restaurants, nail salons); advertisements for commercial sex (e.g. receipt of a business card with covert information in Spanish for a residential brothel, postings through online social networking sites or chat rooms); observation of a suspicious establishment or activity (e.g. massage parlors open late at night, a domestic worker in the neighborhood who never appears to leave the house); and word of mouth passed throughout the community. Each of these examples has important implications for designing effective national and state-based awareness campaigns and local community outreach programs.

CALLER PROXIMITY TO SITUATION/VICTIM	# OF CASES	% OF CASES
Observation of Suspicious Activity	356	50.64%
Direct Contact	239	34.00%
Indirect Contact	108	15.36%
Total	703	100.00%



### HOW COMMUNITY MEMBERS LEARNED ABOUT THE NHTRC



\* This chart is based on the 436 unique cases of potential human trafficking that were reported to the NHTRC where how community members learned of the NHTRC is known.

### HOTLINE VIGNETTE: COMMUNITY MEMBER

While at work, a Spanish-speaking construction worker named Miguel was approached by a friend of some of his coworkers. The friend handed Miguel a business card with a phone number. When he saw that Miguel seemed confused, he clarified that he had young girls available for sex at the address on the card.

Uncomfortable about the exchange, Miguel searched the internet for some way he could take action and found the NHTRC hotline. Miguel described the exchange to the NHTRC Call Specialist who talked to him about residential brothels and the vulnerabilities of the girls and young women who are exploited there. Miguel recalled his coworkers talking about teenage girls recruited from Mexico, Guatemala, and El Salvador and brought across the border, thinking they would work in the U.S. as waitresses.

Immediately after the call, the NHTRC Call Specialist reported the information to a human trafficking task force in the area. An agent replied that law enforcement was already working on the case and the information from Miguel would be used to assist in their ongoing investigation.

## **SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS**

1. **Targeted Awareness:** Awareness efforts that target a particular caller population and include messaging that is specific to the type of trafficking victim or situation the caller is likely to encounter – such as the work of Truckers Against Trafficking – are the most effective for increasing victim identification and calls to the hotline regarding instances of potential human trafficking. By customizing efforts and focusing on these productive callers, the message is more likely to resonate. When these efforts highlight the type of human trafficking the specific population is likely to observe, they are all the more effective.
  - a. Replicate the work of organizations like Truckers Against Trafficking targeting other caller types who are likely to encounter victims of labor trafficking. Given the relatively low percentage of reports to the hotline regarding labor trafficking (see pg. 13-14) and the lack of awareness efforts targeting those who may encounter labor cases, specific labor trafficking awareness efforts are greatly needed.
  - b. E.g. Taxi drivers, hotel/motel staff, travel agents, worker outreach organizations, check cashing and pay-day loan businesses, free health clinics.
2. **Engage the Community:** Because community members regularly initiate hotline cases regarding all types of human trafficking, effective state-based awareness campaigns can make a significant impact on helping people recognize where and how human trafficking may be happening locally. Promotion of the NHTRC hotline also gives these community members a way to respond and become a key partner in the fight against human trafficking.
  - a. E.g. Public service announcements (PSAs) at schools or in local media, Mayor and Governor Office involvement, promotion via state agencies.
3. **Human Trafficking Training for Related Fields:** Service providers in related fields are encountering human trafficking victims in the populations they serve; increased targeted training and awareness efforts for these populations would likely be particularly fruitful for increasing victim identification.
  - a. E.g. Domestic violence, sexual assault, labor rights, child welfare.
4. **Informed Outreach Efforts:** Increase general community outreach and awareness training, focusing on recognizing trafficking indicators, and targeting community groups that work with vulnerable populations.
  - a. E.g. Faith-based groups, community kitchens and food banks, mobile health clinics.



## STATE ENGAGEMENT

During 2011, the NHTRC received calls from every state, the District of Columbia, American Saipan, Guam, Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, and more than 25 other countries. Callers made reports of potential human trafficking in every state and the District of Columbia, except Alaska and South Dakota.

Since Polaris Project began operating the hotline in December of 2007, the NHTRC has received reports of potential human trafficking in **every state**. The NHTRC has seen that as state governments and agencies increase engagement, training, and awareness of human trafficking and the NHTRC hotline, there is a corresponding increase in credible reports about human trafficking in those states and increased avenues for survivors to access services.

TOP 10 STATES (in descending order)	
POTENTIAL TRAFFICKING LOCATIONS	CALLER LOCATIONS
California	California
Texas	Texas
Florida	Florida
New York	New York
International	Illinois
District of Columbia	Virginia
Illinois	District of Columbia
Virginia	Pennsylvania
Ohio	Georgia
North Carolina	North Carolina

The left-hand side of the table above lists the ten states with the highest number of reports regarding potential human trafficking cases and/or victims in 2011; the right-hand side shows the top ten caller locations in 2011. The NHTRC considers all of the states listed above to have moderate to high levels of state engagement, thus highlighting the relationship between increased engagement and high frequency of productive callers and reports of potential human trafficking in a given state.

### **OUTREACH & AWARENESS CAMPAIGNS**

Outreach and awareness campaigns take on a variety of different forms and functions. Some campaigns have focused on human trafficking of a specific population (e.g. minors in commercial sex), others have targeted a specific location (e.g. bus stops and train stations), while others seek to reach a very wide and diverse audience (e.g. national television broadcasts). Campaigns can be informal and initiated by local community groups and NGOs, and/or can be formally incorporated into the statewide anti-trafficking strategy.

Direct outreach campaigns utilize specific language and materials placed in strategic locations where they are most likely to be accessed by victims of human trafficking. For example, the Department of State “Know Your Rights” pamphlet was the second most common way that callers identifying as victims of human trafficking learned of the NTHRC hotline, and the most common way that victims of labor exploitation, a population that is at high risk for trafficking, learned of the hotline. As soon as the pamphlet was released in 2009, the NHTRC experienced a spike in calls from individuals in the U.S. on various temporary work visas, such as the A-3, G-5, H-1A, H-2A, H-2B, and J-1 visas. These callers reported a variety of issues, including potential human trafficking and labor exploitation, and requested a range of resources, primarily legal services as well as general information about their rights as workers in the U.S. In 2011, the NHTRC received **1,273** calls generated through this pamphlet.

Community-based awareness campaigns are intended to reach a wide audience and empower each member of the community to become a stakeholder in the local anti-trafficking strategy. Effective campaigns provide individuals with the tools to recognize human trafficking and access key direct services within the context of their everyday roles as professionals in diverse fields and members of various social, ethnic, and religious groups. Popular campaigns promoting the NHTRC hotline number have used billboards, posters on trains and buses, PSAs on television and radio, media outreach, and other venues. Communities that have promoted the NHTRC hotline number increase call volume directly through callers who have seen the campaign, but they also lead to additional calls through word of mouth and referrals within the community. Approximately 34% of callers identifying as victims learned of the NHTRC hotline through referrals, many of which originated first through community-based awareness campaigns.

States with mandatory or recommended posting laws institutionalize these awareness efforts. In 2011, Texas and Washington had mandatory posting laws requiring the NHTRC hotline be posted in public places. Attorneys General in California, Virginia, Massachusetts, Michigan, Indiana, and New Mexico also increased their engagement with the NHTRC in 2011 by publicly promoting the hotline in their states and working with the NHTRC and local agencies to develop response protocols. As a result, the total call volume increased in these states, including particularly significant increases in Michigan (87%), Virginia (91%), and New Mexico (175%).

#### SPOTLIGHT ON NEW MEXICO

In 2011, the New Mexico Attorney General's Office launched an awareness campaign on billboards and buses where they publicized the NHTRC hotline number. NHTRC call volume from the state jumped 175% over 2010, and at least 20% of all calls from New Mexico resulted directly from this campaign.

Over the summer of 2011, a woman in Albuquerque observed a suspicious interaction between a teenage girl and an older male who seemed unusually controlling. Not sure what she could do, the woman remembered hearing through word of mouth about a human trafficking hotline. She contacted the NHTRC and said that something just did not feel right about the situation. The NHTRC Call Specialist obtained as much information as possible, including additional indicators of potential human trafficking and reported the case to the New Mexico Attorney General's Office and the Albuquerque Police Department.

Armed with the information from the caller, police were able to find an ad on Backpage.com advertising commercial sex with the girl. Several days later, detectives working undercover arranged a date with the girl at a nearby hotel and watched the older man leave the girl's hotel room minutes before the date. The detectives soon learned that the girl was 17 years old and that the older man was her pimp. They arrested the alleged pimp, who was waiting in his car outside of the hotel. Two weeks later, the alleged pimp was indicted by a grand jury on charges of human trafficking, promoting prostitution, contributing to the delinquency of a minor and tampering with evidence, and he faces up to 7.5 years in jail.

#### RESPONSE PROTOCOLS

Along with awareness-raising efforts that connect callers to the NHTRC, communities also need to establish local anti-trafficking response plans. It is not enough to simply increase calls about human trafficking situations. States and communities must also design a process for helping survivors to access services, for reporting tips about cases to trained law enforcement, and for responding to emergency situations that require a rapid, multifaceted response.

The NHTRC works with local actors – such as service providers, attorneys, local and federal law enforcement, government agencies, and community members – to help build such a customized structure so that these actors know how to report tips, understand which agencies provide services, and can respond to emergencies at the city, county and state levels. These protocols ensure that when calls come into the NHTRC hotline, they receive a rapid, efficient, and appropriate response from the NHTRC in partnership with the local actors. By serving as a central hub and clearinghouse for the country, the NHTRC allows communities to focus their resources on their local response.

In 2011, the NHTRC worked with numerous communities to build new local response protocols or enhance existing ones. The NHTRC conducted **64** trainings focusing specifically on coalition and capacity building, task force creation, and enhancing local infrastructure and referral protocols. These trainings included social service providers, lawyers, government agencies, federal and local law enforcement, and victim advocates.

These trainings led to the creation of new reporting structures and protocols, increasing communities' abilities to effectively respond to human trafficking cases and the needs of human trafficking survivors. These trainings helped improve existing response strategies, making them more robust, effective, and equipped to respond to all types of human trafficking and all victim populations. As part of these trainings, the NHTRC focused on institutionalization of response strategies and collaboration with existing infrastructure, in order to ensure maximum and sustained impact.

#### **VIGNETTE: BUILDING RESPONSE PROTOCOLS**

##### **Family Planning Clinic - OHIO**

After an Ohio family planning clinic received a referral for long-term housing assistance for a female victim of sex trafficking from the NHTRC, the clinic staff decided to write a human trafficking policy for the clinic.

The clinic contacted the NHTRC to request assistance in outlining the indicators of human trafficking and developing an action plan should staff come in contact with any victims. The training team at Polaris Project was able to directly consult with the service provider on the writing of the policy to include posting of the NHTRC hotline for advice, referrals and to connect with law enforcement.

By establishing this protocol, the clinic institutionalized their response to human trafficking cases, helping to ensure that victims are identified and receive proper services upon identification.

##### **Government - VERMONT**

Following the passage of Vermont's first anti-trafficking law, Polaris Project conducted an all-day training for service providers, government officials, and law enforcement in the state. The training focused on victim identification and best practices for service provision to build the capacity of the state's sexual assault, domestic violence, runaway and homeless youth, and child welfare agencies to respond to victims of human trafficking within the populations they already serve.

Polaris Project also met with representatives from Vermont's newly formed Human Trafficking Task Force to help develop a protocol for tips and crisis cases reported to the NHTRC hotline.

Since the training, the state has put into place a 24-hour response plan that integrates the NHTRC hotline, and Polaris Project continues to support Vermont as they build a robust structure to address human trafficking in their state.

### **OREGON STATEWIDE PROTOCOL**

The NHTRC has built a robust protocol for responding to trafficking cases and assisting victims in Oregon. The NHTRC can reach out to the local task force of trained law enforcement who collaborate with service providers to provide comprehensive assistance to victims of human trafficking. The NHTRC has identified actors that can provide a range of services for all victim populations and demographics, including adults, children, sex and labor trafficking, and U.S. citizen and foreign nationals.

### **CENTRAL PENNSYLVANIA HUMAN TRAFFICKING RESPONSE TEAM**

The NHTRC worked with the recently developed Response Team covering five counties in Central Pennsylvania to identify actors across the state that can respond to human trafficking cases. This response protocol includes federal and local law enforcement, as well as a service provider coordinator to ensure a victim-centered response that meets the needs of all victims.

### **NORTHERN VIRGINIA HUMAN TRAFFICKING TASK FORCE**

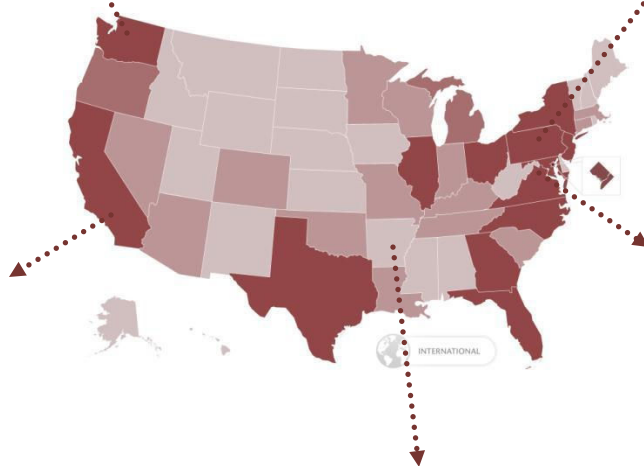
In 2011, the NHTRC helped support the Task Force as it strengthened its response to human trafficking through training and involving more local law enforcement. The NHTRC has provided technical assistance and helped train local service providers to also strengthen direct services in the area.

### **RIVERSIDE COUNTY TASK FORCE**

The NHTRC continued to build its relationship with the Riverside County Task Force in order to ensure rapid and effective response to cases in this area. The NHTRC receives numerous tips in this area, and the Task Force is particularly responsive to all reports of potential trafficking and exploitation, and works closely with service providers for a victim-centered response. The Task Force also works closely with the NHTRC to share information.

### **ARKANSAS STATEWIDE PROTOCOL**

The NHTRC's first protocol in Arkansas included responsive and trained federal law enforcement and an exemplary legal service provider. In the fall of 2011, the NHTRC enhanced its ability to respond to trafficking in the state by developing an emergency and business hours protocol with a prominent local service provider organization that serves victims of both sex and trafficking who are adults and minors, females and males, U.S. citizens and foreign nationals. Their robust services include crisis response, case management, and shelter.



## **SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS**

1. **Outreach and Awareness:** The most effective statewide anti-trafficking strategies are those that recognize the importance of an informed citizenry and utilize diverse outreach and awareness methods to fulfill this goal.
  - a. Effective community awareness campaigns emphasize human trafficking as a local issue and provide concrete actions steps such as contacting the NHTRC to request services, report a tip, or get involved in the local community anti-trafficking initiatives.
  - b. Cities, counties, and states should work to raise awareness about human trafficking and the NHTRC hotline in their community. These efforts may include training, media pieces, radio and television PSAs, community outreach, billboard or poster campaigns, or other creative awareness methods.
2. **Response Protocols:** Working with the NHTRC to build reporting, referral, and emergency response protocols helps ensure an effective response to human trafficking in local communities.
  - a. Law enforcement, service providers, and government agencies at the city, county, and state-level should work with the NHTRC to either build or continue to enhance response protocols in the area.
  - b. These protocols should include appropriate law enforcement and service provider responders for all types of human trafficking and all populations of victims.
  - c. In addition to assisting with building NHTRC protocols, the NHTRC can provide training and technical assistance for capacity and coalition building.
3. **Formal Engagement with the NHTRC:** Cities, counties, and states should engage formally with the NHTRC hotline to ensure these response plans are institutionalized through methods such as mandatory hotline posting laws.

## CRISIS & REFERRAL NEEDS

In 2011, the NHTRC received **578** crisis calls, which made up **4%** of substantive calls to the hotline and corresponded to **151** unique human-trafficking related crisis cases. Crisis cases involved an average of **3.83** hotline calls per case, compared to an average of **1.28** calls per substantive case for all other case types, reflecting the complex nature of crisis cases. Multiple calls are often necessary to coordinate an emergency response and secure urgent services.

The NHTRC considers a situation a crisis case when there is a threat of imminent danger or harm to a victim of human trafficking and an immediate response is required. This may include law enforcement intervention, service provider intervention, or emergency medical assistance.

Through an extensive national database of service providers and law enforcement, as well as a database of local 911 emergency numbers across the country, the NHTRC can connect callers directly to emergency and other after-hours crisis services immediately or within minutes of the call. The NHTRC relies on specialized anti-trafficking service providers and law enforcement whom we can access after-hours to respond to emergency needs of human trafficking victims. NHTRC Call Specialists are equipped to conduct safety planning over the phone and to provide crisis-oriented resources, including local contacts who can help victims safely exit a human trafficking situation and access services.

### VIGNETTE: CRISIS CALL

A woman contacted the NHTRC hotline from a payphone. Though she did not speak English, she communicated that she was experiencing an emergency and needed help. Through an interpreter, she explained that she had just escaped a situation of domestic servitude. The woman explained that she had been brought to the U.S. from Senegal by a French couple four years earlier. She worked nearly 24 hours a day without breaks or days off, providing childcare for the couple's five children, all under 10 years old.

Initially, the woman was sometimes paid \$200 per month, but she had not been paid for over six months. Several weeks prior, the woman became very sick but was not permitted to seek medical attention. Instead, the husband beat her because he thought she was neglecting her duties.

The caller did not know where she was when she called from the payphone, and she could only describe that she was on a busy street. The NHTRC helped her determine her location and discussed her options. The caller expressed that she needed help going to a safe place and finding shelter. With her permission, the NHTRC connected her with members of a local human trafficking response team for immediate assistance. After locating the woman, the responders brought her to a local anti-trafficking service provider that could offer shelter and basic necessities, and she was immediately connected to an attorney for legal services.

### PRIMARY CRISIS NEEDS

Victims of human trafficking have numerous urgent needs that must be met in order to manage a crisis and ensure their safety. The following table shows the most frequent victim needs during and immediately following a crisis.

PRIMARY NEED	# OF CASES	% OF CASES
Shelter	59	39.07%
Assistance Safely Leaving Human Trafficking Situation	39	25.83%
Law Enforcement Response/Intervention	23	15.23%
Crisis Case Management/Advocacy	15	9.93%
Transportation	14	9.27%
Medical Attention	1	0.66%
<b>Total</b>	<b>151</b>	<b>100.00%</b>



In most crisis situations, these needs are not mutually exclusive, and more often than not, the NHTRC connects victims with multiple services in order to effectively manage the crisis and ensure their continued safety and rights after the crisis period has ended. Victims seeking emergency shelter also frequently need assistance with transportation to the shelter. Victims in active situations of human trafficking who need law enforcement assistance to safely leave often also need to be connected with emergency shelter, case management, and legal services. Once a victim is safe, it is important to have early access to an attorney who can help ensure that his/her rights are being supported.

Locating transportation assistance is similarly challenging in crisis cases. With few exceptions, there are no dedicated resources to help pay for transportation. Transportation is generally arranged through a range of ad hoc methods with no specific patterns. Some of these diverse methods include: contacting family and friends, contacting faith-based groups, accessing victim assistance funding, utilizing discretionary funding from social service agencies, or a combination of these methods.

#### VIGNETTE – TRANSPORTATION

An operator from the National Runaway Switchboard connected a caller to the NHTRC through a three-way call. The operator explained to the NHTRC Call Specialist that the 19-year-old man was calling from a payphone in Arkansas after being physically assaulted by his manager. Unsure if this might be a case of labor trafficking, the operator connected the young man with the NHTRC for additional assistance.

The young man told the NHTRC Call Specialist that he joined a traveling sales crew after seeing a Craigslist advertisement for a lucrative job. He explained that the crew sold magazine subscriptions and walked door-to-door from 7am until 10pm every day. When the crew members complained or did not meet their daily quotas, their manager prohibited them from eating or made them sleep on the street instead of in the hotel.

The NHTRC Call Specialist contacted a nearby service provider who offered to do outreach to the remaining crew members while they were still in Arkansas. The service provider helped four other young men leave the sales crew and connect with law enforcement agents who ultimately arrested the manager. With help from the service provider as well as family and friends, within three days all five victims purchased bus tickets and returned to their hometowns.

#### **SPOTLIGHT - EMERGENCY SHELTER**

Most commonly, human trafficking victims were served by shelters who also serve other related populations, such as domestic violence shelters for women, homeless shelters for men, or runaway and homeless youth organizations for youth. The NHTRC also frequently reached out to specialized local contacts within NGOs or law enforcement who did not have shelter available in-house but were able to help coordinate the provision of shelter using other resources.

TYPE OF SHELTER	# OF CASES	% OF CASES
Domestic Violence Shelter	16	27.12%
Local contact coordinated shelter - <i>type unknown</i>	12	20.33%
None - <i>no appropriate shelters found, shelter at capacity, and/or victim opted not to enter shelter</i>	8	13.56%
Homeless Shelter	6	10.17%
Runaway & Homeless Youth (RHY)	5	8.47%
Family/Friend	4	6.78%
Hotel	4	6.78%
Trafficking-Specific Shelter	2	3.39%
Community Member	1	1.69%
CPS/Government	1	1.69%
<b>Total</b>	<b>59</b>	<b>100.00%</b>

There are several intriguing pieces of data that stand out from this table. At first glance it may appear unusual that victims of human trafficking were only served by dedicated trafficking shelters in less than 4% (two cases total) of the cases where emergency shelter was needed on a crisis case. In fact, across the U.S. there are few trafficking-specific shelters or shelters with designated beds for survivors of human trafficking. In more than 13% of cases, victims seeking emergency shelter did not enter any shelter at the time of the crisis. In some of these cases callers disconnected with the hotline prior to being connected with services. In other cases, the victim elected not to connect with provided referrals, or decided to remain in the situation. In a few cases, appropriate shelters could not be located in the victim's area or local shelters were at capacity and thus unable to admit the victim at the time of the crisis.

In most crisis situations, NHTRC Call Specialists must contact numerous shelters before locating an available space. Depending on victim demographics, locating emergency shelter may be especially challenging. In particular, there are very limited shelter options for adult male victims.

### **DIRECT SERVICES REFERRALS**

Outside of a crisis, survivors of human trafficking have diverse short-term and long-term social service needs to help them as they move towards recovery and rebuilding their lives. In 2011, the NHTRC received 915 hotline calls requesting referrals – or recommendations for service providers, legal help, or other support – for victims of human trafficking associated with 599 unique cases. The NHTRC provided 2,165 unique referrals for these cases, an average of 3.60 referrals per case.

Referral requests come directly from trafficking victims, as well as from friends and family members, law enforcement, medical and mental health professionals, attorneys, and other service providers working with survivors. NHTRC Call Specialists may directly connect callers to a service provider through a conference call, or may provide the caller with local referrals over the phone or through email. The method of providing referrals depends on the explicit wishes of the caller and the specific nature and urgency of the situation.

TYPE OF REFERRAL REQUESTED	# OF CASES	% OF CASES
Comprehensive Anti-Trafficking Services/Case Management	334	55.76%
Legal Services	106	17.70%
Emergency/Short-Term Shelter	64	10.68%
Mental Health Services	25	4.17%
Law Enforcement	22	3.67%
Transitional Shelter	16	2.67%
Other	10	1.68%
Long-Term Housing Assistance	8	1.34%
Transportation	7	1.17%
ESL/Language Services	3	0.50%
Unaccompanied Minor Services	2	0.33%
Employment Services	2	0.33%
<b>Grand Total</b>	<b>599</b>	<b>100.00%</b>

In the majority of hotline cases, victims sought referrals to anti-trafficking organizations that could advocate for their holistic needs and rights, provide emotional support, and coordinate additional services such as legal, counseling, medical, job training, education, ESL, long-term housing, and applying for state and federal benefits. In some cases, case managers working with survivors contacted the NHTRC for referrals to local organizations providing a myriad of services and benefits that were not available in-house.



The next most common request was for legal services. In more than **63%** of these cases, callers sought assistance with applying for T visas or other immigration remedies for human trafficking survivors. The remaining **37%** of cases was made up of a range of requests, including legal assistance for solicitation or prostitution charges incurred as a result of the human trafficking situation, assistance in pursuing civil cases, assistance in addressing back wages or other lost compensation, child custody and divorce assistance in cases where the trafficker was a spouse or intimate partner, general legal advocacy, and advice about legal rights and options.

Shelter was also a common need in various forms, making up just under **15%** of requests. Just as there are few trafficking-specific emergency shelters, there are few transitional shelters and long-term housing options for survivors of human trafficking. The NHTRC connected with local anti-trafficking service providers to help the callers explore shelter options in the existing local infrastructure for which the survivor may be eligible, such as transitional housing programs for victims of domestic or sexual violence or low-income housing programs.

#### VIGNETTE: DIRECT SERVICES REFERRALS

A mother contacted the NHTRC for referrals for her 16-year-old daughter, Jade. One week earlier, the mother had called the NHTRC in a panic. Four days before, she had reported Jade missing to the local police department. Jade was last seen being dropped off by a friend at the house of a 31-year-old man who Jade calls her boyfriend.

The mother's nephew found photographs of Jade on various websites advertising escort services. The nephew also found advertisements for two other teenage girls associated with the same phone number as the one listed in the advertisement for Jade. The mother and her nephew concluded that Jade was being forced to engage in commercial sex by a pimp. The NHTRC Call Specialist connected Jade's mother with a human trafficking task force and two days later, Jade was located and returned to her mother's house.

Now, Jade's mother was contacting the NHTRC to help locate long-term assistance for Jade. With her mother's support and referrals from the NHTRC, Jade decided to enroll in an out-of-state residential treatment program for minor victims of sex trafficking.

Several months after leaving an abusive labor situation, a woman sought help from a local pastor, who provided her with the number to the NHTRC for additional resources. When the woman called the NHTRC hotline, she explained that she had come to the U.S. from China to work in a nail salon. Upon arrival, her new employer told her that she had incurred a debt for coming to the U.S., and that the debt had increased to pay for licensing and other fees.

The woman and the other workers were housed in a very small, dirty apartment. The owner of the nail salon drove them to work each day, and they were never allowed to leave the apartment on their own. The woman worked from early in the morning until late at night seven days each week, with only a day off every couple of months. The salon owner told her that all of the money she earned went to her debt and housing fees. The workers were only given rice to eat, and at one point, the woman became ill from exhaustion and malnourishment. The salon owner became verbally abusive when the woman tried to take a break at work.

The woman managed to call a family friend who lived in the U.S., and the friend helped the woman leave the situation. Though she had been away from her employer for several months, the woman still had nightmares and feared that the nail salon owner would find her, because he had connections to acquaintances back in China. The NHTRC helped the woman connect with a local service provider, who provided long-term case management, counseling, and legal assistance.

## **SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS**

1. **Crisis Services:** Victims of human trafficking leaving crisis situations have numerous and diverse needs, such as shelter, assistance in safely leaving the situation, and crisis support.
2. **Emergency Shelter:** More emergency shelters must be made available to victims of human trafficking, particularly adult male victims. This may include trafficking-specific shelters and other shelters with human trafficking expertise and programs. Existing emergency shelters should engage in training efforts and capacity evaluation to see if they can begin to assist these populations.
3. **Transportation Assistance:** Similarly, more transportation options need to be available to victims to address this need in a systemic rather than ad hoc manner. NGOs and government agencies should consider dedicating funding to meet this need, and should work with transportation companies to build partnerships.
4. **Crisis Response Protocols:** To ensure effective, quick, and safe responses to crisis situations, coalitions of service providers, law enforcement, and other emergency responders should design crisis response plans making sure to identify resources for all main crisis needs and all populations of victims. The NHTRC can provide numerous resources, and conduct trainings and phone consultations to assist with this process.
  - a. These stakeholders should work with the NHTRC to design specific crisis-response protocols.
5. **Long-term Services:** Human trafficking survivors have numerous long-term needs due to their experiences in the human trafficking situation, and communities need to devise plans to address these needs, particularly for comprehensive case management, long-term housing, and legal services.

## HUMAN TRAFFICKING DATA

### CASE REFERENCES POTENTIAL HUMAN TRAFFICKING

Each hotline case is evaluated for evidence of potential human trafficking, and is categorized as **High, Moderate, and No**. Cases categorized as “High” contain a high level of critical information and demonstrate key indicators relevant to identifying a human trafficking situation. Cases categorized as “Moderate” reference situations that contain several indicators and red flags of potential human trafficking situations, or resemble common types of trafficking or trafficking scenarios but lack certain core details of force, fraud, or coercion. Cases categorized as “No” do not reference specific instances or victims of human trafficking.

CASE REFERENCES POTENTIAL TRAFFICKING	# OF CASES	% OF CASES	# OF POTENTIAL VICTIMS REFERENCED*
No	8757	80.18%	Not Applicable
Moderate	1317	12.06%	1707
High	848	7.76%	1238
<b>Total</b>	<b>10,922**</b>	<b>100.00%</b>	<b>2945</b>

\* If the caller was unable to provide concrete information about specific victims, the number of potential victims was recorded as zero.

\*\*In 2011, the NHTRC received 19,427 calls corresponding to 10,922 unique substantive cases. A case refers to a specific report or request that originated as a call to the NHTRC hotline and may or may not reference a potential situation of trafficking.

### TYPE OF TRAFFICKING

Data collected by the NHTRC is based on caller-reported information and thus reflects the level and type of human trafficking awareness that exists within a given community. Due to higher awareness levels of particular types of trafficking and specific red flags that trigger more frequent reports to the NHTRC, our data is not representative of the full range of trafficking that exists in a particular city or area but rather those types that are being reported. The chart below provides a breakdown of the types of cases reported to the NHTRC in 2011.

TYPE OF TRAFFICKING SUMMARY	# OF CASES	% OF CASES
<b>SEX TRAFFICKING</b>	<b>1461</b>	<b>67.48%</b>
High	614	28.36%
Moderate	847	39.12%
<b>LABOR TRAFFICKING</b>	<b>497</b>	<b>22.96%</b>
High	147	6.79%
Moderate	350	16.17%
<b>NOT SPECIFIED*</b>	<b>149</b>	<b>6.88%</b>
High	70	3.23%
Moderate	79	3.65%
<b>SEX &amp; LABOR TRAFFICKING</b>	<b>58</b>	<b>2.68%</b>
High	17	0.79%
Moderate	41	1.89%
<b>Total</b>	<b>2165</b>	<b>100.00%</b>

\* Not Specified typically represents those calls where a self-identified survivor, law enforcement, or a service provider calls referencing a potential human trafficking situation but does not indicate the type of trafficking.

TYPE OF TRAFFICKING - DETAIL	# OF CASES	%OF CASES
<b>SEX TRAFFICKING</b>	<b>1461</b>	<b>67.48%</b>
Domestic Pimp-Controlled Prostitution	534	24.67%
Sex Trafficking - Not Specified	341	15.75%
Asian Massage Parlor	247	11.41%
Intimate Partner/Familial Trafficking	107	4.94%
Escort Service	54	2.49%
Pornography-Related	44	2.03%
Latino Residential Brothel	33	1.52%
Personal Sexual Servitude	30	1.39%
Stripping/Exotic Dancing	27	1.25%
Craigslist	12	0.55%
Latino Cantina Bar	12	0.55%
Asian Residential Brothels	11	0.51%
Latino Escort Delivery Service	9	0.42%
<b>LABOR TRAFFICKING</b>	<b>497</b>	<b>22.96%</b>
Peddling/Door-to-Door/Begging Rings	127	5.87%
Domestic Servitude/Domestic Worker	115	5.31%
Labor Trafficking - Not Specified	95	4.40%
Small Business	49	2.26%
Restaurant/Bufets	46	2.12%
Intimate Partner/Familial Trafficking	29	1.34%
Agriculture/Farms	21	0.97%
Construction	6	0.28%
Large Factory	6	0.28%
Religious Institution/Organization	3	0.14%
<b>NOT SPECIFIED</b>	<b>149</b>	<b>6.88%</b>
<b>SEX &amp; LABOR TRAFFICKING</b>	<b>58</b>	<b>2.68%</b>
<b>Grand Total</b>	<b>2165</b>	<b>100.00%</b>

The following two tables include demographic data for all human trafficking victims referenced in hotline calls in situations with high levels of trafficking indicators where this data is known.

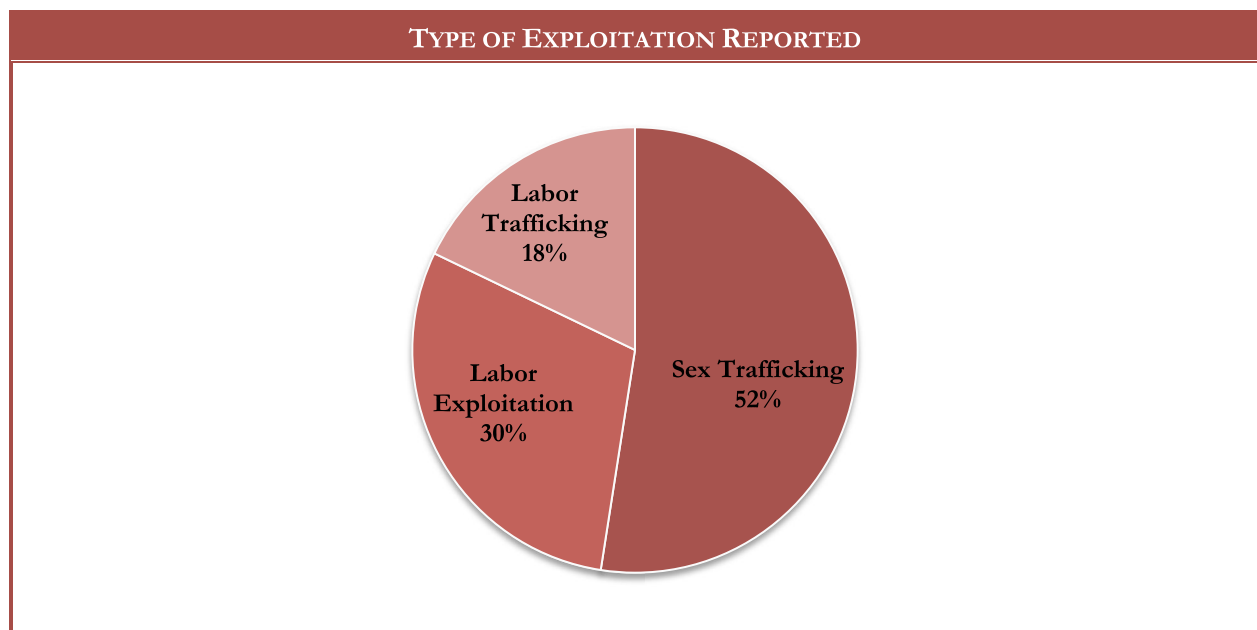
VICTIM DEMOGRAPHIC DATA	# OF CASES
Females	740
Males	84
Transgender	2
Adults	534
Minors	291
Foreign Nationals	306
U.S. Citizens/Legal Permanent Residents (LPR)	391

\* Note: Cases may involve both males and females, and in some situations demographic information is not reported. Number of cases is not meant to be cumulative.

NATIONALITIES OF POTENTIAL VICTIMS	# OF CASES
U.S. Citizen/Legal Permanent Resident (LPR)	391
Mexican	38
Filipino	20
Thai	11
Chinese	10
Indian	8
54 Additional Nationalities	104
<b>Total</b>	<b>582</b>

As illustrated in the previous charts on sex and labor trafficking, there is a significant differential between cases of sex and labor trafficking reported to the NHTRC. At first glance this may be interpreted to mean that sex trafficking is more prevalent in the U.S. However, these statistics do not represent the full picture. The disparity is likely due in part to greater public awareness, more numerous and targeted outreach efforts and educational campaigns, and increased media attention aimed at sex trafficking. Additionally, while it is not true in all cases, sex trafficking is often more easily recognizable to community members, the population that reports tips to the NHTRC with the greatest frequency.

With labor exploitation added to the chart below, it is clear that the NHTRC receives nearly equal reports about exploitation in labor and exploitation in commercial sex. The labor exploitation category refers to reports of diverse forms of labor abuses that are at high risk for human trafficking, but based on the current information provided by the caller, do not include sufficient indicators of force, fraud, or coercion to be categorized as cases of human trafficking. These cases may include the follow types of abuse: wage theft, excessive working hours, workplace discrimination and harassment, child labor violations, unsafe or unsanitary working or living conditions, and visa fraud. The NHTRC connects these high-risk callers with specialized legal advocates and other social services as well as relevant government agencies to ensure that their rights are protected, to help prevent further exploitation, and to reduce their vulnerability to potential human trafficking.



## CONCLUDING SUMMARY

Each year since 2007, the NHTRC has experienced significant increases in call volume, in the number of victims reported, in the number of cases reported to law enforcement, and in the number of victims directly calling the hotline seeking crisis assistance, emergency and long-term social services, and general support. This continued growth points to significant progress in identifying and supporting victims of human trafficking in the U.S. Additionally, these increases show the potential to accelerate progress in comprehensively addressing the needs of human trafficking survivors and to target strategic outreach, prevention, and intervention campaigns geared towards eradicating human trafficking.

However, as this report has also shown, significant gaps in services and lack of coordination in response strategies remain obstacles to effectively addressing human trafficking and assisting survivors. Emergency shelter for human trafficking victims, particularly male victims, and transportation assistance are severely limited in many areas. Long after a trafficking situation, survivors of human trafficking have complex service needs that require coordinated responses.

Despite progress, victim identification also remains a challenge. Increasing targeted awareness of the NHTRC hotline and educating on how to recognize human trafficking victims among key populations identified in this report is an important step, particularly among traditionally under-engaged stakeholders.

In addition to the need for increased awareness and access, this report has shown the need for a coordinated, institutionalized response to human trafficking cases in every community throughout the U.S. These strategies should include collaborative partnerships among law enforcement, service providers, and government agencies. Communities should work with the NHTRC to leverage the hotline as a tool for increasing victim identification and coordinating responses by building hotline reporting, referral, and emergency response protocols to ensure an effective response to trafficking in local communities.

The NHTRC hopes that the data and strategies presented in this report will be used to help overcome obstacles in identifying human trafficking victims, effectively responding to cases, and meeting the needs of survivors.

# **A P P E N D I X**

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MATERIAL SUBMITTED FOR THE HEARING RECORD



## **Tom Lantos Human Rights Commission (TLHRC) Hearing**

### **International Human Trafficking and Forced Labor**

**Wednesday, November 28, 2012**

**2:00 PM– 4:00 PM**

**Rayburn 2237 HOB**

Please join the Tom Lantos Human Rights Commission for a hearing on international human trafficking and forced labor.

The scourge of human trafficking and forced labor impacts every country in the world. The exploitation of women, men and children destroys basic human dignity and is one of the most challenging human rights problems due to its global reach. The International Labour Organization (ILO) estimates more than 21 million people were victims of forced labor this year, significantly higher than the 12.3 million victims reported in 2005. Despite the staggering numbers of victims, anti-trafficking advocates are developing innovative strategies to address this modern slavery at both the international and local levels, through an increasing focus on recruitment agencies and business transparency as well as the monitoring of supply chains.

In addition to assessing this major human rights challenge and considering potential solutions from a global perspective, this hearing will examine trafficking, sexual exploitation, and forced labor in South Asia, the Middle East and North Africa, and Latin America and the Caribbean.

#### **The following witnesses will testify:**

##### **Panel I**

- Ambassador Luis CdeBaca, Ambassador-at-Large, Office to Monitor and Combat Trafficking in Persons

##### **Panel II**

- Mr. Siddharth Kara, Author and Fellow, Carr Center Program on Human Trafficking and Modern Slavery at Harvard University
- Dr. Mohamed Mattar, Executive Director, The Protection Project
- Ms. Neha Misra, Senior Specialist on Migration and Human Trafficking, Solidarity Center
- Ms. Mary C. Ellison, Director of Policy, Polaris Project

If you have any questions, please contact the Tom Lantos Human Rights Commission at 202-225-3599 or [tlhrc@mail.house.gov](mailto:tlhrc@mail.house.gov).

James P. McGovern  
Member of Congress  
Co-Chair, TLHRC

Frank R. Wolf  
Member of Congress  
Co-Chair, TLHRC