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U.S. House of Representatives Committee on International Relations

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INTERNATIONAL TRAFFICKING IN PERSONS: TAKING ACTION TO ELIMINATE MODERN DAY SLAVERY

HEARING

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

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INTERNATIONAL TRAFFICKING IN PERSONS: TAKING ACTION TO ELIMINATE MODERN DAY SLAVERY

THURSDAY, OCTOBER 18, 2007

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:04 a.m. in room 2172, Rayburn House Office Building, Hon. Tom Lantos (chairman of the committee) presiding.

Chairman LANTOS. The committee will come to order.

According to the United Nations Office of Drugs and Crime, human trafficking, the subject of our hearing today, is the world's fastest growing international organized crime. It is also one of the most profitable, generating between $12 billion and $17 billion per year. There are only two other illicit businesses, the trade in drugs and the trade in weapons, which are more lucrative.

The European Union has designated this day, October 18, as Anti-Trafficking Day, and I commend our friends in the European Union for their exemplary efforts to advance the cause of human rights. This step reflects the international consensus on the need to end this tragic abuse.

Every year, according to the International Labor Organization, traffickers move between 700,000 and 2 million women and children across international boundaries, mainly for purposes of serving the sex trade.

But it doesn't stop there. An almost equal number of men, women and children are trafficked each year for the purpose of forced labor in slave-like working conditions. In our own country, forced laborers have turned up most often in agriculture, domestic service, sweatshops and in restaurants and hotels.

But what I have been giving you here are just numbers. To get a true sense of the personal calamity that results from human trafficking and how huge a problem it is, one needs to look no further than the major newspapers on virtually every continent.

Newswatch of Nigeria recently documented that children in that country are being trafficked to work on plantation farms just as they were 200 years ago. In a chilling reminder of the horrors of the slave trade, Newswatch reports that Nigerian children are being trafficked by boats to other countries and, when pursued by law enforcement, thrown overboard just to destroy the evidence.

Today we will hear from a witness who will tell us of her own experiences right here in America with another form of modern-day slavery.

For the past 7 years, under the leadership of our colleague, Mr. Smith of New Jersey, this committee has worked tirelessly to combat human trafficking. During that time, we have seen a substantial growth in international awareness and in international cooperation. We have also seen commendable efforts in this area on the part of our own Department of State, the United Nations and some countries around the globe.

Unfortunately, we are not keeping up with the problem. In this year's *Trafficking in Persons Report*, Secretary of State Condoleezza Rice shows a significant increase in the number of countries that are failing to make any effort at all to combat human trafficking. There are now 16 countries in this category, including Saudi Arabia, Kuwait, Qatar and the United Arab Emirates, as well as Equatorial Guinea, all of them pressing for better relations with the United States.

Now to explain what this categorization means, in the *Trafficking in Persons Report* nations are rated on the basis of their efforts to combat trafficking. The highest rating, Tier 1, goes to countries that fully comply with the best international standards, while the lowest rating, Tier 3, goes to those countries that do not comply and who are making no effort to do so.

The President is more than a month late in issuing his determinations as to what countries are in the various tiers. While I will withhold judgment until I see the President's judgment, I am very much concerned that the administration will waive sanctions or move countries out of Tier 3 without any real commitments by those countries to make progress in this area. Such decisions would make it clear that we are not prepared to apply the same standards uniformly.

We cannot restore our moral leadership in the world, which has been so battered in recent years, if we are not willing to deal frankly with friendly countries.

Later today I will be introducing legislation with Mr. Smith and Mr. Conyers designed to address some of the problems spelled out in the 2007 *Trafficking in Persons Report*. The key items in our new legislation will be the following: We will require a comprehensive analysis of trafficking data to help us understand better where victims are actually going and how to free them. We will provide more help for countries to inspect locations where forced labor occurs, to register vulnerable populations and to provide more protection to foreign workers.

We will ensure that U.S. assistance programs are both transparent and effective. We will urge our administration to work with our friends to reach agreements between labor exporters and labor importers so that vulnerable workers have more, rather than less, protection. Finally, we will address the tragic subject of child soldiers.

I earnestly hope that all of my colleagues will join me in supporting this important legislation.

And now I turn to my good friend and distinguished colleague, the Ranking Republican on the committee, for any comments she may care to make.

Ms. ROS-LEHTINEN. Thank you. As always, Mr. Chairman, thank you for calling this hearing on such an important issue that impacts us in the United States and impacts every country.

Modern day trafficking in persons is a horrible crime against human dignity, and it is a key source of income for international criminal enterprises. Somewhere around 800,000 people are trafficked across international borders every year, and of that number it is estimated that 80 percent are women and half are children.

These figures do not include the millions of people who are trafficked within countries, and the mere numbers do not convey the horrors and the human tragedies that lay behind them.

In Iran, children are trafficked into sexual slavery, forced into involuntary servitude as beggars and day laborers. Iranian girls are trafficked into Pakistan and numerous other countries where they are sexually exploited.

In Syria, women are trafficked from South and Southeast Asia, and they are forced to work as domestic servants. Women from Eastern Europe and Iraq are forced into prostitution.

In our own hemisphere, Mr. Chairman, Cuba has been shamefully promoted as a destination for sexual tourism that exploits large numbers of Cuban girls and boys, some as young as 12.

The Government of Venezuela has not made any anti-trafficking law enforcement efforts in the past year, even though women and children trafficked from numerous countries are exploited for sex and for slavery within Venezuela.

As noted in House Concurrent Resolution 234, which was recently introduced by Mr. Royce of California and of which I am proud to co-sponsor, up to 90 percent of North Korean refugee women fall prey to traffickers in China who sell refugees into sexual slavery.

In Burma, the failed and abusive policies of the ruling military Hunta are substantially responsible for that country's heartbreaking trafficking problems, which have subjected countless Burmese to forced labor and prostitution.

I am proud of the leading role that the House and this committee especially under your leadership, Mr. Chairman, has taken in moving the fight against human trafficking from a non-issue to a priority of the United States Government, and I commend you for that, Mr. Chairman.

I also want to commend the leadership of my good friend from New Jersey, Mr. Smith, the author of the original Trafficking Victims Protection Act which became law just 7 years ago. I was pleased to co-sponsor that Act with Mr. Smith to reauthorize that, and, as you stated in your comments, Mr. Chairman, you will be drafting a new reauthorizing bill. I look forward to working with you, Mr. Chairman, and all of our colleagues in the days ahead to achieve a measure that will enjoy broad bipartisan support.

Thankfully there have been small signs of progress as more countries adopt anti-trafficking legislation and make genuine efforts to prosecute and convict traffickers, but the problems remain widespread. The number of countries listed in Tier 3, the most problem-

atic category in the State Department's annual *Trafficking in Persons Report*, has increased since last year from 12 to 16.

I have questions, as you have, Mr. Chairman, about the wisdom of the so-called Tier 2 watch list, which was not part of the original statutory framework. Although being placed on the watch list is supposed to be a warning to problem countries that they are about to slip to Tier 2, it is hard to take those warnings seriously when countries like China and Russia sit on this watch list category year after year without any further consequences. The watch list must not become a way of avoiding difficult decisions.

In addition, Mr. Chairman, as pointed out in the recent GAO reports, there is room for improvement in the coordination and monitoring of U.S. funded anti-trafficking efforts abroad, so I look forward to hearing from the expert witnesses before us today.

I regret that the administration was not invited to participate at today's hearing, which would have enriched our discussions. As with the Human Rights Report's hearing in March of this year, I believe we would only benefit from allowing the longstanding precedent of having the administration roll out the congressionally mandated annual report before engaging the expertise of our private witnesses.

Turning to our private panel, Mr. Chairman, I want to note how fortunate I am to have in my own district an institution so fundamentally committed to fight against human trafficking. The St. Thomas University School of Law and its Human Rights Institute have been very active both on the policy side as a motivating force behind the 2005 Miami Declaration of Principles of Human Trafficking and on the personal side providing such needed vital services to victims of trafficking in South Florida. How sad it is to say that; that it is happening right in our own backyard.

I am honored to join the chairman in welcoming the president of the university and the chairman of the Human Rights Institute, Monsignor Franklin Casale, to the committee today. I look forward to hearing from my Monsignor, as well as all of our distinguished panelists.

Thank you so much, Mr. Chairman.

Chairman LANTOS. Thank you very much.

Before recognizing my good friend from New Jersey, Mr. Smith, who has been the leader in Congress on the issue of trafficking, and we are proud and pleased to recognize this publicly, I want to welcome to the committee our friend and colleague, Carolyn Maloney of New York, who has been a powerful voice on this issue ever since she joined the Congress.

I am pleased to recognize Mr. Smith.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman. I would ask that my full statement be made a part of the record.

Chairman LANTOS. Without objection.

Mr. SMITH OF NEW JERSEY. I want to thank you for the collaboration, the mutual work that has been done. Everything we have done on human trafficking has been bipartisan, and you have been a great leader in this effort and I want to thank you for that, as has everyone at this dais right now. I want to thank all the members, but again especially you, Mr. Chairman.

As you know, just last year I chaired four hearings on the topic of trafficking in persons, including one with this committee and a joint hearing with the Committee on Armed Services. We have tried to look at every aspect of human trafficking and determine what can be done, what has been left undone.

We have now done two reauthorizations. The chairman will soon be introducing another reauthorization which takes us further. Lessons learned get incorporated, and I think that is the way it ought to be. The NGOs have been very, very diligent in providing us insights as to what we have missed, and we are so grateful for that.

Let me just say a couple of points, and I want to emphasize this. I think we miss a bit around the world when we do not include faith-based organizations as robustly as we can in the provision of care for the women who have been trafficked.

I have been to shelters all over the world—Nigeria, Rome, Romania, Philippines. You name the country. I probably have traveled to it—Peru—and gone to the trafficking shelters if there were any in that country, and met with the individuals.

I will never forget a recent trip that I took to Rome, followed very soon thereafter with a trip to Nigeria, and I went to the trafficking shelters run by Sister Eugenia. There I learned something, Mr. Chairman, something that I had frankly not appreciated nor really understood until that trip, and that is many of those women being trafficked out of Africa, especially Nigeria, are taken to the Juju man as they call him, the occult person, who puts the fear, an ungodly fear, into these women that if you leave the streets, if you leave the brothel, horrific consequences will follow to you and your family.

I met with a number of women in Nigeria in their shelters who told me chapter and verse how this happens and in Rome as well. These women won't come into shelters because they are so fearful, so the faith-based component especially in their case, but I think in all cases, presents an opportunity to provide that reconciliation, that hope to fill that gap.

You know, the psychiatrists are needed. The mental health services are needed, but very often there is a gaping spiritual dimension here that goes unattended when we secularize it and create an artificial barrier from faith-based and those that are secular-based.

I was in the Bosnia shelter in Sarajevo before going to Srebrenica to commemorate the twelfth anniversary of the genocide that occurred there, and met with Reis Ceric, a Muslim—the Grand Mufti of Bosnia. And then I went to the shelter. Unfortunately, neither was talking.

The Reis is a very, very inspirational and holy man in the Muslim faith and encouraged them to get together. Whether that woman be Muslim, Christian, Jewish or any other faith, there needs to be that faith component in order to lead to a longer and hopefully a more complete healing of that woman. We all know what those women go through. We have had them here testifying, as we do today, to tell their stories. That motivates us to further action.

Finally, I want to say to the Monsignor and to the faith-based community and to all of the NGOs that are involved in this, Con-

gress follows your lead. We get our insights. We get our marching orders, if you will. We just process the papers in a way, but we are committed. This is a bipartisan effort. I can't think of a human rights abuse that is more egregious than human trafficking, the modern day slavery.

Let me just say one brief thing about a recent *Washington Post* story, Mr. Chairman. I spoke to the reporter, and maybe he is here today, for a lengthy amount of time because somehow he in his story came to the conclusion that this is much to do about nothing. The trafficking victims' numbers just didn't materialize, and women aren't flocking to the shelters.

There are a number of reasons why that is occurring. One is that the traffickers have gotten significantly more sophisticated. They are stealthy. They lie. They put the fear of severe retaliation into the women, so even when you ask a woman, "Have you been trafficked?" it takes a long time before she finally will say, "Yes, I was defrauded and then forced and coercion followed up."

We have in our 2005 law, as you know, Mr. Chairman, because we worked together on it, a comprehensive study that will come out sometime in the summer to get to the bottom of how many, under what circumstances, and where they are, because we don't want hyperbole. That hurts any human rights cause.

I have always been concerned about numbers and the fact that U.N. agencies and others just cavalierly throw out a number on this problem or that problem. We need good, solid empirical data, and we are after that. We based our first numbers on Clinton numbers and then the second numbers on Bush administration numbers. They may exceed or be below estimates or below the real number, but we are trying to find the real number.

I thought that article did a grave disservice to the trafficked women who are out there as this is not much ado about nothing. This is all around us. It is in this country. It is overseas, and it behooves us to accelerate our efforts, to have more joint task forces with local prosecutors work with church-based organizations both here and abroad.

Again I applaud you, Mr. Chairman, for your leadership. It has been extraordinary.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Thank you, Mr. Chairman, for holding this hearing on a topic, which, as you know, is one that I hold to be of the highest importance. Just last year, I chaired four hearings on the topic of trafficking in persons, including one with this committee and a joint hearing between the Committee on Armed Services' Military Personnel Subcommittee and the Subcommittee on Africa, Global Human Rights and International Operations. This hearing provides a welcome opportunity to examine more closely the issue of forced labor, as well as questions that have arisen over the past year with respect to human trafficking in general.

I must note with significant regret that the director of the Office to Monitor and Combat Trafficking in Persons, Ambassador Mark Lagon, was not invited to participate. There are numerous issues that have arisen since Ambassador Lagon assumed his position in May of this year that should be explored, including his recommendations on the re-authorization of the Trafficking Victims Protection Act and the issuance of two reports by the U.S. Government Accountability Office relative to human trafficking, not to mention the 2007 Trafficking in Persons Report. Perhaps with the overdue but anticipated issuance of the presidential determination con-

cerning the efforts of those governments ranked in Tier 3, another hearing with Ambassador Lagon could be held in the near future.

Another issue was raised recently on September 23rd in a Washington Post article, questioning whether the problem of human trafficking has been exaggerated. I spoke personally to Mr. Jerry Markon who wrote that piece prior to its publication. I pointed out to him that I included in Section 201 of legislation that I authored, the Trafficking Victims Protection Reauthorization Act of 2005, the mandate for the Attorney General to perform a study and issue two reports to Congress on the prevalence of severe forms of trafficking and sex trafficking in the United States.

I also passed on to him the information that the Department of Justice provided to my office that the Bureau of Justice Statistics and the National Institute of Justice are working on the reports and it is anticipated that they will be issued next summer. I and my fellow member of Congress passed these provisions because we want to know the facts about the prevalence and nature of human trafficking within our borders, and we anticipate re-examining our national policies based on the evidence that they provide. I take great exception to Mr. Markon's failure to include this important information, as well as other relevant perspectives, in his article, and it is critical that we withhold judgment on the question until the Justice Department's reports can objectively inform the discussion.

As you know, Mr. Chairman, I traveled to Rome and Nigeria earlier this year to examine the disturbing phenomenon of trafficking of poor women from Africa to Europe for the purpose of sexual exploitation. I had the privilege of meeting Sr. Eugenia Bonetti in Rome who oversees the anti-trafficking in persons efforts of the Italian Union of Major Superiors, her fellow religious who operate a shelter for trafficking victims, and some of the victims themselves. It was an experience that has been repeated often during my visits abroad to faith-based projects for trafficking and other victims of human rights violations. While faith-based organizations certainly do not have a monopoly on quality treatment and care, they do bring a sense of selfless dedication, a holistic concern for the well-being of the entire person, and a long-term commitment to both the individual and to their cause that I have found inspiring.

These characteristics were more than evident in Sr. Bonetti's shelter, and the positive impact on the young women who had endured unspeakable suffering not only physically but also emotionally, psychologically and spiritually, was astounding. In addition to working regular jobs and integrating into a new culture, it was apparent that they were healing interiorly and re-gaining their sense of human dignity and worth. Of all the services and programs that these religious sisters were providing, this latter was the most impressive and I would guess, the most important, for these young women.

This week the U.S. Embassy to the Holy See and the Italian Union of Major Superiors are sponsoring a training seminar in Rome to mark the 200th anniversary of the abolition of slavery. The seminar is being attended by more than 30 nuns from 29 different religious congregations that are engaged in anti-trafficking activities in 27 countries. In addition to training, these sisters are exchanging best practices, developing and strengthening networking mechanisms among their groups, and strengthening their national and international capacities to tackle human trafficking through multi-disciplinary, political and strategic approaches. I applaud our embassy's cooperation in this highly laudable endeavor, and I strongly encourage other embassies and representatives of our government to recognize and support the enormously valuable resource, still largely untapped, of the faith-based community to address the scourge of human trafficking.

Thank you Mr. Chairman.

Chairman LANTOS. I want to thank my friend from New Jersey. I wish he would have a bit more passion about the subject than he appears to be exhibiting. [Laughter.]

We have several votes on the Floor. I apologize to our distinguished witnesses for a few moments. The committee will stand in recess while we cast our votes.

[Recess.]

Chairman LANTOS. The committee will resume.

We are very fortunate today to have with us three distinguished witnesses, each of whom brings to this hearing special insights on the issue of human trafficking. We are particularly pleased to have a survivor of trafficking.

Barbara Shailor has served since 1996 as Director of the International Department of the AFL–CIO. In that capacity, she serves as a senior advisor on international policy issues to AFL–CIO President John Sweeney, and she oversees the operations of the American Center for International Labor Solidarity.

This group maintains 26 field offices around the globe, supports the work of the union movement in over 60 countries in Africa, the Americas, in Asia and in Europe. Ms. Shailor is a member of the Presidential Advisory Committee of the Council on Foreign Relations and serves on many prestigious boards, among them the German Marshall Fund and the Franklin and Eleanor Roosevelt Institute.

Prior to joining the AFL–CIO she was Director of the International Department of the International Association of Machinists and Aerospace Workers.

Sharon Cohn is Senior Vice President of Justice Operations of the International Justice Mission, a human rights group whose mission is to rescue victims of violence and sexual exploitation. Her investigators, lawyers and aftercare professionals work with government officials around the globe to rescue victims and to apprehend and prosecute perpetrators.

She was honored by President George Bush as a woman making a difference in the world. She is a graduate of the University of Virginia and Harvard Law School. Prior to joining IJM she was an associate at the law firm of Arnold & Porter.

Monsignor Franklyn Casale has since 1994 served as president of St. Thomas University of Miami, Florida. He also chairs the Human Rights Institute at St. Thomas University School of Law. Prior to taking up his duties at the university, Monsignor Casale served as Vicar General, Chancellor and Moderator of the curia of the Roman Catholic Archdiocese of Newark, New Jersey.

He has taken special interest in Haiti, serves on the Board of Governors of the Miami Chamber of Commerce and the Board of Directors of the Carfur Foundation, an organization devoted to providing permanent housing for the homeless.

He did his undergraduate work at Seaton Hall University, University, received his Bachelor in Sacred Theology from the Catholic University of America and his Master of Divinity degree from the Immaculate Conception Seminary in New Jersey.

Ms. Mazengo, Zipora Mazengo, is a citizen of Tanzania and is a survivor of the horrible abuse of modern day slavery when she worked for a diplomat right here in Washington, DC. She has received a T visa, which was created by the original Trafficking Victims Protection Act of 2000 and offers immigration protection to victims of trafficking.

We are honored and delighted to have all four of you, and we will begin with you, Ms. Shailor.

STATEMENT OF BARBARA SHAILOR, DIRECTOR, INTERNATIONAL DEPARTMENT, AFL–CIO

Ms. SHAILOR. Thank you, Mr. Chairman. It is always an honor to testify before your committee, and for those of us at the AFL–CIO and for working people in our own country and around the world you truly are a hero.

And Congresswoman, who are representing our members in your state, we have a long history, so we appreciate being able to testify as well.

Seven years after the passage of the Trafficking Victims Protection Act, governments around the world have responded to the problem of human trafficking by passing criminal anti-trafficking laws on the regional, national and local level. These laws tend to focus on enforcement through prosecution to combat trafficking for forced prostitution and other forms of sexual exploitation and to a lesser extent on the protection of victims.

While effective law enforcement is a key factor in combating trafficking, such an approach overlooks the underlying causes of trafficking and as such is ineffective in isolation to prevent the problem.

This approach also ignores a major aspect of human trafficking, namely trafficking for labor exploitation. The definition of trafficking clearly includes slave labor. Policy makers and the general population, however, still conflate trafficking only with forced prostitution and regard workers exploited into forced labor, debt bondage or involuntary servitude in sectors other than the sex industry as mere worker rights violations.

In a 2005 study, the International Labor Organization estimated that 9.5 million people in Asia are victims of forced labor, but less than 10 percent of those victims are trafficked for sexual exploitation.

Governments have been reluctant to broaden their view of trafficking. Examples abound of workers who have been caught in this trafficking trap. You mentioned a few. Let me highlight two examples, one domestic and one international.

In 2006, 48 Thai workers were brought into the U.S. under the H2B visa to work for a steel company in Los Angeles, California, and ended up being held against their will, had their passports confiscated and their movements restricted and were forced to work without pay. The workers were told that if they tried to leave, the police and immigration officials would call them and they would be arrested.

A police raid on a shrimp processing factory in Thailand last year uncovered some 800 Burmese workers trapped in a fortress-like factory and subject to forced labor as well as physical, emotional and sexual intimidation. These trafficked workers processed shrimp that were exported to the United States.

The lack of understanding, inadequate statistical information and the lack of political will contributes to the continued trafficking of workers for purposes of labor exploitation. Human trafficking for labor is one of the worst forms of labor exploitation, and many of its root causes relate to violations of worker rights, lack of labor standards and protections for workers, especially for migrant workers, and globalization forces that displace workers and encourage competition for jobs.

A key component of trafficking is the demand for cheap labor. Failure of countries to enforce their labor and employment laws creates an incentive for employers to recruit vulnerable workers from abroad who often end up in forced labor or debt bondage.

Immigrant workers are particularly vulnerable to trafficking. More often than not, trafficking victims start out as workers who have left their home simply to find a job. In the process of migration and the lack of protection of these workers, that makes them an easy target for traffickers in the form of labor recruiters and unscrupulous employers.

The nature of labor migration in today's global economy does make workers vulnerable to debt bondage. Immigrant workers increasingly rely on employment agencies or labor recruiters to help them find work and to migrate. Agents and employers have shifted the burden of recruitment and migration fees to the workers themselves, reducing the cost to the employer.

In order to pay these fees, workers must take out loans at exorbitant interest rates or have their wages deducted and withheld for several months and in several instances I have seen for years. Workers who face exploitation in their job are often reluctant to leave or report such abuse because of the high debt that their family still owes.

Many countries have laws that regulate labor recruiters and employment agencies, yet these laws go routinely unenforced. ILO Convention 181 states that with few exceptions, private employment agencies shall not charge directly or indirectly in whole or in part fees or cost to workers.

In many countries immigrant workers are denied the protection of labor laws and regulations. Workers in the informal economy, including contract workers in the more formal industries such as construction work, are specifically exempt from national labor laws. In some countries, including the United States, domestic workers are not even considered workers under national law.

As the ILO has stated, where labor standards are rigorously adhered to and workers are well organized and unionized and labor laws are monitored and enforced for all workers, indigenous or migrant, the demand for trafficked people and services tends to be lower.

We can develop effective strategies to fight modern day slavery. Let me highlight a few. Ensuring safe migration for workers, requiring predeparture training for workers before they leave their countries, allowing immigrant workers to change jobs in a way that preserves labor standards, providing information to workers at consulates and Embassies around the world, dealing with the regulation of labor recruiters and employment agencies, specifically the elimination of recruitment fees.

Obviously the recognition and enforcement of ILO core labor standards, the inclusion of all workers, regardless of nationality or status, under the protections of labor laws, regulations and standards and the recognition of the ILO core standards.

Increasing the scrutiny of imports to the United States to ensure that goods made by slave labor are not bought or sold here, extending meaningful whistleblower protection to trafficked workers, monitoring traffic-for-labor exploitation in sectors outside the sex industry such as agriculture, construction and domestic work, and promotion of cooperation between countries through multilateral regional agreements to protect migrant workers and develop stand-

ards for labor migration. Finally, strategies to combat human trafficking must include organized labor.

In conclusion, the AFL–CIO advocates that the problem of human trafficking be reframed as a problem of the vulnerability of immigrant workers in our globalized economy and that strategies to combat trafficking must also address the underlying cause of the problem that is rooted in the violation of basic worker rights. Effective countertrafficking strategies must include more effective labor laws, standards and protections.

Thank you. I welcome your questions.

[The prepared statement of Ms. Shailor follows:]

PREPARED STATEMENT OF MS. BARBARA SHAILOR, DIRECTOR, INTERNATIONAL DEPARTMENT, AFL–CIO

Thank you for the opportunity to present to you a view of human trafficking from a labor perspective, and to make recommendations for effective responses to this modern form of slavery.

My name is Barbara Shailor. I am the Director of the International Department of the American Federation of Labor—Congress of Industrial Organizations (AFL–CIO) and a Board Member of its allied organization, the Solidarity Center. The Solidarity Center strives to promote and protect worker rights in over 60 countries, and is currently implementing programs to combat human trafficking in several of these places. 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. It is from within this context that the AFL–CIO offers its perspective of the international scope, nature, and responses to trafficking in persons.

Seven years after the passage of the Trafficking Victims Protection Act of 2000 (TVPA), often in reaction to pressure from the United States, governments around the world have responded to the problem of human trafficking by passing criminal anti-trafficking laws on the regional, national and local level. These laws tend to focus on law enforcement, through prosecution, to combat trafficking for forced prostitution or other forms of sexual exploitation, and to a lesser extent the protection of victims. While effective law enforcement is a key factor in combating trafficking, such an approach overlooks the underlying causes of trafficking, and as such is ineffective in isolation to prevent the problem.

Such an approach also ignores a major aspect of human trafficking: trafficking for labor exploitation. There is still both a misunderstanding of trafficking in sectors such as agriculture, construction, domestic work, manual labor, and manufacturing, and a lack of will to effectively combat it. We acknowledge the work of the Dept. of State Office to Monitor and Combat Trafficking in Persons in its efforts to delve more deeply into the issue of trafficking for labor exploitation, as is evident by the latest Trafficking in Persons Report.

Confusion however remains. The definition of trafficking clearly includes slave labor. Policymakers and the general population, however, still conflate trafficking only with forced prostitution, and may regard workers exploited into forced labor, debt bondage or involuntary servitude in sectors other than the sex industry, as mere worker rights abuses. In a 2005 study, the International Labor Organization (ILO) estimated that 9.5 million people in Asia are victims of forced labor, but less than 10 percent of these victims are trafficked for commercial sexual exploitation. Yet, many anti-trafficking initiatives focus exclusively on trafficking for sexual exploitation. Another reason for this may be narrow, inadequate definitions of trafficking and undependable statistics. As noted by David Feingold, a renowned authority on trafficking issues in S. E. Asia, "statistics on the 'end use' of trafficked people are often unreliable because they tend to overrepresent the sex trade. For example, men are excluded from the trafficking statistics gathered in Thailand because, according to its national law, men cannot qualify as trafficking victims."

Governments have been reluctant to broaden their view of trafficking to include such trafficked workers. Examples abound, however, both in the United States and globally of workers who have been caught in the trafficking trap:

- In 2006, 48 Thai welders were brought into the U.S. under H2B visas to work for a steel company in Los Angeles, California. These workers were held against their will, had their passports confiscated and their movements re-

stricted, and were forced to work without pay.[1] The workers were told that if they tried to leave the location were they were being forcibly held, the police and immigration officials would be called to arrest them. The experience of these trafficked Thai workers in the United States is not unique. The Southern Poverty Law Center released a report earlier this year, entitled "Close to Slavery," which documents systematic immigrant worker abuse, including debt bondage and forced labor, which rise to the level of human trafficking.[2]

- A police raid on a shrimp processing factory in Thailand last year uncovered some 800 Burmese immigrant workers trapped in a fortress-like factory and subject to forced labor as well as physical, emotional, and sexual intimidation. These trafficked workers processed shrimp that was exported to the United States.
- Male construction workers, from countries such as China, India, and Bangladesh, have been trafficked in the United Arab Emirates, through debt bondage and involuntary servitude where they are forced to work in dangerous conditions, live in squalid housing, have their documents confiscated and their wages withheld.
- Women and children immigrant domestic workers from places such as Sri Lanka, Vietnam, and Indonesia who migrate to Malaysia are easy prey for traffickers given their isolation within people's homes. These workers often face extreme conditions of abuse, including physical and sexual violence, confiscation of passports, illegal confinement, and non-payment of wages.
- Kenya children have been sold or forced to work on tea plantations that export products to the United States. These children work extremely long hours under dangerous conditions.
- In the Dominican Republic, women union members who worked in Export Processing Zones, after being either laid off or tired of working under sweatshop conditions have migrated abroad, only to end up in forced prostitution.

The lack of understanding, inadequate statistical information, and the lack of political will contribute to the continued trafficking of workers for the purpose of labor exploitation. To remedy this situation, government policies and anti-trafficking initiatives must be reframed to include worker rights.

Human trafficking is a labor issue for three key reasons:

- It is often linked to exploitation in labor.
- It is one of the worst forms of labor exploitation.
- Many of its root causes relate to violations of worker rights, lack of labor standards and protections for workers (especially migrant workers), and globalization forces that displace workers and encourage competition for jobs.

Let me take each one of these separately:

Trafficking is often linked to exploitation in labor: A key component of trafficking is the demand for cheap labor. Failure of countries to enforce their labor and employment laws creates an incentive for employers to recruit vulnerable workers from abroad who often end up in forced labor or debt bondage. Immigrant workers have a particular vulnerability to trafficking. More often than not, trafficking victims, whether they are trafficked for the purpose of forced labor or sexual exploitation, start out as a worker who has left her home to find a job. It is the process of migration and the lack of protections for immigrant workers that make them an easy target for traffickers in the form of unscrupulous labor recruiters and employers.

While some advocate restrictive immigration policies as a way to reduce human trafficking, there is significant evidence to show that focusing on restrictive immigration policies alone, without regard to labor standards and worker rights, may only end up making workers more vulnerable. For example, the Malaysian government instituted a new immigration law in 2002 that resulted in the mass deportations and exodus of an estimated 300,000 undocumented immigrant workers. Workers were forced to leave without much preparation, sometimes foregoing the wages due to them, exacerbating their indebtedness. Hundreds of thousands of Indonesian, Indian and Bangladeshi workers were vulnerable to abuse and exploitation by agents, employers, and traffickers who took advantage of their precarious situation. Restrictive immigration polices do nothing to address the economic incentives that employers have to continually recruit and traffic workers. Given the inequalities cre-

[1] *See* http://www.eeoc.gov/press/12–08–06.html

[2] The report is available at www.splcenter.org

ated by globalization, employers will always have a supply of vulnerable workers available to fill their demand. The remedy is to remove the economic incentive to exploit by enforcing labor standards and other worker protections. Immigration policies that fail to protect worker rights result in economic exploitation of workers and lead to unsafe, illegal immigration, increasing workers vulnerability to trafficking.

Moreover, many trafficking victims end up in situations of forced labor or debt bondage, for example, even when they migrate through legal channels. Large numbers of immigrant workers internationally accept contracts to work in low-wage jobs in construction, agriculture, domestic work, and manufacturing. These workers are recruited in their home country, and they travel and enter the destination country through legal channels. Often, it is only after arrival that these workers are trafficked. The Southern Poverty Law Center's report documents experiences of workers who entered the United States legally, under the H2B program, and had to endure conditions that in some instances were, in Congressman Rangel's words, "the closest thing [he's] ever seen to slavery." This pattern is unfortunately emulated throughout the world. For example, hundreds of thousands of female domestic workers are recruited and transported abroad completely legally, but still end up in conditions akin to slavery.

While many people have an image of a trafficked person as someone who was "kidnapped or coerced into leaving their homes, more often than not the initial decision to migrate is a conscious one."[3] In fact, many women and children who were trafficked into forced prostitution or other forms of sexual exploitation, started out as someone who left their home in search of a job.

As expressed by Professor Janie Chuang of the American University Washington College of Law, "The problem of trafficking begins not with the traffickers themselves, but with the conditions that caused their victims to migrate under circumstances rendering them vulnerable to exploitation. Human trafficking is but 'an opportunistic response' to the tension between the economic necessity to migrate, on the one hand, and the politically motivated restrictions on migration, on the other."

Second, trafficking is the worst form of labor exploitation: The nature of labor migration in today's global economy makes workers vulnerable to debt bondage. Immigrant workers increasingly rely on employment agencies or labor recruiters to help them to find work and to migrate. Agents and employers have shifted the burden of recruitment and migration fees, including transportation costs, travel documents, medical tests, and housing and meal expenses during training or while in transit, to the workers themselves, reducing the costs to the employer. In order to pay these fees, workers may take out loans at exorbitant interest rates or their wages may be withheld for months or even years. Workers who face exploitation in their job are often reluctant to leave or report such abuse because of the high debt. Many countries have laws that regulate labor recruiters and employment agencies, yet those laws go unenforced. ILO Convention 181 states that with few exceptions private employment agencies "shall not charge directly or indirectly, in whole or in part, any fees or costs to workers." The practice however continues not just internationally, but also in the United States.

Many sending countries rely on migration as a means of development through remittances. They are reluctant, therefore, to negotiate strong bilateral agreements with destination countries to protect their workers, as they fear that the demand for their workers will be reduced. There is always another developing country that can provide cheap workers. For example, the Philippines government is a model of a country that strives to protect its workers abroad. Countries such as Indonesia provide much less protection to their immigrant workers, and the demand for workers from Indonesia has increased steadily over the years. To combat this "race to the bottom" mentality, multi-lateral agreements, for example between all of the countries of origin in South and South East Asia with all of the destination countries in the Gulf, must be negotiated to create minimum standards that protect all workers regardless of which country they come from.

Third, many of the root causes of human trafficking relate to violations of worker rights, lack of labor standards and protections, and the forces of globalization.

Income inequalities caused by forces of globalization also push and pull workers to migrate. As noted above, the lack of safe migration processes make such workers vulnerable.

An important aspect of globalization that exacerbates trafficking in persons is the erosion of conditions of work and benefits due to global economic policies and fewer social safety nets to catch vulnerable workers. Workers are increasingly moving from the formal to the informal economy and from permanent to contract jobs. This

[3] Chuang, Janie, "Beyond a Snapshot: Preventing Human Trafficking in the Global Economy," Indiana Journal of Global Legal Studies (2006), Vol. 13, No. 1.

"degradation of work" as the ILO refers to it, is an important factor in human trafficking. Whether workers migrate from rural to urban areas within their country or from one country to another, globalization has contributed to an environment that makes them more vulnerable to exploitation and trafficking.

In many countries, immigrant workers are denied the protection of labor laws and regulations. Workers, who work in the informal economy, including contract workers in more formal industries such as construction work, are specifically exempt from national labor laws. In some countries, including in the United States, domestic workers are not even considered "workers" under national laws. Immigrant workers are often denied the freedom of association and the right to organize. As the 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."

By understanding the underlying labor aspects of human trafficking, we can develop effective strategies to fight modern-day slavery. Some key initiatives include:

1. Ensuring safe migration for workers by:
   - Requiring pre-departure rights training for workers
   - Allowing immigrant workers to change jobs in a way that preserves labor standards.
   - Prohibiting employers from using legal labor migration schemes to evade U.S. civil rights, employment or labor laws.
   - Providing information to workers at Consulates when they apply or are interviewed for a visa about the illegality of slavery and other forms of exploitation, the laws and regulations related to labor recruiters or employment agencies, and the availability of services to assist them in case of problems.
   - Striving to end corruption in the procurement of birth certificates, IDs and travel documents
2. Regulation of labor recruiters and employment agencies. Specifically, the elimination of recruitment fees to workers, shifting costs back to the employer. Labor contractors should not be able to participate in worker visa programs, and should be barred from petitioning for workers.
3. Recognition and enforcement of ILO core labor standards and the "Decent Work" agenda for all workers regardless of nationality or status, including the freedom of association and the right to organize.
4. Inclusion of all workers, indigenous or foreign, documented or undocumented, under the protections of labor laws, regulations and standards.
5. Include labor inspectors in law enforcement initiatives to combat trafficking. In particular, labor inspectors may be trained and tasked to monitor workplaces, including homes that employ domestic workers, to find trafficked workers.
6. Increased scrutiny of imports to the United Sates to ensure that goods made by slave labor are not bought or sold here.
7. Strengthening enforcement and penalties against employers who are found to have trafficked workers or to companies who have bought products made by slave labor.
8. Ensuring that trafficked workers receive monetary compensation, including payment of withheld or back wages.
9. 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.
10. Increase pressure and monitoring on states to develop more effective initiatives to respond to trafficking for labor exploitation in sectors outside of the sex industry such as agriculture, construction, and domestic work, and not just trafficking for forced prostitution or other forms of sexual exploitation.
11. Promote cooperation between states through multi-lateral / regional agreements to protect migrant workers and develop standards for labor migration, which include the core ILO standards.

12. Consider the forces of globalization that inherently create more insecurity for workers, and increase their vulnerability to forced labor and other forms of human trafficking. This includes considering the impact of trade agreements globally.

Finally, strategies to combat human trafficking must include organized labor. The AFL–CIO, the Solidarity Center, and unions around the world, such as the Malaysian Trade Union Congress and the Jordanian General Trade Union for Workers in Textile, Garment, and Clothing Industries, are fighting human trafficking through activities such as raising awareness about the danger signs of trafficking to potential migrant workers, advocating to governments for the passage of anti-trafficking laws and the development of safe migration processes, organizing immigrant workers, providing legal aid and other services to trafficked workers, and using their networks, such as through truck driver unions, to serve as watchdogs to identify trafficked persons.

In conclusion, the AFL–CIO advocates that the problem of human trafficking be reframed as a problem of the vulnerability of immigrant workers in our globalized economy, and that strategies to combat trafficking must also address the underlying causes of the problem that are rooted in worker rights. Effective counter trafficking strategies must include more effective labor laws, standards, and protections.

Thank you again for the opportunity to testify. I welcome your questions.

Chairman LANTOS. Thank you very much, Ms. Shailor.

Ms. Cohn?

STATEMENT OF SHARON COHN, J.D., SENIOR VICE PRESIDENT OF JUSTICE OPERATIONS, INTERNATIONAL JUSTICE MISSION

Ms. COHN. Chairman Lantos, Representative Ros-Lehtinen, thank you very much for calling this committee to a hearing on trafficking.

My name is Sharon Cohn, and I serve as the Senior Vice President of Justice Operations for International Justice Mission. We are a human rights organization that protects people from violent forms of injustice focusing on victim relief, perpetrator accountability, and aftercare.

I would like to draw your attention to the two scenes depicted on the easels. The first shot is taken from inside a brothel in Cambodia in an area called Svay Pak outside Phnom Penh in January 2003. The brothel was one of the many in an area outside of Phnom Penh, and it catered to foreign sex tourists, including Americans.

These girls and more than 40 others were identified, by our undercover investigators during an investigation, being offered for sexual exploitation for about $30 an incident, and the youngest girl in this case was 5 years old.

Mr. Chairman, our organization has assisted in the rescue of hundreds of girls since 2003, and though the girls depicted here are the youngest that we have come across, I bring this case to your attention and to the committee's attention for different reasons.

The girls in this case were subjected to daily sexual assaults and a level of cruelty that is bewildering to even those here. I participated in the police interviews of these victims and saw the video evidence in their cases and can assure the committee that it would be impossible to overstate the trauma that they suffered.

However—and I want to make this point with the conviction in which I have it—recovery for girls from this situation is possible.

This summer I visited six of these girls in an aftercare home where they have been for the last 2 years. They were in aftercare for 2 years prior to that, and they are doing well. They are good

students. They have friends. Their house mothers love them, and they are turning into little teenagers.

One of the girls in the second picture had reportedly been in the brothel since she was 4 years old and was there for 3 years until she was rescued at the age of seven. I mention this because it would be understandable if people believed it was not possible for these girls to recover. It would be understandable and it would be firmly wrong.

Indeed, instead I would encourage an increase in funding for effective aftercare that provides both education and trauma recovery for these girls, as well as employment opportunities for adult women upon their release from the home.

Second, this case also illustrates what has proven true in every country where we operate, and that is that U.S. engagement on this issue, on every level with the national government, rescues slaves.

The TVPA mandated review of countries can be a meaningful instrument to the extent that Embassies utilize it. Take the case of a 7-year-old girl in this matter. She had been in the brothel since she was four, but in 2002 we had evidence that this girl was being sexually exploited. In fact, we had undercover video evidence of her being carried in the arms of another girl and both of them being offered for sale.

Nevertheless, despite presenting this evidence repeatedly to government authorities in Cambodia we were unable to get them to respond in a meaningful way to benefit this child.

In fact, it was not until Ambassador Charles Ray, the then United States Ambassador in Cambodia, personally intervened in this matter at a ministerial level that the Cambodian Government authorized 80 police officers of the Cambodian National Police Anti-Human Trafficking Unit to work with IJM on an undercover sting that rescued her and the 36 other girls I have mentioned.

Vigorous, disciplined, U.S. engagement on these issues saves lives, and I am honored to know girls for whom this has been personally true.

Third, in my experience, it is worth making the effort to distinguish those faults in the public justice system with regard to anti-trafficking efforts that are a product of corruption and those that are a product of lack of capacity.

It would be easy, particularly in a place like Cambodia, to attribute everything that fails in the Cambodian justice system to corruption because indeed there is much of it, but in fact in our experience many things fail because of lack of capacity.

For example, the police will handcuff the perpetrators in their front instead of behind their back and perpetrators can escape. That is lack of training, not necessarily corruption.

Or, in a training exercise the police fail to disarm a perpetrator or cover the front door at their own peril. That is lack of capacity, not necessarily corruption. There is much of both and much to be done, but we should take the effort to distinguish between the two.

Fourth, effective law enforcement does stop trafficking. Both sex trafficking and forced labor trafficking thrive in communities where brothel keepers and slave owners believe that they can make great-

er profits from exploiting girls or laborers than the risk of sanctions for committing the crime.

Our Cambodia office has secured 77 convictions since this 2003 operation, and though there is still much work to do we are no longer seeing girls this age in the brothels.

But, Mr. Chairman, something comparable needs to happen in the huge category of forced labor slavery that is also within the government's reach. IJM has offices in Chennai and Bangalore, India. We have been able to secure the release of over 1,000 slaves plus their dependents and have been able to access the Indian Government's compensation structure for released slaves.

It has taken time, but we have seen improvement in the responsiveness of local government officials in the limited areas where we work, but where a greater response is needed is in the area of accountability where until this week we had not seen a single meaningful conviction of a slave owner.

For example, in the few cases where we were able to get convictions under the Bonded Labor Abolition Act, the longest sentence we were able to secure in India until this week was 1 day or what is called until the rising of the court, which means, for example, that a slave owner who had held 80 slaves for 20 years pled guilty and was sentenced until the judge stood up at the end of the day in the courtroom, and then he was free to go. Greater accountability is required.

On Tuesday of this week, for the first time we are aware of, a judicial conviction and sentence of 6 months for a slave owner, in this case a man named Mr. Chechiar. IJM had worked with local authorities in the case and were able to secure the release of 16 slaves and their 15 dependent children.

Now, this case arose because our social workers were in a village and had received the desperate plea from a formerly released slave, a couple, a husband and wife, and they had been approached by Mr. Chechiar and his thugs. Mr. Chechiar had sold them previously to another rice mill, but he had not been paid for the sale of the slaves.

We had been able to rescue the husband and wife during the raid of the second rice mill, but when Mr. Chechiar came to collect his debt from the second slave owner those slaves were gone and he could not collect on the debt so he went and he found them in the village.

Now, our social workers were able to defend this husband and wife, and Mr. Chechiar and his thugs went away, but a cowering man in the village stepped forward bravely and said that he himself was a runaway slave from Mr. Chechiar. He in fact had run away several times over his 10 years in slavery to this man.

Often Mr. Chechiar would send his thugs to find escaped slaves and bring them back and beat them. This man who came forward was one of these victims and had been beaten so badly that in fact he had tried to commit suicide and had gone to a government hospital and then been sent back to be a slave in the rice mill and had run away another time when we came and found him.

The details in this case obviously vary from those in other cases, but in every case we find brutality, intimidation and force in forced

labor slavery. Convictions like Mr. Chechiar's must also become typical in India.

Thank you, Chairman Lantos.

[The prepared statement of Ms. Cohn follows:]

PREPARED STATEMENT OF SHARON COHN, J.D., SENIOR VICE PRESIDENT OF JUSTICE OPERATIONS, INTERNATIONAL JUSTICE MISSION

Thank you, Chairman Lantos and Representative Ros-Lehtinen for holding this important hearing on slavery and trafficking, and for inviting me to testify. My name is Sharon Cohn, and I serve as the Senior Vice President of Justice Operations at the International Justice Mission. IJM is a faith-based human rights service organization that exists to protect people from violent forms of injustice by securing rescue and restoration for victims and accountability for perpetrators. I would like to reflect on some of the lessons we have learned from years of casework on behalf of individual victims of slavery and trafficking in seven of our fourteen overseas offices.

If you will permit me, Mr. Chairman, I would like to direct the attention of the Committee to two photographs from Cambodia. The first was taken by in February, 2003 by IJM under-cover investigators. These little girls, who were Vietnamese trafficking victims, were being offered for sex to pedophiles from the West. The other photograph is some of the same children in July 2007—four years after they were removed from the brothel and provided with intensive health care and mental health services, a home, and loving caregivers.

I would like to use IJM's experience with the rescue of these little girls to make the following points:

Restoration and After-care: First, as these photos suggest, even the youngest and most grossly exploited children can be reclaimed and restored. IJM's former clients are happy and healthy students, developing skills that will serve them well through life. Thanks to inspired after-care, these children will be in a good home until they are adults.

Among the many lessons from the field that we have learned is that the sooner children can be removed from sexual exploitation, the more complete will be the recovery of their mental and physical health. It is essential that they be provided with comprehensive, long-term trauma care, shelter, education, and life skills and that they are protected from former pimps and brothel owners who are often eager to secure the recovery of their "property."

To be sure, the overwhelming majority of trafficking victims are older than the clients depicted in these pictures, however, our experience everywhere we have worked, is that aftercare is a long term resource intensive investment, but that it can be successful. One area we would like to bring to the Committee's attention that is vital to the recovery and reintegration of trafficking victims is education and sustainable employment for girls once they reach adulthood. We see a need for investments in this area everywhere we work on sex trafficking cases.

In our anti-trafficking work in Cambodia, Thailand, India, and the Philippines, IJM has found that often university-trained social workers lack training in addressing sexual trauma among trafficking victims. (Note: The same can be said with regard to minor victims of rape or sexual violence unrelated to prostitution.) IJM provides this training to our own local staff, but, given the great need for trauma assistance for child and adult victims of sexual violence, we would like to see governments and international donors help local universities incorporate this area of study into social work curricula.

Diplomacy and Political Pressure: IJM's experience in Cambodia provides a vivid example of the important role that U.S. diplomacy can play in encouraging governments to take action against trafficking. The Government of Cambodia tolerated the sale of young children for many years. International experts credit the deployment of international peacekeepers in Cambodia in the 1990's with the demand for young children for sexual exploitation. The youngest girls are Vietnamese children trafficked into Cambodia or sold by their families.

IJM investigators identified these and other pre-pubescent girls in Sway Pak in 2002 and appealed without success for official intervention on their behalf. It was not until 2003, after high-level diplomatic efforts by U.S. Ambassador Charles Ray, who invoked the Trafficking Victims Protection Act, that the Cambodian authorities made a decision at the ministerial level to address the issue of child sexual exploitation. In March of that year, General Un Sokunthea assigned 80 police officers to work with IJM. Police intervened in the specific brothels in Sway Pak where these

children were for sale. They arrested 13 perpetrators and removed 37 victims under the age of 18, including ten girls under 10 years of age; the youngest was 5.

Clearly, countries differ in their susceptibility to U.S. pressure; however evidence clearly indicates that many victims have benefited from the State Department Office to Monitor and Combat Trafficking (G–TIP) review process. When U.S. government officials not only at G–TIP but across the USG, including our embassies, convey American seriousness about the TVPA, trafficking victims benefit.

Limitations Due to Lack of Capacity: In countries with a significant trafficking problem, some degree of official complicity is almost invariably a factor. Indeed, it is hard to imagine how brothel owners, pimps and traffickers could openly violate national laws were not local authorities at least willing to turn a blind eye. But not every infirmity of local law enforcement or judicial process is attributable to corruption. In Cambodia, for example, where IJM has since 2004 trained over 600 Cambodian National Police in the Juvenile Protection and Anti Human Trafficking Unit. We have found them to be eager students—with much to learn. In one training simulation, for example, our training staff observed that offenders were not searched or disarmed and the back door was not secured before participants entered the front. Even such elementary steps to secure their own protection were neglected. With proper training and mentoring, these skills and others necessary to securing victims and apprehending perpetrators were developed.

General Un Sokunthea, the commander of the Juvenile Protection and Anti-Trafficking Unit of the Cambodian National Police visited Washington last month and met with State Department officials. She reported on some of the child protection procedures that the Juvenile Protection and Anti-Trafficking Unit has incorporated into its operations. For example, police in her unit now routinely secure a legal advocate for child victims so as to protect them throughout the process of prosecution of perpetrators. She has instituted private interview rooms for child victims, as well. These are things that we arranged for our clients with the officers we trained; that her unit is now routinely offering such protection to trafficked children is an example of the structural changes that can come from individual casework.

IJM's experience in training the Cambodian police provides another lesson we have learned about combating the crime of sex trafficking. Cambodia is a country that has a very long way to go before it meets international human rights standards. IJM's successful collaboration with the Cambodian authorities on child sexual exploitation cases does not exonerate the authorities for a significant pattern of human rights abuses in many areas. Nor does it mean that police malfeasance has ended. It does suggest that is possible to achieve very real gains against trafficking and child sexual exploitation even in such difficult circumstances as Cambodia's. The elements that contributed are the creation of a separate anti-trafficking force, the leadership that General Un has shown, police training, and the continued interest and pressure of the United States on trafficking.

Effective Law Enforcement Creates Deterrence: Since the 2003 police operation in Sway Pak, IJM has worked with Cambodian police and prosecutors to secure the conviction under Cambodian law of 77 pimps, brothel owners, customers, and traffickers for the sexual exploitation of children. While it is still possible to locate children in the commercial sex industry in Cambodia, there appears to be a significant reduction in their number.

Trafficking is an economic crime. Trafficking enterprises, like other businesses, display their wares in a market, and markets need to ensure that the demand can find the supply. It is not hard to find trafficking victims. Inebriated perverts who want to have sex with children are able to find the victims. IJM investigators are also able to find the victims. So, why can't the police find the victims? Human trafficking thrives only when and where the local enforcement authorities decide that they will not intervene to stop it. They don't stop it because they are overworked and understaffed, poorly trained or bribed.

It has been IJM's experience that the cost incurred to brothel owners and pimps of securing a minor into prostitution is quickly made up by the income generated by offering the victim to many customers, many times. For example, the brothel where these children were located offered them for oral sex for $30 per act. To extrapolate, even if each of the 37 rescued girls had performed sex acts only once a day for the previous year, at $30 an act the perpetrators' total gross receipts for the year would have been more than $400,000. Per capita income in Cambodia in 2004 was $2,000. A Cambodian policeman's salary at the time was approximately $43 per month. The economics of sex trafficking and the poverty-level wages of local police illustrate why they are so vulnerable to corruption.

But if even a few traffickers and bar or brothel owners offering minor children to customers are prosecuted and convicted, traffickers must incorporate the potential cost of jail against their future earnings. Increased security and measures to

offer trafficking victims to only trusted customers quickly erodes the profits to be made. At a certain point—well before every case has been investigated and prosecuted—the risk of selling minors simply outweighs the benefits.

A recent internal review of operations conducted by International Justice Mission suggests that strong law enforcement has effectively ended the open exploitation of minors in Chiang Mai, Thailand's commercial sex industry. A comparison of data collected in undercover investigations between 1998 and 2002, with data from a comprehensive July 2006 survey, found that the percentage of minors in the industry has fallen from approximately 10% of all women in prostitution to less than 1%. Only 1 minor was found in July 2006, out of over 428 women in prostitution surveyed.

This represents a radical change in Chiang Mai's commercial sex industry where finding a minor for commercial sexual exploitation used to be as simple as walking into a brothel and asking for one. Commercial sex operators repeatedly said that they no longer use minors because of stricter law enforcement: the police no longer allowed young girls to work in the brothels. IJM's anecdotal experience over a seven-year period in Chiang Mai and the anecdotal evidence of its operational survey strongly suggest that law enforcement can indeed have a deterrent effect on the trafficking and exploitation of vulnerable minors.

Freedom from Forced Labor Slavery: IJM has two offices in India which investigate forced labor slavery in brick kilns and rice mills. Our investigators and lawyers bring the evidence of violations of Bonded Labour System (Abolition) Act of 1976 to the local executive magistrates who are charged with enforcement of the law. These officials interview the victims that we have identified and in most cases, order them released. IJM provides assistance to the freed families and secures their official release documentation that certifies that they were slaves and authorizes significant government assistance for their rehabilitation. We have secured release for approximately 1,000 forced labor slaves plus their dependents and the government has provided release certificates for them. We are grateful for the honor of working alongside Indian local authorities to bring rescue and rehabilitation to families held in forcible bondage.

IJM's clients today benefit from excellent cooperation from individual local officials in the districts in which we work. Their readiness to receive testimony from bonded slaves, order their release, and grant them official release certificates did not develop overnight; it has developed over years of working together. In other districts, however, we do not see similar engagement by local officials in investigation, relief, and rehabilitation of forced labor slaves. We hope that the next stage of this process will be strong political support by the Government of India to scale up and replicate the experiences we have had in a few districts so that good governance is practiced by every regional district officer.

Lack of Deterrence of Forced Labor Slavery: In addition to removing slaves from confinement and providing them with the reparations that are their due under Indian law, India must grapple seriously with the massive problem of impunity for perpetrators of the crime of forced labor slavery. The removal of slaves alone does not create deterrence or encourage spontaneous releases, because the economic cost of replacing a worker with another is marginal, compared to the economic benefit of the slave's labor to the rice mill or brick kiln owner.

We have not had success in contributing to deterrence of the crime of forced labor slavery because the local, low-level executive magistrate charged with prosecuting offenses under the Bonded Labour System (Abolition) Act have not been willing to impose serious sentences in such cases. The Act permits up to three years imprisonment for labor slavery or exploitation under the Act, but this sentence has never been imposed in any of the cases IJM has brought before the special courts that deal with such offenses. Even in the hundreds of instances where the authorities have granted our clients their official release certificates, kiln and mill owners generally plead not guilty and the case is dismissed. On the few occasions in which perpetrators entered a guilty plea and were charged and convicted under the Bonded Labour Abolition Act, the sentence they received was that they be held in custody "until the rising of the court"—that is to say, for less than one day's until the magistrate stood up for any reason.

While impunity is largely the norm for forced labor slavery, a recent IJM case gives me reason to hope that accountability is possible. In 2005, IJM investigated the Velavar rice mill in Kancheerpuram, Chennai. Approximately twenty five slaves were released from the facility and granted official release certificates. Some had been enslaved at the mill for more than five years. The rice mill owner was a powerful man in the area, who maintained control of the enslaved workers by threatening them and describing how runaways would be returned and beaten. His thugs made

good on the threats and administered beatings to some of our clients. IJM's Indian lawyers brought the case before a magistrate in district court.

On October 16, 2007—this week—the Court found the owner guilty and sentenced him to six months imprisonment. This is by far the largest sentence we have ever seen for enslavement. If this kind of outcome was routine in such cases, I believe that we would start to see a change in slavery-blighted areas of India as one after another slave owner acted upon his own self interest by weighing the economic advantage of holding whole families in slavery against the increasing certainty of doing time in jail for violating Indian national law. We are thankful for this important step in that direction, and commend the authorities that were responsible for it.

In closing, I would like to share with you the report I received yesterday from our Indian staff about the freed slaves from the Velavar rice mill. They are all participating in IJM's after care program, including a self help group. The former slaves have jobs. According to our case worker, "They get daily wages, and do not accept an advance." This is essential, because it is the advance of wages that so frequently is the excuse used by unscrupulous owners and managers to prevent laborers from leaving a facility. The children, who had been denied access to school during their families' enslavement at the rice mill, are now all in school.

Thank you, Mr. Chairman. I look forward to your question

Chairman LANTOS. Thank you.

Monsignor Casale?

STATEMENT OF REVEREND MONSIGNOR FRANKLYN M. CASALE, PRESIDENT OF ST. THOMAS UNIVERSITY, MIAMI, FLORIDA, CHAIR OF THE HUMAN RIGHTS INSTITUTE OF THE ST. THOMAS SCHOOL OF LAW, MIAMI, FLORIDA

Rev. Msgr. CASALE. Thank you, Mr. Chairman. It is always a pleasure to be with our beloved congresswoman from South Florida, but especially on this important occasion.

Chairman LANTOS. It is always a pleasure for us to be with your beloved congresswoman from South Florida.

Rev. Msgr. CASALE. And, Mr. Smith, I remember fondly working with your Uncle Joe in the Archdiocese of Newark when he was a senior manager and I was the young Vicar General years ago.

I thank you very much for this opportunity and honor to testify today on the issue of international trafficking in persons. A week ago, addressing our St. Thomas University community at our annual St. Thomas of Villanova lecture, the former Archbishop of Washington, DC, His Eminence Cardinal Theodore McCarrick, who many of you know has been a leader in efforts for justice and peace worldwide, observed:

> "Trafficking in persons is one of the greatest problems that I have met all over the world. We must do everything we can to set the record straight and to overcome this pernicious misuse of human beings, this terrible violation of the dignity of the person."

The United States is not immune from this cruel assault on human dignity. Human trafficking is present in the form of many commercial and sexual exploitations, as has been said by the chairman, as well as forced labor, guided begging, petty crime, forced gang activity and lamentably present occasionally in the households of the diplomatic corps.

The victims fear for their life, fear for the life of their family members, fear being alone, and illegal in a foreign country, fear the shame and contempt at home if sent back. This perpetual fear paralyzes them and stops them from coming out into the open.

Human trafficking is creating misery worldwide, but it is also extracting a heavy economic toll. One of the most profitable illicit industries worldwide, it seriously impairs the legitimate sector of the economy and endangers its development. It thrives in an atmosphere of corruption. The trade in humans leaves no paper trail for the authorities to follow, no bank account transactions to track, not even suspicions of tax evasion.

Simultaneously at this moment our nation is grappling here with three seemingly identical, but substantially different though interrelated issues: Illegal immigration, the smuggling of aliens and trafficking in human persons. With all these phenomenon proceeding in the darkness, the issue gets confused and joined together.

Unlike smuggling and illegal immigration, however, trafficking is aggravated by the virtual total control of the perpetrator over the victim. Consequently, there is a large undercount of the person affected, which points to the necessity of further in-depth study.

In my home region of South Florida, I would point to some cases in the Federal courts that demonstrate the pervasiveness of the problem. In the Takem case, a Guatemalan teenager was brought into Florida and forced to perform manual farm labor and sexual acts. In the Cadena Sosa case, a smuggling ring was shattered after trafficking young women from Mexico to Florida.

In the Ramos case, traffickers were prosecuted who were holding agricultural workers in involuntary servitude, and in the Pompee case there was an exploitation of a young Haitian girl as a household servant.

The Catholic Church has always been a stalwart proponent of human rights and social justice, cherishing the individual as God's most precious gift. This is repeatedly articulated, for example, in the New Compendium of the Social Doctrine of the Catholic Church issued by the Vatican in 2004.

Because of our tradition and in light of all that I have said, St. Thomas University of Miami has done what academia does best: Provide a neutral ground for every relevant actor to bring individual expertise and to take a comprehensive and searching look at the problem and the solutions that could be offered.

In multiple programs engaging research, education, service to the community and advocacy, the University has focused like a laser beam on the protection of human dignity. In 2005, a dialogue over many months with eminent experts and decision makers from around the planet, including Sister Eugenia, the University produced a document with law and policy recommendations that is entitled "The Miami Declaration of Principles on Human Trafficking," and I ask the chairman's permission to have it submitted for the record.

Chairman LANTOS. Without objection.

[The information referred to follows:]

GRADUATE PROGRAM IN
INTERCULTURAL HUMAN RIGHTS

The Miami Declaration

of Principles on Human Trafficking

Drafted by Intergovernmental, Governmental,
Non-Governmental and Academic Experts
at Interdisciplinary Symposium in Miami, Florida

FEBRUARY 10, 2005

The Miami Declaration of Principles on Human Trafficking

February 10, 2005

Preamble

Today, slavery is illegal in nearly every country on the face of this planet. Yet, 600,000 to 2,000,000 people are trafficked across international borders annually and millions more are trafficked within borders. An estimated 27 million people toil under conditions of personal servitude around the world. Human trafficking has become the third-largest source of profits for organized crime, generating billions of dollars each year.

In order to combat this egregious and growing threat to human dignity, the government leaders, scholars, expert practitioners and students present at the symposium on human trafficking held on the campus of St.Thomas University Law School on February 10, 2005, hosted by the Law School's Graduate Program in Intercultural Human Rights and its INTERCULTURAL HUMAN RIGHTS LAW REVIEW, shared their expertise, engaged in thorough, problem- and policy-oriented discussion and formulated the following set of *consensus principles* to recommend to decision-makers and practitioners around the world.

The Miami Declaration on Human Trafficking

I. International Legal Policies

1. Trafficking in persons is a human rights violation that constitutes a contemporary form of slavery. It is defined as:

> *the action of* recruitment, transportation, transfer, harboring or receipt of persons
>
> *by means of* the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person,
>
> *for the purpose of* exploitation including, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. [1]

[1] This definition largely draws on Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, G.A. Res. 25, annex II, U.N. GAOR, 55th Sess., Supp. No. 49, at 60, U.N. Doc. A/45/49 (Vol. I) (2001), *entered into force* Sept. 9, 2003. It is to be noted that consent of the victim is irrelevant where the illicit means mentioned above are established. Criminal law defenses, however, are preserved.

2. Trafficking in persons also typically violates other basic human rights, especially the right of the victim to be free from slavery or servitude, the right of the victim to life, liberty and security of person, the right of the victim to be free from torture or cruel, inhuman or degrading treatment or punishment, the right of the victim to health, the right of the victim to freedom of movement and residence, and the right of the victim to free choice of employment. It also includes the commission of serious crimes against persons, in many cases rape, assault, and torture, as well as crimes against states, often including money laundering, tax evasion, and violations of immigration rules.

3. Trafficking in persons is to be considered a crime against humanity, just as genocide, enslavement and torture are. As such, its commission triggers universal jurisdiction. It should also be recognized as a violation of *jus cogens,* a breach of the peremptory norms of international law.

4. Victims of trafficking in persons are to be treated with dignity, fairness and respect for their human rights. Among these rights are: the right to safety; the right to privacy; the right to information; the right to legal representation; the right to be heard in court; the right to compensation for damages; the right to medical assistance; the right to social assistance; the right to seek residence; and the right to return to their country of origin.

5. States[2] should recognize that the roots of human trafficking include vulnerabilities based upon age, poverty, lack of education, unemployment or underemployment, gender discrimination, as well as the non-enforcement of laws on the registration of births, the age of marriage and the age of majority.

6. States should ratify and implement relevant and appropriate international legal instruments on human rights and trafficking in persons.[3]

7. States should adopt and implement the laws and administrative structures needed to support international co-operation and assistance in preventing, investigating and prosecuting cases of human trafficking.

8. States should establish direct channels of communication between their border control agencies and law enforcement agencies. They should initiate or expand efforts to gather and analyze data on trafficking in persons, including on the means and methods used, on

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[2] The term "State" describes the recognized principal actors of international law which unite a people in a defined territory under its own sovereign government. It includes States organized in a federal system. Governments are the agents of States. International legal obligations are binding upon all levels of government. In a federal State, these entities include federal, state, and local authorities.

[3] Pertinent instruments to be considered include, but are not limited to, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, *supra* note 1; the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, G.A. Res. 54/263, Annex II, 54 U.N. GAOR Supp. (No. 49) at 6, U.N. Doc. A/54/49, Vol. III (2000), *entered into force* Jan. 18, 2002; the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, G.A Res. 317 (IV) of 2 December 1949, *entered into force* July 25, 1951; and the Convention on the Elimination of All Forms of Discrimination against Women, G.A. Res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, *entered into force* Sept. 3, 1981.

the situation, magnitude, nature, and economics of trafficking in persons, particularly of women and children. States should share such information, as appropriate, with law enforcement agencies and other agencies of countries of origin, transit and destination, as well as with international law enforcement agencies such as INTERPOL.

9. States should provide, strengthen, and cooperate internationally in, training for law enforcement personnel, customs and immigration officials, prosecutors and judges, and other relevant officials, on the issue of trafficking in persons. The training should focus on the methods used in preventing such trafficking, prosecuting the traffickers, and protecting the rights of victims of trafficking, including protecting the victims from the traffickers. This training should also take into account the need to consider human rights, be sensitive to child and gender issues as well as linguistic, cultural, ethnic, and religious aspects of the problem, and it should encourage co-operation with non-governmental organizations and other elements of civil society.

II. Legal Sanctions and Enforcement Strategies

10. Trafficking in persons is an egregious criminal activity, often perpetrated by individuals or by organized transnational criminal groups. Trafficking in persons is often linked with the laundering of illicit proceeds, thus making prosecution and confiscation particularly difficult. A comprehensive approach to trafficking should include **prosecution** of the traffickers, **prevention** of the act of trafficking, and **protection** of the victims of trafficking. In addition, trafficking is often a transnational crime that warrants the development and implementation of transnational policies, in particular, the imposition of extraterritorial sanctions, extradition, and exchange of information.

11. States should recognize trafficking in persons as a specific and serious crime in their domestic laws. In particular, States have the responsibility to enact domestic anti-trafficking laws that can be applied extraterritorially. Penalties for trafficking must reflect the severity of the offense.

12. States should enact legislation to recognize as crimes all forms of sexual exploitation, including trafficking for the purpose of prostitution, trafficking for the purpose of pornography, trafficking for the purpose of providing mail-order brides and household help, as well as sex tourism.

13. States are urged to curtail demand for commercial sexual services, and punish all actors involved in the trafficking scheme, including the principals of the scheme, other members of the criminal association, as well as facilitators.

14. Corporations should be held criminally liable for the commission of the crime of trafficking in persons. Also, corporate officials in a position of relevant authority who know or should have known that their corporation derives a financial benefit from the labor of a trafficked person should be held criminally liable for their complicity in the crime of trafficking in persons.

15. States should fight corruption and punish public officials who facilitate or participate in the trafficking enterprise.

16. States are urged to fully prosecute cases of trafficking and to commit adequate funding to this task.

17. As a part of their responsibility to prosecute cases of trafficking, States should provide special training to law enforcement officials, border officials and judges on methods of detecting, investigating and prosecuting cases of trafficking in persons and related crimes. Adequate training and funding for state and local law enforcement is imperative.

18. States should recognize and implement in their domestic laws trafficking in persons as an extraditable offense, and they should include this offense in their extradition treaties and practices.

III. Immigration Policies

19. States should recognize that trafficking is a crime that is not dependent on the person's immigration status, and benefits should be granted to victims of trafficking irrespective of their immigration status.

20. States should have immigration policies reasonably calculated to meet domestic labor needs. Immigrants are often vulnerable to trafficking because they do not have legal immigration status but have migrated in response to the destination country's unmet demand for labor. Moreover, such migration creates instability for the migrant's remaining family in the country of origin; thereby creating a secondary vulnerable population.

21. States should allow victims of trafficking to apply for a protective status allowing them to remain in the states' territory, and if found to be valid, states should grant the relief. Victims should have recourse to all other opportunities to apply for immigration status. States should recognize the relation between underlying crimes and the larger definition of trafficking. Victims of trafficking should not be deported without having the opportunity to apply for such protective status.

22. Immigration-related benefits should not be made unreasonably contingent upon the victim's cooperation with the prosecution of their traffickers.

23. No State (including countries of destination, transit, or origin of human trafficking) should impose immigration penalties on victims of trafficking who repatriate. The victim's repatriation should thus not adversely affect his or her chances of future immigration to the transit or destination State.

24. It is the responsibility of the government of the victim's citizenship to issue or provide valid identity documents promptly to trafficking victims.

IV. Protection and Reintegration of Victims of Trafficking

25. States should sponsor training and support efforts to train NGOs and legal counsel in all the dimensions of human trafficking. This includes training in the identification of victims of trafficking and their social, health, and legal needs.

26. States should sponsor training and support efforts to train law enforcement officers, judicial and other administrative officials as well as members of governmental agencies who may have contact with trafficked persons in all the dimensions of human trafficking. This includes training in the identification of victims of trafficking and their social, health, and legal needs.

27. Governments have a responsibility to find and identify victims of trafficking and assist them to come forward without fear of prosecution or retaliation. To this end, states should develop identification measures, which distinguish trafficking in human beings for various forms of exploitation from illegal migration and smuggling. Multiple means should be used to help victims of trafficking come forward, such as hotlines, drop-in centers and direct victim outreach.

28. The trafficked person must be recognized as the victim of the crime of trafficking. States must not criminalize the status of the trafficked person and should not penalize the victim for illegal acts, such as illegal immigration or prostitution, incident or related to the trafficking act.

29. States should provide victims of trafficking with all protective and re-integrative services, the minimum of which includes safety planning, health services, legal services, culturally appropriate mental health services, as well as safe and secure housing.

30. Victims should not be forced or coerced into cooperating with the prosecution of perpetrators, nor should they be penalized for failing to testify.

31. Safety and privacy of the victims should be of the highest priority. Governments have the responsibility to ensure that witness protection programs are available to victims of trafficking and their family members before, during and after investigation and prosecution. Protection measures, especially police protection measures, should be available to all victims in need, not only to those acting as witnesses.

32. Benefits granted to a victim of trafficking should also be extended to members of the victim's family as needed.

33. Preventive measures should include, as a minimum: 1) programs promoting the empowerment of women and their full participation to the economic and social life of their countries of origin; 2) policies promoting education, social protection, and economic development; 3) measures to reduce the demand for prostitution, other commercial sexual services, cheap labor, and any other activity that could foster trafficking in persons; 4) measures to survey migration patterns and ensure legal and safe labor migration.

34. Governments have the responsibility to cooperate with non-governmental organizations (NGOs), including faith-based organizations, to allow them the freedom to work, and consult with them in taking the necessary measures to combat trafficking in persons and to assist the victims. Moreover, a system of identification, assistance, protection and social inclusion of trafficked persons should be based on regular cooperation between public institutions and social actors (especially law enforcement, prosecution, migration authorities, local authorities, NGOs and other relevant actors and service providers) at the national and local level.

35. Countries of origin and destination have the responsibility to cooperate, exchange information, and provide for mutual assistance in order to: 1) develop joint actions against trafficking and prevent overlaps; 2) promote law enforcement and judicial collaboration; and 3) facilitate contacts between embassies and consular authorities.

36. States should facilitate the repatriation of victims of trafficking, if they wish to return to their home country. Governments have also the responsibility to ensure the re-integration of victims of trafficking in their communities, by issuing identity documents and providing them with employment or education opportunities.

37. Research, information, networking, education, and mass media campaigns are crucial in the fight against trafficking in persons. Research is important to assess the scope of the problem, identify the victims, study methods to reduce the demand of all those activities fostering trafficking in persons, determine the special needs of child victims, suggest further tools to combat trafficking in persons, and highlight the link between trafficking and HIV/AIDS. Academic institutions should play a vital role in this field.

38. Awareness campaigns spreading information about trafficking issues should target the general public, the business community, and policy makers in order to create an environment that does not accept any form of trafficking. They should also address specific groups, such as potential victims, customers, business owners, border officials, law enforcement personnel, and diplomatic authorities. Such campaigns should warn about the risks of trafficking as well as the harm of prostitution, and inform about the benefits available to victims of trafficking. The media can play a crucial role by acting as a multiplier and ensure the outreach of the campaign by launching a systematic effort in several countries at the same time, thereby creating synergies and effective peer pressure.

39. States should consider the creation of an international list of missing persons, which would be particularly helpful in the identification of victims and potential victims, such as unaccompanied children.

40. States, in cooperation with IGOs and NGOs should identify and review best practices in the field of trafficking in persons, including policies, programs, and existing laws, in order to study their impact in the reduction of trafficking.

41. States should provide IGOs and NGOs that are involved in the fight against trafficking in persons with the appropriate funds and resources to effectively perform their mandate.

42. States should periodically self-assess their action against trafficking in persons, to evaluate the effectiveness of their laws and policies, and take measures to correct them, where appropriate.

Ambassador John R. Miller, Director of the U.S. State Department's Office to Monitor and Combat Trafficking in Persons & Professor Dr. Siegfried Wiessner

Dr. Helga Konrad, OSCE, Chad M. Bettes, U.S. Department of State & Dr. Kevin Bales, President, Free the Slaves

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GRADUATE PROGRAM IN INTERCULTURAL HUMAN RIGHTS

The Graduate Program in Intercultural Human Rights started in August 2001 with the LL.M. Program in Intercultural Human Rights. Today, it has expanded into a powerful tool of education and scholarship consisting of the following components:

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Sr. Eugenia Bonetti - a hero acting to end modern-day slavery, Italian Union of Major Superiors (USMI), Rome, Italy, & Roza Pati, Executive Director, Graduate Program in Intercultural Human Rights, St. Thomas University School of Law

Rev. Msgr. CASALE. The research underlying this document has been published in a volume that I have also made available to the committee, which is our Intercultural Human Rights Law Review.

If you will permit me then, Mr. Chairman, I would offer some recommendations and thoughts to the committee based on our research and the Miami Declaration: The United States should urge countries not yet party to the United Nations 2000 Palmero Protocol on Human Trafficking to ratify the instrument; human trafficking should be considered an international crime; the U.S. should work on the international level to remove the immunity of diplomatic personnel from prosecutions in the host country for crimes of trafficking in persons; the importation of goods made by victims of human trafficking should be prohibited; in addition to law enforcement, clergy, religious, medical personnel and other first line responders should be trained in detecting cases of human trafficking; independent and reliable research centers specializing in the field of human trafficking such as universities should be supported; victims of human trafficking should receive a realistic and effective protected status under the U.S. immigration laws; victims should have a choice between repatriation and ultimate integration via safe legal status in the United States; root causes in source countries should be alleviated; an effective system of protection for victims should be developed, including the families of victims; and victims should be physically and psychologically rehabilitated and reintegrated into our society.

I conclude with a prayer that Sister Eugenia gave at the funeral of Tina Motoc, a 21-year-old Romanian girl who was forced into prostitution and brutally killed in the streets of Italy:

> Dearest Tina:
>
> In this last salute, I would like to speak on behalf of many people that are both present and absent. Together we would like to ask your forgiveness for our personal and collective responsibilities. . . .
>
> I ask your forgiveness, Tina, even in the name of the killer who mutilated you. But he is not the only one responsible for your death; in fact, before you were struck, you were already dead. How many people had already killed the dreams and expectations of your 21 years? We are all guilty and co-responsible for your death and for this we invoke the mercy of God.

And I invoke the blessing of God on you, Mr. Chairman, and the committee for the wonderful work that you are doing on this subject.

Thank you.

[The prepared statement of Rev. Msgr. Casale follows:]

PREPARED STATEMENT OF REVEREND MONSIGNOR FRANKLYN M. CASALE, PRESIDENT OF ST. THOMAS UNIVERSITY, MIAMI, FLORIDA, CHAIR OF THE HUMAN RIGHTS INSTITUTE OF THE ST. THOMAS SCHOOL OF LAW, MIAMI, FLORIDA

> *"Trafficking is one of the greatest problems that I've met all over the world. We must do everything we can to set the record straight and to overcome this pernicious misuse of human beings, this terrible violation of the dignity of the human person."*[1]

[1] His Eminence Cardinal Theodore McCarrick, *Villanova Lecture*, St. Thomas University, October 11, 2007.

His Eminence Cardinal Theodore McCarrick
Former Archbishop of Washington, D.C.

Chairman Lantos,
Ranking Member Ros-Lehtinen,
Distinguished Members of the House Committee on Foreign Affairs:

I want to thank you for the opportunity and honor to testify today on the issue of international trafficking in persons. It is one of the worst affronts to human dignity, a problem which our national conscience and our commitment to freedom summons us to combat with all our might.

1. THE PROBLEM

Human trafficking is not a new phenomenon. Since a decade or so, however, this appalling practice has reached epidemic proportions. Listed as one of the three most profitable organized crimes alongside the trafficking of weapons and drugs and intrinsically related to them, human trafficking is part of the dark side of reality virtually everywhere. The U.S. State Department's 2007 report on human trafficking estimates that 800,000 people are being trafficked across borders each year, with 80% of the victims being women and children, and up to 50% minors.[2] This number does not include people sold within national borders. If we include this category, according to Free the Slaves, the numbers add up to 27 million people living in slavery today.[3] Additionally, a recent study by the International Labor Organization (ILO) reveals that at least 2.45 million persons across the globe are subject to trafficking. Out of this number, 1.2 million are children.[4] These figures relate a staggering toll in human suffering. The majority of transnational victims were trafficked into commercial sexual exploitation,[5] although forced labor on farms, in restaurants, bars, nursing homes, construction sites or factories, or as household or cleaning help are also prevalent methods of abuse. Additionally, mail order or foreign bride schemes, the drug trade, guided begging, petty crime and even forced gang activity may be inextricably connected to the horrendous crime of trafficking in persons.

The United States is not immune from this cruel assault on human dignity. The State Department estimates that between 18,000 and 20,000 victims are trafficked into the U.S. each year;[6] the CIA puts that number at 14,500 to 17,500 people.[7] Due to the victims' circumstances of fear and illegality, these figures may well represent a significant undercount. We cannot but call this shocking phenomenon the modern-day slave trade—a trade where a human being "costs an average of [only] $90."[8]

In our own backyard, in South Florida,[9] reports, investigations and prosecutions tell horrific stories:

- The Cadena smuggling ring trafficked women, some as young as 14, from Mexico to Florida. The victims were forced to prostitute themselves with as many as 130 men per week in a trailer park. Of the $25 charged the "Johns," the women received only $3. The Cadena members kept the women hostage through threats and physical abuse. One woman was kept in a closet for 15 days for trying to escape. Some were beaten and forced to have abortions (the cost of which was added to their debt). The women worked until they paid off their debts of $2,000 to $3,000.

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[2] U.S. State Department, Trafficking in Persons Report, Released by the Office to Monitor and Combat Trafficking in Persons, June 12, 2007, Introduction, at http://www.state.gov/g/tip/rls/tiprpt/2007/82799.htm

[3] Free the Slaves, *Slavery Today*, with reference to Kevin Bales' book DISPOSABLE PEOPLE, at http://www.freetheslaves.net/NETCOMMUNITY/Page.aspx?pid=301&srcid=348.

[4] ILO, Trafficking in human beings, with a particular focus on children: new trends and responses, Turin, 18–22 September 2006, at http://training.itcilo.it/ils_trafficking/training_activities/2006/A900613/A900613_flyer.pdf .

[5] U.S. State Department, *supra* note 2.

[6] *Ibid.*

[7] Jerry Markon, *Human Trafficking Evokes Outrage, Little Evidence*, WASHINGTON POST, September 23, 2007, at A01.

[8] Free the Slaves, *supra* note 3.

[9] Similar cases occur elsewhere in the U.S., including women and children who were trafficked from Honduras to Dallas and Ft. Worth, Texas; from Latvia to Chicago; from Korea to Michigan; from Japan to Hawaii; from Cameroon to Maryland; from Taiwan to Seattle; from India to California; and from Vietnam to Atlanta. In Fresno, California Hmong gang members kidnapped girls between the ages of 11 and 14 and forced them into prostitution. The gang members beat and raped them into submission. These girls were trafficked within the United States and traded between other Hmong communities. *See* Global Issues, at http://www.globalissues.net/Projects/Webguide/GuideArticle.asp?ID=1430 .

- In North Fort Myers, Fernando Pascual Francisco, was sentenced to 10 years for having bought in Guatemala an 11-year old girl and smuggled her to Cape Coral, where she was raped, beaten and forced to work and serve as Francisco's sex slave. He received what Chief Assistant U.S. Attorney Doug Molloy called a "lenient sentence" for pleading guilty and in exchange for the victim not having to testify because she was traumatized by the abuse she had been experiencing for two years.[10]
- In 2007, Guatemalan radio stations aired in two of Guatemala's indigenous languages as well as in Spanish told the stories of three Guatemalan women, victims of human trafficking, who were raped and exploited by the "coyotes" (slang for the men transporting them), in Southwest Florida. They were 12 to 15 years old at the time they arrived in the U.S. Parents were warned that their daughters could become human trafficking victims.[11]
- In 2004, Ramiro Ramos was sentenced on charges related to human trafficking. Ramos' sentence includes 15 years in prison, forfeiture of property worth over $3 million, as well as deportation. Ramiro Ramos and his brother had supplied undocumented Mexican agricultural workers to citrus growers in Florida and forced the workers to pay off debts related to their "transit fees." The defendants used threats and physical violence to prevent workers from escaping.[12] In Immokalee, human traffickers similarly use smuggling debt and threats to keep migrant workers in servitude.[13]
- In 2004, Willie and Marie Pompee were indicted by a federal grand jury in Ft. Lauderdale, Florida for smuggling and harboring a young Haitian girl and using her as a household servant. The young girl was concealed from 1996 until 1999 in the Pompees' home, when at the age of 12 local police removed her. Willie Pompee fled the country in 1999; Marie pleaded guilty to the harboring charge.[14]
- In other cases in the Naples area, human trafficking victims entered the United States legally via a J–1 visa (an exchange training/student visa) or an H–2 visa (a temporary work visa). The promise of high paying jobs, with $15 to $25 an hour salaries, along with no fees for room and board, is what hooks the victims. They are brought into the U.S. by employment agencies, many run by U.S. citizens, subcontracted by hotels and hospitals for cheap labor. The job seekers end up with debt, most of it trumped-up fees charged by the trafficker, and find themselves unwitting recruits of the slave trade, living 20 people in two-bedroom apartments, and being paid nothing as a result of the deduction of so-called "loans" and so-called "fees."[15]

Besides the human misery it engenders, human trafficking also extracts a heavy economic toll on the nation. Due to its illegality, it hurts the functioning of the legitimate sector of the economy and endangers the development of sound economic systems.[16] Profits from this activity range from Interpol's 2001 estimate of $19 bil-

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[10] Nicholas P. Alajakis, *Man gets 10 years in prison for harboring sex slave*, NAPLES DAILY NEWS, August 2, 2006, http://www.naplesnews.com/news/2006/aug/02/man_gets_10_years_prison_harboring_sex_slave/.

[11] Tracy X. Miguel, *Human trafficking horror stories shared at program,* NAPLES DAILY NEWS, March 1, 2007, http://www.naplesnews.com/news/2007/mar/01/human_trafficking_horror_stories_shared_program/.

[12] Trafficking Watch, International Rescue Committee Issue No. 4, Spring 2004, at http://www.theirc.org/resources/Issue-20No-204.pdf .

[13] Once workers cross into the United States and into places such as Arizona, traffickers offer them rides to Immokalee to find work, mostly as tomato pickers. Crew leaders in past cases "bought" workers from drivers and forced migrants to work off those "debts." Some crew leaders have skimmed "debts" from workers' checks. Many companies cut checks in the workers' names and send representatives to dole out the checks. Crew leaders keep "clean" records so abuse is difficult to detect unless someone comes forward. Janine Zeitlin, *Group: Farmworkers can be trafficking target*, NAPLES DAILY NEWS, September 26, 2006, at http://www.naplesnews.com/news/2006/sep/26/group_farmworkers_can_be_trafficking_target/. *See also Report: Modern-day slavery alive and well in Florida*, CNN, February 25, 2004, at http://us.cnn.com/2004/US/South/02/25/human.trafficking.ap/, and Dan Moffett, *Slavery? In Florida? In 2003? Yes*, PALM BEACH POST, November 23, 2003.

[14] Center for Women Policy Studies, *Federal Prosecutions: United States v. Pompee & Pompee*, at http://www.centerwomenpolicy.org/programs/trafficking/map/map_display.cfm?state=FL.

[15] Elysa Batista, *Modern day slaves work among us: Many victims of human trafficking working in plain sight*, NAPLES DAILY NEWS, September 12, 2007, at http://www.naplesnews.com/news/2007/sep/12/modern_day_slaves_work_among_us/ .

[16] SMWIPM, The Business Community against Human Trafficking, at http://www.endhumantraffickingnow.com/public/structure/2.html.

lion[17] to a business group's finding of over $31 billion a year.[18] Benefiting from low costs, human trafficking has thus become one of the most profitable illicit industries worldwide; it also thrives in an atmosphere of corruption enhanced by money laundering.[19] On the other hand, the world economy appears to rely on trafficking's negligible labor costs to keep the price of major commodities such as food and clothing low.[20] According to this study, operating in a majority barter market, "[i]nternational criminal organizations use human slaves as commodities to trade for toxic waste, drugs and arms. The human trade leaves no paper trail for the authorities to follow, no bank account transactions to use as evidence of human trafficking, no tax evasion suspicions."[21]

Some very good work has been done to address this problem. Your efforts, in particular, have to be commended. Thanks to a bipartisan consensus, in 2000, the Congress enacted the Trafficking Victims Protection Act (TVPA), which was reauthorized in 2003 and 2005.[22] According to the GAO, the FBI's Civil Rights Unit opened a total of 751 trafficking in persons cases between fiscal year 2001 and April 5, 2007. ICE reported opening a total of 899 trafficking in persons cases, for fiscal year 2005 through May 31, 2007. Also, as part of the Innocence Lost National Initiative, the FBI's Crimes Against Children Unit reported 327 cases opened on trafficking of U.S. children for commercial sex between fiscal year 2004 and June 5, 2007. The DOJ's Bureau of Justice Assistance (BJA) has established 42 state and local human trafficking law enforcement task forces. One such task force operates also in Miami Dade County. Such investigations are not easy; they are complex and they take time. For example, one landmark trafficking case involving over 250 victims needed the collaboration of numerous federal agencies and NGOs to be resolved.[23]

This year, the TVPA is up for re-authorization. In this context, some skeptics have raised the issue of whether the numbers related are accurate, and whether trafficking is a major U.S. issue. A recent WASHINGTON POST article noted that more than $150 million were allocated "all to find and help the estimated hundreds of thousands of victims of forced prostitution or labor in the United States," and then concludes that "the government couldn't find them. Not in this country."[24] Sharing the concern about the wide range of differences in figures, I cannot but bring to the fore the fact that out of all victim-related crimes, human trafficking is the crime whose victims, in the overwhelming majority of cases, are scared to death to even ever think of challenging the perpetrator, let alone contacting the authorities. Let me illustrate this with one example of first hand experience: one of our law school experts on human trafficking, Roza Pati, originally from Albania, served as an elected official in local government, a member of the national parliament, and also a member of the Cabinet, as the Secretary of State for Youth and Women. As many of you might have read or heard, Albania is known to be a country of origin for trafficked victims. Most of such victims are trafficked to Italy and other Western European countries.

This is what Roza states:

> I was finding it hard to believe that the figures and stories that were making headlines in Italian newspapers about Albanian girls exploited as prostitutes were true. I was convinced those figures were exaggerated, and I considered them at the most half-truths, sometimes sheer propaganda—fueled by the justified opposition to illegal Albanian migration to Italy. Being a local politician and an elected government leader, and knowing the moral code that reigns in my district and my nation from times immemorial, I could not perceive, and neither could I accept, that Albanian girls or women would prostitute themselves in the streets of Europe. However, I was unconsciously closing my eyes. I was caught in the minor detail of national pride and I was missing the critical point: those girls and women were not prostituting themselves voluntarily, they were cheated, lied to, promised a better life and an honest lucrative job, then traf-

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[17] Nico A. Gemmell, Human Trafficking. *The Effects of Modern-day Slavery on the Global Economy*, at http://www8.georgetown.edu/centers/cndls/applications/posterTool/index.cfm?fuseaction=poster.display&posterID=1752.

[18] SMWIPM, *supra* note 16.

[19] *Ibid.*

[20] Nico A. Gemmell, *supra* note 17.

[21] *Ibid.*

[22] Trafficking Victims Protection Act of 2000, codified as amended at 22 U.S.C. §§ 7101–7110 (2000).

[23] *Human Trafficking*,, GAO Report 07–915, July 2007, at http://www.gao.gov/new.items/d07915.pdf.

[24] Markon, *supra* note 7.

ficked, threatened, violated, forced to prostitute themselves at gunpoint: they were coerced to live the earthly hell of slavery, the utmost human indignity.

I was brought to my senses by Don Antonio Sharra, an Italian priest who had come to serve the Catholic community in my district. He first led me to the homes of missing girls in my own district, to experience the pain of listening to the broken hearts of their families, and then to the streets of Rome, Turin and Milan to see with my own eyes and to talk to the very Albanian girls who were scared to death of their "pimps" who I saw wandering around in their cars like vultures ready to prey on their victims. These poor girls could not even dare tell me the truth of their infernal fate. I never forgot the petrified look in their faces nor the nervousness reflected in all of their being. In their silence, they were crying for help. I realized that we, the society, the government had abandoned them, and I made a resolution that I would try my best to do my share in bringing an end to this brutal and utter violation of human dignity. I started by accepting reality and calling it by its real name: slavery. I accepted that this crime was shaming me and my very own home country.

Today, in the U.S., we are in the very same position. Illegal immigration with its multi-faceted implications has interwoven human trafficking into a blind alley, where numbers look more like illegible scribbles, because it is virtually impossible for the victims to come forward. In most cases, the victims are victimized by people they know and who know their families. Fear[25] for their life, fear for the life of their family, fear of being alone and illegal in a foreign country, fear of the shame and contempt, additional hardships, retribution, or alienation if sent back to their country paralyze them and stop them from coming out in the open even if they have a chance to do so. Death appears to be the only escape. In any event, in most cases, they do not even have a chance: they are locked, tied up, beaten and many times killed. From a victims' perspective, that is why we cannot get the numbers straight. But there are more reasons for this.

Free the Slaves notes that there are about 17,000 homicides per year in the U.S., roughly equal to the U.S. Government's estimated number of trafficking victims. According to this organization, each of the 18,760 police departments in the U.S. has a dedicated homicide unit or officer, while the number of dedicated anti-trafficking officers in the U.S. can be counted on one hand. And human trafficking is not a simple crime. It includes exceptionally severe offences: kidnapping, rape, involuntary servitude, document and financial fraud, as well as immigration violations.

This campaign, however, should not be abandoned just because it is difficult. All we see now is the tip of the iceberg: we do not yet know the depth of the massive problem. Therefore, our efforts to get to the bottom of this horrendous crime should not be reduced, but redoubled. What the U.S. does with respect to this problem sends strong signals to the world community. The House Foreign Affairs Western Hemisphere Subcommittee has considered the question of labor trafficking, as part of a hearing on US-Brazilian relations. Witnesses voiced concern about the use of slave labor in the production of charcoal used to make pig iron. As a Bloomberg Markets report has shown, Brazil's pig iron is used in the production of steel consumed by major U.S. manufacturers. Without realizing it, Americans consume products that are tainted with slavery.[26] The same can be said for the Hanes label for Wal-Mart and the *Athletech* label for Kmart that are produced in the *Cotton Craft Garment* in Amman, Jordan, where Bangladeshi and Sri Lankan workers toil in slave-like conditions: their passports have been confiscated, no residency permits have been given to them; they are kept without food, water and electricity.[27]

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[25] For an informative account of the effects of constant fear, see Elizabeth Hopper & José Hidalgo, *Invisible Chains: Psychological Coercion of Human Trafficking Victims*, 1 INTERCULTURAL HUM. RTS. L. REV. 185, 209 (2006): "Human traffickers systematically isolate their victims, creating a sense of disconnection from others. Traffickers utilize verbal abuse and humiliation to impact their victims' sense of self. They create an environment of fear through threats of harm to victims or their families. This chronic fear activation can lead to physiological changes that impair the ability of victims to mobilize the physical and psychological resources needed to escape. Their natural survival mechanisms break down, and their own bodies betray them. This physical and psychological erosion becomes the tie that binds victims into slavery."

[26] Free the Slaves, FTS' response to WASHINGTON POST article, September 23, 2007, at http://www.freetheslaves.net/NETCOMMUNITY/Page.aspx?pid=401&srcid=392 .

[27] *Crisis at 'Cotton Craft' Factory*, STOP TRAFFICKING! ANTI-HUMAN TRAFFICKING NEWSLETTER, October 2007, Vol. 5 No.10, sponsored by the Sisters of the Divine Savior. Note also how a slave addresses the issue of our consumption of the goods he produced: '"They enjoy something I suffered to make,' Amadou says about the millions who eat the chocolate made from the cocoa that grows in plantations like the one in Ivory Coast where he was trapped for over five years. 'I worked hard for them, but saw no benefit. They are eating my flesh.'" Sandip Roy, *Freeing the*

Even high-ranking government officials are part of the problem: As reported by NPR, "many diplomats assigned to America bring their domestic workers with them. Some servants have accused employers of withholding their passports, restricting their freedom of movement and burdening them with long work days for extremely low pay. Sometimes, allegations of physical abuse also come into play. But because the accused have diplomatic immunity, U.S. authorities can do little against them."[28]

We owe it to the victims to restore their liberty, human dignity, and human rights. We do have to care up to the moment we know there is not a single person living in this agony any more. This is a global problem that requires a global solution. The criminals are profiting while satisfying consumer demand. We should work to curb this demand so as to end this perverse commercialization of humankind.

But there is also a need to address the root causes of the vulnerability of the victims. The United Nations Office on Drugs and Crime (UNODC) describes victims as "young girls sold by their families; children drugged and forced to fight as soldiers; men bonded/chained in labor on mines and farms; women enslaved in quarries and households; women and girls trapped in the sex trade; boys forced to fish in dangerous waters—all of them people, human beings, coerced to do what others would never freely do, paid virtually nothing for their pains."[29] Aiming at raising awareness, reducing the vulnerability of potential victims, examining the human impact of this crime and taking action to stop it, the UNODC has set in motion a Global Initiative to Fight Human Trafficking (UN.GIFT) to be implemented in 2007–2008.

I am happy to see the awareness of this evil that exists in the world today. But our job is not done. This scourge of humankind flourishes. The perpetrators have become ever more sophisticated in the routes and means they use, and they are ever more difficult to catch. In the meantime, the victims rise in numbers, and we hear of very few victims rehabilitated and even fewer cases of prosecution. We are grappling with numbers. That tells us that we are missing out on something important: the education of our communities to identify the victims, and to ensure prevention, and also on the coordination of the work of governmental (legislative and executive), non-governmental (academic, and service oriented) as well as intergovernmental institutions. We once brought an end to transatlantic slavery, we must do it again with more energy: we have to find the exit out of 21st century slavery once and for all.

With this in mind, we at St. Thomas University in Miami decided to do what academia does best: provide a neutral ground for everyone to bring to the fore his or her individual expertise and to take a serious, comprehensive and searching look at the social problem described and solutions offered, as we forged a consensus on what is now known world-wide as THE MIAMI DECLARATION OF PRINCIPLES ON HUMAN TRAFFICKING.[30]

2. ST. THOMAS UNIVERSITY AND ITS CONTRIBUTIONS TO THE STRUGGLE: HUMAN RIGHTS PROGRAMS AND THE MIAMI DECLARATION OF PRINCIPLES ON HUMAN TRAFFICKING

This was not an isolated event. St. Thomas University has always been committed to the respect for, and protection of, human dignity. This is in line with its mission and the principles of Catholic social teaching. As His Eminence Cardinal Theodore McCarrick explained in his visit to St. Thomas one week ago, the social doctrine of the Church is one of its most hidden secrets.

As the Pontifical Council for Justice and Peace, under the leadership of Cardinal Renato Martino, stated in its 2004 COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH, a just society "can become a reality only when it is based on the respect of the transcendent dignity of the human person. The person represents the ultimate end of society, by which it is ordered to the person: 'Hence, the social order and its development must invariably work to the benefit of the human person, since the order of things is to be subordinate to the order of persons, and not the

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slaves around the world is only half the problem, SAN FRANCISCO CHRONICLE, September 30, 2007.

[28] Libby Lewis, *Diplomatic Abuse of Servants Hard to Prosecute*, NPR, All Things Considered, March 1, 2007, at http://www.npr.org/templates/story/story.php?storyId=7672967.

[29] UN Global Initiative to Fight Human Trafficking, *Information about Human Trafficking*, at www.ungift.org/ungift/en/what-is-human__trafficking.html.

[30] Graduate Program in Intercultural Human Rights, THE MIAMI DECLARATION OF PRINCIPLES ON HUMAN TRAFFICKING, drafted by Intergovernmental, Governmental, Non-Governmental and Academic Experts at Interdisciplinary Symposium in Miami, Florida, February 10, 2005, 1 INTERCULTURAL HUM. RTS. L. REV. 11 (2006), available at http://www1.umn.edu/humanrts/instree/miami-declaration2006.html.

other way around.'[31] Every political, economic, social, scientific and cultural programme must be inspired by the awareness of the primacy of each human being over society."[32]

Thus, the Catholic Church has been a stalwart proponent for human rights, especially as enumerated in the 1948 Universal Declaration of Human Rights. The Church ,"aware that her essentially religious mission includes the defence and promotion of human rights,"[33] "holds in high esteem the dynamic approach of today which is everywhere fostering these rights."[34] This religiously-based commitment is "open to ecumenical cooperation, to dialogue with other religions, to all appropriate contacts with other organizations, governmental and non-governmental, at the national and international levels."[35]

The Church also recognizes that "[t]he solemn proclamation of human rights is contradicted by a painful reality of violations, wars and violence of every kind, in the first place, genocides and mass deportations, the spreading on a virtual worldwide dimension of ever new forms of slavery such as trafficking in human beings, child soldiers, the exploitation of workers, illegal drug trafficking, prostitution. 'Even in countries with democratic forms of government, these rights are not always fully respected.'"[36]

To address these and other atrocities, St. Thomas University has taken a leadership role in South Florida and beyond. In its various missions—research, education, service to the community, and advocacy—, it has focused like a laser beam on the protection of human dignity, and, in particular, the struggle against trafficking in persons.

In 1992, St. Thomas University founded its Human Rights Institute to more specifically tend to the needs of most vulnerable communities, minorities, and migrants to South Florida, in particular, from Cuba and Haiti. In 1994, the Law School organized its first symposium addressing claims of indigenous peoples, often victims of human trafficking. Six such global gatherings followed; their record, in the form of lectures and articles, is documented in the pages of the ST. THOMAS LAW REVIEW.

Our Law School's Graduate Program in Intercultural Human Rights, developed by Professor Siegfried Wiessner, noted expert in international and constitutional law, has become a major center of training and research in the advancement of legal thought and the furtherance of human dignity. Its unique Master of Laws (LL.M.) degree program in Intercultural Human Rights featuring global experts and scholars as well as students from all over the world started in 2001; its Doctor of the Science of Law (J.S.D.) program was added in 2005. Several of our LL.M. students are writing their thesis on issues of human trafficking, sharing their experiences factual insights from all over the world. Doctoral students are writing dissertations on how to identify victims of human trafficking and how to conceive of the protection of victims as a new paradigm of international law. The 2006 inaugural issue of our annual INTERCULTURAL HUMAN RIGHTS LAW REVIEW has been dedicated in its totality to "Trafficking in Human Beings: A Global Concern."

We have designed a new project, the Center for Global Justice and Dialogue. It consists of two components, an Intercultural Research Center and a Center for Law and Public Service. The Intercultural Research Center, in particular, is designed to conduct rigorous interdisciplinary research providing in-depth analysis of, and developing solutions to, problems of planetary as well as local reach, using the framework of policy-oriented jurisprudence developed at the Yale Law School. This think tank will be guided by leading scholars in the field.

Former Archbishop of Washington, Cardinal Theodore McCarrick commented that the Intercultural Research Center and the Intercultural Human Rights Program are "an ideal setting for research work in social justice," and they will "produce an extraordinary gift to knowledge." He stated that the "work you are doing in this crucial area of human trafficking in the Miami Principles on Human Trafficking" is "an enormous factor," and a model for the analysis of a global problem and the elaboration of consensus solutions in the Intercultural Research Center.

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[31] PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH, Vatican City, 2 April 2004, at http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html.,¶132, citing to Second Vatican Ecumenical Council, Pastoral Constitution *Gaudium et Spes*, 26: *AAS* 58 (1966), 1046–1047.

[32] *Id.*, referring to CATECHISM OF THE CATHOLIC CHURCH, 2235.

[33] *Id.* ¶159, referring to John Paul II, Encyclical Letter *Centesimus Annus*, 54: *AAS* 83 (1991), 859–860.

[34] *Id.*, citing Second Vatican Ecumenical Council, Pastoral Constitution *Gaudium et Spes*, 41: *AAS* 58 (1966), 1060.

[35] *Id.*

[36] *Id.* ¶158, citing John Paul II, Encyclical Letter *Centesimus Annus*, 47: *AAS* 83 (1991), 852.

In 2004 we took the lead in organizing the first international conference on human trafficking: *Invisible Chains: Breaking the Ties of Trafficking in Humans*, in a powerful partnership with CBS 4, The Miami Herald and the NIAF. The victims addressed the audience, sometimes behind curtains, and experts explained the extent and intensity of this extreme violation of human rights. The response was amazing, and it encouraged us to take the next step: develop policy and law recommendations. That's how the 2005 MIAMI DECLARATION OF PRINCIPLES ON HUMAN TRAFFICKING came into being. It was elaborated over a number of months via symposia and workshops by eminent experts and decision makers from around the planet.

The objectives of the Miami Declaration were:

1. To build a consensus among the major stakeholders in the debate on human trafficking regarding the analysis of the problem and how to best tackle it
2. To take advantage of the high profile of the topic at this time in history and to influence decision making at various legislative and executive levels both domestically and internationally

To accomplish our consensus objective, we invited representatives of a broad variety of groups, organizations and institutions interested in and affected by the problem. These participants included:

1. *Victims* (we heard from Francis Bok, a former slave from Sudan, and, behind screens, from "Esperanza," a survivor of the sex trade in Miami)
2. *Victims' support and rehabilitation organizations* (Free the Slaves, Coalition Against Trafficking in Women (CATW), Project REACH, Coalition to Abolish Slavery & Trafficking (CAST), etc.
3. *Governmental organizations*, such as
   a) the then U.S. Ambassador to the Holy See, The Hon. Jim Nicholson
   b) the U.S. State Department Office to Monitor and Combat Trafficking in Persons, represented by its Director, Ambassador John Miller
   b) the U.S. Department of Health and Human Services
   c) Immigration and Customs Enforcement
   d) Law enforcement (prosecutors from the U.S. Attorney's Office, the FBI, the Human Trafficking Task Force, state police, etc.)
4. *Inter-governmental Organizations*, such as the Organization for Security and Cooperation in Europe (OSCE) and its Special Representative on Combating Trafficking in Human Beings, Dr. Helga Konrad
5. *Immigration lawyers* from NGOs such as FIAC's LUCHA: A Woman's Legal Project
6. *Religious groups*, such as the United States Conference of Catholic Bishops, represented by Dr. Julianne Duncan, and the Italian Union of Major Superiors
7. *Media*, such as CBS 4—WFOR TV, The Miami Herald
8. *The academic community*—Johns Hopkins University School of Advanced International Studies' Protection Project; Florida State University Center for the Advancement of Human Rights; University of Surrey, Roehampton in London; St. Thomas University School of Law Graduate Program in Intercultural Human Rights
9. *The community at large*, including students.

As everyone well knows, it is not easy to build consensus amongst different strata of government and non-governmental entities. For several months, we exchanged ideas with experts, gathered information, and organized workshops, working groups and plenary sessions. Of course, not everything ran smoothly. Certain controversial aspects had to be discussed carefully. One issue was to what extent an alien victim of human trafficking would or should be required to cooperate with law enforcement in order to gain immigration relief in order to remain in the country. Another issue was whether prostitution itself should be criminalized or not, and discussions were held with respect to the difference between the U.S. and European stands towards this issue. It was clear that trafficking into prostitution was considered to be a major criminal offence. At the end, consensus was reached on all of these issues following our urgent appeal to the conference experts of different political or religious beliefs to transcend their institutional interests and personal biases and focus single-mindedly on the plight of the victim. The document thus takes a markedly victim-centered approach.

In the definition of trafficking, the group agreed to largely follow the 2000 Palermo Protocol.[37] It also suggested considering human trafficking a discrete international crime, which means that it ranks at the same level as crimes against humanity or genocide. While the 2000 Palermo Protocol focuses almost exclusively on how law enforcement best confronts this plight by the prosecution of the perpetrators, the real novelty of this declaration is its focus on the rehabilitation of the victims and the restoration of the societal contexts that were disrupted by the scourge of trafficking, such as the deeply impacted victim's families and communities. The society has to be brought back to good order and heal. To this end, various recommendations were made in paragraphs 25–42 of the Miami Declaration of Principles on Human Trafficking.

The best way to confront the issue of human trafficking, however, is its prevention: the primary goal must be to prevent it from materializing in the first place—through education of communities mostly in the countries of origin, but also in the places of transit and destination. Above all, we need to provide alternative sources of income or opportunities so that the potential victims and at-risk groups do not feel the need for emigration as the final way out of their misery.

We are proud to note that our leading role has borne fruit. The Miami Declaration of Principles on Human Trafficking has been well received globally, and has already had its distinct impact in the fight against human trafficking. We had the chance to present the Declaration in an intergovernmental OSCE meeting of all major actors convened to combat human trafficking; universities have set up teaching modules referring to it; scholars and law reviews have made reference to it; several NGO websites, electronic libraries and blogs link to the Declaration; numerous newsletters have published it; and a number of governments have expressed interest in the Declaration as they develop their anti-trafficking laws and policies. The head of the pertinent bicameral committee of the Congress of Argentina, Hon. Stella Maris Córdoba, for example, visited Miami to seek advice on this topic from our Graduate Program in Intercultural Human Rights.[38] On November 7, 2006, the Executive Director of the Program, Professor Roza Pati returned that visit with a lecture on "Combating Human Trafficking: The Role of Civil Society" in an International Seminar on "Human Trafficking: Fighting Modern Slavery," organized by the Congressional committee in Buenos Aires.

The U.S. State Department has sent delegations from the Kingdom of Jordan as well as Mexico and Venezuela to St. Thomas to discuss issues relating to human trafficking with our experts. We have been asked for input into the State of Florida legislative process amending its human trafficking law; diplomatic and library research centers refer to it; and so on and so forth. In September 2007, at the invitation of the Florida State Department of Children and Families, Roza Pati addressed the Florida's Dependency Summit for Florida's child protection communities.

We will continue to address the global affront against human dignity that human trafficking represents. We hope to be of service in this struggle, one which now has a historical window of opportunity to be acted upon.

3. THE NEXT STEPS

This window exists because there is a wide consensus, globally and domestically, across ideological and party lines, on considering the fight against human trafficking an issue of the highest priority. As with respect to other issues, the leadership of U.S. is a key factor to this battle's global success: global monitoring and assessment of countries' responses, link to economic aid; financial assistance to countries' efforts to curb human trafficking.

As in any war, we need to summon the energies of the entire nation, including the Congress and the Executive Branch, law enforcement, lawyers, NGOs, academia, and other relevant sectors of civil society. Starting-point for designing further appropriate measures in this war against human trafficking is the TVPA's broad criminalization of trafficking in persons via the punishment of perpetrators, the forfeiture of their assets, etc.

Present and earlier legislative action against trafficking represents primarily a criminal justice response via the suppression of trafficking through crime and immigration control. While such measures are much needed, we also have to direct our focus on the victims' legal status, their compensation and treatment. Up to now, few

[37] Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, G.A. Res. 25, annex II, U.N. GAOR, 55th Sess., Supp. No. 49, at 60, U.N. Doc. A/45/49 (Vol. I) (2001), *entered into force* Sept. 9, 2003.

[38] Honorable Congreso de la Nación, CBI Activities 2006, Second Parliamentary Mission to the United States, available at http://www.cbi.gov.ar/eng/novedades/.

T-Visas have been issued. Overly lengthy procedures are often determined by law enforcement's perception of cooperation by the victim. There are significant and sometimes seemingly insuperable obstacles to cooperation. For one, witness protection programs are often inaccessible or insufficient. It is difficult to see, for example, how the U.S. government could afford protection to a victim's family abroad. Also, much needed psychological treatment is often missing or inaccessible. A life lived in perpetual fear has scarred the victims emotionally and physically; they need long-term rehabilitation and restoration of their physical and emotional health.

As stated, however, both the executive and legislative leadership are fully committed to addressing this issue more effectively. The U.S. State Department Office on Human Trafficking is performing global research and takes pertinent action, benefiting from international cooperation on both policy and enforcement levels. There also is growing awareness, knowledge and practical experience regarding human trafficking around the world—in civil society, the media and the community at large. This opening is supported by domestic legislation and the creation and implementation of an international legal framework.

Our recommendations, based mainly on the Miami Declaration's consensus principles, are as follows:

a) International Legal Policies:

- *The U.S. should urge countries not yet parties to the 2000 Palermo Protocol on Human Trafficking to ratify this instrument as well as work to improve implementation and monitoring of compliance by existing states parties.*

  The U.S. is a state party to the 2000 Palermo Protocol on Human Trafficking. As such, we committed ourselves to criminalizing human trafficking as defined, to protect and assist victims of human trafficking, and to prevent this activity—obligations we implemented through domestic legislation. We should try to help make this a comprehensive global treaty, and ensure that the agreement is also turned into national laws and practice by existing states parties by assisting those in need and improving the monitoring of compliance.

- *The U.S. should work on the international level to remove the immunity of diplomatic personnel from prosecutions in the host country for the crime of trafficking in persons.*

  Diplomatic immunity in the host state is presently absolute unless waived by the sending state. This privilege has been abused, particularly in cases of virtual enslavement of household help from the home country of the diplomat.[39] Efforts should be undertaken to negotiate a Protocol to the Vienna Convention on Diplomatic Relations which would exempt international crimes, including trafficking in persons, from the reach of diplomatic immunity.

b) Legal Sanctions and Enforcement Strategies

- *The TVPA should be reauthorized. The introduction of universal jurisdiction for the crime of trafficking in persons should be considered. Such an amendment would make this offense punishable in the U.S. regardless of where it is committed and what nationality its perpetrators or victims are.*

  This recommendation is based on the nature of human trafficking as a crime which shocks the conscience of humankind. The heinousness of the crime underlay the characterization of genocide, crimes against humanity and war crimes as "international crimes" in the Statute of the International Military Tribunal in Nuremberg. Similarly heinous, human trafficking should be treated the same. Human trafficking also resembles international crimes that can be committed by private actors such as piracy, enslavement, and torture. An international crime triggers universal jurisdiction, i.e. the authority of legislatures and courts to criminalize and sanction such conduct even if it occurs overseas without any territorial or nationality link to the country proscribing it. In a number of states, such universal jurisdiction over human trafficking has already been asserted.[40]

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[39] Libby Lewis, *supra* note 28. Former Director of the State Department Office to Monitor and Combat Trafficking in Persons, Ambassador John Miller, agrees that diplomatic immunity should be redefined and, beyond that, suggests that the special class of visas created for personal servants of foreign diplomats should be rescinded. *Id.*

[40] REDRESS, UNIVERSAL JURISDICTION IN THE EUROPEAN UNION—COUNTRY STUDIES i (2003), available at http://www.redress.org/conferences/country%20studies.pdf: "Universal jurisdiction has been used in numerous European countries to ensure that perpetrators of serious crimes

Continued

Similar legislation in the U.S. would allow combating this globally interconnected criminal activity at its inception—in the source countries and the countries of transit as well as in foreign places of destination. Such an exercise of universal jurisdiction via federal statute could reach significant trafficking gang activity overseas, which has not yet had, or cannot yet be proven to have had, an effect on U.S. soil or does not yet involve U.S. citizen perpetrators or victims. This amendment would be a forward-looking measure designed to attack the problem before it reaches our shores, and it would close the gap of impunity.

- *In addition, the importation of goods made by victims of human trafficking should be prohibited.*

  As the President of Free the Slaves, Kevin Bales, states, "[t]o bring this crime to an end requires strict interdiction of not only the trade in human beings, but the products of enslavement as well."[41] Such prohibition would also remove a major incentive for forced labor abroad.
- *Members of the clergy and medical personnel, just as law enforcement officials, should be trained in detecting cases of human trafficking.*

  Doctors and members of the clergy are often at the frontline of the struggle against trafficking, as they are likely the first trusted outside contacts of trafficking victims. They should also be trained in identifying pertinent cases.
- *Independent and reliable research centers specialized in the field of human trafficking should be supported and asked to undertake in-depth analyses of the scope and nature of human trafficking as well as the identification of global trafficking trends in order to assess the severity of the problem.*

  Such research could increase the reliability of figures in trafficking statistics and help gather intelligence about the structure and functioning of global trafficking networks, laying the ground for devising effective counter-trafficking strategies.

c) Immigration Policies

- Victims of human trafficking should receive a *realistic and effective protected status under the U.S. immigration laws.*
- *This status should not be made* **unreasonably contingent** *upon cooperation with the prosecution of their traffickers.*[42]
- Victims should have a *choice between repatriation and ultimate integration via safe legal status in the U.S.*

d) Prevention

- *Prevention strategies should be prioritized.* To that end, the following action in *source countries* should be taken, via measures supported by U.S. government funding:
  - — Root causes should be alleviated through programs *empowering potential victims*, esp. women and vulnerable groups, via *economic development.*
  - — *Corruption should be reduced.*
  - — *Education and public awareness campaigns* on the reality of human trafficking should be initiated and intensified.
- In the *U.S. as a country of destination*, we suggest these measures:
  - — *Demand for prostitution* and other commercial sexual services, *cheap labor* and other factors fostering human trafficking *should be reduced.*

e) Protection and Reintegration of Victims

- *What is urgently needed is an effective system of protection for the victim and, possibly, the family of victim.* This includes safety planning, secure housing, possibly witness protection, health services, and legal services.
- The reintegration of the victim should include *physical rehabilitation*, if needed; culturally appropriate *mental health services*; and stabilization of legal

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under international law, including war crimes, crimes against humanity, genocide, torture, terrorism, human trafficking and others, do not evade justice. This type of jurisdiction has been put to use outside of Europe as well, such as in the Israeli case against Adolf Eichmann, in Senegalese legal proceedings against former Chadian President Hissène Habré, and in numerous civil suits in the United States against foreign torturers."

[41] Kevin Bales & Becky Cornell, *The Next Step in the Fight against Human Trafficking: Outlawing the Trade in Slave-Made Goods*, 1 INTERCULTURAL HUM. RTS. L. REV. 211, 247 (2006).

[42] For details, *see* Charles Song & Suzy Lee, *Between a Sharp Rock and a Very Hard Place: The Trafficking Victims Protection Act and the Unintended Consequences of the Law Enforcement Cooperation Requirement*, 1 INTERCULTURAL HUM. RTS. L. REV. 133 (2006).

status. NGOs in the field should be supported through private-public partnerships, etc.

These would be the next key steps in fighting this global scourge. I humbly submit them for your consideration.

I would like to conclude my presentation with a prayer[43] a leader in this global struggle, Sister Eugenia Bonetti, has said at the funeral of Tina Motoc, a 21-year old Romanian girl who was forced into prostitution and brutally killed on the street in Italy.

Dearest Tina:

In this last salute, I would like to speak on behalf of many people that are both present and absent. Together we would like to ask your forgiveness for our personal and collective responsibilities. . . .

I ask your forgiveness, Tina, even in the name of the killer who mutilated your young body in a barbarous way. But he is not the only one responsible for your death; in fact, before you were struck, you were already dead. How many people had already killed the dreams and expectations of your twenty-one years of life? We are all guilty and co-responsible for your death and for this we invoke the mercy of God.

May God bless your work in the vineyard of justice for these innocent victims, so we may get closer to an order of human dignity on Earth.

I thank you for your kind attention.

Chairman LANTOS. Thank you, Monsignor, and we all join you in that prayer.

I am particularly pleased to welcome Ms. Mazengo to the committee. Your courage is an example to all of us, and we are delighted to have you. You may proceed.

STATEMENT OF MS. ZIPORA MAZENGO, TRAFFICKING SURVIVOR

Ms. MAZENGO. Thank you. Good morning. My name is Zipora Mazengo, and I am 27 years old. I came to the United States from Tanzania in June 2000 to work for a diplomat.

Chairman LANTOS. Could we put the mic a bit closer to her?

Ms. MAZENGO. Sorry. The diplomat is also from Tanzania. His name is Alan Mzengi. He still serves at the Tanzanian Embassy. I worked for the Mzengis for 4 years as a nanny and a housekeeper, and they never paid me.

I came to the United States legally on a special visa, one that diplomats can get for a nanny and domestic workers. The Mzengis handed me a contract in Tanzania. The contract promised that I would earn $900 per month. The contract said that I would get 2 weeks vacation each year, and the contract said I would get 2 days off each week.

I signed the contract and went with Mrs. Mzengi's grandfather to the U.S. Embassy in Dar-es-Salaam to get a visa. The officials of the Embassy looked at the contract and asked Mrs. Mzengi's grandfather questions in English. I did not understand English and did not answer any questions.

I flew to the United States alone. When I arrived, Mr. Mzengi met me at the airport and immediately took my passport and my contract away from me. He held my passport for 4 years. I escaped in 2004.

I worked for the Mzengis in their large house in Gaithersburg. I had to clean the whole house, cook, do the laundry and take care

[43] Sr. Eugenia Bonetti, *Putting Lives Back Together: Women Helping Women. The Italian Experience of Women Religious*, 1 INTERCULTURAL HUM. RTS. L. REV. 43, 52–53 (2006).

of their three children. I worked 16 hours each day, from 6 o'clock in the morning until 10:30 each night, every day.

My contract said that I would earn $900 each month, but the Mzengis never paid me. When I asked the Mzengis to pay me they said that they would hurt me and send me home. My contract said that I would have 2 weeks of vacation each year and 2 days off each week, but I never had a single day off. I was not permitted to leave the house.

My contract made it seem like I would have a good job, but when I made any mistakes Mrs. Mzengi would scream at me. Once when I did not prepare her breakfast she hit me on the face and sent me in my summer clothes to stand outside in the snow. She told me that if I complained, "blood would fall on the floor."

My contract said that I would receive medical care, but when my toe became infected the Mzengis did not take me to a doctor. My feet bled until I could not wear shoes, but Mr. Mzengi made me go outside to shovel snow in bare feet. Finally, 2 years after the infection began, Mrs. Mzengi took me to a doctor and I had surgery in the doctor's office. My contract was full of lies.

A Good Samaritan helped me escape from the Mzengis' home and she found a lawyer for me at CASA of Maryland. My lawyer, Elizabeth Keyes, helped me to get a T visa. My lawyer wrote to the Tanzanian Ambassador and the U.S. Department of State. The Embassy of Tanzania ignored me. The Department of State did not help me.

In 2006, my lawyer asked the Diplomatic Security Service at the Department of State to begin an investigation, but they did not. In November 2006, my lawyer arranged for me to meet with a prosecutor at the Department of Justice. He began an investigation of the Mzengis and helped with the investigation, but nothing has happened to Mr. Mzengi and Mrs. Mzengi.

In April 2007, my lawyers filed a lawsuit against Mr. and Mrs. Mzengi for trafficking me to the United States and forcing me to work for 4 years without getting paid. I still have not received any money. The Mzengis have ignored the lawsuit.

I agreed to come today to speak with you because I do not want what happened to me to happen to anybody else. The Mzengis kept me in their home for 4 years and forced me to work day and night without ever paying me. They stole my passport from me. They stole my freedom from me. They stole 4 years of my life.

But the Mzengis are free. They have not been punished, and they have not paid. I want justice for me, but also I want to stop diplomats from exploiting other people in this way. It is wrong.

Thank you for listening.

[The prepared statement of Ms. Mazengo follows:]

PREPARED STATEMENT OF MS. ZIPORA MAZENGO, TRAFFICKING SURVIVOR

Good morning. My name is Zipora Mazengo, and I am twenty-seven years old. I came to the United States from Tanzania in June 2000 to work for a diplomat and his family. The diplomat is also from Tanzania. His name is Alan Mzengi. He still serves at the Tanzanian Embassy.

I worked for the Mzengis for four years as a nanny and a housekeeper. And they never paid me.

I came to the United States legally on a special visa, one that diplomats can get to bring over nannies and domestic workers. The Mzengis sent me a contract in Tanzania. The contract promised that I would earn $900 per month. The contract

said that I would get two weeks vacation each year. And the contract said that I would get two days off each week.

I signed the contract and went with Mrs. Mzengi's grandfather to the U.S. Embassy in Dar-es-Salaam to get a visa. The officials at the embassy looked at the contract and asked Mrs. Mzengi's grandfather questions in English. I did not understand English and did not answer any questions.

I flew to the United States alone. When I arrived, Mr. Mzengi met me at the airport and immediately took my passport and contract away from me. He held my passport for four years, until I escaped in 2004.

I worked for the Mzengis in their large house in Gaithersburg. I had to clean the whole house, cook, do the laundry, and take care of the three children. I worked sixteen hours each day: from 6 in the morning until 10:30 each night, every day.

My contract had said that I would earn $900 each month. But the Mzengis never paid me. When I asked the Mzengis for my wages, they said they would hurt me and send me home.

My contract said that I would have two weeks vacation each year and two days off each week, but I never had a single day off. I was not permitted to leave the house.

My contract made it seem like I would have a good job. But when I made any mistakes, Mrs. Mzengi would scream at me. Once when I did not prepare her breakfast, she hit me on the face and sent me out in my summer clothes to stand outside in the snow. She told me that if I complained, "blood would fall on the floor."

My contract said that I would receive medical care. But when my toes became infected, the Mzengis did not take me to a doctor. My feet bled, and I could not wear shoes. But Mr. Mzengi made me go outside to shovel snow in my bare feet. Finally, two years after the infection began, Mrs. Mzengi took me to a doctor, and I had surgery in the doctor's office.

My contract was full of lies.

A Good Samaritan helped me escape from the Mzengis' home, and she found a lawyer for me at CASA of Maryland. My lawyer, Elizabeth Keyes, helped me to get a T-visa.

My lawyer wrote to the Tanzanian Ambassador and the U.S. Department of State. The Embassy of Tanzania ignored me, and did not help me to get my wages. The Department of State did not help me. In 2006, my lawyer asked the Diplomatic Security Services at the Department of State to begin an investigation, but they did not.

In November 2006, my lawyers arranged for me to meet with a prosecutor at the Department of Justice. He began an investigation of the Mzengis and I cooperated in the investigation. But nothing has happened to Mr. Mzengi or Mrs. Mzengi.

In April 2007, my lawyers filed a lawsuit against Mr. and Mrs. Mzengi for trafficking me to the United States and forcing me to work for four years without any wages. I still have not received any money. The Mzengis have ignored the lawsuit.

I agreed to come today to speak with you because I do not want what happened to me to happen to anyone else. The Mzengis kept me in their home for four years, and forced me to work day and night without ever paying me. They stole my passport from me. They stole my freedom from me. They stole four years of my life.

But the Mzengis are free. They have not been punished. And they have not paid. I want justice for me. But I also want to stop diplomats from exploiting other people in this way. It is wrong.

Thank you for listening.

Chairman LANTOS. Thank you very much, Ms. Mazengo.

[Applause.]

Chairman LANTOS. Let me tell you that Secretary of State Condoleezza Rice is scheduled to appear before this committee for testimony in the next few days, and I will personally raise your issue with her, as well as punitive action we will have to take against the Tanzanian diplomat who perpetrated this outrage. We are deeply in your debt.

Ms. MAZENGO. Thank you.

Chairman LANTOS. We begin the questioning with Ms. Ileana Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman, for your leadership, and thank you, Mr. Smith, for what you have been doing, and Ms. Maloney of New York.

Frankly, I don't know how you do it to listen to these cases that are so much the rule rather than the exception. I can hardly sit through this, and you listen to so many cases.

I thank you and the private witnesses as well for taking this leadership role on this so depressing, so devastating an issue when you consider that we are dealing with the most vulnerable people who even when they seek the correct avenues for redress they are not listened to.

Even in our own country, as great a country as we are, shame on those agencies if what you say is true, and I have no reason to think that it would not be. To go to the Department of State and to go to the Department of Justice and not get your case investigated, it makes one wonder how many other cases of these diplomats abusing and having slaves work for them. It is incomprehensible.

And then what happens in other countries and in other situations. Monsignor pointed out the successful prosecution that we have had in South Florida of these deplorable actions. What more can we do to bring these criminals to the court of law to make sure that they are held accountable to the state level and at the Federal level and to train law enforcement personnel so that they can be attuned to what they are looking for?

I think back on the issue of domestic violence and drunk driving, crimes like that that once upon a time we did not adequately address those issues as true crimes. We considered them a family matter. Now we have greater awareness of it because we bring institutions to hold hearings and to have briefings and, more importantly, to train law enforcement personnel to see domestic violence as a crime, to see drunk driving as a crime.

We need to train them to be aware of the signs of sexual trafficking and indentured servitude. There are so many migrants coming to this country and the exploitation that they have to endure because they are so grateful to be in this country, and many times they don't know their rights. So many employers do withhold papers and documentation from them, and they fear that if they were to go to the authorities they would be deported and that retribution would be handed down to their family members.

We see it so often in South Florida. It is sad, but it happens in our Central American community and Caribbean community. We are blessed to have them in our community, but we have got to do more to make employers accountable and to train our law enforcement personnel to be sensitive and look for those signs and encourage our court system to prosecute these crimes for they are crimes, so I thank you, Monsignor, for what you are doing.

Thank you so much for pointing out that these girls and these boys are not lost, that they can recapture their lives. What moving images. I mean, I can hardly look at those pictures, and yet you deal with this day in and day out.

And how important it is to have the AFL–CIO speaking on behalf of labor rights and internationally the International Labor Organization making sure that people know that these are international rights that they have, so we thank you. We thank the AFL–CIO for being that voice for the workers throughout the world.

I am going to let the experts take over the questions, but I thank Mr. Smith and Ms. Maloney for taking this leadership role because it is just so sadly depressing. We will follow up, and I fear that that will be far more prevalent than we care to believe happening in our Embassies right in our backyard literally. We will take it up on a bipartisan level with the Department of Justice and with the Department of State.

Thank you very much, Mr. Chairman, for stating that. You speak on behalf of all of our committee members. It is so horrendous. Thank you. Thank you, Mr. Chairman.

Chairman LANTOS. I want to thank my friend, and I want to associate with her remarks.

I also want to express my deep appreciation to the AFL–CIO for its longstanding commitment for labor rights and human rights globally. I am very impressed by the International Justice Mission, Ms. Cohn, of course by the historic work of the Catholic Church on behalf of human beings all over the world.

Ms. Mazengo, I am very pleased that my colleague will join me in our effort to get to Ms. Rice on your case and on the general issue.

I am pleased to turn to Ms. Maloney, who has been one of our leaders in the Congress for years.

Ms. MALONEY. I first of all want to thank the chairman for working so hard on this important reauthorization, which by your testimony clearly shows that it is needed and that it will save lives. I call him the conscience of our Congress. He faced a very difficult life, and he has taken his experience and compassion and worked incredibly hard to help others.

I thank David Abramowitz who works with him, who has incorporated a list of items that I requested to be in the bill, and again the good, hard work on the other side of the aisle, particularly Chris and Deborah Price who have worked on a series of bills that we have enacted, and they have made a difference.

If you go to the State Department's Web site, it is really quite good, and the improvements in this bill will make it even better. That countries cannot sit and park on Tier 2 indefinitely. After 2 years they have to make a decision and really in some cases penalize some of our allies if they are not performing in a way that saves lives.

Monsignor, I thank you and the Catholic Church for all that you have done.

Ms. Mazengo, thank you. Your testimony will save lives, and one of the things we need to work on is to continue to focus on this problem.

I would like to request the chairman subpoena Mr. and Mrs. Mzengi. I would like them to appear before this committee and explain their actions. How horrible to force you to stand in the snow, to destroy your health and your life. This is, and Ms. Mazengo's testimony points out, the slavery of the 21st century, whether it is labor or sex trafficking.

Very briefly, the very most important part of this bill, Mr. Chairman, that you have put in, and we have tried many, many years to get it in and at the last minute it gets cut out, and I am appealing to you to have a sharp pencil and keep it in the negotiations

when we pass it with the Senate, and that is the full implementation of the Mann Act, which makes it a crime for citizens of our country to go across state lines or to go to foreign countries for the purpose of sex trafficking or to exploit another human being.

I became interested in this issue, and this really shows the importance of this Mann Act provision, and I want to share it with the chairman and the advocates to make sure that you watch and you keep it in.

There is a program in my district called Big Apple Tours, and roughly 7 years ago they were so blatant that they had brochures they handed out. Come to Thailand. Come to the Philippines. Have sex with young girls and boys. The younger the better—10, 9, 7, 11, 15. You can have a different one every night and several during the day. This was blatant. They even put it on their Web site.

So I sent a series of letters protesting, and they took my letters—this is how gross they were—and they put my letters on the Web site. Oh, we have a crazy congresswoman who is trying to close down our activities. Ha, ha, ha.

Well, I went to Janet Reno. I went to DAs. Some of them brought suits against them, but they are still not penalized because the laws do not crack down on taking people overseas for the purpose of sex to exploit others, so a crime that is illegal in the United States, illegal in the Philippines, illegal in Thailand, was blatantly being exploited through the loophole of the Mann Act.

The Mann Act puts the emphasis back on the demand side—on the demand side—and makes that stronger and more effective, so I implore you to keep that in so that we can finally take Big Apple Tours off the market. It has gone to court and it has been thrown out because the judges say the law is not strict enough.

Your bill makes it strict enough, and I want to applaud you. We applauded Ms. Mazengo. I think we should applaud the chairman right now because I believe he is going to fight to make sure it gets in there.

[Applause.]

Ms. MALONEY. Ms. Cohn, you were very articulate on the fact that the sanctions in these countries do not work; that they may arrest someone for an hour or they don't really work.

I think the State Department convicted 45 people last year, if my numbers are right, but in this bill they say that the sanctions will not be considered part of the designations of whether you are Tier 1, Tier 2 or Tier 3 if they are not meaningful.

My question to you, Ms. Cohn, is what can we do to make these countries be more serious about it? I mean, they are serious enough to arrest someone, but they are obviously not serious if they let them go within an hour or they handcuff them in front of their hands or they just say one night in jail and your crime is all right, even though they have destroyed and diseased and killed the spirit and lives of young women and men.

So how can we as a country, aside from our Tier 1, 2 and 3, put more of an emphasis so that the sanctions and the crackdown on these illegal activities are stronger in these countries?

Ms. COHN. Thank you, Representative Maloney, and I commend your leadership on this work. I really appreciate it on behalf of the clients that we serve.

With regard to sanctions and the tier status, I think one of the things that the State Department has done progressively better over the last several years is it has counted as more significant the issue of convictions and the length of jail sentences more than the simple arrest.

As you stated, the arrest of perpetrators for sex trafficking or forced labor trafficking is actually in many countries just part of doing business to the extent that you have to show that you are a credible threat to be paid off and bribed, so the police will arrest perpetrators, but then will release them after the payment of these monies.

That is rather expected and so it is not a particular hardship on the brothel keepers who in Cambodia can be making $.5 million to $1 million a year versus a police officer who makes $43 a month.

I think that again the emphasis at the Trafficking in Persons Office needs to continue to focus on how many people are actually going to jail for meaningful jail terms and require that the countries themselves produce the records to show that an individual who was put in jail actually stayed in jail for a set period of time, and I think NGOs in those countries can monitor those cases to ensure that the jail time is actually served.

I think that the tier status, at least in our experience in the field, is effective in conveying messages to the extent that the Embassies use them on a year-round basis and not simply at the time the report's data is collected, so that January through April ends up being a very significant time for victims of trafficking. The rest of the year less action is taken until again the report is compiled, so the extent that it can be a 12-month advocacy effort on the part of the Embassies is to the extent which I think it is effective.

Chairman LANTOS. Thank you very much.

Mr. Smith.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman. I want to thank our very distinguished panel.

Monsignor Casale, I will convey to my uncle your well wishes, and I am sure he will return those. Thank you for that declaration.

Having read through it, I think it is so important that the academic community come together as have the NGOs, the activists, the TIP Office representatives, John was down there—John Miller I saw—and others to continually expand these efforts because we have to have a rolling out that just never ends until this heinous crime is on the short term mitigated and hopefully abolished through corrective action.

Let me ask you a couple of questions. Ms. Cohn, you mentioned the minimum standards. One of the things that we did in writing those originally, and we continually rewrite and learn from our mistakes or omissions. One of them is that there is this lack of follow through—or there was; we tried to correct it in the law with our reauthorizations—on whether people are actually doing time.

We may get lists of investigations and then you say well, whatever happened? Did anybody go to jail? And for how long? Did the penalty fit the crime? Was it commensurate with the action that was perpetrated on a helpless victim?

We need to do a better job of that. I think the TIP Office gets that. Mark Lagon, Ambassador Lagon, is a very, very competent

and passionate leader for our Trafficking in Persons Office, so my hope is that we will even do better on that going forward.

But I would like to ask a couple questions about the tier ratings to anyone who would like to address this. Ms. Cohn, you might want to especially relate whether or not Cambodia should stay on the watch list given its record and especially as it relates to countries like China.

Again, like all of us, I think the world of Rebiya Kadeer and was again with her on Wednesday night and talked to her about the whole issue of the Uighurs and how they are being mistreated, and she talked all about how they are being trafficked. That doesn't get fully captured, in my opinion, the way it ought to be in our chronicling of the crimes that China commits.

The North Korean situation. Ninety percent of those who make it out of North Korea are trafficked. We had hearings right here and heard from victims—because I chaired the hearing and I couldn't believe what I was hearing—of women who were the lucky ones who unbelievably escaped the traffickers on the border and those of North Korea. They got out of North Korea and went out of a very difficult situation into an even worse situation.

I would say, and I would ask all of the NGOs who have ears to hear this. I think China will become the ultimate magnet for trafficking victims in the intermediate and longer term, precisely because of their one-child-per-couple policy.

It may not be politically correct to bring up a forced abortion and sex selection abortions among some, but I think it is a great and heinous crime against young girls and women that every day of the week every single woman in China, especially the Tibetans, especially the Uighurs, where it is used as a means of genocide, have this one-child-per-couple policy imposed upon them. Because of male preference, China may be missing as many as 100 million girls. Nobody knows the exact number, but it is enormous.

India has a situation as well where sex selection has led to this disparity, this inequality between males and females. China's policy has been in effect since 1979, and now the men are looking for wives who are not there. They don't exist because they have been forcibly aborted in China. That magnet will only get worse.

One demographer, and I have said this in hearings here before, has said in China that by the year 2020, 40 million men will not be able to find wives, the age of marriage in China by law is 25, so there is this big bulk of men looking to find wives and they simply won't be there.

Every ASEAN country I talk to, I say be on your alert. China will be a magnet for the trafficking of your young ladies. Nobody is addressing that, in my opinion, the way it ought to be addressed. Perhaps some of our people might want to address that.

Finally, let me just bring up the issue of U.N. peacekeepers. We have had hearings here where the U.N. zero tolerance policy has been criticized as zero compliance. We had Congolese individuals speak. We have had Jane Hall Lute from the U.N., who I think is doing a tremendous job, but up against a bureaucracy at the U.N. that pays lip service to this human rights abuse, but frankly in carry out does not do what they ought to do. Are the U.N. peacekeepers doing a better job or worse?

On labor, I want to just say to Ms. Shailor that we, in the original statute, made it very clear that trafficking applies equally to sex trafficking and to labor trafficking. It is right there in the definitional page. I am always concerned about prosecutorial discretion by our U.S. Attorneys and our prosecutors everywhere that they have not done enough on sex trafficking, although some are finally getting that message, but on labor trafficking I think we are further behind.

The law has it nailed. Now we need to implement. You know a law that goes unimplemented is not worth the paper it is printed on, so we need to do more to get a more robust implementation of the law, find out where we have shortfalls and then take it from there.

I have other questions, but I will save them for the second round.

Chairman LANTOS. The gentleman from New Jersey, Mr. Sires.

Mr. SIRES. Thank you, Mr. Chairman. I want to compliment you on this hearing. I haven't been here long, but it is certainly these hearings that you are holding are really for us to compliment you on the work that you are doing.

I want to compliment all the members, but I especially want to recognize my colleague from New Jersey. He has been on this issue for many, many years, and we are all very proud of the work that you have done. I couldn't agree with you more.

Ms. ROS-LEHTINEN. If the gentleman would yield? I don't wish to interrupt you, and I haven't asked Mr. Smith, but I think he did have some questions in those statements so I am not sure, Mr. Lantos, if——

Mr. SIRES. I will yield to my colleague any day.

Chairman LANTOS. Well, I would like to give my colleagues an opportunity to make their statements.

Ms. ROS-LEHTINEN. So those were opening statements? Okay. Thank you.

Chairman LANTOS. Because my understanding is shortly we will have another vote.

Ms. ROS-LEHTINEN. Okay. Thank you.

Chairman LANTOS. Please proceed.

Mr. SIRES. I just want to agree with my colleague on his comment that it is not just in other countries. We are starting to see it here.

I was a former mayor. In the municipality next to us there was a raid on one of the bars, and there was sex trafficking in that bar. There were sex slaves in that bar, and this is in New Jersey.

We have to make sure that we keep an eye not just outside this country, but also in this country, and that is where I was going in agreeing with the comment of my colleague from New Jersey that it is not just outside, but it is also all around us in some cases.

I will just make it short, and I will reserve my questions later. Thank you very much, Mr. Chairman.

Chairman LANTOS. Thank you very much. By the way, all the questions will be answered for the record.

The gentleman from Colorado, Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman. Each time we hold a hearing of this nature it is always challenging from the standpoint of the desire I know in all of our hearts to not just listen, incor-

porate the information and then leave thinking gosh, I hope something happens here. I hope something gets better. I hope that we can do something. Wouldn't it be nice if we could actually solve some part of this problem?

Of course, the actions taken by the chairman and by Congressman Smith and others have gone a long way toward accomplishing those goals, but I must admit to you I was thinking today as I was listening to this, and it was to a certain extent I think developed by Congressman Smith's remarks. We may very well have a unique opportunity to actually do something about this.

If you consider the fact that reports have indicated that the State Department report on trafficking in persons said that the 2006 World cup served as "an effective model for future large scale international sporting events" because of the actions taken by the German Government in and around this area, in particular trying to do something about trafficking.

Now we have something that is coming up fairly soon in China, and it is called the Olympics. If we really want to do something about this, if we really are serious about making a statement, a statement that might just be more than a lot of words on a piece of paper, then I would suggest, Mr. Chairman, that we as a committee consider taking some other action, not just the resolution that was passed some time ago by Congressman Royce that identified the problems we are having with China in terms of trafficking of North Koreans, but also the problems that Mr. Smith identified.

If we really are serious, you have this great opportunity. It is coming up. It is called the Olympics. Do you want to actually do something about this? Should we not call for a boycott of the Olympics if in fact China does not address these problems in a way that the world would accept?

I know it would be a relatively dramatic statement, of course, but then how much more dramatic can it be than the statements we have heard here from these witnesses? There is this chance, and it doesn't come along often, for us to actually do something that would matter, and I think this is it.

Now, I have not thought about it long enough to tell you exactly what I believe should be in such a resolution or what actions we should take. I am just suggesting to the members and to the chairman that we have something here that we can grab onto that would be of major significance. It would certainly make the world focus on this issue. Isn't that what we are trying to do?

Would that not actually help us in the long term trying to actually reduce the amount of criminal activity? I mean, there are a lot of countries involved, I know, but what is happening is we are now approaching a situation that, you know, we are going to have the Olympics in China and so therefore the fact that that is happening and the fact that China is identified as being a major player here it seems to me gives us an opportunity we would not otherwise have.

I simply would recommend to my colleagues here and especially to the chairman, a gentleman that I have the utmost respect for. I must tell you, every day that I serve on this committee I think to myself how lucky I am and how lucky we all are to have your leadership.

That is just simply food for thought for the committee, and that is all I present it for. I thank you and would ask at the appropriate time when we can ask questions how our witnesses would respond to such a concept.

Thank you, Mr. Chairman.

Chairman LANTOS. Thank you very much.

The gentlelady from California, Ms. Watson.

Ms. WATSON. Thank you, Mr. Lantos, and I think this hearing is very, very important.

According to the State Department's 2007 *Trafficking in Persons Report*, approximately 800,000 people are trafficked across national borders, which does not include millions trafficked in their countries. Approximately 80 percent of transnational victims are women and girls, and up to 50 percent are minors.

The trafficking and exploitation of women and girls occur in both wealthy and poor countries. It is a serious problem in Dubai. It is as serious as it is a problem in Cambodia, and it also is a problem, though rarely seen or recognized, in the United States where it is estimated that 18,000 persons are trafficked for purposes of sexual slavery or forced labor.

It is a particularly growing problem in my state, California, where large levels of people immigrate both legally and illegally from the Pacific Rim and Latin America and so it is a huge problem, and I want to commend the chair for riveting on this issue and for legislation, but we have to be determined and committed, and we have to focus on ways of impacting, maybe through the United Nations, on this particular global concern.

I want to direct a question to you, Monsignor Casale, and welcome, as well as we welcome all of the other witnesses.

My heart goes out to Ms. Mazengo. I understand your problem. I have seen it occur in many areas of the world, and we need to stop it.

Monsignor, what are the best practices that you have been able to identify as the Catholic Church takes on this issue globally? I am Catholic. I am Roman Catholic, I understand. Can you suggest to us how we can further legislate or how we can work through the United Nations to address this most important global concern?

Rev. Msgr. CASALE. There is an awareness issue obviously that has been implied here in some of the conversation and so to bring this to a level of awareness is very important, especially internationally.

But as far as law is concerned, one of the things that we need to do is we need to make some trend analyses of what exactly is going on and then address those issues, those problems that are arising by passing appropriate law.

I referred in my remarks to the United Nations Palmero document, which basically urges all the countries that sign to criminalize the issue of human trafficking. Right now it is not criminalized all over the world, so that would be one of the things that we need to do, we need to use our own influence in order to get that done.

Another point is that in our country we would have to provide an environment where more people would feel secure about testifying. It is very difficult to prosecute these cases. We need to

change the environment and also provide some protection both here and in the home country for the people that are involved in human trafficking.

The kinds of laws that we have right now are adequate for the kind of problem that we meet with a common domestic criminal, but human trafficking is hidden and it is organized. It is an organized crime throughout the entire world and so we have to address that issue systemically by analyzing the various points of violation and then pass laws appropriately.

I am very grateful to Mr. Smith and the whole committee for bringing this to the floor and to the chairman, because this is a relatively new issue. When we speak to people about human slavery today they sometimes say, "What are you talking about?"

So we need to analyze this a little bit more, and I would hope that there would be support for continued analysis of points of violation and appropriate laws.

Ms. WATSON. Thank you for your recommendations.

I want to address this to Ms. Mazengo on a question of the chair. I think my time is up, but, Ms. Mazengo, were you working in a diplomatic environment?

Ms. MAZENGO. I am sorry. Can you repeat that, please?

Ms. WATSON. Yes. Were you working in the home of a diplomat?

Ms. MAZENGO. Yes.

Ms. WATSON. Okay. The question to the chair and the staff is would this be covered by diplomatic immunity?

Chairman LANTOS. Well, you are raising a very good question, and that is exactly what I intend to explore with Secretary Rice personally——

Ms. WATSON. Very good.

Chairman LANTOS [continuing]. Because clearly the State Department is derelict in its duty if it does not deal with a so-called diplomat who exploits in such an outrageous fashion an utterly innocent human being.

So I fully agree with your question, and we will get an answer from the Secretary of State.

Ms. WATSON. Thank you so much, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Would the chairman yield?

Chairman LANTOS. Mr. Smith.

Mr. SMITH OF NEW JERSEY. We also need to follow up. In the original Trafficking Victims Protection Act, which had three major titles, Title V, which was part of the third grouping, dealt with battered immigrant women and its relationship to the fact that women are somewhat stateless when someone holds their visa over their heads or could lead to their deportation.

We need to follow up on that vein as well, whether or not this violated the Violence Against Women Act, which is part of that battered immigrant women's provision, which is Title V.

You never did say whether or not you got your T visa.

Chairman LANTOS. The gentleman from Indiana, Mr. Burton.

Mr. BURTON. Mr. Chairman, when I read the statement of the young lady it was clear that the State Department hasn't done anything, the Justice Department hasn't done anything, and she hasn't received any of her wages.

It seems to me that the Congress of the United States and this committee ought to demand of the administration and the State Department and any subsequent administration or State Department leadership that anybody who treats other human beings like this should automatically lose their right to represent their nation in this country, and they ought to be deported immediately.

We ought to take their diplomatic passports and kick them out of the country posthaste. That would send a signal to countries around the world that we are not going to tolerate this sort of thing.

I don't think we ought to be asking the State Department or the Justice Department about this. We ought to tell them that this kind of treatment of human beings by diplomats in this country will not be tolerated, and we want them posthaste removed from this country period.

I don't think we ought to ask. I think we ought to tell them. That is the responsibility of this Congress, and I am just sick to death to hear this sort of thing. I am sure everybody on the committee is.

As I was listening to this, I asked my staff to check here in the United States about what is going on. There are 4,000 men and women who are missing in DC right now. There are 451,734 women missing in the United States last year, almost half a million, and 377,567 of them were under the age of 18.

You know, we need to really send a message to our dignitaries who are visiting here in the United States and representing their countries, but we really need to send a signal across this country as well because I had no idea that the situation was this bad.

I mean, in DC, DC leads the nation. This city, the capital of the United States, leads the nation in missing persons and missing women every year. We need to do something about that.

I don't have any questions other than I am just repulsed to think that our State Department and our Justice Department since 2006 hasn't done anything to help this woman, number one, and, number two, that we haven't summarily removed these people from this country who are perpetrating these kinds of atrocities on other human beings.

With the rest of my time, you are welcome to answer the questions from the gentleman from New Jersey.

Chairman LANTOS. Let me just assure my friend from Indiana that his outrage is shared by all of us on this committee.

If I may go to the gentleman from Ohio, Mr. Chabot.

Mr. BURTON. Mr. Chairman, I had a little bit of time remaining. I yield it to my colleague from New Jersey. Would you rather I——

Chairman LANTOS. I am very happy to have Mr. Smith——

Mr. SMITH OF NEW JERSEY. I have already posed a question to Ms. Cohn.

Mr. CHABOT. Thank you, Representative Smith. I agree with your representation with regard to the follow through on sentences, and I do think that the State Department's Office to Monitor and Combat Trafficking is doing an excellent job on that. I think it takes a lot of discipline. It can be tedious, but it means often life and death for the victims in terms of the deterrent impact of the sentences.

With regard to the tier ratings for Cambodia you inquired about, I can only comment to say that our experience is that we are currently working very well with the Cambodian authorities. Just this week the one local police unit was not willing to do a raid because the foreign national had quite a lot of money and power and paid off that unit.

Higher up senior officials in the Cambodian police ordered the raid and ordered the other unit to stand down. The raid did take place. The foreign national was arrested. He took $40,000 off to jail with him.

So we will be monitoring whether the case has enough government pressure in order to keep the case to trial, but I would say we have had positive developments with the Cambodian Government over this past year.

And then with regard to the questions concerning China by both members, I think what I would say is that the sanctions under the TVPA would not be particularly meaningful for China just because of their situation, and rather I think if we used existing trade laws and existing labor laws we would have, if they were used effectively, a powerful tool with regard to the Chinese.

I do think that the Olympics provides an excellent opportunity for the United States and its allies to engage China on a wide array of human rights abuses, not limited to trafficking, Burma, North Korea and a host of others. I think it will bring an enormous amount of attention to China, and it ought to bring a spotlight of attention on the array of human rights abuses that the Chinese Government tolerates.

Then with regard to the others I would just defer to the other panelists.

Chairman LANTOS. Thank you very much.

The gentleman from Ohio, Mr. Chabot.

Mr. CHABOT. Thank you very much, Mr. Chairman.

First of all just touching on Cambodia, I happened to be there about 2 years ago, and one of the things that happened while I was there, there was an incident where there had been a raid, a rescue at a brothel, and the women that had been rescued, this criminal syndicate or some group of organized crime, so to speak, went in and took the women back.

The police more or less stood by and watched it happen, didn't rescue the women. By the time I left it was still something that was going to be resolved, and the State Department was working on it, et cetera.

I was just wondering. Police corruption, et cetera, comes up. My first question would be is that still a major problem that the police are either looking the other way because they are paid off or the allegation was that it was a high government official that was protecting this particular group of people.

Second, relative to Sudan I was on a codel a couple of months ago. We went to Darfur and met with some of the folks in Khartoum. Sudan, of course, is a Tier 3 country, and Khartoum's record on trafficking has just been shameful.

Because Sudan is already subject to one of the most rigorous United States sanctions programs in the world, what else can be

done to compel Khartoum to take concrete actions to confront trafficking and slavery within Sudan?

Finally, one thing I think is one of the big problems, Monsignor, is one of the things that you mentioned, and that is that there just isn't a lot of focus on this issue. There are so many other things that the news covers, media covers. This just isn't high on the radar screen, trafficking and what amounts to slavery around the world.

I actually have a high school teacher back home in my district that I have talked with about this a number of times, and he has initiated a program to elevate the understanding, the knowledge, the interest of his students. He is networking this with other groups as well to focus more attention on the issue of trafficking and slavery and the fact that slavery still exists in the world today.

Most people, if you ask them, I think certainly they would probably think well, that is something that was 100 years ago, but it doesn't exist nowadays. We know it does.

So my question is how important is it to elevate the attention of the public about how widespread slavery and trafficking is in the world today to actually deal with the problem?

As we know, if you look at the Balkans, for example, even though the horrors were happening there or in Rwanda, it wasn't until the TV cameras went in there and had it in people's face every evening that the world actually noticed and took action. Is that one of the problems here?

In the time that I have, I would be happy to have any of the witnesses cover any of the things that I have just mentioned.

The teacher is at St. Xavier High School in Cincinnati. The teacher's name is Matt Kemper, and his was the program I was just referring to. I wanted to make sure I mentioned that.

Rev. Msgr. CASALE. One of the reasons that there is a lack of recognition is because these people are hidden, and they also do look like they are employees many times. They are working in a bar. They are working in a field.

There is a tremendous undercount of the population. This leads to people not recognizing the problem. We can't prove that there are hundreds of thousands of slaves in the United States of America. There just is not documentation at this point to be able to do that, so that is one of the reasons, Congressman, that people are not aware of this problem and it is a relatively new problem.

I would say also that we Americans have a built-in aversion to the word slavery, and it is almost as if we don't want to face that it is happening today.

Mr. CHABOT. Thank you. Anybody who would like to?

Chairman LANTOS. I want to thank all of my colleagues for their extremely valuable participation, and I want to thank our distinguished witnesses for their invaluable testimony.

This committee will proceed with the legislation that Mr. Smith and I and Mr. Conyers will initially co-sponsor, and we hope to deal with some of these issues.

This hearing is adjourned.

[Whereupon, at 12:05 p.m. the committee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE ELIOT L. ENGEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORKS

Chairman Lantos, thank you for calling this hearing about an issue that is very close to my heart. The modern slave trade in human beings is now the third most profitable illicit activity in the world—second only to the trafficking of illegal drugs and arms. 27 million people are enslaved around the world and the problem is growing, especially in situations of conflict, social disruption and political and economic chaos.

I believe that we in Congress can play a fundamental role in curbing slave labor throughout the world—particularly by engaging the private sector in the process. Let me briefly tell you about one way in which I am trying to do just that. In 2001, Senator Tom Harkin and I negotiated a unique protocol with representatives of the chocolate and cocoa industries designed to eliminate the worst forms of child labor in the growing and processing of cocoa beans in West Africa—particularly in Ghana and Cote D'Ivoire.

The Harkin-Engel Protocol laid out a series of date-specific actions, including the development of industry-wide standards of public certification by July 1, 2005. The July 2005 deadline was not fully met which was very disappointing to all of us involved in the process. But cocoa industry representatives have assured Senator Harkin and I that a certification system will be in place by July 2008.

The cocoa and chocolate companies have stepped up their efforts in recent years. Work certainly remains to be done. But I think it is important to emphasize that we can make real, tangible progress by working closely with the private sector to combat slave labor.

Thank you again, Mr. Chairman, for holding this important hearing.

PREPARED STATEMENT OF THE HONORABLE DONALD A. MANZULLO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. Chairman, thank you for calling this important hearing concerning the scourge of human trafficking. Modern-day slavery is an issue that affects all nations and territories throughout the world. It is unconscionable that human life can be treated as poorly as a good to be bought, sold, or traded.

The Trafficking Victims Protection Act of 2000, authored by my friend Chris Smith from New Jersey, went a long way to elevate this egregious human rights violation to the forefront. Seven years after the passage of the TVPA, I can see that awareness of this issue has risen dramatically. Countless countries around the world dread the yearly publication of the State Department's *Trafficking in Persons Report*. The tier system for ranking counter-trafficking efforts, despite its limitations, is a straight forward way to separate those who are doing a good job from those doing a not so good job. However, countries should not languish on a particular tier year after year. That defeats the purpose of the name and shame.

Despite all that is being to prevent human trafficking, protect victims of trafficking, and to prosecute traffickers, more needs to be done to address this issue in the future. For example, in the past too much focus has been put on one form of trafficking to the detriment of other forms. I believe that all forms of modern-day slavery are worth fighting. On the domestic front, more attention must be paid to repeated reports of human trafficking by foreign diplomats. We need to have zero tolerance when trafficking occurs in our country, especially when it is being conducted by foreign diplomats enjoying diplomatic immunity. So, I am delighted that

Ms. Zipora Mazengo has found the strength to testify before us about her dreadful ordeal.

Mr. Chairman, human trafficking is a terrible violation of the fundamental values of human rights. I commend you for all your efforts to speak for those without a voice. The non-governmental organizations working around the world also deserve our recognition. I look forward to the testimonies.

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, the issue of the trafficking of persons is one of the utmost significance, one which no nation is exempt from. I thank my dear friend and colleague, Chairman Lantos, for convening this important meeting on "International Trafficking in Persons: Taking Action to Eliminate Modern Day Slavery." Let me also thank the Committee's Ranking Member, and welcome our distinguished panel of witnesses: Ms. Barbara Shailor, Director, International Department, AFL–CIO; Sharon Cohn, J.D., Senior Vice President of Justice Operations, International Justice Mission; the Right Reverend Monsignor Franklyn M. Casale, President of St. Thomas University, Chair of the Human Rights Institute of the St. Thomas School of Law; and Ms. Zipora Mazengo, a Trafficking Survivor. I look forward to your informative testimony.

Within the United States, we pride ourselves on overcoming the historic stain of slavery, and we are comforted by the thought that while others may persist in this repulsive practice, we do not. This however, is simply not the case. According to the GAO, "as many as 17,500 people are believed to be trafficked into the United States each year." The trafficking of persons is our problem, they are forced through our borders and used by our people. This extreme injustice can no longer go unnoticed.

The flow of human trafficking is no surprise; traffic flows from the less industrialized countries to the more industrialized countries. This fact makes the issue of human trafficking a problem for all nations alike on a political, social, and moral level. The U.S. Department of State estimates that 800,000 people are trafficked across national borders every year, in addition to the reported millions of people trafficked within their own countries. The trafficking industry generates billions of dollars annually, and, together with drugs and weapons, is now a leading source of profits for organized crime. According to most analyst, the largest number of victims trafficked internationally come from Asia, though significant numbers of women and girls trafficked to work in the commercial sex industry come from the former Soviet Union and southeastern Europe.

One subset of trafficking, and one of particular interest to the United States, is trafficking for forced labor, which the International Labor Organization defines as "any situation in which work is carried out involuntarily under the menace of a penalty." The ILO estimates that some 12.3 million people have been the victims of forced labor, with agriculture, construction, domestic service, restaurants, and manufacturing sectors being the most prominent industries into which forced labor is trafficked.

In March of this year, the Committee on Homeland Security, on which I am a senior Member and I serve as Chairwoman of a subcommittee, held a hearing on the crossing of borders and victims of trafficking which produced a meaningful discourse on horrific implications of the trafficking of persons and sought to address said issues. However, 7 months later, the issue is not resolved. The current policy of the United States, under the Trafficking Victims Prevention Act of 2000, allows the government to support many types of anti-trafficking domestically and overseas. However, much more must be done. The GAO currently reports that, while the government allocated funds to combat trafficking, there was an over-emphasis by the government on sex slavery, which came at a price for the majority of others who are a victim of human trafficking.

Reliable information and independent evaluations of the success of the United States in combating this human atrocity have been hard to come by. While the State Department points to progress by citing the increase of countries with anti-trafficking initiatives and an increase in the number of arrests and convictions for human traffickers, the GAO report cites a less optimistic reality. The U.S. government has yet to develop a coordinated, inter-agency response to combat trafficking overseas or a systematic way to evaluate the effectiveness of its anti-trafficking policies. In addition, a July 2007 GAO report entitled "Monitoring and Evaluation of International Projects are Limited, but Experts Suggest Improvements," found that monitoring mechanisms are lacking in U.S.-funded international projects, and that the U.S. and international organizations have encountered difficulties collaborating

with host governments that often lack the resources, capacity, and/or political will to address trafficking.

Given the very real and persistent nature of the crime of human trafficking, it is our responsibility as Members of the Congress of the most powerful nation in the world to address and resolve this atrocity once and for all. Nearly 150 years after our great country abolished slavery at home, it is our job to once again be a beacon of progress and hope and no longer allow one man to profit from the suffering of another.

I look forward to the testimony of our distinguished panel and hope to continue to work on this issue until it is finally resolved forever and all of mankind is free and treated with the dignity, respect, and equality they deserve. Thank you Mr. Chairman, I yield the balance of my time.

PREPARED STATEMENT OF THE HONORABLE JEFF FORTENBERRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA

Mr. Chairman, thank you for prioritizing the issue of human trafficking and holding this hearing to address the many dimensions of this pernicious crime against humanity.

I would like to express my profound gratitude to our witnesses for their dedication to the welfare of individuals, both in this country and throughout the world, who are so mercilessly degraded and exploited. Your heroic commitment to combating and raising awareness about this heinous form of criminality is an inspiration to all of us.

The *Trafficking Victims Protection Reauthorization Act of 2007* makes great strides to bring hope and healing to persons whose lives have been devastated beyond any measure we could possibly imagine. Yet even so, our efforts appear so meager relative to the vast scope of the problem. In the past several years, ICE (Immigration and Customs Enforcement) has reported prosecution of nearly 900 trafficking cases, each of which involves a great deal of time and many layers of complexity. Yet each year, some 800,000 people are trafficked across international borders. While criminal enterprises are netting tens of billions of dollars annually, we are barely beginning to address this problem.

Moreover, we may be unwittingly purchasing and consuming products produced by slaves. I look forward to hearing how we might purge our markets of goods and foods produced by slave labor and work together to eliminate demand for the illicit global trade in human beings.

PREPARED STATEMENT OF THE HONORABLE GUS BILIRAKIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

I would like to thank Chairman Lantos and Ranking Member Ros-Lehtinen for holding this hearing today.

Human trafficking is without a doubt a global epidemic. Estimates of persons trafficked across national borders each year range from 800,000 into the millions—particularly when you consider those trafficked within national borders.

These victims of modern day slavery are moved from place to place without rights or the freedom to exist as human beings. They are controlled and exploited by their captors and those who support their subjugator's services.

America plays a very important role in combating the global human trafficking epidemic. Working with other countries, and within our own, to vigorously pursue the organized crime and smuggling networks, we can affect positive change and help to free hundreds of thousands of these modern day slaves. Of the more than 154 global and regional anti-trafficking programs in 70 countries that the United States supports, there is always more that can be done.

The State Department's annual trafficking report is an important lens in which to view the current global human trafficking epidemic.

After reviewing the country rankings in this report, what is most concerning to me are those countries considered important allies to the United States who rank in the worst category of offenders—"Tier 3."

While countries currently existing within Tier 3 include despotic regimes like Iran, North Korea, Burma and Syria, other countries like Saudi Arabia, Kuwait and Bahrain are also listed. Furthermore, the State Department's report lists several more of our allies on the "Tier 2 Watch List," indicating their movement toward joining the Tier 3 category or making very little improvement year-after-year.

It is important that when we build relations with our allies, we use our influence and friendship to positively affect humanitarian issues like human trafficking. We

should be more actively encouraging these allies—working with their governments and law enforcement—to improve their country's ranking.

The United States is not exempt from this epidemic. Estimates put the amount of persons trafficked into the United States at more than 17,000. Human trafficking is a major security problem. Not only does it indicate widening gaps and rifts in America's border and entry-and-exit systems, it also is a telling sign that while we are playing an important role in encouraging other nations to do more, the United States has some more work to do in our own backyard.

I look forward to hearing from the testimony of today's distinguished panel.

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House Committee on Foreign Affairs
"International Trafficking in Persons:
Taking Action to Eliminate Modern Day Slavery"
October 18, 2007

Written Statement for the Record

Nisha Varia
Senior Researcher for Women's Rights
Human Rights Watch

Dear Chairman Lantos and members of the House Committee on Foreign Affairs:

Human Rights Watch appreciates the committee's attention to the pressing and disturbing problem of international trafficking in persons. In consideration of the upcoming review of the Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA), we would like to share some key findings and recommendations that we believe are central to effective prevention and response.

Human Rights Watch has conducted in-depth research on trafficking and forced labor since 1993, including investigations on abuses against migrant domestic workers in 15 countries over the last five years (available at: http://hrw.org/doc/?t=migrants_forced_labor). Our work covers countries as diverse as the United States, Saudi Arabia, Indonesia, Guatemala, Guinea, Singapore, Sri Lanka, and the United Arab Emirates, among others.

Trafficking victims are often economic migrants who are deceived or coerced into situations of forced labor. Contrary to popular belief, human trafficking is not necessarily an underground phenomenon run by criminal syndicates. Instead, trafficking is the clear and visible result of inadequate or faulty government policies that place certain groups of migrants and workers at greater risk of abuse and with little

hope for redress. Anti-trafficking efforts must target and reform these policies.

For example, every year, millions of workers from South and Southeast Asia migrate to more prosperous parts of Asia and the Middle East on two-year contracts in domestic work, construction, and agriculture. Unfortunately, many end up in situations of forced labor. These workers typically become heavily indebted to labor recruiters who often deceive them about their work conditions and charge excessive fees. Labor laws in many countries inadequately regulate recruitment practices and exclude domestic workers and agricultural workers, denying them important protections such as a minimum wage, limits on their hours of work, and days off. This creates conditions ripe for labor exploitation.

Deeply indebted and forced to work around the clock, many migrants are further at risk of abuse due to immigration policies that tie a migrant worker's legal status to his or her employer. This "sponsorship" visa system is common in Asia and the Middle East, and makes it impossible to change employers or even leave the country without the employer's permission. Running away from abusive working conditions means falling out of legal status and risking arrest, detention, fines, and in some places, imprisonment and caning. Employers routinely take workers' passports and legal documents away, heightening these risks.

Human Rights Watch recognizes the influential role played by the United States government in promoting anti-trafficking efforts across the globe. We urge Congress to amend the TVPRA to strengthen its effectiveness in addressing root causes of trafficking and forced labor, and to bolster the efforts of governments and private organizations tackling this problem.

This includes evaluating anti-trafficking programs and revisiting provisions of the TVPRA that have had a counterproductive effect. In particular, the TVPRA requires private organizations receiving government funds to pledge their opposition to prostitution as a condition of receiving funds, severely hampering these groups' ability to work with individuals in prostitution, including those who have been trafficked.

We recommend that the TVPRA be amended to:

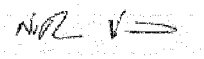
- **Address labor and immigration policies that place migrant workers at risk of forced labor and trafficking**
  The US government should encourage states to pass and then enforce comprehensive labor standards for all workers, reform "sponsorship" visa systems, and reform regulation and monitoring of the labor recruitment industry, including recruitment fees. Such efforts should be evaluated as integral components of a country's anti-trafficking efforts.

- **Incorporate support for research about the links between labor migration and forced labor and independent evaluation of anti-trafficking efforts**
  The US government should invest in research exploring the links between labor laws, immigration policies, and conditions of forced labor and trafficking. Furthermore, government and private anti-trafficking strategies should be subject to independent evaluation for positive and negative impacts.

- **Eliminate the requirement that groups pledge their opposition to prostitution as a condition of receiving anti-trafficking funds**
  Private organizations cannot conduct their work effectively if subject to violations of the right to free speech and if they cannot work freely with all sectors in which trafficking takes place.

Human Rights Watch would be happy to provide more detailed information and recommendations on any of the above.

Sincerely,



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