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The Next Ten Years in the Fight Against Human Trafficking:  
Attacking the Problem with the Right Tools

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

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

### **Scope and Nature of Trafficking in Persons and Modern Day Slavery**

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

Just last month, the International Labor Organization (ILO) issued a new report on the prevalence of forced labor, using a definition that substantially overlaps with most forms of human trafficking and modern day slavery. ILO estimates that at any given moment, 20.9 million suffer from these abuses,<sup>1</sup> with private estimates ranging as high as 27 million. The UN Office of Drugs and Crimes has cited estimates that human trafficking in all its forms yields \$32 billion dollars in profits every year.<sup>2</sup> And despite this Committee's good work and international efforts by a wide array of countries, some believe that the worldwide economic downturn has led to a surge in human trafficking as those desperate for some way to sustain themselves become more vulnerable to the predators who perpetuate modern-day slavery.<sup>3</sup>

Mr. Chairman, this is not a matter of numbers: each individual story of tremendous suffering and exploitation is a human rights tragedy that violates our values and beliefs. As you know, this is also not a far away problem that affects distant lands. It remains a shock to most Americans but thousands of adults are trafficked into forced or exploitative labor right here in the United States, and some experts

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<sup>1</sup> ILO Global Estimate of Forced Labour, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---)

<sup>2</sup> <http://www.unodc.org/unodc/en/frontpage/abolishing-slavery-eradicating-human-trafficking.html>

<sup>3</sup> David Arkless, Manpower, Inc., Speech at Carnegie Council, February 18, 2010, reprinted at <http://www.carnegiecouncil.org/resources/transcripts/0260.html>

estimate that 200,000 to 300,000 U.S. children and youth are at risk of being trafficked into commercial sex.<sup>4</sup> Moreover, the number of calls to the National Human Trafficking Resource Center hotline has grown by 338 percent from 2008 to 2011, from 5748 to 19,427.<sup>5</sup>

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

### **Looking Forward: Four Lessons from the Last Ten Years:**

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

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

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

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

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

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<sup>4</sup> <http://ecpatusa.org/2011/10/ecpat-usa-turns-20/>

<sup>5</sup> This number reflects both crisis calls by victims but also tips and other communications. <http://www.polarisproject.org/resources/hotline-statistics>

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

### **Developing Approaches to Combatting Trafficking in Persons and Modern Day Slavery**

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

#### *Developing Coalitions*

At Humanity United, we lead and support a coalition of 12 U.S. based human rights organizations working to end modern-day slavery and human trafficking in the United States and around the world. The Alliance to End Slavery and Trafficking, or ATEST, advocates for lasting solutions to prevent labor and sex trafficking, hold perpetrators accountable, ensure justice for victims and empower survivors with tools for recovery. ATEST has been working on the implementation of the groundbreaking Trafficking Victims Protection Act of 2000<sup>7</sup> (TVPA) and its progeny as well as making proposals for the reauthorization of the TVPA that has been under consideration during this congress and related legislation. ATEST also seeks to

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<sup>6</sup> International Labour Organization, Convention Concerning Decent Work for Domestic Workers (No. 189), 2011, available at <http://www.ilo.org/dyn/normlex/en/f?p=1000:12000:0::NO::>

<sup>7</sup> Pub. L. 106-386, Div. A, Oct. 28, 2000, 114 State. 1466, codified at title 22 USC 7101-7102.

further elevate the voices of survivors, help advance the broader U.S. movement, and enhance its engagement with the business community. (Humanity United is also looking to engage the business community and other stakeholders directly to try to eliminate forced labor, trafficking and modern day slavery around the world, as I will refer to later in my testimony.)

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

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

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

### *Addressing Supply Chains*

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

We also need to recognize, however, that this work is not easy. Much of the most severe exploitation occurs at the very bottom of the supply chain. Whether it is the

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

Over the last 10 years, companies have begun to demonstrate an interest in doing more themselves. In 2006, the Athens Ethical Principles were agreed to by hundreds of partners, which include zero tolerance for trafficking, promoting awareness, encouraging adoption of the principles by the suppliers and their subcontractors and reporting and sharing information on best practices.<sup>8</sup> In 2010, a number of leading companies agreed to the Luxor Implementation Guidelines to the Athens Ethical Principles, which described 68 different standards, 31 mandatory and 37 recommended, that put real flesh on the bones of these very general principles.<sup>9</sup> These 68 standards are serious benchmarks, which, if implemented widely, would make a real difference in reducing and eventually eliminating trafficking and modern day slavery.

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

### *Foreign Labor Brokers*

In addition, Mr. Chairman, the governments and the business community need to address the issue of foreign labor recruiters and brokers—one of the leading drivers of the phenomenon of slavery and trafficking today. Using clever lures and subtle forms of coercion, unregulated and unscrupulous labor brokers can induce people to cross borders thinking that they are going for legal work, only to trap them into

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<sup>8</sup> Athens Ethical principles, [www.ungift.org/docs/ungift/pdf/Athens\\_principles.pdf](http://www.ungift.org/docs/ungift/pdf/Athens_principles.pdf)

<sup>9</sup> Luxor Implementation Guidelines to the Athens Ethical Principles: Comprehensive Compliance Programme for Businesses , available at <http://www.unglobalcompact.org/news/92-12-12-2010>

modern-day slavery. Last year the Helsinki Commission received detailed testimony on these practices, and I have attached a statement from that briefing by Ms. Neha Misra of the Solidarity Center on May 23, 2011, to my testimony.

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

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

Finally we must recognize that action is needed at home, as this exploitation is happening in our fields, in our factories, and on our maritime areas. You may well have recent news reports that legal foreign guest workers brought here under the H2-B program became victims of forced labor while working in the shrimp industry on the Gulf Coast.<sup>11</sup>

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

Mr. Chairman, it has been good to see the private sector and civil society also collaborating to develop reforms in this area. Earlier this year, Manpower Group, a private foreign labor recruiting firm, and Verité, a U.S. non-governmental organization, unveiled "An Ethical Framework for Cross-Border Labor Recruitment."<sup>13</sup> Similarly, after extensive consultations with a wide range of stakeholders, the Institute of Human Rights and Business, located in London, issued

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<sup>10</sup> The Fishing Industry's Cruellest Catch, <http://www.businessweek.com/articles/2012-02-23/the-fishing-industrys-cruellest-catch>

<sup>11</sup> Foreign Labor on American Shores, [http://www.nytimes.com/2012/07/09/opinion/forced-labor-on-american-shores.html?\\_r=3&smid=fb-share](http://www.nytimes.com/2012/07/09/opinion/forced-labor-on-american-shores.html?_r=3&smid=fb-share)

<sup>12</sup> "Six People Charged in Human Trafficking Conspiracy for Exploiting 400 Thai Farm Workers," Press Release, U.S. Department of Justice (Sept. 2, 2010), found at <http://www.justice.gov/opa/pr/2010/September/10-crt-999.html>

<sup>13</sup> See <http://www.verite.org/ethical-framework-for-intl-recruitment>

the Dhaka Principles for migration with dignity.<sup>14</sup> Both the Dhaka Principles and the Manpower/Verité Framework includes an emphasis on compliance with legal structures, including immigration; transparency on terms of employment; and the complete prohibition of fees related to recruitment and training. These are critical benchmarks that should be adopted by all foreign labor brokers, and all businesses relying on foreign labor should demand their use. I will say more about US efforts on this score in a moment.

### *Developing Smart Interventions in Vulnerable Communities*

Mr. Chairman, beyond these structural reforms, we also need to continue to develop smart interventions at the local level to prevent trafficking and reduce vulnerability. USAID's new Counter Trafficking in Persons Policy released earlier this year is an example of how programs on education, micro-credit, and other locally based development tools can be targeted towards vulnerable communities in ways that can help reduce the prevalence of modern day slavery.

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

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

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<sup>14</sup>[http://www.ihrb.org/about/programmes/dhaka\\_principles\\_for\\_migration\\_with\\_dignity.html](http://www.ihrb.org/about/programmes/dhaka_principles_for_migration_with_dignity.html)



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

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

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

### *Helping Survivors and Prosecuting Perpetrators*

In addition to many of the prevention mechanisms I have just described, we of course need to continue to address protection and prosecution, the other two pillars of the so-called 3 P’s. Clearly we will not be able to eradicate every form of slavery in the near term, so we must increase our ability to care for the victims and be relentless in pursuing the perpetrators.

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

Second, once they are freed, they must be provided with critical services. Not all countries can provide all services, but security in a supportive environment is one service that should have priority. Recognizing this, the U.S. Government has pressed

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

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

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

### **Maintaining the Leadership Role of the United States**

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

Maintaining Diplomacy. In particular, the Department of State's Trafficking in Persons report mandated by the Trafficking Victims Protection Act of 2000, has been a real catalyst for change, and given civil society around the world an opening to reduce many of these terrible practices. Whether inducing cooperation between the United States and Cambodia on combatting sex trafficking, increasing the urgency of stopping exploitation of foreign labor among the Gulf Cooperation Countries or increasing the efforts of Nigeria to impede trafficking of women to Italy,

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<sup>15</sup> UNODC, The Role of Corruption in Trafficking in Persons, [www.unodc.org/documents/human-trafficking/2011/Issue\\_Paper\\_-\\_The\\_Role\\_of\\_Corruption\\_in\\_Trafficking\\_in\\_Persons.pdf](http://www.unodc.org/documents/human-trafficking/2011/Issue_Paper_-_The_Role_of_Corruption_in_Trafficking_in_Persons.pdf)

the political impact of the Report and its tier system is well recognized, even by its original skeptics.<sup>16</sup> We should be taking steps to strengthen the Office to Monitor and Combat Trafficking, ensure that it continues to be a center of excellence and drafter of the report, and the report itself remain a catalyst for change. In that context I am concerned by some of the recommendations in the Report of the Office of the Inspector General, including some implicit criticism of the TVPA itself, and the idea of ending the physical publication of the report. While I am still studying this just issued report, I do note that it also raises fair concerns regarding the lack of cohesion within the Department and the effect of the so-called “automatic downgrade” provision that may be skewing assessments under the tier system.

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

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

Supply Chains. With respect to supply chains, the United States is doing more to help identify solutions. The voluntary guidelines issued by the Consultative Group created by the Department of Agriculture point to key principles for this work, and I want to commend the Department of Agriculture for dedicating \$5 million to support project(s) to pilot test specific elements of the guidelines. In addition, we also hope that the standards being reviewed by the Department of Labor as mandated by the Trafficking Victims Protection Reauthorization Act of 2005, which have been delayed by some time, will also make a contribution in this area. We hope Congress can push the Department of Labor to issue those guidelines soon. We also understand that other agencies are developing learning in this area and we look forward to their conclusions as well.

Finally, we believe that the policies behind the California transparency law I described earlier could be strengthened by requiring similar provisions in Federal law covering the broadest possible range of companies throughout the United States. H.R. 2759, the Business Transparency on Trafficking and Slavery Act, has been introduced in the House to implement this very recommendation, and I want to commend Senator Rubio, a member of this committee, for offering to hold a briefing

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<sup>16</sup> See, e.g., Anne T. Gallagher. "Improving the Effectiveness of the International Law of Human Trafficking: A Vision for the Future of the US Trafficking in Persons Reports" *Human Rights Review* 12.1 (2010).

later this week to educate members of this body on this important reform more generally. And later today, ATEST will host a live webcast that will consist of a panel of experts on supply-chain issues that will be very illuminating.

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

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

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

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

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

Indeed, the DOL recently promulgated regulations for one visa category, the H2-B non-agricultural workers that took some important steps towards limiting abuses

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

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

by foreign labor recruiters as one part of a much larger rule. Unfortunately, these regulations are being challenged in court, arguing that DOL does not have the authority to issue such regulations. Moreover, the FY2013 Labor-HHS Appropriations Bill includes a rider that would prohibit funds for the implementation of these new regulations. Mr. Chairman, given the abuse of these programs, demonstrated by such cases as the Thai workers, Indian welders, and the recent Gulf shrimp case, I hope that you and other members of the Senate will seek to eliminate provision as the bill moves through the legislative process. I have attached to my testimony a letter from the ATEST relating to this provision.

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

Mr. Chairman, there are other individual pieces of legislation that are moving through Congress that I note that S. 2234, the End Trafficking in Government Contracting Act of 2012, introduced by introduced by Senator Blumenthal, Senator Portman and nine other Senators, looks to end trafficking and related conduct by entities that receive federal grants or contractors. At the same time, House is reviewing H.R. 2730, the Strengthening the Child Welfare Response to Human Trafficking Act of 2011, a bill that would make combatting trafficking a higher priority in state child welfare systems. A briefing is being held on this legislation tomorrow on the House side. I have already referred to H.R. 2759, the Business Transparency on Trafficking and Slavery Act.

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

## **Conclusion**

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

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