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EFFECTIVE ACCOUNTABILITY: TIER RANKINGS IN THE FIGHT AGAINST HUMAN TRAFFICKING

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

OF THE

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EFFECTIVE ACCOUNTABILITY: TIER RANKINGS IN THE FIGHT AGAINST HUMAN TRAFFICKING

TUESDAY, APRIL 29, 2014

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 o'clock p.m., in room 2200 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order.

Good afternoon and welcome.

First of all, let me apologize for the lateness in convening this hearing. We did have a series of votes. And so, I do apologize for that delay.

Welcome to this afternoon's hearing on the power of holding countries accountable in the annual Trafficking in Persons Report, including its tier rankings, for government successes or failures in the fight against human trafficking.

Experts have observed that there are more slaves in the world today than at any previous time in history. With the Trafficking in Persons Report and tier rankings, the United States is ensuring more accountability and progress, more than ever we believe, in the fight to rid the world of modern-day slavery.

Many joining us this afternoon have been in this fight for more than a decade, at least from the year 2000, when a law that I authored, the Trafficking Victims Protection Act, created a comprehensive policy that not only established the Office to Monitor and Combat Trafficking in Persons at the Department of State, but also the annual Trafficking in Persons Report.

The success of the TIP Report and rankings is beyond anything we could have hoped for at the time. From presidential suites to the halls of parliaments, to law enforcement assets and police stations in remote corners of the world, this report focuses anti-trafficking work in 187 countries on pivotal goals of prevention, prosecution of the traffickers, and protection for the victims.

Much of the praise for the success of the TIP Report is due to the incredibly effective Ambassadors-at-Large who have led the Office to Monitor and Combat Trafficking in Persons and their highly-dedicated staff. Ambassador Mark Lagon is one of them, and he

is here with us today. We are honored to have him and look forward to hearing from him with his testimony.

Each year the trafficking office evaluates whether a government of a country is fully complying with the minimum standards for the elimination of human trafficking or, if not, whether the government is making significant efforts to do so. The record is laid bare for the world to see and summarized in a tier rankings narrative. Tier 1 countries fully meet the minimum standards. Tier 2 countries do not meet the minimum standards, but are making significant efforts to do so. Tier 3 countries do not meet the standards and are not making significant efforts to do so. Along with the embarrassment of being listed on Tier 3 as an egregious violator, such countries are open to sanctions by the United States Government.

Over the last 14 years, mor than 100 countries have enacted anti-trafficking laws, and many countries have taken other steps required to significantly raise their tier rankings. Some countries openly credit the TIP Report as a key factor in their increased and effective anti-trafficking response.

We created the Tier 2 Watch List in the 2003 TVPA reauthorization. This list was intended to encourage good-faith anti-trafficking progress in a country that may have taken positive anti-trafficking steps late in the evaluation year. Unfortunately, some countries made a habit of last-minute efforts and failed to follow through year after year, effectively gaming the system.

To protect the integrity of the tier system and ensure it worked properly to inspire progress in the fight against human trafficking, Congress in 2008 created an automatic downgrade for any country that had been on a Tier 2 Watch List for 2 years, but had not taken significant effort enough to move up a tier.

The President can waive the automatic downgrade for an additional 2 years if he has certified "credible evidence" that the country has a written and sufficiently-resourced plan which, if implemented, would constitute significant efforts to meet the minimum standards.

Last year was the first test of the new system, and it worked. China, Russia, and Uzbekistan ran out of waivers and moved to Tier 3, which accurately reflected their records. In this afternoon's hearing, we will evaluate whether these countries have made any significant progress over the last year. I am particularly concerned that China's trafficking crisis continues unabated.

The recent U.N. Commission of Inquiry report on North Korea provides horrifying evidence of the trafficking of North Korean women to China for sex, brides, and labor. I would note, parenthetically, that I have chaired at least five hearings that we have heard trafficking victims tell their story, North Korean women, the lucky ones who are finally free from the slavery that they found when they crossed the border into China.

An estimated 90 percent of North Korean women seeking asylum in China are trafficked for these reasons. Thousands of women a year leave desperate situations in North Korea, only to end up in a brothel or forced marriage, a tragic and astonishing fact.

China's response has not been to provide protection for victims or to prosecute traffickers, and they are signers of the refugee convention, and they completely abrogate their responsibilities of

refoulement under the refugee convention. They hunt down and repatriate North Koreans, send them back to hard labor, long imprisonments, and even execution.

North Korean women are not the only victims. By 2020, more than 40 million Chinese men will be unable to find wives in China because of China's shortsighted and abusive one-child policy, which, coupled with modern abortion technology has triggered the mass abortion of tens of millions of baby girls, a human rights abuse in and of itself. Sex-selective abortions have also created a huge trafficking magnet, pulling victims into forced marriages and brothels from countries in proximity to China and beyond.

China's extremely modest and overly hyped suggestion that it might relax the Draconian one-child-per-couple policy is unlikely to mitigate disaster and may be further counteracted by the spread of sex-selection abortion technology to even more of rural China. Whether the birth limitation is one child or two children in special cases, birth limitation policies constitute abuse, cruelty, and exploitation without precedent or parallel for baby girls and, by extension, the rest of society.

The Government of China is failing not only to address its only trafficking problems, but is creating an incentive for human trafficking in the whole region. Although she could not join us today, renowned author Mara Hvistendahl, author of Unnatural Selection: Choosing Boys Over Girls and the Consequences of a World Full of Men, will be submitting testimony for the record specifically on the effect of the sex ratio imbalance as the cause of human trafficking and the proliferation of marriage agencies in China which traffic women from poorer countries into China and sell them into marriage.

The hearing this afternoon will also take a look at a second set of countries this year that must be automatically downgraded unless they have made significant efforts to fight human trafficking. These countries include Thailand, Malaysia, Afghanistan, Chad, Barbados, and Maldives. Burma may receive a Presidential waiver in order to avoid a downgrade to Tier 3, but the facts on the ground don't justify that course of action.

Cutting across Burma, Thailand, and Malaysia is the tragic plight of the Rohingya minority. Rohingya are leaving Burma by the thousands to escape religious persecution. However, according to reports put out by Reuters, Thai authorities are selling Rohingya to human traffickers, where they are held in tropical gulags until relatives pay ransom. Those who cannot pay the ransom are sold into sex slavery or hard labor and may die from abuse or disease. Thai authorities have done little to stop this practice. Their efforts at prevention and prosecution are said to be losing steam.

Rohingya are often trafficked to Malaysia, where they are exploited for labor, the sad fact is that many Rohingya, a persecuted Sunni Muslim minority in Burma, hope to find refuge in Malaysia, a majority Muslim country. Burma is the source of Rohingya trafficking in the region. Policies of discrimination, child limitation, forced birth control, and violence push Rohingya minority to leave Burma and leave them as vulnerable refugees.

The Burmese Government is culpable in this trafficking and the regional problems that their policies create. The Burmese Govern-

ment has done little to stop trafficking of these individuals. Reports indicate that authorities profit from the sale of Rohingya traffickers and women are held at military bases as sex slaves and many men are used for forced labor. Though these practices have gone on for many years, I believe they are underreported in the State Department's TIP Report.

Displaced by war and the Burmese military, women and children from the Kachin tribe in Burma are also subjected to human trafficking. Roija, an 18-year-old woman living in an IDP camp in northern Burma, was lured to China with the promise of a restaurant job. Once in China, she was bussed to a rural village and locked in a room. According to her testimony, she cried for 3 days and begged those around her to let her go. She was told to just give up and was sold as a bride for $5,312.

The importance of accurate tier ratings in TIP Report country profiles cannot be overstated. That is why we are having this hearing. Again and again, we have seen countries turn 180 degrees and begin the hard work of reaching the minimum standards after the TIP Report accurately exposed with a Tier 3 rating and a truthful country report of each country's failure to take significant action against human trafficking.

I will never forget two of our closest allies, Israel and South Korea, both were on Tier 3. I remember meeting with their Ambassadors who had files demonstrating to all of us and anyone who would listen, especially the TIP office, what measures they were taking to mitigate this terrible crime, these crimes that were occurring under their watch. And both of those countries got off Tier 3 when they took substantive action.

So, this hearing is an attempt to further inform all of us and, by extension, the TIP office, of your concerns, experts in the field, and I look forward to hearing your testimony.

I would like to yield to Dr. Bera.

Mr. BERA. Thank you, Chairman Smith.

And I know Ranking Member Bass is on her way, after votes, here. So, I will defer and let her make an opening statement.

I just want to applaud the committee on your commitment, Mr. Chairman, and dedication to mitigating human trafficking. We have had a number of hearings, both here in the subcommittee as well as the full committee hearing. As the examples you pointed out, there is nothing more inhumane or reprehensible than human trafficking and our values as Americans clearly reflect the need that we have to stand up for the values that we hold dear the value of the dignity of life.

Human trafficking occurs in virtually every country around the world, despite our efforts to end this horrible injustice. According to the International Labor Organization, nearly 21 million people were human trafficking victims in 2012, and traffickers receive more than $32 billion a year.

Tragically, our own country is no exception to this, with an estimated 300,000 children at risk each year in the United States for commercial sexual exploitation. This is a particularly important issue to me because it is a challenge in my home town of Sacramento.

Sacramento is among the top U.S. cities that suffer from human trafficking, particularly childhood prostitution. And Sacramento, unfortunately, because of its location and many transportation routes, often becomes an entry point for other areas of the country.

As we have discussed in this committee previously, one way the State of California is working on combating human trafficking is making sure there are lots of eyes on the ground. That is by training the public to look for those warning signs, so that they can be vigilant and notify authorities. This training certainly is incredibly important because, again, there is no more reprehensible crime, but we have got to raise that community awareness. So, again, we have those folks in the neighborhoods looking for signs of suspicious activity.

In addition, employing a victims-centered approached where victims have access to social services and are empowered to take actions and steps toward the right direction in mitigating human trafficking. Again, it is very important for us to not revictimize the victims, but to help them rebuild their lives.

Since the State Department's reports were first launched, 120 countries have established anti-human trafficking laws. In this regard, it is incredibly important that the State Department continue to place countries in appropriate tiers, so we can find better ways to cooperate and stop trafficking, both internationally and at home. It is that leverage of proper tier placement that is very important, and I look forward to hearing about that from the witnesses.

Mr. SMITH. Thank you very much, Dr. Bera. Thank you for your comments, and I look forward to working with you even further on this important issue.

I would like to now yield to Randy Weber, the vice chairman of the subcommittee and, also, the author of the trafficking law in Texas, when he was a member of the legislature there.

Mr. WEBER. Thank you, Mr. Chairman.

I want to echo my colleague down there, the good doctor's comments about it is a terrific scourge and it is something that needs to be stamped out. In Texas we understood that.

You know, they call a lot of the buyers of sex, actually, purchasers of sex, or POSes. And I told the last panel, I said, "We call them 'POS' in Texas, too, but it is not the exact same connotation." And offline, I might tell you what that stands for.

But, yes, we had a very important bill, House Bill 4009, in the Texas Legislature where we strengthened the definition of human trafficking, where we increased the penalties of human trafficking, where we made sure that law enforcement knew that these young girls that are pressed into slavery, basically, aren't always willing prostitutes, for example. Then, you dig deeper, look deeper.

We actually made a Web site with HHSC, the Health and Human Services Commission, where they put it up online and they brought together all the NGOs and the different organizations and law enforcement, where they could go to get training. We had three, I think it was either three or four, seminars around the State each year where they would go and hear speakers, hear about the background.

We like to say that everything is bigger and better in Texas, and it certainly is. Unfortunately, though, in this particular realm, we

hold the record. Twenty-five percent of the human trafficking in this country is in Texas, and that is not one of the records that we want. And so, we set about to do something different, to change that.

So, I applaud you all for being here, and I applaud, Mr. Chair, you for putting this hearing on, and look forward to what the witnesses have to say.

I yield back.

Mr. SMITH. I would just say that those who are at risk or victims are safer because of the work you did, landmark work, in Texas.

I would like to now introduce our distinguished panel, beginning first with Ambassador Mark Lagon, who was the Ambassador-at-Large from 2007 to 2009 in the Office to Monitor and Combat Trafficking in Persons.

Ambassador Lagon went on to become executive director and CEO of the anti-trafficking nonprofit, the Polaris Project. Currently, Ambassador Lagon is the global politics and security chair at Georgetown University's master of science in Foreign Service program and adjunct senior fellow for human rights at the Council on Foreign Relations.

Then, we have Mr. Brian Campbell, who is responsible for International Labor Rights' foreign policy, legal and legislative advocacy, and runs its campaign to end child labor.

For several years, Mr. Campbell has led advocacy efforts in state-sponsored forced labor in Uzbekistan's cotton industry, working closely with child labor NGO partners in Uzbekistan to elevate the role of civil society in the country, promote enforcement of existing laws, policies, and standards that protect workers' core labor rights, and develop and improve legal and soft law instruments.

We will, then, hear from Mr. Blair Burns, who is vice president of the Regional Operations for Southeast Asia at the International Justice Mission, where he oversees IJM's work in Cambodia, Thailand, and the Philippines to bring freedom and justice to victims of human trafficking and sexual assault.

He also leads IJM's local and national strategies to reform the justice systems in these countries to ensure protection to the poor from violence.

Prior to his role, Mr. Burns worked with IJM in India, where he led a team to rescue more than 700 people from slavery.

I note, parenthetically, that IJM worked very closely with me and my staff, and with Mark Lagon over on the Senate side, when we were writing this legislation. And Gary and the rest of the team really had a great impact on the legislation, and I want to thank them for that.

Then, we will hear from Ms. Nathalie Lummert, who is director of special programs with the U.S. Conference of Catholic Bishops' Migration and Refugee Services, where she manages initiatives relative to unaccompanied children and trafficking victims and immigrant detention.

She has over 15 years of experience with forced migration issues and is an expert in case management, program development, and advocacy for various migrant populations.

Prior to her work at the USCCB, Nathalie worked with the UNHCR and with at-risk populations, such as the homeless and runaway youth. Thank you, too, for your leadership.

And finally, we will hear from Dr. Wakar Uddin, who is the director general of the Rohingya Union, where he is a key leader and advocate for Rohingya citizenship in Burma and for international political and humanitarian support of the people.

He is also a founder and chairman of the Burmese Rohingya Association of North America, which works closely with various organizations to ensure the welfare of refugees and immigrants in the United States and in Canada.

Ambassador Lagon, if you could provide your testimony?

STATEMENT OF THE HONORABLE MARK LAGON, GLOBAL POLITICS AND SECURITY CHAIR, MASTER OF SCIENCE IN FOREIGN SERVICE PROGRAM, GEORGETOWN UNIVERSITY (FORMER AMBASSADOR-AT-LARGE FOR TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF STATE)

Ambassador LAGON. Chairman Smith, members of the committee, I thank you very much for inviting me. It is a special pleasure to look at the upcoming Trafficking in Persons Report with the legislator most responsible for putting that tool in the policy toolbox for the United States.

This is an issue of robustly bipartisan concern, and I want to say I am pleased to see President Obama's personal engagement in the annual meetings of the Presidential Interagency Task Force on Trafficking. He used the occasion on April 8th to focus on victim protection, and I would like to say a word about that a bit later.

Secretary Kerry and his team at the State Department deserve praise for going through with automatic downgrades of Russia, China, and Uzbekistan to Tier 3 in the TIP Report last year.

I would like to speak to a few countries of particular concern meriting close scrutiny this year.

Malaysia is among those countries that face an automatic downgrade to Tier 3. It desperately needs to amend its anti-trafficking law to allow victims to live, travel, and reside outside of government facilities. It needs to increase efforts to prosecute fraudulent labor recruiters, and it needs to increase training to avoid government complicity in trafficking.

Thailand, in Southeast Asia, is also on the cusp of an automatic downgrade. I would just like to say, as an aside, I think Thailand is an example, I found personally, of perhaps an unfortunate addition to the Trafficking Victims Protection Act, in the 2013 reauthorization that the House acceded to, drafted by the Senate. It gives credit in the minimum standards to countries that have conferences and partnerships with NGOs and other entities. Well, you know, I have worked with the Global Business Coalition Against Human Trafficking. I believe in partnerships. But when I went to speak at a conference in Thailand on Rule of Law last fall, that is not evidence that Thailand is doing more. Government action is what matters.

Reuters reported this month that the Thai Government had shared statistics with the United States on human trafficking, but their veracity is suspect, particularly for the reason that the

Rohingya people trafficked from Burma don't seem to be counted. They seem to be treated as human smuggling victims.

In this region of Southeast Asia, one sees a particularly acute problem in the seafood sector. I testified before the Senate Foreign Relations Committee and the House Natural Resources Committee on human trafficking in illegal, unreported, and unregulated fishing. But trafficking doesn't just occur on the high seas. When that seafood comes to shore, it has got to be processed, and many migrants are subject to trafficking, just like Burmese victims I met 7 years ago, as Ambassador, on the outskirts of Bangkok. And that abuse persists today. That is a shame.

Also in the East Asian region, otherwise admirable, affluent, democratic allies New Zealand and Japan, well, have a good record of spending resources elsewhere in the region, but they deserve some scrutiny for their conduct at home.

New Zealand has for a number of years been assigned to Tier 1, but look at the narrative of last year's report. The government hasn't prosecuted or convicted any offenders in the last 7 years nor has it identified any trafficking victims in the last 9 years.

Japan deserves on the merits no more than a Tier 2 ranking. It is very much in the power of Japan to ratify the U.N. Palermo Protocol and pass a comprehensive anti-trafficking law, and it hasn't done it.

When I am asked what region of the world exhibits the worst human trafficking, my answer is always the Arabian Gulf. There, documented guest workers, foreigners from South and Southeast Asia, and increasingly from Africa, as well as women, are not treated as human beings in full, not accorded access to justice.

In particular, I am concerned with Qatar, which has earned a Tier 2 ranking the last 2 years. It is of special interest, given its preparations for the 2022 World Cup. Major sporting events cause a dual hazard of human trafficking in the construction of arenas and in the sex trafficking that spikes during the events.

Mr. Chairman, I admire the fact that during the Super Bowl last year you spoke to that sex trafficking hazard in your own State of New Jersey.

Well, in Qatar there was a report 2 weeks ago claiming that 1,200 men had lost their lives since construction work started, far ahead of any loss of life or harm in Brazil and South Africa preparing for World Cup games, or even Beijing in preparing for the Olympics.

Qatar is not alone in its responsibility. The source countries of migrants who are abused also are. And the Government of Nepal is a good example. By not regulating its labor recruiters who woo its nationals into debt, and for not more forcibly defending its nationals in diplomacy, it is a shame that Nepal is not doing more. It is too taken with the remittances that seem to make up a quarter of its economy.

India, in South Asia, has the highest incidence of human trafficking globally. But one case outside of India deserves special attention. The arrest of the Indian diplomat Devyani Khobragade in the United States for trafficking of a domestic servant calls attention to the special priority that the Trafficking Victims Protection Act places on government officials' complicity in TIP.

The U.S. regulation to penalize flagrant or repeated abuses of countries whose diplomats are bringing third country nationals into the United States has never been invoked. It is about time it is.

Afghanistan faces an automatic downgrade to Tier 3, with families selling children for prostitution, insurgent groups forcing children to serve as suicide bombers, and labor brokers driving Afghan men, women, and children into forced labor abroad. We ought to, long after the U.S.-led invasion, be candid about the reality on the ground.

A couple of more cases I would like to cite are ostensible success stories. Brazil, year after year on Tier 2, has had labor inspectors rescuing forced labor victims by the thousands, but it wasn't until last year's report that a case of labor slavery was documented as having earned an honest-to-goodness prison sentence as opposed to a halfway house, a community service term, or some suspended sentence.

Brazil is more broadly emblematic of a global pattern of impunity for labor trafficking. Continuing the statistical disaggregation introduced in my own tenure as Ambassador, the 2013 report revealed that only 15 percent of prosecutions for TIP globally were for labor, rather than sexual exploitation. And that was double the 7 percent, a meager figure, the year before.

In Europe, there remains a problem for demand for sex trafficking. How meaningful can the anti-demand efforts of nations which the TVPA minimum standards require the TIP Report to account for if sex buying is legal and, frankly, encouraged as a tourist industry by the Dutch, German, and other governments?

In these examples, generally, one sees two imperatives for the U.S. anti-trafficking policy globally. First, fighting demand. It is intolerable to keep suggesting boys will be boys with the purchase of commercial sex. Sex trafficking grows in this swamp. It is for this reason that I support legislation sponsored by Congressman Hultgren to add a provision to the TVPA minimum standards which assesses whether national governments that have it in their power to criminalize sex buying, by the "POSes" that Congressman Weber spoke of, do so.

Second, of the three famous P's of prosecution, protection, and prevention, protection of victims must come first. If the United States Government is spending so very little in this area relative to, say, corporate welfare and agribusiness welfare, how can we expect developing nations to advance victim identification, shelter capacity, physical/medical care, therapy for deep-layered traumas of victims, job training, and, finally, job placement, as the ultimate dignity-reclaiming step for a victim?

In conclusion, Congress would do well to focus on demand and survivor empowerment. By focusing on them in oversight and legislation, it will contribute to the actual contraction and eventual abolition of what amounts to slavery in our time.

Thank you.

Mr. SMITH. Ambassador Lagon, thank you very much for your testimony.

Without objection, your full statement will be made a part of the record, along with that of all of our distinguished witnesses.

Ambassador LAGON. I appreciate that, Mr. Chairman.

[The prepared statement of Mr. Lagon follows:]

COUNCIL *on* FOREIGN RELATIONS

April 29, 2014

Human Trafficking: Focusing on Key Countries, Demand, and Victim Protection

Prepared statement by
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Council on Foreign Relations

Before the
House Committee on Foreign Affairs
Subcommittee on Africa, Global Health, Global Human Rights and International Organizations
United States House of Representatives
2nd Session, *113*th Congress

Hearing on "Effective Accountability: Tier Rankings in the Fight Against Human Trafficking."

Chairman Smith, Congresswoman Bass, and Members of the Subcommittee, it is a privilege to testify today. It is always a special pleasure to look at the upcoming Trafficking in Persons Report I was charged with shepherding and using diplomatically with the legislator most responsible for it being added to the U.S. policy toolbox, you, Mr. Chairman. I would ask that my full written testimony, which I will summarize, be admitted into the record.

On an issue of robustly bipartisan concern, let me begin with some praise for an administration of the other party than that which I served in. I am pleased to see President Obama's personal engagement in the annual meetings of the President Interagency Task Force established by the Trafficking Victims Protection Act (TVPA). He used that occasion on April 8 to place special attention on victim protection. The rhetoric of a victim-centered approach under administrations of both parties has never been matched fully with deeds. The TVPA and the UN Palermo Protocol, developed at the same time, heavily prioritize the prosecution of perpetrators in a law-and-order approach. Yet human trafficking is fundamentally a human rights calamity even more than a criminal or security issue, and as such, the moral imperative for the U.S. and the world is to focus on the empowerment of survivors. I will return to that.

The Council on Foreign Relations takes no institutional positions on policy issues and has no affiliation with the U.S. government. All statements of fact and expressions of opinion contained herein are the sole responsibility of the author.

Secretary Kerry and his team at the State Department also deserve praise for going through with the automatic downgrades of Russia, China, and Uzbekistan to Tier 3 in last June's *TIP Report* – cases I expressed deep concern about at your corresponding hearing, Mr. Chairman, one year ago. Calling it like it is on those three countries protects the integrity of the Report, and bolsters the legitimacy of U.S. foreign policy more generally.

I would like to speak to a few countries of concern meriting close scrutiny in the 2014 Report, and by the Congress and the American people as the report is finalized.

Malaysia is among those countries which face an automatic downgrade to Tier 3 under Section 107 (a) of the 2008 TVPA reauthorization. In 2009, right after my tenure as Ambassador at Large, Malaysia was assigned the Tier 3 ranking that it truly deserved for governmental lack of will, and not just of capacity. Since then, it has remained on the Tier 2 Watch List for four consecutive years. The country was granted a waiver from downgrade to Tier 3 based on a government plan that, if implemented, would represent significant efforts to meet the minimum standards for the elimination of trafficking. Among other pressing reforms, Malaysia needs to enforce the law that prohibits employers and labor agents from withholding travel documents; amend its anti-trafficking law to allow victims to live, travel and reside outside of government facilities; increase efforts to prosecute and punish offenders, especially fraudulent labor recruiters; develop and implement procedures for identifying and protecting victims; and increase training to officials to avoid government complicity in human trafficking cases.

Thailand is also on the cusp of an automatic downgrade from a Watch List which should not serve as a long-term status. Public unrest and shaky rule of law in the last year are no pretext for not telling it like it is in the 2014 *TIP Report*. Moreover, Thailand illustrates what are unfortunate revisions to the TVPA in the 2013 reauthorization bill produced in the Senate to which the House acquiesced without revision. That reauthorization added ill-advised new criteria to the TVPA minimum standards from which tier rankings in the *TIP Report* are derived. Those added criteria give credit to nations for conferences and partnerships with NGOs and other entities aimed at fighting trafficking. Best-practice sharing and partnerships are important (indeed one reason I have worked to develop and serve uncompensated on the Board of the Global Business Coalition Against Human Trafficking), but not an end in itself. Last fall, I was a featured speaker at the so-called Bangkok Dialogue hosted by the Thailand Institute of Justice housed in the country's Ministry of Justice. That conference properly highlighted how rule of law must be a central precept in the post-2015 Millennium Development Goals being fashioned in the United Nations. But my enthusiastically taking part in a worthy conference is no substitute for government action to combat trafficking.

In particular, concerns in Thailand include defective mechanisms for identifying victims among vulnerable populations; lax investigation, prosecution and conviction of perpetrators; inadequate regulations concerning labor brokers and recruitment fees paid by migrant workers; official complicity in the cross-border smuggling of undocumented migrants; inadequate assistance to victims; and failure to yet accede to the UN Palermo Protocol. Reuters reported this month that the Thai Government shared with the United States statistics on anti-trafficking efforts; however, those numbers' veracity was suspect as they do not include thousands of Rohingya people trafficked from Burma, which the Thai government considers as smuggling cases rather than trafficking cases.[1]

I am indeed concerned about the interaction of Thailand and Burma. As Ambassador at Large, in 2007, I met several young Burmese women in a Thai shelter who had been recruited from Burma as migrant workers. They described to me the brutal forced labor they were subjected to in seafood processing in Samut Sakhon. I had the privilege to speak with Aung San Suu Kyi at a small lunch about my experience and her continued concern about the Burmese subject to human trafficking in her country and neighboring ones. The Rohingya people are particularly vulnerable to human trafficking today. Daw Suu is a true heroine. But she, and the

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governing authorities, must be attentive to the plight of the Rohingya, and not just reform and reconciliation. Burma has been on Tier 2 Watch List in 2012 and 2013 after previously sitting in Tier 3 for several years. Among other things, the Burmese government needs to immediately address the problem of military officials engaging in forced recruitment of child soldiers; find, demobilize and rehabilitate children serving in the armed forces; recognize citizenship to minorities lacking legal protection; more vigorously prosecute and punish perpetrators, including complicit government officials; and increase victim identification and protection efforts.

Let me say a word more generally about trafficking in the seafood sector so prevalent in that region of the world. I have recently testified before the Senate Foreign Relations Committee and a House Natural Resources Subcommittee on the subject of human trafficking arising in illegal, unreported and unregulated (IUU) fishing. I am very glad that thereafter, the Senate approved the "Port State Measures Act" which will help close the window of vulnerability to trafficking in IUU fishing. Congress should pass H.R. 69, "The Illegal, Unreported and Unregulated Fishing Enforcement Act," introduced by Congresswoman Bordallo, and S. 267 "The Pirate Fishing Elimination Act," introduced by Senator John D. Rockefeller IV to do the same.

Yet human trafficking does not just occur on the high seas. When the seafood comes to shore it then must be processed, and many migrants are subject to human trafficking in that grueling work—just as those Burmese I met in the outskirts of Bangkok seven years ago. It is a tragedy that abuse persists in this sector years later. Government authorities must grapple with it.

Elsewhere in East Asia, I would like to talk about problems in otherwise admirable, affluent, democratic allies of the United States: New Zealand and Japan. These are two nations with a good record of spending resources and time to combat human trafficking in the Asia-Pacific region. However, just as the U.S. must attend to its own record *at home* on human trafficking, and not solely be assessed based on its international efforts, so too must New Zealand and Japan be held to account for their *domestic* efforts.

New Zealand has for a number of years been assigned to Tier 1. Yet if one looks at the narrative in the 2013 *TIP Report*, one sees a picture more complex than the grade itself. New Zealand needs to significantly increase efforts to investigate and prosecute human trafficking cases. Its government has not prosecuted or convicted *any* offenders in the last seven years, nor has it identified *any* trafficking victims in the last nine years. In addition, the government should update and implement its 2009 national action plan to properly identify and assist victims, notably sexually exploited children and migrants in forced labor. Finally, to address demand, the country should launch an anti-trafficking awareness campaign directed at clients of the sex trade.

Japan is rightly considered the most important ally of the United States in the region. Perhaps for this reason, the Government of Japan is, to say the least, perturbed to be the only G-7 member not on Tier 1. Yet Japan deserves on the merits no more than the Tier 2 ranking it has earned for several years. It is very much in the power of Japan to ratify the UN Palermo Protocol and pass a comprehensive anti-trafficking law, yet it has not done so. Instead, it relies on piecemeal provisions, and shortchanges law enforcement training on human trafficking *per se*, leading to prosecutions for lesser offenses. Law enforcement activity, if anything, appears to be falling off in this area. And the problem is not just sex trafficking among Japanese minors and immigrant adults, but abuses under a labor trainee apprentice program designed to impart skills to migrants of less developed nations of the region, but in fact permitting trafficking due to the inapplicability of labor laws to the "trainees." I, myself, met two such victims from China in Japan.

Moreover, as Ambassador at Large from 2007 to 2009 and Executive Director from 2009 to 2010 of a nonprofit with an office then in Japan, Polaris Project, I was startled by authorities' disinclination toward collaborating with civil society organizations to identify and rehabilitate trafficking victims.

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When regularly asked in what region of the world trafficking is the worst, my answer is: the Arabian Gulf. Scurrilous labor agents, debt bondage, sponsorship laws, withheld passports and papers, and fraud are among the persistent problems there, which do not chiefly victimize undocumented workers, but rather *documented guest workers*. Foreigners (from South and Southeast Asia, and increasingly Africa) and women are not treated as human beings in full, nor accorded access to justice. Those who are both, like many domestic servants, are very vulnerable to abuse.

I was involved in contentious diplomacy with Oman for its Tier 3 ranking in 2008. Since then, perceived improvements in Oman's efforts have earned it a Tier 2 ranking for four consecutive years. Yet Oman demonstrates a problem. The *TIP Report* conclusively propels nations to enact comprehensive anti-trafficking laws, as proven statistically by Judith Kelley of Duke University and Beth Simmons of Harvard University, [2] but enforcement of those laws often does not follow. It is time to assess whether implementation is lagging following the formal steps which earned Oman's hike to Tier 2. Moreover, having myself been ushered through a "Potemkin Village" trafficking victim's shelter in Kuwait in 2008 as Ambassador at Large, two such government shelters in Oman appear equally to be a triumph of form over survivor-empowering substance. During the last assessment period, the government only identified and referred two trafficking victims to its first, underused government-run shelter. In addition, unscrupulous labor brokers are driving migrant workers into forced labor in the country.

Qatar has earned a Tier 2 ranking the last two years. It is of special interest given its preparations for the 2022 FIFA World Cup and eagerness to host FIA Formula One World Championship races. Major sporting events like the World Cup and Olympics cause a dual hazard for human trafficking with labor exploitation in constructing competition arenas *and* a spike in sex trafficking during the events themselves. Mr. Chairman, during the last Superbowl, you spoke pointedly about this latter hazard in your own state of New Jersey. As for Qatar, there was a report two weeks ago claiming that 1,200 men had lost their lives since the construction work started--much larger than the death toll for workers in preparation for the Brazil and South Africa World Cups, with 7 and 2 deaths respectively, and the Beijing Olympics with 10 workers deaths.[3] There are several factors present in Qatar that substantially increase the risks of human trafficking and labor abuses, including a sponsorship system that binds migrant workers to their employers, exorbitant recruitment fees, and a widespread withholding of passports. In addition, the government continues to punish victims for offenses committed due to being trafficked, and only assists victims that filed complaints before their arrests.

And it appears that Qatar is not alone in responsibility for migrant workers grossly exploited on its soil. Among "source countries" for migrant workers, for instance, the Government of Nepal has a responsibility for regulating the labor recruiters who woo its nationals into debt, and for more forcefully defending its nationals in its diplomacy with Qatar. Instead, it seems that the Nepali government has chosen to look the other way and continue taking advantage of the succulent remittances from its citizens working abroad, which represent up to a quarter of its GDP.[4] The community of U.S. anti-trafficking nonprofits has been particularly focused on Nepal, which has been on Tier 2 in recent years, candidly as a beneficiary of grade inflation due to lack of perceived capacity. Around the world there is a murky line between lack of capacity and lack of will in less developed countries. Trafficking in Nepal includes extreme cases of physical abuse of children and domestic servitude. The government should commit to protect its citizens both abroad and at home; regulate and prosecute offending labor brokers; train public officials to find victims and refer them to protective services; grant immunity to victims; comport its laws on trafficking with international standards; and ratify the Palermo Protocol.

Elsewhere in South Asia, the colossus, India, remains a mixed bag. On the one hand, the nation has the highest incidence of human trafficking globally, with millions from marginalized castes (who typically never cross a border) in bonded labor. On the other hand, India has finally begun slowly what the United States,

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with another federal system, did in the Civil Rights Era: national authorities engaging state authorities to impel them to implement national laws. Yet one case outside India deserves attention for larger lessons. The arrest of Indian diplomat Devyani Khobragade in the U.S. for charges related to the trafficking of a domestic servant calls attention to the special priority the TVPA places on government officials' complicity in TIP. Sometimes the *TIP Report* does not recount these cases (not even by discretely leaving out the names of the accused). And a U.S. regulation to penalize flagrant or repeated abuses by barring all of a country's diplomats from bringing third country nationals into the U.S. has never been invoked.[5] Lest diplomatic immunity become impunity (for activities truly unrelated to official duties under a sober reading of the Vienna Convention on Diplomatic Relations of 1961), India is a case to watch, on this case of that acute sort of abuse shrouded within a home and also within the bubble of diplomatic privilege.

Afghanistan is another nation facing automatic downgrade from Tier 2 Watch List to Tier 3. I know from experience that the State Department used to treat some nations facing particular turbulence as Special Cases. Yet so many years have passed since a U.S.-led invasion to oust the Taliban government that it is now important for the U.S. to transparently assess the reality on the ground. While access to justice and opportunity for women and girls have improved since that invasion, problems in this regard remain serious and enable human trafficking. The majority of Afghan victims are trafficked internally. Families selling children for prostitution, or insurgent groups forcing children to serve as suicide bombers are all too common. In addition, unscrupulous labor brokers are driving increasing numbers of Afghan men, women and children into forced labor abroad. The Afghan government needs to grant immunity to victims for crimes due to their being trafficked, punish complicit government officials, and train law enforcement in victim identification and protection.

I would like to end by looking at some ostensible success stories. Brazil has been on Tier 2 since 2007, and its labor inspectors have rescued forced labor victims in the thousands each year since then. Yet it was not until last year's Report that a case was documented of labor slavery earning a real honest-to-goodness prison sentence (as opposed to time in a halfway house, community service, or other suspended sentence). Labor inspectors and law enforcement still do not cooperate enough to make sure that more of those liberated from forced labor get justice through their traffickers being punished commensurate with the appalling seriousness of the crime. Partnering with the International Labor Organization (ILO), Brazil's authorities tend to follow the ILO model of mere administrative punishments for labor trafficking--as opposed to sex trafficking, which is punished a bit more.

Brazil is emblematic of a global pattern of impunity for labor trafficking. Continuing the statistical disaggregation introduced in my tenure directing the TIP Office, the 2013 *TIP Report* revealed that only 15 percent of prosecutions for TIP globally were labor (rather than sexual) exploitation; and that was a doubling from but 7 percent the previous year.

In Europe, one would assume that anti-trafficking efforts were robust. That is largely the case, relative to the developing world. Yet is a new European Union directive to combat human trafficking[6] being implemented in individual EU countries? And there remains a problem of demand for sex trafficking. Especially in those countries, like the Netherlands and Germany, where sex buying is not criminalized or stigmatized, commercial sex sector becomes the enabling environment for sex trafficking of minors and of adults through force, fraud, and coercion. The model in Germany has manifestly failed.[7] As a result, more and more European countries, including France, Ireland, Finland and the UK are contemplating the adoption of the Nordic model, which makes it a crime to buy, but not sell, sexual services. In addition, last month, the European Parliament passed a non-binding resolution in favor of criminalizing the purchase of sex, putting pressure on those countries that have adopted the German model.[8] How meaningful can the anti-demand efforts of nations (which the TVPA minimum standards require the *TIP Report* to account for) be if sex buying is legal, and frankly encouraged as a tourist industry by the Dutch, German, and other governments?

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Italy deserves scrutiny. The country established a humanitarian visa--even before the United States did--to regularize the status of undocumented workers who, through no fault of their own, became trafficking victims. Moreover, Italy and other European nations offer survivors a "reflection period" to consider whether they wish to cooperate with law enforcement and whether they wish to stay in the country or be repatriated back to their own. These provisions are even more humane and likely to elicit reliable cooperation with law enforcement than our own U.S. laws and policy.

Yet, recently, victim protection and care in Italy has been suspect. Instability in countries such as Libya, Eritrea and Syria has driven thousands of people towards the coast of Italy, creating a humanitarian crisis in the island of Lampedusa. The 2013 *TIP Report* includes accounts from NGOs that large numbers of refugees and migrants were summarily returned without proper screening for trafficking, protection needs, or risks to children. In *Hirsi Jamaa and others v Italy*, the European Court of Human Rights found that Italy breached international law when they returned several African refugee seekers to Libya, without consideration of their claims.[9] Italy should boost efforts to screen irregular migrants and asylum seekers to avoid deportations which just lead to their being re-trafficked, and to identify victims of domestic trafficking, particularly among vulnerable children.

In these European examples, one sees two imperatives for U.S. anti-trafficking policy *globally*. First, the demand which drives human trafficking deserves more concerted attention. Ambassador CdeBaca, a valued colleague, speaks to this need. Yet I think U.S. policy needs to better walk the walk, and not just talk the talk. Current provisions in the TVPA could be more vigorously applied. In the case of sex trafficking, demand is crucial to address. You, Chairman Smith, and others have insisted that for U.S. troops (such as in Korea) or UN peacekeepers (such as in Cote d'Ivoire, where I visited as Ambassador at Large), it is intolerable to keep suggesting "boys will be boys" on "R and R," when the purchase of commercial sex becomes a magnet for sex trafficking. Well, more generally we need to reject the resigned shrug and quip that "boys will be boys" and prostitution is inevitable as the so-called oldest "*profession*" (oppression, really.) It is not "cool," right, or harmless to commodify females. Sex trafficking grows in this swamp. It is for this reason that I support legislation sponsored by Congressman Hultgren to add a provision to the TPVA minimums standards, which assesses whether national governments having it in their power to criminalize sex buying *do so*. Females in the sex industry and especially those who are sex trafficking victims must not be punished. Yet the so-called *johns* who buy them must be. The social stigma should be on the latter, not the former.

Secondly, of the three Ps--of prosecution, protection, and prevention--under the TVPA and Palermo Protocol, that of protection of victims must come first. A less patronizing turn of phrase would be "survivor empowerment." As examples, if Italy is falling short on victim identification and protection, and the U.S. Government is spending so little on this area relative to, say, "corporate and agribusiness welfare," how can we expect *developing* nations to fully prioritize helping survivors? Even more than prosecution of traffickers or long-term, diffuse prevention efforts, how can we not make finding and helping survivors reclaim dignity for themselves the most urgent agenda item? My recent research for a forthcoming book has focused on what kinds of partnerships of government, international organizations, NGOs, and businesses do the most to advance the key aspects of survivor empowerment: victim identification; shelter; physical medical care; therapy for deep, layered traumas; job training; and job placement.[10] The last is one place that businesses can go further than philanthropy and supply chain transparency to fight human trafficking. Offering a survivor a job is the most tangible way that she or he can reclaim agency and dignity.

In conducting oversight regarding key countries treated in the upcoming annual *TIP Report* (whether Thailand, Qatar, Afghanistan, Brazil, or Italy), Congress would do well to focus on these two particular priorities of U.S. policy worldwide: demand and survivor empowerment. By focusing on them in oversight

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and in legislation, it will contribute to the actual contraction and eventual abolition of what amounts to the slavery of our time.

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[1] "Special Report: Flaws found in Thailand's human-trafficking crackdown," *Reuters On-Line*, April 10, 2014.See http://www.reuters.com/article/2014/04/10/us-thailand-rohingya-special-report-idUSBREA3922P20140410.

[2] See Judith Kelley and Beth Simmons. 2014. "Politics by Number: Indicators as Social Pressure in International Relations." *American Journal of Political Science*. Forthcoming.

[3] "Staggering number of workers said to die as Qatar prepares for World Cup," *The Washington Post On-Line*, April 15, 2014. See http://www.washingtonpost.com/news/morning-mix/wp/2014/04/15/staggering-number-of-workers-die-as-qatar-prepares-for-world-cup/?tid=hp_mm,

[4] "And Still They Come the Abuse of Migrants--Balancing the Interests of Migrant Workers and the Countries They Live In," *The Economist*, April 19. 2013. Seehttp://www.economist.com/news/international/21601029-balancing-interests-migrant-workers-and-countries-they-live-and-still-they.

[5] See 8 U.S. Code § 1375c - Protections, remedies, and limitations on issuance for A–3 and G–5 visas.

[6] Directive 2011/36/EU of the European Parliament and the Council of April 5, 2011 on Preventing and Combating Trafficking in Human Beings and Protecting its Victims and Replacing Council Framework Decision 2002/629/JHA.

[7] "Unprotected: How Legalizing Prostitution Has Failed," *Der Speigel On-Line*, May 30, 2013. See http://www.spiegel.de/international/germany/human-trafficking-persists-despite-legality-of-prostitution-in-germany-a-902533.html.

[8] "Outlaw Buying Sex, Says Former Tory Minister Caroline Spelman," *The Guardian On-Line*, April 21, 2014. See http://www.theguardian.com/uk-news/2014/apr/21/outlaw-buying-sex-caroline-spelman-nordic-model-prostitution.

[9] "European Court Censures Italy Over African Migrants," *BBC On-Line*, February 23, 2012. See http://www.bbc.com/news/world-europe-17138606.

[10] See Mark P. Lagon, "Fighting Human Trafficking: Transformative versus 'Cotton-Candy' Partnerships," in Mark P. Lagon and Anthony Clark Arend (eds.), *Human Dignity and the Future of Global Institutions* (Washington: Georgetown University Press, 2014), forthcoming.

Mr. SMITH. All right, now, Mr. Campbell, if you would proceed?

STATEMENT OF MR. BRIAN CAMPBELL, DIRECTOR OF POLICY AND LEGAL PROGRAMS, INTERNATIONAL LABOR RIGHTS FORUM

Mr. CAMPBELL. Thank you, Mr. Chairman.

I want to start by saying that my testimony today is possible only through the sacrifices made by hundreds of Uzbekistani citizens who risk their lives year after year to fight against the mass crimes the Government of Uzbekistan is committing against its own people.

Equipped with pen, paper, camera, and specialized training in monitoring and interview methodologies, the human rights defenders across the Uzbekistan band together in networks to anonymously and effectively gather as much evidence as possible about the Government of Uzbekistan's forced labor system. At great risk to them and their families, they find ways to get evidence out of the country to their colleagues at organizations like the Uzbek-German Forum in Germany and the Association for Human Rights in Central Asia, based in France, and others, so the information can be shared publicly.

And I am here to say that their sacrifice has begun to bear fruit, and I have some good news to share, Mr. Chairman. Thanks in large part to your commitment, the commitment of the Congress as a whole in fighting against the crime of forced labor in Uzbekistan, the United States Department of State made the right decision last year and allowed the automatic downgrade of the Government of Uzbekistan to Tier 3 in its Trafficking in Persons Report. The decision was vital in convincing the Government of Uzbekistan to drop its longstanding opposition to the monitoring of the cotton harvest by the International Labor Organization. It was shortly after the decision was published last June that the Uzbekistan Government finely relented and signed the agreement to let the monitors in.

As a result of this pressure, I am happy to report that the Government of Uzbekistan granted a reprieve to thousands of its own children under the age of 14 from having to participate as forced laborers in the cotton harvest last fall. Thousands of children were saved from the debilitating work of harvesting cotton by hand in a hazardous, often toxic working environment. Thousands of young children were saved from the fate of Amirbek Rakhmatov, a 6-year-old, first-year schoolboy from Vobkent District of Bukhara who died while out picking cotton with his mother last year.

Unfortunately, the bad news still dwarfs the good news. Despite the presence of ILO monitors, the Uzbek Government continued its forced labor system for cotton production. It continued to operate a state-order system or command economy for cotton production that is underpinned by an extensive system of state-sponsored forced labor.

Use of coercion begins with farmers and, then, increasingly over the course of the year, extends to all of its citizens and the system is administered by government officials nationwide. The government establishes a quota and, then, compels farmers to meet that quota and compels farmers to sell their cotton to the government. The government earns over $1 billion annually from this forced

labor system. Farmers who fail to meet the government-established quota for cotton production continue to face severe consequences, loss of land, prosecution on criminal charges, and physical punishment included.

During the harvest, farmers regularly report being scolded, humiliated, and beaten at their regular meetings held in their local communities in which they are supposed to report on their progress in fulfilling their cotton quota. To harvest the cotton, the Uzbek Government continued to systematically mobilize children aged 16 and 17 throughout the country and, also, 15-year-olds in many regions. They also, in different regions, depending on the local governor, mobilized the younger children as well, the children under 14 years old.

Forced labor was organized through the state education system and the threat was expulsion from school. The forced mobilization of the harvest began in September and continued through November.

In addition to children, the government systematically forced adult farmers, public sector workers, private sector workers, unemployed citizens, and those in receipt of public welfare benefits to labor. Authorities forced pensioners, mothers receiving social benefits, and other citizens to pick cotton under the threat of losing those benefits on which they depend.

Under pressure from authorities in higher positions, administrators of public institutions and private business owners forced their workers to pick cotton under the threat of dismissal from their jobs. University administrators forced their students under threat of expulsion. Teachers and public sector professionals participated in the cotton harvest only because, if they didn't, they would lose their public sector jobs.

Despite the undeniable evidence of forced labor, the Government of Uzbekistan continues to publicly deny that it operates a forced labor system for cotton production. They were very clear to the ILO stating directly that they do not operate a forced labor system.

In fact, to perpetuate this myth, the Government of Uzbekistan tried to impose on the ILO certain conditions for their monitoring that made truly independent monitoring impossible. For example, the monitors were government officials from Uzbekistan who were accompanying the ILO.

Despite these efforts to prevent independent monitoring, though, the ILO was still able to corroborate the civil society reports of the serious and continued use of forced labor by the Government of Uzbekistan. And the ILO findings were, then, corroborated again by the World Bank Inspection Panel who had sent the monitoring team to look into the forced labor possibly touching their projects. Their findings were very clear that their projects, when investing in agriculture in Uzbekistan, could benefit the forced labor system of cotton production.

While we are confident that the ILO will continue to do its duty to use whatever diplomatic path it can find to end this forced labor problem, and we hope that they will continue to impress upon each and every government official that forced labor is a crime in violation of international law, we see no evidence that the Government of Uzbekistan is committed to ending its highly-profitable forced

labor system and holding those who have perpetuated these mass crimes accountable under the law.

We must all remember forced labor is a crime. Those investing in the cotton system, like Daewoo International Corporation from Korea, Indorama Corporation from Singapore, or even those who want to sell tractors and irrigation equipment to the government, made possible possibly by contracts funded by banks, the World Bank, possibly the Asian Development Bank, if they are offered, their potential for liability is very clear. Section 18 U.S. Code 1589 prohibits any person from knowingly benefitting from forced labor. Those who do face up to life in prison.

And then, the Tariff Act of 1930 prohibits cotton products from being sold in the United States that are made with forced labor. And this is what happened to Indorama Corporation last October when they could not import their Uzbek cotton product into the United States.

For companies who are investing outside the cotton sector, the risks are just as great that they will get pulled into the forced labor system as well. This is what happened to General Motors, whose employees were compelled to pick cotton during the harvest for the third consecutive year. And the people who compelled them? The Federation of Trade Unions of Uzbekistan, which is not an independent trade union. It is an agency of the government, but, also, one of the ILO social partners, and they were working with managers from the General Motors plant in Andijan.

To end my testimony, I just want to say very clearly that, based on the evidence by human rights monitors, reports from the ILO and World Bank that the Government of Uzbekistan continued to impose a forced labor system for cotton production, while at the same time denying its existence, and the recognition of the sacrifices made by human rights defenders who risk their lives in fighting against the government's crimes, we adamantly urge the United States Department of State to maintain Uzbekistan on Tier 3 and to utilize all the tools at its disposal to bring an end to forced labor in Uzbekistan.

Very specifically, we also call on the U.S. Government to exercise the sanctions made available under the TIP law. Utilize your voice and vote at the World Bank, at the Asian Development Bank, and prevent any investment that is going to benefit the forced labor system. We don't tolerate it for our own companies. We should not tolerate it for the multilateral institutions, either. Investing in forced labor is investing in a crime, and it cannot happen.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Campbell follows:]

International Labor Rights Forum

1634 I NW, Suite 1001, Washington, DC 20006

April 29, 2014

Testimony by Brian Campbell, Director of Policy and Legal Programs

before the United States House of Representatives, Committee on Foreign Affairs, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations,

Hearing "Effective Accountability: Tier Rankings and the Trafficking in Person's Report" and the government of Uzbekistan

I. Introduction

The evidence presented in today's testimony is possible only through sacrifices made by hundreds Uzbekistan citizen who risk their lives year after year to fight against the mass crimes the Government of Uzbekistan is committing against its own people. Equipped only with pen, paper, cameras and specialized training in monitoring and interview methodologies, human rights defenders across Uzbekistan ban together in networks to anonymously and effectively gather as much evidence as possible about the Government of Uzbekistan's forced labor system. Then, at great risk to them and their families, they find ways to get the evidence out of the country to their colleagues at the Uzbek-German Forum in Germany, the Association for Human Rights in Central Asia based in France, and others so the information can be shared publicly.

The evidence collected by the human rights defenders demonstrates clearly and unequivocally that the Government of Uzbekistan's system of forced labor on a massive scale continued unabated in 2013. The Uzbek government continued to compel farmers to cultivate cotton and force both adults and children to pick cotton under threat of punishment.

Last year, the U.S. Department of State placed Uzbekistan in Tier 3 in the *2013 Global Trafficking in Persons Report*. The placement reflected the fact that the government of Uzbekistan failed to meet the minimum standards of the Trafficking Victims Protection Act (TVPA) and continued to organize, orchestrate and benefit from forced labor on a massive scale. The U.S. government waived the restrictions on non-humanitarian, nontrade-related foreign assistance, as prescribed in the TVPA for Tier 3 countries.

The US Department of State's decision in 2013 to allow the automatic down-grade of the Government of Uzbekistan to Tier 3 was vital in convincing the Government of Uzbekistan to drop its long-standing opposition to monitoring of the cotton harvest by the International Labor Organization (ILO). And it was shortly after the State Department's decision was published last June that the Uzbek government finally relented to international pressure and began negotiating with the ILO on the terms of a monitoring mission. While the conditions imposed on the ILO by the Government of Uzbekistan made truly "independent" monitoring impossible because each ILO monitor was accompanies by a team of Uzbek government officials, the ILO was still able to document and report on the serious and continued use of forced labor by the Government of Uzbekistan. The ILO's findings were corroborated in 2013 by the World Bank Inspection Panel, which warned in its findings that the World Bank was investing in projects that could benefit the Government's forced labor system for cotton production.

That said, the Government of Uzbekistan's decision to allow in monitors from the ILO cannot be characterized a meaningful progress by the Government of Uzbekistan toward ending its forced labor system for cotton production. And while we are confident that the ILO will use whatever means it can to impress upon each and every government official that forced labor is crime in violation of international law, we are not hopeful that the Government of Uzbekistan will change and begin taking the first steps toward dismantling its highly profitable forced labor system and holding those who perpetrated these mass crimes accountable.

Therefore, based on the evidence by human rights monitors, and reports from the ILO and World Bank, that the Government Uzbekistan Government continued to impose a forced labor system for cotton production while at the same time denying its existence; and in recognition of the sacrifices made by human rights defenders who risked their lives to fighting against the Government's crimes, we adamantly urge the US Department of State maintain Uzbekistan on Tier 3 and to utilize all the tools at its disposal to bring an end to forced labor in Uzbekistan.

II. The Government of Uzbekistan imposed a state system of forced labor to grow and harvest cotton again in 2013.

In 2013 the Uzbek government continued a state-order system of cotton production underpinned by forced labor. The root causes of forced labor in the cotton industry lie in the system of total government control of the sector. The Government continues to operate a "state order system" or "command economy" for cotton production that is underpinned by an extensive system of state-sponsored forced labor. Use of coercion begins with farmers, increasingly extends to all citizens, and is administered by government officials nationwide.

The Government controls all investment in the cotton sector, monopolizes cotton export sales, and dominates domestic cotton processing.[1] It acquires cotton by means of compulsory state purchase.

[1] U.S. Department of State Bureau of Economic, Energy and Business Affairs, *2011 Investment Climate Statement – Uzbekistan*, March 2011

Farmers are legally obligated to deliver the cotton they harvest to their local gin, where it is sold to the state cotton ginning association, Uzkhlopkoprom (UKP), for less than one third of its value, leaving farmers impoverished.[2] It is estimated that the Government earns over one billion US$ annually from the cotton harvest.[3]

Farmers are financially and legally unable to manage their land, invest in new technology, or switch from cotton monoculture, even though it negatively affects the yields. Despite a formal transition to private farms in Uzbekistan, ownership of the land remains with the state, and farmers are granted tenancy rights. It is, however, a highly insecure tenancy.[4] The government's contracts with farmers establish a lease of the land averaging 40-60 years, specify the percentage of land on which cotton is to be grown, and define the annual cotton production quota. Percentages and quotas are renewed in the annual issuances of the contracts between the government and each farmer. Upwards of 50% of each farm is designated for cotton production, and many contracts also require another percentage of the farm to be dedicated to wheat production. Uzbek state media confirmed in 2013 that the government continued not to allow farmers to choose the crops they grow, in an announcement that the government would 'award' the most productive farmers with the freedom to grow non-cotton crops.[5] Government monopolies of the input market and cotton sales also burden farmers with significant debt. The government sets prices for farm inputs and outputs and is the sole buyer of cotton from farms and sole exporter of cotton to world markets. By one estimate, farmers' costs exceed returns by 1/3.[6]

Farmers who fail to meet the government-established quota for cotton production face severe consequences, including loss of their land, prosecution on criminal charges and physical punishment. During the cotton harvest, farmers regularly report being scolded, humiliated and even beaten at regular meetings held by *hokims* in which they are supposed to report on their progress in fulfilling their cotton quota.

In May 2013, Yangiyul District Department of Internal Affairs official Aziz Tashpulatov beat 63-year old farmer Tursunali Sadikov for arriving late to a cotton planning meeting, and the elderly farmer died of a

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[2] Environmental Justice Foundation, *Cotton in Uzbekistan,* http://www.ejfoundation.org/page142.html and Cotton Campaign and Uzbek-German Forum for Human Rights, "A Systemic Problem: State-Sponsored Forced Labour in Uzbekistan's Cotton Sector Continues in 2012," 2013, pages 13-15, http://www.cottoncampaign.org/wp-content/uploads/2013/07/SystemicProblem-ForcedLabour_Uzbekistan_Cotton_Continues.pdf

[3] Source: Ministry of Water and Agriculture of the Republic of Uzbekistan, 2012, cited in Uzbek-German Forum for Human Rights, "Cotton: It's not a plant, it's politics – The System of forced labour in Uzbekistan's cotton sector," 2012, page 13, http://uzbekgermanforum.org/wp-content/uploads/2012/12/cotton-its-not-a-plant-its-politics-online.pdf.

[4] The School of Oriental and African Studies, University of London, *What has changed? Progress in eliminating the use of forced child labour in the cotton harvests of Uzbekistan and Tajikistan,* London, November 2010, p24

[5] "Uzbek farmers promised benefits for good cotton," *BBC*, 21 October 2013, http://www.cottoncampaign.org/wp-content/uploads/2013/10/Gazeta_21October2013_farmers_promised_benefits.pdf

[6] Uzbek-German Forum for Human Rights and Cotton Campaign, "A Systemic Problem: State-Sponsored Forced Labour in Uzbekistan's Cotton Sector Continues in 2012," July 2013, p. 14.

heart attack the following morning.[7] In Tashkent region during the harvest, authorities restrained farmers from participating in the weighing of cotton in their own fields, so the farmers had no way of knowing the yield and how much they the state owed them.[8] In October, at least three farmers, Mukhtar Bekimbetov, Anvar Ismoilov and Khamidjon Matrizaev, fled Uzbekistan to avoid arrest and imprisonment for failing to meet their quotas for the cotton harvest.[9] In Surkhandarya, Kizir District Administrator Olim Alimardanov insulted and beat Orif Ruziboyev, 29-year old farmer, for delivering less cotton than expected, on October 5.[10] Safarboy Karimov, a farmer from Karalkalpakstan, committed suicide in his cotton field for fear of the consequences of failing to fulfill his state quota.[11]

B. State Organized Mobilization of Labor for the Cotton Harvest

The cotton harvest is a highly orchestrated affair, controlled and directed by the Government. A clear chain of command ensures the mobilization of the cotton pickers. Reporting directly to the President, the Prime Minister produces the national plan for cotton production, which includes the national production target. The Prime Minister then convenes the Regional Governors *(hokims)* and verbally dictates the cotton production quota for each region. The quotas are then further subdivided and enforced right down through the hierarchy of state institutions. Children and adults are forced to work alongside farmers to ensure that quotas are met.

As in previous years, in 2013 the Uzbek government assigned and enforced cotton production quotas. Regional Governors were held to account by central government for fulfilling their contribution to the national target. At the local level, authorities assigned daily quotas to individuals according to the amount of cotton in the fields. Average daily quotas were:

- Starting in early September, 70 kg of cotton a day;
- October 5 - 16, 60 kg per day;
- October 17 – 22, 40 kg per day; and
- October 23 – November 15, 30 kg per day.[12]

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7 "В Янгиюле схвачен милиционер, обвиняемый в убийстве фермера," Radio Free Europe / Radio Liberty "Ozodlik," 3 May 2013, http://www.uznews.net/news_single.php?lng=ru&cid=38&nid=22628.

[8] Uzbek human rights monitor, September 2013.

[9] Uzbek human rights monitor, October 2013.

10 "Ҳақоратланган фермернинг кампир онаси Қизириқ ҳокимига этагини кўтарди," *Radio Free Europe / Radio Liberty "Ozodlik,"* 9 September 2013, http://www.ozodlik.org/content/article/25131695.html

[11] "Farmer commits suicide on cotton field," *Fergana News,* 20 October 2013, http://enews.fergananews.com/news.php?id=2743&mode=snews; "Тўрткўллик фермер қамалишдан қўрқиб, ўзини осди," *Radio Free Europe / Radio Liberty "Ozodlik,"* 18 October 2013, http://www.ozodlik.org/content/article/25140979.html

[12] Университет ўқитувчиси: 40 кун пахта тердим, тушликни уйдан ташидим," Radio Free Europe, Radio Liberty "Ozodlik," 25 October 2013, http://www.ozodlik.org/content/article/25148101.html, English summary: A teacher of Guliston State University picked 30-40 kilograms of cotton per day. Uzbek human rights monitor, 19 October; Uzbek human rights monitor, 20 October; *Radio Free Europe, Radio Liberty "Ozodlik,"* 10 October2013, "WhatsApp Пахтакор: "Яна озгина териб беринглар, наварамни Австрияда ўқитволай!," http://www.ozodlik.org/content/article/25104210.html, English summary: Students of Dustlik district, Jizzak region reported that the daily quota of 70 kilograms of cotton must be met to receive any payment, and deductions are taken for food and accommodations; "Узбекистан: Ученики колледжей переведены на

Many people were unable to pick enough cotton to fulfil their daily quotas and therefore had to pay farmers or local residents for the cotton they needed to make up the shortfall. In many cases, authorities also passed the cost of transportation and food to citizens sent to pick cotton.[13] Some students reported that school officials under-recorded the weight of cotton delivered.[14] As a result, many people forced to pick cotton contributed both their labor and their money to the state-controlled cotton harvest. Many who struggled to fulfil their cotton quotas also reported suffering verbal abuse, threats of punishment and, in some cases, physical abuse.

C. State-Orchestrated Forced Labor of Children in 2013

In 2013, the Uzbek government systematically mobilized children aged 16 to 17 and adults throughout the country and 15-year old children in many regions. Authorities also mobilized even younger children in some locations. Forced child labor was organized through the state education system, under threat of expulsion from school.

Children in Uzbekistan enter high schools, known as "colleges" and "lyceums" in the Uzbek education system, at age 15 or 16.[15] According to national statistics, 1.7 million students attended high school in 2012, and over one third of the first-year students were 15 years old.[16] High-school administrators sent their students to prepare the cotton fields in May in the Tashkent region.[17] Beginning in August, high-school administrators around the country – who faced dismissal for failure to mobilize a sufficient number of students to participate in the harvest -- organized groups of students to lobby their peers on the importance of their participation in the nationwide, "voluntary" campaign to harvest cotton.[18] The

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казарменное положение на хлопок отправляют даже нарушителей ПДД," *Fergana News*, 21 September 2013, http://www.fergananews.com/news/21226, English summary: Students from ages 16-18 are being mobilized to pick cotton and assigned daily quotas of 50-60 kilos. The article includes pictures of children in a bus being taken to the harvest and of a place in the town of Buka where students from one high school from another area are being housed while they pick cotton; "Uzbek Government to mobilize state employees for the cotton harvest," *Fergana News*, 23 August 2013, http://enews.fergananews.com/news.php?id=2699&mode=snews, English summary: Tashkent, administrations of public-sector institutions informed staff that they would be required to pick cotton and pay for their travel, alimentation and lodging during the cotton harvest. The daily cotton picking quota told to city residents was 40-60 kilograms.

[13] "Университет ўқитувчиси: 40 кун пахта тердим, тушликни уйдан ташидим," Radio Free Europe, Radio Liberty "Ozodlik," 25 October 2013, http://www.ozodlik.org/content/article/25148101.html, English summary: He picked 30-40 kilograms of cotton per day and was paid less than $200,000 soums ($94), which did not cover the costs of his transportation.

[14] "WhatsApp Пахтакор: "Яна озгина териб берингглар, наварамни Австрияда ўқитволай!" *Radio Free Europe, Radio Liberty "Ozodlik,"* 10 October 2013, http://www.ozodlik.org/content/article/25104210.html

[15] United Nations Educational, Scientific and Cultural Organization (UNESCO), "World Data on Education, VII Ed. 2010/11: Uzbekistan," August 2011, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Uzbekistan.pdf.

[16] Ministry of Education of the Republic of Uzbekistan, 2012, http://uzedu.uz/rus/info/pokazateli/ (November 2013); "КОЛЛЕДЖИ УЗБЕКИСТАНА В НОВОМ УЧЕБНОМ ГОДУ ПРИМУТ ОКОЛО 500 ТЫСЯЧ УЧАЩИХСЯ," *12uz.com*, 20 May 2013, http://www.12uz.com/ru/news/show/education/14319/.

[17] "In Angren all residents mobilized to weed cotton fields," *UzNews*, 16 May 2013, http://www.uznews.net/news_single.php?lng=en&sub=usual&cid=2&nid=22737.

[18] Uzbek human rights monitor, August 2013.

school administrators also required parents to sign contracts committing their children to pick cotton in order to register them for school.[19] One of these letters stated:

> *"I _____, the student of course # ___ agree to obey all the internal rules and regulations of the school and to attend all the classes. I also agree to participate in cotton harvesting, the national wealth of our nation and sincerely fulfill my duty in front of my country, my nation and my family. I promise to earn respect of my teachers and administration of the school by my exemplary behavior. I will follow all the safety rules. If I do not fulfill my above mentioned promise, I agree to be left to re- take the course and be penalized by all means showed in the law."* [20]

In spite of the government's all-out effort to portray child labor in the harvest as voluntary, school administrators reported that it was necessary to threaten punishment to ensure that students would pick cotton.[21] In Tashkent region, school administrators sent teachers to students' homes to pressure families to send their children to pick cotton, pay 400,000 – 500,000 soums ($188 - $235 USD), or expect expulsion from school.[22] In other regions, school administrators and teachers offered exemptions from the cotton harvest for 300,000-800,000 soums ($142-$378).[23] On September 20, the dean of Lyceum No. 2 in Karshi expelled Barhayot Turaev, a 16-year old student, for refusing to pick cotton, indicating that he was following orders from the education department.[24]

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[19] Uzbek human rights monitor, August – September 2013; "Uzbek authorities conceal the true scope of forced labor, including that of children," *UzNews*, 7 October 2013, http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=30&nid=23979, English summary: The government authorities are requiring high-school students to signing statements of their volition to work in the cotton harvest, returning high-school students from the fields to their homes prior to the arrival of ILO monitors, and instructing students under age 18 to claim to be older; "Коллеж талабалари "пахтага бораман" деган тилхат ёзишга мажбурланмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 12 September 2013, http://www.ozodlik.org/content/article/25103653.html, English summary: Throughout the country, students were required to sign letters stating their agreement to pick cotton, 'to fulfill my duty to my country, my nation and my family,' and acknowledgement to accept punishment if they fail to fulfill this "duty." A high-school staff person confirmed the use of these letters and stated that punishment for not fulfilling the order is necessary to ensure the students pick cotton, as they have each year.

[20] "Коллеж талабалари "пахтага бораман" деган тилхат ёзишга мажбурланмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 12 September 2013, http://www.ozodlik.org/content/article/25103653.html, English summary: Throughout the country, students were required to sign letters stating their agreement to pick cotton, 'to fulfill my duty to my country, my nation and my family,' and acknowledgement to accept punishment if they fail to fulfill this "duty." A high-school staff person confirmed the use of these letters and stated that punishment for not fulfilling the order is necessary to ensure the students pick cotton, as they have each year.

[21] "Коллеж талабалари "пахтага бораман" деган тилхат ёзишга мажбурланмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 12 September 2013, http://www.ozodlik.org/content/article/25103653.html.

[22] "Police in Angren force children to pick cotton," *UzNews*, 25 October 2013, http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=2&nid=24188.

[23] Uzbek human rights monitor, September – November 2013.

[24] Uzbek human rights monitor, English summary: September 20, Karshi, Director of academic lyceum No. 2 expelled the 16-year old student Barhayot Turaev for refusing to pick cotton. Photograph depicts the teacher giving the expulsion note to the student: https://www.facebook.com/photo.php?fbid=635208806523144&set=a.600655889978436.1073741826.47535739

Mass mobilization of children began on September 10 throughout the nation, although the extent and intensity of mobilization varied somewhat from place to place according to how district and regional government officials implemented orders.[25] As in past years, students who were deployed to pick cotton far from their homes were housed in schools and other public buildings, yet more proof of the government's continued, systematic involvement in mobilizing forced child labor. Administrators in the Syrdarya region sent all high-school students to the fields starting on September 12.[26] Of the 2,000 students of the Construction College in Gulistan, Syrdarya, 350 went to pick cotton, and the rest paid 150,000-200,000 soums ($71-$94 USD) for exemptions.[27] Jizzak high schools sent their students to pick cotton in Dustlik district in early September.[28] High-school administrators in Tashkent region conducted a mass mobilization of students on September 16.[29] Tashkent municipality staff reported that high schools sent students in shifts, beginning with first-year students (15-16 year olds), followed by second- and third-year students.[30] Andijan high schools sent large numbers of third-year students to pick cotton in early October.[31] School administrators required teachers to mobilize thirty students each to pick cotton and to report uncooperative students to the police.[32] By mid-October, high-school administrators

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9174953&type=1&relevant_count=1; "Қаршида пахтага чиқмаган касал талаба ўқишдан ҳайдалди," Radio Free Europe / Radio Liberty "Ozodlik," 21 September 2013, http://www.ozodlik.org/content/article/25113332.html, English summary: Students of academic Lyceum # 2 in Karshi city who didn't go to pick cotton are being expelled. Barhayot Turaev, a third-year student at the high school, has a skin disorder, was refused a medical exemption, and was expelled for refusing to work in the cotton fields. The school dean confirmed the policy and stated that the education director had ordered school administrators to follow it.

[25] Uzbek human rights monitor, English summary: 10 September, authorities began the nationwide mobilization of students to the cotton fields; "Қашқадарёда 9 сентябрдан оммавий пахта терими бошланади," *BBC*, 7 September 2013, http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130907_cy_uzbek_cotton.shtml

[26] Uzbek human rights monitor, English summary: 15 September, Syrdarya, all high-school students sent to pick cotton, including from Jizzak, Pakhtakor, Zafarabad, Arnasay, Dustlik, Mirzachul, Zarbdor and Zaaminsky; Uzbek human rights monitor, English translation: 12 September, Syrdarya region, all high-school students began picking cotton. A student's mother reported that her daughter picked cotton in the Bayavut district, where they were required to pick 50 kilograms of cotton per day, for which they rise at 6:00 AM and return to their accommodations at 19:00 and 20:00, despite the high temperatures and insufficient drinking water.

[27] Uzbek human rights monitor, English summary: 15 September, Gulistan city, Syrdarya region, the Construction College mobilized its students. Of the 2,000 high-school students, 350 went to pick cotton, and rest paid 150,000-200,000 soums ($71-$94 USD) for an exemption.

[28] Uzbek human rights monitor, English summary: September 19, the Jizzak Politechnical Institute sent its adult university students to join the children, students of Jizzak's high schools, to pick cotton at farm No. 11 in the Dustlik district.

[29] Uzbek human rights monitor, English summary: 16-17 September, Angren, Tashkent region, mobilization of high-school students (ages 15-18): https://www.facebook.com/media/set/?set=a.633550863355605.1073741828.475357399174953&type=1

[30] Uzbek human rights monitor, English summary: 25 October 201, Tashkent region, the city municipality reported that the harvest is expected to continue until November 5. High-school students were sent to pick cotton in shifts during October, starting with the first-year students, followed by the second- and third-year students. Some students were obliged to pay the expense of transportation to the cotton fields.

[31] Uzbek human rights monitor, English summary: 7 October, Andijan region, high schools sent a large number of third-year students (ages 17 and 18) to the cotton fields.

[32] "Пахта: Ўқитувчиларга талабаларни топишдек изқуварлар вазифаси берилган," *BBC*, 17 September 2013, http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130917_cotton_teacher.shtml, English summary: The BBC

in Samarkand had sent all grade levels to pick cotton.[33] Teachers worked as supervisors in the fields; for example, a high-school teacher from Syrdarya region supervised a group of 31 second-year students (16-17 year olds) for ten days, then the school administrator sent another teacher to take his place and ordered him to visit the homes of students who had not gone to pick cotton and send them to the fields.[34]

While the government did not mobilize children under the age of 15 on a national scale, in some places government officials forced children as young as age 10 to work in the cotton fields. Administrators of schools No. 170 and No. 35 of Chiroqchi district, Kashkadarya region suspended class and sent 5th- and 6th-grade students (ages 10-12) to weed and plough cotton fields in May.[35] Schools in Amudarya district of Karakalpakstan region also sent schoolchildren to weed and plough in May.[36] School administrators sent 7th-, 8th- and 9th-grade students (ages 14-15) to pick cotton in the Kasbi, Konlikol and Turtkol districts of Karakalpakstan, in October.[37] Some schools sent students after Saturday classes; others sent students for 3-4 days at a time, forcing them to miss classes.[38] Administrators of school N16 in Oltinkul

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interviewed a high-school teacher, who reported that they were ordered to pick cotton despite poor health; and they were ordered to coerce 30 students into picking cotton under their oversight. The teachers were instructed to report uncooperative students to police, who would record a list of their names. The target students were the 10-15% who register but work instead of attending school. The teacher also reported visiting a healthcare clinic, where staff instructed everyone the no medical exemptions would be granted, except by the mayor's office. Another teacher reported receiving the orders to recruit and oversee students in the cotton fields.

[33] Uzbek human rights monitor, English summary: 15 October, Samarkand region, high-school students from all grade levels were working in the cotton fields.

[34] Uzbek human rights monitor, English summary: 20 October, Syrdarya region, high-school teacher reported that he began overseeing a group of 31 second-year high-school students since September 12. Of the 966 students of his high school, 450 were sent to pick cotton. The daily cotton pick quota is 60 kilograms. After 10 days, another teacher took over his role as overseer, and he was ordered to visit homes of students who had not gone to pick cotton and to send them to the fields

[35] "Чироқчида ўқувчилар чопиққа мажбурланмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 23 May 2013, http://www.ozodlik.org/content/article/24994813.html, English summary: Chiroqchi district, Kashkadarya region, classes for grades 5-6 at School No. 170 and No. 35 were suspended, and the children ages 10-12 were sent to weed and plough cotton fields.

[36] "Амударё туманида ўқувчилар ғўза чопиғига чиқарилди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 15 May 2013, http://www.ozodlik.org/content/article/24987039.html, English summary: Amudarya district, Karalkalpakstan, schoolchildren were sent to weed and plough cotton fields. Jizzak region, teachers and other public-sector workers were forced to work in the cotton fields on the weekends.

[37] "Касби туманида ўқувчилар пахтага ҳайдалди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 4 October 2013, http://www.ozodlik.org/content/article/25126888.html, English summary: Kasbi district, Kashkadarya region, schoolchildren of 7th, 8th and 9th grades were sent to pick cotton; "Қорақалпоғистонда мактаб ўқувчилари пахта теримига чиқарилди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 12 October 2013, http://www.ozodlik.org/content/article/25135028.html, English summary: In the Turtkol and Konlikol districts of Karakalpakstan, schoolchildren were taken to pick cotton. In the Ordurdiev village, school #9 took 8th and 9th grade students (ages 14-15) to pick cotton on Saturday after classes. In the Konlikol district, most schools took 7th – 9th grade students to pick cotton for 3-4 days, instead of classes.

[38] "Қорақалпоғистонда мактаб ўқувчилари пахта теримига чиқарилди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 12 October 2013, http://www.ozodlik.org/content/article/25135028.html, English summary: In the Turtkol and Konlikol districts of Karakalpakstan, schoolchildren were taken to pick cotton. In the Ordurdiev village, school #9 took 8th and 9th grade students (ages 14-15) to pick cotton on Saturday after classes. In the Konlikol district, most schools took 7th – 9th grade students to pick cotton for 3-4 days, instead of classes.

district, Andijan region, sent schoolchildren as young as age 11 to pick cotton in mid-October.[39] Doctors, themselves forced to pick cotton, reported seeing a group of children, apparently ages 12-14, on the edge of a cotton field with collection bags and accompanied by police officers, on October 15.[40] Local authorities ordered school administrators to send schoolchildren to pick cotton in Andijan and Kashkadarya regions in November.[41]

D. State Orchestrated Forced Labor of Adults in 2013

In 2013, the government's systematic use of adult forced labor affected farmers, public-sector workers, private-sector workers, unemployed citizens and those in receipt of public welfare benefits. Authorities forced pensioners, mothers receiving social benefits and other citizens to pick cotton under threat of losing the social security support on which they depend. Under pressure from authorities in higher positions, administrators of public institutions and private business owners forced their workers to pick cotton under threat of dismissal from their job. University administrators forced students to pick cotton under threat of expulsion from university.

Teachers and other public-sector professionals participated in the cotton harvest to avoid losing their jobs or salary.[42] In May, administrators of schools, hospitals, power plants and other public-sector institutions in Jizzak and Tashkent regions sent teachers, doctors, nurses and other staff to plough and weed the cotton fields.[43] School administrators in Tashkent offered exemptions from springtime field work for 20,000 soums ($9USD).[44] Earlier in the year, the government had inserted a clause in public-

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[39] Uzbek human rights monitor, English summary: 16 October, Oltinkul district Andijan region, schoolchildren as young as age 11 from school N16 were sent to pick cotton.

[40] Uzbek human rights monitor, English summary: 15 October, Tashkent region, Buka district, doctors reported seeing a group of 15 children approximate ages 12-14, standing at the edge of a cotton field with bags used to collect cotton and accompanied by two police officers.

[41] Uzbek human rights monitor, English summary: November, Andijan and Kashkadarya regions, school children were sent to pick cotton on orders from the local government authorities.

[42] "Volunteering Gone Mad in Uzbekistan," *Institute for War and Peace Reporting*, 7 February 2013, http://iwpr.net/report-news/volunteering-gone-mad-uzbekistan; "Is teacher more useful at school or in a cotton field?" *BBC*, 1 October 2013, http://www.bbc.co.uk/uzbek/uzbekistan/2013/10/131001_cy_uzbek_teacher_day.shtml, English summary: On Uzbekistan's Teachers' Day, a national holiday, President Islam Karimov did not mention the participation of teachers in the cotton harvest. Teachers shared their experiences of picking cotton, managing double workload while colleagues pick cotton, and being fired for reporting on the mobilization for the cotton harvest; "Университет ўқитувчиси: 40 кун пахта тердим, тушликни уйдан ташидим," *Radio Free Europe, Radio Liberty "Ozodlik,"* 25 October 2013, http://www.ozodlik.org/content/article/25148101.html, English summary: A teacher of Guliston State University picked cotton for 40 days, returning home each night, to avoid losing his salary.

[43] "Амударё туманида ўқувчилар ғўза чопиғига чиқарилди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 15 May 2013, http://www.ozodlik.org/content/article/24987039.html, English summary: Jizzak region, teachers and other public-sector workers were forced to work in the cotton fields on the weekends; "In Angren all residents mobilized to weed cotton fields," *UzNews*, 16 May 2013, http://www.uznews.net/news_single.php?lng=en&sub=usual&cid=2&nid=22737.

[44] "In Angren all residents mobilized to weed cotton fields," *UzNews*, 16 May 2013, http://www.uznews.net/news_single.php?lng=en&sub=usual&cid=2&nid=22737.

sector contracts making help with agricultural work a condition of employment for all public-sector workers.[45]

In August and September, public-sector administrators organized staff into shifts to pick cotton and docked the salaries of those not selected for field work, purportedly to hire additional workers to pick cotton.[46] Hospitals and other health care institution administrations instructed doctors, nurses and other staff that they would have to pick cotton or contribute approximately half of their salaries to cotton collection during the harvest season or they would be dismissed.[47] Nurses reported that they picked cotton because they could not afford to pay the exemption, which cost more than a month's salary.[48] In Tashkent region, public-sector administrators informed staff that they would be held to a daily cotton-picking quota of 50 kilograms and would have to pay for their own transportation, food and lodging during the harvest.[49] Authorities in Surkandarya and Tashkent regions ordered public institutions and private businesses to pay and arrange accommodations for students forced to participate in the cotton harvest.[50]

The tax inspectorate threatened private business owners with extraordinary investigations if they refused to contribute to the cotton harvest, forcing some businessmen to pay to hire day laborers to pick cotton in their place.[51] In September, local authorities in the Tashkent region, including the

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[45] "Янгийўллик тиббиёт ходимлари пахта яганасига мажбурланди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 27 May 2013, http://www.ozodlik.org/content/article/24998716.html, English summary: Tashkent region central hospital doctors, nurses and other staff were sent to weed cotton fields. A paramedic and head doctor stated that the contracts for the hospital staff included a statement that they would "voluntarily" help with agricultural work.

[46] Uzbek human rights monitor, August – September 2013.

[47] "Шифокорлар бу йил ҳам мажбуран пахтага олиб чиқилади," *Radio Free Europe, Radio Liberty "Ozodlik,"* 18 August 2013, http://www.ozodlik.org/content/article/25079622.html; "Шифокорлар бу йил ҳам мажбуран пахтага олиб чиқилади," *Radio Free Europe, Radio Liberty "Ozodlik,"* 18 August 2013, http://www.ozodlik.org/content/article/25079622.html, English summary: Around the country, hospitals and other health care institution administrations instructed the doctors, nurses and other staff that they would have to pick cotton or contribute approximately half of their salary to cotton collection during the harvest season, or they would be dismissed.

[48] Uzbek human rights monitor, September 2013.

[49] "Uzbek Government to mobilize state employees for the cotton harvest," *Fergana News*, 23 August 2013, http://enews.fergananews.com/news.php?id=2699&mode=snews.

[50] "Uzbek teachers enlisted in preparation for child labour during the cotton harvest," *UzNews*, 23 August 2013, http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=3&nid=23565; "Ҳашарчилар таъминоти ташкилотларга юкланди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 28 August 2013, http://www.ozodlik.org/content/article/25089497.html, English Summary: Surkhandarya region, authorities convened a meeting with heads of public-sector institutions and private companies and ordered them to pay the cost of furbishing accommodations for people sent to pick cotton. The "Djarkorgonneft" society was responsible for refurbishing a field house with toilets and showers.

[51] "'Пахта мавсуми сабаб Тошкентда мардикорларнинг нархи кескин кўтарилган'," *BBC*, 16 September 2013, http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130916_cotton_season_mardikors.shtml, English summary: BBC interviewed Sur'at Ikromov, leader of the Action Group of Independent Human Rights Defenders of Uzbekistan. Mr. Ikromov reported that everyone – public sector and private sector – is required to contribute to the cotton harvest. Government tax inspectors threaten private business owners with extraordinary tax investigations to ensure their contribution. Businessmen avoid the field work by hiring day labourers, which transfers the labour cost from the government to the businesses.

Prosecutor's Office and the Tax Inspectorate, convened business owners to present these demands and threaten tax penalties for those who failed to comply.[52] Authorities in Tashkent city gave vendors operating in city parks a choice: pick cotton for forty days in Syrdarya region, pay 1.6 million soums, or expect criminal charges.[53] The Tashkent authorities ordered the city's business owners to transfer money to the Mega Food Store, purportedly to support the purchase of food for cotton pickers.[54] In Surkandarya region, authorities ordered private businesses with ten or more employees to send as much as half of their staff to pick cotton.[55] In September, Trastbank sent one-fifth of its staff, and the Shurtanneftgaz gas exploration company sent shifts of 800 workers to pick cotton.[56] GM Uzbekistan sent 32 people to pick cotton, nine of the company's own employees and the rest hired workers.[57]

Authorities coerced community residents to pick cotton with threats to cut their electricity and social welfare benefits.[58] In Tashkent region, mahalla committees, the local entities responsible for distributing

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[52] Uzbek citizen, Email to noforcedlabor[at]gmail.com, 19 September 2013, English translation: A self-described small businessman in Tashkent reported that received a call from the local administration in the district of Tashkent where his business is registered inviting him to a meeting the next day. When he showed up, he was taken in to see a Deputy Administrator who was accompanied by two men who identified themselves as working for the Prosecutor's Office and the Tax Inspectorate. He was told he needed to contribute two people to the cotton harvest. He explained he only employed four and could not spare two of them for the harvest. He was then told that in that case he should hire two unemployed people to do the harvesting. He again refused and was threatened with stepped up inspections of his business by a variety of government agencies. According to the author of the email, just during the time he was at the local administration office something like 40 other private businessmen were there, having been called in just as he was.

[53] *Uzmetronom.com*, 5 September 2013, English summary: Private businessmen whose firms work on the territory of Tashkent's parks were called together and told that according to the local administration they will all voluntarily spend 40 days picking cotton in Syrdarya. Those who don't wish to volunteer or wish to volunteer for a shorter period should pay 40,000 soums ($18-19) per day or 1.6 million soums ($755) for the full 40 day period (apparently no discounts given). According to the article: "Those who refused were threatened with administrative intervention (additional checks of their financial-economic activities leading to the opening of criminal cases in instances of causing harm to the national economy)." The article notes that teachers, doctors, clerks, industrial workers, etc. are getting the same message.

[54] "Ушли на грядки," *UzMetronom*, 16 September 2013, http://www.uzmetronom.com/2013/09/16/ushli_na_grjadki.html, English summary: In Tashkent, authorities required business owners to send their workers to pick cotton and to sign an agreement to buy food for the cotton pickers from Mega Food Store, a company directed by O.Z. Ortikov, yet the actual use of the money is unknown. Example of the agreement is posted on the link. At the Sergeli automotive market in Tashkent, shop owners were compelled to pick cotton for three days in Jizzak region, hire someone to go in their place, or pay 40,000 soums ($19) per day to the district administration, under threat of losing their shops.

[55] "Кейинги ҳафтадан пахта теримига сафарбарлик кутилмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 3 September 2013, http://www.ozodlik.org/content/article/25094184.html, English summary: A listener wrote to Radio Liberty that in Surkandarya, region private companies employing 10 or more persons were ordered to send 2-5 employees to pick cotton.

[56] Uzbek human rights monitor, September 2013.

[57] Uzbek human rights monitor, interview of GM worker, November 2013, cited in Uzbek-German Forum for Human Rights, "A Chronicle of Forced Labor of Children and Adults: Issue 8," 7 November 2013, http://uzbekgermanforum.org/wp-content/uploads/2013/11/8-Cotton-Chronicle-Issue-8-20131.pdf.

[58] Uzbek citizen, Email to noforcedlabor[at]gmail.com, 17 September 2013, English translation: Mahalla committee in Tashkent suburbs visited the homes of the community residents and asked them to give 89,000 soums ($42) to the cotton harvest. The mahalla committee representatives informed the residents that they would have problems

public welfare benefits, visited residents' homes, demanded they pay 89,000 soums ($42) for the cotton harvest, and threatened cutting off electricity if they refused.[59] In the Buka district of Tashkent region local authorities carried out orders to mobilize five people from each neighborhood.[60] The regional governor of Namangan issued a public statement in September instructing mahalla committees to mobilize residents.[61] Authorities of Zaaminksi district, Jizzak region, ordered residents to pick cotton in order to maintain their electricity and receive pension, child-care and other social welfare payments.[62] Police rounded up day laborers at the Koylik market in Tashkent and sent them to pick cotton, citing their lack of Tashkent residence permits.[63]

In the south of Uzbekistan, the authorities began mass mobilization of public-sector workers, businesses' employees, and unemployed residents to the cotton fields on September 5.[64] By September 10, authorities had expanded the mobilization nationwide.[65] Many public institutions sent their workers

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with their electricity if they refused to pay. One pensioner reported that he already refused to pay and lost power; he then paid, and the power returned.

[59] *Ibid.*

[60] "Тошкент мактаблари пахта теримига "команда" олди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 9 September 2013, http://www.ozodlik.org/content/article/25100550.html, English summary: In Buka district, Tashkent region, local authorities mobilized five people from each neighborhood.

[61] "Наманганда пахта учун аҳоли ва тадбиркорлардан пул ундирилмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 13 September 2013, http://www.ozodlik.org/content/article/25105254.html, English summary: The Namangan regional governor issued a statement to the local media that neighborhood "mahalla" committees would mobilize residents for the harvest.

[62] "Зааминцев заставляют собирать хлопок бесплатно," *UzNews*, 18 September 2013, http://www.uznews.net/news_single.php?lng=ru&sub=top&cid=2&nid=23785, English summary: Residents of villages in the Zaaminski district of Dzhizak province were gathered together by local authorities and told they must all pick cotton, for which they will receive no payment, not even the token amounts received in past years. There are to be no exceptions; if anyone is too old or sick to participate they must hire a replacement with their own money. The authorities threatened to cut off electricity and/or hold up child support or pension payments to those who refuse to participate.

[63] "Тошкентда мардикорлар мажбурий пахта теримига ҳайдалмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 5 October 2013, http://www.ozodlik.org/content/article/25127584.html, English summary: At the Koylik market in Tashkent, police rounded up day labourers from Syrdarya region and forcibly took them to pick cotton, citing their lack of residence permits to be in Tashkent.

[64] "Жанубий вилоятларда пахта теримига "старт" берилди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 5 September 2013, http://www.ozodlik.org/content/article/25096739.html, English summary: September 5, in southern regions, under orders from the authorities, public-sector institutions and private companies began sending their send their employees to the cotton fields; "Тошкент мактаблари пахта теримига "команда" олди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 9 September 2013, http://www.ozodlik.org/content/article/25100550.html, English summary: Starting September 6, Navoi city, Kashkadarya region, nurses were sent to pick cotton and stay overnight in the cotton fields of Kiziltepa district. The nurses reported picking cotton in shifts for 10-15 days. September 6, Surkhandarya district, workers of several private companies and public institutions were sent to pick cotton.

[65] "Тошкент мактаблари пахта теримига "команда" олди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 9 September 2013, http://www.ozodlik.org/content/article/25100550.html, English summary: Starting September 9, school staff were sent to pick cotton or required to pay a fine of 400,000 soums ($189). Public sector workers in Tashkent received orders to begin picking cotton on September 10.

to pick cotton for shifts of 10-15 days. [66] The regional governor of Namangan issued a statement on September 13 that all students of the three regional universities and all workers of private and public-sector institutions would pick cotton.[67] In a statement delivered at Tashkent's South Station on September 17, the Mayor of Tashkent ordered city residents to pick cotton in Jizzak region.[68] In Syrdarya region, local authorities closed markets to prevent people from avoiding work in the cotton fields.[69] In Kashkadarya region, authorities informed residents that transportation, food and accommodation costs would be residents' responsibilities, and that penalties for refusing to participate in the harvest would include dismissal from work, docked salary, and denied social welfare benefits.[70] Education officials offered exemptions for 400,000 soums, and other public sector workers reported fees for an exemption up to 700,000 soums.[71] Some citizens hired day laborers to work in their place, for rates that ranged 400,000 - 500,000 soums ($189-$236 USD).[72]

III. Severe Impacts Suffered by Uzbek Citizens

The Uzbek government policy and practice of forced labor directly afflicts nearly every citizen, either through the violation of their rights, damage to their health, reduced access to medical care and education, or even the loss of a loved one.

A. Deaths

In 2013, at least eleven Uzbek citizens died as a result of the forced-labor cotton production system:

- Tursunali Sadikov, a 63-year old farmer from Yangiyul district of Tashkent region was beaten by the Head of the Yangiyul District Department of Internal Affairs Aziz Tashpulatov and died from

[66] "Тошкент мактаблари пахта теримига "команда" олди," *Radio Free Europe, Radio Liberty "Ozodlik,"* 9 September 2013, http://www.ozodlik.org/content/article/25100550.html, English summary: Starting September 6, Navoi city, Kashkadarya region, nurses were sent to pick cotton and stay overnight in the cotton fields of Kiziltepa district. The nurses reported picking cotton in shifts for 10-15 days. September 6, Surkhandarya district, workers of several private companies and public institutions were sent to pick cotton; Uzbek human rights monitor, September – November 2013.

[67] "Наманганда пахта учун аҳоли ва тадбиркорлардан пул ундирилмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 13 September 2013, http://www.ozodlik.org/content/article/25105254.html, English summary: The Namangan regional governor issued a statement to the local media that the students of the three regional universities and all workers of companies and public-sector institutions would work in the cotton harvest.

[68] Uzbek citizen, Email to noforcedlabor[at]gmail.com, 17 September 2013, English translation: On 17 September 2013, at 6:00 AM at South Station, the Tashkent city mayor sent "volunteers" to the cotton harvest, somewhere in Jizzak region. The people would stay in a college gymnasium.

[69] "Daytime markets shutdown in Uzbekistan, police chasing vendors," Fergana News, 4 October 2013, http://enews.fergananews.com/news.php?id=2732&mode=snews.

[70] "Қашқадарёда 9 сентябрдан оммавий пахта терими бошланади," *BBC*, 7 September 2013, http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130907_cy_uzbek_cotton.shtml, English summary: Kashkadarya region, leading up to September 10, university students, public-sector and private sector workers and members of neighborhood "mahalla" committees received orders to pick cotton or pay the value of their daily cotton quota. Authorities also informed residents that transportation and food expenses would be the responsibility of the citizens, and that penalties for disobeying the orders included dismissal from work, docked salary, and expulsion from school.

[71] Uzbek human rights monitor, October 2013.

[72] Uzbek human rights monitor, September – November 2013.

a heart attack the following morning April 16, 2013. Tashpulatov beat the farmer for being late to a cotton planning meeting.[73]

- Mukhlisa Rajabova, a 17-year old second-year student of Kashkadarya Region Agro-Industrial High School, died of electric shock while working in the cotton fields on September 9, 2013. Authorities returned her body to the family after a forensic examination, and no other circumstances of the case have been disclosed.[74]
- Amirbek Rakhmatov, a six-year old first-year schoolboy from Vobkent district of Bukhara region, died on September 15, 2013. Amirbek had accompanied his mother, and while she picked cotton, he fell asleep in a trailer and suffocated when cotton was loaded on top of him. They only found his body when they emptied the trailer.[75]
- Kozim Omonov, a 22-year old fourth-year student of Karshi State University, and Samandar Nurmatov, a 23-year old fourth-year student at Karshi State University, died from stab wounds suffered during a fight with Akram Sadatovich Urolov, a 23-year old student of Karshi State University, on September 16. Urolov knifed Omonov, Nurmatov, 25-year old Zafar Tukhtaev and 24-year old Vokhid Qodirov during a fight over cotton quotas. Tukhtaev and Qodirov were hospitalized.[76]
- Malika Embergenova, a 17-year old second-year student at Nukus City Medical College No. 1, hanged herself on September 23, 2013, in the village of Atakul, Tahtakupir District, Karakalpakstan.[77] The high school ("college") had sent Embergenova to pick cotton and stay in the village during the harvest.
- Zulajkho Jergasheva, a 30-year old teacher at school no. 55 in Samarkand region, died in a car accident while returning home from picking cotton. Ms. Jergasheva had stayed near the cotton fields for five days and was driving home to visit her two small children.[78]
- Khayrulla Nurmatov, a 31-year old resident of Tashkent region, died after an epileptic seizure on October 4, 2013, in a cotton field in Dustlik Districk, Jizzak region. Nurmatov was picking cotton in place of Dustmurod Abraev, a surgeon of Clinic No. 49 in Yunusobod District of Tashkent City, who had hired Nurmatov to replace him in the cotton fields and pick his quota.[79]

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73 "В Янгиюле схвачен милиционер, обвиняемый в убийстве фермера," Radio Free Europe / Radio Liberty "Ozodlik," 3 May 2013, http://www.uznews.net/news_single.php?lng=ru&cid=38&nid=22628

74 "'Пахта – 2013' нинг илк қурбони Қаршида қайд этилди," Radio Free Europe / Radio Liberty "Ozodlik," 16 September 2013, http://www.ozodlik.org/content/article/25107660.html

75 "Вобкентда 1-синф ўқувчиси пахта тагида қолиб ўлди," *Radio Free Europe / Radio Liberty "Ozodlik,"* 19 September 2013, http://www.ozodlik.org/content/article/25111365.html

76 *Fergana News*, October 28, http://enews.ferganews.com/news.php?id=2750&mode=snews; "Қаршида пахтага чиқмаган касал талаба ўқишдан ҳайдалди," *Radio Free Europe / Radio Liberty "Ozodlik,"* 21 September 2013, http://www.ozodlik.org/content/article/25113332.html.

77 "Student commits suicide during cotton harvest," *UzNews*, 4 October 2013, http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=4&nid=23954.

78 "Another cotton-related death – teacher dies in car crash," *UzNews*, 4 October 2013, http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=4&nid=23966

79 "Шифокор ёллаган мардикор пахтазорда ўлиб қолди," *Radio Free Europe / Radio Liberty "Ozodlik,"* 8 October 2013, http://www.ozodlik.org/content/article/25130163.html; "Наманганда пахта учун аҳоли ва

- Safarboy Karimov, a 38-year old farmer from Karakalpakstan, hanged himself in his cotton field, on October 17. Three days prior, authorities scolded him for not meeting his quotas for cotton and wheat.[80]
- Erkinboj Yoldashev, a 16-year old first-year student at the Urgench Industrial High School, died of a heart attack on the evening of October 21, 2013, in the village of Galaba of the Urgench District of the Khorezm Region.[81] The school administrators had sent Erkinboj to pick cotton in mid-September.[82] In an interview the day of the tragedy, Erkinboj's mother said Dilfuza Jumaniyozova expressed grief and outrage: "He died at 10 PM, and they came at 5 a.m. saying, 'Your child is dead. He's in the morgue,' and ran away. None of them visited us since then. If my child dies, why don't they call for me right away? Why did they inform us only after my son had undergone an autopsy? Why did they do this to my child?"[83]
- Zulfira Akhmedova, a third-year student at Andijan State University, died on October 25 from stab wounds, inflicted by a day laborer who accused Ms. Akhmedova and her mother of underpaying him for picking the daughter's quota of cotton. Authorities denied Ms. Akhmedova a medical exemption, even though she presented a certificate from the medical advisory board stating that she was unfit to work in the cotton fields.[84]

B. Hazardous Conditions

In addition to the fatalities, the Uzbek government forced children and adults to pick cotton in hazardous conditions. The authorities denied virtually all requests for medical exemptions and ignored health risks.[85] In early September, authorities ordered citizens to manually spray defoliants on the

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тадбиркорлардан пул ундирилмоқда," *Radio Free Europe, Radio Liberty "Ozodlik,"* 13 September 2013, http://www.ozodlik.org/content/article/25105254.html.

[80] "Farmer commits suicide on cotton field," *Fergana News,* 20 October 2013, http://enews.fergananews.com/news.php?id=2743&mode=snews; "Тўрткўллик фермер қамалишдан қўрқиб, ўзини осди," *Radio Free Europe / Radio Liberty "Ozodlik,"* 18 October 2013, http://www.ozodlik.org/content/article/25140979.html

81 "Урганчда пахта теришга мажбурланган 16 яшар бола ёқда ўлиб қолди ," Radio Free Europe / Radio Liberty "Ozodlik," 22 October 2013, http://www.ozodlik.org/content/article/25144742.html, English summary: 16-year old Yuldoshev Erkaboy Shuhratovich died unexpectedly in the barracks during the cotton harvest in Galaba village, Urgench, Khorezm region, on October 21. Yuldoshev was a 1st-year student of at the Urgench Vocational College. He died in the barracks at 10 p.m., shortly after his returning from the cotton field; "16-year old dies during cotton harvest," UzNews, 23 October 2013, http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=3&nid=24150. "Uzbek Cotton-Picking Claims Eighth Victim," *Radio Free Europe, Radio Liberty,* 23 October 2013, http://www.rferl.org/content/article/25145827.html.

[82] *Ibid.*

[83] Interview, *RadioFree Europe, Radio Liberty "Ozodlik,"* 22 October 2013, starting at minute 9, http://www.ozodlik.org/audio/audio/1017350.html.

[84] "Uzbek Student Stabbed to Death in Dispute over Cotton Picking," *Radio Free Europe, Radio Liberty,* 31 October 2013, http://www.rferl.org/content/uzbekistan-cotton-picking-killing/25153889.html; *Fergana News,* 31 October 2013, http://www.fergananews.com/news/21431.

[85] "Пахта: Ўқитувчиларга талабаларни топишдек изқувварлар вазифаси берилган," *BBC,* 17 September 2013, http://www.bbc.co.uk/uzbek/uzbekistan/2013/09/130917_cotton_teacher.shtml, English summary: The teacher

cotton fields, without personal protection equipment or training.[86] In October, a teacher suffered severe back injuries incurred by lifting bags of cotton day after day, following orders to weigh cotton picked at a farm in Syrdarya region.[87] People forced to pick cotton around the country, of all ages, reported a lack of potable water at the fields, despite extreme heat at the beginning of the harvest and 10-hour work days throughout the harvest.

Citizens forced to pick cotton also reported unhygienic conditions at the accommodations arranged by authorities near the fields.[88] Accommodations were in school gymnasiums, hallways and classrooms and unused buildings in the countryside. Adults and children often slept on the floors and reported a lack of washing facilities, heat, electricity and adequate food. A week into the harvest, children from high schools in Tashkent fled the cotton fields because of the poor living conditions. Those with resources paid local residents 500-1000 soums ($0.23 - $0.47) per night to sleep in their houses. Many students fell ill and were sent home early.[89]

C. Cotton at the Expense of Health Care and Education

The Uzbek government's massive use of government employees strains the delivery of essential public services, including medical care and education. Doctors, nurses, emergency medical technicians and other staff of hospitals and clinics from around the country are sent to the fields. The education sector was also severely affected. Even where younger school children were not mobilized for the harvest, the state-sponsored mobilization of teachers, parents and older school children continued to negatively affect the learning process.

Following its investigation in November 2013, the World Bank Inspection Panel reported,

"The Panel also heard concerns about the weakened provision of essential social services, especially in health and education due to the alleged forced involvement of social service workers (including doctors, nurses and teachers) in the picking of cotton. During its field visit, the Panel heard direct testimony of

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also reported visiting a healthcare clinic, where staff instructed everyone the no medical exemptions would be granted, except by the mayor's office; "Зааминцев заставляют собирать хлопок бесплатно," *UzNews*, 18 September 2013, http://www.uznews.net/news_single.php?lng=ru&sub=top&cid=2&nid=23785, English summary: There are to be no exceptions; if anyone is too old or sick to participate they must hire a replacement with their own money; "WhatsApp Пахтакор: "Битта домла камида 3-4 миллион сўм пул ишлаяпти," *Radio Free Europe / Radio Liberty "Ozodlik,"* 19 September 2013, http://www.ozodlik.org/content/article/25104210.html, English summary: A Radio Liberty reader posted a blog stating that students diagnosed with health issues were forced to pick cotton.

[86] Uzbek human rights monitor, September 2013.

[87] Uzbek human rights monitor, October 2013.

[88] Uzbek human rights monitors, September – November 2013.

[89] Uzbek human rights monitor, September - November 2013; "WhatsApp Пахтакор: "Битта домла камида 3-4 миллион сўм пул ишлаяпти," *Radio Free Europe / Radio Liberty "Ozodlik,"* 19 September 2013, http://www.ozodlik.org/content/article/25111213.html, English summary: A listener reported abysmal conditions of accommodations for cotton pickers in Samarkand, including no gas, electricity or appropriate washing facilities; therefore, some pay 35,000 soums ($17 USD) for rent and 3,000 soums ($1.42) per shower in other facilities, expenditures far exceeding any pay for the cotton picked.

cases where school teachers were forced to abandon their duties to go pick cotton for two months during the school year in this year's cotton harvest. There is concern that the recent alleged trend of substituting forced adult labor for child labor is said to be aggravating these concerns, as more public sector workers may be forced to go to the fields."[90]

IV. Denial and Repression of Citizen Monitors

The government continued to deny forced labor and misrepresented international organizations to support its claims. In public testimony before the United States Trade Representative in March 2013, the Uzbek Ambassador to the US denied that forced labor is used in the cotton harvest.[91] In June, in public comments made on the floor of the International Labour Conference, the Uzbek government misrepresented UNICEF's program in Uzbekistan and claimed to quote a UNICEF report, stating, "the outcome of monitoring exercises carried out by UNICEF in 2012, in which investigations confirmed that in all 13 regions none of the 3.5 million pupils were obliged to participate in the harvest."[92] UNICEF corrected the record immediately after the Conference, reporting, "UNICEF's observations do confirm that forced child labour in Uzbekistan remains a major and extensive problem as it observed in 2012 the mass mobilization of senior secondary school students for weeks at a time in the cotton fields." [93]

In Uzbekistan, the GOU intensified its efforts to deny forced labor by attempting to create the impression that work in the cotton fields is voluntary. In January 2013, the government inserted a clause in contracts for public-sector workers making work in the cotton harvest a condition of employment. Leading up to the harvest, school administrators required students and parents to sign commitments at enrollment that students would pick cotton. Throughout the country, authorities instructed children at schools and adults in their workplaces and communities to report to foreigners that they picked cotton "voluntarily" and "for the love of the motherland."

Instead of protecting victims of forced labor, the Uzbek government continued to repress and detain Uzbek citizens seeking to document state-sponsored forced labor. In September, authorities arrested and detained independent journalist Sergei Naumov for 12 days, during which time they denied him access to his lawyer and family.[94] The Bukhara City Criminal Court sentenced Bobomurad Razzakov, a

[90] The Inspection Panel, "Report and Recommendation on Request for Inspection: Republic of Uzbekistan- Second Rural Enterprise Support Project (P109126) and Additional Financing for Second Rural Enterprise Support Project (P126962)," 9 December 2013, Paragraph 68, page 16, http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/PanelReport_Uzbekistan_SRESP_Dec9_2013.pdf.

[91] Executive Office of the President, Office of the U.S. Trade Representative, *Public Hearing for U.S. Generalized System of Preferences (GSP): 2012 Annual Review of Country Practices*, March 28, 2013, Washington DC.

[92] Report of the Committee on the Application of Standards, Part Two, Record of Proceedings, 19 June 2013. Uzbekistan. Worst Forms of Child Labour Convention, 1999 (No. 182)

[93] Statement provided by the Vice-President of Public Policy and Advocacy of the US Fund for UNICEF, June 2013

[94] See Association for Human Rights in Central Asia, http://nadejda-atayeva-en.blogspot.com/; Human Rights Watch, http://www.hrw.org/news/2013/09/24/uzbekistan-journalist-forcibly-disappeared; Organization for Security and Co-operation in Europe, http://www.osce.org/fom/105392; and Reporters Without Borders, http://www.trust.org/item/20130923125113-rpyi0/?source=hppartner.

farmer and human rights activist who has frequently represented fellow farmers' interests before the prosecutor's office, to four years imprisonment, on politically motivated charges of 'human trafficking'. In Jizzak, authorities took human rights activist Uktam Pardaev into police custody and then placed him under house arrest, following his meeting with a visiting delegation from South Korea. Authorities also detained Pardaev incommunicado during the 2012 cotton harvest.

Also during the 2013 cotton harvest, the ILO for the first time monitored the application of ILO Convention No. 182 on the Worst Forms of Child Labour. The ILO's stated goal of the exercise was to subsequently develop "a comprehensive national cooperation programme in collaboration with the Sub-Regional Office and Decent Work Team covering Eastern Europe and Central Asia." [95] Limitations under which the ILO monitors observed the 2013 harvest included the restriction of its mandate to ILO Convention No. 182, presence of representatives of the government with all monitoring teams, lack of participation by the International Trade Union Confederation and International Organisation of Employers, lack of participation by Uzbek civil society, and efforts by the Uzbek government to undermine monitoring, including moving people around to avoid inspections and instructing people to lie to monitors.

In the ILO mission report, the conclusion that "forced child labour has not been used on a systematic basis in Uzbekistan to harvest cotton in 2013" reflected both the goal of the exercise and the limitations imposed on the ILO monitors. It also contrasts with the evidence presented in the ILO mission report of the use of the state school system to mobilize students to the harvest. For example, the ILO monitors reported that in 8 of 9 high schools ("colleges") they visited, classes were not in session due to cotton picking, and school officials provided no attendance registers or other evidence to support the reasons given to monitors, e.g. that students were engaged in extra-curricular activities.[96] Despite the limitations under which the ILO observed the harvest, their mission report noted the use of child labor, emphasized concerns about the use of forced labor for the cotton harvest, and recommended that the government take action to implement ILO Convention No. 105.[97]

V. A Convergence of International Concern

International observers from multilateral organizations and bilateral partners of Uzbekistan share the ILO's serious concern for the Uzbek government's continued use of forced labor in the cotton industry.

The June 2013 Concluding Observations of the UN Committee on the Rights of the Child states that the Committee "remains gravely concerned about: (b) The continued involvement of children above the age of 16 years in forced labour in the cotton industry; and, (c) The lack of positive responses to the recommendation contained in the observations issued in 2011 by the Committee of Experts on the

[95] International Labour Organization, "ILO High Level Mission Report on the Monitoring of Child Labour During 2013 Cotton Harvest in Uzbekistan," 19 November 2013, paragraph 7, page 5.
[96] *Ibid* Annex D, page 77.
[97] *Ibid*, paragraphs 35-36, page 13.

Application of Conventions and Recommendations of the International Labour Organisation (ILO) to accept a high-level tripartite mission and avail itself to ILO technical assistance."[98]

During the 2013 cotton harvest, the National Human Rights Commission of Korea sent a mission to investigate human rights impacts of South Korean companies in Uzbekistan. The mission's report concludes that "forced child/adult labor persists in the cotton fields in Uzbekistan."[99] The report further concludes that the Korean companies Daewoo Textile and Global KOMSCO Daewoo have failed to avoid complicity in the violations of international conventions prohibiting forced labor and child labor in Uzbekistan, and that the Korean government has failed to fulfill its duty, as a member of the Organization for Economic Cooperation and Development, to work proactively to ensure these Korean companies respect international labor standards in their operations and supply chains.[100]

In October 2013, the U.S. Customs and Border Protection applied the Tariff Act prohibition on the entry of goods produced with forced labor into the United States. The action reminded the Uzbek government that its continued practice of forced labor to produce cotton prevents companies around the world from legally importing goods into the U.S. that contain Uzbek cotton.

In November 2013, the United Nations Committee Against Torture (CAT) highlighted forced labor and child labor among the "principle subjects of concern" in Uzbekistan.[101] The CAT recommended "that the State party should end the practice of using forced labour of adults and children in the cotton sector, and permit international and independent national nongovernmental organizations and activists to conduct regular independent monitoring," citing the Uzbek government's duty to prevent acts of degrading treatment or punishment through the effective application of the law and regardless of any public authority's orders.[102]

In December, the World Bank Inspection Panel issued their report on the Request for Inspection of the World Bank's Second Rural Enterprise Support Project (RESP II).[103] The Panel visited with civil society activists and victims of forced labor in Uzbekistan and concluded that the plausible link between bank

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[98] Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of Uzbekistan , adopted by the Committee at its sixty-third session (27 May- 14 June 2013), CRC/C/UZB/CO/3-4, Geneva, 10 July 2013, paragraph 65b and c

[99] See the report on the National Human Rights Commission of Korea website at: English, http://www.apil.or.kr/attachment/cfile7.uf@2137684452AAA61E0A2FE4.docx and Korean, http://www.humanrights.go.kr/03_sub/body02_4.jsp.

[100] *Ibid*

[101] United Nations Committee against Torture, "Concluding observations on the fourth periodic report of Uzbekistan," November 2013, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/UZB/CAT_C_UZB_CO_4_15833_E.doc.

[102] *Ibid.*

[103] The World Bank Inspection Panel, "Report and Recommendation: Republic of Uzbekistan- Second Rural Enterprise Support Project (P109126) and Additional Financing for Second Rural Enterprise Support Project (P126962), 9 December 2013, http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/PanelReport_Uzbekistan_SRESP_Dec9_2013.pdf

financing for the agricultural sector and the perpetuation of forced labor raises serious policy compliance issues. Further action by the Inspection Panel depends on progress in the World Bank's discussion with the Uzbek government about ending the use of forced labor in cotton production and the Bank establishing third-party labor rights monitoring of its project activities.

VI. Implications for Investment in Uzbekistan

Forced labor is a crime. US has laws that prohibit any person from knowingly benefiting from forced labor. Under U.S. law, it is a crime for any person to knowingly benefit from forced labor.[104] Furthermore, the Tariff Act of 1930 prohibits any person from importing into the United States a good made "in whole or in part" with forced labor.[105] The Government of Uzbekistan's forced-labor system is so pervasive that all companies must be on notice that doing business in Uzbekistan will expose them to possible legal liability whether or not they are investing in the cotton system itself.

A. Daewoo International, Indorama Corporation and others in the Textile sector

For those investing in the cotton system, like Daewoo International and Indorama Corporation, the potential for liability is very clear.

One year ago the International Labor Rights Forum filed a petition with the U.S. Department of Homeland Security, Customs and Boarder Protection (CBP) to enforce the Tariff Act of 1930 and halt imports of forced-labor cotton from Uzbekistan.[106] The complaint calls on U.S. Customs to issue an immediate detention order on all pending and future imports of cotton goods manufactured by Daewoo International Corporation, Indorama Corporation, and other companies processing cotton in Uzbekistan. Daewoo International, a South Korean-based company owned by the steel manufacturer POSCO (NYSE:

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[104] 18 USC §1589 states "(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—
(1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;
(2) by means of serious harm or threats of serious harm to that person or another person;
(3) by means of the abuse or threatened abuse of law or legal process; or
(4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint, shall be punished as provided under subsection (d).
(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d)."

[105] 19 USC §1307 states "All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision."

[106] The petitions is available at: http://laborrights.org/publications/tariff-act-complaint-ilrf-calls-us-customs-service-halt-imports-forced-labor-cotton

PKX), and Indorama Corporation (www.indorama.com), a Singapore based multi-national that produces yarn, fabrics and organic cotton products, are two of the largest processors of Uzbek cotton.

Indorama Kokand Textiles and Daewoo International both operate cotton processing facilities that produce cotton yarn and fabric for export to garment producers globally. Since Uzbekistan does not import one single bale of cotton, cotton grown and harvested by forced labor is the sole component of the cotton yarn and cotton fabric processed in Uzbekistan by Indorama Kokand Textile, Daewoo International, and other cotton processors. Daewoo International described its operations and its knowledge of the ongoing forced labor in Uzbekistan, in an on-line statement February 19, 2013.[107]

Companies like Daewoo International and Indorama, who agree to buy into the Government's state order system for cotton production receive significant benefits, including a 15% discount from the export price of cotton, a full 20% value-added tax (VAT) reimbursement, and, when they receive a delivery of cotton, they pay only 15% of the cost and pay the remainder in 120 days at zero interest. However, those benefits come with a cost. Once in the system, the companies themselves become vehicles for distributing cotton products from cotton produced by forced labor, and according to State Department report, efforts to keep tainted cotton out of their supply chains are futile.

Local [government of Uzbekistan] authorities are interfering in the management of [the Central Asia Seed Company's] farms by keeping farmers under state production plans, even though the original business plan, approved by the GOU, states the company's farms are exempt from state orders.[108]

We are pleased the Department of Homeland Security and the Department of Justice are taking this very seriously and welcome the criminal investigation currently underway by the Department of Homeland Security and Department of Justice into Daewoo and Indorama and the legal action taken against Indorama under the Tariff Act of 1930 in October 2013.[109]

B. General Motors

For companies not investing in the forced-labor system, like Daewoo and Indorama, the risks are still as great. For the third consecutive year, human rights defenders collected evidence demonstrating that employees of General Motors were compelled to pick cotton during the harvest. This past Fall, the

[107] See http://www.business-humanrights.org/media/documents/company_responses/daewoo-re-uzbek-child-labour-19-02-2013.doc

[108] U.S. Department of State. (Unclassified) Cable from US Embassy in Tashkent: *Uzbekistan: Report on Investment Disputes and Expropriation* (June 18, 2008). Accessed at: http://wikileaks.org/cable/2008/06/08TASHKENT694.html

[109] *12Uz.com*, В ЧЕМ ПРИЧИНА ЗАДЕРЖАНИЯ КОНТЕЙНЕРА С 22 ТОННАМИ УЗБЕКСКОЙ ПРЯЖИ В США?" December 31, 2013, http://www.12uz.com/#ru/news/show/comments/16037/ and In response to a Freedom of Information Act request for information about determinations and actions taken by the U.S. Government concerning cotton and cotton products from Uzbekistan, Immigration and Customs Enforcement stated "the information you are seeking relates to an ongoing law enforcement investigation," and therefore withheld the information.

Federation of Trade Unions of Uzbekistan working with managers at the General Motors Uzbekistan plant in Andijan compelled employees of the plant to pick cotton during harvest.[110]

Since 2011, these reports have been brought to the attention of GM management, starting with a letter sent by the United Auto Workers union in October 2011. GM has not publicly reported on the steps it took to investigate or address any actual violations or prevent its employees or their families members from becoming potential victims of forced labor.

By committing to the OECD Guidelines for Multinational Enterprises, as well as the United Nation's Guiding Principles on Business and Human Rights, the US Government has a duty to protect human rights by working proactively to ensure that US multinational enterprises, including GM and its subsidiaries in Uzbekistan:

> (1) respect the internationally recognized human rights of those affected by their activities"[111]
> (2) take adequate steps to ensure that forced or compulsory labor does not exist in their operations."[112]
> (3) avoid "causing or contributing" to human rights violations, and "address violations when they occur;[113]
> (4) Prevent or mitigate human rights violations directly linked to their operations, products, or services by a business relationship even when the company has not "contributed to" or caused the human rights violation;[114] and
> (5) Carry out risk-based due diligence to identify, prevent, and mitigate actual and potential" human rights violations.[115]

As noted before, GM is aware of the government's forced labor program and the program's actual and potential impact on its employees and others from the public sector as well as private enterprises across Uzbekistan. Therefore, it is vital that GM work with Uzbekistan civil society to develop and implement an effective program of independent and transparent monitoring and publicly available reporting for forced labor and other human rights violations in GM's operations and in communities where GM operates and its employees live. Only through a robust monitoring and public reporting program implemented by independent civil society in Uzbekistan will GM be able to begin to prevent its employees, their family members, and others in GM's impacted communities from becoming victims of the GOU's forced labor program. Otherwise, GM and its shareholders risk indirectly supporting, benefiting from, or worse, directly contributing to the government's forced labor program.

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[110] Uzbek-German Forum for Human Rights, Personal interview, Andijan region, February 2014.
[111] OECD Guidelines for Multinational Enterprises (2011), Ch. II (A)(2)
[112] Id., Ch V (1)(d)
[113] Id., Ch. II (A)(11)
[114] Id., Ch II (A)(12) Ch. IV(1)(3)
[115] Id., Ch. II (A)(10);

C. Multilateral finance institutions

We are concerned that any investment by multilateral finance institutions to support the development of the agriculture sector in Uzbekistan, including support for the purchase of equipment to mechanize cotton harvesting, before the Government of Uzbekistan ends its forced labor production system for cotton is a violation of US policy. We note that our concern is shared by the World Bank's own Inspection Panel, which found that "the information reviewed by the Panel indicates that it cannot be ruled out that the project has and may still be supporting cotton production either directly or indirectly" and that "the Bank's support [for agriculture development] may be contributing to a perpetuation of the alleged harm [of forced labor]."[116]

Yet the ABD and World Bank seem to be increasing their investments. The Asian Development Bank began financing the Uzbek Government for the purpose of improving irrigation, while the ADB recognized its Modernization and Improved Performance of the Amu Bukhara Irrigation System (ABIS) project would primarily benefit the cotton sector. The ADB should take note of the ILO and World Bank Inspection Panel reports and halt the ABIS project until the Uzbek Government ends the forced labor system. During the 2014 Spring meetings in Washington, the World Bank indicated plans to increase its lending to the Uzbek Government for the agriculture sector.

The forced labor system of production in Uzbekistan must end for development projects to address the real needs of the Uzbek people, including support for farmers for the purchase of equipment to mechanize cotton harvesting. Under the current system, a farmer forced to grow cotton and harvest it with a tractor is still a forced laborer growing cotton for the Uzbek Government.

The United States Treasury should vote against any loan to the Uzbek Government that lacks a clear precondition to end the forced labor system.

VI. Tier 3 Placement in the *2014 Trafficking in Persons Report*

Currently, Uzbekistan does not meet the minimum standards of the Trafficking Victims Protection Act, nor is it yet taking real steps to meet those standards. On this basis, we call on the State Department to

[116] See The World Bank Inspection Panel, "Report and Recommendation: Republic of Uzbekistan- Second Rural Enterprise Support Project (P109126) and Additional Financing for Second Rural Enterprise Support Project (P126962), 9 December 2013, Paragraph 80 ["Nevertheless, it is the Panel's view that as long as Bank financing is supporting in some measure cotton production and there is a residual possibility that there can be child/forced labor on farms receiving project support (since they do not allegedly have a choice of whether to accept child or forced labor), then it is plausible that the Project can contribute to perpetuating the harm of child and forced labor. The information reviewed by the Panel indicates that it cannot be ruled out that the project has and may still be supporting cotton production either directly or indirectly through the different project components, including the credit line, and that this production may be using labor practices of concern to the Requesters. While the Panel cannot make definitive findings on these linkages at this stage in its process, the Panel considers that there is a plausible link between the Project and the harms alleged in the Request, and that the Bank's support through the Project may be contributing to a perpetuation of this alleged harm."]

place Uzbekistan in Tier 3 in the *2014 Trafficking in Persons Report*. An upgrade to another placement would reward the government of Uzbekistan in spite of its continued, flagrant disregard of its national laws and international commitments.

The Tier 3 placement would, on the other hand, communicate the need to end forced labor to the Uzbek government. Clear messages from the U.S. government, the European Union and multilateral agencies have contributed to key policy decisions by the Uzbek government.

In 2005 the ILO supervisory bodies began to consistently express concern for the use of forced labor of children and adults in cotton production in Uzbekistan. In 2008 the U.S. Department of Labor investigated forced child labor in cotton production in Uzbekistan and added cotton from Uzbekistan to the list of goods made by forced child labor in 2009. The Uzbek government ratified international conventions on child labor in 2008 and 2009. In December 2011, the European Parliament voted 603 to 8 not to extend the EU-Uzbekistan Partnership and Cooperation Agreement to trade in cotton and textiles, and in January 2012 the United States Trade Representative reviewed the Generalized System of Trade Preferences for Uzbekistan. The Uzbek government met with the ILO in Tashkent in March 2012. In October 2012, the French National Contact Point of the OECD issued guidance to multinational enterprises not to trade Uzbek cotton, and in June 2013 the U.S. government placed Uzbekistan in Tier 3 of the *2013 Trafficking in Persons Report*. In July 2013 the Uzbek government agreed to allow ILO monitors to observe the cotton harvest, albeit under restricted terms. From September to November 2013, the South Korean Human Rights Commission investigated companies operating in Uzbekistan; the U.S. government applied the Tariff Act by holding shipments of cotton from Uzbekistan; and the World Bank Inspection Panel investigated the World Bank's project in Uzbekistan. The ILO reports that in November the Uzbek government "expressed their willingness to continue to collaborate with the ILO to address child labour and other related issues," including all fundamental rights of workers. [117]

Yet the Uzbek people continue to suffer under the state forced labor system, because the Uzbek government has not made serious and significant efforts to end its forced labor policy and practice.

[117] International Labour Organization, "ILO High Level Mission Report on the Monitoring of Child Labour During 2013 Cotton Harvest in Uzbekistan," 19 November 2013paragraph 34, page 12.

Mr. SMITH. Mr. Campbell, thank you very much for your clarity and for your insights.

Last year Ambassador Lagon spoke about America's pathetic embrace of slavery which was in significant part about cotton. So, here we have it occurring in Uzbekistan, and I think your words couldn't have been more clear.

I would like to now yield to Mr. Burns for his testimony.

STATEMENT OF MR. BLAIR BURNS, VICE PRESIDENT OF REGIONAL OPERATIONS, SOUTHEAST ASIA, INTERNATIONAL JUSTICE MISSION

Mr. BURNS. Thank you.

As you said, my name is Blair Burns, and I work for International Justice Mission. IJM is a global team of attorneys, investigators, social workers, community activists, and other professionals working in over 20 communities throughout the developing world.

I have been with IJM for 10 years and I oversee our work in Southeast Asia, where our offices focus primarily on combating the commercial sexual exploitation of children. Prior to my current position, as the chairman mentioned, I lived in Chennai, India, where I directed our programs to combat forced labor slavery in India.

Thank you for asking me to testify today. My children don't actually believe that I am testifying before Congress. They are very cynical little people.

And, Chairman Smith, thank you so much for your long time of leadership on anti-trafficking. It matters. It matters quite a lot.

The 2013 Global Slavery Index indicates that there are more slaves today in our world than at any other point in human history. I have met a lot of them. They are people just like you and me. They are fathers and mothers, friends and coworkers, sons and daughters, grandparents and children, all of whom have the same hopes and dreams that we have to live lives of happiness, freedom from violence, and safety.

Some might have us believe that they are slaves because they are victims of abject poverty, but that belies the fact that every country in the world has poor people, including this one, but only a minority of countries has a problem of slavery and human trafficking thriving within its borders.

Slavery and sex trafficking are violent crimes. Such criminal enterprises fester and thrive only because local justice systems fail to enforce the laws that are against them.

Why does slavery not fester and thrive in our country? Because the Government of the United States brings great resources to bear against those who would perpetrate such violence.

But let me clarify. I am not here today to tell you horrific, dramatic tales about how bad things are. I am not here to draw you into an even more bleak picture. Rather, I am here to point you to some things that I am seeing in this fight that are very good, to point you to some places where women and men of goodwill are turning the tide against global slavery, to tell you more about an example of the great power of the United States being used rightly, to provide effective leadership to end one of the great tragedies of our time.

To put it quite clearly, in 10 years of doing this work across Asia, I have seen no action of a Western government that is more effective at anything than the annual release of the Trafficking in Persons Report by the Department of State. I have had senior government officials in every Asian country I have visited from India to the Philippines tell me in private that their highest trafficking-related priority is to improve their nation's tier ranking on the next TIP Report.

In my experience, the actions of these countries have borne out what they have told me behind closed doors. I want to tell you two stories.

We have worked in the Philippines since 2001. Since that time, our offices have seen over 1,000 girls and women rescued from commercial sexual exploitation and hundreds of perpetrators jailed for their crimes. In 2007, with funding from the Bill and Melinda Gates Foundation, we launched an anti-trafficking program in Cebu, the second-largest city in the Philippines. Before beginning operations, we conducted a baseline study to measure the prevalence of children offered for commercial sex, to measure the extent of the crime.

We, then, began operations by partnering with local justice system officials to enforce the Philippines' laws against the trafficking of children. The first thing we learned was that, as of that point, the laws were not being enforced at all. In our research we could find no evidence of any criminal prosecution of any trafficker in Cebu. We found that, in general, law enforcement lacked both the will and the capacity to act, but we also found that there were officials of goodwill who wanted to serve their country.

Early in the project we partnered with the Philippines National Police Regional Command to create, train, and mentor a dedicated regional anti-trafficking unit. After just a few years, by 2010, over 70 suspected traffickers and pimps were in jail, as their trials progressed through the Philippines' glacial criminal justice system.

And that is when some remarkable things began to happen. First, we conducted another study on prevalence and published the results. We found that the number of children offered for commercial sex had dropped by 79 percent in Cebu, 79 percent. In other words, with the sudden, unexpected, and sustained enforcement of the law, it finally became truly illegal to traffic children for sexual exploitation in Cebu.

And so, what did most of the traffickers then do? They found other ways to make money. They stopped exploiting children.

Second, in 2010, the TIP office put the Philippines in the Tier 2 Watch List for the second year in a row. And just 2 years before that, the Congress required that countries could only stay on the Watch List for 2 years in a row. For those of you who might have voted for that, brilliant move. The Philippines was in grave danger of losing a lot of coveted foreign aid.

And third, a new administration came into power in Manila. And so, in late 2010, the new Secretary of Justice, Leila de Lima, came to Washington for a meeting at the World Bank. She was in town for part of 1 day and called me to meet with her at the Embassy.

We sat down. She looked me in the eyes and said, "Tell me about your program in Cebu, and tell me how we can replicate that success throughout the rest of my country." I had a few ideas for her.

Shortly thereafter, the Supreme Court directed all courts in the Philippines to fast-track the trafficking cases. We began to see cases that once took 10 years to move through trial reach judgment in one to three. We worked with the Secretary as she cleaned up and reestablished the Anti-Trafficking Unit of the National Bureau of Investigations in Manila. Whereas agents of this unit once made barely-veiled death threats to our staff, they quickly became some of the closest law enforcement partners we had.

The Philippines National Police, under a different ministry than Justice, decided to replicate the dedicated Anti-Trafficking Unit in Cebu. It stood up units in Manila and Pampanga, incorporated our training curriculum into their regular training program, and partnered with our offices to provide ongoing mentorship to the units. Today they are in the process of incorporating these units into a single national command.

So, what is the result? Today the trafficking of children is truly against the law in the Philippines, and everybody knows it. Why? Because that law is now enforced. And not only is the law being enforced, it is being sustainably enforced by elements of the Philippines justice system that are largely operating independently of IJM or any other NGO. When we conduct additional prevalence studies this year and in 2016, we fully expect to see further dramatic reduction in the violent crime of trafficking.

And the story is quite similar in Cambodia, where things were once even worse. There, in 2003, we found entire open markets where minority Vietnamese girls ages 6, 7, 8, and 9 were sold for a few dollars to any foreign pedophile who could find his way to Phnom Penh.

The police and senior Cambodian Government officials knew exactly what was happening, yet took no action. Western governments were also unwilling to speak out. But, by 2005, the TIP Report put Cambodia on Tier 3, and we then have the government's attention.

In response to earlier recommendations from the TIP office, Cambodia had already stood up a national-level anti-human-trafficking department, but the officers of this department were both untrained and lacked any will to conduct any trafficking operations.

With help from USAID, we launched a world-class police training program for the department, and then, we began ongoing case-by-case mentorship with the trained officers. We have continued that mentorship for nearly a decade.

Slowly, but surely, the anti-human-trafficking department rose up into an effective law enforcement agency. Today the public does what was unthinkable then. When a girl goes missing, they call the police. We know this because, when that happens, the police call us.

The department proactively enforces the law across the country and prosecutors and courts have followed suit. We have seen 187 convictions of traffickers in Cambodia in our cases alone.

So, what is the result of real law enforcement in Cambodia? In late 2012, we conducted a prevalence study. The results were re-

markable. Less than 1 percent of all sex workers were minors under the age of 15. Data collectors in three cities found no one offered for commercial sex under the age of 12.

Thank you for inviting me today, and please let me know if you have any questions.

[The prepared statement of Mr. Burns follows:]

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Testimony of Blair Burns, Vice President for Southeast Asian Affairs
International Justice Mission
Before the House Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
April 29, 2014

Thank you, Chairman Smith, for inviting me to testify at this important hearing on the State Department Trafficking in Persons Report and the tier ranking process. It is an honor. I speak for my colleagues at International Justice Mission in thanking you for your decades-long leadership on trafficking and slavery at home and abroad. We well remember your role in leading the effort to enact the original Trafficking Victims Protection Act of 2000, which identified the issue of slavery as a U.S. Government priority, and established a unique office and infrastructure to address it.

I appear on behalf of International Justice Mission, with which I have been associated since 2004. The first four years of my career with IJM were spent at the organization's office in Chennai, India, where our team worked with Indian Government officials to identify, rescue and restore victims of bonded labor and apprehend perpetrators. For the past six years, I have been based at IJM headquarters, where I lead IJM's field offices in Southeast Asia.

Today I will discuss the impact of the annual State Department Trafficking in Persons Report (TIP Report) in two countries where IJM operates, Cambodia and the Philippines. In both countries, IJM collaborates with local authorities to identify, rescue, and restore minor victims of sex trafficking; collect evidence and apprehend perpetrators; and create deterrence of the crime. In both of these countries, we have seen how the State Department's close attention to trafficking, the scrupulous accounting in the annual TIP Report, and the tier ranking process has led to greatly increased political will and capacity to eradicate exploitation of children in the commercial sex industry.[1]

The Philippines: IJM established its first office in the Philippines in Manila in 2001. At that time, it was commonplace to find minor girls in sex establishments throughout the Philippines. In Manila, Pampanga (adjacent to the former US military base), and in Cebu, hundreds of bars and brothels openly sold minor girls they had recruited from the poorest provinces, often deceiving and trapping them for years in brutal lives of sexual exploitation. Philippines laws against trafficking were weak and the Philippines police had neither the capacity nor the will to take on the trade in children.

Over the course of the next decade, that situation improved dramatically. There were several tipping points along the way. One was the adoption in 2003 of strong anti-trafficking legislation

[1] IJM also works on labor trafficking; specifically, bonded labor in India, which is IJM's largest program. IJM and our local NGO partners collaborate with Indian government officials to identify, rescue, and rehabilitate families in bonded labor and to prosecute perpetrators.

after a strong push by Philippine civil society with encouragement from the newly established Trafficking in Persons Office of the US Department of State. Another was significant support from the Bill and Melinda Gates Foundation to help develop and measure a law enforcement and victim assistance model. With that support, IJM initiated collaboration with the Philippines National Police in the country's second largest city, Cebu, to rescue minor girls from sexual exploitation and apprehend perpetrators. IJM contracted with an independent criminal data collection firm to execute a baseline prevalence of commercial exploitation of minors in Cebu's substantial sex industry. Over the next three years, IJM and its PNP partners investigated hundreds of establishments, rescued over 225 victims of trafficking, and apprehended 77 suspected perpetrators. Because trafficking is a non-bail offense under Philippines law, those suspects remained in jail, many of their businesses shuttered. The independent investigators conducted a mid-term study and a final study at the end of the 3-year period. They found that the availability of minor girls had plummeted by 79 percent in Cebu.

There were several factors that contributed to that welcome outcome. One was the PNP's designation of a special anti-trafficking police unit, called the Regional Anti Human Trafficking Task Force (RAHTT Force.) IJM trained and collaborated on a daily basis with the RAHTT Force in the identification and rescue of minors in the sex industry and the collection of evidence and apprehension of traffickers, pimps, brothel managers, and others complicit in the exploitation of girls.

IJM's contribution was to develop and implement an effective model of protection, prosecution and deterrence in collaboration with our partners in the Philippines justice system. But it was the State Department Trafficking in Persons Office and the annual TIP Report and tier ranking process that was crucial in encouraging the Government of the Philippine to make the eradication of sex trafficking a national priority. And that is exactly what happened.

As you recall, Chairman Smith, Congress enacted amendments to the Trafficking Victims Protection Act in 2008 that limited to two years the length of time a country could remain on the Tier II Watch List.[2] The Philippines was placed on the Tier II Watch List in 2009 and 2010.

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[2] The Tier II Watch List standard is: Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:

a) The **absolute number of victims** of severe forms of trafficking is very significant or is significantly increasing;

b) There is a **failure to provide evidence of increasing efforts** to combat severe forms of trafficking in persons from the previous year; or

c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on **commitments by the country to take additional future steps over the next year.**

The TIP Report narrative made it quite clear what the Philippines needed to do to avoid an automatic down-grade to Tier III, which would have jeopardized a significant amount of U.S. foreign assistance, especially its large Millennium Challenge Corporation program. Notably, the U.S. Ambassador to the Philippines, Ambassador Harry Thomas, who was posted to the Philippines in 2010, made trafficking a priority in his relations with the Government of the Philippines.

Strong and consistent U.S. diplomacy and a fair and transparent tier ranking process greatly empowered those within the Government of the Philippines who were struggling against the long legacy of trafficking in their country. President Benigno Aquino III was elected in June, 2010 on a reform platform and made trafficking eradication an early priority. National authorities took note of the results from the IJM-PNP collaboration in Cebu and began a dialogue about replicating the model elsewhere in the Philippines. The Supreme Court Administrator issued a circular to the courts to prioritize anti-trafficking cases.

Since that 2010 tipping point, the Government of the Philippines has continued and enlarged its anti-trafficking campaign, allocating approximately 20 times the budget previously provided to its Inter-Agency Council Against Trafficking (IACAT). The Philippines National Police has stood up regional anti-trafficking police units in Manila and Pampanga and are making plans for a national level anti-trafficking group that promises to be the vehicle for sustained protection from trafficking nationwide for years to come. Justice Secretary Leila de Lima leads an active and effective Inter-Agency Commission Against Trafficking, which has adopted rigorous operational rules for victim rescue and perpetrator accountability. The Philippines courts, while still backlogged and slow, are starting to obtain convictions within a year – a substantial improvement over the five-six year trials that have been the norm.

The Philippines has more to do and U.S. encouragement in coming years will be important. The planned police anti-trafficking group must be fully funded and mandated to enforce anti-trafficking laws against sex industry crime groups with influential connections. The Philippines Department of Social Welfare and Development must commit resources to protect and treat the trauma of both male and female survivors. Prosecutors and courts must move from sporadic to consistent effective action in trafficking cases.

Among other challenges, there is a growing industry of Internet exploitation of children in the Philippines. IJM has collaborated with our police partners on six of these cases in the last year. The victims are much younger than those we have seen in traditional sex venues. Those exploiting them are frequently family members in their own homes, and buyers are all over the world. Eradicating this scourge will require increased technical capacity for the anti-trafficking police units, new approaches in child protection and trauma recovery, and stronger international law enforcement collaboration.

Cambodia: IJM first engaged in anti-trafficking activity in the Philippines in 2002, when we sent undercover investigators to the outskirts of Phnom Penh to gather evidence of commercial sexual exploitation of very young children. At the time, pre-pubescent children as young as five or six years old were openly marketed to Western sex tourists and pedophiles. Enforcement of Cambodian law against sex trafficking was nonexistent. Indeed, local police were widely understood to be indifferent or complicit in the trade.

IJM took this information to local authorities but there was no response. The State TIP Report

ranked Cambodia on Tier III, and appropriately so. But the situation began to change for the better the following year, when a committed U.S. Ambassador, Ambassador Charles Ray, made the issue a priority for the Embassy. Ambassador Ray engaged the Cambodian authorities at the highest level, exercising the leverage of the 2000 Trafficking Victims Protection Act (which prohibited U.S. foreign aid to countries on Tier III.) In 2003, Cambodian police and International Justice Mission collaborated to identify and remove thirty-five minors from the neighborhood of Sway Pak, just outside Phnom Penh where child sexual exploitation was routine. Ten of the children were under the age of ten; the youngest was five.

IJM established an office in Phnom Penh that year and another in Siem Reap in 2010. We provided on-going and extensive training to the Cambodian anti-trafficking police (AHTJP) force and collaborated on hundreds of rescue operations to remove minor children from sex venues and to gather evidence and apprehend those engaged in their exploitation. Under the leadership of General Bith Kim Hong, the AHTJP has performed with distinction and excellence.

Over the course of the next ten years, IJM's operatives and our Cambodian police partners saw fewer and fewer young children. The annual TIP Report and tier ranking process was an important factor in the Cambodian Government's continued attention to the issue. Tier rankings ranged from Tier II, to the Tier II Watch List to Tier III. The variance in the rankings reflects the reality that progress towards eradicating sex trafficking in Cambodia is not uniform or linear. Officials of integrity make progress, and they are upon occasion undermined by others.

One such setback was the pardon and early release from prison in 2011 of a Russian businessman, Vladimir Trofimov, who was convicted for the exploitation and abuse of some seventeen girls, the youngest of whom was 6 years old. IJM had investigated the case in collaboration with our police partners and represented the victims at trial. The pardon and release of Trofimov was a setback for Cambodian reformers, such as General Bith Kim Hong, U.S. pressure (and a dip in Cambodia's tier ranking) helped build political will to declare the Russian PNG and expelled from the country. He was arrested by Russian police and is awaiting trial in Moscow on charges of abusing a number of young Russian girls.

Even with setbacks, including continued concerns about government corruption, progress continued. As in the Philippines, the arrest and conviction of hundreds of customers, brothel owners, pimps, and traffickers had an enormous impact on Cambodia's sex trade. Over the years, brothel-based sexual exploitation declined steadily. Today, there is virtually no commercial sexual exploitation that occurs on premises. Rather, customers meet women in various entertainment establishments such as karaoke bars, pay a "bar fine" and leave to engage in commercial sexual relations elsewhere.

What of the minor girls in the sex industry? In 2012 , IJM conducted a prevalence study, using methodology similar to that which we developed in Cebu. Investigators searched throughout Cambodia and its major cities for girls under the age of 15 (which IJM characterizes as "young minors,") and found that less than one percent of those in the sex industry met this description. We remain concerned about girls in the 15-18 age range, however, and found that they represented 7 percent of those in the sex industry. These older minors are trafficking victims; it is incumbent upon the Cambodian police and justice system to end their exploitation in the sex industry.

To identify and rescue these girls, it is essential that the Government of Cambodia formally authorize the anti-trafficking police to use under-coverage operations (such as buy-busts and stings) to identify and rescue these older teens and apprehend those who are exploiting them.

I would like to underscore the implications of what the Governments of the Philippines and Cambodia have done to put flight to child sex trafficking in just a decade. Pushed and encouraged by strong U.S. diplomacy and candid TIP reports, the two countries have enforced their own laws. In so doing, they have rescued hundreds of trafficking victims and they have created real deterrence of the crime. In short, effective and reliable law enforcement has achieved exactly what we expect it to: it has dried up the crime.

In conclusion, I'd like to draw the Committee's attention to HR2283 – the Human Trafficking Prioritization Act – a bill introduced by Chairman Smith and has bipartisan support from 63 other Congressional Representatives. This bill would upgrade the Trafficking in Persons Office to a Bureau in the State Department. Our work in the field, particularly in the Philippines and Cambodia, demonstrates the importance and effectiveness of an accurate and strictly fact-based tier ranking of countries in the annual TIP Report. We have also seen where political considerations other than a country's efforts to eradicate trafficking are brought into play, to the detriment of the Report's credibility. The TIP Office is highly regarded by Congress and it recognized for its excellence and expertise in the area of sex and labor trafficking. By elevating the stature of the TIP Office to a Bureau, the United States would give a visible sign of U.S. commitment to protecting the most vulnerable people on earth and an increased likelihood of the tier rankings being based solely on a country's efforts to combat sex and labor trafficking.

Thank you, Mr. Chairman and other members of the Subcommittee, for the opportunity to testify, and I will now take your questions.

Mr. SMITH. Thank you very, very much, Mr. Burns, for your testimony. You have made so many good points.

Unfortunately, we have two votes. So, we will have to interrupt.

Ms. BASS. Now?

Mr. SMITH. Yes, we are in the final 8 minutes of the first one.

So, I apologize again to our two remaining witnesses. And if anyone has to go, obviously, you go, but we regret we won't get to ask you questions.

But you did make a very good point, Mr. Burns, about when they were on Tier 3 in Cambodia; it got their attention. I have found, and I know Ambassador Lagon more than anyone else has found over the years, that when they are on Tier 3, I don't care who they are. They may protest—the Greeks protested mightily when they were placed on Tier 3—but it gets their attention. And naming and shaming is an important part of this process, but it ought to be followed by tangible sanctions, which often is not the case.

But thank you for your excellent testimony.

I would like to yield to Ms. Bass, if she has anything.

Okay. I don't want to cut your testimony short, Ms. Lummert. So, if you don't mind, we will stand in brief recess, then come right back. These are the last two votes of the day. So, again, I apologize.

[Recess.]

Mr. SMITH. The hearing will continue.

I would like to ask—you were done, right, Mr. Burns? Yes.

STATEMENT OF MS. NATHALIE LUMMERT, DIRECTOR, SPECIAL PROGRAMS, MIGRATION AND REFUGEE SERVICES, U.S. CONFERENCE OF CATHOLIC BISHOPS

Ms. LUMMERT. Mr. Chairman, thank you for the invitation to speak today. I have a longer written testimony, but in my oral remarks I will focus on the Church's anti-trafficking efforts domestically and internationally and the partnerships which we think need to continue to expand in the efforts to combat human trafficking.

As you may know, His Holiness Pope Francis has elevated the issue of human trafficking as a priority for the global Church. At a conference I attended at the Vatican this month, the Holy Father called human trafficking "a crime against humanity and an open wound on the body of contemporary society."

This conference, organized by the Catholic Bishops Conference of England and Wales, gathered senior law enforcement and Church leaders from around the world to coordinate around combating human trafficking. The conference initiated a new international network of Bishops Conferences and law enforcement agencies working together to combat human trafficking. Pope Francis emphasized the importance of the complementary approaches of law enforcement and humanitarian efforts working together on this issue.

It would be impossible for me to describe all the work of the Catholic Church globally in the area of human trafficking in 5 minutes; however, examples include COATNET, a coalition led by Caritas International, working across borders; Talitha Kum, an international network of women religious in 75 countries; Catholic Relief Services; Bishops Conferences; and the pastoral presence of

the Apostleship of the Sea, the Church's maritime ministry present in over 200 ports globally.

The efforts of the Catholic Church in the U.S. are included in my written testimony.

In March, the Vatican also announced a new partnership called the Global Freedom Network with the Anglican Church and the Grand Imam of al-Azhar, Egypt. The overarching goal of the initiative is to eradicate modern-day forms of slavery by encouraging governments, businesses, educational and faith institutions to rid their supply chains of slave labor.

The Global Freedom Network will focus upon: One, raising awareness and education of the scourge at all levels of political life; two, assisting countries with developing a strategic plan to eradicate slavery and cleanse supply chains; three, facilitating support for the victims; four, advocating for enactment and reform of laws in countries which would help end trafficking and provide support for its victims.

This is an exciting initiative that will be operated out of the Vatican, but, no doubt, will rely upon the assistance of the Catholic Church and other faith leaders worldwide, including the United States, to meet its goals.

The Catholic Church in the U.S. is well-positioned to assist with the goals of the Global Freedom Network. Migration Refugee Services of the USCCB is engaged in anti-trafficking work, including protection of victims and education and awareness aimed at prevention.

As you know, Mr. Chairman, the Bishops Conference also advocates on human trafficking issues. We have worked with you and other elected officials to enact the Trafficking Victims Protection Act and its subsequent reauthorizations. We are proud of these efforts and the protections in U.S. law for trafficking victims, but our work and yours is not done. In our written testimony we cite trafficking bills before the House of Representatives that should be considered and passed by this body, including legislation addressing supply chains and prohibiting excessive foreign labor recruitment fees for legal workers.

The U.S. also needs to fully implement current law, including Section 104 of the TVPRA which calls for best-interest determinations to identify child victims in other countries.

In our written testimony we also highlight the importance of partnerships and ask for continued expansion of these. The TIP Report, admirably, attempts to include all partners in all aspects of fighting human trafficking. The Bishops Conference is thankful for this and asks for the continued expansion of faith-based groups as multi-level stakeholders in the global fight.

The Bishops Conference does not normally comment on tier rankings, but we do point to the populations that we are aware of that need particular attention and that should be considered as being impacted. Included among these are refugees that we are resettling to the U.S. and that we are aware of internationally through U.S. Bishops' delegations to impacted regions, seafarers, and, also, among the most vulnerable, unaccompanied children, including unaccompanied children from Eritrea that are in Ethiopia and other places subject to trafficking through the Sinai; unaccom-

panied children in Central America that we have seen being vulnerable to human trafficking.

Catholic Church partners are natural first responders and also bring expertise and knowledge. The Church is a voice for the voiceless, including in the most remote areas of the world where trafficking is occurring, including such examples as the fishing industry among seafarers, Eritrean refugees in Africa, and the border areas, such as in our own region, including Mexico and Central America. These voices can and should inform our national/international approaches to combating human trafficking.

I will close my remarks about the importance of partnerships by drawing upon the example of the meeting at the Vatican on trafficking. During that meeting, stakeholder inclusiveness was highlighted in its most pure form. In addition to reaching out to law enforcement leaders, the Holy Father also focused his attention on and met with survivors of human trafficking. And these survivors also spoke to law enforcement and Church leaders, urging them to make stronger efforts.

Mr. Chairman, in conclusion, I would like to thank you for your leadership on this important issue. The U.S. Catholic Bishops continue to look forward to working with you and your colleagues on eradicating the scourge from the earth. As Pope Francis tells us in his Joy of the Gospel, the issue of human trafficking truly involves everyone.

Thank you, and I look forward to answering any of your questions.

[The prepared statement of Ms. Lummert follows:]

Testimony of

Nathalie Lummert

Director, Special Programs

Migration and Refugee Services/U.S. Conference of Catholic Bishops

Before

The Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

On

Effective Accountability: Tier Rankings in the Fight Against Human Trafficking

April 29, 2014

I am Nathalie Lummert, Director of Special Programs in the Department of Migration and Refugee Services at the U.S. Conference of Catholic Bishops (USCCB).

I am pleased to be here today before the Subcommittee to testify about the effectiveness and accountability of the U.S. State Department's Trafficking in Person (TIP) Report in the fight against human trafficking.

I would like to thank you, Mr. Chairman, for inviting us to testify today. I also want to thank you, Representative Bass, and other members of the Committee for your leadership over the years on this important and vital humanitarian issue.

Migration and Refugee Services (MRS) of the USCCB has a long history of serving newcomers to the United States and those on the move. We are the largest private resettlement agency in the United States, having resettled 1 million refugees since 1975. We also oversee the Catholic Legal Immigration Network, which serves as many as 600,000 immigrants per year. My office helps unaccompanied children and trafficking victims, among other vulnerable populations.

Our purpose in testifying today is to provide the perspective of the U.S. Conference of Catholic Bishops (USCCB) on the U.S. government response to human trafficking through its principal diplomatic tool to engage foreign governments on human trafficking, the Trafficking in Persons (TIP) Report. I will also speak about the work that the Catholic Church is doing to combat human trafficking on global and domestic levels, through the leadership of Pope Francis and the Global Freedom Network and also through the work of the Bishops here in the United States.

In my testimony, I note the progress and advances that have been made in combatting anti-trafficking as a result of the issuance of the TIP Report. I also will highlight some of the programs and initiatives that the Catholic Church is engaged in to end this crime against humanity. At this point in my testimony, I will briefly summarize our points regarding the effective accountability of the TIP Report as well as the work that the Church is doing to combat trafficking. I explore each of them more fully later in my testimony.

1. **Primary consideration should be given to the most vulnerable victims: stateless persons, refugee populations, and individuals at sea;**

2. **Special attention should be given to child trafficking victims; and**

3. **The Fourth "P" Partnership must be robustly implemented to continue to expand faith-based stakeholders, as they are natural and traditional first responders in ensuring Survivor/Victim Centered Approaches.**

The Church's Interest in Human Trafficking

Recently, His Holiness, Pope Francis has elevated the issue of human trafficking as a priority for the global Church. In November, following a wish expressed by Pope Francis, the Pontifical Academies of Sciences and of the Social Sciences, together with FIAMC (World Federation of the Catholic Medical Associations), organized a preparatory workshop in early November 2013 to examine human trafficking and how it could be ended.

In that productive November meeting, the working group identified 42 proposals for global urgent action. This month, the Bishop's Conference of England and Wales convened the second International Conference, 'Combating Human Trafficking: Church and Law Enforcement in Partnership,' also at the Vatican. This global conference gathered senior law enforcement and Church leaders from around the world to coordinate efforts toward combatting human trafficking. It is an example of the coordination that needs to continue globally in order to effectively combat trafficking. I was privileged to attend both of these momentous occasions, representing USCCB, and personally witnessing the Holy Father state the following: "Human trafficking is an open wound on the body of contemporary society, a scourge upon the body of Christ…It is a crime against humanity."

The Vatican also recently announced the debut of the Global Freedom Network, the new international multi-faith coalition to eliminate modern slavery and human trafficking. The Global Freedom Network, which was announced on March 17, 2014 at the Vatican, is a ground-breaking agreement by representatives of major faith leaders.[1] The stated objective of the Global Freedom Network is eradicating modern slavery and human trafficking across the world by 2020.

The origination of the Global Freedom Network comes from Holy Father's own clear commitment to the issue of human trafficking. Pope Francis has long been deeply concerned about the persistence and spread of modern slavery and human trafficking, and has desired wider Church involvement in overcoming what he rightly describes as a crime against humanity.

To this end, in *Evangelii Gaudium* he stated the following: "I have always been distressed at the lot of those who are victims of various kinds of human trafficking. How I wish that all of us would hear God's cry" "Where is your brother? . . . Let us not look the other way. There is greater complicity than we think. The issue involves everyone!"[2]

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[1] The Memorandum of Agreement and Joint Statement establishing the Global Freedom Network had the following signatories: On behalf of the Holy Father, Pope Francis, Bishop Marcelo Sánchez Sorondo, Chancellor of the Pontifical Academies of Sciences and Social Sciences; On behalf of the Grand Imam of Al Azhar, Egypt, Dr Mahmoud Azab; On behalf of the Archbishop of Canterbury, The Most Reverend Justin Welby, The Most Reverend Sir David John Moxon, his representative to the Holy See

[2] Pope Francis, Apostolic Exhortation, Evangelii Gaudium, November 2013.

The Global Freedom Network is an open association and other faith leaders will be invited to join and support this initiative. It will build on longstanding and widespread work in many countries in many groups. The Global Freedom Network will also carry out a program of coordinated action and activity with international organizations, governments and national authorities, civil society organizations and NGOs, as well as people of good will around the world, to eradicate modern slavery and human trafficking by 2020. The initiative will focus upon 1) raising education and awareness about human trafficking globally; 2) assisting countries with developing a strategic plan to eradicate slavery and cleanse supply chains; 3) facilitating support for the victims; 4) and push for enactment and reform of laws in countries which would help end human trafficking and provide support for its victims. We at USCCB are excited about the Pope's new initiative and are honored to assist facilitating and implementing Holy Father's anti-trafficking goals within the United States.

In addition to supporting the work of Pope Francis and the Global Freedom Network, the Catholic bishops of the United States and the church community throughout the world have placed combating human trafficking as a top priority in their public advocacy, educational outreach, and in providing services to trafficking survivors. The Catholic bishops of the United States and Mexico have also spoken out on the issue, calling upon the governments of the United States and Mexico to work together to apprehend traffickers and destroy trafficking networks: "Both governments must vigilantly seek to end trafficking in human persons. Together, both governments should more effectively share information on trafficking operations and should engage in joint action to apprehend and prosecute traffickers."[3]

The Scourge of Human Trafficking

The United Nations Protocol on Human Trafficking defines Human Trafficking as "the "recruitment, transportation, harboring or receipt of persons by means of force, fraud or coercion."[4] It is a horrific crime against the fundamental rights and dignity of the human person and takes a variety of forms in every region of the world. Some people are trafficked for commercial sexual exploitation, while others are trafficked for forced to labor in agriculture, sweat shops, and as domestic servants. Some are trafficked for both. Through sexual slavery, the body becomes little more than an object to be exploited. For victims of forced labor, the body is considered a disposable machine, made to work long hours for little or no pay and for the profit of others. In both cases the person who is enslaved is treated as an object for another's benefit. The person's God-given human dignity is either ignored or forgotten.

According to the U.S. State Department, every country in the world is affected by trafficking; it estimates that 600,000 to 800,000 men, women, and children are trafficked across

[3] U.S. and Mexican Catholic Bishops, *Strangers No Longer: Together on the Journey of Hope*, January, 2003, n. 191.
[4] UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, §3a 15 November 2000, available at: http://www.refworld.org/docid/4720706c0.html

international borders each year. Of these, approximately 80% are female, and up to 50% are minors. *The United Nation's International Labor Organization's 2012 Estimate on Forced Labor* shocks the conscience[5]:

- Of the 20.9 million victims of trafficking and human slavery worldwide, 9.1 million victims (44 percent) have been trafficked after moving internally or internationally, while the remaining 11.8 million are subjected to forms of modern slavery in their place of origin or residence within their own national borders.
- Nearly 1.5 million victims are currently laboring in conditions of forced labor, sexual exploitation and servitude in the United States, Canada and developed countries of the EU.
- Fifty-five percent of forced labor victims are women and girls, as are 98 percent of sex trafficking victims.
- Children aged 17 years and below are 26 percent of total victims, representing a total of 5.5 million child victims worldwide.

While many Americans imagine human trafficking to be a problem that only happens in foreign lands, it is, sadly, an American problem as well. The United States serves as a source, transit and destination country for men, women and children - both U.S. citizens and foreign nationals. The U.S. Justice Department estimates that as many as 17,500 people are trafficked into the United States each year for the purpose of forced labor or sexual servitude.

The Church Response to Human Trafficking

As I mentioned, Mr. Chairman, the Catholic Church has placed the elimination of trafficking as an important priority in the areas of (1) awareness raising and outreach, (2) protection and provision of services to trafficking survivors, and (3) public advocacy to end human trafficking. To this end, the institutional Catholic Church in the United States has played a critical role in combatting human trafficking. By virtue of our organizational structure and geographical reach, the U.S. Catholic Church early on has assumed a strong leadership role in the American anti-trafficking movement. For over a decade, USCCB has been a leader in the U.S. and global response to human trafficking, and has operated an Anti-Trafficking Program within the Migration and Refugee Services Department to coordinate the response of the U.S. Church.

- **Awareness Raising and Outreach**

In the area of outreach and education, the USCCB has created a cutting-edge program to educate immigrant leaders in the fight against human trafficking within communities that are frequently vulnerable to trafficking and exploitation. Through its years of expertise, USCCB noticed a gap in the types of education initiatives that were being created to combat trafficking. Namely, we noticed that there were many initiatives to educate law

[5] International Labor Organization, *2012 Global Estimate of Forced Labor* (Geneva, Switzerland: International Labor Organization), http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf

enforcement, social service providers, and other first responders in identifying victims of human trafficking but not as many programs to engage recent immigrant communities who are very vulnerable to trafficking, exploitation and slavery in the United States.

In engaging these communities, USCCB has found that immigrants are more vulnerable to exploitation and trafficking within agricultural, domestic, hospitality, and service work. To empower immigrant leaders to prevent and identify trafficking in their own communities, USCCB has launched the Amistad Program, which provides training to individuals in immigrant communities for the purpose of prevention and education.

In its administration of the Amistad program, the Anti-Trafficking Program staff trains leaders in immigrant communities to conduct outreach and educate their peers on human trafficking and connect immigrant communities to local coalitions and other resources. Thus far, West African, Haitian, and Central American communities have been engaged. Recently, USCCB Anti-Trafficking program staff also worked with agricultural workers from a number of parishes in Central California. The Amistad curriculum instructs participants on different trafficking schemes, labor rights, how to work with local trafficking coalitions and, most importantly, how to conduct outreach so that individuals can educate their fellow community members. Prevention through empowerment is the main pillar of the campaign.

In addition to vulnerable immigrant communities, the USCCB is continually working to raise awareness within the Catholic community about human trafficking and modern day slavery. For example, USCCB recently developed the SHEPHERD[6] toolkit for parishes who want to learn more about human trafficking and educate others, but may not be members of the communities that the Amistad Movement targets.

Lastly, the USCCB has worked to promote anti-trafficking awareness to all Catholics through the designation of a national day of prayer for victims and survivors of human trafficking. Here in the United States, the Bishops Committee on Migration has designated the Feast Day of St. Josephine Bakhita, February 8th as a national day of prayer for victims and survivors of human trafficking. St. Josephine was a survivor of human trafficking who spent much of her life under horrible circumstances, until she asserted her humanity and dignity, demanded her freedom and entered the religious life with the Canossian sisters. St. Josephine was brought from Sudan to Italy and died free in 1947. The U.S. bishops encourage parishes to host or attend prayer services and discussion groups on this day, and to reflect on the experiences of those who have suffered through human trafficking and exploitation and take action.

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[6] SHEPHERD is an acronym for "Stop human trafficking and Exploitation, Protect, Help, Empower, and Restore Dignity". SHEPERD is available through visiting the USCCB website and making a request. The toolkit is designed for Catholics interested in learning more about human trafficking by hosting an educational event. Participants learn about the Church's teaching on human trafficking, different forms of human trafficking and exploitation based on real cases, trends in human trafficking cases, how to identify and where to refer victims and those at risk, and how to combat human trafficking in their communities.

Mr. Chairman, I would also like to mention the Apostleship of the Sea—the Church's maritime ministry present in over 200 ports globally—a network that, through its pastoral presence, has identified labor violations occurring at sea in the fishing industry. I will reference this problem later in my testimony.

- **Protection of Individuals from Trafficking**

The Church and its service organizations, particularly Catholic Charities, have provided support services to both adult and child victims of trafficking, including health and mental health services, employment assistance, English-language training, counseling, housing and other material assistance needs. Through our networks, we have provided case management services, social service assistance, and legal assistance, where appropriate. For six years, USCCB and our partners have provided intensive case management services to victims of human trafficking, assisting more than 2,232 survivors of trafficking and over 500 of their family members. USCCB continues to work with a national network of refugee foster care programs to provide a new life for child survivors of human trafficking and is frequently called upon by the Department of Health and Human Services (HHS) to provide consultation regarding potential child trafficking.

Recently, in collaboration with the HHS Office of Planning, Research and Evaluation, USCCB launched the Dignity of Work program to provide employment services to a group of individuals who were not eligible for benefits previously. This program serves individuals who are pre-certified or received certification when they were not ready for employment services, and missed out on vital assistance to help them re-enter the legitimate workforce. The USCCB Anti-Trafficking unit works with our network to provide employment services to individuals in these cities, as well as individuals identified around the country.

On the international level, Catholic Relief Services (CRS) has also been a leader in international protection against human trafficking. Between 2001 and 2011, CRS implemented 140 anti-trafficking projects in more than 35 countries. Many of these programs aimed to prevent trafficking in high-risk communities or after natural disasters. Others attempted to impact the root causes of human trafficking. For example, CRS partners in Brazil have developed legislation and programs to help companies ensure they do not use slave labor.

USCCB also works with others in the Catholic Church globally, including Caritas Internationalis. With its 160 national members, Caritas also serves in a leadership role in COATNET (Christian Organizations against Human Trafficking), a coalition across borders to educate on human trafficking, assist victims and advocate for changes in laws.

- **Public Advocacy to End Human Trafficking**

USCCB has worked on public advocacy initiatives related to ending human trafficking and modern slavery. Part of this effort is driven by the Catholic Coalition Against Human

Trafficking (CCOAHT), which consists of about twenty Catholic organizations which convene quarterly and work together on advocacy and public outreach.

USCCB currently is engaged in supporting a variety of legislative anti-trafficking proposals before the House of Representatives. We recommend that the U.S. House of Representatives to adopt the following bills:

- **HR 3344 FORTE Act** (Fraudulent Overseas Recruitment and Trafficking Elimination), sponsored by Representative Edward R. Royce (R-CA) and Representative Karen Bass (D-CA), is designed to prohibit foreign labor recruiters from charging overseas workers large recruitment or job fees to apply for legal jobs within the United States. Frequently, these workers are exploited and mislead by unscrupulous recruiters who promise them much higher wages and better living conditions than they actually receive, sometimes leaving these individuals in situations of debt bondage.

- Another piece of legislation that USCCB is hoping to support is forthcoming Business Supply Chain Transparency on Trafficking and Slavery legislation. It would require certain identified companies to submit regular disclosures about what the company is doing to identify and address conditions of forced labor, slavery, human trafficking, and worst forms of child labor within the company's supply chain. Informing consumers about a company's supply chain is an important practice that helps eliminate exploitative commercial enterprises throughout the world. The focus on slavery-free supply chains and ethical consumerism is of major importance to the Catholic community and was named the priority issue for the CCOAHT this year.

- Mr. Chairman, we also urge the subcommittee to require the Administration to implement Section 104 of the Trafficking Victims Protection Reauthorization Act of 2008. Section 104 amends Sec. 107(a) of the TVPA to require the Secretary of State to perform best interest determinations for unaccompanied and separated children in order to identify child trafficking victims and to assist their safe integration, reintegration, and resettlement. This section has not been utilized as Congress intended, and its effective use could help save vulnerable children around the globe from this horrible crime.

USCCB has also been active in working with the Obama Administration on anti-trafficking education. In order to help them comply with the requirements of the 2008 Trafficking Victims Protection Reauthorization Act (TVPRA) to screen all children crossing the border as potential trafficking victims, over the past three years the USCCB has taught informational sessions on the identification and screening of trafficking victims to Border Patrol and Customs and Border Patrol officers. The trafficking information sessions have helped increase the knowledge and awareness about trafficking among our law enforcement personnel and are a stellar example of government and Church collaboration. USCCB is very interested in continuing this partnership, and, as evidenced by the positive officer feedback and survey results, these USCCB sessions

have been beneficial to and well-received by officers. USCCB has given these sessions along the U.S.-Mexico Border and at Dulles Airport and going forward hopes to broaden the reach of these sessions to marine ports of entry and more airports and border locations.

U.S. Government Response to the Plague of Human Trafficking and the Trafficking in Persons (TIP) report

Mr. Chairman, the United States federal government has been a leader in addressing human trafficking at the national level. As you know, and through your leadership, in 2000 the U.S. Congress passed landmark legislation entitled the Trafficking Victims Protection Act of 2000 (TVPA), which provided the U.S. government the framework to respond to the plague of human trafficking in the United States. Through the TVPA, and subsequent reauthorizations of the law in 2003, 2005, 2008 and 2013, the United States has developed a legal mechanism for implementing trafficking prevention mechanisms, law enforcement and legal protections, and victim support services.

Due to the efforts of the U.S. government and civil society stakeholders general awareness about the reality of human trafficking has increased, more victims have been identified and referred for services and more traffickers have been brought to justice. Your committee's leadership, Mr. Chairman, and that of Congress will help improve these efforts even further in the years ahead.

In addition to the above-mentioned anti-trafficking initiatives, the TVPA has also had a large international impact on global anti-trafficking initiatives as it authorized the U.S. State Department to draft reports about whether nations were complying with "minimal standards"[7] to eliminate trafficking, in the form of the Trafficking in Persons (TIP) Report.[8] The TVPA established the Interagency Task Force to Monitor and Combat Trafficking,[9] which was tasked with monitoring countries' compliance with the requirements of the TVPA protocol.[10] The Task Force, along with the State Department, each year releases the TIP Report, which assigns a tiered ranking to countries that is determined by each country's progress towards meeting the "minimum standards for the elimination of trafficking" set forth in TVPA §108.[11]

While the State Department uses it as a guide on countries' anti-trafficking initiatives, the annual TIP Report is also used as a diplomatic tool to pressure foreign governments into action and is also considered an international trafficking indicator.[12] The TIP Report has

[7] TVPA §§ 104, 108(a), 108(b) (2000).
[8] TVPA § 104.
[9] 22 U.S.C. § 7103(a).
[10] See U.S. Dep't of State, Victims of Trafficking and Protection Act of 2000: Trafficking in Persons Report (2001).
[11] The TPVA's minimum standards guidelines are in 22 U.S.C. §7106(a).
[12] U.S. Sec'y of State Hillary Rodham Clinton, Remarks on the Release of the 10th Annual Trafficking in Persons Report (June 14, 2010)

four categories of Tier Rankings.[13]

The TIP Report's contribution to the evolution of a global consensus on the nature of the problem of trafficking is indisputable: the 'open threat' of a negative grade on the TIP Report has provided nations with impetus for national reforms, including the criminalization of trafficking and the opening of shelters and other victim assistance centers.[14] Mr. Chairman, the USCCB offers the following principles to guide the continued advancement of the report:

1. **Primary attention should be given to vulnerable populations: stateless persons, refugee populations, and persons at sea**

Persons who are in particularly vulnerable situations are prone to human traffickers. Persons who are stateless, are situated in refugee situations, and are at sea are among those particularly susceptible to becoming victims.

As an example, the USCCB is particularly concerned about reports of the Thai government's involvement in placing Burmese refugees, namely Muslim Rohingya, into deep sea labor trafficking rings and in trafficking camps off the coast of the Thai/Burmese border.[15] Once the Rohingya arrive in Thailand, the Thai government has placed them into immigrant detention centers. These detention centers are fetid, terribly crowded and cage-like, causing muscle atrophy in some of the detained men. The detained Rohingya were then transported across southern Thailand to Ranong, a sparsely populated Thai province which shares a long under-policed land and sea border with Burma. From there these refugees were packed into boats by the Thai government and taken out to sea.

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[13] TIER 1- which is given to countries whose governments fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards.
TIER 2- which is given to countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards.

TIER 2 WATCH LIST- which is given to countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:
a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

TIER 3- which is given to countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

[14] Anne T. Gallagher, The International Law of Human Trafficking, 485 (2010).

[15] See Jason Szep and Andrew R.C. Marshall, Special Report-Thailand Secretly Dumps Myanmar Refugees into Trafficking Rings, ReutersUK, December 5, 2013 available at http://uk.reuters.com/article/2013/12/05/uk-thailand-rohingya-special-report-idUKBRE9B400920131205. Mr. Szep and Mr. Marshall won a Pulitzer Prize for their reporting on this issue.

Once off the coast, refugees tell stories of being informed that they had been sold to traffickers. They were loaded onto traffickers' boats and then held hostage in a series of camps hidden near the border with Malaysia until relatives paid thousands of dollars to release them. Others were sold to deep sea fishing trawlers, thrust into situations of labor trafficking and severe exploitation and abuse. Being at sea, persons are subject to the whim and direction of the captain of the ship, who could threaten them with death if they do not cooperate with human traffickers. The USCCB would like to see an end to these practices.

In this regard, we request the U.S. government to work with Thailand and Malaysia to aggressively address these problems. USCCB notes that there have been recent efforts by the Thai government to improve its anti-trafficking efforts, such as the allocation of greater resources to this issue and welcome those efforts. USCCB is aware that last year the Thai government announced a national action plan to prevent human trafficking and support its victims and that it cooperated with national fishing associations, civil action groups and the International Labor Organization (ILO) with its 2013 report on trafficked workers in the fishing sector.

However the USCCB also notes that the Thai government's submission of recent reports in March states that no Rohingya were included in the official tally of trafficked persons. Instead the Thai Ministry of Foreign Affairs states that "in essence, the Rohingya question is an issue of human smuggling."[16] It also should be noted that there is a large under-regulated phenomena of forced labor, severe exploitation and even sexual exploitation occurring at sea, particularly on fishing vessels that exist largely unnoticed by the rest of the world[17] that cannot be simply described as a migrant smuggling situation. The USCCB is concerned that vulnerable refugees are being trafficked and held in conditions of modern day slavery.

In the case of Burma, as well, we feel that the treatment of the Rohingya by the Burmese government must be a factor in the calculus. Muslim Rohingya who arrive in Thailand from Burma are fleeing persecution and are especially vulnerable. Rohingya are Muslims from Burma and Bangladesh who are frequently stateless and abused.[18] Thousands of Rohingya flee Burma to escape religious and other forms of persecution and also find themselves in refugee camps within Burma or in situations of forced migration, statelessness or internal displacement.

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[16] Andrew R.C. Marshall and Amy Sawitta Lefevre, Special Report: Flaws found in Thailand's Human-Trafficking Crackdown, Reuters UK, April 10, 2014 available at http://www.reuters.com/article/2014/04/10/us-thailand-rohingya-special-report-idUSBREA3922P20140410

[17] See Ambassador Mark Lagon, Statement of Illicit Fishing and Human Trafficking: Harming Business, Natural Resources, and Vulnerable People, before Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, Committee on Natural Resources, US House of Representatives, 2nd Session, 113th Congress, April 3, 2014.

[18] For greater resources about the Rohingya and the persecution they face, please see http://www.rcusa.org/index.php?page=rohingya-refugees

Given our years of experience working with refugee populations, we are intimately aware of the increased vulnerability that statelessness, forced migration and internal displacement creates and makes these already persecuted individuals more susceptible to situations of trafficking. While it is the responsibility of the U.S. government and other global actors to stand up against human trafficking and modern slavery, it is also the responsibility of the Burmese government to address the situations of exploitation, persecution and modern day slavery that are occurring to the Rohingya.

2. Special attention should be given to child trafficking victims

Mr. Chairman, USCCB has a special interest in the situation of children who are trafficking victims. As you know, children are particularly vulnerable to traffickers and are susceptible to their abuses. We must pay particular attention to child trafficking victims and ensure that they are protected and provided special care. In recent years, through its program services, USCCB has encountered particular vulnerability of child trafficking victims from the countries of Haiti, Honduras, and Eritrea and the Horn of Africa.

As you know, Honduras is a source and transit country for child trafficking victims. Recently the USCCB took a delegation trip to Honduras in 2013 and found that there were a large number of Honduran children who had international protection claims, some of whom were victims of sex and labor trafficking. USCCB program staff met with Honduran child welfare officials and determined that the mechanisms for effectively identifying and protecting child trafficking victims, particularly labor trafficking victims, were inadequate and over-reliant on civil society- primarily on faith-based organizations. The USCCB recognizes that the 2013 TIP Report Honduras profile contained recommendations that the Honduran government needed to create better mechanisms to identify and care for vulnerable working children. We ask that serious attention be paid to the need for better government system creation and implementation in Honduras with relation to child trafficking victims.

In Haiti, the aftermath of the 2010 earthquake has left orphans and other separated children as potential victims of human trafficking. Children remain at risk in Haiti, as it continues to recover from this natural disaster. Many are susceptible to trafficking throughout the Dominican Republic. We urge you to continue to work with the Haitian government to protect children from human traffickers.

Tragically, Mr. Chairman, we have also seen Eritrean children who flee forced conscription in their home countries become victims of human trafficking. Many Eritrean youth flee to Egypt through Sudan but Sudanese authorities have reportedly turned them over to the Rashaida tribal clan, who in turn sell them to the Bedouin tribe in the Sinai. Reports have indicated that these youth are tortured and used to gain ransom from their families. During the USCCB assessment trip to Ethiopia and Kenya in 2012, the U.S. bishops learned first-hand of these horrific practices. Unaccompanied children in the refugee camps of Ethiopia are vulnerable and even disappearing as they await durable

solutions to their plight. We encourage the subcommittee to look into this reality and encourage that steps be taken to end these practices.

3. The Fourth "P" Partnership must be robustly implemented to continue to expand the inclusion of faith-based stakeholders, as they are natural and traditional first responders in ensuring Survivor/Victim Centered Approaches

Mr. Chairman, as you know, the TIP Report includes a "4P" approach in its anti-trafficking work. The 4 Ps stand for "Prevention, Protection, Prosecution and Partnership."

It is the fourth "P"--Partnership--that is the focus of my last point. The TIP Report admirably attempts to include its partners in all aspects of fighting human trafficking, from information sharing to engaging in victim--centered approaches. The USCCB is thankful for this and ask for the continued expansion of faith-based groups as multilevel stakeholders in the global fight against human trafficking. The Church, through its work in the US and internationally, is a natural and traditional first responder in this fight against the scourge of trafficking. The Church is in many ways the first place that victims turn to and sometimes, it is the only place that traffickers allow their victims to access.

Mr. Chairman, in this sense, faith-based organizations are uniquely positioned to identify and provide assistance to victims of human trafficking. First, faith-based organizations act from a theological and philosophical perspective. For example, the themes of Catholic social teaching—the protection of human dignity and human rights; the option for the poor; the call to family and community; the rights of workers; solidarity and care for creation—all address evils inherent in human trafficking. These principles of justice are not unique to Catholicism but are manifest in most religions. Commitment to these principles gives the issue of human trafficking a sense of urgency to many faiths and religious communities.

Second, most faith-based organizations have national and international networks that enhance their capacity to give voice and volume to the cry for justice. They have access to a cross-section of agencies, both domestic and international, which offer expertise and geography that expand the possibilities for outreach and service, an asset not to be underestimated. For example, the Catholic Church is present overseas, in the form of Catholic Relief Services and the universal Church, as well as domestically, in the form of Catholic Charities, local dioceses, and parishes. The Church also includes religious congregations around the world.

Finally, faith-based organizations have resources, in the form of human resources, in-kind donations, and other assets, which provide an important infrastructure which can assist in the fight against human trafficking. While we see the effort as a partnership with the U.S. government and other governments around the world, we would be performing this work regardless, particularly because of the moral gravity of the issue and the ongoing suffering of its victims. In this vain, the U.S. bishops have spoken about the need for stakeholder collaboration in fighting human trafficking in the US context, stating:

"Human trafficking is a horrific crime against the basic dignity and rights of the human person . . . In the end, we must work together- Church, state, and community- to eliminate the root causes and markets that permit traffickers to flourish and to make whole the survivors of this crime. . ."[19]

I will close my remarks about the importance of faith-based partnership by drawing upon an example from Holy Father in the April meeting of the Pontifical Academy. In that meeting the need for stakeholder inclusiveness was highlighted in its most pure form. Pope Francis exhorted law enforcement officials to make personal commitments to "eradicate the scourge [of trafficking], and to develop partnerships with the Church and civil society to bring to justice those who are responsible for these horrendous crimes and to alleviate the suffering of victims."[20] In addition to reaching out to law enforcement, Holy Father focused his attention on the victims. Just before his address to conference participants, the Pope held a private meeting with four survivors of human trafficking, now rescued, who came from Chile, Czechoslovakia, Hungary and Argentina. These survivors also participated in the conference itself and spoke to law enforcement and Church leaders.

For Pope Francis, the Church is a key partner along with law enforcement, government, civil society and survivors-especially survivors. It is in this same vein, that USCCB works to address human trafficking domestically. In our mission to eradicate modern day slavery and minister to the survivors, the Bishops have consistently served survivors and helped them to rehabilitate, grounding our service to this vulnerable population in our article of faith, which holds that all human beings are created in the image and likeness of God and therefore are imbued with fundamental dignity.

Conclusion

Mr. Chairman, the issue of modern slavery is perhaps one of the most important human rights issue facing the global community today. The United States has taken significant steps to address this horrific problem, one of which includes the creation of the TIP Report.

USCCB believes that the TIP Report reflects the U.S. Government's commitment to global leadership on this key human rights issue, in part because the Report represents an updated, global look at the nature and scope of trafficking in persons and the broad range of government actions to confront and eliminate it.

We ask that you encourage the Administration to continue to consider/review all information when considering the country tier placements and listen to the voice of faith based organizations at all levels. The USCCB stands behind the efficacy of the TIP Report as a means to engage foreign governments in dialogues to advance anti-trafficking reforms and to combat trafficking and to target resources on prevention, protection and prosecution programs.

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[19] US Conference of Catholic Bishops, On Human Trafficking, 2007
[20] Rome Human Trafficking and Slavery Conference 2014: Declaration of Commitment.

The USCCB asks that the expertise and vast experience of the Catholic Church in fighting the scourge of human trafficking be more effectively engaged in the "4 Ps" approach illustrated in the TIP Report. Namely- USCCB and the global Catholic Church want to be a "P"artner with the US government in combatting human trafficking in the truest sense. As outlined by my testimony today, the Catholic Church is on the global frontlines in combatting modern slavery and its denial of Human rights.

The USCCB takes to heart Pope Francis's commitment and looks forward to working with this subcommittee and Congress in the days ahead. I thank you for considering our views today. We welcome the opportunity to engage more with you and other lawmakers to end this scourge once and for all.

Mr. SMITH. Thank you very, very much for your testimony and for the great, great work that the Catholic Church is doing around the world, and this new reinvigoration by Pope Francis. We know the Church was there working, and you were right to point out that when we were writing the original statute, which took three long years to get enacted, the USCCB, your General Counsel, you, your group, the USCCB was very involved with the actual writing of the text. So, I want to thank you for that as well.

I would like to now introduce Dr. Uddin.

STATEMENT OF WAKAR UDDIN, PH.D., DIRECTOR GENERAL, ARAKAN ROHINGYA UNION

Mr. UDDIN. Thank you very much. Thank you, Mr. Chairman and committee members, for giving me the opportunity to speak, to testify before the committee.

I would like to focus on a particular ethnic minority in Burma known as Rohingya. This issue that human trafficking and the smuggling issue of Rohingya in western Arakan State, Burma, is not new. It has been simmering for decades. However, due to some media reporting and the reports from the Arakan Project by Chris Lewa from Thailand, and, most recently, the writers/reporters has opened up this issue to the international community, and it has received widespread attention, the Rohingya smuggling and trafficking issue.

Mr. Chairman, the primary cause of these Rohingya trafficking and smuggling, the root cause, is the situation on the ground in Arakan State in western Burma. The human rights violations, persecution, ethnic cleansing, actions of Burmese forces are tantamount to some kind of pre-genocide, precursor for pre-genocide crime against humanity. All these conditions faced by Rohingya people in western Arakan State in western Burma, in Arakan State, are the primary cause, the root cause of these subsequent events taking place for the persecution.

This trafficking of Rohingya victims, actually, this trafficking has two phases. One is a smuggling phase and another one is the trafficking phase itself.

The situation on the ground is so terrifying. It has been terrifying for quite some years. The victims, the Rohingya victims have nowhere to go. They are the victims of violence, persecution. Their villages have been burned, and they have been arrested for inciting violence, accusation of inciting violence, and they have been accused of burning their own homes. The police, Burmese police, have arrested hundreds of Rohingya men and women with the accusation that they burned their homes, to show the international community that, look, we are under ethnic cleansing and to have a better house to be built, to get more aids, that kind of accusation.

This morning I received phone calls from victims from Arakan State. The authorities in Burma, local authorities, I should say, and the members of RNDP, Rakhine National Democratic Party, local officials have primed the Rohingya families ready for trafficking, ready for smuggling and trafficking.

If you hear their arduous journey living in Arakan State, they cannot take the horror anymore. If you hear the arduous journey to Malaysia, Thailand, it is heartbreaking, the victims.

We had a victim here 3 days ago at the University, at American University, at an event that she has given an account of her own horror she faced. She was supposed to come here today, but she couldn't.

The sequence of events, let me describe the sequence of events, how it takes place. The homeless Rohingya families, the victims, including men, women, and children, they don't have anywhere to go. In certain areas, in northern Arakan State there are no IDP camps. So, whether there are camps are not, these people are vulnerable to fall prey into smuggling rings. So, they want to leave Arakan State, finding refuge anywhere in the world. So, that is the priming of the victims by the smugglers.

The smugglers, the ring, the cartel, they board the families to the smaller boats, smaller, rickety boats, and, then, they ship them to larger vessels docked a few miles off the coast in Bay of Bengal. There are women, there are children, there are elderly, and there are also young men who are evading, absconding police because the police has issued an arrest warrant to arrest them. And once they get arrested, 10- to 30-year prison for arson, accusation of arson and violence. So, those, also, young men had to leave along with their families.

What happened is, when they leave, the man particularly leaves; the family members left behind are mainly women and girls and their wives, their mothers, and they also become fallen to prey of the forces. They will be taken hostage. The women will be taken hostage by the forces and Buddhist Rakhine extremists and they will be confined in their camps and villages and become sex slaves.

Just currently, there are serious issues. Several hundred Rohingya women and young girls, even minors, have fallen into traps of the sex slaves locally in Arakan State, in army camps, in settlement villages, and other places.

Now these people who are leaving Burma with families, they go; they are leaving for anywhere they can find shelter, they can find refuge. So, these boats start taking them, sailing them south. Hopefully, their destination is Malaysia because they feel that they will find safe haven in Malaysia, but often they do not reach Malaysia.

There are reports of boats sinking, people drowning because of the rough weather. Their navigation is not good. They get lost in the ocean. And the worst thing, Mr. Chairman, is that they are running out of food and water, while they are sailing, running out of fuel. They are drifting. They have drifted to India. They have drifted to Sri Lanka.

And then, they often arrive in Thailand, as often Thai coast guards will pick them up and take them to detention centers. Often, these folks will land at the Thai coast, and those victims who are taken to prison and camps, then, at that point the trafficking phase will start. Until this point that they arrive Thai, it is smuggling. They are smuggling by these rings.

When they arrive in Thailand, Thailand does not have a refugee law that provides status to these refugees, asylum to these refugees. So, they are kept in the camps indefinitely.

Then, they have a thing called option two. The Thai police, Thai immigration officers then try to get rid of them, send them away

from the Thai detention center through collaboration with cartels. Then, these men, women, children are sent to southern Thailand in sex slave camps, hard-labor camps, and other places.

Often, Thai authorities separate women and girls from the family members, telling them that they need better protection, and they are taken somewhere else and there is no record of returning them. They never come back. We don't know where they are. Later, we found out that they have ended up in the trade of sex slaves. That is what happened in human trafficking when the Rohingya victims are sent to camps in Thailand.

And the other scenario, Mr. Chairman, is those people who are not picked up by Thai authorities, but they landed themselves at the coast, and they are taken by the cartels into the camps and taken hostage, demanding ransom. You have to pay such-and-such amount of money to get released. So, they have phones. They are sophisticated. They have a phone system that makes them call their relatives in Malaysia, people who went before and working there, and demanding thousands of dollars for ransom. And then, upon the delivery of the cash, these victims are released. Often, all the people, the victims, could not find their relatives and neighbors and friends in Malaysia to save them, and they are languishing at these camps. And then, the women and girls, minors as little as 8 years, according to their testimony that they gave to me, are traded as sex slaves.

So, these are the situation the Rohingya people are facing, starting from Arakan State, as persecution, a victim of persecution, to smuggling, to trafficking.

Now how can we allow this to happen in this day and age, in this century? These people, the Rohingya victims, because of their fate, this trafficking, they are falling victim, the situation on the groundin Arakan State.

I do not see any end to this, unfortunately, to this entire sequence of events, unless the situation on the ground in Arakan State is resolved. It is great that there are tiers, categories for different countries, for Tier 1, Tier 2, Tier 3. And President Obama has had a waiver for Burma, reportedly, about this trafficking issue. And is it incentive, we are wondering? If it is an incentive, is that working? Is the Burmese Government looking into this issue on the ground, where the horror is originating, ending in Thai and Malaysian border with trade of sex slaves and hard-labor people?

If the waiver is working, that is a great thing. But I am afraid that the Burmese Government will enjoy this waiver and will not look into the situation on the ground. If you cannot go to the root cause of this, I don't see any other way to solve this issue.

So, our appeal on behalf of the Rohingya people, I appeal to the international community, to the committee, to our Government, that we need to insert greater pressure on the Burmese Government to solve the issue on the ground with their reinstating their citizenship, giving them all their human rights, recognizing the ethnicity as Rohingya. They are refusing to recognize Rohingya as an ethnic minority, which has been documented historically, that existed in Burma before the '60s.

Once their citizenship is given back to them, their rights are given back to them, they are recognized as a national race, an ethnic minority, and then, I think we are close, one step closer to solving these human smuggling and trafficking issues in Arakan State, Burma.

Thank you very much.

[The prepared statement of Mr. Uddin follows:]

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April 28, 2014

The Rohingya of Burma: Victims of Persecution and Violence in Burma and a Commodity of Human Smuggling & Trafficking in Southeast Asia

Submitted by
Dr. Wakar Uddin
Director General, Arakan Rohingya Union

BACKGROUND

The Rohingya, an ethnic minority in Burma, is one of the most persecuted people in the world, according to United Nations. Their history of Rohingya in western Burma in Rakhine/Arakan state dates back to several centuries that makes them essentially the indigenous people of the region. Despite their indigeinity, the Rohingya minority in Rakhine state faced some of the worst human rights violations in Burma at the hands of former military regime for over half a century. With several decades of persecution of Rohingya people and the recent waves of violence against them have created a new crisis: human smuggling and trafficking. Despite efforts to eradicate women and children-trafficking in the region, these despicable acts of violations are rampant. The United Nations Inter-Agency Project on Human Trafficking listed sexual exploitation, forced labor, hostage taking, and factory work as some of the reasons for Rohingya people are smuggled and trafficked across the sea and the borders. This is emerging as a major regional issue in Southeast Asia involving Burma, Thailand, and Malaysia, and is reportedly the largest exodus of people since the Vietnam people crisis several decades ago.

FROM PERSECUTION TO HUMAN SMUGGLING AND TRAFFICKING

The rapid increase in smuggling and trafficking of Rohingya men, women, and children during 2012 and 2013 is primarily due to the dire situation on the ground in Rakhine state where Rohingya people are facing persecution and major human right violations. This has risen to the level of ethnic cleansing and violence by Buddhist mobs and local Burmese authorities, who are backed by predominantly Buddhist Rakhine armed forces. Waves of violence against ethnic Rohingya by Buddhist Rakhine and the Burmese armed forces began in June of 2012, leaving several hundred dead by official counts (thousands according to reports from the ground) and rendering over 140,000 Rohingya people homeless who are currently living under squalid conditions in internally displaced persons' (IDP) camps. The recent banning of Doctors Without Borders (Médecins Sans Frontières) by the Burmese Government and subsequent attacks on the humanitarian aid workers by Buddhist Rakhine mobs have made the situation in Rohingya IDP camps and villages bad to worse. With the absence of the medical and life-sustaining supplies provided by the international NGOs in Rakhine state, a major humanitarian crisis is looming. Additionally, the rapidly approaching tropical monsoon season bringing torrential rain could cause major health crisis due to water borne diseases and lack of sanitation.

Reports of Rohingya men, women, and children who are falling prey to the hands of the human smugglers and traffickers have been widely reported in the media. Rohingya families in Rakhine state, escaping the violence and persecution, is the primary reason for the Rohingya becoming prey to the human smugglers and traffickers. The sequence of events consist of two phases. The "smuggling" phase starts when the victims are forced to leave their villages in Rakhine state as their homes have been destroyed or they have been forcefully evicted. The high season for smuggling begins at the end of monsoon season each year when the sea returns to relative calmer condition. The shady smuggling groups operate freely in Rohingya IDP camps and villages in doing their lucrative business. During the past two years, Burmese police in Rakhine state have arrested several hundred Rohingya men and women with false accusation of inciting violence and burning down their own homes in their villages. After each incidence of violence or losing homes, the Rohingya victims are on the run as police forces conduct search-and-arrest operations in the villages. These are fertile grounds for smuggling cartels preying on the victims. There have been widespread reports of Burmese local forces at different coastal posts colluding with the smugglers in boarding Rohingya on small rickety boats and transporting them to larger vessels docked far out in the ocean. There are also implications of involvements by local and state officials of the RNDP (Rakhine Nationalities Development Party) and its allied "969" terror group led by radical Buddhist monk Wirathu, in assisting the smuggling cartels in transporting Rohingya out of Rakhine state. The boats sailing to perceived safe haven, particularly Malaysia, are often overloaded with people with inadequate food, water supplies, and fuel. There are reports of food and water running out in the high seas, often only a few days into their journey, resulting in death of elderly and children in most cases. There were also reports of drowning of hundreds of people as the boats capsize in rough weather. The drifting boats often do not reach the destination, and end up at the territorial waters of Thailand, Sri Lanka, and India. At that point, the smuggling phase often enters into the "trafficking" phase, particularly when the boats arrive in Thailand.

The victims often end up in camps run by shadowy groups in remote forests or islands in southern Thailand. The traffickers demand ransom from the victims and release them upon delivery of cash by the victims' family members, relatives, and friends working in Malaysia. The victims are often picked up by Royal Thai Navy from the Thai territorial waters and they are placed in detention centers indefinitely. There are reports of serious physical and sexual abuse of the victims by Thai police. The reports also allege that Thai officials collaborate with the traffickers by transferring Rohingya held in Thailand to the custody of the trafficking cartel. Thai officials reportedly adopted a secret policy, known as "option two," to expel Rohingya refugees using the smuggling cartels from Thailand. The United Nations has called for investigation into the reports. Thailand has no refugee law and does not allow Rohingya to register as asylum seekers. Rohingya refugee's enetring Thailand have been treated as "illegal migrants" and do not receive protection as refugees under international law. The government separates families holding adult male and some male chidren, including unaccompanied young boys, in immigration detention centers, and separates primarily women and younger children.

In recent months, most Rohingya have escaped from the detention centers and closed shelters, and gone further south in Thailand only to fall prey to human traffickers. Rohingya told journalists that government officials played a role in the escapes by facilitating contacts between the traffickers and the detainees. Children, particularly older boys, were reported to be among those trafficked. Since October 2013, some Rohingya were "voluntarily" deported after the government gave them authorization forms in Thai language – which most detainees could not read – and no translation assistance was provided. Some Rohingya who agreed to voluntary deportation were not actually returned to Burma but were sold on to traffickers, according to media reports.

According to eyewitness accounts, some Rohingya women and minors were sold to sex traders in Southern Thailand. Several hundred Rohingya refugees are currently held captives by shadowy gangs that have turned southern Thailand into a human-trafficking superhighway. A record 40,000 Rohingya victims have passed through the trafficking camps in 2013, according to Chris Lewa, Director of The Arakan Project, a humanitarian group.

There are also coercion and clandestine hostage taking of Rohingya women and minors, and sex slave issues are rising at an alarming rate locally in various townships in Rakhine state in Burma. Witnesses have reported that Rohingya women, including female minors, were seen in Buddhist Rakhine settlement villages, known as Natala, who are kept as hostage and sex slaves. Some women who had escaped provided the accounts of their ordeal. There are also reports of abduction of Rohingya women from vulnerable households with no male adults remaining in the households (killed or escaped when sought by police), by Burmese armed forces and keeping them as sex slaves in camps. Rapes victims also gave the accounts of gang rapes by Buddhist mobs and armed forces.

FINDING THE SOLUTION

The Burmese Government has not taken any step to addressing the smuggling and trafficking issues originating in Rakhine state. The local officials and armed forces continue to engage in smuggling the victims as well as taking Rohingya women hostage in forced confinement and sex slavery. Additionally, countries in Southeast Asia do not have effective policy and measures to combat the sea and cross-border human smuggling and trafficking. International community must demand the Governments of Burma, Thailand, and Malaysia to aggressively pursue the issue and bring the perpetrators of the crimes to justice, and allow the international team of investigators to the ground in Rakhine state where the smuggling originates. ASEAN member countries must jointly address this regionally widening issue a top priority. Surgical removal of this problem individually from specific locations will not solve the issue. The root cause of exploitation and smuggling Rohingya victims must be thoroughly reviewed, and it can only be resolved through addressing the political and human right violations faced by Rohingya ethnic minority in Rakhine state, Burma. Major responsibility lies on the Government of Burma in providing protection to Rohingya people in Rakhine state.

Mr. SMITH. Thank you very much, Dr. Uddin.

I would agree with you about the importance of really taking a hard look at Burma. You know, the release, and now somewhat reintegrated great Nobel Peace Prize winner Aung Sang Suu Kyi should not be allowed to gloss over other egregious human rights abuses, especially as they relate to trafficking.

So, I do think your point—and perhaps Ambassador Lagon might want to speak to this—but the waiver authority, when we wrote that, wasn't meant to be the rule; it was meant to be the exception. It was meant to be done in good faith in a diplomatic embrace of the country that could easily be designated Tier 3, to say, "Look, we want to work with you. We want to get to the point where you are meeting those minimum standards," which are what we need to apply to every country of the world, including the United States.

The waiver authority has been exploited by both parties, unfortunately. And frankly, that is not the Ambassadors-at-Large's fault; it is the regional bureaus' faults and people higher up, and particularly the Ambassadors who sometimes develop a little bit of a "clientitis."

So, my hope is that there will be an effort made to really say, waiver authority, only use it as an exceptional tool, not as something that is just automatically meted out because it is a lot easier to do so.

I will ask a couple of questions, yield to Ms. Bass, and then, to my good friend, Mr. Marino. Then, I have some additional questions I would like to get to as well.

But let me just ask you, if I could, Mr. Ambassador, you know, one of the reasons why I voted against the Leahy amendment when it made its way over here, I had the competing bill that we wanted to bring up because it had a number of substantive changes that were not included in the Leahy amendment, but one of them was the cut in the TIP office's budget. Now they claim they can craft together monies from various spigots rather than have a straight-up, transparent authorization.

But the other was the language that tilted in favor of the regional bureaus' additional gravitas in making decisions as to who goes on Tier 3, Tier 2, Tier 1, and Watch List. We haven't seen that play out yet. But that was a huge fight when we did the original TVPA back in 2000, that the regional bureaus didn't want this bill. They were against this bill. I met with so many of the people, you know, the Assistant Secretaries, the various desk officers. Then, we had round-the-clock meetings—over 3 years you have a lot of meetings—with State Department people, very good people, but they didn't want it.

And now, people who want to sideline or, you know, put trafficking on page 5 of the talking points, may have disproportionate influence on the Secretary, unless you have a very, very powerful Ambassador-at-Large. But, even then, he might get drowned out.

Because, as we all know—and I will finish with this in terms of the question—when we did the first leader of the TIP office, we could not get Ambassador-at-Large language into the bill there was so much objection to it. So, we went with just the director, came back in 2003 and put Ambassador-at-Large because we wanted

that gravitas to be equal to the weight of the work that he or she had to do.

So, if you could speak to that, Mr. Ambassador?

Ambassador LAGON. Well, you ask a great set of questions. I was disturbed, too, by an element of the 2013 reauthorization that was ostensibly meant to provide that there would be consultation between the regional bureaus and the TIP office. But the fact is that who has the pen, having been given to the trafficking in persons office on the preparation of the report, has been very important.

And I will say a very hard-headed official Deputy Secretary of State, Richard Armitage, actually was crucial to the decision about how that would first get implemented. I think it would not be a good idea to hand that pen over to the regional bureaus.

There is a constructive tension in the Department in which the overall picture of U.S. interests on multiple issues and the contexts of a state, you know, maybe it is a state at war, maybe there are real capacity issues, are brought forward by regional bureaus. But the fact that the experts on this in the trafficking in persons office are the ones who are principally charged with drafting, is essential.

I do want to say one thing about personnel. The number of personnel is not everything. I would like to see the voice of the Ambassador-at-Large in the office raised, but it is not always the case that more is more. Some of the nimbleness of the office, some of the special qualities that you embedded in the legislation to act as a voice for civil society benefit from nimbleness.

Mr. SMITH. If I could just ask you one other question, because it was you, when you were Ambassador, who finally elevated the issue of China and the nexus with the one-child-per-couple policy to its rightful place, and I will always be deeply grateful, all who care about human rights, I believe.

No other nation on earth has so systematically exterminated the girl child in utero by way of sex-selection abortion than China. As I said, we are going to have hearing testimony from Mara Hvistendahl, the author of Unnatural Selection: Choosing Boys Over Girls and the Consequences of a World Full of Men, her testimony, which we will make a part of the record.

But there is no doubt whatsoever that the magnet driving the Chinese situation are the missing daughters. They are gone, exterminated systematically every year since 1979 as part of the one-child-per-couple policy. Tens of millions, minimally—some put it as many as 100 million; nobody knows for sure—but the ratio is without precedent in all of human history, and won't turn around anytime soon.

So, the bride-selling and the trafficking, the magnetic effect of that dearth of women will occur and only get worse going on. I don't know how, frankly, the State Department could possibly designate China anything but a Tier 3 country, given the fact that they are surging toward more demand, based on the missing girls.

And secondly, some of the very minor things that I have seen, you know, one of you mentioned earlier just attending a conference does not make a trafficking plan or any reason to rejoice. It is a step and that is all it is.

If you could speak to that?

Ambassador LAGON. Yes, you know, there are many reasons for serious scrutiny of China, on this issue of the demographic matter and others, with lots of faults on human trafficking. But the combination of the population policy, even if it is liberalized some—and we should watch with great skepticism whether the announced leadership reforms in population policy pan out—and attitudes which continue to stand throughout Chinese society about the value of a male child over a female child. That isn't changing, and that is, indeed, the magnet, combined with China's inhumane policy of not treating those who flee North Korea as refugees.

They are under great pressure. Someone, a woman who comes over fleeing a desperate economic and political situation in North Korea, or a man as well, will be facing the fate of being deported back to North Korea for possible punishment or even execution. That is a huge situation of leverage.

And when that is added to the magnet of a desperate desire for women as wives and as sex partners, you have a cocktail for a tremendous human harm.

Mr. SMITH. I have other questions, but I will hold off and ask Ms. Bass if she would proceed.

Ms. BASS. Thank you very much, Mr. Chairman. As always, I appreciate your leadership on this issue for many, many, many years.

So, I just wanted to ask several questions of various panelists, starting with Ambassador Lagon.

I know that the White House recently launched a public/private partnership to combat trafficking with the use of technology. Since I missed your comments earlier, I didn't know if you could talk about that and highlight some of the methods and strategies that are being used.

Ambassador LAGON. Well, I am a big believer in partnerships as the lifeblood of the anti-human-trafficking movement. To her credit, former Secretary of State Hillary Clinton emphasized that as a fourth "P." Before her, the former head of the U.N. Office on Drugs and Crime, Antonio Maria Costa, also said that there should be a fourth "P" of partnerships. And I think, truth be told, the Bush administration approach was one that believed in those partnerships as well.

I think we should all look at ways that technology can be used, including crowdsourcing, to help the funding of NGOs and for looking at big data. But I think we should take care to remember that it is, in fact, an idea that every human being is of equal value and the people who are working in NGOs and businesses and government are the ones who really make the difference.

High technology and big data for studying patterns, these are tools, and we should just remember these are tools in the service of trying to fight this terrible scourge.

Ms. BASS. Are they being used? And how about the State Department? Has the State Department embraced the technology? Maybe you could give us some examples of where they were?

Ambassador LAGON. Well, I think that, actually, the U.S. Agency for International Development has probably been on the forefront of trying to use technology, pursuing/offering up a challenge to potential grant applicants for the use of technology.

Ms. BASS. Oh, is it in the process? Like they have a Request for Proposals out or something?

Ambassador LAGON. They are, indeed, asking for people to come forward and working with a series of universities around the United States to try to figure out ways to use social media and ways to use high technology.

One of the projects of the U.S. Agency for International Development is, in fact, an ability for you to be able to take your handheld out and scan a product and have a sense of its supply chain.

Ms. BASS. Oh.

Ambassador LAGON. That is a nascent effort——

Ms. BASS. Right.

Ambassador LAGON [continuing]. But a promising one.

Ms. BASS. Another question, and this is related to the Netherlands. I wanted to ask you, I think last year you were critical of the Netherlands as a Tier 1 country. We know that in the Netherlands prostitution is legal. Anybody who has been there has seen it.

But I wanted to know how the State Department has asserted that prostitution and human trafficking are linked, but how does it factor in the decisions around the TIP Report?

Ambassador LAGON. Well, I think there has been a subtle change in the approach of the office. I think in the Bush administration and under the Obama administration there has been an emphasis on demand, but I do think that there is perhaps less emphasis on the importance of fighting sex buying.

Let me be clear when I talk about, you know, the legal regime. What I am concerned about is putting the men who would be buyers of sex on the hook. And I think it is important not to punish women who are in the sex industry——

Ms. BASS. Right.

Ambassador LAGON [continuing]. Whether or not they are human trafficking victims.

I think the model is not working in the Netherlands, and there have been really fascinating press stories on the model failing in Germany, where trafficking has spiked because of the legal regime. And country after country, the UK, France, and across the ocean, Canada, are pursuing legal changes to try to punish the sex buyers and move toward a more Nordic model.

Ms. BASS. Right. I appreciate that.

I didn't hear your testimony, Mr. Campbell, but I read your testimony about Uzbekistan. And I was wondering if you could talk about that in terms of the forced participation in the cotton harvest and if anything has changed. And also, you know, in terms of the textile industry, I don't know if any of our companies are sourcing from there.

Mr. CAMPBELL. Okay. Thank you, Congresswoman.

To get right to the point, the situation continues largely unabated, that there continues to be forced labor compelled by the government and it involves children; in certain places it is younger than 14, but largely 15-, 16-, 17-year-old children from across the country, and it involves adults who come from all sectors, both the public and private sector for employment.

And so, the situation continues. It is an urgent situation. Where it has changed a little bit—and I covered this a little bit in the testimony—was, because of the pressure, the pressure from this committee, the pressure from the U.S. Government, the Uzbek Government granted a reprieve for children under 14 years old across the nation from being systematically mobilized from across the nation. Now children under 14 continue to be mobilized in different parts by local government officials and stuff. So, they were mobilized still as a part of that system. Now whether they were systematically mobilized across the country, no, there were parts of the country that actually replaced their labor with adult forced labor.

Unfortunately, what we have not seen is a change in their attitude toward the issue of forced labor in any way. I will just pull a quote really fast from the International Labor Organization which stated very clearly that "The Government of Uzbekistan continues to deny that it has a forced labor problem."

It has invited the ILO to help advise it on understanding what its forced labor problem might be, although that has been pretty clear to everybody for years. It is also they have invited the ILO, I think just announced yesterday the ILO will send in a decent work team to do some education amongst the government. But we are still talking about education about a problem that the rest of the world has known about for years.

Ms. BASS. They say it doesn't exist.

Mr. CAMPBELL. Yes. And in terms of supply chains——

Ms. BASS. Right.

Mr. CAMPBELL [continuing]. I will say that the garment industry in the United States and the American Apparel and Footwear Association has been a tremendous supporter to clean their supply chains of this forced labor cotton.

I mean, there is no question it is getting into our supply chains. Can we find it? It is really hard. The closest we have been able to really come was we know who is processing the cotton in Uzbekistan. There is a company, Daewoo International, a large Korean company, that has operations globally. They are processing that cotton and selling that cotton, and they are in full knowledge of the fact that they are benefitting from this forced labor system. They even said so on their own Web site.

What they said was, what we can't do as a textile company is address this issue because it is a government forced labor problem in Uzbekistan.

Ms. BASS. They don't have to source from there.

Mr. CAMPBELL. Well, I can't speak for Daewoo. I imagine that they would fear losing this guaranteed supply of very cheap cotton. I imagine that they would fear losing really what are their only major processing, yarn processing facilities for their other manufacturing.

But that is the processed yarn. What we also are trying to learn more about, and we can find, for example, the cotton, the raw cotton is going to Bangladesh. The raw cotton is going to China. What we are trying to find out is who in Bangladesh, who in China is buying the raw cotton, because it is our opinion that this cotton is made with forced labor. Our laws prohibit the importation of goods made in whole or in part with the use of forced labor.

Ms. BASS. Okay.

Mr. CAMPBELL. So, what we are trying to do is learn. I will congratulate, and I would like to say that the Department of Homeland Security and the Customs and Border Patrol and Immigration and Customs Enforcement have taken this situation very seriously.

What we understand, though they will tell you they can't comment on an ongoing investigation, we received a response to a Freedom of Information Act request that we had sent whereby we were able to confirm that, at our request on a petition we filed last year, the Department of Homeland Security has opened an investigation into Indorama Corporation and into Daewoo Corporation. And partly as a result of that investigation, a shipment of cotton yarn from Uzbekistan was denied entry into the United States last October.

We don't have the final outcome. What we hope is that the investigation into those two corporations will continue because those are criminal violations. And to the extent that either corporation is subject to the jurisdiction of the United States, they should be prosecuted for these criminal violations.

Ms. BASS. Okay. Thank you.

My final question I wanted to ask Ms. Lummert. One of the issues in trafficking that is of major interest to me is trafficking domestically here in the United States, not of primarily females from overseas, but girls right here.

We know that a large percentage of these girls have a relationship to the child welfare system and they have fallen through the cracks for a long time. We just kind of assumed that any girl that ran away ran away and didn't realize that she was necessarily being forced and trafficked.

And so, you spoke about the Catholic Church's work domestically. I was looking through your written presentation, and that part of it just was mainly talking about girls coming from overseas to here.

So, my question to you is, is the Catholic Church involved in any kind of systematic way, focusing on the trafficking of girls here domestically? I know there are some males, but it is primarily girls. And if there is an organized effort on the Catholic Church's part?

Ms. LUMMERT. Right. The Catholic Charities network in the U.S. is very extensive and they operate foster care programs throughout the country. Within those foster care programs, of course, they are seeing victims of trafficking domestically. Some of them may have been foreign-born, but they are trafficked within the U.S. as well.

One of the things that we are doing is looking at our model of refugee foster care network that actually has served victims of trafficking, some of whom are brought in internationally, but some whom also have been trafficked within the U.S., to look at what has worked with that model of care and the services. We have served about 100 survivors of trafficking, children, girls and boys, both labor and sex trafficking, to see what are the practices that they are using and evaluate those practices. We hope to have that available soon.

But what we are seeing from that work is the importance of having a trusting relationship with the service providers, a mentoring relationship with the professionals working with the children. We

think that that will also be very valuable to the domestic child welfare system as well who are serving American-born children.

Ms. BASS. Yes, and maybe I can follow up with you because I would just caution a little bit that I do understand how in some ways it might be applicable, but I think there are a lot of ways it is not, and especially with a lot of the groups that are working with kids who were born here. And so, maybe there can be some relationship where we could be helpful to share.

One of the things about this field is that there is a real lack of evidence-based practices dealing with this population, period. But I do worry because over the years the focus has been on the international, and I don't think we have paid—you know, we are certainly beginning now, and a lot with your leadership and the TIP Report, I think the situation in domestic trafficking is different.

In the Los Angeles area, for example, some of that trafficking is done by street gangs. And so, it is really important to understand that different programs and practices might be needed.

Ms. LUMMERT. One of the networks that I think that we could follow up with and get more information from is the Covenant House organization. They are involved with homeless and runaway youth.

Ms. BASS. Right.

Ms. LUMMERT. In fact, I used to work with them. They are involved with a Catholic coalition against trafficking as well. They are seeing this population.

As you know, the children who are emancipating from foster care in the U.S. are the ones that are particularly vulnerable. The ones in foster care and the ones who are emancipating from foster care, they are vulnerable to the trusting relationship that these traffickers make the children believe that they have.

Ms. BASS. Right.

Ms. LUMMERT. They are exploiting the vulnerable situation and the lack of this trusting relationship or any protection system that is in place for them.

Ms. BASS. Right, and I am sure you are aware that the age of emancipation, which is a term for which we probably should find a new one, is 18, but the average age that these girls are being trafficked is 12.

Ms. LUMMERT. That is right.

Ms. BASS. So, they are being recruited far before, well before they would reach the age of emancipation. So, hopefully, we can work together in the future.

I work a lot with my colleague Tom Marino. We co-chair the Congressional Caucus on Foster Youth. And so, this has become a particularly important issue to us.

Thank you.

Mr. SMITH. I would like to now yield to Tom Marino from Pennsylvania. Now we know, parenthetically, he was the U.S. Attorney for the Middle District of Pennsylvania, so a very accomplished prosecutor at that.

Mr. MARINO. Thank you.

Karen is right, we work a great deal on foster care/adoption. We see so many things taking place that we are trying to bring to the public's attention more and more here in the United States, par-

ticularly when it comes to the trafficking of young people, young girls.

I, too, do not like the term that is used, this "emancipation." It turns one's stomach to see what we see in our Caucus.

I have a concern here. I was reading a report by the UNODC, the United Nations Office on Drugs and Crime. It was gathered from 155 countries. And Executive Director Costa said that most countries, most of these 155 countries deny that there is any trafficking taking place.

One question I have for the U.N. is, why do we have trafficking, human trafficking, tied up in a drugs- and crime-gathering unit? We should have a very aggressive, specific unit totally devoted to human trafficking, starting right here in the United States and in the U.N.

In my last several months of U.S. Attorney in the Middle District of Pennsylvania, I guess it was about 7 or 8 years ago, we prosecuted one of the largest human trafficking rings. It took place in certainly Pennsylvania, New York, New Jersey, and I think it went into Delaware, but I am not quite sure about that.

We sent a couple of real bad fellows away for a very, very long time. And this was not a situation where they persuaded—look, I am 61 years old—I call these "young girls," out for sex. I mean, it was threats. It was taking hostage. It was beating these young girls. And if you would have heard the testimony coming from these victims, it would have broken your heart. But we put these guys away just about forever.

I kind of miss those days from putting these culprits away.

But this percentage of human trafficking within this report indicated that 79 percent of the human trafficking is for sex; 18 percent of it is from forced labor. And as a matter of fact, in West Africa—and it is usually children in forced labor—100 percent of the children that are trafficked, 100 percent of those trafficked are children in these areas, and most of it is close to home.

So, the point I am painstakingly getting to is, once again, the United States steps up to the issue here at the U.N., but what is the U.N., in and of itself, doing? My patience is growing very, very thin with the United Nations. They talk a good game, but we don't see the results across the board on many issues, but particularly this issue.

Ambassador LAGON. Mr. Marino, could I speak to that?

Mr. MARINO. Please.

Ambassador LAGON. It is a good set of questions.

I came to head the State Department's human trafficking office from the bureau that dealt with the U.N. And one of the threads in my career has been working on the U.N., including a book on international organizations I am about to publish.

You asked really good questions. First, the U.N. Office on Drugs and Crime has played a leading role because the original treaty in the U.N. on human trafficking was attached to a transnational criminal networks treaty. I think it is problematic where there to be a singularly U.N. Office on Drugs and Crime approach. It should not surprise you that coordination between different agencies of the U.N. is crummy, a technical term, crummy.

Mr. MARINO. To say the least.

Ambassador LAGON. There are good actors. UNICEF does some good work. The International Labor Organization does some good work. Outside of the U.N. system, the International Organization for Migration does some very good work.

The U.N. solution to a problem with coordination is to create multiple coordinating bodies, which don't really improve the situation. The U.N. Office on Drugs and Crime, I think, would do a better job itself, to the degree that it is involved, if it would help train countries to implement laws. Because the major problem in human trafficking around the world is that countries have enacted laws and they have ratified this U.N. Palermo Protocol on trafficking, but they are not implementing it.

Mr. MARINO. But let me interrupt there because that looks good from a political standpoint, but if it is not enforced. And I think many times in these countries it is just for politics; okay, let's show the world that we are taking care of this.

However, it boils down to revenue is certainly generated from child trafficking, particularly in the labor area, but also in the sex trade. So, these are countries that just, once again, give lip service. And we at the U.N., and the United States to a certain degree, we take it. Why are we not calling out in a general session of the United Nations—I would love to stand up there and read off the list of countries and the leaders of those countries, you know, where they have a law; some of them don't have a law, but what enforcement have they done?

Ambassador LAGON. Right.

Mr. MARINO. I mean, it is about time we call these people out publicly.

Ambassador LAGON. I entirely agree with you. So, two points.

First, I think, despite the desire of the U.N. to have its own global report, the two that it has put out have not rivaled the State Department's report in their seriousness and completeness.

And then, secondly, it is indeed exactly a problem of promises in rhetoric and on paper in laws and treaties, and not having action. I used to call this "the loop," while I was head of the human trafficking office, a country would go up in its ranking when it passed a comprehensive law. And then, a couple of years later, you would see it wasn't enforcing it, and it went down again.

Mr. MARINO. I see my time is running out. But I say this with all good intentions. I would leave this position in a heartbeat if I had the authority and the team to go internationally and investigate and bring these people to justice.

And I yield back.

Mr. SMITH. Thank you. Thank you very much, Mr. Marino.

Let me ask Ms. Lummert a couple of questions, if I could.

In your testimony you list the unique contributions of faith-based partners in the fight against trafficking. How can the U.S. Government better include faith-based perspectives and expertise in the fight?

I do want to thank you for your 6 years as administrator of grants to foreign victims found in the U.S. As your testimony clearly points out, more than 2200 survivors of trafficking and over 500 of their family members were served during that time.

I was, frankly, deeply distressed, disturbed, and tried to find some legal way of changing it, and could not find it with a reluctant Senate and with the administration taking the position it took.

But when Kathleen Sebelius put out her Request for Proposals and said that organizations that refer for abortion will be given preference, they sealed the deal, sadly, at HHS and picked the winners not based on competence and the ability to positively affect the lives of trafficking victims, but based on who does abortions. As you know, the HHS reviewers looked at your program and gave it superlative marks, and these were the independent-minded HHS reviewers who looked at what do you do, what is your capacity, and how well did you do it. And unfortunately, it went to other organizations that scored far below you, at least one which I found extraordinarily distressing.

But it has been my experience—and you may or may not want to speak to this—that faith-based has been given an arm's length approach by many over the years. When we first did this bill, there was a large number of people who wanted to exclude the faith-based side. They did it with PEPFAR. They have done it with other programs of the Federal Government. I am the one who authored the conscience clause on PEPFAR. It won by two votes in the Foreign Affairs Committee. So, it was not a slam-dunk, so that faith-based healthcare could be included.

So, my question, you know, you spoke eloquently about the initiative by Pope Francis to bring Christians, Orthodox, and Muslims together, but I think that is a new platform for further jumping off and doing more, particularly on the prevention and protection side. Because I have been in shelters all over the world, and so many of those shelters are run by faith-based organizations. And I have been astounded how much healing happens in a faith-based shelter where the love and almost like the 12-step program for AA. If it wasn't for the God side of it, some people would never get to that point where they can overcome their addiction to alcohol or drugs. And I have seen it time and time again, that joy in the eyes of a woman who has been trafficked and cruelly exploited, but with a smile on her face because she has found new hope in her own life.

And Sister Eugenia, I have been to her programs in shelters in Rome and met women, one woman who was from Nigeria. As a matter of fact, Greg and I, he will recall this. She had been trafficked for 5 years, and this woman had joy unspeakable about her new life and was soon going to be getting married. I mean, she really had turned her life around through that shelter. And the same way in Lima, Peru; name the place, I have seen them.

And so, how do governments, how does our Government stop this arm's length? I find it with the European Union approach. I am the Special Representative for Human Trafficking for the Parliamentary Assembly for the OSCE, the Organization for Security and Cooperation in Europe. My counterpart a couple of years ago, she and I used to fight over it—she said no faith-based in the shelters; they are not allowed.

I was in Sarajevo at a shelter and they told me in the shelter they wouldn't allow any Muslims, Christians, or Jews, or anyone with faith, to come in and assist the women. I was not only

shocked, but I was disappointed and argued with them for the better part of an hour.

So, we need, it seems to me, to recognize the extraordinary value that faith-based brings to healing and prevention, so protection. If you could elaborate on that?

Ms. LUMMERT. Thank you, Mr. Chairman.

The meeting that I was at at the Vatican, one of the impetuses of that was the collaboration between law enforcement and the Catholic Church in England, and, in particular, for example, what they are doing there is the religious community, the religious Sisters are actually working in collaboration with Scotland Yard to identify victims of trafficking, because the law enforcement recognized that there is only so much they can do to identify victims of trafficking. And they recognized the Church can play a role in prevention, in awareness in the communities most at risk, and also in identifying more than the law enforcement can themselves.

Here in the U.S. one of the initiatives that we have is working with the Customs and Border Patrol and the Inspection Officers to provide informational briefings on identifying victims of trafficking, in particular, children. And we have had positive response from that. The officers say that they feel like they can be more aware and know what to do as a result of those briefings.

What we bring to that is child development expertise. We bring our expertise in knowing about particular cases of child victims of trafficking who have been identified in the U.S. and that education, then, is helpful to them. So, we are hoping to be able to expand that as an example of a collaboration with law enforcement.

Mr. SMITH. Thank you.

Mr. Burns, you spoke, and it was very encouraging to hear, how the Philippines and Cambodia reacted to tier rankings, you said trafficking against women is truly enforced and that they are taking seriously their obligations, and it is making a difference in the lives of children.

We have always believed, I and others, Mark Lagon I know as Ambassador, that when you chronicle something, when you honestly ascribe a real value to it pro or con based on the record, people stand up and take notice, particularly when there is a penalty phase down the line, or a potential one.

What happens when we go the other way and take a pass, punt? When somebody should be dropped, as you said with Uzbekistan—and I do think, Dr. Uddin, you would like to see Burma as a Tier 3 country as well. You raised the question and I think your bottom line would be that it would be a Tier 3 country. When we don't do it, what happens to the victims and to trafficking in that country? Do we unwittingly enable it?

Mr. BURNS. I don't think I would go as far as to say that we enable it because I think the responsibility to govern the country still rests with the country, but we certainly don't help. I think what IJM would say is this goes to the point that the TIP office needs to be very independent. It needs to be free to, as I think Ambassador Lagon said, honestly and perhaps scientifically evaluate all the nations of the world and give them the appropriate tier ranking. So, we would favor anything that gives them more independence, such as we supported the bill to make them a bureau.

But, yes, I think you can take the experience in the Philippines and see that the Philippines was quite motivated to protect its citizens because of the downgrading on its tier ranking. And had you not done that, they wouldn't have had that motivation and we would have had great difficulty getting them to enforce the law.

Mr. SMITH. Greg Simpkins and I and Piero, also on our staff, and two other Members were in the Philippines right after the typhoon.

Mr. BURNS. Yes.

Mr. SMITH. And frankly, there seemed to be among the NGO community definitely—we were with CRS most of the time and USAID—but there seemed to be a great recognition that children could be trafficked, and women, of course, under the cloud of a catastrophe.

We met with two high-ranking officials, the Foreign Minister as well as the Health Minister, and they seemed to get it as well. So, would that comport with your view that they are very serious?

Mr. BURNS. Absolutely. In fact, my examples went to the government taking trafficking seriously in the Philippines. But the public, too—and this is probably a bit unique in the Philippines because the Philippines pays great attention to what the United States does—the public is very conversant in the trafficking issues. And I had people just on the street quote to me various aspects of the TIP Report.

Mr. SMITH. Dr. Uddin, you note in your testimony that one of the trafficking routes for Rohingya victims runs from Burma to Malaysia. You also note that Thai authorities have participated in the trafficking of Rohingya. Have Malay authorities also engaged in trafficking of Rohingya who have arrived in or moved to Malaysia? And what happens once they arrive in Malaysia?

Mr. UDDIN. Thank you, Mr. Chairman, for the question.

As of now, there is no report of Malaysian authorities, Malaysian police force or immigration involved in trafficking like there is in Thailand with Thai forces.

When the victim arrives in Malaysia, they are reported to be confined into hard laborers and forced laborers, underaged laborers, things like that. We have not seen any reports of sex slavery issues in Malaysia, but if there are any, they are reportedly near the Thai border. But primarily the sex issues of underaged and women are along the border of Malaysia and Thailand. There are camps there. On the other side there is a wooded area, forested areas. There are some isolated islands. That is where it is taking place.

According to reports, the Malaysian Government reportedly is sympathetic to Rohingya refugees more than Thailand, and according to the report, they have responded somewhat positively to Rohingya issues. There are no reports of brutality against refugees, what we have seen on the Internet and the pictures. The Thai police is doing it. The Thai Government is refusing it.

So, as of now, we have not seen anything from the Malaysian side, but that is not to say that it could not happen in the future, because this problem is escalating, getting bigger on a daily basis. More people are leaving Burma. More people are leaving Arakan State. Approximately 40,000 refugees, people, have moved through Thailand in 2013. That is a lot of people, 40,000 people.

So now, are we going to prevent that or is it going to be more than 40,000 this year in 2014? So, once things escalate and spill over to Malaysia, this sex trade thing can spill over to Malaysia. Even Indonesia, we didn't have many refugees in Indonesia a couple of years ago. Now we have several hundreds, probably in thousands, in Indonesia. This local issue in Burma in Arakan State, this normal local issue, is becoming a regional issue, and I am afraid it is expanding, escalating into a global issue.

Mr. SMITH. Thank you.

Let me ask Ambassador Lagon, if you would speak to the issue of Vietnam, whether or not they ought to be a Tier 3 country, in your view? China as well, would you designate them or keep them on the Tier 3 list?

You mentioned New Zealand and, then, the fact that there has not been any serious prosecutions in the last 9 years. That is one I didn't anticipate. Maybe why New Zealand?

Regarding the Japanese businessmen who are traveling to Southeast Asia, I mean, what is Japan doing to mitigate this terrible problem of trafficking? And that would go from some parts of South America as well, particularly Peru.

And then, finally, you also note in your testimony that many EU nations, member states, have been discussing stronger attempts at combating demand by focusing on enforcement on the buyers of commercial sex in general. How does the commercial sex industry, which I think is an absolute nefarious industry—and I often get criticized for being whole-heartedly against it—and human trafficking overlap? Do you have any indication of the manner that an EU-wide ban on purchasing of sex would change the sex trafficking patterns of the EU?

Ambassador LAGON. Lots of good questions. I will be brief.

I am very concerned about the situation in Vietnam and the situation for Vietnamese citizens who migrate elsewhere, and the situation of labor recruiters. I also am concerned about trafficking within Vietnam, and I think it deserves close scrutiny for receiving the lowest of grades.

As for China, you know, it is very good that it finally was subjected to the downgrade without any waivers. I think there are any number of reasons, some of which we talked about before—the demographic situation, and the vulnerability of North Koreans but also the movement of people within China without a social safety net which also makes them vulnerable to human trafficking. I, myself, am not in the trafficking office right now, but I don't see any grounds for raising China's ranking.

I think we just need to look at the gap between a ranking and between a narrative. In the case of New Zealand, it is striking. You know what happens in the State Department? When there is a disagreement between a regional bureau and the trafficking office, and it is refereed at the most senior levels of the Department, if the trafficking office loses and the ranking is higher than it recommended, then it gets more of an opportunity to incorporate in the narrative the facts. And you will notice some gaps.

A country which has not found a victim or prosecuted a perpetrator in 7 years is one for which you have to ask the question, is

it really meeting the minimum standards? It shouldn't get credit for just doing good work in less-developed countries in the region.

Of the many problems in Japan, I am concerned about those who are tourists elsewhere. It is a fact that there are Westerners who are child sex tourists and customers of commercial sex that drive sex trafficking in the Asian region, but, in fact, there are Asian tourists that are the major drivers. And the Japanese tourists are among them. Government authorities and businesses in Japan need to take responsibility for that.

On your final question about the commercial sex industry, I do not believe that prostitution and sex trafficking are one and the same, but prostitution is the enabling environment. If there was not a sex market, there would not be these huge profits to be made by sex traffickers.

The situation of human trafficking around the world is one in which the traffickers reap big profits and seeks out a situation of low risk. I believe that if Europe as a whole took on the Nordic model, then some of the successes that one sees in Sweden would be enjoyed elsewhere. And the opposite model has been a manifest failure, most markedly seen in the case of Germany.

Mr. SMITH. Let me ask you, Mr. Campbell, very quickly, the ILO Convention 182 enforcement, you know, the deployment of the ILO monitoring team, you did mention in your testimony that they were hindered, and yet, they still were able to come to some very profound conclusions. Could you just say how large was the team? How were they hindered? Were they threatened? Were people who talked to them threatened? Did they have to find clandestine ways to make contact with people, so that they could take accurate notes about what was happening?

Mr. CAMPBELL. Sure. Thank you for that great question, because it is complicated.

The reason the ILO is hindered is because they view themselves as a body of social partners. That would be the governments, the employers, and the trade unions. It is the only U.N. agency that is set up with those tripartite partners.

In the case of Uzbekistan, those partners are one and the same. The government, the trade union, and the employers are all agents of the government. They are not independent. So, therefore, the ILO social partner model breaks down significantly when entering into Uzbekistan.

The way that the monitoring was conducted from the methodology in their report was one ILO monitor ran a team of up to 40 local government officials who were designated by the Uzbek Government. The Uzbek Government required the ILO to only look at and report on violations of Convention 182; 182 is the Convention on the Worst Forms of Child Labor. Included in that Convention as a worst form of child labor is forced child labor.

But, with that extremely-limited definition, the ILO was not allowed to look at the issue of forced labor generally. So, therefore, they had to find very creative ways to get that information out in their report. For example, they had quotes that said, "We have concerns about the way labor is recruited." They can't come right out and say it because the report has to be approved by all the social

partners, and in this case the social partners were the Uzbek Government.

And so, I think in a different way that they were interfered with. And again, I am not holding the ILO responsible for this. It is their constitution. They have to follow their own rules. I suppose in this regard what I would say is that there were efforts across the country in advance of the ILO getting there to make sure that people who were going to report out on the harvest were saying what they were supposed to say.

In one very stark example—and this is just a real shame—a journalist, his name was Sergei Naumov, he was just days before the ILO appeared in his area, where he had been documenting the continued enforcement of labor to harvest cotton; he was photographing it. He was arrested, held incommunicado for eight, I think between 8 and 10 days. I will have to double-check. He was not allowed to communicate out that he was even arrested and all of that happened while the ILO was out there trying to monitor in that region.

So, I think the government has made extreme efforts in order to look like they are cooperating with the ILO, but they have used some very unknowable procedures, and they are very difficult to understand from the ILO perspective because it is all within the ILO. They have used some procedures to their advantage.

I would strongly encourage the International Labor Organization and its social partners, which work very well together on this issue—the employers and the unions is the only case at the ILO where the International Organization of Employers and the International Trade Union Confederation are on the same page.

This is a tremendous opportunity. Unfortunately, we are not, as an international community at the ILO, looking at the issue of Convention 105. Convention 105 prohibits the mobilization of labor for economic activity by a government. That is exactly what is going on here.

And so, therefore, I hope this year the International Labor Organization at its meetings this summer, at the Committee on Application of Standards, will take up the issue of Convention 105. By doing so, the Uzbek Government will no longer be able to deny they violate that Convention. They are only able to do it now because they keep trying to push us in a different direction. They are trying to say, "See, look. Look at what we are doing for our children." They want us to ignore what is happening to the adults.

Unfortunately, the ILO's hands are tied in this manner, but they will have a decent work program. And I hope that they can start these conversations. But, again, they have agreements to begin talking about talking about the problems. What we need is action, and that is not what is happening.

Thank you.

Mr. SMITH. Just a couple of final questions.

Again on New Zealand, we have had more trafficking prosecutions in my congressional district than the entire country of New Zealand. We just had a recent one in Lakewood, New Jersey, for example. And in and around the Super Bowl, in the days and weeks leading up to it, 70 women were liberated, including 25 minors, and some 40 pimps were arrested in connection—some were

already being put under surveillance before the Super Bowl, but it was all released right around the Super Bowl time.

In regards to the TVPA, in my opinion there has been somewhat of a disconnect between we do the right thing on, at least we hope we do, designating countries, and that is a tug-of-war within the State Department. The reason why we are having this hearing is to give advanced notice to the TIP office and others where you and us and others are thinking they ought to be going, because you are experts in the field.

But the second shoe to drop is the penalty phase, and that often lags to the point of nothing happens. And if you don't do something enough, the offending countries say it is a worthless gesture. Why have penalties if you are not going to impose them?

Nowhere is that more clear than in the International Religious Freedom Act, where time and again individual countries are named as a Country of Particular Concern and they never get sanctioned.

Anyone who would want to touch on that? Your thoughts on that? The penalty phase, China, were they ever penalized for being a new Tier 3 country?

You mentioned, Ambassador Lagon, about Japan. Why is Japan given such a non-look, if you will. As you said, they have not signed onto Palermo. There has not been a whole lot done there, and there are problems with sex tourism, particularly of Japanese businessmen.

Ambassador LAGON. Well, actually, the question on Japan is whether it goes down from Tier 2. Let me say that one of the greatest sources of friction that I have faced in my time as the Ambassador was the concern of Japan that it was not getting Tier 1 like every other G7 country.

Even the U.S. Embassy, where there is often resistance to taking up tough human rights and human trafficking issues, was adding things to the list that we were taking to the Japanese Government about what it needed to do.

As far as the sanctions that would go along with Tier 3, it is odd that the countries that get sanctions are the ones that already have sanctions. I will say that the moral opprobrium, the stigma, that goes along with the lowest ranking may be the most powerful element of Tier 3. But the United States is leaving on the table leverage that it might have by actually using those sanctions.

And some of the cases that my colleagues have pointed out here of the United States using its voice and vote in international financial institutions show another way that the United States could help assert pressure.

I will say that when Moldova faced Tier 3, its designation with status from the Millennium Challenge Corporation was put under threat when the United States gave it Tier 3 in 2008. That really matters.

Mr. SMITH. Yes?

Mr. CAMPBELL. Congressman, on the issue of sanctions, I think it is important to recognize that it is not just an issue of sanctions. And the voice and vote I think is the best example.

What it is, it is a common-sense policy to avoid investing in a forced labor system in Uzbekistan. I wouldn't view it as a sanction. I would view it as an instruction that the United States Govern-

ment should be avoiding what we prohibit already, which is investing in forced labor.

And so, I would say that it should be a matter of course that, when a government is downgraded to Tier 3, if the international financial institutions are going to invest in those sectors that are the cause of that downgrade, we must, as a matter of course, use our voice and vote to prevent that from happening. Otherwise, we will just be throwing money after or into a forced labor system.

Mr. SMITH. Yes, like to add anything, Dr. Uddin?

Mr. UDDIN. Yes. I would like to see that the waiver of the Burmese Government, President Obama giving the waiver, we need to monitor that very closely and designate any improvement. If there is no improvement, it has to be reevaluated.

I would love to see the Burma, the great country that I know of, coming off this list, of Tier 2, from Tier 3 to Tier 2, Tier 1, and gone. I would love to see that, but we know what needs to be done. We need to make sure that the Burmese Government knows, and they know, also, what needs to be done, so they can get off the list.

And I would like to give the opportunity to the Burmese Government with this incentive, this waiver. And we hope that the Burmese Government will take a look at it seriously and, then, address the issue on the ground, the root cause of the issue, rather than chasing the smugglers, arresting the smugglers, traffickers, and punishing them. That is clipping the tip of the leaves, not the roots of the tree. So, that is what we hope, that the Burma Government will cooperate with the international community and resolve the issue on the ground. I am sure that the rest of the sequence of events can be prevented.

Mr. SMITH. Would anybody else like to add anything before we close?

[No response.]

You have been very gracious with your time. A thousand pardons for all those interruptions.

But this transcript will be used. We will share it with our leadership, Republican and Democrat. We will get it down to the TIP office, make sure that Ambassador Luis CdeBaca, who is very responsive and very capable, will have the benefit of your testimonies. And as soon as we get a transcript, he will have the benefit of your incisive answers to questions, so that they have the most informed input from people who are truly expert. And that is the five of you.

So, thank you.

The hearing is adjourned.

[Whereupon, at 5:16 p.m., the meeting was adjourned.]

APPENDIX

Material Submitted for the Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Christopher H. Smith (R-NJ), Chairman

April 29, 2014

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2200 of the Rayburn House Office Building (and available live on the Committee website at www.foreignaffairs.house.gov):

DATE: Tuesday, April 29, 2014

TIME: 2:00 p.m.

SUBJECT: Effective Accountability: Tier Rankings in the Fight Against Human Trafficking

WITNESSES: The Honorable Mark Lagon
Global Politics and Security Chair
Master of Science in Foreign Service Program
Georgetown University
(*Former Ambassador-at-Large for Trafficking in Persons, U.S. Department of State*)

Mr. Brian Campbell
Director of Policy and Legal Programs
International Labor Rights Forum

Mr. Blair Burns
Vice President of Regional Operations, Southeast Asia
International Justice Mission

Ms. Nathalie Lummert
Director, Special Programs
Migration and Refugee Services
U.S. Conference of Catholic Bishops

Wakar Uddin, Ph.D.
Director General
Arakan Rohingya Union

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Africa, Global Health, Global Human Rights, and International Organizations* HEARING

Day *Tuesday* **Date** *April 29, 2014* **Room** *2200 Rayburn HOB*

Starting Time *2:35 p.m.* **Ending Time** *5:16 p.m.*

Recesses [1] (*3:23* to *3:58*) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

Effective Accountability: Tier Rankings in the Fight Against Human Trafficking

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Randy Weber, Rep. Karen Bass, Rep. Ami Bera, Rep. Tom Marino

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Statement for the record from Ms. Mara Hvistenthal, submitted by Rep. Chris Smith
Statement for the record from Ms. Nora Rowley, submitted by Rep. Chris Smith

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *5:16 p.m.*

Gregory B. Simpkins
Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

House of Representatives
Committee on Foreign Affairs
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Written Testimony
Mara Hvistendahl
April 29, 2014

Chairman Smith, Ranking Member Bass, Members of the Committee, thank you for the opportunity to share my views on the very important issue of human trafficking in China. At the request of the Subcommittee, I am making this written submission on the trafficking of women for forced marriage and sex in order to assist the Committee as it holds a hearing on this topic.

I am Mara Hvistendahl, a correspondent and contributing editor with Science Magazine based in Shanghai and the author of the book *Unnatural Selection: Choosing Boys Over Girls, and the Consequences of a World Full of Men*. Today I would like to address the prevalence of trafficking of women and girls for sex and marriage, which is detailed in my book. Due to various forms of sex selection, most commonly sex selective abortion, there are as many as one hundred sixty million women and girls "missing" from Asia's population. While sex selection now happens in a remarkable variety of Asian countries, including India, South Korea, Taiwan, and Vietnam, it is most stark in China, where the one-child policy exacerbates pressure on women to ensure that they give birth to son. An estimated tens of millions of Chinese men now lack female counterparts.

The downstream effects of sex selection are serious and far-reaching. Throughout Asia, countries with large numbers of surplus males have seen a spike in trafficking. The situation is particularly dire in China, where parents began selecting for sex in the 1980s, and today many of the boys born with no female counterparts in the population have reached marriageable age. That, in turn, is fueling demand for women—both as sex workers and bought brides.

Human trafficking across borders into China

Some economists hold that the scarcity of women in Asia will ultimately lead to better treatment. In fact, as women and girls have grown scarcer they have drawn increasing sums on the marriage market, enticing traffickers, agents, and gangs to kidnap them or buy them from their parents. As a result of the gender imbalance, China's trade in sex workers and bought brides is booming.

Because of established trafficking routes, the perceived desirability of Vietnamese women, and its geographical proximity to China, Vietnam has become a prominent target for traffickers. An illicit trade in women from Vietnam to China dates to at least the nineteenth century, when French colonial officers catalogued cases of young girls being kidnapped and sold to gangs of traffickers. After the French lost control of Indochina, these shadowy networks endured, expanding and contracting as demand for women ebbed and flowed. Today the gangs are more active than ever.

In 1992, after decades of fraught relations, the Chinese and Vietnamese governments agreed to reopen the border between their two countries, greatly simplifying the work of traffickers. At the same time, demand for women in China began to skyrocket as surplus boys came of age. From 2004 to 2010, nearly two-thirds of trafficking busts by Vietnamese authorities involved women and children destined for China.

In recent years an estimated thousands of Vietnamese women and girls have been trafficked to China. Some of those women end up in Chinese brothels. Many others—by some accounts the largest share of Vietnamese female trafficking victims—are sold into marriage with Chinese men in provinces with high sex ratios. The vast majority of trafficked Vietnamese females are never rescued.

In other countries bordering China, the outlook for young women and girls is similarly bleak. Along China's western border, Burmese women are brought into China through the town of Ruili, which is thronged with matchmakers and brothels. According to local NGOs, an overwhelming majority of these women end up in forced marriages. In northeastern China, meanwhile, a major source of females is North Korea, where, as in Myanmar, the cruel mixture of authoritarianism and poverty makes women eager to leave.

Human trafficking within China

China's countryside is now dotted with small, fly-by-night matchmaking agencies capitalizing on the demand for women. While the agencies purport to arrange legitimate marriages, there is some evidence that they are connected to networks of traffickers. Despite the rapid increase in the proportion of surplus men in China, bachelors and their families remain under enormous social pressure to find brides. Many feel that they have no choice but to seek out a foreign or poorer Chinese bride through an agency or matchmaking outfit. Fees paid for a young bride start at under a thousand dollars, but as women become still scarcer and China's economy continues to grow, prices will likely rise.

According to Chinese Academy of Social Sciences, forced prostitution and human trafficking are "rampant" in some parts of China as a result of the country's gender imbalance. Yunnan province in southwestern China is one popular source of women, largely because of its poverty. Provincial police statistics hold that over one thousand women and children are trafficked out of Yunnan every year. The actual total is probably much higher than that, as the fact that parents frequently sell their daughters—along with insufficient government attention to the issue— makes cases difficult to track. In some eastern Chinese villages with a large number of surplus males, it is common to find several women from Yunnan who do not speak the local dialect or understand the local culture. While trafficking networks between Yunnan and eastern China are particularly well established, other provinces in western and central China are now emerging as sources of women.

In some cases, traffickers prey on surplus men as well, tricky them into false marriages with bought brides. Police in Shaanxi province recently documented eleven cases of runaway bought brides who fled on the same day, making off with thousands of dollars in bride-price. The women were believed to be members of a trafficking gang.

In other cases, the victims of trafficking are girls, some of them mere infants. As the proportion of surplus men in the Chinese population has increased, the once extinct practice of buying an infant or young girl and raising her alongside her future husband—a custom euphemistically called *tongyangxi*, or "foster daughter- in-law"—has reemerged. Many "foster daughters-in-law" are in fact trafficked. Chinese public security officials estimate thousands of baby girls are snatched from their parents every year. Parents of daughters in poor parts of China face an unenviable choice: sell their girls to traffickers and send them off to join the female underclass, or guard the girls closely to protect them from kidnappers.

Prostitution and polyandry

While the majority of trafficked women end up as bought brides, gangs also sell women into sex work. Historically, prostitution thrives in places where men outnumber women. China has a higher rate of

prostitution than the United States, with 13 percent of men between the ages of twenty-one and thirty reporting they have been to a prostitute. As the country's sex ratio has become increasingly skewed, demand for sex workers has escalated. In a recent analysis based on a 2000 Chinese health survey, economists found that that percentage is even higher in counties with large populations of single men.

Many of China's sex workers are victims of trafficking, sometimes across international borders. Vietnamese NGOs have tracked cases of young girls shuttled across the border to work in brothels there. Women are trafficked from poorer parts of China as well.

Other journalists and I have documented starkly abusive situations for both sex workers and bought brides in China. In one particularly shocking scenario, a woman is trafficked to a high sex ratio region to marry one man, only to learn she must sleep with his brothers as well. Polyandry—marriage to multiple men—was once practiced in parts of China as a way for families to avoid splitting up their land among their sons, but it was never widespread. Today polyandry has become common enough that it is reflected in the fees paid for trafficked women. A woman who is expected to sleep with several brothers draws a higher price.

Conclusion

Despite continued international attention to the issue, trafficking for sex and forced marriage in China remains a serious issue. This problem will likely get worse before it gets better: by 2030, an estimated one in five Chinese men will lack female counterparts. Trafficking in China therefore deserves renewed attention. Thank you for your attention to this critical issue.

Testimony of Nora E. Rowley, M.D., M.P.H.
Myanmar Human Rights Advocate Specializing in Rohingya
Independent Consultant, Vulnerable Population Health and Well Being
"Recent Exploitation of Rohingya in and from Rakhine State, Myanmar"
U.S. House of Representatives,
Committee on Foreign Affairs,
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

Mr. Chairman and Members of the Committee:

Thank you for holding this important public hearing. The patterns of brutal persecution of Rohingya, i.e. Muslims from Rakhine State, Myanmar who speak Rohingya language as their native language, start from Myanmar's central Government and national security forces and reach far beyond its borders.

I was in Sittwe, Rakhine State, Myanmar earlier this year and early 2013 to get a first-hand look at conditions for Rohingya there. I am currently in Malaysia looking at conditions for Rohingya here and documenting their individual journeys from Rakhine State, Myanmar to and within Malaysia. More than seven years ago, I was first immersed into the events in Myanmar when I did relief work in Northern Rakhine State. Since 2007, I have done in-depth research, monitoring and advocacy for Myanmar human rights, particularly focused on Rohingya, including serving three years on US Campaign for Burma's Board of Directors.

The following testimony is based on in-depth interviews with 26 Rohingya, male and female and from 9 to 42 years old, who fled brutal persecution in Rakhine State, Myanmar to seek refuge in Malaysia. Though most Rohingya paid for boat passage specifically to Malaysia, most boats landed in Thailand. Most Rohingya interviewed left either Maungdaw or Sittwe Township by boat in 2013. The majority of Rohingya interviewed are survivors from prolonged captivity in Thailand forest trafficking camps, primary adult and teenage males. Further information is based on interviews and information gathered in Sittwe Township in February-March 2013 and 2014.

Since before June 2012, border immigration forces (BIF), aka NaSaKa, Subsections 7 and 8, which have been stationed in South Maungdaw Township, have been taking money from Rohingya leaving by boat to other countries. Since June 2012, BIF have been insisting on being paid 50,000 Myanmar Kyat (mmk) for each Rohingya boat passenger. The Rohingya gave their money to one of a circle of Rohingya agents, who then gave the required amount to BIF forces. Many Rohingya could see BIF forces on land and boats looking closely and some appeared to be counting them as their boats left to sea.

Also, many government and Myanmar Police Force (MPF) officials in the central Government's Anti-Human Trafficking Unit (AHTU) in Maungdaw Township have demanding money from Rohingya leaving by boat to other countries. The Maungdaw Township AHTU has been conducting anti-human trafficking trainings for the Rohingya community training. A MPF officer member and trainer of the AHTU told Rohingya that the

AHTU had to make arrests when they saw human trafficking. He told the Rohingya that it was "better to negotiate with us before you go so we don't arrest you for trafficking when you are leaving." The AHTU negotiation is payment of 30,000 mmk for each Rohingya passenger directly or through the Rohingya agent.

Since June 2012, Myanmar Military, Navy, BIF and Myanmar Police Forces have intensified Rohingya land and sea movement restrictions. Hundreds-of-thousands of Rohingya have not been free to move within, let alone outside, their villages due to security forces killing, arresting with disappearance and/or torture and extortion of Rohingya, especially young Rohingya men and teens. Security forces tightly control Sittwe Rohingya Bengal Bay fishing, including 3 successive sea-based BIF checkpoints, and have virtually shut down Bengal Bay Maungdaw and Rathidaung Rohingya fishing. Also, security forces have sharply increased their forced donations, extortion for large sums of money, robbery and theft from Rohingya.

In this mileau of brutal national security forces' restrictions and money confiscation, most Rohingya interviewed paid 50-150,000 Myanmar kyat (mmk) to mostly Rohingya travel agents for travel to Malaysia. Only two Rohingya, one of them was non-paying, knew they were destined for Thailand. All Rohingya travelers left in groups on small boats from coastal villages, particularly Alel Than Kyaw and Pa Nyaung Pin Gyi Villages in Maungdaw Township and Baw Gon Dar and Thae Chaung Villages, Sittwe Township. Also, a Rohingya traveler leaving from Sittwe Township said that the Myanmar Navy knew of their boat's departure and let them leave. Beginning in October 2013, Sittwe based national security forces have encouraged Rohingya to leave and no longer prevented Bengal Bay access and boats from leaving the shore.

The Rohingya travelers road on small boats from shore to deeper sea, where they transferred to larger boats. About one-third of Rohingya interviewed had to pay an addition 2-2.2 million mmk in order to board the deep-sea boat. The sea boats had 100-1000 Rohingya travelers, most with women and children. In late October 2013, after 2 days at sea, one boat, which had 400 Rohingya passengers and operated by Burmese, Rakhine and Thai men, was chased and fired upon by Myanmar Navy causing crippling boat damage. Two Myanmar Navy men boarded the boat but boat workers fought them and threw them into the sea. After 3 more days at sea they stayed on an island until another sea boat came for them. A Myanmar Naval boat or ship firing artillery into a boat packed with 100's of passengers is inconsistent with attempting to save the passengers, from human traffickers or otherwise. In late October-early November 2013 various media reported 4 sea boats with fleeing Rohingya sinking or crashing ashore resulting in 100's of Rohingya deaths and missing and many more arrested by Myanmar national security forces. The truth of how these 4 other boats were damaged is not known.

The deep-sea boat workers were Thai, Burmese, Rakhine, Rohingya, Chin, Shan, Kachin and Bangaldeshi's. One boat's Thai workers wore guns and hats with "Police" written on them. Many boat workers carried guns. Occassionally, boat workers shot close to Rohingya to control them. Passengers were often physically punished for moving or asking for food or water, including being thrown into the sea. Half the Rohingya reported boat workers

assaulted travelers by whipping with rope or belt, beating with a metal pipe or wood stick, punching and kicking. One Rohingya man has multiple back scars highly consistent with the rope whipping he described having sustained by Chin boat workers. A few men believed Rohingya women travelers were raped because boat workers entered the women's boat section at night.

Half the travelers reported boat provision of food, mostly small amounts of rice or dried noodles. Many had no food. Many passengers vomited often, in part, due to rough seas. The sea journeys lasted 8-42 days, including boat breakdown, near sinking, and caught in Tropical Storm Mahasen.

All boats landed in Thailand. One woman paid a very high price for her family to travel to Malaysia. Their sea boat carried about 1000 mostly Rohingya passengers and landed in Thailand near Malaysia. A few speed boats carried her family and a few others to Malaysia and the other passengers disembarked in Thailand and were all arrested by Thai authorities.

Two Rohingya, in separate series of incidents, were initially arrested and held in Thai immigration detention for 8 and 10 months. One Rohingya young man's sea boat owner sold him and other passengers to a Thai agent. Then the Thai agent paid off the Thai Navy. They were kept with about 1500 other Rohingya, including women and children, when Thai government authorities arrested them. He was detained under Thai immigration for 8 months. One night Thai police took him and over 20 other Rohingya men to the Thai-Myanmar border river. Myanmar Police Forces forced them onto Myanmar ground and had them take off their clothes. They were photographed one-by-one then all were put back into the boats. The Thai police brought them back to Thailand and sold them to Thai agents. He and 300 Rohingya men were locked in a small jungle hut. They were fed a small amount of rice and dried fish once per day. They were kicked or beaten with a stick if they talked loud or moved without permission. Twice per day agents forced him to call his family and ask for money. When his family said they did not have the money the agents kicked and hit him while he was speaking on the phone with them. After 3 months Thai agents sold him to Malaysian agents. He was in Malaysia at the border for one day when his family paid 1,500,000 mmk to the Malaysian agent's designee in Maungdaw Township. Upon release he was very thin and suffering full body pain and bruising from the twice-daily beatings. His case is not considered an emergency. Therefore, he does not have UNHCR registration in Malaysia.

In late 2012, the other young Rohingya man escaped Myanmar Police Forces' mass arrests and disappearances of young Rohingya men in his Buthidaung Township village to Bangladesh. Bangladesh and Rohingya agents obtained room for him on boats to Malaysia with the understanding they would get money from his parents when he arrived. After 8 days on a Bangaldeshi boat he and about 100 Rohingya men arrived in Thailand. Thai men in black uniforms kept them in a house. Then they were detained from the Bukdahan Thai immigration office. Immigration officers told them they would have to stay 6 months but he was kept in detention for over 10 months. One night, black-uniformed Thai authorities told them they were accepted back into Myanmar and put them on a bus. They were taken

to a river bordering Ranaung, Taninthary Division, Myanmar. Thai civilians put them in boats on the river and took their photos, seemingly to appear as if they were in Myanmar. They were brought back to Thailand. They were finally transferred to the forest near Padang Basan area at the Thailand-Malaysian border. Thai, Chin and a few Rohingya agents kept him and about 600 other Rohingya in very small tarp-roofed makeshift shelters. The agents beat them with canes if they moved. They were given small amount of rice twice a day. He became sick with fever, vomiting and diarrhea for 15 days and quickly became so weak he could no longer walk. The agents forced him to call his parents 15 times and ask for money while they beat him with a cane. After 42 days, the agents had them shift camps to evade police. Rohingya supported him on both sides each time they shifted on foot to other mountains. He was forced to climb a brick wall and crawl over the border into Malaysia. A Malaysian and police helped him clean up and eat. He was brought to a Malaysian immigration detention camp. 4 days later UNHCR personnel interviewed him and he received emergency refugee registration, presumably based on his severe bilateral leg weakness. He has never seen a doctor but has received regular meals and exercise. After several weeks he was able to walk again. After several more weeks, he still had bilateral leg pain with walking. His history and exam were consistent with Beriberi Polyneuropathic Paralysis. He worries for his Buthidaung family's safety, especially his father and brothers.

Most Rohingya men interviewed were subject to beatings during forced phone calls to their parents asking for money while in the Thailand forest camps. Many agents threatened to kill the Rohingya if their families did not pay. Families paid money to designated Rohingya shops in Maungdaw and Sittwe Townships, particularly in downtown Maungdaw and Alel Than Kyaw, Maungdaw Township. The money paid ranged from 180,000-2,200,000 mmk and 550-7000 RM (Malaysian currency). At least 4 families had to sell their house and property to pay the ransom. Penang Butterworth, Malaysia was a frequent transfer point to Malaysia, where as others were literally dumped over the border.

A NaSaKa, BIF, soldier killed a Maungdaw pre-teen Rohingya boy's father in the June 2012 violence. Afterward, this boy had seen boys his age and younger arrested and disappeared by various security forces. Also, he was subjected to forced sentry duty every night. His family sent him with other villagers on a boat to Malaysia, to save his life. The Burmese boat workers wore guns and fired them into the air every night. One day, the Burmese boat workers tied 8 Rohingya up and threw them in the sea for asking for water. The Thai camp guards all had guns. Some wore black and green spotted uniforms and others had plain clothes but he heard they were Thai police. He and other captive Rohingya were beaten with a cane stick or slingshot if they did not sit still in the camp. Agents beat him with a cane stick as he called and asked his family to pay for his release. Finally his family paid 1,500,000 mmk but the Thai agents denied receiving the money. After one month, He and others escaped but were caught and brought to another camp. At the second camp, the Thai guards abused Rohingya men whose families did not pay in front of everyone by pinching their genital with pliers. He was always afraid they would abuse him with the pliers. Then, his family paid another 1,400,000 mmk. He had had malaria in the second camp and never regained his strength. During a threatened police raid, everyone ran away, but he could not keep up because he kept falling. He finally found others from his camp and

a truck picked them up and brought them to Malaysia. They were kept in another mountain camp. After one month his Maungdaw family paid an addition 600,000 mmk. So, after 4 months of captivity he was released on a main road. A Rohingya found him and brought him to UNHCR. For 2 months he recovered with other Rohingya. The Sri Lankan caretakers treated them bad. He is treated better and goes to school, now. He misses his mother and others at home and has no friends, relatives or anyone he can talk to. He feels bad that his family had to pay so much money for him.

The length of time spent in these Thai camps ranged from 4 days to 4 months before release. A few men's family's had no money to pay and they left the camps by escape or police-raid. One 20 year-old Rohingya man left Maungdaw because the strict movement restrictions caused him and his family severe economic and food insecurity. They could not pay his ransom from the Thai mountain forest camps. After 4 months of being beaten he escaped but was caught. In order not to return to the beatings and captivity he jumped to the ground from a second floor. He dislocated his elbow and severely injured both feet. He crawled to a road where he was rescued. In Kuala Lumpur, he received emergency UNHCR registration and he had surgery on his elbow. After 3 days, a Rohingya caretaker gave him taxi fare to stay with someone he knew, despite him not being able to walk and not knowing how to get to his follow-up medical care.

Most Rohingya suffered from severe malnutrition. The most striking was Beriberi, i.e. Thiamine/B1 Vitamin deficiency, including heart failure and encephalopathy induced psychosis and mild to severe Beriberi Polyneuropathic Paralysis. In Malaysia, even refugees with official UNHCR registration are subject to Malaysian immigration arrest, threatened arrest to extort money, theft and prolonged detention. Malaysian immigration checks and arrests have occurred in numerous Kuala Lumpur hospitals, creating another barrier to healthcare for these Rohingya survivors. Two Rohingya men described daily physical assaults and other physical and psychological abuse highly consistent with torture administered by immigration officers and guards while in Malaysia immigration detention.

Maungdaw Rohingya young men and teenagers reported being subject to military, border immigration and Myanmar Police Forces' forced labor before the June 2012 violence, including road, fence and monastery-construction, portering, farming at security forces' camps and sentry duty. Sentry duty is forced nighttime guard duty requiring the person to stay awake all night at a designated spot. One man and a teen were as young as 10 years of age when they were first used as forced labor. Since June 2012, more Rohingya interviewed were subject to increased frequency and violent forced labor by all 3 national security force branches.

Immediately post June 8 2012, in downtown Maungdaw many men and teens were taken off the street and used for forced labor, including Rakhine village housing-construction. Many Rohingya young men and teens were subject to forced labor at or near newly established or expanded military, MPF and BIF camps. A young Rohingya man was forced to work on road construction to the Maungdaw BIF headquarters 15-20 times. Another young Rohingya man and villagers were given excessively short time frames to finish

forced construction assignments. He and other villagers were whipped with a rubber stick or hit with stones as punishment for not meeting the deadlines.

Three young Rohingya interviewed had to sentry duty every night at 10 years old, every other night at 14 years old and every third night at 16 years old, respectively. All described military or BIFs beating and kicking them for falling asleep during sentry duty. The 16 year old saw military and border security forces stomp a 30 year-old fellow Rohingya man villager to death, who had been doing sentry duty in his Maungdaw south village.

Before and after the June 2012 violence, a teenager and other young Rohingya male villagers were subject to military and BIF forced "portering" which was just continuous walking in the forest from dawn to dusk for 1-2 weeks. The security forces frequently kicked them from behind causing many to fall. He saw one death and serious injuries from being kicked into trees, rocks and onto sticks. After June 2012, BIF forces made another young Rohingya man perform daily portering with the family boat. A drunk BIF captain attacked him with a knife, causing a large and deep forearm laceration, then forced him to repair the boat motor and drive to urban Maungdaw with an open bleeding wound. Once night on the boat he saw BIF forces beat an 18 year-old Rohingya religious student to death. His family's boat was their income source and, therefore they have suffered severe economic and food insecurity.

Many national security forces imposed forced meal provision upon Rohingya villages. Military forces set up camp in one Rohingya village's closed school. The village leader had 2 Rohingya families per day furnish the military forces' meals. One young Rohingya man's family furnished goat meat and he was punished for not furnishing beef. He was forced to hold a position with hands and toes on the ground, behind in the air as he was whipped in the behind and thigh with a cane 30 times.

In November 2013, successive Myanmar military battalion commanders have repeatedly asked for Pauk Taw Township's Nge Chaung IDP Camp Rohingya women to come to the military camp to do domestic work. No women ever went to the camp. Some Nge Chaung IDP men have gone and worked doing this domestic work but have never been paid. The men have gone to prevent their women from doing forced labor and being subject to further abuses at the military camp. Since January 2014, Captain Aung Myo Win has been the military battalion commander.

In early 2014, military soldiers from Myanmar Military Battalion #379 based in Peik Thay, Minbya Township took Muslims from Peik Thay Ywa Village and Peik Thay IDP camp for forced labor everyday and beat them. March 4, 2014, the Peik Thay Ywa village leader was beaten badly.

Since June 2012, national security forces have sharply increased the rapes of Rohingya women and older girls. Many Maungdaw Township Rohingya village women and older girls have been taken individually or in groups to the security force camps and either returned after rape in captivity or never returned. In one young Rohingya man's village,

military forces took over 20 Rohingya women to their camps, in groups of 2-3, and raped them in captivity then sent them back to the village several days later.

In January 2013, Sittwe Rohingya IDPs discovered about 20 young Rohingya women were being held against their will at the Myanmar Military Regimen 270 camp in the Pya Lay Chaung Village area, Western Sittwe Township. The women were from 5 Rakhine State areas including Maungdaw, Sittwe and Pauk Taw Townships. It was clear to the discoverers that the women were being held in sex slavery because the women were all distinctly beautiful, many were pregnant and yet said, "Our parents don't know where we are." Married women would have designated their husbands. They also said, "We want to be Muslim again." "If we continue to live like this we will go to hell". Three children, one was an about 8 year-old girl and two younger, unidentified gender, were with the captive women. It is unclear if they were related to any of the women. In June 2013, 2 of the women were seen. One was in late pregnancy and the other held a 1-2 months old child. They told the Rohingya discoverers that they were still at the regimen camp building but the other women were always moved around. No further information has been discovered about these women.

To summarize, numerous instances of Myanmar national security forces' exploitation of Rohingya have been directly mentioned in the above testimony. Most information gathered about border immigration forces direct involvement in Rohingya human trafficking was after July 2013, when NaSaKa was officially disbanded. The central Government's Myanmar Anti-Human Trafficking Unit in Maungdaw's direct involvement in Rohingya human trafficking follows the pattern of Government appeasement of international calls for protective action with covertly predatory corrupt action. Also, the Myanmar national security forces tight control on Rohingya lives through movement restrictions and constant money confiscation is the lens through which the constant, expansive and brutal control that this exploitation of Rohingya has been happening. This exploitation has included paid transportation to leave highly restricted Rakhine State and Myanmar without security forces or government officials' interference, destination deception, sold to and from Thai authorities and other agents, Myanmar security force participation in repatriation fraud, Rohingya held against their will, beaten and life threatened for ransom, inadequate nourishment causing severe disease, ease of large ransom sums paid to Rohingya in Rakhine State and agents in Malaysia and, within Myanmar, forced labor, forced sex slavery and child labor.

Therefore, in addition to the direct implications, it is highly reasonable to conclude that Myanmar national government security forces participation and awareness without interference in these large, systematic people and money transfer operations is highly consistent with past and current central government policies and national security force exploitation and persecution operations against Rohingya.

Thank you for allowing me to testify regarding this serious crisis of escalating exploitation of Rohingya.

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