

Testimony to the US Helsinki Commission

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Ten years after the passage of the Trafficking Victims Protection Act (TVPA), debate and action regarding modern slavery and human trafficking look strikingly different than they did then, when many of us were gathered here to support the passage of the United States government's first anti-trafficking law. In thinking back over the impact of the ten Trafficking in Persons (TIP) reports issued by the U.S. State Department, it is clear that the annual reporting process has played a major role in shaping efforts to combat slavery outside of the United States. I am pleased to accept the Commission's invitation to report on how the TIP report has informed Free the Slaves' initiatives and provide an assessment of how this resource could be improved.

Free the Slaves is a non-profit, non-partisan organization with the mission of ending slavery worldwide. Free the Slaves conducts social science-based research, works to eliminate slavery from product supply chains, educates the public about the existence of slavery, encourages governments to enact and enforce effective anti-slavery policies, and is engaged in constant on-the-ground liberation and reintegration of people in slavery in partnership with grassroots anti-slavery organizations. We work alongside local grassroots organizations in seven countries—Brazil, Democratic Republic of Congo, Ghana, Haiti, India, Nepal, and Uganda—in addition to our efforts in the United States.

Together, informed by our local partners and staff, Free the Slaves has observed benefits of the reporting process, which I will highlight through an example of successful law enforcement in Ghana, and an area for future enhancement, through an example of what is possible when international development assistance in Nepal is infused with what Free the Slaves calls the *slavery lens*.

What is working: Law enforcement emphasis with civil society partnership

We knew things were changing in Ghana when the death threats began. Luckily, it is not a regular occurrence to receive a phone call to report that credible threats had been issued to kill members of my staff and the staff of our locally-based partner organizations – but with a mission like ending slavery, it is something I need to expect and for which we as an organization must be prepared. This is true not least because every time we and others in the anti-slavery movement succeed, criminals lose power and money. Their vengeance was a true and frightening indication that Ghana's trafficking law, and the pressure to enforce that law, were having an impact. In this case, as in every case where the rule of law supports anti-slavery efforts, the impact was felt as strongly by the slaveholders as it was by the two young boys who were freed.

Two brothers, aged 6 and 8, were enslaved along Lake Volta in Ghana by a woman named Comfort Sam. They were forced to work in the fishing industry, spending long days working on fishing boats, and sometimes forced to dive deep into the water to untangle the fisherman's nets or extract fish with their bare hands. According to their testimony at the trial, the children said that they sometimes worked for more than 12 hours without food and were forced to work even when they were sick. They were severely beaten and insulted at the slightest mistake. The boys, like other children who work along Lake Volta, lived in constant fear that they would drown, and that their small bodies would become entangled in the nets and trapped underwater.

Our local Ghanaian partner, Challenging Heights, uncovered the boys' enslavement and demanded that they be let free. This technique of moral suasion works in many cases along the lake, where field workers have been able to convince slaveholders to allow enslaved children to go free, or work with the local community to place pressure on slaveholders until they relent. Once aware of this problem, and with the help of the field workers, the community sees to it that slavery is not allowed. But in this case, Comfort Sam and her husband Sammy would not budge. Sammy demanded a payment in exchange for letting the children go free, but Free the Slaves and our partners never pay slaveholders to free slaves.

The field workers continued to the next step in their regular procedure when slaveholders do not willingly release people in slavery—they reported the case to the police and asked for their involvement. The police, in turn, demanded that the slaveholders report to the police station with the two children. Instead, that night Sammy took the boys to a town a fair distance away and dumped them, alone, on the street. The next day, a Good Samaritan from that community contacted a field worker from our partner organization to alert him to the children's location. This worker took the children to receive medical assistance, then to the police to give their statement, and then to a child slavery rehabilitation center. Three years after being enslaved, they were free.

Shortly after, Comfort Sam was arrested. That is when the death threats began against Free the Slaves' West Africa Director and the Director of our partner organization, James Kofi Annan. Often, such verbal threats are made in the heated moment when Free the Slaves and our partners are directly confronting slaveholders. This was the first time for our team in Ghana that credible and continuous threats were made at individuals' homes. We addressed the safety issues as much as possible as they continued their work, and I am pleased to report that they and their families are safe today. So are the children, who were rehabilitated at the shelter and are now back home safely with their mother, attending school, happy to be home and looking forward to their futures.

Comfort Sam was convicted under Ghana's Human Trafficking Act that was passed in 2005, and was sentenced to nine years in prison. This was the first conviction of trafficking in the fishing industry of Ghana. There were a number of factors that led up to her arrest and eventual conviction, not least of which were the many months of community sensitization work that Free the Slaves' partner undertook in Comfort Sam's

and surrounding villages. Through this work, the Good Samaritan knew that these were trafficked children and they knew whom to contact. The slaveholders knew that they would be held accountable for their actions and that justice would be served, evidenced by the fact that Comfort Sam and her husband feared police involvement enough to try to rid themselves of the children, thus losing their slaves. Apparently, the fact that our partner anti-slavery workers helped to raise this awareness was also understood by those who threatened their lives, as they tried to dissuade anti-slavery workers from continuing to expose slaveholders to potential legal action. Criminal slaveholders in Ghana are beginning to know they will be prosecuted for this crime. This is where the value of the U.S. State Department's emphasis on national anti-trafficking laws and prosecution is most evident and, to date, has been most valuable.

The case of Comfort Sam is an illustration of a successful partnership between civil society and law enforcement. Indeed, law enforcement would not have secured this trafficker behind bars if it were not for the efforts of a civil society organization. Likewise, the children would not have been freed without the threat of law enforcement action. The conviction of Comfort Sam is a warning for people in the fishing industry around Lake Volta, where there were clear and grave consequences for enslaving children.

Looking to the future: Next enhancements to address needs for funding and influence

Two of the most common criticisms of the TIP reporting process and related diplomacy that I will raise today may, in fact, direct our attention to ways in which to maximize the value of the report itself. These criticisms are also challenges faced by the entire anti-slavery movement and shape the context into which the annual TIP report is delivered: the critical truth that there is not enough funding and not enough influence in our battle to end slavery.

There is a reasonable argument that many of the governments that need drastic improvements and are thus rated accordingly are also the same governments that require more funding and technical assistance in order to make the improvements. Some argue that absent this additional assistance for governments that have demonstrated effort at change yet persist with a low tier rating, more of the governments' energy will be spent on presenting a better case to the U.S. government or arguing for a better tier rating rather than on improving their anti-slavery efforts. Regardless of one's position on this particular issue, we all agree that more funding is required for anti-slavery efforts globally, and we all understand the challenges in increasing funding for what can be perceived as yet another humanitarian crisis worthy of more support.

Even if funding were not an obstacle, there remains the serious challenge of not enough influence in some of the areas of the world with the highest incidences of slavery. How can the United States government and other governments have an impact in countries

with high incidences of slavery where diplomacy is not effective, or is not working quickly enough? How to effect change within countries that have consistently remained on Tier 3 and consistently have not improved, or within countries that simply are not responsive to U.S. pressure?

There are no easy answers, but the U.S. government has already taken the lead in one possible way forward that could help address both challenges. Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act includes a mandate to incorporate a slavery lens throughout U.S. international assistance programs in order to ensure that assistance programs do not run counter to US anti-trafficking policy. If you are unfamiliar with the slavery lens recall the profound and positive impact on international development when the “gender lens” was implemented in the 1980’s. It is simply adding the perspective of the enslaved to our common work in human rights and development, and seeing through that lens how enslavement, gender inequalities, economic deprivation, social injustice, conflict, and environmental degradation are all inextricably linked and mutually reinforcing.

Implementing the slavery lens means making existing international development programs better targeted and more effective by taking into account human trafficking and slavery concerns. Through this provision, Congress has made it so that international development efforts can be that much more successful and sustainable by incorporating an awareness of slavery into the fabric of international development programs. At best, international development funds with the slavery lens do “double duty” when they are able to bring about anti-slavery outcomes at the same time as they achieve their other missions of anti-poverty, anti-corruption or democracy-building. At the very least, development dollars with the slavery lens can prevent funds from inadvertently being used in ways that cause more people to fall into slavery.

Sadly, this is indeed happening today. For example, in the last week alone, our Nepal Director reported a situation in which several members of a community group had used a loan from a community program, funded through an international assistance grant (not from U.S. sources), to go overseas following dubious job offers which were actually a human trafficking scheme. The intention of this well-meaning community loan project was to increase the economic opportunities for the villagers, but because it was not accompanied by anti-trafficking training, villagers unwittingly used the aid to put themselves in a vulnerable situation that led to enslavement—quite the opposite of the intended outcome. The people who generously made the loan project possible through their donation learned that instead of increasing community members’ incomes, their hard-earned dollars ultimately served to increase the profits of human traffickers. What is more, it had the sickening result of enslaving human beings, a situation that will now require more law enforcement, social services and economic empowerment funding to rectify.

In contrast, Free the Slaves tested the implementation of the slavery lens in Nepal, where we have been working through local anti-trafficking organizations since 2005. There, we focus especially on eradication of child domestic slavery and trafficking into Indian

circuses, as well as sex trafficking of women and girls and agricultural debt bonded slavery. On the basis of this proven track record, Free the Slaves approached and is now partnering with the World Bank-funded Poverty Alleviation Fund in Nepal as well as the U.K. government's Livelihoods and Forestry Program to implement the slavery lens throughout their large environmental and anti-poverty programs. Together, we are ensuring that all relevant staff become aware of and responsive to hidden forms of slavery already existing in communities where they work and to make Slavery Analysis mandatory for the planning, design, implementation and evaluation processes for programs so that slavery is not inadvertently exacerbated and individuals and communities become less vulnerable to slavery. These efforts plan to reach 600,000 households in Nepal that are vulnerable to slavery and trafficking—with minimal additional costs to the core programs. Free the Slaves is beginning to work with USAID in a similar way to implement the 2008 TVPRA slavery lens mandate.

Other donor governments, many of them OSCE states, could join the United States and the United Kingdom in implementing the slavery lens, thus helping to harness the global reach and resources of international development aid for anti-trafficking results. If only the world's top four donor countries, all them OSCE states, were to do so throughout all their assistance programs, it would affect more than \$50 billion dollars in aid per year.

It is obvious that enabling development funds to also have anti-slavery impact helps address the funding challenge the anti-slavery movement is facing. It was less obvious, but just as gratifying, when we learned that implementing the slavery lens in development programs also makes anti-poverty assistance more effective. While Free the Slaves has been working with communities in seven countries to move through the process of ending slavery and trafficking, using the communities' own conscious decisions and strategies, we have witnessed remarkable gains made by those communities in the wider efforts against poverty and other forms of exploitation and discrimination that would be the envy of many development programs. We have called these extra benefits the *Freedom Dividend*.

Some of the benefits are directly quantifiable when people are helped to sustainable freedom, such as a family being freed from slavery and then overnight becoming, for the first time in their lives, economic actors in their village. They are getting paid for their work and have money to spend. It really is that simple. Instead of eating one poor meal a day through the slaveholder, the family is buying food for two or even three meals a day. They are buying schoolbooks for their children. And they are buying these things from local shop owners, who see an increase in their own incomes. Productivity, earnings, and economic activity spiral upwards. Ironically, in some communities in high-incidence countries, the *slaveholders* actually earn more money after their slaves are freed, because the slaveholders own the local shops where the former slaves are spending their new incomes.

Other Freedom Dividend benefits are more difficult to quantify but are nonetheless also sought-after outcomes for international assistance programs. As community members organize together to address the root causes of slavery, we have witnessed parents

successfully demanding proper school attendance by teachers and fair treatment of all children; women taking action to protect themselves from domestic violence; groups of poor people who have accumulated savings being treated as customers by the same banks that used to neglect them; visiting health workers being assigned to villages that never had access to preventive health care; local elections that threw out those who treated public office as a personal fiefdom. In sum, we have learned that organizing against slavery is a potent tool for effective mainstream development.

However, what may be even more critical to the anti-slavery movement is the access and influence it brings, precisely in regions with high incidences of slavery. Often slavery is taking place at a great distance from the formal economy and from the centers of power and government. It thrives in places where law enforcement and basic government services are almost insignificant, or where they are desperately corrupted. In such places, their country's tier rating is of little consequence at the farm field, the mine or the brothel where the slavery is occurring.

Often the only outside presence with the resources and potential to bring positive change are groups funded through international development agencies, many of them associated with or funded by national governments. For all the agencies' limitations, their reach is virtually unparalleled. The role of international aid and its reach is one reason why Free the Slaves has committed itself to ensuring that the issue of slavery permeates the thinking and practical programs of these institutions. Yet many of the agencies involved are not yet at the point where they are equipped to understand the operation of trafficking and slavery in the very communities where they are investing. It is a tragic missed opportunity – and perhaps even more alarming, it puts these agencies at risk of further entrenching the systems of slavery and unequal power relations that may have been present for generations.

The mandate of the State Department is to rank countries based on the extent of government action to combat trafficking according to minimum standards defined by Congress. In future years, Congress should consider whether there should be a minimum standard or other incentive for donor countries to mandate that a 'slavery lens' be implemented throughout their international assistance programs, both to prevent unintended consequences as well as to leverage additional resources for anti-slavery aims, without adverse effects to development programs. The U.S. government has taken that step, and Free the Slaves believes other donor governments should be similarly responsible.

Free the Slaves aims to see, within our lifetimes, the eradication of major systems of slavery that imprison the lives of approximately 27 million people in endless, unpaid labor, under threat of violence. Yet, realistically, looking at the very limited scale of governmental and voluntary initiatives that focus directly on trafficking – and especially at the scarcity of programs targeted at root causes--it is clear that global efforts against slavery need to be scaled up, urgently, if they are to have any meaningful effect against slavery in future decades. Free the Slaves hopes to see continued forward progress of the TIP reporting process regarding the countries where it wields action-inducing influence.

Where it does not, Free the Slaves hopes to see Congress enact additional minimum standards or other incentives that help achieve more influence, resources and impact where they are most needed.