

FINAL Remarks for OSCE Hearing
October 11, 2007 at 10am, Rayburn Rm. 2226

Chairman Hastings and members of the Helsinki Commission:

Thank you for the opportunity to personally discuss with you the State Department's efforts to combat human trafficking for forced labor purposes. I am pleased to appear this morning with my esteemed colleague Deputy Undersecretary of Labor for International Affairs, Charlotte Ponticelli, and Acting Director for U.S. Immigration and Customs Enforcement, Michael Feinberg, as well as, partners in our anti-trafficking efforts, Ms. Eva Biaudet, Mr. Roger Plant and Mr. Kevin Bales.

Crucial among the ten principles guiding relations between participating OSCE nations is a commitment to "respect human rights and fundamental freedoms." The strength of this commitment is expressed in the combined efforts of the United States and other OSCE states to protect victims from trafficking, a violation against basic human dignity that is the modern-day equivalent of slavery.

As the Department of State continues to increase attention on slave labor in addition to the dehumanization of sex trafficking, I appreciate the commission's hearing this morning on this important issue. The 2007 Trafficking in Persons Report sheds new light on the alarming trafficking of people for forced labor purposes.

Forced labor is a form of human trafficking that can be harder to identify and estimate than sex trafficking. For this reason, too often the victims go unnoticed. Every day, all over the world, people are coerced into bonded labor, exploited in domestic servitude, and enslaved in agricultural work and in factories. They are victimized by unscrupulous employers who take advantage of vulnerabilities, especially among immigrants, young women and children.

Each year as we add to our knowledge of the trafficking phenomenon we are better able to locate, rescue and assist these victims. This year we noted several disturbing global trends which speak directly to the plight of labor trafficking victims.

The first is the use of debt as a tool of coercion. In labor as well as sexual exploitation, illegal or illegitimate debt is increasingly used to keep people in servitude. This debt is employed by traffickers as an instrument of coercion, especially among migrant laborers. Migrant laborers from developing countries are often legally contracted by labor agencies or respond to ads to perform low-skilled work in developed countries. For this "privilege" they are required to make a steep payment up front for the services of the labor agency arranging the job or as a finder's fee that goes straight to the future employer. What follows is a terrifying set of circumstances in which unfair debt captures an indebted worker.

For example, a contract labor agency in Bangladesh advertised work at a garment factory in Jordan. The ad promised a three-year contract, \$425 per month, eight hour

workdays, six days a week, paid overtime, free accommodations, free medical care, free food, and no advance fees. Instead, upon arrival, workers (who were obliged to pay exorbitant advance fees) had passports confiscated, were confined to miserable conditions, and were prevented from leaving the factory. Months passed without pay, food was inadequate, and sick workers were tortured. Because most workers had borrowed money at inflated rates to get the contracts, they were obliged through debt to stay.

The sad truth is that we find workers across the globe holding on to the thin hope that they will eventually get paid, or that conditions will improve, because if they leave, there is no hope that they will be able to repay the debt. Last year, press reports indicated that in Poland, announcements in local newspapers lured workers to Italy for seasonal jobs picking fruit and vegetables. They were promised an hourly wage of up to \$7.50, only after paying a finder's fee and travel costs. Once in Italy the reality was much different. Nearly 100 Polish workers were forced to live in barracks with no sanitation or running water, fed only bread and water and were paid just \$1.25 an hour. With these meager wages, they were unable to pay the room and board and were pushed into debt. Attempts to resist were met with severe beatings and torture.

Debt bondage is criminalized under U.S. law and included as a form of exploitation related to trafficking in the United Nations Protocol To Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol). As noted in our annual report, major source countries must do a better job of protecting their citizens against this exploitation. They can do so by limiting pre-departure fees to reasonable levels and negotiating formal labor agreements with destination countries to secure their citizen's rights while working abroad. Destination countries should be active in making foreign workers aware of their rights, in assisting workers to exercise those rights, and in criminally prosecuting traffickers.

Private homes are another sphere which often escapes the law. In many countries around the world homes become prisons of involuntary servitude for domestic workers. Most are cut off from outside social contact. They work long hours, seven days a week for little or no pay with no guarantee of even food or an adequate place to sleep. These workers are particularly difficult to identify because their suffering is not witnessed by anyone outside the employer's family. They become trapped when they believe an attempted escape would result in physical harm to them or their families, or when their employers deceive them into believing escape would result in deportation or incarceration by local law enforcement.

A young west African woman I'll call Maggie for her anonymity went to the United Kingdom with her employers. She looked after their children every day until late in the evening. However, she was paid no wages. Her earnings as a cleaner were also confiscated by her employer. Her employers claimed she owed them for her airfare. But she couldn't just run away. She was trapped because her employers refused to return her passport unless she paid them 4,000 pounds (\$8,000).

Confiscation of travel documents including passports, identification and airline tickets is a form of coercion used to gain and exercise control over a victim. Without these documents, foreign workers are trapped, vulnerable to arrest, punishment, and deportation. U.S. federal law makes it illegal to seize documents in order to force others to work and foreign governments are encouraged to criminalize this form of coercion as well.

Prosecution is an important prong in our assessment of a country's anti-trafficking efforts. The vehicle for successful prosecution is through strong national anti-trafficking laws that cover both sex and labor trafficking. As we've seen, trafficking can take many forms, and all cases, whether for sexual exploitation or forced labor, should receive equal attention and stringent punishment by governments. Since 2000, the Trafficking Victims Protection Act (TVPA) has amended federal law to assign equally tough penalties for trafficking for sexual exploitation and trafficking for forced labor. Though many other governments have enacted criminal anti-trafficking laws, they often are limited to sexual exploitation and fail to punish trafficking for forced labor- including recruitment or transferring victims, use of fraudulent employment terms, and physical and psychological coercion- with equally tough criminal penalties.

Punishments resulting in fines and administrative sanctions by a country's Ministry of Labor, which may be sufficient for less serious labor violations, are not sufficiently stringent to deter the serious crime of human trafficking for forced labor. Governments can adequately address the serious crime of trafficking for labor exploitation only by assigning tough criminal penalties to its perpetrators.

As the head of the State Department's Office to Monitor and Combat Trafficking in Person, I have seen firsthand in my travels the need to actively abolish this form of trade in people and I have seen the powerful impact when governments, NGO's, and individuals stand up to meet this need. No laborer, migrant, woman, man, child deserves to be shackled by debt, chicanery, and intimidation by fellow members of humankind. At the heart of the U.S. government's victim-centered approach to ending human trafficking is a commitment to human dignity—a desire not only to rescue people, but restore their dignity. The OSCE and its Coordinator for Combating Trafficking in Human Beings, Eva Biaudet, play a key role, and are to be recognized for their committed effort, in the fight against human trafficking. The OSCE, the UN Office on Drugs and Crime, the International Labor Organization, and the International Organization of Migration are among those collective efforts from Vancouver to Vladivostok addressing slave labor.

Thank you again for this opportunity to testify before this Commission and for its support in the global struggle to abolish modern day slavery. Steps to mitigate, regulate, unionize aren't enough. Abolition is the goal. I look forward to answering any questions you may have.