

*Statement of*  
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*Before the*

**House Foreign Affairs Committee**  
**Subcommittee on Africa, Global Health, and Human Rights**

**October 27, 2011**

Thank you Mr. Chairman, Congressman Payne, and all the members of this committee for the opportunity to testify today. As Congress continues to deliberate this year's reauthorization of the Trafficking Victims Protection Act, hearings such as this one are helpful opportunities to discuss the global fight against human trafficking, and in particular one of our government's most important tools in moving that fight forward, the annual *Trafficking in Persons Report*.

The *TIP Report* assesses government action around the world against trafficking in persons—that is, all of the activities involved in reducing someone to, or holding them in, a condition of compelled service. The core of this *Report* is the set of Congressionally-established minimum standards set forth in the TVPA. These standards reflect the definitions and framework to combat trafficking in persons outlined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, known also as the Palermo Protocol.

Following Congress's mandate, the Department of State ranks governments around the world according to these standards and determines a tier ranking based on a government's progress in meeting those standards. The *Report* comprises those rankings as well as individual country narratives that further explain both the TIP situation on the ground and governmental efforts according to the criteria laid out by Congress. The methodology is sound and transparent—the facts are applied to the law. Any country, whether in Asia or elsewhere, that wants to test this methodology need only assess their efforts against these minimum standards.

Thorough and honest assessments are the benchmark of the *TIP Report*. Our narratives take into account information from civil society groups, foreign governments, and our own State Department reporting officers who conduct on-

the-ground research throughout the year. The review process involves numerous DOS offices so that the final product represents a Department-wide consensus on how well various governments are handling this problem. Beginning last year, a United States country ranking was also included in the *Report*, because, as Secretary Clinton has said, we should hold ourselves to the same standards as we hold everyone else. Accurate reporting is essential to the effectiveness of the *TIP Report* as a diplomatic tool, and indeed governments repeatedly cite it as a factor prompting stronger action in response to modern slavery. Sometimes that happens in public—more often in private. And sometimes a government that criticizes the *Report* and even perhaps mobilizes others against it quietly takes steps to work with us to begin meeting these standards.

What the Report tells us is that no country is immune to this scourge, and that no government is doing a perfect job combating it. The two regions we are addressing today—East Asia and the Pacific, and South and Central Asia—are hit particularly hard by this crime. I'm pleased to be joined today by Assistant Secretary Robert Blake, who leads the Department's South and Central Asian Affairs Bureau, and Joseph Yun, Deputy Assistant Secretary in the Bureau of East Asian and Pacific Affairs. We always say the fight against modern slavery takes political will, and Bob Blake and EAP Assistant Secretary Kurt Campbell are showing that both individually and within their chains of command. My colleagues will discuss in greater detail the progress in these areas and what governments are doing about it, but I'd like to highlight a few of the problems in trends that were discussed in the 2011 *TIP Report* and continue to be areas of concern.

- Sex trafficking of women and children has not abated and may in fact be increasing in places such as India. Additionally, our findings continue to show that it is local populations, more than Western “sex tourists,” that fuel the demand for sex trafficking, and law enforcement needs to address both sectors for prevention to be truly successful. Widening gender gaps in China and India are fueling the demand for young girls as forced brides or for commercial sexual exploitation.
- We know that around the world, forced labor is highly prevalent among migrant populations, and that Asia has the world’s largest share of labor migration. Migrants from both the East Asia and Pacific and South and Central Asia regions are subjected to forced labor in recognized destination countries such as Malaysia, Singapore, and the Persian Gulf. More troubling still, much of this abuse takes place under the guise of legal, contractual and temporary work.

- In recent months, concerns over forced labor on fishing fleets have garnered increased attention. Our own research suggests that this is a problem with massive geographic scope, spanning fisheries from Indonesia to New Zealand. And Asian boats are ranging from the Cape of Good Hope to Central America.
- The enslavement of domestic workers from South and East Asia is a significant problem, whether Sri Lankans abused in the Gulf or Indonesians exploited in Malaysia. The International Labor Organization's (ILO) new Convention on Domestic Workers aims at addressing the unique vulnerabilities of this group; we hope that the increased attention on this challenge will lead to governments addressing the needs for justice and services for these victims.
- Definitional confusion among governments in the EAP and SCA regions continues to lead to the conflation of people smuggling and human trafficking. This lack of clarity hinders efforts to find and help victims. When it comes to trafficking, we continue to urge destination governments to shift their focus away from the legality of a migrant. As we know, modern slavery need not involve movement or cross borders.
- Additionally, we continue to push governments to acknowledge that human trafficking is a crime that can involve sex and labor. For instance, the definition of trafficking in the 2005 South Asia Association for Regional Cooperation (SAARC) Convention is not consistent with how the term is defined and addressed in many other prominent international instruments on trafficking in persons from groups such as the Council of Europe and the Organization of American States, and with the primary international treaty on trafficking, the Palermo Protocol. The Convention continues to focus on the concept of trafficking as the movement of women and children for prostitution and fails to address the trafficking of adults or forced labor. We hope that as the region's leaders gather for the SAARC Summit in Male in November, they will work toward bringing the region's conceptual notion of trafficking into conformity with the UN and other regional frameworks.
- We continue to advocate for comprehensive victim care, rather than the “Detain and Deport” model that we too often see in these regions. Protection should not mean inappropriate confinement for victims preparatory to deportation. Indeed, they need to be empowered through the opportunity for economic self-sustainability as well as aftercare and alternatives to deportation.

- We encourage governments of sending and receiving states to explicitly address modern slavery in labor-related memoranda of understanding (MOUs) and to enforce those provisions in an open and transparent manner.

My staff and I, collaborating closely with regional bureaus, will continue to engage governments in these regions in order to bring these issues to their attention, and we will urge them to take positive action in advance of next year's *TIP Report*.

In addition to the country narratives, the *TIP Report* includes an introduction that provides a conceptual framework to the struggle against modern slavery. In this year's *Report*, we show that the first 10 years of the modern anti-trafficking movement have been a decade of development: in countries all over the world, legal structures have been enacted and protection mechanisms have been put in place. However, the number of successful prosecutions seems to have leveled off, services for survivors continue to be inadequate, and victim identification remains a challenge. That's why the 2011 *TIP Report* described the need for a "decade of delivery," in which governments must be held accountable for delivering on the promises made in recent years. Because structures and results are not the same thing.

The difference between the passage of a law and the effective implementation of a law is political will. We have seen political will succeed. We have seen it in the Philippines, where the Aquino Administration is prioritizing trafficking cases in the court system and pushing through the backlog, delivering on a set of processes and promises that had been moribund at best. We have seen it in other regions; the Association of Southeast Asian Nations (ASEAN) this summer invited Nigerian prosecutors to come to Singapore and share the secrets of their success, providing a unique opportunity for ASEAN members to learn from an African country.

But the reality is that there are places where that political will is weak or nonexistent, and there, victims are most at risk. As the *Report* shows, some governments merely go through the motions when it comes to fighting modern slavery, and some governments don't do anything at all. A key source of hope for victims and survivors is the work of civil society—non-governmental organizations, international organizations, the faith community, and advocacy groups.

These organizations are made up of people working every day to make the decade of delivery a reality despite the fact that many governments are doing little or nothing at all. These groups are running shelters on dollars a day. They are

freeing victims from the most horrific abuse imaginable. They are the women and men on the front line of this fight. But as is often the case in places where poverty and corruption hinder the good intentions of committed people, a lack of resources and capacity are insurmountable roadblocks to those seeking to save victims from exploitation and bring their traffickers to justice.

In addition to our robust diplomatic efforts, this is another area where the Trafficking in Persons Office is making a difference, though our International Programs foreign assistance funds. In the last two years, my office received 998 applications for assistance from 546 organizations requesting a total of \$547 million. We know that it will never be possible to give every organization the help they want. And we know that we have a responsibility to be responsible custodians of taxpayer dollars. That's why our office has implemented a rigorous and transparent review process to ensure that every cent of our foreign assistance appropriation is spent responsibly and is put to the use where it will do the most good.

To answer the requests for \$547 million which we received through funding applications—the vast majority of which described projects of tremendous merit—our office administered a foreign assistance budget for the last two years of \$39.1 million. Based on an estimate that there are up to 27 million victims of trafficking worldwide, that funding total provides a little more than 72 cents per victim per year. This year's solicitation is out, and we hope to receive innovative and impactful proposals.

The country-specific tier rankings and diagnostic assessments included in the *TIP Report* help us determine where we should be allocating these funds. To maximize the impact of our efforts, we identify priority countries for programming. We generally target our foreign assistance to Tier 3, Tier 2 Watch List, and, in some cases, Tier 2 countries. This linkage demonstrates that the *Report* isn't just an exercise in finger-pointing at countries that aren't doing a good job, but is an important tool for determining where our foreign assistance dollars can be used most effectively.

These are not places where a wealth of resources is available to fight human trafficking. If we were to suddenly pull the plug on the projects we support, there wouldn't be another organization waiting in the wings to take over the provision of victim services. There wouldn't be another source of funding to keep training prosecutors and police officers. In many countries, if the little funding we are able

to give were to disappear, those programs would simply cease to exist. In those places, there would be no place for victims and survivors to go.

It was four months ago today that we released the 2011 *TIP Report* and that Secretary Clinton called for a decade of delivery. If the Trafficking in Persons Office is no longer able to stand with those organizations making a difference on the ground, the decade of delivery is already in danger of failing. If the anti-trafficking movement loses the fight in Washington, in the halls of Congress, we could lose that fight everywhere else as well.

We cannot balance the budget on the backs of trafficking victims. If we try to do so, from some misplaced sense of proportion with across-the-board cuts to an already tiny budget, we put at risk all the progress made over the last decade.

This crime continues to present a monumental challenge. But there's still much reason for hope. We want the 2012 *Trafficking in Persons Report* to be a report about more and more success stories. We want it to tell about governments living up to their responsibilities. We want it to describe effective partnerships with robust civil society. We want this *Report* to show the struggle against modern slavery moving in the right direction. Because this *Report* is not merely a reflection of what foreign governments are doing to combat this heinous crime. It is a reflection of American leadership around the world.

Human trafficking is a threat to our security and an offense to our most important values. But more importantly, as Secretary Clinton has said, "fighting slavery is part of who we are as a nation." We have a responsibility to act against this crime. We must not—will not—shrink from that responsibility.

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

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