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ACCOUNTABILITY AND TRANSFORMATION: TIER RANKINGS IN THE FIGHT AGAINST HUMAN TRAFFICKING

HEARING

BEFORE THE

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

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

APRIL 22, 2015

Serial No. 114–64

Printed for the use of the Committee on Foreign Affairs

Available via the World Wide Web: http://www.foreignaffairs.house.gov/ or http://www.gpo.gov/fdsys/

U.S. GOVERNMENT PUBLISHING OFFICE

94–307PDF WASHINGTON : 2015

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
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ACCOUNTABILITY AND TRANSFORMATION: TIER RANKINGS IN THE FIGHT AGAINST HUMAN TRAFFICKING

WEDNESDAY, APRIL 22, 2015

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 2:41 p.m., in room 2200 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH OF NEW JERSEY. The subcommittee will come to order, and welcome. First of all, let me apologize to all of you, our witnesses and our guests. We did have a series of votes that went a little bit longer than what we thought so, again, I want to apologize for convening this more than an hour late.

Welcome to today's hearing on the importance of accountability in the annual Trafficking in Persons Report, the State Department's biggest opportunity of the year to prod countries to fight human trafficking with greater effect, greater efficiency, and greater effort.

There are some 20-plus million people around the globe who live in sex or labor slavery today. When one hears such a figure, over 20 million people, one's eyes begin to glaze over as a number of such magnitude becomes an abstraction. There is a cynical saying attributed to Soviet dictator Joseph Stalin that "The death of one man is a tragedy. The death of millions is a statistic." Stalin knew that many would shrug their shoulders and avert their gaze.

But we must never allow such cynicism to obscure the fact that each of those 20 million persons is a human being with inherent God-given dignity. Each one is a child that suffers from beatings and abuse, a woman raped, or a man who labors in the field as a slave, all for the commercial gain of others.

The annual Trafficking in Persons Report required by the landmark Trafficking Victims Protection Act of 2000, legislation which I authored, ensures that countries making anti-trafficking efforts a priority are praised and supported, while countries that ignore the cries of the enslaved are justly shamed and considered for sanctions.

The success of the TIP Report and rankings is beyond anything we could have hoped for. From presidential suites and the halls of

Parliaments to police stations in remote corners of the world, this report focuses anti-trafficking work in 187 countries on the pivotal principles of prevention of trafficking, prosecution of the traffickers, and protection of the victims.

Each year the trafficking office at the Department of State evaluates whether a government of a country is fully compliant with the minimum standards for the elimination of human trafficking prescribed by the TVPA 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 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, and indeed, may be subject to sanctions.

Over the last 14 years more 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 for their increased and effective anti-trafficking response—kind of look at it as a mirror and look to us for examples of how to do even better.

Last year, for example, I was invited by the speaker of Peru's unicameral Congress to address legislators on how to protect victims of trafficking, meeting also with prosecutors, members of the multi-agency task force, victims and those who provide for the victims.

The Tier 2 Watch List was created in the 2003 TVPA authorization, which I also authored, to encourage good-faith anti-trafficking progress in a country that may have taken positive anti-trafficking steps late in the year. Unfortunately, some countries made a habit of a last-minute effort and failed to follow through year after year, effectively gaming the system.

To protect the integrity of the tier system and to ensure that it worked properly to ensure progress, Congress in 2008 created an automatic downgrade for any country that had been on the Tier 2 Watch List for 2 years but had not taken significant efforts 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 that if implemented, would constitute significant efforts to meet the minimum standards. In 2013, the first test of the new system, China, Russia, and Uzbekistan ran out of waivers and moved to Tier 3, which accurately reflected their records.

In 2014 reporting cycle, only Thailand and Malaysia were auto-downgraded out of six countries. Russia and Uzbekistan retained their Tier 3 downgrades from the previous year, but China was upgraded from Tier 3 to the Tier 2 Watch List which I consider to be a very big mistake.

I am very concerned that China fooled the State Department, which seemed to believe that China was abolishing its reeducation through labor camps, rather than simply renaming the camps and continuing the practice. The Congressional-Executive Commission on China reported that in 2013, Chinese authorities increasingly used other forms—their word—of arbitrary and administrative de-

tention such as legal education centers, custody and education centers, black jails, and compulsory drug detoxification centers.

Moreover, the Commission reported that in 2014 the Deputy Director of China's Ministry of Justice said at a press conference that "The vast majority of China's reeducation through labor facilities have been converted to compulsory drug detox centers." The China Commission believes that these compulsory drug detox centers force detainees to do labor and do the custody and education as do those other centers.

If true and I believe it is, then the Chinese Government is directly involved in human trafficking and profiting from it. The Chinese Government also continues, through its one-child birth limitation policy, to absolutely decimate the female population, creating a vacuum for sex and bride trafficking in China, as males confronted with a sentence of lifetime bachelorhood obtain or seek to obtain a mate.

Despite a much-ballyhooed November 2013 government announcement of a relaxation of the one-child policy that affects only a small subset of the population, this fig leaf will not do enough to correct the gender imbalance in China, the missing daughters as we so often call them.

Last summer a local official at the Mid-Year Family Planning Work Meeting in a municipality noted that "The intensity of family planning work has not diminished," and of course that includes coercive abortion and coercive sterilization.

The U.N. Committee on Economic, Social and Cultural Rights, following its May 2014 review of China, noted that it was "Seriously concerned about reported instances of use of coercive measures, including forced abortion and forced sterilization, with a view to limiting births." Of course this is absolutely unacceptable and a gross violation of women's rights.

Approximately 40 million women—and some put it far, far higher—girls and women are missing from the population and China's birth limitation policy continues to increase that number making China a regional and maybe even a world, but certainly a regional, magnet for sex and bride trafficking of women from neighboring countries such as Burma, Cambodia, Vietnam, Laos, and North Korea.

Indeed, an estimated 90 percent of North Korean women seeking asylum in China are trafficked as brides and yet China does not take responsibility for the government-made disaster and provide these women with aid. Rather, China denies the women refugee status, sends them back to punishment in North Korea, sometimes execution. Yet we gave China a pass last year turning our backs on these suffering women, and that really is objectionable.

But Asia is not the only place where there are victims of trafficking. This afternoon's hearing will also look at three African countries that must be automatically downgraded unless they significantly improve efforts to fight human trafficking in 2014—Burundi, Comoros, and Angola. The shared tragedy of these countries is that their children are being trafficked. Chinese nationals in Angola, for example, exploit the Angolan children in construction, rice farming, and brick making. In Comoros, poor families place their children with wealthy relatives who then exploit them in domestic

servitude. Similarly, in Burundi, family members sometimes profit from the prostitution of children with tourists, or according to the State Department, teachers, police officers, gendarme, military, and prison officials.

In 2013 as an automatic downgrade loomed, the President of Comoros finally admitted his country had a serious trafficking issues and the National Assembly changed its penal code. Angola and Burundi have also amended their penal codes while on the Watch List. Aggressive implementation of these anti-trafficking laws would keep people off Tier 3, as well as protect children from trafficking. And I very earnestly hope implementation has been a priority.

The southeast Asia region continues to struggle with particularly acute and entrenched human trafficking. Thailand and Malaysia were downgraded to Tier 3 last year. Burma must receive a Presidential waiver this year to avoid Tier 3.

One of the key drivers of intense human trafficking in the region is the vulnerability and desperation of the Muslim minority Rohingya people. Squalid living conditions in displacement camps, discrimination, child limitation, and violence are pushing the Rohingya out of the Buddhist-dominated Burma into the hands of human traffickers who claim to have jobs for them in Muslim-majority Malaysia. However, according to reports, including some by Reuters last year, many Rohingya never made it to Malaysia, instead ended up in tropical gulags in the jungles of Thailand, where they were held for ransom. Many die from abuse and disease. Those who cannot pay the ransom are sold into sex slavery or forced labor, often in the fishing industry. Thai General Prayut Chan-o-cha has vowed to crack down on many of the Thai authorities involved and to bring an end to the practice.

While we have seen an impressive number and variety of anti-trafficking efforts in Thailand during last year, including a new law in March that heightened penalties to life imprisonment for traffickers, prosecutions have significantly diminished in the last year. Prosecutions regarding trafficking of Rohingya migrants seem particularly low as well. Nevertheless, over the last year, Thailand has taken concrete steps to register nearly 100,000 migrants, amend laws related to the fishing sector, raise the minimum age for labor at sea to 18, set mandatory rest periods and employment contract requirements, and inspect hundreds of boats.

And we also need to look at ourselves and ask whether we are complicit in abetting trafficking, perhaps unwittingly. Last month, for example, the Associated Press documented Thai boats picking up seafood in Indonesia caught by Burmese slaves who when not at sea are kept in cages on remote Indonesian islands. The seafood was taken back to Thai ports and processed by the company that owns Chicken of the Sea. Much of the tainted seafood may have entered the supply chain to reach the shelves of American grocery stores, and through vendors such as Sysco, have landed on the plates of our service men and women.

There are nevertheless success stories as well, and Thailand has been a stalwart partner with the United States in fighting sex tourism that drives sex trafficking. The Philippines has also worked with us in fighting sex tourists and helping the victims of

trafficking. Indeed, one of the witnesses we will hear from this afternoon is a priest, whose faith-based organization has helped thousands heal from the horrors of human trafficking.

Finally, a word to those who think that our TIP Report embarrasses allies and undercuts our efforts to cultivate friendly ties around the globe, I will never forget when two of our closest allies, Israel and South Korea, at one point, were both on Tier 3, the worst rank. I remember meeting with their Ambassadors who had files demonstrating to all of us and anyone who would listen that measures were being undertaken to mitigate this terrible crime, and both of those countries got off Tier 3 when they backed their words with substantive action. Rather than alienating them, the exercise underscored that friends watch out for each other and that we must call upon our friends to live up to the high ideals that they profess. Ultimately, countries that do live up to their ideals, show they value and treasure their citizens, their greatest resource, in the long run will benefit the most.

And before I recognize my friend and colleague Ms. Bass, I would like to recognize Christian Boujaoude who is age 16 who is in the audience. He is from my district from Eatontown, New Jersey. He and his parents, Elias and Maureen. A junior at Monmouth Regional High School, Christian, in recent months coordinated the labeling and shipping of 2,000 bars of soap with human trafficking messages to Arizona hotels prior to the Super Bowl there. He also successfully urged a number of Monmouth County towns to issue proclamations recognizing January 11th as National Human Trafficking Awareness Day. I want to thank him for his work in raising awareness about trafficking and for taking the time for being at today's hearing.

Ms. BASS. Where is he?

Mr. SMITH OF NEW JERSEY. Christian? In the back.

Ms. BASS. Stand up.

[Applause.]

Mr. SMITH OF NEW JERSEY. Ranking Member Bass.

Ms. BASS. Thank you, Mr. Chair. I see you are taking care of the next generation of leaders in your district. So I want to join in congratulating you. It is wonderful that you are here today.

Again, I want to thank the chairman for your work and your leadership in this area, and I know that the TIP Report, you are one of the reasons why the TIP Report exists, your legislation and all that you have been doing over the years. I also want to thank our distinguished witnesses including the Honorable Mark Lagon, former Ambassador-at-Large for Trafficking in Persons at the State Department as well as tireless advocates from civil society, and I look forward to hearing your perspectives.

During the hearing I also look forward to hearing strategies to address specific types of trafficking, both domestically and abroad, while embracing an inclusive approach that acknowledges that human trafficking affects U.S. citizens and foreign nationals. I think it is wonderful that other countries are looking to us for our leadership, but I think it is also critical that we always hold ourselves accountable as well, because we do have a domestic trafficking problem here.

And as a matter of fact, today, I believe, or maybe tomorrow, over in the Senate, hopefully they will finish legislation that was passed out of this House, unanimously, to address sex trafficking domestically. One of the areas of sex trafficking domestically that I am concerned about are the children in the child welfare system who fall through the cracks, a lot of times have been cast as runaways and we find out now have been abducted and put on the streets and some of them being pimped by street gangs. So holding the rest of the world accountable is very important and it is critically important to holding ourselves accountable as well.

So again I want to thank our witnesses today and all of your leadership in combating trafficking is inspiring and has truly made a difference around the world. With that I yield.

Mr. SMITH OF NEW JERSEY. Thank you so very much.

Mr. Cicilline?

Mr. CICILLINE. Thank you Mr. Chairman, and I thank you and Ranking Member Bass for holding today's hearing. And I particularly want to thank you, Mr. Chairman, for your long leadership on the issue of human rights. And certainly, on the issue of human trafficking and the work that you did, the really groundbreaking work, have produced the TIP Report and this ongoing responsibility for Congress to both understand this issue and be sure that we are demanding action around the world to eradicate human trafficking. Thank you to our witnesses who are here for your work and for your distinguished service, and I certainly look forward to hearing your testimony.

It is hard to believe that in 2015 that slavery, which we now call human trafficking, is still so pervasive around the world. Victims of human trafficking are deprived of their individual freedoms and suffer through unimaginably harsh, coercive, and even extraordinarily heartbreaking conditions. It is horrifying that reports indicate there is no place in the world where children, women, and men are safe from human trafficking.

This means that the United States must and will continue to lead efforts in combating human trafficking. Every single country has an obligation to dedicate resources to eradicate the trafficking of human beings. And although we have made significant progress in the last decade, much work remains, and the United States must be prepared to impose serious consequences on countries in the report that do not meet minimum standards. And as has been pointed out, be certain that we are doing our part to be sure that we are eradicating trafficking here in our own country.

Again I thank the chairman and ranking member for calling this hearing and look forward to the testimony of our witnesses, and I yield back.

Mr. SMITH OF NEW JERSEY. Thank you very much.

Mr. Clawson?

Mr. CLAWSON. Thank you for coming today to the four witnesses, and especially thankful to the ranking member and chairman for this hearing. Full respect for both you all.

I think about human trafficking in business, and I always come at it in terms of competitiveness, meaning that low-cost labor or zero-cost labor creates a competitive advantage and therefore higher profits and that could be the driving motive here for folks that

do things they shouldn't. And from there I draw from my own experience a conclusion that says an advantage for everyone is an advantage to no one and a disadvantage to everyone, and a marketplace is a advantage or a disadvantage to no one.

And therefore, any solutions with respect to human trafficking in a competitive marketplace would have to have a broad involvement. Otherwise, if you cut it off in one place you will by definition be creating an advantage for an immoral actor in a different part of the marketplace. Does that make sense to you all?

And so while I think it is great to fight things on humanitarian grounds and moralistic grounds, as we well should, because everyone deserves a sliver of sunshine in their life and a chance, but if we view how marketplaces work in a global economy, we also have to think about it being how we make this disadvantageous to all actors which therefore eliminates the competitive advantage of taking advantage of people.

So in your speeches today, if you can give me a little bit of insight on how we can make this broad enough to really have a global impact, I would really appreciate the thinking along those lines. Thank you.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Clawson. Mr. Meadows.

Mr. MEADOWS. Thank you, Mr. Chairman. I will keep my remarks very brief so we can get to your testimony. I must admit though as we continue to have hearings with regards to human trafficking in a number of areas, it is an area that not only for the vast majority of Americans they don't realize the extraordinary volume of children that are being trafficked across the country. And for me, I think my biggest concern is how we continue to have hearings and meet about this, and yet from being effective and actually making a difference, we are not making a difference in a lot of these areas.

Specifically with the TIP Report, obviously the ranking of some countries at Tier 3, the moving of some countries from Tier 3 to Tier 2 it seems ambiguous, I guess, is the best way to put it, or disingenuous would be a more accurate way in that there are conflicting agendas, at times, it seems like for those ratings. That being said, I look forward to hearing each one of your testimony on how we cannot only have a hearing, but that we can move this along to make sure that this scourge that is on our globe at least gets diminished and hopefully one day gets eradicated. And I thank the chairman for his leadership on this issue.

Mr. SMITH OF NEW JERSEY. Thank you so very much, Mr. Meadows.

I would like to now introduce our distinguished panel, beginning first with Ambassador Mark Lagon, who was our third Ambassador-at-Large for human trafficking, as well as director of the Office to Monitor and Combat Trafficking in Persons at the U.S. Department of State. His record of involvement in human rights is long, spanning from Deputy Assistant Secretary in the Bureau of International Organization Affairs with responsibility for human rights, humanitarian issues and U.N. reform, through academia, where he was the chair for Global Politics and Security at Georgetown University's Master of Science in the Foreign Service program

and Adjunct Senior Fellow for Human Rights at the Council on Foreign Relations.

He was also the executive director and CEO of the anti-human trafficking nonprofit, Polaris, and currently serves as the president of Freedom House. And he has a very distinguished resume and career.

We will then hear from Mr. Matthew Smith who is a founder and executive director of Fortify Rights and a 2014 Echoing Green Global Fellow. He previously worked with Human Rights Watch and at EarthRights International. His work has exposed wartime abuses and forced displacement, crimes against humanity, ethnic cleansing, multi-billion dollar corruption, development-induced abuses, and other human rights violations. He has also written for a variety of major media and other outlets. Before moving to southeast Asia in 2005, Matthew worked with Kerry Kennedy of the Robert Kennedy Center for Justice and Human Rights on Speak Truth to Power. He also worked as a community organizer and an emergency services caseworker.

We will then hear from Father Shay Cullen who is a priest from Ireland, a member of the Missionary Society of St. Columban and founder and president of PREDA Foundation. He has also worked protecting women and children from sex slavery and promoting human rights, peace and nonviolence in the Philippines since 1969.

Father Shay established the PREDA Foundation in Olongapo, neighboring the old U.S. Navy base in Subic Bay to rescue children and women from sex slavery. He established the PREDA Fair Trade as a private enterprise to alleviate poverty. PREDA has 62 professional staff dedicated to rescuing sexually abused children from traffickers, brothels, and prisons, and providing them with therapeutic homes. He has been nominated for the Nobel Peace Prize three times.

We will then hear from Mr. Jesse Eaves, who is the director of Policy and Government Relations at Humanity United. In this role he has worked to advance its policy priorities, which include anti-slavery projects, peacekeeping and atrocity prevention. Prior to joining Humanity United, Jesse was a senior child protection policy advisor for World Vision USA, where he managed an advocacy portfolio focused on child trafficking, child labor, child sexual exploitation, and child soldiers. He has worked with war-affected communities, assisting victims of human trafficking used as child soldiers and sex slaves and overseeing a community development program that includes counseling and education for war-affected youth.

Very, very great contributions by all four of you, which this subcommittee deeply, deeply appreciates. I would like to now yield such time as he may consume to Ambassador Lagon.

STATEMENT OF THE HONORABLE MARK LAGON, PRESIDENT, FREEDOM HOUSE (FORMER AMBASSADOR-AT-LARGE FOR TRAFFICKING IN PERSONS, U.S. DEPARTMENT OF STATE)

Ambassador LAGON. Mr. Chairman, Ms. Bass, members of the committee, I want to thank you for inviting me. As the history of the TIP Report shows, seriously researched, credible reports assessing the performance of governments have a really demonstrable im-

pact. I will say for 43 years, Freedom House's Freedom of the World survey has gotten the attention of authorities. I am learning that now in my current job. The TIP tier rankings are a potent tool themselves for U.S. diplomacy. Of course I have to say that the State Department TIP office needs a permanent Ambassador named and confirmed to be fully effective for the report to be fully useful.

Let me look at a few key countries starting in east Asia. In 2013, China was automatically downgraded to Tier 3 but moved to the Tier 2 Watch List in 2014, due to the abolition of the reeducation through labor policy. Well, decades of a one-child policy have resulted in a deficit of 34 million women, fueling China's thriving sex slavery and bride trade industry. Just as Chairman Smith referred to, women have been kidnapped or trafficked from Burma, Vietnam, Laos, Mongolia, North Korea, and even from Africa and the Americas. Rather than treating these women as trafficking survivors, Chinese officials typically arrest them before deporting them. In the case of North Koreans apprehended, being returned home is worse than remaining in Chinese jails.

Freedom House research has found that for political and religious activists, the abolition of reeducation through labor has brought little relief from the risk of detention. Prisons and detention centers appear to still be engaging in forced labor, including for religious detainees, political prisoners, and foreign nationals. And some of the products made this way appear to be imported into the United States.

As for Cambodia, it is a testament to the threat of a potential downgrade that in February, the Cambodian Government launched a new national action plan on trafficking and restructured the national committee for counter trafficking. It is important that the 2015 TIP score reflect whether the Cambodian Government demonstrates commitment to implementing this strategy. I will say that my colleagues at the International Justice Mission believe that it should graduate to Tier 2, based on their prevalent studies of child sexual exploitation going down, but I think the larger picture needs to take account of also the matter of labor trafficking.

Thailand. Well, Thailand is on Tier 3; it was last year. Many of the problems I highlighted in testimony right here before this subcommittee last year still remain—defective mechanisms for identifying victims among vulnerable populations, lax investigation, prosecution and conviction of perpetrators, inadequate regulations concerning labor brokers and recruitment fees, and official complicity in smuggling of migrants. It is good that Thailand passed a law. It is not good that prosecutions continue to be anemic in terms of implementation.

In sub-Saharan Africa we have seen progress in many countries, including the passage of anti-trafficking laws but there, too, implementation remains an obstacle. Lack of accountability for those guilty of trafficking is the result of governments who are attacking the very actors who would ensure that anti-trafficking laws would be enforced—civil society organizations and independent media.

Many of the countries on the Tier 2 Watch List in Africa have passed laws to limit the ability of these non-government groups to expose forced labor, sexual exploitation and the use of child sol-

diers. For instance, in Kenya, President Uhuru has tried to limit freedom of expression and association and efforts are underway to increase regulation of Kenyan NGOs. Freedom House operates there. Our partners say that that effort to increase regulation would give government control over NGO activities and their ability to accept foreign funding, and they wouldn't be able to hold officials involved in trafficking or complicit accountable.

In Rwanda, President Kagame pledged to increase efforts to end trafficking in late 2014, but let us look at the implementation record. In an effort to clean up the streets, hundreds of vulnerable individuals including prostituted people and street children have been arrested, often without charge. The government has eliminated independent human rights organizations. Press freedom remains severely restricted. One might say that the watchdogs on trafficking have been leashed and muzzled. A Presidential waiver to remain on the Watch List in my mind would be farfetched.

In the Middle East, the vulnerability of migrant workers and females makes it a particular hazard zone. Qatar is particularly troubling as it prepares for the 2022 World Cup soccer tournament, an effort rife with corruption. And there is heightened trafficking in the construction leading to those games. Corporations investing in Qatar and American universities like the one I used to teach at with campuses there have an obligation to raise trafficking with authorities.

Bahrain. Other than Assistant Secretary of State Tom Malinowski, the United States has been all too muted in raising human rights in Bahrain. The U.S. naval base and the effort to mobilize a coalition to take on the Islamic State don't justify muted criticism on human rights. Bahrain got a waiver in 2014 to remain on the Watch List based on a written plan it presented. If it hasn't met the TVPA standards, and it hasn't fulfilled its own written plan, it should get downgraded.

Finally Saudi Arabia. The repression of women is even more pronounced in Saudi Arabia than other Middle Eastern countries. Small Gulf countries say that they have to have sponsorship laws, they have to have passport confiscation, they have to have housing, which actually in reality is prison-like, because the population is outnumbered by these foreign nationals who are migrant workers. Well, that lame excuse doesn't even exist for the Saudis. They aren't outnumbered. Smaller states look to Saudi Arabia. If it doesn't promote reforms there is very little hope its neighbors will.

To respond to some of the points raised by Mr. Clawson and Mr. Meadows, I just want to say in terms of global trends let us remember that labor trafficking victimizes more people, but sex trafficking yields more profits to the traffickers. Both of those types of trafficking matter enormously. We must not forsake one to focus on the other.

TIP rankings demonstrably propel the passage of laws, we know that. But absent external assistance you are not going to get the will and the capacity of countries to implement those laws. So, we need two things. We need to preserve the integrity of the TIP Report rankings, and then secondly we have to foster partnerships and leveraged resources in order to get that implementation. I commend the End Modern Slavery Initiative Act, S.553, championed by

Senator Corker and endorsed by Freedom House, because in creating a partnership fund it would do just that.

Let me close by saying a recent Freedom House report found that the U.S. and other democracies are less likely to press human rights issues with China due to strategic and economic interests. Well, there is a lesson to be learned for that for the TIP rankings. Countries failing to address modern slavery shouldn't get a pass simply because they are so-called strategically important countries. Thank you very much.

[The prepared statement of Ambassador Lagon follows:]

Trafficking Trends and Key Rankings: Say No to Grade Inflation

Written Testimony by Mark P. Lagon
President, Freedom House

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

Hearing: "Accountability and Transformation: Tier Rankings in the Fight Against Human Trafficking"

April 22, 2015

Introduction

It is always an honor to take part in what Chairman Smith considers his annual responsibility to foreshadow the *Trafficking in Persons (TIP) Report* rankings to come out each June, before the State Department finalizes decisions. Mr. Chairman and members of the Subcommittee, thank you for inviting me again. Mr. Chairman, I ask that my written testimony be admitted into the record in full while I summarize my observations.

Mr. Chairman, you shaped the *Report's* tier rankings and strengthened their integrity in the Trafficking Victims Protection Act (TVPA) of 2000 and its reauthorizations. **Seriously researched and credible reports assessing the performance of governments in protecting the dignity of those living and working in their borders have a demonstrable impact. The history of the *TIP Report* shows it has focused the minds of governments on change.** Instead of stigma falling upon the victims of human trafficking, including in migrant labor and the sex industry, it places constructive stigma on those governments not doing enough to prevent their victimization, to assist them, and to hold their tormenters to account. Freedom House knows that well-documented reports giving grades to nations (including the United States and other Western states), like its *Freedom in the World* survey has for 43 years, gets the attention of authorities. Much like when I was the Ambassador-At-Large directing the TIP office, numerous diplomats, executive branch officials and senior legislators seek meetings with me and my Freedom House teammates to learn what needs to improve to earn a better assessment.

The automatic downgrade of nations reaching a time limit on Tier 2 Watch List rankings is sound. They are not being "watched" if there is no prospect of ever descending to Tier 3. Sure, waivers are used to delay or avert downgrades, and Tier 3 countries often get sanctions waived. But the stigma of Tier 3, and the norm that a nation cannot hover above Tier 3 forever, help spur change.

The tier rankings are a potent tool for diplomacy. Of course, the State Department TIP Office needs a permanent Ambassador named and confirmed to carry forth the robustly bipartisan consensus to fight modern slavery. A vacancy or a less-than-robust leader hamstrings the heretofore very successful TIP Office as it did the State Department's Office of International Religious Freedom, which so benefits from a strong envoy in Ambassador David Saperstein (a hero in the fight against trafficking in his own right).

Something else besides the *TIP Report's* grades and the diplomacy it leverages is working in the fight against trafficking: partnerships. I just ended a four and half year stint as an academic, where I devoted a chapter in my book *Human Dignity and the Future of Global Institutions* on what works in those partnerships against trafficking. **Particularly important are (1) the need for true *alignment of missions* of public, nonprofit, and private sector partners, and (2) the *mobilization of resources* in multistakeholder efforts.** As for alignment of interests, among partners, ***businesses* have not only a responsibility but a strong interest in predictably implemented rule of law and justice wherever they operate**. Where corruption and gross exploitation of marginalized populations arises, it hurts the value, productivity, and reputation for businesses and their shareholders.

Regarding mobilizing resources to back nimble partnerships – that is precisely the goal of the *End Modern Slavery Initiative Act of 2015*, S. 553, championed by Senator Bob Corker. Supported by an array of faith-based and secular nonprofits, that legislation creates a partnership fund leveraging taxpayer resources with those of other nations, corporations, and philanthropic foundations. Well-coordinated and resourced partnerships are what will take the prodding insight of the *TIP Report* rankings and help build will and capacity to fight trafficking. **Freedom House has endorsed that legislation; it should be passed and accompanied by appropriations.**

Instead of treating the whole world, let me focus on a few countries deserving special attention: China, Cambodia, and Thailand in East Asia; several around the African continent; and a few in the scarlet red hazardous zone for human trafficking, the Middle East.

East Asia

To Freedom House, brittle autocracies and intolerant extremists plague the Middle East and North Africa, and Vladimir Putin's regime threatens the free expression and autonomy of the Russian people and neighboring states. Yet as Freedom House's President, I surmise that China is the largest governance problem in the world today – challenging global norms, pursuing development without dissent, and neglectful of the most vulnerable.

China

The Chinese government's egregious human rights practices over time and weak rule of law have resulted in an environment where human trafficking thrives. China has been on the Tier 2 Watch List for 9 out of the last ten years. In 2013, China was automatically downgraded to Tier 3, but was bumped back up to Tier 2 Watch List in 2014 due in large part to the decision to abolish reeducation through labor.

China's strict population control policies are one of the drivers of trafficking in China. Decades of one child policy in a culture valuing sons over daughters have resulted in a dramatic gender imbalance. Today in China, there are 34 million more men than women, and approximately 118-120 boys are born for every 100 girls. Naturally-occuring sex ratios are approximately 103-107 boys born for every 100 girls. The Chinese government has in the face of this horrifying imbalance expanded the number of families permitted to have two children. This may improve conditions for future generations. But, the present-day deficit of 34 million women still fuels China's thriving sex slavery and bride trade industry, while intrusive medical examinations, forced abortions, and sterilizations employed on a large scale to implement population controls remain a routine violation of women's reproductive rights.

Chinese human trafficking rings run complex operations. Chinese men, women, and children are taken to countries around the the world, forced into labor and sex trafficking. Within China, there are approximately 250,000 people trapped in human trafficking, though estimates are always just that – estimates. Yunnan and Guizhou provinces (with lower per capita GDPs) are among the sources; Fujian, Guangdong, and Shangdong (with higher per capita GDPs) are among top destinations. According to the United Nations Inter-Agency Project on Human Trafficking, "anecdotal evidence suggests that cross-border trafficking of women is increasing."

Women and young girls are abducted and sold as brides to Chinese men living in rural areas where there are few women. Chinese women living in poor, rural areas and women living in poorer communities in nations surrounding China's borders are especially vulnerable. As the 2014 *TIP Report* on China notes, women have been kidnapped or trafficked from Burma, Vietnam, Laos, Mongolia, North Korea, and even Africa and the Americas.

The Chinese police have been working in some areas to crack down on this practice, but rather than treating these women as trafficking survivors, Chinese officials typically arrest these women and handle them as criminals before deporting them to their home countries. In the case of North Koreans who are apprehended, being returned home is often worse and more dangerous than remaining in Chinese jails. (Chinese officials also repatriate North Korean refugees desperately attempting to flee their despotic regime – an unconscionable violation of human rights – but that is a topic for a whole separate hearing.)

Bride kidnapping and sex trafficking are not the only forms of human slavery occurring in China. Forced labor of men, women, and children is prevalent in China's factories and extractive industries, and children are also kidnapped to be sold for adoption. Non-Chinese migrants, as well as poor, rural Chinese, and their children are particularly vulnerable. The Chinese government also engages in demographic manipulation. As the 2015 *Freedom in the World* report noted "the government continues to pursue policies… designed in part to alter the demography of ethnic minority regions, especially Tibet and the Xinjiang Uighur Autonomous Region." These policies include cash rewards for marriages between ethnic minority and Han Chinese citizens. Officials have also urged Uighurs to relocate to other parts of China, and hinted at the potential for more strict population control methods for ethnic minority families.

Since early 2013, the Chinese government has taken unprecedented steps towards abolishing the decades long "re-education through labor" (RTL) camp system. After several official announcements and initial reports of detainee releases, the abolition of RTL was confirmed with a short declaration in the Third Plenum resolution in November 2013 and with a resolution by the National People's Congress (NPC) Standing Committee that December.

According to research by Freedom House and other human rights groups, various forms of criminal, administrative, and arbitrary detention have effectively replaced RTL as a means of intimidating, punishing, and neutralizing political and religious dissenters. This shift in tactics has meant that, on the one hand, **for political and religious activists, the abolition of RTL has brought little relief from the risk of detention. They are at as much risk as ever of detention and "re-education."** Torture and indoctrination are constants in "black jails" for petitioners and forced conversion centers for Falun Gong adherents. But, on the other hand, for some detainees, the forced-labor dimension has been removed from the equation.

Some facilities previously serving as RTL camps have been repurposed as drug rehabilitation centers that involve forced labor. Meanwhile, women found to be involved in the sex trade are held in the "custody and education" system, where they are often required to work seven days a week with no pay. In addition, even as camps have been closed or repurposed and many detainees released, the party and state have shied away from actions that might signal a more fundamental break with the abuses of the RTL system, such as prosecuting guards accused of torture or permitting courts to accept petitions for redress from former detainees forced to perform over 12 hours of forced labor a day.

Indeed, prisons and detention centers appear to still be engaging in forced labor practices, including for religious detainees, political prisoners, and foreign nationals. At least some of these products appear to be imported into the United States despite laws barring their entry. In recent years, there have been several former detainees from prisons and detention centers, often foreign citizens, who have testified to long hours and harsh conditions when preparing products for export: a Cameroonian held in a prison in Qingdao who snuck a note into a Saks Fifth Avenue bag, a New Zealander who spent time in a Guangdong prison relaying details of making products for Western airlines, and an American college professor who reported being forced to make Christmas lights at a detention center in Guanghzou. These first-hand accounts point to the fact that forced labor at RTL camps was only one part of a much larger exploitative system. The Chinese government routinely provides minimal cooperation when replying to U.S. official inquiries related to suspicions of prison labor products being exported.

China has made some strides in addressing human trafficking, but has a long history of severe violations of human freedom. China's Tier ranking should depend on whether China has addressed the recommendations included in the 2014 report.

Cambodia

High levels of corruption and poor rule of law in Cambodia continue to foster a thriving environment for internal and cross-border trafficking. Cambodia is a source, destination, and transit country for trafficking, particularly targeting migrant workers and women and children for inclusion in the sex trade. In past years, the Cambodian government has not held traffickers accountable nor demonstrated a genuine commitment to cracking down on corrupt local officials who facilitate trafficking. After two consecutive years on the Tier 2 Watch List, Cambodia faces an automatic downgrade to Tier 3 in the upcoming 2015 report. It is a testament to the threat of this potential downgrade that, in February, the Cambodian government launched a new four year national action plan to combat trafficking and restructured the National Committee for Counter-Trafficking. **The new National Action Plan was developed with the support of USAID and incorporates many recommendations from past *TIP Reports*. While it is encouraging to see the government of Cambodia take more steps to address trafficking, it is important that the United States continue to press the Cambodian government to**

take action and that the 2015 TIP score reflects whether the Cambodian government officials demonstrate a true commitment to implementing this new strategy.

Thailand

Thailand remains a source, transit, and destination country – each in large extents – for trafficking and was rightly automatically downgraded to Tier 3 in 2014. Job-seekers from surrounding nations working in factories and on Thai-flagged fishing boats are some of the most vulnerable to trafficking. As has been reported for years, the Thai fishing industry is rife with forced labor, both on the high seas and within seafood processing and packing plants. I visited one such facility in Samut Sakhon back in 2007. The problem is so egregious that the U.S. Department of Labor has officially highlighted Thai seafood as a tainted commodity. Yet, it remains to be seen whether the United States government will impose the sanctions it is authorized to deploy, which would bar Thai seafood from U.S. markets due to forced labor. Many of the problems I highlighted in my testimony last year remain: 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; and official complicity in the cross-border smuggling of undocumented migrants. **I urge the U.S. government to sustain a Tier 3 ranking should the Government of Thailand not show strong will to take corrective action to address human trafficking in short order**.

Africa

Sub-Saharan Africa has made progress in its efforts to curb human trafficking over the past decade. Today, more than half the countries in the region have passed laws that criminalize most or all forms of trafficking, which is a marked improvement from ten years ago. **However, despite the increase in laws passed, implementation remains an obstacle for many countries, with human trafficking networks still prevalant across sub-regions.** Further, despite progress, instability and endemic socio-economic inequality mean that vulnerable populations still fall victim to exploitation every year, especially women and children. It is worth remembering that just last week we marked the one year anniversary of the kidnapping of over 270 young girls in northern Nigeria, a sobering reminder that threats still remain.

One of the largest obstacles to the eradication of human trafficking in Africa is the lack of accountability for those guilty of its practice. **This obstacle is, in part, the result of governments attacking the institutions and actors that help ensure that anti-trafficking laws are respected and enforced, namely civil society organizations and independent media. In fact, many of countries on the Watch List have passed laws that seek to limit the ability of organizations and journalists to expose forced labor, sexual exploitation, and the use of child soldiers.** Overall, this effort has led to an environment of impunity for perpetrators.

Angola

The Angolan government has made attempts to amend laws to protect against trafficking, but enforcement of these laws is minimal, and Angola faces an automatic downgrade to Tier 3 in the 2015 report. Very few people are actually investigated for suspected trafficking and even fewer are convicted. In recent years, Chinese construction companies have been implicated as some of the biggest culprits, particularly in the forced labor of children. The Angolan government, however, has not moved forward with prosecuting these companies. Instead, President Jose Eduardo Dos Santos - who has been in power

for more than 35 years - continues to restrict the political rights and civil liberties of citizens and limit any type of accountability for political and military elites. Emblematic is the ongoing case against renowned investigative journalist Rafael Marques de Morais, who is currently on trial for criminal libel after exposing corruption in the country's mining sector among several senior ranking military officials.

Burundi

Forced labor and sex trafficking remain serious problems in Burundi, and Burundi faces an automatic downgrade to Tier 3. The government continues to lack the capacity to adequately investigate and prosecute potential perpetrators. A NGO-led working group has formed to work with various government agencies to combat trafficking, but the government has provided little financial assistance to support the group. Moreover, as the country prepares for elections this summer, the operating space for human rights organizations has closed significantly. Several prominent human rights defenders and political opposition members have been arrested in recent months and the government has repeatedly prohibited public demonstrations and public gatherings. Due to this democratic backsliding, Freedom House officially downgraded Burundi to a Not Free country in its 2015 *Freedom in the World* report.

Kenya

In Kenya, corruption and weak accountability of public officials continues to hamper efforts to stop human trafficking and exploitation, and Kenya will need a second presidential waiver to stay on the Watch List. A lack of reporting prevents adequate monitoring and evaluation of investigation and prosecution of cases, especially where government officials are implicated. In a positive development last year, the Kenyan parliament passed the Victim Protection Bill, which provides improved support for victims of crime. The ongoing security crisis in the country, however, has exposed serious human rights abuses committed by security forces, who are accused of arbitrary arrest, torture, and extrajudicial killings. A large part of these violations target the Somali population living in the country.

Rather than increasing oversight of security forces , President Uhuru's administration has tried to limit freedom of expression and association of citizens. In late 2013, the government passed a draconian media law stipulating hefty fines against journalists found to violate the government-dictated code of conduct. **As we speak, efforts are also underway to increase the regulation of Kenyan NGOs, which our partners on the ground say would give the government control over their activities and limit their ability to accept foreign funding, further limiting the ability of civil society to hold government officials accountable for actually implementing anti-trafficking programs, or for official complicity.**

South Sudan

No African country saw a bigger decline in freedom last year than South Sudan. The ongoing civil conflict has displaced nearly two million people, which has in turn dramatically increased the vulnerability of these groups to exploitation. Both sides of the conflict are guilty of using child soldiers, and, according to a UNICEF report, approximately 9,000 children served in government and rebel armed forces. There is, unfortunately, little accountability for this practice, even though a 2008 law forbids the recruitment or conscription of anyone under 18 years of age. Instead, both the rebels and security forces enjoy impunity for the human rights abuses they have committed against civilian populations. The international community is still waiting for the African Union Commission of Inquiry report on human rights abuses

committed during the conflict. South Sudan will require a second presidential waiver to stay on the Watch List in 2015, which would be hard to justify.

Mali

Two years after the coup, Mali is still trying to address many of the issues that led to civil unrest then. The government struggles to exert authority over large portions of the north of the country, where the recruitment and use of child soldiers by armed groups is still prevalent. Child labor also remains a concern in the extractive, agricultural and salt-mining sectors. Hereditary forms of slavery are still common in parts of the country, where thousands of people are estimated to live in forced servitude. In fact, while the country officially abolished slavery in 1960, it remains the only country on the continent where slavery is not criminalized. The country remains a transit and destination country for human trafficking in the Sahel and a source country for trafficking to Kuwait and Saudi Arabia. Steps toward stability and reconciliation may provide rationale for giving Mali a presidential waiver to remain on the Watch List for a third consecutive year.

Rwanda

In late 2014, Rwandan President Paul Kagame publically pledged to increase the government's efforts to end human trafficking. The problem, however, is how the government is actually following through on its obligations. Rwandan officials were implicated in supporting the M23 rebel group in Congo in 2013, which used child soldiers in its conflict against the Congolese government. Additionally, in an effort to clean up the streets, hundreds of people from vulnerable populations – including prostituted people and street children – have been arrested and detained, often without charge. **Over the past several years, the government has also effectively eliminated independent human rights organizations in the country. Press freedom also remains severely restricted, with high levels of self-censorship among journalists who fear legal prosecution and harassment by state and non-state actors. Watchdogs on trafficking have been leashed and muzzled.** Rwanda will require a far-fetched presidential waiver to remain on the Watch List for a third consecutive year.

The Middle East

Because the autonomy and rights of migrant workers and of females are strictly limited in the Middle East, it represents an especially acute hazard zone for human trafficking. From construction workers to domestic servants, human trafficking abounds. As the states in the region have reduced the rights and voice of civil society in general in the name of order and counterterrorism, modest hopes for accelerated anti-trafficking efforts have also been dashed.

Qatar

Qatar, which was a Tier 2 Watch List country in 2014, is particularly troubling. Forced labor is the primary form of human trafficking in Qatar, and – as the 2014 *TIP Report* notes – 94 percent of the country's workforce is migrant labor. Many of these laborers face the delay or nonpayment of wages, confiscation of passports, and physical and sexual abuse. The preparations for the 2022 World Cup soccer tournament – rife with corruption – have heightened the vulnerability to trafficking in construction sites. Major international games are often accompanied by spiking sex trafficking, and the same can be expected for Qatar without aggressive steps. **Corporations investing in Qatar and American**

universities like Georgetown with campuses in the country have an obligation to raise the trafficking hazard going from bad in the Gulf to still worse in Qatar.

Bahrain

Backed by Saudi Arabia, Bahrain has cracked down on dissent since the 2011 uprising. **Other than Assistant Secretary of State for Democracy, Human Rights, and Labor Tom Malinowski, who was rebuffed from his visit to Bahrain in July 2014 to raise human rights concerns (followed by Congressman Jim McGovern the following month), the U.S. government has been too muted in raising human rights concerns regarding Bahrain.** The U.S. military presence at the Fifth Fleet naval base and the effort to mobilize a coalition to take on the so-called "Islamic State" serve as ill-conceived grounds for that muted criticism. As for human trafficking, **conditions for migrant workers subject to debt bondage and indentured servitude and passport withholding are so bad in Bahrain that suicide rates have been striking in recent years, and domestic workers are especially vulnerable.** Implementation of the anti-trafficking law Bahrain passed in 2008 – when I was Ambassador at Large – increased slowly and then attenuated. Bahrain got a presidential waiver in the 2014 *TIP Report* to remain on the Tier 2 Watch List based on a written plan it presented to the U.S. It would need a second such waiver not to be downgraded to Tier 3 in 2015. If it has not met the TVPA's standards or its own written plan, it should get downgraded.

Saudi Arabia

Saudi Arabia, which has received a Tier 3 ranking every year since 2005, deserves special mention. **First, women being repressed and indeed blamed for when they are victimized (through sexual violence or trafficking) is even more pronounced in Saudi Arabia than in other Middle Eastern nations. Second, while other small Gulf states fabricate the pretext that restrictive *kalafa* sponsorship laws, passport confiscation, and prison-like housing conditions are justified by the local population being outnumbered by migrant workers, this flimsy excuse is unavailable to the Saudis. Third, smaller states in the Gulf look to Saudi Arabia for cues; given its regional clout, if it does not promote reforms there is little hope smaller neighbors will be trailblazers.** The Ambassador of Bahrain made this very point to me when I headed the State Department TIP Office. Saudi Arabia is therefore the most important problem state in human trafficking's red zone, the Gulf. It is of great concern that Saudi Arabia has shown minimal desire in past years to improve its TIP score.

Global Trends and Solutions

Having spoken to what is working in efforts to combat human trafficking, and addressed some countries of particular concern (including those on the cusp of a downgrade), let me close by making some observations about global trafficking patterns.

First, human trafficking consists of both sexual and labor exploitation. While labor trafficking victimizes more people, sex trafficking yields more profits to the traffickers on the backs of its victims. Cambodia is a classic example of this duality. **Despite voices interested in only one or the other, *both* scourges matter equally.**

Second, migrants are especially vulnerable to trafficking, but the devil is in the details. **Some *undocumented* migrants due to force, fraud, or coercion, or the innocence of youth, deserve to be treated as the survivors of slavery they are. With the most notable example being in the Gulf, some *documented* workers are human trafficking victims due to lies about the nature and severity of the work they will do, and due to withheld pay or documents.** Where governments and elites in places like the Gulf states and Singapore consider migrants a threatening foreign presence to be controlled, those legal guest workers more easily become trafficking victims. **Finally, plenty of victims of human trafficking – whether the Mexican sex trafficking victim I met in Chiapas or the Indian bonded laborer I met in Chennai – never cross a border.** To paraphrase Bill Clinton's 1992 campaign slogan, "It's about the exploitation, stupid."

Third, while many countries have passed laws to prohibit most or all forms of trafficking, enforcement lags. **The TIP rankings demonstrably propel passage of laws, but absent external assistance to advance will and capacity, implementation languishes.** We have seen an increase in prosecution, to hold human traffickers to account (and hence reduce the high profit-to-punishment ratio incentivizing this form of transnational crime). But in too many countries, even the big growing democracies of the Global South such as Brazil, India, and South Africa, impunity of traffickers persists, those punished get a mere slap on the wrist due to rehabilitative norms or corruption, and sclerotic judiciaries *delay* and hence *deny* justice.

To confront *all* these various types of trafficking; and *implement* rule of law, we need to:

(1) preserve the integrity of objective, hard-hitting rankings in the *TIP Report*, and (2) foster partnerships and leveraged resources (as S. 553 fosters). Those candid assessments and funded multistakeholder programs are what we owe the women, men, children, migrant workers, minorities, disadvantaged castes, and other fellow human beings vulnerable to contemporary enslavement.

A recent Freedom House report found that the United States and other democracies are less likely to press democracy and human rights issues with China due to strategic and economic interests. Our report can inform the proper approach to TIP rankings. **Countries failing to address the scourge of modern slavery should not receive a pass simply because they are "strategically important."** The strength of the *TIP Report* lies in its ability to provide an accurate reflection of governments' efforts and in so doing hold them accountable, and we should not decrease its effectiveness by subjecting scores to the cynical politics of convenience.

Mr. SMITH OF NEW JERSEY. Ambassador Lagon, thank you very much for your testimony and without objection your full statement, which went into even greater detail, will be made part of the record.

Just starting from our left to your right, Father Cullen if you wouldn't mind being next, and then we'll go to Mr. Smith.

STATEMENT OF FR. SHAY CULLEN, PRESIDENT/CHIEF EXECUTIVE OFFICER, PREDA FOUNDATION

Fr. CULLEN. Good afternoon. I am Father Shay Cullen, Catholic Columban Missionary and president and founder of the PREDA Foundation. We are a Philippine social development organization. So in the interest of time I will just make a brief summary of the written testimony.

Okay, so Honorable Chairman, Ranking Member Karen Bass, I will greet you and all the members of the distinguished subcommittee. Thank you for inviting me here today. And I just wanted to share with you really personal experience working to address the widespread situation of human trafficking and particularly in the Philippines.

My remarks focus on human trafficking for the purpose of commercial sexual exploitation and exploitation of innocent and blameless street children who are trafficked for begging and drug deliveries for the criminal gangs. Many, but not all of the child victims of trafficking who are used for begging, prostitution or being drug couriers are frequently confined in jail-like, subhuman conditions, instead of being helped as actually victims, and some are as young as 8 to 12 years old.

When I previously testified before this subcommittee, it was a testimony regarding street children, some victims of human rights trafficking who were incarcerated in jails with adult criminals. A letter signed by members of this subcommittee and other members of the House to the then-President Gloria Arroyo of the Philippines recommending the separation of minors from adults in the prisons had a very immediate, strong, positive effect at the time, and President Arroyo ordered this separation. However, the situation is even more grave today.

Prison officials all over, they made a separation but into very small, overcrowded cells where even younger children were confined. As young as 8 years old are now being confined in small cells with subhuman conditions and with accused youth offenders of the ages of 17 and 18 years old.

They are deprived of their human rights, of course. They are placed in grave circumstances of being physically neglected, starved, and abused. The small children, when rescued by social workers of the PREDA Foundation, are given protective shelter, therapy, counseling, and then they are able to reveal the extent of the abuse. Many children are trafficked for the begging on the streets. There are thousands of children all over the Philippines into the begging industry. Some of these small children are victims of the trafficking and brought into the city to beg for organized criminal syndicates or else to be exploited as drug couriers. While the juvenile justice welfare law, R.A. 9344, disallows criminal li-

ability for children 15 years and younger, many are still imprisoned now in dire circumstances contrary to law.

Now I will just give you a few quick pictures of what we are talking about here, very young children, and this is just over the past year or so.

[Slides.]

Fr. CULLEN. We are not talking about isolated incidents, no, of some children by accident put in a jail. This is going on for years in the Philippines. We are challenging it. We are trying to get it changed as much as possible. And it indicates the systematic neglect and the abuse, not of just a few isolated incidents, as some of the Philippine Government officials would like all of us to believe.

Some are claiming, government officials, that the photographs you see here, shocking as they may be, are not genuine, or they insidiously say they were released for fundraising purposes. But I have taken many of these personally myself.

The centers where these photographs of the—take for example we have the pictures here of the children behind these cages and children that are, like these starved children, this is like the image from a concentration camp. And this is genuine, taken in a Manila center for children under the Manila Government, until recently, and that is how they treat many of the children there.

So this child—our campaign and rallies, we managed to close down that government center due to the result of good media coverage. There are still many other centers where reform is needed. This was also a violation of the children's rights, this attitude, a complete disregard for the human rights and the concern and the suffering of children. And these are just kids who were accused of begging on the streets but controlled by the syndicates.

So there are many other centers and we are challenging the government in this. It was a big controversy during the visit of Pope Francis, and even because of these images, our Web site was hacked and knocked offline. So we have since restored our Web site, indeed, our images of the truth. Pictures of the truth have to be displayed. We are not giving up.

Human trafficking of young people and some as young as 18 months old, this is the most, latest terrible tragedy of children which are being trafficked and sold to international pedophiles for making of these horrific movies, videos which are sold here in Europe and the United States, and the police have found these terrible images.

The children for exploitation are used by this particular case, which we have on record which is quite horrific, making videos for the commercial exploitation and used by sex tourists. Some of these videos have been sold, and the Dutch police and the Australian police in recent months gave shocking evidence showing children as young as 18 months old being video taped, the one tortured, sexually assaulted and murdered. Other children 6 and 12 years old have been victims of torture and sexual assault and also videoed. One video is entitled "The Destruction of Daisy." The videos are commercially distributed over the Internet and sold even in the United States, the UK and European countries.

We also have a problem for many of the victims of trafficking in brothels used for sexual exploitation and the growth of this human trafficking is linked of course to the use of the Internet promoting sex tourism, which is a growing business, and for transmitting images of child pornography which are, as I said earlier, made in the Philippines. Some victims of human trafficking are subjected to several human rights violations and forced abortion is one of them, but these are quite difficult to prove because of the secrecy, the lack of medical and forensic evidence. And it is done illegally and secretly. It is revealed by the rescued victims in therapy and through their oral narratives they tell us what has happened to them and how they are forced into doing this.

Anyway, the Philippine Anti-Child Pornography Law is something which we helped to, the NGOs, to pass this in 2009, and it mandates that Internet service providers in the Philippines filter and prevent such images of sexually transmitted sex acts. The cyber-sex is a big business there. Thousands of children are sold into these dens and shown live over the Internet for payment through credit cards. The telephone companies actually in the Philippines, many of the shareholders are U.S. nationals. You can check, we checked it out online and we submitted some evidence to that.

But among the top 100 shareholders who are violating the law, the law is not practiced in any way whatsoever. There are no filters in place as demanded by the law. They seemingly have placed themselves above the law and it is possible they get away with it with collusion of Philippine Government officials. So the Philippine National Telecommunications Commission is responsible for the implementation of the regulations that would implement the law, so in addition to the Anti-Child Pornography Law they are also, allegedly, violating with impunity the Public Telecommunications Policy Act of 1995 and Executive order 546.

Forty percent of tourists come for sexual exploitation. We must keep in mind they too from the side of the Americans say return to the U.S.A. and they will be endangering children in this country. And thousands of young people, many are underage, are very vulnerable to these foreign nationals and locals who will prey upon them and to supply this demand of the sex tourist industry.

Well, as the former Ambassador to the Philippines, the U.S. Ambassador Harry K. Thomas said in his time in 2013, 40 percent of male tourists to the Philippines go there for sex tourism. It was quite a controversial statement. He withdrew that comment later under a lot public outcry, but there was no way they could really deny the reality and the truth. It has become a destination for sex tourists, despite Philippine denials.

We just add a little note to say that the return of the U.S. Military into the Philippine Navy bases now in the last weeks alone the numbers are increasing very much, and we understand that they are already engaged now in the sex tourist business. Well, we made a little assessment of what the Philippine Government is doing to defend the children and stop this trafficking. There is a strong political commitment by President Aquino, and we recognize it. And also we work closely with the Justice Secretary de Lima,

and the Office of the Ombudsman are fighting corruption quite strongly in the Philippines and have some notable successes.

But their effort to address the widespread and the spreading of human trafficking, unfortunately, is not so very successful. And even the implementation of the law by police and prosecutors results in very low arrest and conviction rates. I think it is 15 years the TIP Report saying only 150 convictions and that is why the Philippines is on Tier 2. It is not so great.

Anyway the grave, we know of course, economic inequality is quite shocking there in the Philippines, and the very rich elite, no, of a 140 families running the country of 100 million people. It is not a really true democracy in this sense. There is a developing middle class growing quite strong, but the gap between rich and poor is growing greater and greater.

Corruption by some members of the prosecution and the Departments of Defense and the judiciary is preventing the prosecution and really creating the rule of law. It is a mockery in many cases. This is why it is spreading without control. They just don't recognize the law for being the law. And what is right and good and true, they just don't give it the value and dignity it deserves. So the slow pace of the judicial process, it can take 4, 5, 6 years to complete a single case. And others is the corruption where they reduce the charges against foreigners from trafficking, they reduce it to child abuse so they can escape. They get to the airport; they are gone.

Another problem we heard earlier that we are dealing with is those of us defending human rights and trying to protect the children and implement the law as best we can because we prosecute as many offenders as we can and so we know the legal problems. But the death squads as used in the past, and I am sure it is being recorded, but still very active today, we are sad to say. And Human Rights Watch has done very thorough investigations about the death squads and interviewed some of the assassins. No, quite shockingly what they revealed, how they were paid by mayors to kill over 150 unwanted opposition people.

So this is what we are up against. So we as in these places where there is a lot of trafficking and the traffickers operate they do so with impunity and human rights workers and anti-traffickers—we feel very vulnerable. There is in danger of retaliation.

So all I can say in closing and draw to the attention of the subcommittee, we submitted the report of Human Rights Watch, "One Shot to the Head," which is the death squads going on very recently up to the present in the Philippines, and that you know many human rights workers, activists, priests, pastors have all been assassinated, including many journalists. We are number three in the world as the most dangerous place for journalists. And as I, a journalist, writer myself, I am feeling the pressure quite a lot, the death threats and all that stuff.

Amnesty International has a very strong report on torture, revealed the wheel of torture where they played with the victims before they torture them, and we know that some police are sadly protecting these traffickers. So the Philippine Government is striving to address the problem at the top, but unfortunately they are

not able to solve it and going down to the bottom to the streets and where it is all happening.

And the U.S. State Department is lauded because they work quite well in the Philippines with us and we have implemented all of these programs with the help of USAID very recently working. And what we need is a reform of police, judiciary, and local government because they issue permits for the sex brothels and the sex tourist places to operate, and so this must be greatly restrained to reduce sex trafficking. So children trafficked must have greater protection, shelter, and assistance. Suspects must be prosecuted in a robust manner with the greatest integrity. So thank you.

[The prepared statement of Mr. Cullen follows:]

Statement of
Father Shay Cullen, SSC
President, PREDA Foundation

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

On
Accountability and Transformation: Tier Rankings
in the Fight Against Human Trafficking

April 22, 2015

Columban Missionaries

Good Afternoon. I am Fr. Shay Cullen, Catholic Columban Missionary and President and Founder of the PREDA Foundation, Inc., a Philippine social development organization.

Hon. Chairman, Rep. Karen Bass (D-CA), ranking member, and all the members of this distinguished sub-committee, I thank you for inviting me to be here again.

Today, I will share with you my personal experience working to address the widespread situation of Human Trafficking in the Philippines. My remarks will focus on Human Trafficking for the purpose of commercial sexual exploitation, and the exploitation of innocent and blameless street children for begging and drug deliveries by criminal gangs. Many but not all of the children victims of trafficking for begging, prostitution or drug couriers are frequently confined in jail-like conditions instead of being helped as victims some are as young as 8 to 12 years old.

When I previously testified before this sub-committee it was a testimony regarding the street children, some victims of human trafficking incarcerated in jail cells with adult criminals. A letter signed by members of this sub committee and other members of the house to then President Gloria Arroyo of the Philippines recommending the separation of minors from adults had an immediate strong positive effect at that time.

President Arroyo ordered this separation. However, prison officials all over made separate ever smaller overcrowded cells, and since then street children as young as 8 years old are now being confined in jail cells in sub-human conditions with accused youth offenders of the ages 17 and 18 year old accused. They are deprived of their human rights and are placed in grave circumstance of being and physically neglected starved and abused. The small children when rescued by the social workers of the Preda Foundation and given protective shelter, therapy and counseling reveal the sexual abuse.

I. TRAFFICKED FOR BEGGING AND DRUGS.

Some of these small children are victims of human trafficking brought into the city to beg for organized criminal syndicates or to be exploited drug couriers. While the Juvenile Justice Welfare law (RA9344) disallows criminal liability for children 15 and younger many are still imprisoned in dire circumstance contrary to law. (Photos)

The photos show the conditions going back several years and some more recent. It indicates the systematic neglect and abuse not just a few isolated incidents as some Philippine government official would like us to believe. Or claim that the photographs are not genuine, or insidiously say were released for fund raising purposes.[1] The center where the photographs the chained girl and the starved boy were taken in Manila are now closed as a result of the media generated. However, there are still many other centers where reform is needed. At the time of

[1] "Pope Francis and the Mystery of Manila's Vanishing Street Children." Charlie Cambell. *Time Magazine*. 21 January 2015.

controversy of Pope Francis' visit, the Web site of the Preda foundation was hacked and removed by agents unknown. It has since been restored.

The human trafficking of youth and children for sexual exploitation some as young as 18 months old to 14-year-old are procured for pedophiles, video making and for commercial sexual exploitation in sex bars where they are exploited by sex tourists some being US Nationals.[2]

II. VIDEOS OF TRAFFICKED AND ABUSED MURDERED CHIDLREN

Recent investigations carried out by the Dutch police and the Australian police in recent months shocking evidence showing children as young as 18 months, have been video taped ,one tortured and sexually assaulted and murdered. Other children 6 and 12 years old have been victims of torture and sexual assault and videoed .The videos one for example The Destruction of Daisy is an example. The videos are and commercially distributed over the Internet and sold in the United States, the UK and European countries as seen in the evidence gathered and the recent arrest of suspect Australian Peter G. Scully and his local helpers.[3]

III. FORCED ABORTIONS FOR VICTIMS OF TRAFFIKING AND EXUAL EXPLOITATION

The growth of human trafficking is linked to the use of the Internet for promoting sex tourism and for transmitting images of child pornography made in the Philippines as described. Some Victims of human trafficking are subjected to several human rights violations and even forced abortion in some cases, although these are difficult to prove with for the lack of medical or forensic evidence since it is illegal and done secretly but revealed d in therapy and the oral narratives of recued victims.

The anti-child pornography law mandates the Internet server providers (ISP) to filter and prevent such illegal images and content. The Internet is widely used for transmitting live sex acts using children despite the anti-cyber-sex laws. The telephone companies which have US nationals among their top 100 shareholders are violating the law by not having these filters in place as demanded by the Anti-Child Pornography Act of 2009 otherwise known as RA 9775.[4] They have seemingly placed themselves above the law and it is possible they get away with it with some collusion with Philippine government officials The Philippine National telecommunications commission is responsible for the implementation of the regulations. In addition to the anti-child pornography law, they are also allegedly violating with impunity the Public Telecommunications Policy Act of 1995 or RA 7925 and Executive Order No.

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[2] "Sex Trafficking in the Philipippines." *Nightline-The Raid.* 25 February 2013.
[3] "Catching a Monster." *60 Minutes.* Ch 9 Australia. 15 March 2015.

546 issued in 1979.

40% of tourists come for sexual exploitation, they return to the USA and endanger children. Thousands of young people many underage are vulnerable and both foreign nationals and locals prey upon to supply the demand of the thousands of sex tourists that come to the Philippines. As Former US Ambassador to the Philippines Harry K. Thomas, Jr. said during his time 2010 to 2013 that "40% of male tourists to the Philippines go there for sex tourism."[5] While he withdrew the comment, the fact remains that the Philippines is a destination for sex tourists despite Philippine denials.

IV. ASSESSMENT OF THE PHILIPPINE GOVERNMENT'S EFFORTS TO COMBAT TRAFFICKING IN 2014

While indeed there is strong political commitment by President Ninoy Aquino and especially Justice Secretary Leila De Lima, and the office of Ombudsman to fight corruption with some notable success and much effort to address the widespread human trafficking, unfortunately the implementation of this by police and prosecutors results in a very low arrest and conviction rate. In 15 years only 150 convictions were achieved. This places The Philippines on Tier II of the TIP report.

The grave economic inequality creates a very rich elite, a developing middle class in a strong growing economy but an ever-widening gap between the rich few and millions of poor people.

Corruption by some of the prosecution and judiciary. Besides the slow pace of the judicial process, the lowering of charges of human trafficking to child abuse allows many foreign suspects of trafficking to escape.

V. DEATH SQUADS PROTECT HUMAN TRAFFICKERS AND THREATEN JOURNALISTS

Death squads were widely used then and are still active today in certain towns and cities allegedly under the control of some mayors. These places are also were where traffickers operate with impunity and human rights workers combating human trafficking are vulnerable to retaliation.

Recommended Reports:

- The Report of the Human Rights Watch, "One Shot to the Head" Death Squad Killings in Tagum City, Philippines is very instructive.[6]
- Amnesty International report gives some indication how difficult it is to investigate human trafficking since some police are protecting the traffickers.[7]

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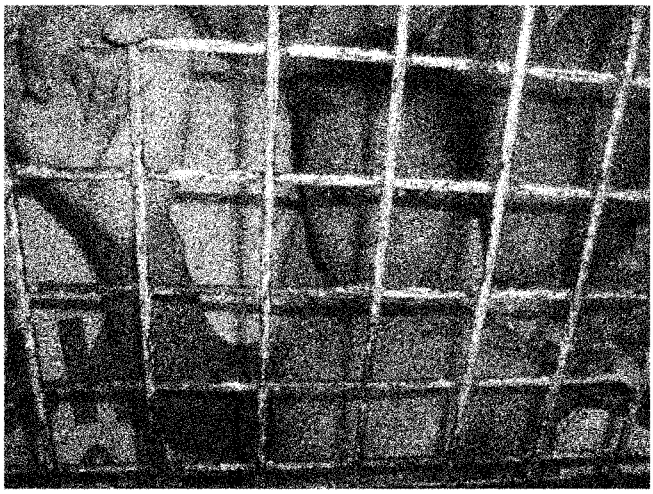
[5] "U.S. Ambassador to the Philippines Sparks Diplomatic Row after Saying 40% of Male Tourists Visit Country for Prostitutes" *Daily Mail.* 9 October 2011.
[6] "One Shot to the Head." May 21, 2014. Human Rights Watch.
[7] "Above the Law: Police Torture in the Philippines." *Amnesty International.* 4 December 2014.

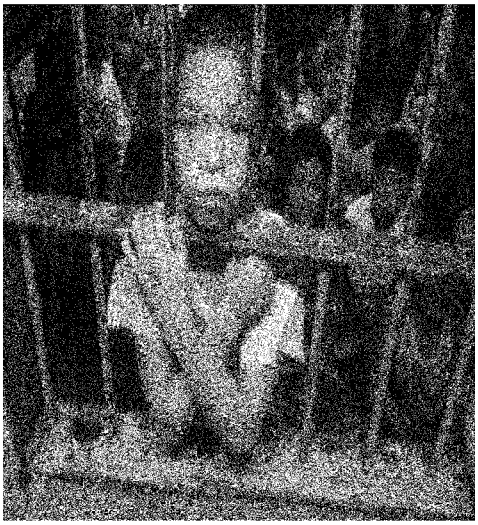
VI. CONCLUSION

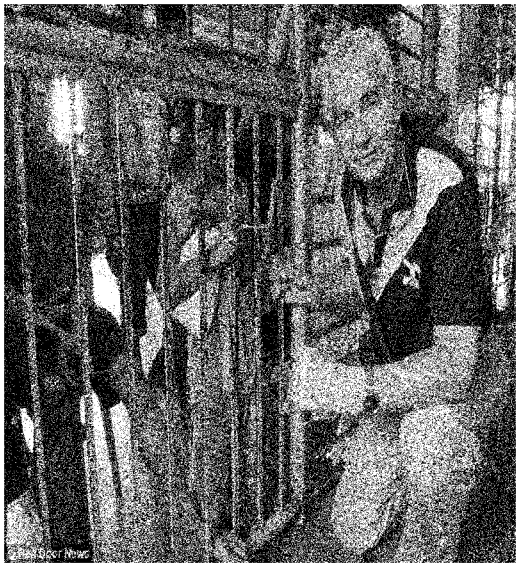
While the Philippine government is striving to address the problem of human trafficking and improve the recorded of convictions much remains to be done. The efforts of the US State department are lauded but reform of the police and judiciary in the Philippines is of the utmost importance. Local government who issue permits and licenses to sex bars that take in trafficked persons must be restrained and sex trafficking must be greatly reduced. Children trafficked must have greater protection and shelter and assistance. Suspects must be prosecuted in a robust manner with integrity.

VII. PAST AND PRESENT KIDS IN PHILIPPINE JAILS

Rescued by Preda Foundation, Inc.







VIII. Supporting Articles About or By Fr. Shay Cullen and the Issue of Human Trafficking in the Philippines

Human Trafficking is an Intrinsic Evil and a Crime Against Humanity
Shay Cullen, SSC April 17, 2015
[Web blog]. Retrieved from http://www.PREDA.org

WASHINGTON, DC. – Just call him Jose, or Joseph in English, because in the bible story **(Genesis 37:18-36),** Joseph was sold into slavery by his own jealous brothers and taken to Egypt by the slavers.

The small twelve-year old boy that I met along the road in Sacatihan Subic town, Philippines, coming from the hills, was barefooted, wearing only shorts and carrying a heavy sack of charcoal on his back. He looked emaciated, tired weary, and sickly.

I stopped and asked him who he was working for. Was he paid? Did he go to school? Where was his family? "Come with me to the PREDA youth home nearby and get rest and food," I said. His answer was a shake of his head, "No," and clearly afraid, he staggered off across a field before I could help him. I wanted to find and confront his master and owner. In all likelihood, Jose is a modern day slave and PREDA social workers are on the lookout to rescue and free him and give him a better life.

Daisy was only 14 years old when she was first noticed by retired Australian federal police volunteers from Australia doing undercover work in the sex bars of Olongapo and Subic. When the bar was later raided and arrests were made, several underage girls and women were rescued. I learned that she and others were being forced to work as child prostitutes.

The young 19 year old girls were held against their will and forced into prostitution by fear of violence against their family members in a distant town. Others had debts for food, transportation and lodging and had to work in the sex bar to pay them off or were threatened with being jailed. They are victims of forced bonded labor. They returned home. These and millions more around the globe are the victims of human trafficking or modern-day slavery.

When PREDA social workers brought charges against the bar owners in Olongapo City, Subic Bay, the victim witnesses were contacted by the bar operators and threatened with retaliation if they testified. They were too frightened to take the stand and the traffickers and sex bar owners walked free. However, the rescued minors in the PREDA shelter are testifying against the US national who sexually exploited them.

This is one of the reasons why there are very few convictions of the modern day slavers in the Philippines today. Corruption and bribe-taking practice of some prosecutors and judges and refusing to prosecute and convict traffickers, abusers and pimps is another disgraceful reality that enslaves children in lives of abuse and institutionalized slavery and rape.

It takes up to two years of therapy and shelter for these unfortunate children to regain normal childhood and have hope for a dignified future.

The Philippines will remain in the disgraceful Tier-Two of the US Trafficking in Persons (TIP) index. The Philippine government witness protection program and compensation for victims is allegedly mired in corruption and fraud. Without protection and assistance as witnesses, there can be few convictions and no end to the crimes against children and women.

Thousands of young girls, many of them as young as 14, continue to suffer as victims of modern day slavery. Sex tourists from rich countries seem to be encouraged by the authorities. They are not closing sex clubs and prosecuting human traffickers.

When defenders of children's rights exposed the abuse of children with photographic evidence, they were dismissed by the authorities as fake. Such blatant denial of the truth and reality and failing to bring the child abusers to justice and hold them accountable is, in effect, condoning the abuse of children. Silence and inaction in the face of crime against children is a form of consent.

I am writing this from Washington DC where I have been invited by the United States Congressional Sub-committee on human rights to present information about modern day slavery and human trafficking in the Philippines. It is ironic that the United States Congress is open and willing to hear the truth and act to save the children but Philippine legislators are not.

I have been working as a Missionary with the Society of St. Columban for the past 46 years combating human right abuses, human trafficking and sex slavery of children and women, and have some knowledge of the extent of the human suffering of trafficked victims.

The practice of the rich and powerful dominating and controlling the impoverished, weak and vulnerable people is still widespread today. And although slavery was banned hundreds of years ago by the British parliament and done away formally after the American Civil War and outlawed by the United Nations everywhere, it still continues in various forms thinly disguised but ignored by corrupt politicians and controlled by criminal gangs and individuals enslaving domestic helpers, agriculture and factory workers and fishermen.

Unregulated labor practices and racist attitudes continue the abhorrent abuse and exploitation of poor migrants, asylum seekers, refugees and the downtrodden through discrimination, racism, bonded labor and kidnapping by criminal gangs. The victims of this criminal trafficking and selling of people into extremely low paid jobs or bonded labor are treated by authorities as criminals rather than exploited victims.

Even migrant children are criminalized and jailed. Street children in the Philippines are frequently exploited as beggars and drug couriers and then accused and jailed.

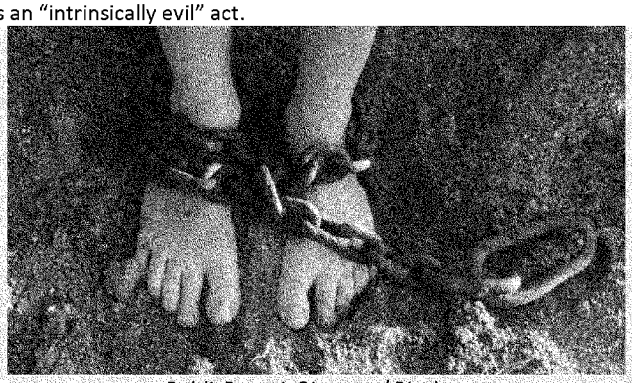
Police allow the syndicates to operate with impunity and claim to have solved the crime when the kids are behind bars.

The statement of Pope John Paul II (Veritatis Splendor), that slavery is an inherent evil, and that nothing can ever justify it under any circumstances and the statement of Pope Francis at the interfaith meeting at the Vatican, December 2014, declared that human trafficking is "a crime against humanity,". Pope Francis and the leaders of other major faiths across the globe vowed Tuesday to work to eradicate slavery by 2020

However despite his much acclaimed visit to the Philippines last January 2015, that message has fallen on deaf ears. We have to shout it from the rooftops and take action to save the victims and bring the criminals to justice.

John Paul II on Slavery as Intrinsically Evil
Shay Cullen, SSC April 15, 2015
[Web blog]. Retrieved from http://www.preda.org/news/world/john-paul-ii-on-slavery-as-intrinsically-evil/

Veritatis Splendor, paragraph 80, in which the late Pope John Paul II condemns slavery as an "intrinsically evil" act.



PublicDomainPictures / Pixabay

"Reason attests that there are objects of the human act which are by their nature 'incapable of being ordered' to God, because they radically contradict the good of the person made in his image. These are the acts which, in the Church's moral tradition, have been termed 'intrinsically evil' (*intrinsece malum*): they are such *always and per se,* in other words, on account of their very object, and quite apart from the ulterior intentions of the one acting and the circumstances.
Consequently, without in the least denying the influence on morality exercised by circumstances and especially by intentions, the Church teaches that 'there exist acts which *per se* and in themselves, independently of circumstances, are always seriously wrong by reason of their object' [*Reconciliatio et Paenitentia* (December 2, 1984), 17: *AAS* 77 (1985), 221; cf. Paul VI, *Address* to Members of the Congregation of the Most Holy Redeemer, (September 1967): *AAS* 59 (1967), 962].

The Second Vatican Council itself, in discussing the respect due to the human person, gives a number of examples of such acts: 'Whatever is hostile to life itself, such as any kind of homicide, genocide, abortion, euthanasia and voluntary suicide; whatever violates the integrity of the human person, such as mutilation, physical and mental torture and attempts to coerce the spirit; whatever is offensive to human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution and trafficking in women and children; degrading conditions of work which treat labourers as mere instruments of profit, and not as free responsible persons: all these and the like are a disgrace, and so long as they infect human civilization they contaminate those who inflict them more than those who suffer injustice, and they are a negation of the honour due to the Creator'

The Mission to End Slavery

Shay Cullen, SSC
Fighting Slavery - Faith in Action. Ed. Nick Kinsella, Pete Stanley. (2015). Kent: River Publishing, 2015. Chapter 4.

Slavery saturates society. It is present in the clothes and food we buy which are made with slave-like labour. These products are soaked with the sweat and suffering of their victims. They are for sale in the high street shops, on our dining tables, in the food that we eat, worn by children in school and on the sports fields, and present in the mobile gadgets we use daily. The products of modern-day slavery are ever present, but to see them, we need to be freed from blind ignorance.

The sweatshops of Bangladesh are shocking examples of some of the twenty million trafficked humans in slave-like conditions worldwide. Hundreds have died in factory fires and inside five-storey, poorly constructed buildings which collapsed on them as they made the clothes we love to wear. The cocoa fields of Africa and the gold mines of Peru are slave pits where the poor are working in subhuman conditions for less than a survival allowance, and some for none at all.

We might think that slavery ended with the American civil war, or when it was banned by the British parliament through the work of great Christian campaigners against slavery, like William Wilberforce and Thomas Clarkson and their supporters.

For thousands of years, slavery was common practice; it was condoned and a source of revenue for most religions. Churches and the ruling elite of England, Spain, Portugal, Denmark and others, in cahoots with plantation managers and the ruling families of the Americas, all grew rich on the slavery of the captured and enslaved Africans and native peoples.

Humans have a propensity to dominate and exploit their weaker and vulnerable fellow humans. Sadly, history shows that so-called Christians did it with harsh and cruel torture, some while reading the Bible. That Christians could enthusiastically embrace slavery to enrich themselves, was and is a mind-boggling contradiction.

The modern slavery behind much international trade and in our everyday products calls us to question our understanding and practice of our faith. The most vigorous stand against slavery was taken by the Quakers, to their great credit.

In the past, church-going slavers, ship captains, and their financial backers paid lip service to the teachings of Jesus of Nazareth. Shameless hypocrisy was worn with pride. Today, secular society has more openly rejected and ignored Christ's words and example. As a result, thinly disguised modern slavery, as found in brothels, for example, has a sheen of legality. The trafficking of persons that supplies the victims is generally ignored or dealt with lightly in many countries.

There is arguably as little compassion, social and economic justice and equality today as in days when slave ships brought the African captives to the Americas and returned back with the produce of their labour: sugar, cotton, tobacco, gold. There are as many, if not more, exploited and trafficked workers disguised as legitimate employees today, as in the past.

As many as thirteen million Africans were captured, chained, beaten, abused, and enslaved. They were transported like animals and perhaps 1.3 million died on the way in the foetid holds of the slave ships, designed and built to hold as many chained prisoners as space would allow. Their families were torn apart; they were agonisingly separated from wives and children, exiled to the American colonies and their horrific slave plantations to provide products for Western capitalism and commerce for European citizens.

The wealth of much of Europe was founded on the labour of enslaved Africans. Churches built in the 19th century were possible because of slave trade earnings, which is truly a shame and abomination. All prospered at the expense of the enslaved people. They rejoiced in the fruits of slavery and thanked God for their wealth and so-called 'good fortune.' What God did they worship?

Today, as many as 20 million people are trafficked into forced, unpaid labour or on the dollar-a-day survival menu. Slavery has not gone away. The greed for riches produced by enslaving our fellow humans, exploiting them along with the murderous trade in arms and chemical weapons, and life-destroying drugs dominates our global trade. It is clear that governments with a human rights protection agenda are not doing nearly enough, and are having little impact.

True Christians must step into the gap, take a stand and campaign for the gospel values to change society and end slavery. What greater cause than to work for an end to social and racial injustice, bonded labour and slavery and the trade in persons? Putting faith into action is a life worth living; anything else is indifference and apathy in the face of evil.

The peace and compassion, freedom and dignity, championed by Jesus are ideals that give purpose and meaning to human existence. Slavery of any kind by any means is a deprivation of what makes us preciously human: thoughtful free choice. When this unique attribute that sets us apart from all other living creatures is taken from us, our human dignity is diminished, our rights are denied, and we are being treated as less than human.

That's why the captivity that goes with human trafficking is devastating to human beings. Their self-esteem is taken from them and their will to live is weakened. Many turn to suicide. Without the freedom to choose, to exercise free will, to decide for oneself how and where to live without the chains of debt, paralyzing fear and

threats, the helpless captive is reduced to the state of the silent caged bird, the chained whimpering puppy.

When Jesus declared in his home town that his mission was to fulfil the promise and prophecy of Isaiah to uplift the poor, open the minds and hearts of those blinded by tradition and ignorance, and declare a Jubilee year where all captive slaves would be freed and debts be cancelled and forgiven, and land would be returned to its rightful owners, there was an angry uproar from the elders, landowners and the wealthy.

His veiled message was clear to the astute teachers of the law and the biblical scholars. To them he was going to turn the power structure of society on its head, deliver it to the poor and the downtrodden and give power to the freed slaves. The rich were outraged, and the poor were delighted.

The mission statement of Isaiah was adopted word for word by Jesus. In the synagogue of Nazareth, he was invited to read the scripture. He opened the scroll, looked for the passage from Isaiah and read:

> The Spirit of the Lord is upon me, because he has chosen me to bring the Good News to the poor. He has sent me to proclaim liberty to the captives, and recovery of sight to the blind: to set free the oppressed and announce that the time has come when the Lord will save his people. (Luke 4:16-19).

No wonder the authorities were outraged. What an audacious, arrogant statement to make! We can imagine their response: 'Who is this son of a carpenter to claim he is equal to the great Isaiah and that he would implement and fulfil the prophet's mission?'

This was pure fantasy if not blasphemy to them. But it was also dangerous and subversive. Talk of freeing captives and slaves was treason to the Romans, and the proxy rulers of Palestine feared losing their religious power and wealth if they lost their positions.

The slave rebellion of Spartacus only a hundred years previously in 73 BC and two previous uprisings of hundreds of thousands of slaves terrified the Romans, as their economy was run on slave labour. It was much like today's world, run on the bonded labour of twenty million people.

To the ruling elite of Palestine, Jesus was an upstart, self-appointed preacher, teaching without any official authority and challenging the traditional teaching of Judaism.

The poor were taught by the Pharisees and teachers of the law that the power structure and religious elite was God's will. They were told to accept their poverty and slavery as punishment because they were sinners and beyond redemption. Or

perhaps they were suffering for their parents' sins. The rich considered that their wealth was God's reward for their virtue and righteousness.

Jewish rabbis spoke of a vengeful and unforgiving God. A sinner or defiled person could make atonement to God if he could afford to make sacrifices in the temple. This required him to buy the animals from the herds of the rich, and give the sacrificed dead carcass to the temple priests who in turn supplied the meat market at great profit. The rich landowners and the priestly caste had a clever, vertically integrated enterprise going on between them.

Besides that they ran a foreign exchange business inside the temple to facilitate the purchase of animals by the Jews returning from foreign lands. They were enraged when Jesus said it was all wrong and he would sweep it all away. They considered him a dangerous heretic, dragged him from the building and tried to kill him by throwing him from a cliff. Somehow he walked away.

But he always made it clear that he was not going to sweep tradition and the law away, he was going to fulfil it, and it would not be instant. Because people had free will to do good or evil, to choose to have their eyes opened to the truth and repent. That would take time. It is still taking time.

Slavery was common in every town and village of Palestine at the time of Jesus as it was in the Roman Empire. No one thought there was anything wrong with it. But Jesus did. He would probably be killed on the spot by the Romans for openly opposing it. After quoting the words of Isaiah, he was a marked man.

Advocating openly for equality and freedom for the captives and the poor was a dangerous mission. Jesus' challenge to the system and denunciation of corrupt hypocrites eventually led to his execution.

While the Sermon on the Mount was a powerful social and spiritual declaration for the rights of the poor, he taught most forcibly by example. He related as a concerned friend to the downtrodden and the rejected. It established before the world their worthiness as God's children and their inalienable rights to be free from all bondage, imprisonment, domination and control by others.

'Whatever you do to the least of my brothers and sisters you do to me,' was another statement identifying with the captives, the slaves. He taught us and gave us the choice to imitate his example. He established their status as God's children with equal rights irrespective of wealth, age, gender, colour or creed. All were deserving of freedom, equality, a life of decency based on justice and compassion, love and truth.

He turned upside down the status quo of society of his time and for all time and

favoured those who had no standing in society. When asked who in his kingdom was the most important of all he choose a child. 'Whoever welcomes this child welcomes me,' he declared to all. This was so shocking in his day that he made enemies.

Even the early Christians struggled with slavery; it was commonly accepted, an unquestioned way of life. They couldn't change the system but now after two thousand years of Christianity, you would think the message of Jesus would have come through to modern society. Yet only a small band of committed anti-slavery advocates champion the rights of the exploited poor who have fallen into the hands of modern-day traffickers and merchants of vulnerable persons.

More of us have to stand up and see our faith in the words and deeds of Jesus of Nazareth in a new light. We have to shake off the old institutional model of religion that passed for Christianity, become true disciples, and join the prophetic voices calling for freedom from slavery for all.

There are strong prophetic voices of people putting faith into action. This book is one of them. As James wrote in the New Testament, 'Faith without action is dead.' We cannot be fully mature Christians if we remain in our church pews without going out to confront the evil of slavery in society. Some are doing it with great effect.

Most uncaring officials would never even consider slavery a political or policy issue. In fact, local governments in the Philippines and elsewhere give business permits to sex bar operators linked to the international sex Mafia. In these slave camps, the chains are invisible debts and threats where women and children are victims of sex slavery of one kind or another.

But that is changing, thanks to the impact of the anti-slavery advocates. The United States government under President Obama has taken on the issue to end the trafficking in persons and modern-day slavery with vigour and commitment.

I never thought this would be so. When I began this work forty years ago, it was because the US Navy made Subic Bay, Olongapo and Angeles City their home port and airfields. Together with the local ruling political family, they developed these villages into huge, exploitative sin cities where sex slavery was and still is as common as selling meat in the market.

An anti-slavery, anti-child abuse campaign by PREDA Foundation from 1982 to 1992 succeeded with others to drive the US military bases from the Philippines – with some help from the eruption of Mount Pinatubo. Although the slavery business shut down for a few years, it has since been restarted by returning US retired marines and an international sex Mafia. Now sex tourists fill the brothels and bars. With the help of the Almighty we were able to get rid of the huge US military bases, so there is great hope that we can get rid of sex tourism in the Philippines and save thousands

of enslaved young girls, women and children.

The battle is spiritual. We need the influence of Eternal Goodness to conquer the hearts and minds of enough politicians, to legislate for clean tourism that is safe for women and children, and against modern forms of slavery. We need an international campaign where Christians of courage and commitment take an active stand for what they believe. Prayer is great, but action for justice is greater still.

Until very recently, no one thought that in our time, still soaked in racism and prejudice, we would see a black president in the White House, a seat of awesome power, built with slave labour. He and his wife Michelle, herself a descendant of slaves, have been advocating an end to slavery as a matter of state policy and priority. Transformational social and moral change is possible with great spiritual commitment to human rights and dignity.

The latest Trafficking in Person (TIP) report, released and publicized on 20 June 2014 by the US Secretary of State John Kerry, stated that trafficking of persons is modern slavery and its eradication is a top-priority policy for all US government departments.

Who would have foretold that the US government would do this? The former administration was advocating policies to invade, fight and kill, conquer and occupy. So we welcome this amazing change of policy.

There has been nothing much like it in government since William Wilberforce and Thomas Clarkson, with former slaves Ottobah Cugoano and Olaudah Equiano and their supporters campaigned for many years to abolish slavery and challenged the British Parliament to do so. Eventually the campaigners persuaded MPs to ban the slave trade. The Slave Trade Act received Royal Assent on 25 March 1807 and many years later slavery itself was outlawed, just three days before William Wilberforce died.

There are many forms of slavery. It is the physical control of another human being, making him or her work for little or no pay and controlling their behaviour from dawn to dusk.

There are also addictions where the human will is dominated by chemical substances or other compulsive behaviours. The drug traffickers and pushers trap, enslave and destroy young lives. There is intellectual slavery where people's minds, feelings and spirits are captured and controlled by an ideology and their will is no longer free. Some can become fanatics, even suicide bombers.

The fight against human trafficking is one of the greatest challenges we have to face this century. Yes, we have wars, famine, typhoons, massacres and climate change. But I believe that Christians must face the problem of evil epitomized in the slavery

of the poor and vulnerable people who are left unprotected by family and community.

The inevitable question for people of faith is, 'If there is a loving, all-powerful God who cares for us, why does evil thrive to enslave the innocent, especially women and children and cause them to suffer?'

There is no easy answer to this but I have grappled with it and sought answers all my life. I found that action for justice against evil and slavery helped me live with the many challenges to my faith. Reggie and Angelica are just two of many.

A few months ago, after the devastating typhoon Haiyan that hit the Philippines, hunger was rampant. People would do anything for food. The youth were easily exploited by human traffickers.

PREDA Foundation social workers rescued Reggie, a teenager who was lured with his six friends on board a fishing boat and were exploited as slave labour. They worked for weeks without end for sixteen hours a day and were then cast ashore without pay or compensation.

Sixteen-year-old Reggie, as if he had not suffered enough, was then arrested for 'vagrancy,' for being homeless. The police didn't believe him or were in cahoots with the slavers and exploiters, the traffickers of Reggie and his friends who went off to exploit more minors on their fishing boat, a slave ship of sorts. He told us later he felt that God had abandoned him.

There are about ten million homeless people in despicable slums, living in pushcarts on the streets all over the Philippines; they are prisoners of poverty, another kind of slavery. PREDA human rights workers demanded the release of Reggie from illegal detention and succeeded in getting him out. There were dozens other small boys in the same cells arrested and accused of theft for stealing a banana, a T-shirt, or some petty offenses, some as young as ten years old. We could not rescue all of them.

In the jail house they endure hardship and are forced into another form of slavery. Like other boys, Reggie was bossed by the bigger inmates and had to be their unpaid servant. Some are turned into girly-boys, forced to give sexual favours to the guards or adult prisoners in adjoining cells. Young girls are also sold as sex slaves to the older adult prisoners to appease their cravings and prevent riots.

These victims of abuse work without pay. Boys and girls wash the guards' clothes, clean the filthy toilets, cook and serve food, and do whatever they are ordered just to eat and avoid being beaten up. They are totally impoverished so no one cares about them.

Reggie was released into the custody of the PREDA human rights workers and had

his first meal in a restaurant. He was then brought to the PREDA home in the countryside to rest and recover his broken health.

During the sharing of testimony, he told his story of exploitation and suffering and what he witnessed in the jail. He also described his journey in Christian faith and hope: 'I only had God to trust and prayed to God to save me. I hoped every day would be the day when I would be saved, but my prayers were unanswered.'

The worst of all human traffickers and slavers are those who recruit children and young women and sell them into sex slavery. These are the government-approved, licensed brothels and sex bars operated by the international sex Mafia which bring in sex tourists from all over the world. Fourteen-year-old Angelica was sold to a trafficker by her relatives and ended up a sex slave in the 'Sweet Sixteen Bar' that specialized in minors. When we rescued her from that sex bar where she endured a year of suffering, she told us she was forced to take customers six times a night and she begged God for deliverance.

'I prayed and begged for God to save me, to take me out of that place, to bring me safely home.' That child was deeply traumatized by sex slavery. She hated adults, trusted no one and it took almost a year of counselling and emotional expression therapy before she could heal and trust again.

Many survivors of sexual exploitation and abuse live with that deep distrust of other humans. It's a lonely life not being able to have close friends and happy relationships.

It is not God who is ignoring the horrific suffering of these enslaved people. It is those who claim to be Christians but are not, who abandon them to the abusers and slavers. All of us are challenged and called to be Good Samaritans but most walk on by, so the bandits win and the innocent suffer.

Eternal Goodness does not allow or ignore human suffering; people do. Eternal Goodness is present when there are good people acting for justice and love and personifying it. True Christians are those who act on their faith, extending the mission of Jesus of Nazareth in the world. Together in his spirit, and that of Isaiah, people of faith combat evil.

We wouldn't be truly human without the freedom to exercise free will, nor could we choose to help, love and save others. So evil is not allowed by God, but for humans to be fully human, they must have the freedom to choose to do good or evil. It is for Christians to present eternal goodness and eliminate evil.

More people in the world seem to choose wrongdoing than doing good, which is why bad things happen to innocent people. Slavery is the result of the evil choice of

traffickers and abusers.

I believe that 'Eternal Goodness' did come through the PREDA human rights workers in saving Reggie and Angelica and many more children with the help of our supporters. Their prayers were answered at last.

All of us are called to act as did the Good Samaritan, to help the victims of slavery and bind up their wounds and care for them. As disciples of Christ, our calling is to implement and live out in action that mission statement of Isaiah as Jesus did. We can eventually end slavery by working together with caring

Saved from the Death Squad – By Street Children
Shay Cullen, SSC May 28, 2014
[Web blog]. Retrieved from
http://www.preda.org/mailings/mail.cgi?flavor=archive;list=preda;id=20140527202134

What should be a matter of outrage and great moral concern of every Filipino and decent human being is the very recent, well documented revelations by Human Rights Watch, alleging the actions of a death squad in Tagum city, Mindanao where hundreds have been murdered including street children as young as 9 years old. The killings were allegedly carried out by hit men allegedly on orders of the former mayor. Each person was killed for a payment of only five thousands pesos (US$110).

"One Shot to the Head": Death Squad Killings in Tagum City, Philippines" (see www.preda.org) is a 71 page report released on 22 May, 2014, with damming evidence and interviews with former hit men who allegedly said they were paid by former Mayor Rey "Chiong" Uy to kill anyone they were told to. One text message allegedly set them in motion. They were paid US$110 for every killing and they divided it among themselves, one former hit man said in a taped interview posted on Youtube. The former mayor has denied the allegations.

"Tagum City's former mayor helped organize and finance a death squad linked to the murder of hundreds of residents," said Phelim Kine, deputy Asia Director at Human Rights Watch. "Rey Uy called these citizens "weeds". He and other city officials and police officers underwrote targeted killings as a perverse form of crime control."

Such revelations are not new in the Philippines. Other city officials throughout the Philippines have been accused of using death squads to kill street children and anyone considered a threat or critic of local government. As many as 298 victims have been documented in this Human Rights Watch Tagum report. The report said…"Targeted killings have continued but with less frequency since Uy stepped down as mayor in June 2013".

The Human Rights Watch press release said that "On April 28, 2014, the media reported that the Philippines National Bureau of Investigation had recommended the prosecution of four security guards employed by the Tagum City government for their alleged role in the abduction, torture, and murder of two teenage boys in February 2014. The current Tagum City mayor, Allan Rellon, reportedly told the media that he was "bewildered" by the allegations, saying that, "as a local chief executive, I abhor any form of summary killing."

This is not the first report documenting the dark side of Philippines where government officials, have been accused of using private assassination squads of hit-men that go around on motor bikes killing children, priests, missionaries, pastors, church and human rights workers. This column has documented many of these murders. The Sun Star of Davao has bravely documented many of the death squad

murders over the years. Investigations by the Philippine Commission on Human Rights have failed to uncover the killers or those behind the murders.

A prominent columnist in The Philippine Daily Inquirer last 24 May, 2014 defended the death squads and the actions of Mayor Uy and the Mayor of Davao Rodrigo Duterte saying no one in the Philippines is complaining about them except Human Rights Watch. Citizens would have benefited too, he wrote, if the police in Manila had implemented a plan to organize a death squad to eliminate alleged corrupt judges and prosecutors.

The killings are done to drive away begging street kids, create fear and silence critics and defenders of human rights on the pretext of preserving law and order by killing people said to be suspected criminals. Anyone can denounce their neighbor as a drug pusher and it's likely that person would be killed. This is how the tiny minority of wealthy Filipino elites use fear, force and murder to intimidate the people, eliminate rivals, cheat at elections and stay in power through family dynasties. Thus, the one percent can rule the nation as they have always done. The hit-men do it for money and the elites do it for political and economic advantage. They act with total impunity.

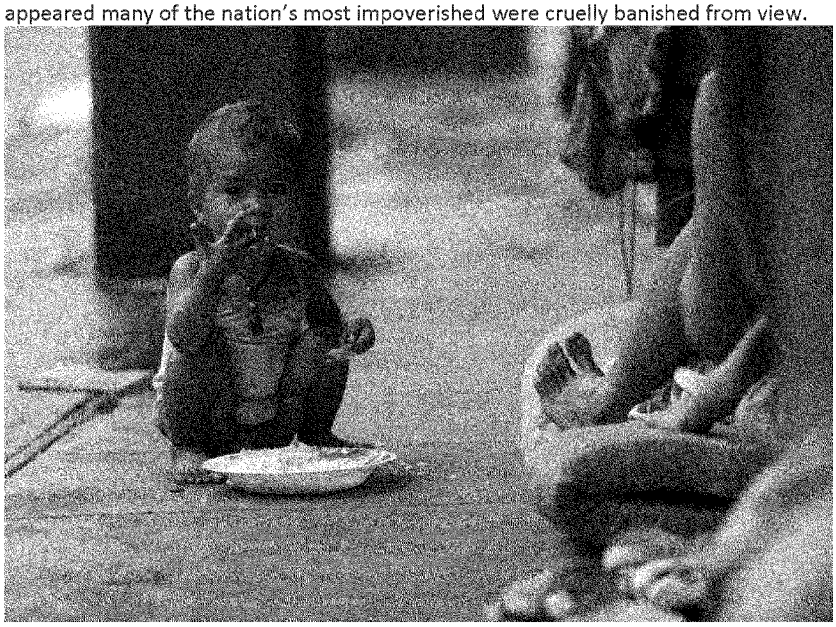
The Human Rights Watch report gives credence to the many allegations made by Filipino human rights workers for many years including this writer who exposed a Davao death squad and was sued by the former Davao Mayor De Guzman in 1999, although no allegation was made against him personally. After a harrowing, dangerous year of legal defense, and a scary visit to Davao where a group of street children formed a protective cordon around me at the airport lest the death squad would kill me. I was trying to save them, but they saved me.

Mayor De Guzman withdrew the allegation on the day when I was to be arraigned in the Davao City Regional Trial Court. The intervention of Archbishop Fernando Robles Capalla of Davao persuaded the Mayor to withdraw the charge. The Archbishop's brother Romy Capalla, a human rights defender was assassinated with a bullet to the head last March 2014 in Ilo-ilo for his work defending the rights of small farmers to organize independently of land owners and practice Fair Trade. The sugar mill they operated was burned down destroying their livelihood. No one has been caught for the brutal murder.

A Survey by the Ateneo De Davao University says 98 percent of those polled support the mayor, government and 77 percent support the police. Perhaps they dare not say otherwise. Western embassies have warned their citizens not to visit Mindanao due to the crime rates. The death squads have not deterred lawlessness, only added to it.

Pope Francis and the Mystery of Manila's Vanishing Street Children
Charlie Campbell @charliecamp6ell Jan. 21, 2015
Time. Retrieved from http://time.com/3676027/pope-francis-manila-street-children-philippines/

Pope Francis took the helm of the Catholic Church last year, vowing to refashion the institution "for the poor." Yet during his recent five-day visit to the Philippines, where he presided over Mass for more than six million rapturous worshippers, it appeared many of the nation's most impoverished were cruelly banished from view.



Noel Celis—AFP/Getty Images A homeless child in the streets of Manila in 2014.

As the Pontiff touched down in Asia's most Catholic nation, reports emerged that street children had been rounded up and caged in order to sanitize Manila's streets. Local authorities vehemently denied this was a case, pointing out that the accompanying photographs of an emaciated toddler and young girl handcuffed to a metal pole had in fact been taken months earlier.

However, rumors continued to swirl as more anecdotal evidence arrived. So was the Philippine capital purged of unsightly urchins? In a word, yes, although only a small fraction of this was anything new.

According to local activists, street children are constantly being rounded up across this sprawling metropolis of 12 million. This is generally for vagrancy and petty crime — they are often scapegoats for the deeds committed by organized gangs — and,

although numbers are hard to pin down, the Pope's visit seemed to herald a slight uptick.

"There's definitely been a ramp up," Catherine Scerri, deputy director of the Bahay Tuluyan NGO that helps street children, tells TIME. "They were definitely told not to be visible, and many of them felt that if they didn't move they would be taken forcibly."

Those detained end up a various municipal detention centers sprinkled all over Metro Manila, says Father Shay Cullen, the Nobel Peace Prize-nominated founder of the Preda Foundation NGO. These local adult jails each adjoin euphemistically named "children's homes," which, like the adult facility, has bars on the windows.

Children are summarily kept for anything up to three months without charge, with little ones sharing cells with young adults. Many fall prey to serious sexual and physical abuse: Kids just eight-years-old are often tormented into performing sex acts on the older detainees, says Cullen. (Amnesty International documented such abuses in a December report.)

"They are locked up in a dungeon," says Cullen, explaining that some 20,000 children see the inside of a jail cell annually across the Philippines. "We keep asking why they put these little kids in with the older guys."

Nevertheless, Philippines Welfare Secretary Corazon Juliano-Soliman explicitly denies that homeless children were rounded up for the Papal visit, highlighting that they were, in fact, central to the 78-year-old Pontiff's reception. Some 400 homeless kids — albeit in bright, new threads — sang at a special event (and posed awkward theological questions.)

Any children detained, explains Juliano-Soliman, were "abandoned, physically or mentally challenged or found to be vagrant or in trouble with the law, and we are taking care of them." Father Cullen's allegations, Juliano-Soliman suggests, are a sympathy ploy to win donations "One can't help but think it's a good fundraising action," she says wryly.

However, Juliano-Soliman did confirm that 100 homeless families — comprising 490 parents and children — were taken off the street of Roxas Boulevard, the palm-fringed thoroughfare arcing Manila Bay along which Pope Francis traveled several times, and taken about an hour and a half's drive away to the plush Chateau Royal Batangas resort. Room rates there range from $90 to $500 per night.

This sojourn lasted from Jan. 14, the day before Pope Francis's visit, until Jan. 19, the day he left. It was organized by the Department of Social Welfare's Modified Conditional Cash Transfer program, which provides grants to aid "families with special needs."

Juliano-Soliman says this was done so that families would "not be vulnerable to the influx of people coming to witness the Pope." Pressed to clarify, she expressed fears that the destitute "could be seen as not having a positive influence in the crowd" and could be "used by people who do not have good intentions."

For Scerri, though, this reasoning doesn't cut it: "It's very difficult to believe that children and families who have lived on the streets for most of their lives need to be protected from what was a very joyous, very happy, very peaceful celebration."

In fact, families involved were only told two days prior that they were to make the trip to Chateau Royal Batangas. "Many felt that if they didn't participate that they would be rounded up," says Scerri, adding that those who returned to their usual digs by Malate Catholic Church found large signs had been painted in the interim that prohibited sleeping rough.

Ultimately, whether jailed or stashed in a resort, "there's nothing new," says Father Cullen. "Every time dignitaries come it's a common phenomenon for more children to be locked up."

So where did Manila's street children go? The truth is that most people didn't really care, just as long as they did.

Seeking Justice, Ending Impunity
Shay Cullen, SSC November 23, 2011
Web blog]. Retrieved from http://www.preda.org/fr-shays-articles/seeking-justice-end-to-impunity/

As 13 year-old Angelica walked out of the court room she was crying her heart out. Her friends from the PREDA home for abused girls were hugging and embracing her trying to give her comfort. She felt she had been cheated, violated again and again every time the Clerk of Court reading the court's decision declared her rapist "not guilty". Every count was dismissed on one technicality after another. The accused stood there smirking, as if knowing the outcome in advance.

Clever lawyers, weak uncaring prosecutors and a lazy ignorant judge seemed to be on the take and caused the emotional and mental anguish to Angelica and a lifelong trauma. So a trial is a money making sham and the fig leaf for the impunity enjoyed by the bribe making accused. Bribery is usually assumed then such cases are decided in favor of the accused despite strong evidence.

Without a well-paid private prosecutor child victims don't have a chance of winning a case and getting justice. The abuser goes free laughing all the way to his next victim and many more after that. It's estimated that a child abuser has up to a hundred victims before being caught. Such corrupt officials are co-rapists in my view. When a person knows in his or her conscience that a crime has been committed and the evidence is strong and clear and then acts against it, that's a crime in itself.

Impunity is the norm when it comes to child sexual abuse cases. The child rapists, traffickers, sex abusers and assassins are seldom caught, charged or convicted. Police too can get away with brutality and torture since they are seldom investigated and brought to trial.

The gruesome massacre and mutilation of some 57 people that included 32 journalists in Maguindanao, in Southern Philippines two years ago on November 23, shocked the international press. It was the worst attack ever recorded against media practitioners. No convictions yet and little hope of justice it seems.

The horrific crime allegedly perpetrated by the Ampatuan clan to block there political rival from entering the elections is still in the preliminary stages. Only 93 suspects out of 196 have been arrested and of those only 29 have been arraigned. Eight months were lost due to petitions of the accused for the judge to inhibit herself. Out of 300 prosecution witnesses only 72 have been presented in court. The accused have applied for bail which is the center of the legal battle at present.

Media practitioners around the world have declared November 23 as "The international Day to end Impunity". The Southeast Asian Press alliance led by Executive director Gayyathry Venkiteswaran, based in Thailand and an advocate of the campaign against impunity says that "Impunity is a chromic failure by states, judiciary, and law enforcement agencies to bring perpetrators to justice". In Wikipedia we find the following definition of impunity, "In the international law of human rights, it refers to the failure to bring perpetrators of human rights violations to justice and, as such, itself constitutes a denial of the victims' right to justice and redress".

The blatant and obvious failure of the state to convict many accused where the evidence is convincing and strong could be taken as de facto impunity. In such cases the trial is a charade and money writes the favorable judgement. This injustice is the deepest wound in society that causes rebellion and war.
Wherever there is the abuse of power, influence and money and where corruption thrives there is the chance for alleged criminals to evade prosecution through influence and legal loopholes. Bankers are in the spotlight for defrauding investors, depositors and grossly mismanaging the funds entrusted to them by customers. Their excessive greedily huge salaries and bonuses are said to be the cause of the financial ruin of hundreds of thousands of people. Yet they enjoy impunity.

Impunity is never right and while we mourn the assassination of priests, pastors, human rights workers and abused children we must not abandon the pursuit of justice. Those that aid and abet impunity for the criminals are close to being criminals themselves.

Mr. SMITH OF NEW JERSEY. Thank you very much for your testimony and also for your leadership in defending the weak and the vulnerable. Thank you.

Mr. Smith?

STATEMENT OF MR. MATTHEW SMITH, EXECUTIVE DIRECTOR, FORTIFY RIGHTS

Mr. SMITH. Thank you very much, Mr. Chairman, other distinguished members of the subcommittee. Thank you for the invitation to be here today. It is a real honor and we are very pleased to be able to share some of our work with you. On behalf of my colleagues I would especially like to thank you for your work to end human trafficking worldwide.

I would like to focus my remarks on some of our findings related to a few of the countries we are working in, namely, Myanmar, Thailand, Malaysia, and Bangladesh. Specifically I would like to draw attention to the exodus of the Rohingya Muslims from Myanmar which the chairman mentioned in his introductory remarks, exodus of Rohingya Muslims from Myanmar and Bangladesh and to the situation of armed conflict on the Myanmar/China border.

Now we have recently conducted hundreds of interviews with witnesses and survivors of abuse, and I have also conducted interviews with more than a dozen brokers and human traffickers who are either directly involved in human trafficking or otherwise knowledgeable of the trade, the illicit trade. The Rohingya, as you may know, are an ethnic and religious minority from western Myanmar. There are currently more than 650,000 Rohingya displaced in Myanmar and in Bangladesh, and this particular segment of the Rohingya population is particularly at risk of human trafficking.

With regard to why Rohingya are getting on boats, we heard a little bit about, and I will just share what we have documented over the last couple years, and in the last year. In Myanmar they faced killings and coordinated arson attacks. Rohingya are facing avoidable deprivations in humanitarian aid, protracted and targeted policies of discrimination. The Government of Myanmar has essentially implemented an apartheid-like segregation in Rakhine State.

We have documented widespread and systematic forced labor of Rohingya by the Myanmar Army and other state security forces and this includes child forced labor. We have also documented systematic rape of Rohingya women and girls with complete impunity. The government continues to deny Rohingya citizenship and imposes restrictions on freedom of movement, marriage, childbirth, and other aspects of everyday life.

These abuses and policies have given Rohingya very few options but to flee the country and essentially flee into the clutches of transnational criminal syndicates. Meanwhile, authorities have been complicit in and profited from the trafficking of Rohingya, in some cases taking payments directly from criminal syndicates and in other cases actually escorting boats out to sea.

With regard to Bangladesh, following the violence in Rakhine State in June 2012, the Government of Bangladesh made the un-

conscionable decision to close its borders to Rohingya and to restrict humanitarian aid to the refugees. This of course has led many Rohingya, likewise, to flee into the clutches of transnational criminal syndicates and to take risky journeys by sea.

When Rohingya board ships from Bangladesh or Myanmar, they are typically deceived into thinking they will be comfortably taken directly to Malaysia. Instead, passengers become abductees on these ships. They are held in conditions of enslavement for the purposes of exploitation. They are not destined for Malaysia of course but most typically directed through Thailand. These people have been crammed into boats, denied adequate food, water and any freedom of movement. We have documented killings and rapes, beatings and other abuses at sea.

Once they get to Thailand, they are typically herded like animals into horrific camps that are located in remote jungle areas or on islands. At these locations they are given the option to buy their freedom for up to $2,000, or in other cases they are simply sold into another exploitative situation. We have documented how Rohingya women and girls have been sold into forced marriages in Thailand and in Malaysia. Thailand's fishing sector, as has been mentioned here today, has become notorious for employing slave labor.

I recently had the opportunity to meet with some senior Thai officials to discuss some of these issues, which was a welcomed opportunity. Thailand's Military leader General Prayut, whom I have not met, has vowed to prosecute and punish traffickers, but Thailand as mentioned has prosecuted fewer traffickers in 2014 than it did in 2013.

In 2014, Thai authorities reported a mere five trafficking cases involving Rohingya. General Prayut likewise warned the media to not publish news about human trafficking, and the Thai Navy has failed to drop charges against two journalists for reporting about human trafficking.

In Malaysia, unfortunately, the situation is not much better. In many cases human traffickers transfer Rohingya to situations of debt bondage or similar situations of captivity. Like in Thailand, there is no real legal framework in place to regulate the status or protection of refugees in Malaysia, and this of course contributes to the problem of human trafficking.

Refugees and asylum seekers in Malaysia are treated as illegal migrants. They are subject to arrest, detention and deportation. Authorities routinely extort money from them in Malaysia. Predictably, asylum seekers rarely report abuse or exploitation to Malaysian authorities out of a fear they will be arrested or detained, rather than protected.

Lastly, as mentioned we have been working in the conflict zones in northern Myanmar, where war between various ethnic armies and the Myanmar Army has raged since June 2011. This conflict over the last several years has displaced more than 170,000 civilians. We have documented torture, killings, attacks on civilians, and forced labor committed on the front lines of the conflict near the Myanmar/China border. The Government of Myanmar currently restricts aid groups from delivering assistance to displaced communities in Kachin and northern Shan States creating a ready environment for trafficking to China. Displaced women and girls

are particularly at risk of being abducted, deceived or forced into marriages in China.

The use of recruitment of child soldiers is another issue that we have been focusing on. This likewise continues to be a problem in northern Myanmar and other parts of the country. Accountability for the use of recruitment of child soldiers in Myanmar continues to be very, very weak.

In conclusion, Mr. Chairman, we believe Myanmar, Bangladesh, Thailand, and Malaysia have failed to meet the minimum standards for the elimination of trafficking. It is a view of Fortify Rights that these countries should be relegated to Tier 3 status. Thank you again for the opportunity to be here to share with you and I would be very happy to answer any questions you may have. Thank you.

[The prepared statement of Mr. Smith follows:]

www.fortifyrights.org

Testimony of Matthew Smith
Executive Director of Fortify Rights

HOUSE COMMITTEE ON FOREIGN AFFAIRS
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

"Accountability and Transformation: Tier Rankings in the Fight against Human Trafficking"

Wednesday, April 22, 2015

Thank you, Chairman Smith, and other distinguished members of the Subcommittee for inviting me to testify at this important hearing on the U.S. State Department Trafficking in Persons (TIP) report and the tier-ranking process.

Fortify Rights works to prevent and remedy human rights violations through independent monitoring and customized technical support to human rights defenders. My colleagues and I would like to thank you for your leadership in working to end human trafficking worldwide. The annual TIP report and tier-ranking system demonstrates how impactful legislation can contribute to the realization of fundamental human rights worldwide. Officials from governments throughout Southeast Asia have told us it is a priority for them to combat human trafficking as a direct result of the annual TIP report and tier-ranking system. This is a monumental achievement.

As an organization engaged in human rights documentation with communities under attack throughout Southeast Asia, we view the annual TIP report as an important testament to the inherent value of truth telling. It is an annual dedication to the dignity of survivors of human trafficking with whom we come into contact on a regular basis.

I would like to focus my testimony on a few countries where Fortify Rights is working, namely: Myanmar (Tier 2 Watch List), Thailand (Tier 3), Malaysia (Tier 3),

Bangladesh (Tier 2), and to a lesser extent, China (Tier 2 Watch List). Specifically, I would like to draw attention to two communities from Myanmar particularly at risk of human trafficking: 1) the Rohingya Muslims who are fleeing state-sponsored violence and attacks in Myanmar and lack basic protections in Bangladesh, Thailand, and Malaysia; and 2) ethnic Kachin and Shan who are displaced along the Myanmar-China border due to ongoing armed conflict.

This testimony is based on interviews conducted by Fortify Rights in the last year with hundreds of eyewitnesses and survivors of abuses, including with Rohingya men and women in Rakhine State in western Myanmar, Thailand, and Malaysia, and with ethnic Kachin and Shan civilians in areas affected by armed conflict in northern Myanmar. We also interviewed more than a dozen brokers and human traffickers directly involved in, or knowledgeable of, human trafficking in the aforementioned countries as well as Thai officials and their associates.

ROHINGYA DISPLACEMENT IN NUMBERS

The Rohingya are a persecuted ethnic and religious minority from Myanmar. Large numbers of Rohingya began fleeing Myanmar following widespread violence and state-sponsored attacks in Myanmar's western Rakhine State in 2012. The perpetuation of human rights violations in Myanmar and lack of protections for asylum seekers in neighboring countries heighten Rohingyas' risk of being trafficked.

To effectively address the issue of human trafficking of Rohingya in Southeast Asia, it is necessary to recognize the actual scale of Rohingya displacement. More than 150,000 Rohingya from more than ten townships are currently displaced in Myanmar and living in more than 60 internally displaced person (IDP) camps in Rakhine State. Up to 500,000 Rohingya refugees and asylum seekers are in Bangladesh. Most of the displaced Rohingya in Myanmar and Bangladesh lack basic protections and are subject to severe deprivations.

Since 2012, a significant number of Rohingya have fled Myanmar and Bangladesh in boats destined for Thailand and Malalysia. In 2014, the United Nations High Commissioner for Refugees (UNHCR) claimed 87,000 Rohingya departed Myanmar and Bangladesh by sea since 2012. UNHCR later increased this number to 130,000 maritime departures. However, this number reflects only departures from northern Rakhine State and the Myanmar-Bangladesh border area. It does not account for Rohingya fleeing from areas affected by the 2012 violence or IDP camps in Rakhine State. Fortify Rights believes there are potentially tens of thousands of additional Rohingya who fled Myanmar by sea from IDP camps and townships affected by violence since 2012.

MYANMAR: ROOT CAUSES DRIVING THE TRAFFICKING OF ROHINGYA

The journey for most trafficked Rohingya begins in Myanmar, which has the distinction of being the largest refugee-producing country in Southeast Asia for the last several decades. Since 2012, the Rohingya comprise the largest outflow of asylum seekers from Myanmar and in Southeast Asia. They flee violence, ongoing deprivations in aid, and targeted policies of discrimination. These conditions drive the Rohingya into the hands of human traffickers.

Anti-Rohingya Violence in 2012

Beginning in June 2012, violence between Muslims and Buddhists in Rakhine State escalated into several waves of targeted attacks against Rohingya and Kaman Muslims orchestrated and carried out largely by Rakhine operatives, the local Buddhist monkhood (*sangha*), and state security forces. Armed Rakhine civilians descended on Muslim villages, in some cases in well-orchestrated pre-dawn raids, setting fire to Muslim-owned homes as state security forces opened fire on Rohingya and Kaman Muslims who attempted to extinguish fires.

This pattern of coordinated violence occurred in villages across the state in June 2012 and again in October 2012, indicating a certain level of planning. The coordination of attacks is further evidenced by the distribution of anti-Rohingya pamphlets, town hall-style meetings where government officials discussed forced population transfers, and other events preceding the attacks.

In 2012 alone, civilians and state security forces razed entire Muslim villages in 13 of 17 townships in Rakhine State. Following that, in some areas, bulldozers directed by local officials destroyed otherwise undamaged structures in Muslim neighborhoods, including mosques. The violence and its aftermath in 2012 resulted in the internal displacement of more than 150,000 Rohingya. Tens of thousands of others are confined to remote villages cut off from humanitarian aid providers and access to livelihoods.

The lack of protection for Rohingya in Rakhine State has not measurably improved, continually exposing them to exploitation by human traffickers.

Anti-Rohingya Violence in 2014

The anti-Rohingya violence that started in 2012 continued in 2014. In January 2014, state security forces and civilians attacked Rohingya villagers in Du Char Yar Tan village, Maungdaw Township in Rakhine State, Myanmar. The violence began when an unknown number of Rohingya killed a police officer in Du Char Yar Tan. Myanmar police and military responded with retributive attacks, including killings, beatings, arbitrary arrests, and looting. In a press release issued on January 23, 2014, Fortify Rights documented how on January 14 local officials issued a verbal order for riot police to arrest all male Rohingya, including children over the age of ten, in areas surrounding Du Char Yar Tan.

The UN Office of the High Commissioner for Human Rights (OHCHR) conducted an investigation into the incident in Du Char Yar Tan and reported at least 40 people killed. The Nobel Peace Prize-winning international nongovernmental organization (INGO) Médecins Sans Frontieres (MSF)—or Doctors Without Borders—reported on January 24 that it had treated 22 people from Du Char Yar Tan for injuries, including gunshot wounds, stab wounds, and beatings. Fortify Rights documented killings, looting, and arbitrary arrests by state security forces as well as a mass exodus from the village, particularly by men and boys.

Many Rohingya from Du Char Yar Tan fled Myanmar following the violence, with some ending up in the custody of transnational criminal trafficking syndicates.

Avoidable Deprivations in Aid to Rohingya

In addition to fleeing ongoing state-sponsored violence, many Rohingya are forced out of the country due to avoidable deprivations in humanitarian aid. The more than 150,000 Rohingya confined to ghetto-like IDP camps in Rakhine State are particularly impacted by the lack of aid. Many trafficked Rohingya interviewed by Fortify Rights fled IDP camps in Rakhine State because of a lack of food and health care.

Since 2012, the UN's World Food Program has delivered food rations to "registered IDPs"—individuals recognized by the government of Myanmar as internally displaced. Most IDPs who receive rations tell us the amounts are insufficient, and families often trade their food for other necessities—a situation not uncommon in situations of displacement. However, in Rakhine State there are also "unregistered IDPs"—displaced persons who are routinely denied rations, adequate shelter, and access to other aid by virtue of being "unregistered." Rohingya told Fortify Rights that authorities repeatedly denied their requests to be registered as IDPs. Fortify Rights believes there are tens of thousands of unregistered IDPs in Rakhine State confined to IDP camps without receiving rations or other aid.

In February 2014, in direct response to MSF's claim of treating survivors of violence from Du Char Yar Tan, the office of President Thein Sein evicted MSF from Rakhine State, purportedly for "misleading" the international media about violence in Du Char Yar Tan and for hiring Rohingya in its aid operations. Before its eviction, MSF was the largest INGO and largest provider of health care in Rakhine State. The central government's decision to evict MSF from Rakhine State effectively denied access to health care—in some cases, lifesaving aid—to hundreds of thousands of Rohingya throughout the state, leading an unknown number to flee the country. The government of Myanmar permitted MSF to resume operations in Rakhine State but at significantly reduced levels as compared to before the eviction.

The government of Myanmar has not made plans for the displaced Muslims to return to their homes. Instead, authorities are systematically implementing a system

of apartheid-like segregation. This, too, is leading people to flee the country en masse.

Human Rights Abuses and Policies of Discrimination against Rohingya

Fortify Rights documented the widespread and systematic practice by the Myanmar Army and other state security forces of using Rohingya for forced labor—a practice that itself constitutes trafficking in persons. Based on firsthand testimony and other sources, Fortify Rights estimates that in 2014 the Myanmar Army and other security forces forced several thousand Rohingya in northern Rakhine State, including children, to engage in various forms of uncompensated and exploitative work. The authorities most typically force Rohingya men, women, and children to work on roads and military barracks. Fortify Rights also received firsthand testimony and credible reports of the widespread and systematic rape of Rohingya women and girls by Myanmar Army soldiers since 2012. These practices continue unabated and with impunity.

The government of Myanmar at the local, state, and national levels also continues to impose systematic restrictions against Rohingya as a matter of state policy. In February 2014, Fortify Rights published a 79-page report, *Policies of Persecution: Ending Abusive State Policies against Rohingya Muslims in Myanmar*. The report is based on 12 internal government documents describing state policies restricting Rohingya freedom of movement, marriage, childbirth, as well as their ability to engage in home repairs, construct houses of worship, and participate in other aspects of everyday life. We believe these abuses amount to crimes against humanity under international law. Until today, the Myanmar government enforces these policies and allows these abusive practices to continue.

Due to Myanmar's discriminatory 1982 Citizenship Law, an estimated one million Rohingya are stateless in Myanmar, making the Rohingya the world's largest stateless population within any single country's borders, according to UNHCR. Government officials continue to refer to Rohingya as "Bengali," denying the existence of their ethnic identity and implying that the Rohingya are migrants from Bangladesh. During a national census conducted in 2014 and supported by the international community, the government of Myanmar refused to count Rohingya or allow Rohingya to self-identify as Rohingya. Following the census, the government began a "citizenship scrutiny" process to "verify" the status of "Bengalis"—a discriminatory and coercive process that required stateless Rohingya to disavow their ethnic identity, potentially in exchange for a lesser-class citizenship that does not provide the rights afforded to full citizens.

Fortify Rights believes the abuses and policies against Rohingya create conditions of life are deliberately destructive to the Rohingya community, in whole or in part. Consequently, these abuses and policies drive Rohingya from the country and often into the hands of human traffickers. Human traffickers prey on this enormous and

growing pool of asylum seekers, taking advantage of the Rohingyas' desperation and lack of options.

Complicity of Myanmar Authorities in Human Trafficking
Myanmar authorities are not only responsible for committing abuses that force Rohingya into trafficking circles, but Myanmar authorities are complicit in and profit from the trafficking of Rohingya. A press release issued by Fortify Rights on November 7, 2014 describes how members of riot police battalions, the Myanmar Police Force, and the Navy demand payments from transnational criminal syndicates to allow Rohingya individuals to depart Rakhine State. Authorities received payments ranging from US$500 to $600 per shipload of Rohingya departing Myanmar. In some cases, the Myanmar Navy escort boats operated by transnational criminal syndicates carrying asylum seekers to international waters.

BANGLADESH: SUPPORTING TRAFFICKING BY DENYING SAFE HAVEN

As Myanmar's closest neighbor to Rakhine State, Bangladesh is a major destination country for Rohingya fleeing persecution in Myanmar. While an estimated 500,000 Rohingya asylum seekers and refugees from Myanmar are in Bangladesh, the country is considered a place of transit for many Rohingya who continue on to other destinations from Bangladesh. Rohingya fleeing to Bangladesh and continuing onward largely rely on brokers to facilitate their travel, putting them at considerable risk of being trafficked.

In 2014, Fortify Rights documented an increasing number of ships operated by transnational criminal networks carrying Bengali as well as Rohingya passengers.

Following violence in Rakhine State in June 2012, the government of Bangladesh made the unconscionable decision to close its borders to Rohingya asylum seekers and suspend the delivery of humanitarian aid to Rohingya refugees by INGOs in the area of Cox's Bazar. The government gave border guard and naval forces explicit orders to prevent persons from Myanmar from entering Bangladesh, and this order has not been rescinded. These policy decisions create uncertainties for the continued operation of humanitarian agencies providing lifesaving assistance and increase pressure on Rohingya to continue their search for safe haven elsewhere, leading many to take dangerous and risky boat journeys destined for Thailand or Malaysia.

Notably, the government of Bangladesh's decisions to close the border and reduce aid to Rohingya refugees has not led to a decrease in the number of Rohingya asylum seekers entering Bangladesh. This should be a clear indication that the strategy of denying aid and protection to dissuade migration is not only ineffective and flawed but also puts lives at risk.

The situation of refugees in Bangladesh is one of the worlds most protracted, with populations of Rohingya arriving in the country over many decades. There are now

upwards of 500,000 Rohingya in Bangladesh, yet only 30,000 are formally recognized as refugees and, therefore, authorized to receive aid. Registered refugees live in Kutupalong and Nayapara camps and receive basic humanitarian assistance from UNHCR, including education, food distribution, health and nutrition services, and shelter and infrastructure support, but refugees often use these provisions in trade to compensate for shortcomings in other basic needs. The remaining unregistered Rohingya eke out a living in host communities or in the massive Kutapalong makeshift-camp and Leda camp, where conditions are dire.

Unregistered Rohingya in Bangladesh, including recent arrivals from Myanmar, generally lack adequate shelter, food, clean water, and access to health care, leading to the spread of disease and illness. Aid workers report crisis levels of malnutrition year after year. The government of Bangladesh repeatedly declines offers of assistance by UN and international agencies to address these problems. Rohingya asylum seekers without official refugee status in Bangladesh also lack access to legal protections, employment opportunities in the formal sector, or other forms of support, leaving them at risk to violence, abuse, and exploitation including human trafficking.

An official Bangladesh Foreign Ministry document obtained by Fortify Rights dated March 31, 2014 details a government plan aimed at "arresting the continued influx of Myanmar nationals through irregular channels." It proposes replacing INGOs with "local" organizations—presumably because local groups are more susceptible to government control. The document goes on to propose interning Rohingya "in temporary shelters in different suitable locations pending their repatriation to Myanmar." While the document acknowledges "the issue of human trafficking," the government of Bangladesh fails to recognize its own contributions to exacerbating the risks of human trafficking by denying Rohingya basic protections, including access to asylum procedures, basic aid, and the right to work. Playing this out, a sizable number of boats operated by transnational criminal syndicates departed Bangladesh in 2014, carrying Rohingya and Bengali men, women, and children.

EXODUS BY SEA: DECEPTION AND ABUSE

Onshore brokers in Rakhine State and Bangladesh typically charge US$100 to $200 for passage onto a ship. While onshore, most "passengers" are deceived into believing this fee will facilitate travel all the way to Malaysia—a major destination country for Rohingya fleeing persecution in Myanmar. Moreover, in 2014, Fortify Rights documented an increasing number of cases where traffickers promised Rohingya "free" transport to Malaysia, in an equally deceptive attempt to recruit "passengers" that can later be easily exploited. Human traffickers likewise promised adequate space, food, and water on ships to Malaysia in an attempt to dismiss rumors of violent and cramped slave ships that lack adequate provisions.

The small boats transporting Rohingya to larger boats typically carry approximately 50-100 passengers per trip; while the larger vessels waiting in international waters

with armed guards often hold 1,000 or more people. The larger vessels often delay departure for several weeks until they are at a deliberately overcrowded occupancy. Upon seeing the harsh and threatening conditions on the larger ships, many Rohingya told us they wanted to return to shore but the human traffickers forced them onto the ships. Once aboard, Rohingya are at the mercy of the human traffickers who hold "passengers" for the purpose of exploitation. Those who are among the first to arrive on these ships are sometimes forced to wait up to three or more weeks at sea with sparse provisions and under the watchful eye of abusive traffickers. Despite earlier promises, most ships are bound for Thailand, not Malaysia.

The journey through the Bay of Bengal and Andaman Sea to Thai waters typically takes seven to ten days. Eyewitness survivors told Fortify Rights of Rohingya, Thai, Shan, Malay, Bangladeshi, and Burmese ship operators committing killings and rapes, beatings, and other abuses during this time at sea. Captives are crammed into overcrowded ships and denied adequate food, water, and freedom of movement. A significant number of Rohingya we interviewed described witnessing deaths at sea due to beatings, starvation, sickness, and suicide. Witnesses report that those who die or are close to death are often thrown overboard by the traffickers. At present there are no definitive numbers of deaths at sea since 2012.

THAILAND: A HUB FOR HUMAN TRAFFICKERS

Rohingya who survive the journey at sea expect to arrive in Malaysia, a Muslim country where many have family and social networks. Nearly all are transited through Thailand. Brokers, human traffickers, and survivors told Fortify Rights that Thailand is a transit country in the trade of human beings because Thai authorities continue to cooperate and, in some cases, are integral in facilitating this illicit business. Rohingya asylum seekers rarely enter Thai territory without the knowledge of Thai authorities. Rohingya survivors told Fortify Rights of waiting offshore for several days in Thai waters until traffickers could communicate with the "right" authorities. In some cases, Rohingya reported that Thai authorities boarded ships and facilitated the transfer of "passengers" to traffickers' camps in Thai jungles or remote islands.

Thailand's military leader General Prayuth Chan-ocha has publicly acknowledged the involvement of Thai authorities in human trafficking and vowed to prosecute and punish those responsible. Nevertheless, Thailand prosecuted fewer human traffickers and complicit authorities in 2014 than it did in 2013, despite a greater number of people being trafficked in Thailand in the last year, according to Fortify Rights and UN sources. In 2013, Thailand identified 1,020 survivors of trafficking, prosecuted 386 cases, and convicted 225 persons. In contrast, in 2014, Thailand claimed to have identified just 595 survivors of human trafficking, prosecuted 115 cases, and convicted 104 people—less by nearly half from the previous year in each category.

In 2014, Thai authorities reported a mere five human trafficking cases involving Rohingya.

In March 2015, General Prayuth warned the media to not publish news about human trafficking, especially if it would potentially have negative repercussions on Thailand's fishing sector or the country's reputation internationally. The Thai Navy is suing two journalists for reporting on the trafficking of Rohingya. On April 17, 2014, a Thai court in Phuket charged Alan Morison and Chutima Sidasathian of *Phuketwan* with criminal defamation and violations of the Computer Crimes Act. They face up to five years in prison, fines, or both. The charges stem from a news article published by *Phuketwan* that included a brief excerpt from an article published by *Reuters* as part of a Pulitzer-prize winning series of reports on trafficking in Thailand. This legal action is representative of Thailand's efforts to silence critics and cover up official involvement in trafficking.

Rohingya arriving in Thailand are typically brought to traffickers' camps set up in remote jungles in mainland Thailand or on small islands. At any given time—even now during the "low" season in human trafficking via Thailand—there are thousands of Rohingya in dozens of traffickers' camps, according to survivors, human traffickers and brokers, and other sources.

Once in the traffickers' camps, human traffickers hold Rohingya under duress, subjecting them to severe beatings, torture, deprivations, and squalid conditions. Human traffickers overseeing these camps typically demand payments of US$1,000 to $2,000 for the release or sale of their Rohingya captives and to facilitate onward travel. Traffickers force Rohingya to place phone calls to anyone who can raise money to secure their release, lest they go to the highest bidder.

Those who are unable to raise funds can spend months under armed guard, facing physical and psychological abuse, deprivations, and at times, forced labor. Scores of Rohingya suffer paralysis in traffickers' camps, in most cases due to beriberi—a highly treatable illness related to malnourishment and caused by vitamin B1 deficiency. Traffickers are known to leave paralyzed Rohingya for dead. Fortify Rights documented killings in these traffickers' camps and deaths due to beatings or illness. Accurate estimates of deaths in Thailand are not available due to a lack of political will by authorities to vigorously investigate and crackdown on these camps.

In some cases, Rohingya men who are unable to raise the necessary money to secure passage to Malaysia are sold to Thai-operated fishing vessels. Rohingya often spend years at a time at sea, working as fishing slaves. High-profile reports by the *Associated Press* and other outlets recently exposed links between human trafficking and Thailand's fishing sector. On March 25, 2015, the *Associated Press* reported many Thai captains and Thai-owned fishing boats brought hundreds of "fishing slaves" to an Indonesian island, holding their captives in cages and forcing them to work in inhumane conditions without pay. Survivors reported deaths, beatings, and maiming. The report tracked the transport of the fishing catch back to Thailand and

into the international market. Fish that is sold here in Washington, DC may very well be from these slave laborers.

After public outcry, authorities sent a team to rescue nearly 100 Thai slaves. Nearly one month on, the *Bangkok Post* reported on April 17 that the government had still only "confirmed" that two of nearly 100 cases were human trafficking.

Fortify Rights also interviewed Rohingya from Myanmar who were forced to work at sea for years under inhumane conditions with little or no pay before finding a way to escape. In 2014, brokers and traffickers told Fortify Rights that selling Rohingya to the fishing sector remains an option, and it continues to be used as a threat to demand high ransom payments from the families and social networks of Rohingya captives.

Fortify Rights also documented the selling of Rohingya women and girls from traffickers' camps in Thailand into forced marriages in Thailand and Malaysia, committing them to a lifetime of domestic servitude. For many, this is a transition from enslavement to enslavement.

Payments made to traffickers in exchange for human beings are typically negotiated by mobile phones between low-level traffickers—themselves usually of Rohingya or Bangladeshi descent—and buyers, or in the case of payments for "freedom," negotiations are between traffickers and families or loved ones of those held captive. Already impoverished Rohingya families sell land, animals, jewelry, clothing, and other meager belongings or resort to taking out high-interest loans to raise necessary funds to pay human traffickers. Consequently, this business contributes to the economic destruction of Rohingya communities in Rakhine State.

Human traffickers hold bank accounts in Thailand and Malaysia and rely on the international banking system to receive payments, raising important questions as to whether regional banks are conducting due diligence to ensure their services are not supporting trafficking in persons. Human trafficking from Myanmar and Bangladesh to Malaysia generated an estimated more than $250 million dollars since 2012, according to UNHCR. This comports with Fortify Rights' figures based on estimated departures, the going rate to purchase or free a trafficked person, and other related illicit revenue streams.

There is little political will in Thailand to locate traffickers' camps as demonstrated by the lack of "raids" on the camps by Thai authorities. Raids that do take place appear designed to motivate traffickers to more quickly move Rohingya to Malaysia rather than to arrest and detain traffickers and provide protection to survivors. In most cases, traffickers are informed about the raids in advance. Thai authorities often categorize Rohingya "rescued" during raids as "illegal migrants" rather than survivors of trafficking. In some cases, Thai authorities have handed over or sold Rohingya detainees back to human trafficking gangs for 5,000 to 6,000 Thai Baht (US$150 to $185) per person following raids on camps. Some Rohingya go through

this cycle multiple times, traded back and forth between traffickers and Thai officials before ultimately making it to Malaysia.

By categorizing Rohingya in Thailand as prima facie "illegal migrants" rather than recognizing their status as survivors of human trafficking, asylum seekers, and stateless persons, Thailand continues to deny any protection warranted to Rohingya under both Thai law and international law. Instead, Rohingya in Thailand are subject to detention and informal deportation.

In 2014, Thailand routinely detained Rohingya asylum seekers, in some cases, in conditions that did not meet international standards. Rohingya have died from preventable causes in detention in Thailand. Rohingya detained in Thailand largely rely on local Muslim communities and international aid organizations for necessities, including food. All Rohingya asylum seekers, including Rohingya women and children, are subject to detention in Thailand. While the Thai authorities detain Rohingya men to jails and immigration detention facilities, the authorities confine Rohngya women and children to government-run shelters. These facilities are similarly inadequately equipped and lack necessary resources, such as staff interpreters, to assist Rohingya asylum seekers. Many Rohingya men, women, and children reportedly "escaped" Thai detention facilities and shelters, only to be found once again in the hands of traffickers. In some cases, Rohingya "escaped" before the government could bring charges against traffickers, leading to the dismissal of cases. This calls into question Thailand's commitment to prosecutions.

While the Thai government has a formal deportation process to facilitate the return of Myanmar nationals found in Thailand without proper documentation, the government of Myanmar generally refuses to recognize Rohingya as nationals of Myanmar and most Rohingya are stateless. Consequently, deportations of Rohingya from Thailand are necessarily informal deportations, with Thai authorities pushing Rohingya across a border crossing point. Thai authorities are known to turn away or push boats of Rohingya asylum seekers back out to sea or to take them into custody and hand them over to traffickers. As most Rohingya meet the definition of a refugee under the UN 1951 Refugee Convention and its 1967 Protocol, these forms of informal deportations amount to refoulement in violation of customary international law.

MALAYSIA: A DESTINATION WITHOUT PROTECTIONS

Malaysia is a major destination country for Rohingya from Myanmar. Many Rohingya arriving to Malaysia pass through traffickers' camps in Thailand and managed to arrange the necessary payment to be brought overland to Malaysia. However, Rohingya who make it out of the traffickers' camps in Thailand are not always free. In many cases, human traffickers transfer Rohingya to "hostage houses"—places of detention operated by human traffickers for reasons of exploitation—located throughout Malaysia. Some are sold into situations of debt bondage in Malaysia. Like in Thailand, Rohingya are subject to beatings, torture, and

threats by criminal syndicates in Malaysia. In some cases, Rohingya reported being confined to small spaces and threatened with arrest and detention if they attempted to escape. Fortify Rights received information about Rohingya who were killed or threatened with death in Malaysia for attempting to expose human trafficking networks. Meanwhile, known traffickers operate openly and freely in various public locations throughout the country.

Like Bangladesh and Thailand, refugees and asylum seekers in Malaysia generally lack access to legal status, documentation, and other protections. Malaysia does not recognize refugees in its domestic law, is not a state party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol, and has no legal framework in place to regulate the status and protection of refugees. These legislative shortcomings contribute to the problem of human trafficking.

Refugees and asylum seekers, including Rohingya, in Malaysia are treated as "illegal migrants" who entered the country without authorization or proper documentation. This puts them at risk of arrest, detention, and deportation. Fortify Rights documented how police, immigration officials, and other authorities in Malaysia often stop Rohingya refugees and asylum seekers on the street as well as conduct workplace and neighborhood raids. In Malaysia, Rohingya are typically sent to one of 12 immigration detention facilities that fail to meet the basic international standards for detention. Despite reports of abuse by immigration detention officials and deaths in custody in Malaysia, official inquiries into these abuses are rare.

Refugees and asylum seekers charged with violating Malaysia's immigration laws are brought to special immigration courts (Mahkamah PATI) inside immigration detention facilities. Summary hearings are generally held en masse without interpreters or legal representation. In addition to deportation (which, in the case of refugees, amounts to refoulement), refugees and asylum seekers can be subject to canings for violating Malaysia's immigration law. Canings are a form of torture in violation of international human rights law.

Fortify Rights documented how police and other officials in Malaysia frequently use the threat of arrest or violence to extort money or possessions from refugees and asylum seekers. This form of harassment and corruption in Malaysia is pervasive.

While documents, including UNHCR documentation, provide asylum seekers with informal protection from exploitation as well as extortion and arrest by authorities in Malaysia, access to documentation for asylum seekers in Malaysia is increasingly limited. Most asylum seekers in Malaysia are only able to register as an asylum seeker with UNHCR if they are already detained. Rohingya typically spend nine months in detention before being released with the support of UNHCR.

Due to their precarious status in Malaysia, Rohingya refugees and asylum seekers rarely if ever report abuse or exploitation to Malaysian authorities out of fear they will be arrested and detained rather than protected. These fears are pervasive

throughout the country. The time and cost involved in making complaints to authorities also serves as a deterrent to filing complaints. Malaysian police stations and other reporting institutions frequently lack interpreters to receive complaints from refugees and asylum seekers, even in areas where large numbers of migrants live and work and where linguistic needs would be highly predictable.

THE MYANMAR-CHINA BORDER: ETHNIC WAR IN NORTHERN MYANMAR

In June 2011, armed conflict in northern Myanmar resumed between the Myanmar Army and the Kachin Independence Army (KIA), an ethnic armed group, ending a 17-year ceasefire agreement between the two parties. The conflict displaced more than 100,000 civilians, who now occupy dozens of IDP camps in Kachin and Shan states and along the Myanmar-China border. In February 2014, the Myanmar Army and Myanmar National Democratic Alliance Army (MNDAA) also commenced fighting in the Kokang region of northern Shan State, forcing an additional 70,000 civilians to flee.

Conflict-related abuses in Kachin and northern Shan states and avoidable deprivations in aid to Kachin and Shan IDPs continue and have created an insecure environment, putting civilians, particularly women and children, at heightened risk of exploitation and human trafficking to China, Thailand, and Malaysia.

In June 2014, Fortify Rights released a 72-page report, *"I Thought They Would Kill Me": Ending Wartime Torture in Northern Myanmar*, documenting widespread and systematic torture by the Myanmar Army, Myanmar Police Force, Military Intelligence against more than 60 civilians in combat zones, villages, and places of detention in Kachin and Shan states.

Fortify Rights has evidence of Myanmar army attacks on civilians in 2013 and 2014 and the ongoing use forced labor in Kachin State and northern Shan State. The army forced Kachin and Shan civilians to porter military provisions and equipment on the front lines of the conflict and to "guide" soldiers through landmine-ridden territory. Fortify Rights also documented the use of civilians as human shields by the Myanmar Army in conflict zones in northern Myanmar. These abuses would constitute human trafficking.

The Myanmar government continues to restrict the delivery of humanitarian assistance to displaced communities in Kachin and northern Shan states, particularly those in areas controlled by non-state ethnic armed groups. Fortify Rights visited remote and isolated displaced Kachin communities in 2014 that were in need of shelter, medicine and health care, access to education and livelihoods, and other protections. The most at-risk camps are located on the Myanmar-China border.

The Kachin Women's Association of Thailand (KWAT) continues to document instances of human trafficking to China and is working to raise awareness among at-

risk populations. Young women and girls displaced by the war and with few livelihood opportunities are particularly at risk of either being abducted or deceived into migrating to China and forced into marriages. With China expecting to have some 24 million unmarried men by 2020, the trafficking of women and girls from Myanmar to China is likely to continue. Myanmar women and girls trafficked for marriage are often subject to sexual and domestic servitude. In some cases, human traffickers sell women and girls from Myanmar into the sex industry in China.

The Myanmar government operates an anti-trafficking liaison office in Loi Je, a government-controlled border town in contested territory. However, Kachin communities told Fortify Rights they were unaware of any anti-trafficking activities taking place out of the liaison office. The deep lack of trust between Kachin civilians and Myanmar officials, due to the ongoing commission of war crimes with impunity, often deters local groups from seeking assistance from the office.

Child Soldiers in Myanmar

The recruitment of child soldiers is also considered a form of human trafficking and a practice that continues in Myanmar. The ongoing conflict in northern Myanmar has driven recruiting practices and exacerbates the potential for increased recruitment of child soldiers. Since Myanmar adopted a Joint Action Plan with the United Nations in 2012 on the prevention of the recruitment and use of children and their discharge and rehabilitation, the Myanmar Army has released 553 child soldiers, including 376 in 2014. Nevertheless, the Myanmar Army continues to recruit and use child soldiers and send them to the frontlines of conflict.

An unofficial system of incentives provides rewards to civilian military-recruiters—a system that for many years has contributed to the problem of child soldiers in Myanmar. The Myanmar Army recruited at least 40 children into the military in 2014, according to Child Soldiers International. This figure does not reflect the number of complaints received by the UN Country Task Force on Monitoring and Reporting—a coalition of UN agencies and international nongovernmental organizations tasked with working with the government on the implementation of the Joint Action Plan. In 2014, civilian brokers also continued to recruit boys into the Army through deceit. Forced or coerced recruitment of children often begins in public places. In some cases, boys are given the option to go to prison or join the Army.

Accountability for the use and recruitment of child soldiers continues to be weak. Prosecutions, for example, lack transparency, nullifying any potential deterrent effect. Protocols to identify children in the military are likewise unnecessarily slow. The government fails to identify children in its own armed forces, but rather relies on the identification of child soldiers by the International Labor Organization and the Country Task Force on Monitoring and Reporting.

The annexures of the Secretary General's Annual Report for Children and Armed Conflict includes the Border Guard Forces (BGFs) as a party within the remit of the Joint Action Plan. The BGFs are largely operational within Myanmar's ethnic states. However, the government limits access to areas controlled by BGFs, but nevertheless claims the UN has been unwilling to raise the issue of access to BGFs with the government.

CONCLUSION

Mr. Chairman, based on the information Fortify Rights and others have collected over the past year, we believe Myanmar, Bangladesh, Thailand, and Malaysia have failed to meet the minimum standards for the elimination of trafficking as set forth in the Trafficking Victims Protection Act.

Notably, each government failed to adequately protect survivors of trafficking and ensure that survivors are not inappropriately incarcerated, fined, or otherwise penalized. With regard to the situations outlined in this testimony, these governments have failed to vigorously investigate and prosecute acts of trafficking that took place wholly or partly within their territories. With regard to Thailand and Myanmar, in particular, this includes failures to vigorously investigate and prosecute public officials who participate in trafficking.

Thank you, Mr. Chairman and other members of the Subcommittee, for the opportunity to testify, and thank you again for your work to combat human trafficking.

Mr. SMITH OF NEW JERSEY. Thank you so very much.
Mr. Eaves?

STATEMENT OF MR. JESSE EAVES, DIRECTOR OF POLICY AND GOVERNMENT RELATIONS, HUMANITY UNITED

Mr. EAVES. Well thank you so much, Mr. Chairman, for convening this incredibly important hearing and for inviting us to testify. Both you and Ranking Member Bass and the other members of the subcommittee have really been leaders in the fight against human trafficking, forced labor, and modern day slavery around the world and thanks to your tireless efforts, America remains a global leader in combating these atrocious crimes. So it is my pleasure to be here today representing Humanity United and our partners around the world who are working to combat modern day slavery.

Humanity United is a philanthropic organization based in San Francisco, California, and it was started by Pam and Pierre Omidyar to build peace and advance human freedom around the globe, and we have been working on ending modern slavery for over a decade. Now this hearing is really an opportunity to shed a light on the critical importance of the United States in combating trafficking.

In 15 years on since the Palermo Protocol, and the original Trafficking Victims Protection Act that you authored, Mr. Chairman, almost every country in the world has laws that address human trafficking to some degree. And much of the credit for the rise in action against slavery can be attributed to the work of the State Department's Office to Monitor and Combat Trafficking in Persons. A strong TIP office with strong tools is a powerful catalyst for change and it holds countries, including the U.S., accountable for their actions or inactions against human trafficking.

But if these tools are compromised or the TIP office weakened, we really stand to lose much of the ground that we have gained over the past 15 years. And the opportunity is now and the tools are definitely available to make U.S. engagement more coordinated, effective and efficient in tackling human trafficking.

So Mr. Chairman, obviously the TIP Report is a critical resource to organizations like Humanity United and, though may loathe to admit it, countries around the world. Whether a country governments denounce the TIP Report or rejoice in their rankings, the TIP Report is a key driver for national change and we have seen that again and again around the world.

The leverage and impact of the TIP Report is and remains that there are consequences to where a country is placed on the tier rankings. Countries don't want to be known as having failed to meet the minimum standards or to be a safe haven for traffickers, and if they fail to meet those minimum standards, there are real consequences in the form of targeted U.S. sanctions. So between moving a country to act and then providing funds to help them take the first steps, the TIP Report and the resulting assistance programs that the TIP office manages create real change on the ground.

So for instance in the Trafficking Victims Protection Reauthorization Act of 2013, it included key provisions of the Child Protec-

tion Compact Act which you wrote and championed, Mr. Chairman. This legislation allows the State Department to partner with a government and set measurable goals over a multi-year period to strengthen the protection systems for vulnerable children and improve justice systems so that they investigate and prosecute those that would exploit a child.

And just this year, the trafficking office announced its intention to sign the first ever Child Protection Compact with the country of Ghana. So this is a tremendous opportunity to partner with a country that has historically not received much trafficking in persons program funding but has a high prevalence of trafficking, particularly of children. And there are several reasons for excitement over this new effort.

So first, while attempts to address child labor and other abuses in the cocoa industry have been ongoing for a decade, other sectors such as fishing, gold mining, forced begging, domestic labor exploitation, and forced prostitution all remain a problem. Second, launching this pilot effort in Ghana is a regionally smart choice. Many countries in sub-Saharan Africa face extremely low capacity to adequately address the issues raised in the TIP Report. U.S. partnership will go a long way to elevate the work of our partners who are addressing the low capacity of these governments and of local communities to help enable them to tackle human trafficking more effectively.

So, for example, International Justice Mission is working to strengthen the justice systems to address slave labor in the fishing industry in Lake Volta, and Free the Slaves is working in cocoa and gold mining communities to address the root causes of vulnerability through a focus on education. So the funding for the Child Protection Compacts bolsters U.S. credibility and should absolutely continue, but so should overall funding for anti-trafficking programs at large.

The TIP office currently funds projects in 76 countries. However, these grants are typically very small and very limited in scope, and last year the TIP office received applications for a $107 million with the programming, but was only able to provide $18 million. So that is $18 million put up against a $150 billion industry. So we see from the testimony today that the TIP Report, the TIP office and the U.S. Government's overall efforts to combat human trafficking raised the level of accountability and transformation that can occur around the world.

So with this activity, however, there is one glaring gap, and Ambassador Lagon raised this right at the top of his testimony. The Trafficking in Persons Ambassador position at the State Department has been vacant for 5 months, and the absence of a TIP Ambassador jeopardizes U.S. leadership, period. Without an ambassador, the transformational impact of the TIP office is severely limited, so the administration has to appoint a strong TIP Ambassador immediately, especially as we enter this critical period prior to the release of the TIP Report.

So Mr. Chairman, the TIP Report remains a critical element in this fight against human trafficking around the world, but we obviously still have work to do. Yourself, and Members of Congress, have given the administration good tools and it is critical that we

work together so that these tools are not left to rust in the toolbox. We in civil society stand ready to deepen the conversation and work with you to ensure that together as partners we are on a path toward eradicating human trafficking and modern day slavery and advancing the cause of human freedom.

So thank you so much for this opportunity and for holding this hearing and I look forward to your questions.

[Mr. Eaves did not submit a prepared statement.]

Mr. SMITH OF NEW JERSEY. Mr. Eaves, thank you very much for your leadership and for your testimony, all of you.

We do have some votes that will be triggered in probably 5 or 10 minutes, if not sooner, so I thought I would ask a series of questions and perhaps my good friend and colleague Mr. Meadows might, and as best you can if you could pick through those questions, and otherwise a lot of questions will lay on the table. We will get some additional ones to you and if you could get back to us in the record.

Let me just begin, Ambassador Lagon. With you, with China, you were very strong in your statements about China. Do you believe China should be Tier 3?

Ambassador LAGON. Yes, I do.

Mr. SMITH OF NEW JERSEY. You pointed out in your testimony one of the drivers, and when you were Ambassador was the one who finally put those two together that those missing daughters in China, many of whom now are—it is right through a couple of generations. The one-child-per-couple policy has been in effect since 1979.

But you point out that the missing girls, the missing females has become a magnet for the traffickers, particularly for the countries in proximity to China. That shows no sign of abatement, if anything it is getting worse. Unfortunately, Xi Jinping has shown no, I mean the talk of reforming the one-child policy was what they have done previously with talk. It is basically talk for international consumption but very little in terms of on the ground; if you could speak to that.

And you did point out, and I thought it was a very important point that you brought out. When we did the Trafficking Victims Protection Act, there was a sea-change in how we look at the women who are exploited, the children, all of the exploited ones as victims, rather than perpetrators of crime. And you pointed out that the women, when they are apprehended by the Chinese Government, are treated by criminals. If you might want to expand upon that if you would.

I would point out, and kudos to the Associated Press for the tremendous work they did with their year-long investigation. It might have even been longer with regards to Thai food, of tuna especially. I recently went to a store and picked out some Bumblebee tuna and one was made in Thailand, the other said made in China. They were right next to each other. So my thought is there is probably a whole lot of wrongdoing going on on the Chinese side, too, as well as exploitation of fishermen and right through the supply chain that needs to be looked at.

But they did enormously good investigative work to bring all of this forward, and hopefully General Prayut will follow through as

he seems to have indicated he would to end this egregious practice. But hanging in the balance is whether or not Thailand, again, is replaced or put back on I should say on Tier 3, and many of you wanted to speak to that.

But again I want to thank Martha Mendoza and the Associated Press. Without objection, their report will be made a part of the record.

And we also ask you, Father Cullen, your points upon the exploitation in the Philippines. In late 1980s, early 1990s and one of my brothers was a fighter pilot on the USS Enterprise. He flew A–7s. And he was appalled.

We had talk after talk about how when our ships would come in they, would make a beeline to places of exploitation of young girls, many of them underage. And then when the guys came back, they would line up at sick bay to take care of an assortment of sexually transmitted diseases, but meanwhile leaving behind an exploited young girl.

I have a bill that I have been working on for 8 years called the International Megan's Law, which again coincides with what you talked about, U.S. citizens as well as others making their way into the Philippines to exploit little children. This would advise the country of destination in a timely fashion of any convicted pedophile, Megan's Law registrees, of the travel plans of that individual. It has passed the House three times, just passed again in January. It remains in the Senate. My hope is that the Senate will take it up and pass it and get it to the President.

But if we don't start noticing and taking action, you can't stop them, perhaps, from traveling but you can tell the Philippines they are coming. You can tell Bangkok they are coming. And they can deny them a visa or they can take other appropriate means. And you might want to speak to that.

And you did mention in your testimony, Father Cullen, about the U.S. ships coming in, whether or not you are seeing a resurgence of that kind of exploitation. I say that because when we learned that in Korea, that many U.S. servicemen, and I actually got a video from an investigative reporter, not unlike at the AP, who worked for the Fox News from Ohio who showed me a video of women in Filipino juicy bars, as they euphemistically call them, where they were being exploited. There were Russian women there and mostly Filipino women and they couldn't leave.

And Bush, to his everlasting credit, President Bush issued a zero tolerance of policy and made it actionable under the Uniform Code of Military Justice if any service members are involved with trafficking or prostitution. So if there are those kinds of things happening and men are exploiting women in the Philippines, please give us that information because it is actionable.

And it looks like we are being called for a vote, but if you could speak to that. I have many many other questions, but I will go to my friend Mr. Meadows.

Mr. MEADOWS. I will be very brief. We have got a series of questions that we will get to all of you and you can respond. But Ambassador, I want to come to you. And one, thank you for your work, but piggyback on something the chairman was talking about in a meeting that he and I participated in almost 2 years ago now.

I found it just interesting that the head of the U.N. was not aware of, according to him, of some of these issues that we have highlighted today in China, specifically in China, he acted like it was the first time he had heard about it. So my question is this, what can we do on the international scene? One is an awareness here in the United States to do something about it. What can we do to make more of an emphasis internationally, other than a TIP Report or sanctions or anything else that obviously doesn't happen, how can we best do that? So I will let you answer that.

And then the other is the Invisible Girl project as you know has looked at the root cause, primarily in India which is, I think, a Tier 2 country right now. But that imbalance that the chairman was talking about in China and we are also seeing in India. Does that imbalance where really abortions create that imbalance, does that increase the trafficking that we are seeing both in India and in China?

And I will leave it to you. I want to thank each of you for your work. My daughter first let me know about this unbelievable, horrific blight on our world when she was 15. She did a report on it; she has been actively involved in it. And so for all of those that are listening out there, you never know who is listening to you. And little did she know that her bringing, that up that her dad would be a Member of Congress and be here in a hearing today. And so I just want to say thank you so much for continuing to speak up for those who can't, Mr. Ambassador.

Mr. SMITH OF NEW JERSEY. And before we go to questions, we do have a few more minutes. Father, you talked about forced abortion for trafficking victims. That is the way that the traffickers deal with a woman, or a young girl, who becomes pregnant.

We had a situation in my own state where a group called Live Action, a sting operation was done with Planned Parenthood. And a would-be, fake pimp with a young Hispanic girl went into one Planned Parenthood after another, including at Perth Amboy where I went to high school, and to my shock because I have watched the video, I have watched it many times, the Planned Parenthood representative said we can get her an abortion, she was 13, and get her back on the street.

And at one point the Planned Parenthood person said, again from an area where I went to high school, Perth Amboy, said she may not be all that good from the waist down but she will be usable from the waist up. I was sickened. I was angry. No action was taken by prosecutors against that. And yet we know throughout the world that the collaboration of the abortion industry and trafficking of victims is very real. And I'm wondering now or in the future if there are any NGOs that you know of that are participating in that kind of—this was Planned Parenthood in Perth Amboy, New Jersey, and just was an eye-opener to me because we know this is going on all over the world, and what other NGOs are complicit in exploiting that young little girl when she was like 13 that they were talking about. So if you could speak to that as well.

And then, Ambassador Lagon, on Rwanda you said watchdogs on trafficking have been leashed and muzzled. That is outrageous. We are planning a Rwanda-specific hearing in the coming weeks. I

would like to elaborate on that at that hearing. So please proceed on all the questions.

Ambassador LAGON. With apologies. As I told your staff in advance, I am co-hosting an event at the National Endowment for Democracy for just such journalists from Africa who are being muzzled, and I am going to need to go. If I may, in a minute, respond to your questions.

You said, poignantly, that when numbers go into the millions they become statistics, and they are not treated as a human story. But the gender imbalance in places like India and China as a function of policy and a function of cultures that don't value girls, it causes a problem. It is a market dynamic and it spikes the demand for both buying brides and for the sex industry. When added to it, is a heartless policy by China to treat refugees, people who are really refugees from North Korea as economic migrants and they just be sent home and their traffickers or their exploiters can hold that over their head, it is much worse.

You asked for a larger answer. It is not only in the lap of business, but it is in my view that it is very important for the governments and the NGOs that are out there to work in partnership with businesses. They have an interest in not having their business operations tainted by this, so that those cans of tuna are not tainted by slavery on the high seas or in seafood processing plants like those that I visited in Samut Sakhon in Thailand.

I am sorry I have to go, but I thank you for your leadership.

Mr. MEADOWS. Thank you, Ambassador.

Fr. CULLEN. Okay, I will just answer quickly. I know time is of the essence. But the abortion, forced abortion of young girls. Of course when they get pregnant, in the sex bars and clubs it is common knowledge. It is evidence of a crime. It is evidence that the child can point to the father. Sometimes at the sex bars in our areas, especially Angeles City, the big areas, Olongapo, they are operated by U.S. nationals, some of them foreign nationals, and therefore if the young girl in the bar, many of them underage, get pregnant, of course they have to eliminate the evidence. So that is one of the big drives behind the abortion in the industry. It is not to recycle the girl again, they can get so many from the countryside. So that is how we see it.

And they get away with it because of the rule of law in all areas and anti-trafficking is so miserable. It is so I mean prevalent that is just so hard to implement even basic laws, never mind the Anti-Child Pornography Law, which is totally ignored. And we could have saved a lot of children from being abused if only make it quite problematic for them to transmit this one.

The second is tourism. The business of the name of sex tourism has to be damaging the whole economy of it and government officials just can't see it. However, corrupt politicians who own the hotels, the properties and so on, they will promote sex tourism because of—their hotels are full of these people. And even the other kind of tourism, you will find on the Internet, as we have researched, and you will see like a diving school in a remote island, and the advertisement is bring your own girls. Pick them up in Angeles City and bring them with you.

So the military, just that one and now coming back in again, and this new extended Visiting Forces Agreement is opening up Philippines as a gimmick to get around the constitutional ban on military facilities in the Philippines. So we see that more and more of these Philippine Military bases are being turned into the sort of proxy military bases for U.S. troops.

Now that is all good, but they have a way around the law. We are aware of the good law that was banning these. They don't go to the sex bars even though there'll be advertisements, welcome you as Navy or Air Force, but what they are doing as we have discovered very recently with my staff, they are renting hotels. Somebody is promoting this. rent hotels, they stock them with young girls, and then the sailors check in the normal way but their room is already occupied. It is a technique to get around this and of course the poor women are already trapped and there is no way out, so those few remarks kind of focus on how the tricks of the trade go.

But local government is for us, okay, the national government, they cannot, I mean at the level of the national government they cannot reach this problem. It is local government who are the most corrupt. They give the permit to the sex bar, and as I say foreign nationals run a lot of these bars.

Mr. SMITH OF NEW JERSEY. Mr. Smith?

Mr. SMITH. Yes, sir. With respect to the question about Thailand, as mentioned it is our view, and we do regret it, but it is our view that Thailand should continue at Tier 3. There have been some efforts that have been made which you have highlighted particularly registering migrants, I would just like to emphasize this is still an ad hoc policy. Thailand has had an enormous population of refugees and migrants for quite a long time so this is still an ad hoc policy.

The government is currently directing migrants who want to register, which of course would help them avoid situations of exploitation, the government is still directing them to brokers. When they are directed to brokers there are situations of corruption and exploitation. In some cases it is exploitation on top of exploitation. Refugees are still held in detention, and this is of course a word that the authorities do not like to use, but the facts of the matter is that refugees are still behind bars. We have visited them.

I regret actually not bringing pictures after seeing Father Cullen's photos. There have been preventable deaths in detention, so we are talking about not only refugees being held in detention, people are dying in detention. They don't have enough food. And these are primarily the cases that we focused on, Rohingya Muslims. Local Muslim communities are providing food and basic necessities to people who are within government custody because the government is not providing that for them.

There is still a help-on policy, thousands of boats arriving. And as I mentioned there were only five cases involving Rohingya, trafficking cases in 2014. This is a policy that continues today. It is our understanding, as right now, as we speak there are over 1,000 people being held in a torture camp on the border of Thailand and Malaysia, right at this moment. We are not seeing any raids on these camps. It is our understanding that the authorities know

where these camps are, but the objective is to usher the asylum seekers to Malaysia. And the justification for this is that, well, the Rohingya want to go to Malaysia.

So there are some serious problems still happening there, and of course this help-on policy where boats are just pushed back out to sea is in violation of the principle of non-refoulement, so we remain very concerned about that as well. Thank you.

Mr. SMITH OF NEW JERSEY. Mr. Eaves.

Mr. EAVES. Well, in relation to Thailand we have seen yet again, as we see every year, the debate between the regional bureau in the State Department and the Trafficking in Persons office over where to place a country. This year in particular there has been incredibly strong pushback. You have the Trans-Pacific Partnership in play, you have Thailand as a potential regional ally militarily and otherwise, so the pressure is very strong. But based on what we are seeing on the ground, based on the media reports, the partners that we fund, we definitely feel that Thailand would need to remain on Tier 3 for another year. We have seen some positive vocal statements, but nothing has actually been implemented yet.

And I think to what Representative Clawson was saying earlier, we are actually seeing the marketplace and the corporate sides start to add some pressure as well. Corporations are being forced to deal with this and we are seeing the private sector step up and start to put pressure on the Thai Government to create a regulatory framework that they can work under so that they can start to address this entrenched issue of exploitation within their supply chains.

Mr. SMITH OF NEW JERSEY. Thank you so very much. We do have to vote. They are out of time on the floor so I am going to have to run, but I thank you. Anything that you want to send to us to augment your testimonies, all of which will be made a part of the record, and I thank you for not just the preparation and the thought that went into it but above all, your leadership. And it is so deeply appreciated, and thank you for defending those who are at risk.

The hearing is adjourned.

[Whereupon, at 4:04 p.m., the subcommittee 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 22, 2015

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 http://www.ForeignAffairs.house.gov):

DATE: Wednesday, April 22, 2015

TIME: 1:30 p.m.

SUBJECT: Accountability and Transformation: Tier Rankings in the Fight Against Human Trafficking

WITNESSES: The Honorable Mark Lagon
President
Freedom House
(*Former Ambassador-at-Large for Trafficking in Persons, U.S. Department of State*)

Mr. Matthew Smith
Executive Director
Fortify Rights

Fr. Shay Cullen
President/Chief Executive Officer
PREDA Foundation

Mr. Jesse Eaves
Humanity United
Director of Policy and Government Relations

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 *Wednesday* **Date** *April 22, 2015* **Room** *2200 Rayburn HOB*

Starting Time *2:41 p.m.* **Ending Time** *4:05 p.m.*

Recesses [*0*] (____ to ____) (____ 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:

Accountability and Transformation: Tier Rankings in the Fight Against Human Trafficking

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Karen Bass, Rep. David Cicilline, Rep. Mark Meadows, Rep. Curt Clawson

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.)*

Questions for the record from Rep. Chris Smith
AP investigation "Are slaves catching the fish you buy?", submitted for the record by Rep. Chris Smith

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *4:05 p.m.*

Gregory A. Simpkins
Subcommittee Staff Director

Questions for the Record Submitted by
Representative Chris Smith
Ambassador Mark Lagon
House Committee on Foreign Affairs
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
April 22, 2015

Question:

Cambodia has long been recognized as a country that has had a significant problem of the commercial sexual exploitation of children. In your opinion, has Cambodia progressed in its efforts to combat the commercial sexual exploitation of children enough to justify an upgrade in its tier rankings in the upcoming Trafficking in Persons Report?

Answer:

I hold the work and judgment of International Justice Mission in the highest esteem. IJM feels that based on recent studies on the declining incidence of child sex trafficking in Cambodia that an upgrade is merited. I myself recommend looking at the *whole* picture of whether (1) training and partnering with Cambodian law enforcement is not only deterring the sex traffickers but contributing to veritable rule of law and access to justice in a country Freedom House assesses exhibits striking limits on accountability of authorities, civil liberties, and civil society "voice;" (2) assistance to empower trafficking survivors is improving, and (3) widespread *labor* trafficking is being addressed. The State Department should apply due skepticism in contemplating an upgrade.

Question:

You mention an "environment of impunity" fueling human trafficking in Africa—and that this environment is fueled by restrictions on the media and civil society that would otherwise hold government accountable for failure to enforce trafficking laws. How do we get the system of accountability working again? Surely accurate reporting in the TIP report is part of the answer.

Answer:

It is indeed essential that reporting and rankings of sub-Saharan African nations in the *TIP Report* be objective and candid, and not colored by credit given for MDGs met (e.g., Ethiopia) or economic growth (e.g., Rwanda) or counter-terrorism and security cooperation with the U.S. That scrutiny will help reduce impunity, including in an area Congress has intended since 2000 in the TVPA to be a key focus in the *TIP Report*: corruption and complicity of government officials contributing to modern slavery. In its annual *Freedom in the World, Freedom of the Press, and Freedom on the Net* reports, Freedom House finds a pattern across the sub-regions of the continent of (1) that very corruption, (2) restriction of a free press and social media, and (3) closing space for civil society actors to hold governments accountable. A broader U.S. policy of supporting civil society and free expression in sub-Saharan Africa, with *deeds* and *dollars* matching *words*, will create the pluralism, transparency, and accountability necessary to confront

human trafficking. The recent accolades offered by Under Secretary of State for Political Affairs Wendy Sherman for the integrity of pluralism and participation in this year's Ethiopian elections doesn't even meet the *words* test, much less the *deeds* and *dollars* tests.

Question:

Your testimony indicates that Chinese construction companies are some of the biggest perpetrators of trafficking in Angola, and yet the government will not prosecute. Are these construction companies owned by or affiliated with the People's Republic of China? Could we demand that China stop their companies from trafficking?

Answer:

China offers African nations a form of investment and assistance *ostensibly* free of strings (like some conditionality of governance and market reforms from the U.S. and international financial institutions). But China requires other strings – which are pernicious rather than actually helpful: privileged access to natural resources (for which China is a gaping, hungry maw); employment opportunities favoring Chinese over citizens of the countries; and room for Chinese companies to operate above international standards of rule of law. The United States and international community should not only be concerned about the trafficking of people in China (e.g., child labor, or sex or bride trafficking due to population policies and a stark gender imbalance), and of Chinese citizens around the world, as documented by recent TIP Reports. They should scrutinize facilitation of trafficking by Chinese firms in places like Angola. Host governments are cowed from holding such firms to account because of amount of investment dangled before their eyes and the illiberal model of governance China exemplifies.

Question for the Record Submitted by
Representative Chris Smith
Father Shay Cullen, SSC
House Committee on Foreign Affairs
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
April 22, 2015

Question:

You mention in your testimony that the government's commitment to fight trafficking has not been reflected in the actions by local police and prosecutors. What could the government do to bring about a change at the local level?

Answer:

The government ought to create a special provincial and city anti-trafficking team composed of selected police officers with nationwide jurisdiction (NBI) and prosecutors and social workers to handle anti-trafficking cases. There ought to be a training program with standards and testing of knowledge, skills and qualifications.

The select police officers of both genders should be educated and trained to a high standard of ethical values, woman and child protection laws, and anti-trafficking laws. Also, they should have the understanding that the exploited persons are victims in need of compassion, therapy, and healing.

The team members must cooperate with the NGO therapeutic shelters of civil society that care for and protect the victims, help them recover, and empower them to testify. The team members should have training in specialized policing and detective work for human trafficking cases and have a senior rank.

They must be skilled in under-cover operations and capable of securing the chain of custody of evidence. They should be trained and imbedded for a period with local anti-trafficking NGOs and capable of working with them.

The government social workers should have specialized training in supportive and compassionate interviewing.

Prosecutors, city and provincial, of both genders, and balance ought to be selected and appointed to the team for their integrity and trained in the anti-trafficking laws and proper legal procedures of due process and answerable to the Assistant Secretary of Justice tasked with enforcing the anti-trafficking laws. There should be assigned skilled IT forensic police.

Inter-Agency Council Against Trafficking (IACAT) is a national body with an enforcement unit but it operates intermittently and does not have active investigative units in the local law enforcement or prosecution offices at the provincial or city level. Most anti-trafficking and

cyber-sex cases are dismissed at the level of the police station or prosecutor's office.

Local government must undertake a mass information campaign though regular and social media and public announcements to develop public awareness and reporting of crimes of exploitation and abuse to the anti-trafficking hotline. International funding aid programs ought be structured, designated and tailored to promote the formation of such anti-trafficking teams and public awareness raising and community participation and denied to the non-cooperative political leaders the local level.

Question:

Your story about the "Sweet Sixteen" bar makes me think that child trafficking is a very open practice. Has it become so common that it is no longer shocking? How can we make closing brothels a priority for the Philippine government?

Answer:

We can encourage the national government to introduce and pass legislation that will further protect and prevent the trafficking of young girls and boys to establishments where they are sexually exploited.

The sex bars and clubs, hotels, massage parlors and some resorts are fronts for prostitution of young women and minors, victims of human trafficking, and are regulated by the local government. It is an accepted and open business in most towns and cities. A mayor's permit and operating license and compliance with labor laws are necessary for an establishment to operate. Corruption is common and the sex industry operators contribute to the reelection of such a cooperative mayor.

Local government establishes hygiene clinics and obliges sex workers to have monthly examinations of sexual transmitted diseases and check of pregnancy. It is clear that the local government is party to the industry by issuing the permits and allowing the industry to flourish. A supply of young girls is necessary for the growing demand from the international flood of sex-tourists thus human trafficking for sexual exploitation is a major problem.

Therefore national legislation that disallows the mayors to issue such permits and licenses is what is needed to curb and reduce the sex trafficking of minors and young women.

Legislation is needed that will obligate the operators of all establishments that employ young women as singers, dancers, entertainers, and drink servers to submit complete copies of employee documents of identification to the office of the local Department of Social Welfare and Development and make it available to government-accredited youth and childcare anti-trafficking agencies for the purpose of verification of age and origin.

Question:

You mention in your testimony that a telecommunications law is already in place to prevent children from being sexually exploited for foreign pedophiles over webcam. Have there been any prosecutions under this law? Why do you believe the government is failing to enforce the filters?

Answer:

There are very few convictions under the anti- cyber-sex law; this is due to the incompetence, corruption, and little-to-no respect for the law by police and many prosecutors. Corruption in the judiciary is also a factor. The anti-child pornography law of 2009 referred to in my testimony is not implemented. This is due to the alleged corruption of the regulators in the National Communications Commission and other agencies by the telecommunications corporations.

Former highly-placed officers of the telecommunications industry are within the government regularity bodies. Corporations lobby and arrange for their former employees or directors to get positions of influence in the regulatory bodies of government agencies that regulate their business. This is seems to be the reason why the law is not respected and implemented.

CNN reported "In 2011, the Philippines successfully prosecuted its first case of cyber-sex trafficking against two Swedish nationals and three Filipinos. Although there have been more than 100 convictions under the country's Anti-Trafficking in Persons law of 2003, this was the first case that specifically punished someone for cyber-sex operations." (Retrieved from http://www.cnn.com/2013/07/17/world/asia/philippines-cybersex-trafficking/)

That would be 100 convictions in 12 years.

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

AP Investigation: Are slaves catching the fish you buy?

By ROBIN MCDOWELL and MARGIE MASON and MARTHA MENDOZA
Mar. 25, 2015 4:37 AM EDT

BENJINA, Indonesia (AP) — The Burmese slaves sat on the floor and stared through the rusty bars of their locked cage, hidden on a tiny tropical island thousands of miles from home.

Just a few yards away, other workers loaded cargo ships with slave-caught seafood that clouds the supply networks of major supermarkets, restaurants and even pet stores in the United States.

But the eight imprisoned men were considered flight risks — laborers who might dare run away. They lived on a few bites of rice and curry a day in a space barely big enough to lie down, stuck until the next trawler forces them back to sea.

"All I did was tell my captain I couldn't take it anymore, that I wanted to go home," said Kyaw Naing, his dark eyes pleading into an Associated Press video camera sneaked in by a sympathetic worker. "The next time we docked," he said nervously out of earshot of a nearby guard, "I was locked up."

Here, in the Indonesian island village of Benjina and the surrounding waters, hundreds of trapped men represent one of the most desperate links criss-crossing between companies and countries in the seafood industry. This intricate web of connections separates the fish we eat from the men who catch it, and obscures a brutal truth: Your seafood may come from slaves.

The men the AP interviewed on Benjina were mostly from Myanmar, also known as Burma, one of the poorest countries in the world. They were brought to Indonesia through Thailand and forced to fish. Their catch was then shipped back to Thailand, where it entered the global stream of commerce.

Tainted fish can wind up in the supply chains of some of America's major grocery stores, such as Kroger, Albertsons and Safeway; the nation's largest retailer, Wal-Mart; and the biggest food distributor, Sysco. It can find its way into the supply chains of some of the most popular brands of canned pet food, including Fancy Feast, Meow Mix and Iams. It can turn up as calamari at fine dining restaurants, as imitation crab in a California sushi roll or as packages of frozen snapper relabeled with store brands that land on our dinner tables.

In a year-long investigation, the AP talked to more than 40 current and former slaves in Benjina. The AP documented the journey of a single large shipment of slave-caught seafood from the Indonesian village, tracking it by satellite to a gritty Thai harbor. Upon its arrival, AP journalists followed trucks that loaded and drove the seafood over four nights to dozens of factories, cold storage plants and the country's biggest fish market.

The tainted seafood mixes in with other fish at a number of sites in Thailand, including processing plants. U.S. Customs records show that several of those Thai factories ship to America. They also sell to Europe and Asia, but the AP traced shipments to the U.S., where trade records are public.

By this time, it is nearly impossible to tell where a specific fish caught by a slave ends up. However, entire supply chains are muddied, and money is trickling down the line to companies that benefit from slave labor.

The major corporations contacted would not speak on the record but issued statements that strongly condemned labor abuses. All said they were taking steps to prevent forced labor, such as working with human rights groups to hold subcontractors accountable.

Several independent seafood distributors who did comment described the costly and exhaustive steps taken to ensure their supplies are clean. They said the discovery of slaves underscores how hard it is to monitor what goes on halfway around the world.

Santa Monica Seafood, a large independent importer that sells to restaurants, markets and direct from its store, has been a leader in improving international fisheries, and sends buyers around the world to inspect vendors.

"The supply chain is quite cloudy, especially when it comes from offshore," said Logan Kock, vice president for responsible sourcing, who acknowledged that the industry recognizes and is working to address the problem. "Is it possible a little of this stuff is leaking through? Yeah, it is possible. We are all aware of it."

The slaves interviewed by the AP had no idea where the fish they caught was headed. They knew only that it was so valuable, they were not allowed to eat it.

They said the captains on their fishing boats forced them to drink unclean water and work 20- to 22-hour shifts with no days off. Almost all said they were kicked, whipped with toxic stingray tails or otherwise beaten if they complained or tried to rest. They were paid little or nothing, as they hauled in heavy nets with squid, shrimp, snapper, grouper and other fish.

Some shouted for help over the deck of their trawler in the port to reporters, as bright fluorescent lights silhouetted their faces in the darkness.

"I want to go home. We all do," one man called out in Burmese, a cry repeated by others. The AP is not using the names of some men for their safety. "Our parents haven't heard from us for a long time. I'm sure they think we are dead."

Another glanced fearfully over his shoulder toward the captain's quarters, and then yelled: "It's torture. When we get beaten, we can't do anything back. ... I think our lives are in the hands of the Lord of Death."

In the worst cases, numerous men reported maimings or even deaths on their boats.

"If Americans and Europeans are eating this fish, they should remember us," said Hlaing Min, 30, a runaway slave from Benjina. "There must be a mountain of bones under the sea. ... The bones of the people could be an island, it's that many."

For Burmese slaves, Benjina is the end of the world.

Roughly 3,500 people live in the town that straddles two small islands separated by a five-minute boat ride. Part of the Maluku chain, formerly known as the Spice Islands, the area is about 400 miles north of Australia, and hosts small kangaroos and rare birds of paradise with dazzling bright feathers.

Benjina is impossible to reach by boat for several months of the year, when monsoon rains churn the Arafura Sea. It is further cut off by a lack of Internet access. Before a cell tower was finally installed last month, villagers would climb nearby hills each evening in the hope of finding a signal strong enough to send a text. An old landing strip has not been used in years.

The small harbor is occupied by Pusaka Benjina Resources, whose five-story office compound stands out and includes the cage with the slaves. The company is the only fishing operation on Benjina officially registered in Indonesia, and is listed as the owner of more than 90 trawlers. However, the captains are Thai, and the Indonesian government is reviewing to see if the boats are really Thai-owned. Pusaka Benjina did not respond to phone calls and a letter, and did not speak to a reporter who waited for two hours in the company's Jakarta office.

On the dock in Benjina, former slaves unload boats for food and pocket money. Many are men who were abandoned by their captains — sometimes five, 10 or even 20 years ago — and remain stranded.

In the deeply forested island interiors, new runaways forage for food and collect rainwater, living in constant fear of being found by hired slave catchers.

And just off a beach covered in sharp coral, a graveyard swallowed by the jungle entombs dozens of fishermen. They are buried under fake Thai names given to them when they were tricked or sold onto their ships, forever covering up evidence of their captors' abuse, their friends say.

"I always thought if there was an entrance there had to be an exit," said Tun Lin Maung, a slave abandoned on Benjina, as other men nodded or looked at the ground. "Now I know that's not true."

The Arafura Sea provides some of the world's richest and most diverse fishing grounds, teeming with mackerel, tuna, squid and many other species.

Although it is Indonesian territory, it draws many illegal fishing fleets, including from Thailand. The trade that results affects the United States and other countries.

The U.S. counts Thailand as one of its top seafood suppliers, and buys about 20 percent of the country's $7 billion annual exports in the industry. Last year, the State Department blacklisted Thailand for failing to meet minimum standards in fighting human trafficking, placing the country in the ranks of North Korea, Syria and Iran. However, there were no additional sanctions.

Thailand's seafood industry is largely run off the backs of migrant laborers, said Kendra Krieder, a State Department analyst who focuses on supply chains. The treatment of some of these workers falls under the U.S. government's definition of slavery, which includes forcing people to keep working even if they once signed up for the jobs, or trafficking them into situations where they are exploited.

"In the most extreme cases, you're talking about someone kidnapped or tricked into working on a boat, physically beaten, chained," said Krieder. "These situations would be called modern slavery by any measure."

The Thai government says it is cleaning up the problem. On the bustling floor of North America's largest seafood show in Boston earlier this month, an official for the Department of Fisheries laid out a plan to address labor abuse, including new laws that mandate wages, sick leave and shifts of no more than 14 hours. However, Kamonpan Awaiwanont stopped short when presented details about the men in Benjina.

"This is still happening now?" he asked. He paused. "We are trying to solve it. This is ongoing."

The Thai government also promises a new national registry of illegal migrant workers, including more than 100,000 flooding the seafood industry. However, policing has now become even harder because decades of illegal fishing have depleted stocks close to home, pushing the boats farther and deeper into foreign waters.

The Indonesian government has called a temporary ban on most fishing, aiming to clear out foreign poachers who take billions of dollars of seafood from the country's waters. As a result, more than 50 boats are now docked in Benjina, leaving up to 1,000 more slaves stranded onshore and waiting to see what will happen next.

Indonesian officials are trying to enforce laws that ban cargo ships from picking up fish from boats at sea. This practice forces men to stay on the water for months or sometimes years at a time, essentially creating floating prisons.

Susi Pudjiastuti, the new Fisheries Minister, said she has heard of different fishing companies putting men in cells. She added that she believes the trawlers on Benjina may really have Thai owners, despite the Indonesian paperwork, reflecting a common practice of faking or duplicating licenses.

She said she is deeply disturbed about the abuse on Benjina and other islands.

"I'm very sad. I lose my eating appetite. I lose my sleep," she said. "They are building up an empire on slavery, on stealing, on fish(ing) out, on massive environmental destruction for a plate of seafood."

The story of slavery in the Thai seafood industry started decades ago with the same push-and-pull that shapes economic immigration worldwide — the hope of escaping grinding poverty to find a better life somewhere else.

In recent years, as the export business has expanded, it has become more difficult to convince young Burmese or Cambodian migrants and impoverished Thais — all of whom were found on Benjina — to accept the dangerous jobs. Agents have become more desperate and ruthless, recruiting children and the disabled, lying about wages and even drugging and kidnapping migrants, according to a former broker who spoke on condition of anonymity to avoid retribution.

The broker said agents then sell the slaves, usually to Thai captains of fishing boats or the companies that own them. Each slave typically costs around $1,000, according to Patima Tungpuchayakul, manager of the Thai-based nonprofit Labor Rights Promotion Network Foundation. The men are later told they have to work off the "debt" with wages that don't come for months or years, or at all.

"The employers are probably more worried about the fish than the workers' lives," she said. "They get a lot of money from this type of business."

Illegal Thai boats are falsely registered to fish in Indonesia through graft, sometimes with the help of government authorities. Praporn Ekouru, a Thai former member of Parliament, admitted to the AP that he had bribed Indonesian officials to go into their waters, and complained that the Indonesian government's crackdown is hurting business.

"In the past, we sent Thai boats to fish in Indonesian waters by changing their flags," said Praporn, who is also chairman of the Songkhla Fisheries Association in southern Thailand. "We had to pay bribes of millions of baht per year, or about 200,000 baht ($6,100) per month. ... The officials are not receiving money anymore because this order came from the government."

Illegal workers are given false documents, because Thai boats cannot hire undocumented crew. One of the slaves in Benjina, Maung Soe, said he was given a fake seafarer book belonging to a Thai national, accepted in Indonesia as an informal travel permit. He rushed back to his boat to dig up a crinkled copy.

"That's not my name, not my signature," he said angrily, pointing at the worn piece of paper. "The only thing on here that is real is my photograph."

Soe said he had agreed to work on a fishing boat only if it stayed in Thai waters, because he had heard Indonesia was a place from which workers never came back.

"They tricked me," he said. "They lied to me. ... They created fake papers and put me on the boat, and now here I am in Indonesia."

The slaves said the level of abuse on the fishing boats depends on individual captains and assistants. Aung Naing Win, who left a wife and two children behind in Myanmar two years ago, said some fishermen were so depressed that they simply threw themselves into the water. Win, 40, said his most painful task was working without proper clothing in the ship's giant freezer, where temperatures drop to 39 degrees below zero.

"It was so cold, our hands were burning," he said. "No one really cared if anyone died."

The shipment the AP tracked from the port of Benjina carried fish from smaller trawlers; AP journalists talked to slaves on more than a dozen of them.

A crane hoisted the seafood onto a refrigerated cargo ship called the Silver Sea Line, with an immense hold as big as 50 semi-trucks. At this point, by United Nations and U.S. standards, every fish in that hold is considered associated with slavery.

The ship belongs to the Silver Sea Reefer Co., which is registered in Thailand and has at least nine refrigerated cargo boats. The company said it is not involved with the fishermen.

"We only carry the shipment and we are hired in general by clients," said owner Panya Luangsomboon. "We're separated from the fishing boats."

The AP followed the Silver Sea Line by satellite over 15 days to Samut Sakhon. When it arrived, workers on the dock packed the seafood over four nights onto more than 150 trucks, which then delivered their loads around the city.

One truck bore the name and bird logo of Kingfisher Holdings Ltd., which supplies frozen and canned seafood around the world. Another truck went to Mahachai Marine Foods Co., a cold storage business that also supplies to Kingfisher and other exporters, according to Kawin Ngernanek, whose family runs it.

"Yes, yes, yes, yes," said Kawin, who also serves as spokesman for the Thai Overseas Fisheries Association. "Kingfisher buys several types of products."

When asked about abusive labor practices, Kingfisher did not answer repeated requests for comment. Mahachai manager Narongdet Prasertsri responded, "I have no idea about it at all."

Every month, Kingfisher and its subsidiary KF Foods Ltd. sends about 100 metric tons of seafood from Thailand to America, according to U.S. Customs Bills of Lading. These shipments have gone to Santa Monica Seafood, Stavis Seafoods — located on Boston's historic Fish Pier — and other distributors.

Richard Stavis, whose grandfather started the dealership in 1929, shook his head when told about the slaves whose catch may end up at businesses he buys from. He said his company visits processors and fisheries, requires notarized certification of legal practices and uses third-party audits.

"The truth is, these are the kind of things that keep you up at night," he said. "That's the sort of thing I want to stop. ... There are companies like ours that care and are working as hard as they can."

Wholesalers like Stavis sell packages of fish, branded and unbranded, that can end up on supermarket shelves with a private label or house brand. Stavis' customers also include Sysco, the largest food distributor in the U.S.; there is no clear way to know which particular fish was sold to them.

Sysco declined an interview, but the company's code of conduct says it "will not knowingly work with any supplier that uses forced, bonded, indentured or slave labor."

Gavin Gibbons, a spokesman for National Fisheries Institute, which represents about 75 percent of the U.S. seafood industry, said the reports of abuse were "disturbing" and "disheartening." "But these type of things flourish in the shadows," he said.

A similar pattern repeats itself with other shipments and other companies, as the supply chain splinters off in many directions in Samut Sakhon. It is in this Thai port that slave-caught seafood starts to lose its history.

The AP followed another truck to Niwat Co., which sells to Thai Union Manufacturing Co., according to part owner Prasert Luangsomboon. Weeks later, when confronted about forced labor in their supply chain, Niwat referred several requests for comment to Luangsomboon, who could not be reached for further comment.

Thai Union Manufacturing is a subsidiary of Thai Union Frozen Products PCL., the country's largest seafood corporation, with $3.5 billion in annual sales. This parent company, known simply as Thai Union, owns Chicken of the Sea and is buying Bumble Bee, although the AP did not observe any tuna fisheries. In September, it became the country's first business to be certified by Dow Jones for sustainable practices, after meeting environmental and social reviews.

Thai Union said it condemns human rights violations, but multiple stakeholders must be part of the solution. "We all have to admit that it is difficult to ensure the Thai seafood industry's supply chain is 100 percent clean," CEO Thiraphong Chansiri said in an emailed statement.

Thai Union ships thousands of cans of cat food to the U.S., including household brands like Fancy Feast, Meow Mix and Iams. These end up on shelves of major grocery chains, such as Kroger, Safeway and Albertsons, as well as pet stores; again, however, it's impossible to tell if a particular can of cat food might have slave-caught fish.

Thai Union says its direct clients include Wal-Mart, which declined an interview but said in an email statement: "We care about the men and women in our supply chain, and we are concerned about the ethical recruitment of workers."

Wal-Mart described its work with several non-profits to end forced labor in Thailand, including Project Issara, and referred the AP to Lisa Rende Taylor, its director. She noted that slave-caught seafood can slip into supply chains undetected at several points, such as when it is traded between boats or mingles with clean fish at processing plants. She also confirmed that seafood sold at the Talay Thai market — to where the AP followed several trucks — can enter international supply chains.

"Transactions throughout Thai seafood supply chains are often not well-documented, making it difficult to estimate exactly how much seafood available on supermarket shelves around the world is tainted by human trafficking and forced labor," she said.

Poj Aramwattananont, president of an industry group that represents Thai Union, Kingfisher and others, said Thais are not "jungle people" and know that human trafficking is wrong. However, he acknowledged that Thai companies cannot always track down the origins of their fish.

"We don't know where the fish come from when we buy from Indonesia," said Poj of the Thai Frozen Foods Association. "We have no record. We don't know if that fish is good or bad."

The seafood the slaves on Benjina catch may travel around the world, but their own lives often end right here, in this island village.

A crude cemetery holds more than graves strangled by tall grasses and jungle vines, where small wooden markers are neatly labelled, some with the falsified names of slaves and boats. Only their friends remember where they were laid to rest.

In the past, former slave Hla Phyo said, supervisors on ships simply tossed bodies into the sea to be devoured by sharks. But after authorities and companies started demanding that every man be accounted for on the roster upon return, captains began stowing corpses alongside the fish in ship freezers until they arrived back in Benjina, the slaves said.

Lifting his knees as he stepped over the thick brush, Phyo searched for two grave markers overrun by weeds — friends he helped bury.

It's been five years since he himself escaped the sea and struggled to survive on the island. Every night, his mind drifts back to his mother in Myanmar. He knows she must be getting old now, and he desperately wants to return to her. Standing among so many anonymous tombs stacked on top of each other, hopelessness overwhelms him.

"I'm starting to feel like I will be in Indonesia forever," he said, wiping a tear away. "I remember thinking when I was digging, the only thing that awaits us here is death."

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